

The PEN
International

Case List 2017



勇士曉波永垂不朽
屠夫政權遺棄萬年

草菅人命 沉冤未雪
哀悼 劉曉波

pen
INTERNATIONAL

About PEN International

PEN International promotes literature and freedom of expression and is governed by the PEN Charter and the principles it embodies: unhampered transmission of thought within each nation and between all nations. Founded in London in 1921, PEN International – PEN's Secretariat – connects an international community of writers through Centres in over 100 countries and across five continents. 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.

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 all 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 all 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 in cases of torture and killings. They also advocate for systemic change to restrictive laws and practices. Through writing to the families and, where possible, directly to prisoners, they provide encouragement and hope.

The case List is compiled thanks to staff and fellows at PEN International:

Authors: Emma Wadsworth-Jones, Laurens Heuting, Lianna Merner, Nael Georges.

Editor: Sara Whyatt

Special thanks to: Ebony Riddel-Bamber, Romana Cacchiolli, Mike Halmshaw, Sahar Halaimzai, Borja Aguiló Triay, Paula Casado Aguirregarbiria, Olivia Rose Walton, Miriam Lawson.

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.

PEN International is a registered charity in England and Wales with registration number 1117088.

pen-international.org



勇士曉波永
屠夫政權遺

草菅人

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.**

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 others' 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 film-makers 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' remit, such as writers of literature and poets, or where there is a cross over 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.

Sponsors

Our work would be impossible without our Sponsors who include: Swedish International Development Agency, Norwegian Ministry for Foreign Affairs, the Fritt Ord Foundation, the Evan Cornish Foundation, the United Nations Democracy Fund, individual donations, membership fees from PEN members and supporters of the PEN Circles.

- 1 INTRODUCTION**
- 3 GLOBAL OVERVIEW AND STATISTICS**
- 7 EXPLANATION OF TERMS USED**
- 9 WRITERS KILLED IN 2017**

Africa

- 11 OVERVIEW**
- 14 CASE LIST**
- 27 PEN ACTIONS**

Americas

- 28 OVERVIEW**
- 31 CASE LIST**
- 41 PEN ACTIONS**

Asia and the Pacific

- 42 OVERVIEW**
- 45 CASE LIST**
- 81 PEN ACTIONS**

Europe and Central Asia

- 82 OVERVIEW**
- 85 CASE LIST**
- 102 PEN ACTIONS**

Middle East and North Africa

- 104 OVERVIEW**
- 107 CASE LIST**
- 127 PEN ACTIONS**



**“SILENCE...
IS NO LONGER
AN OPTION”**

Introduction

2017 – A year of oppression, collusion and lethal threats

The statistics for 2017 are numbing enough: 218 attacks on freedom of expression documented by PEN in a year. Writers have been murdered. Many writers and journalists have been imprisoned, detained without trial, and threatened with lawsuits, and the powerful continue to attack those who express themselves freely. But these numbers tell only a partial story. If the figures go up this year, it does not mean the previous years were somehow better; it may only mean that more incidents are being reported now. And if the figures go down, it does not mean the situation has necessarily improved; it still means that journalists and writers are threatened. It also means that in some societies blunt force and pressure are so successful that few dare to speak up. It is silence, but of the graveyard.

Writing, reporting, and truth-telling remain dangerous. Older forms of suppression – solitary confinement, defamation and criminal libel suits, religious defamation and blasphemy laws, abuse of anti-terror laws and emergency provisions, and threats of physical violence continue. But more governments are using more laws and ingenious methods to stifle free speech. To that, now add outrageous charges, callous states, impunity for non-state actors, state collusion with crime, ‘universalisation’ of repression, and threats from unexpected quarters – it is a grim world. And the Internet, once considered the bastion of free expression, has seen rampant proliferation of lies, euphemistically referred to as ‘fake news,’ as well as ceaseless trolling and bullying as a weapon, particularly targeted at women and women writers, often threatening them with sexual violence.

As we look back at the dismal narrative of 2017, five patterns of oppression – through violence and intimidation – stand out. While these tactics are used across the globe, and have been for many years, they are emerging in new places and regions.

Collusion between the corrupt and the criminal has long been apparent in countries in the Americas and Africa, and investigative journalists (like Rafael Marques de Morais in Angola, for example) have been targeted for exposing such ties, but such collusion has recently revealed itself in Europe. The Maltese journalist Daphne Caruana Galizia was exploring – and exposing – those named in the Panama Papers (a leak of 11.5 million files from the database of one of the world’s largest offshore law firms) who were shielding their business and financial affairs from the reach of authorities. In October 2017 she was killed in a car bomb. That a murder like this could occur in the European Union was cause for alarm, revealing the inability of its human rights charter and ideals to protect a journalist. In late February 2018, a Slovak journalist Jan Kuciak and his partner Martina Kusnirova were murdered, execution-style, most probably because he was investigating the siphoning off of European Union aid money by government officials colluding with gangs).

Repressive laws, the use of which we might expect in countries such as Ethiopia, are being applied in unexpected places like Spain. True, Spain is undergoing political turmoil, with the prosperous Catalan region seeking secession. In this charged atmosphere, Spanish police attacked and intimidated journalists and writers reporting on the referendum on Catalan independence, once again revealing how the commitment of some governments which profess human rights and freedoms gets diluted, even evaporated in times of crisis. In February last year, musician and poet Valtonyc (the stage name of Josep Miquel Arenas Beltrán), was sentenced to three-and-a-half years in prison on several grounds, including insulting the crown, charges that are more reminiscent of the *lèse-majesté* laws in Thailand.

The case of Liu Xiaobo is a striking example of the **state’s callous disregard for the well-being of a writer in prison**. The Nobel Laureate Liu Xiaobo died a prisoner – China granted him so-called medical parole days before his death last year, to influence public perception that China was being compassionate, when the reality was that Liu should never have been in jail in the first place. Liu was an honorary member of the Independent Chinese PEN Centre, and one of the architects of Charter 08, which Chinese intellectuals had drafted in 2008, commemorating the 60th anniversary of the Universal Declaration of Human Rights. China jailed Liu, and in jail his health deteriorated. Fearful of protests at his funeral, China had him cremated and his ashes were released in the ocean, as if to erase him. His widow, the poet Liu Xia, is living under police watch without any charges. Liu’s was not the only such case. In late 2017, writer Yang Tongyan too died, succumbing to brain cancer, while on medical parole just weeks before his 12-year sentence was due to expire.

Violence perpetrated by non-state actors is widespread across the globe. In Iraq, Saad Saloum, who runs a cultural organisation and has written extensively on the human rights of minorities, has received death threats from unknown Islamic groups. Shockingly, in India, we are witnessing a growing public sympathy with the perpetrators. Gauri Lankesh was a fearless Indian journalist who wrote passionately and aggressively. She condemned politicians who sowed religious discord, and she championed young progressive activists. In a murder that followed the pattern of other recent murders of writers and intellectuals in India, a man came to her doorstep on a motor scooter and shot her. While tens of thousands across India mourned Gauri’s murder (PEN South India announced an award in her memory), many people in India professing Hindu nationalist ideology, on social media in particular, celebrated her death, because she was critical of their politics.

And fifth is the **placing of outrageous charges on those who dissent**, and using the power of national security laws in courts to browbeat critics. Nowhere is that more visible than in Turkey, where writers, translators, journalists, and editors have been facing ridiculous charges which unconvincingly attempt to link up reporting of facts and expressing dissenting opinion with undertaking propaganda for extremist organisations. PEN International has attended several of their trials and has grave concerns over due process in all cases it has observed.

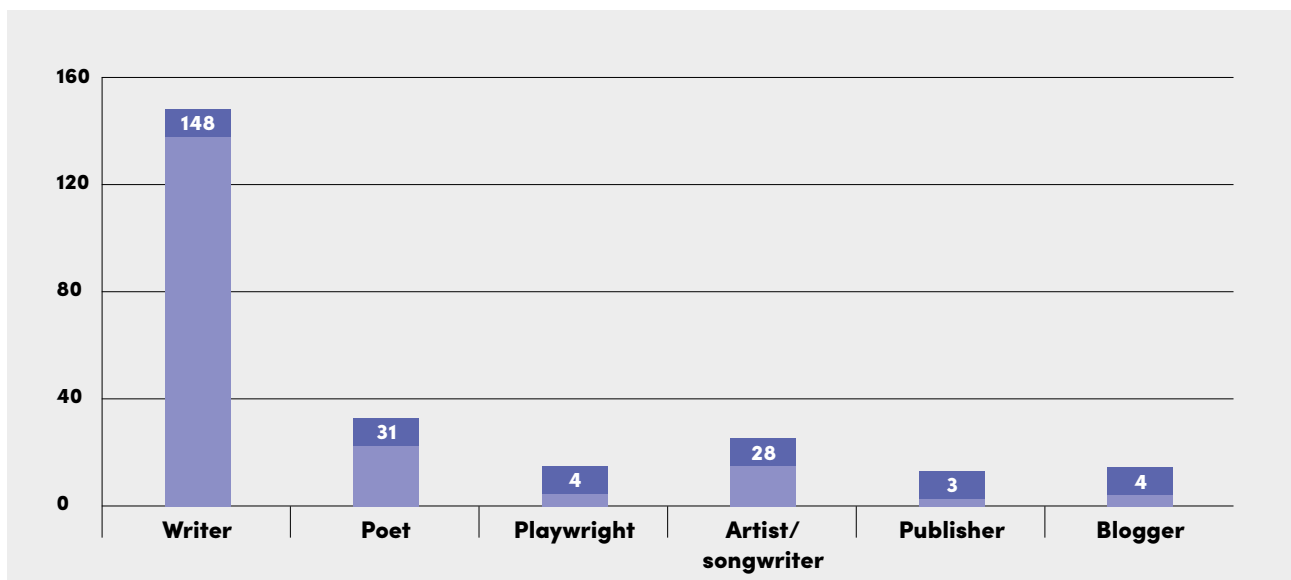
We stand in solidarity with all those writers. Our weapons are our words – governments and others with power have tried, for centuries, to silence them, but they know we will resist, we will persist, we will insist on freedom. PEN’s members and centres stand shoulder-to-shoulder with the writers whose freedom they campaign for – by picketing in front of Chinese and Saudi embassies, by writing letters and postcards, by holding candle-light vigils, by observing trials, by providing financial assistance, by assisting in finding shelters and placements for writers at risk, by publishing reports, by organizing fund-raisers, by arranging public readings of jailed writers and poets, by celebrating the creativity of cartoonists and playwrights in prison, by intervening and advocating for freedom of expression at the Human Rights Council, by lobbying home governments and embassies, and by bearing witness. We will continue to do so, as long as those threats remain, and so long as writers are in prison. We will raise our voices, until every one of our brothers and sisters is free, until the threats, intimidation, and violence disappear.

Salil Tripathi
Chair, Writers in Prison Committee
PEN International

Global overview and statistics

It was a turbulent year in global politics, reflected in the 218 attacks against writers that PEN monitored throughout 2017. This report covers the five world regions, each regional section providing an overview of key events impacting on freedom of expression, followed by a list giving details of writers who have suffered attacks in 2017: from long term imprisonment to brief detentions, and from threats to murders, as well as other forms of intimidation, both by state and non-state actors. Each section also refers to advocacy by PEN and its member centres on behalf of journalists, often in collaboration with PEN's sister organisations working on media freedom.

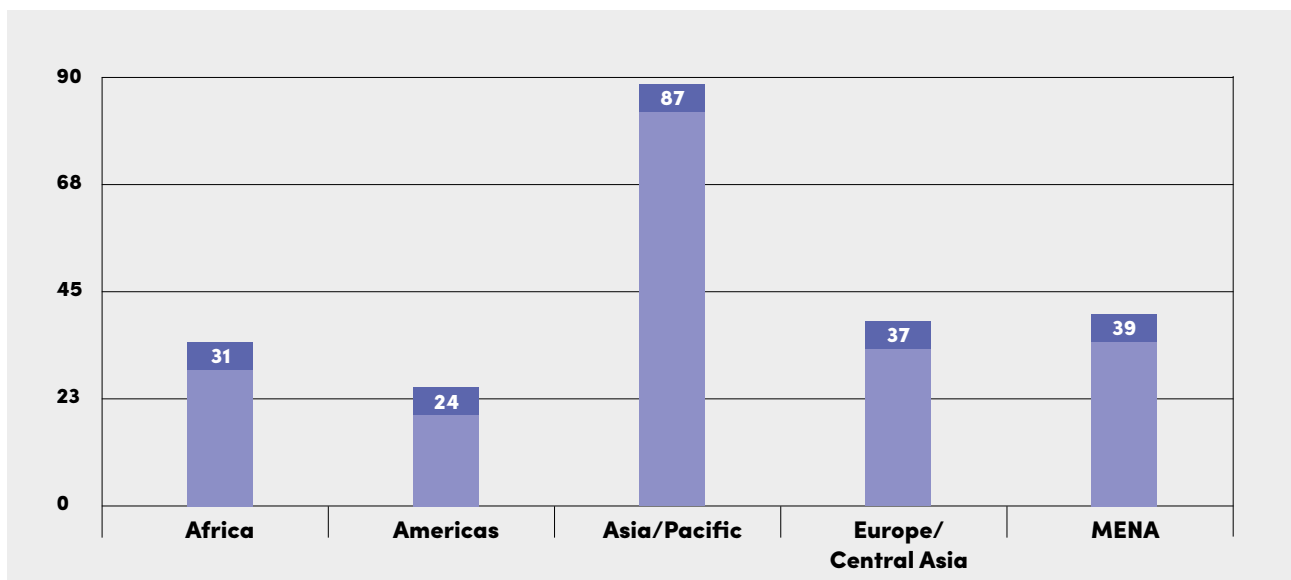
ATTACKS BY PROFESSION



Furthermore, the nature of repression of freedom of expression, such as that offences are often not reported, that writers may self-censor, and other obstacles to documenting the silencing of writers, means that a report such as this can only be a snapshot of what is likely to be a larger phenomenon. However, it provides 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.

218 recorded Attacks on writers occurred in all world regions

ATTACKS BY REGION



Murders of writers & Impunity

Two writers were murdered by unknown persons in 2017, both in Mexico. The country continues to be the most dangerous place to be a writer or journalist – of the 18 reported murders of journalists recorded by the Committee to Protect Journalists in 2017, six were from Mexico. PEN's case list also includes 17 murders that remain unresolved since 2006, and where the killers and those who ordered the killings are being granted impunity, either endorsed by governments, or through lack of proper investigation. They are among the many hundreds of writers and journalists worldwide whose killings that have yet to see justice since NGOs started to monitor impunity in the mid 1990s.

Imprisonment and trials

Half of the writers on PEN's 2017 case list are serving prison terms, are detained awaiting sentencing or are on trial, a total of 107 cases. Iran, China, Vietnam, Eritrea, and Turkey remain, the key incarcerators of writers, as they have for decades, many of whom serving sentences spanning several years. China holds 34 writers in prison, including in the Tibet and Xinjiang Uyghur Autonomous Regions. 2017 saw two writers dying in detention, both in China. For many years there have been rumours of deaths in custody among the seven Eritrean writers held on unknown charges since 2001 and 2005, and whose whereabouts are also not known.

Turkey: Hrant Dink

A Decade of Fighting for Justice for Murdered Editor

Turkish-Armenian editor and writer, Hrant Dink, was shot dead in Istanbul on 19 January 2007. His family and colleagues are doggedly seeking justice. They have secured prison sentences for his teenage killer, and two other accomplices, yet continue to fight through the courts for prosecution of the high ranking officials who ordered Dink's death.



China: Liu Xiaobo

Nobel Prize Winner Dies after Eight Years in Prison

Liu Xiaobo, a Nobel Peace Prize winner, writer, literary critic and human rights activist spent the last eight years of his life in prison, with little or no access to friends or family. Liu was arrested in December 2009 and charged with 'inciting subversion of state power', with a sentence of 11 years in prison. He died on 13 July 2017 while on medical parole.

Of the 107 listed as imprisoned or on trial globally, 36 have been prosecuted under anti-terror laws, a third of all cases, nearly of all which are considered to be applied to penalise criticism of the government, rather than actual support of terrorism.

In Europe, there were a total of 23 writers in prison or on trial, 19 of whom tried under anti-terror legislation, notably in Turkey. A newly emerging trend is the use of anti-terror laws in Spain where two singers and two puppeteers are featured on the list as having been tried for terrorism on spurious grounds.

Defamation and insult laws account for 19 prosecutions and harassments on this list. In Africa, these laws have been applied against singer-songwriters, an indication of the use of music to send a message to large audiences, often critiques of politicians, which in turn can bring down the ire of governments.

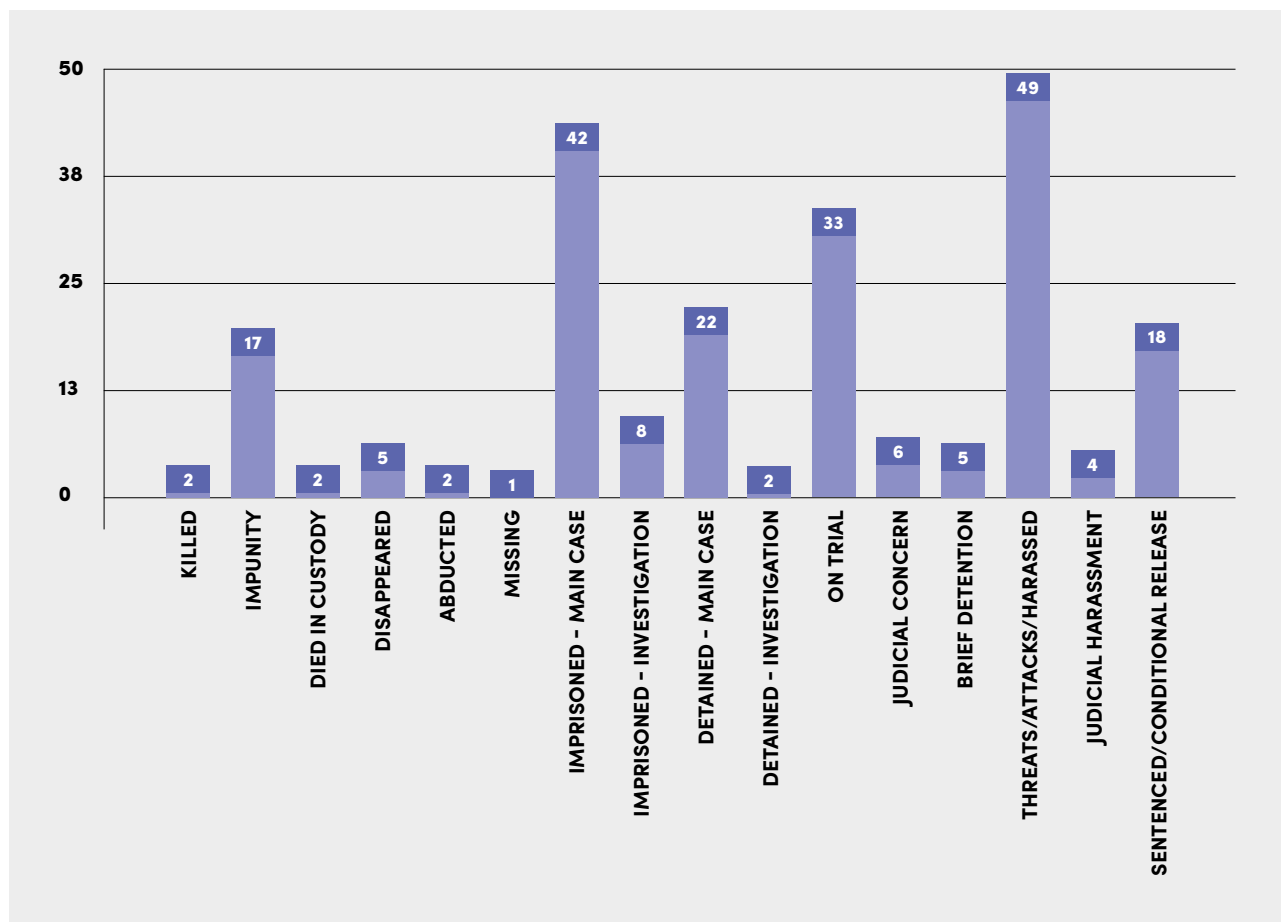
Religion continues to be a dangerous topic for writers, although, thankfully, there were no killings of writers related to religious extremists in 2017. Ten writers were on trial or in prison for defamation to religion, in countries including Mauritania, Bangladesh, Malaysia, Turkey, Oman and Saudi Arabia.

In the MENA region, of the thirty nine cases recorded, 15 were serving lengthy prison terms. When the numbers of imprisonment and trials are combined, half were under laws that explicitly penalising political activities, unlike in other countries where terrorism or insult are used to penalise government critics. In China, nearly all those in prison are held under national security laws, where simply challenging the authorities is seen as a threat to the state.

Non-state attacks

PEN also monitors and calls for justice in cases of attacks by non-state actors. These have included killings, threats, abductions and harassment from extremist groups including from the right wing, conservative religions, and criminal gangs. The killers of both writers murdered in Mexico are linked to crime. Across the Americas threats and harassment mainly from criminal elements, form 70% of the recorded cases, an indication of the grave threat to freedom of expression posed by untrammelled criminality. Non-state attacks were also recorded in countries in other regions such as in South Africa, Nigeria, India, Russia, Turkey, Libya and Iraq.

ATTACKS ON WRITERS BY TYPE



Explanation of terms used

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 (eg 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



Day of the Imprisoned Writer 2017

Six writers who symbolise the struggle for free expression in 2017

Each year, on 15 November, PEN highlights the cases of five persecuted writers – be they imprisoned, facing prosecution or otherwise at risk – that are emblematic of the type of threats and attacks faced by writers and journalists around the world. On this day, our Centres and members worldwide stand in solidarity with their colleagues and call on those responsible to end their persecution.

As Salil Tripathi, Chair of PEN International's Writers in Prison Committee wrote, 15 November 2017 "is a day of solidarity and action. It's a day in which PEN's global community stands with those writers who are paying a heavy price for their commitment and belief that we all have a right to express ourselves freely and peacefully. It is a day on which we say, in one voice, that they are not alone. It is also a day on which we tell those governments who seek to silence writers that we will continue to stand with them and against any authority, system, or power that views the right to free expression as a threat."

The 2017 Day of the Imprisoned Writer focussed on five cases of writers who had suffered imprisonment, trial, harassment, and disappearance for the practice of their right to freedom of expression that year: in Turkey, Honduras, Viet Nam, Equatorial Guinea and Syria. PEN Centres world-wide staged events, wrote articles and celebrated the courage of these writers, and that of many others who have suffered injustice at the hands of state and non-state actors.

PEN International's Emblematic Cases – 15 November 2017 Day of the Imprisoned Writer

Cesario Alejandro Félix Padilla Figueroa (Honduras) – Journalism graduate, student leader, and board member and founding member of PEN Honduras, Cesario Alejandro Félix Padilla Figueroa has faced prosecution, threats and harassment for his part in on-going student protests at the state National Autonomous University of Honduras (UNAH) in the Honduran capital Tegucigalpa since 2014.

Nguyen Ngoc Nhu Quynh (Viet Nam) – Blogger who writes on social, economic, political, environmental, and human rights, was sentenced to 10 years in prison in June. Nguyen, who writes under the pen-name, Me Nâm (Mother Mushroom), was convicted of “conducting propaganda against the Socialist Republic of Viet Nam”.

Ramón Esono Ebalé (Equatorial Guinea) – An award-winning cartoonist whose work has focused on inequality in his country, and criticises President Obiang's leadership, was arrested in September. Ostensibly charged with criminal offences, it is likely that the real reason behind his arrest was his political commentary. Esono Ebalé was released from prison on 7 March 2018. The charges against him were dropped on 27 February at his trial, after the police officer who had accused him of counterfeiting \$1,800 of local currency admitted making the accusation based on orders from his superiors.

Razan Zaitouneh (Syria) – A respected human rights defender, blogger and lawyer, Zaitouneh was abducted in December 2013 with her husband and two colleagues by armed men believed to be members of an Islamic group. There has been no news of them since.

Zehra Doğan (Turkey) – An artist, poet and journalist, Doğan is serving a two years and nine months and 22 days sentence in Turkey for terrorist propaganda, charges that refer to her journalism, social media and a painting in which she depicts Turkish armed forces' occupation of a Kurdish majority city.

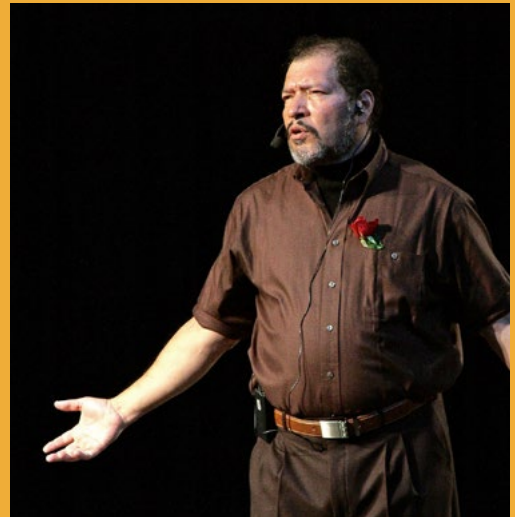
Writers Killed in 2017

Both Killings in 2017 were in Mexico

April 2017

Filiberto ÁLVAREZ LANDEROS

A poet and journalist, was shot dead on 29 April 2017 on his way home from hosting his weekly radio show 'Poemas y Cantares' in Tlaquiltenango. Police arrested a man in connection with the murder a few days later. It is thought that his killing may be linked to his work as a journalist.



May 2017

Javier VALDEZ CÁRDENAS

An award-winning crime reporter who had written several books on the drugs trade, Valdez was shot dead in Culiacán on 15 May 2017. Valdez had reportedly expressed fears for his safety shortly before his death. There are also reports that members of organized crime gangs are impeding the investigation. By the end of the year, no-one had been apprehended.



Impunity

Among those named in this case list are twenty writers murdered since the October 2006 killing of Russian writer, Anna Politkovskaya. Their cases remain unresolved, and those who killed them or who ordered their murders remain at liberty. PEN will continue to press for justice for these writers and an end to the impunity enjoyed by those who use murder to silence their critics.

7 OCTOBER 2006 – RUSSIA

- ANNA POLITKOVSKAYA WRITER AND JOURNALIST

19 JANUARY 2007 – TURKEY

- HRANT DINK, WRITER AND EDITOR OF ARMENIAN LANGUAGE AGOS MAGAZINE

23 NOVEMBER 2011 – AZERBAIJAN

- RAFIQ TAĞI, WRITER

3 MARCH 2012 – MEXICO

- GUILLERMO FERNÁNDEZ GARCÍA, POET

29 OCTOBER 2012 – SOMALIA

- WARSAME SHIRE AWALE, POET, PLAYWRIGHT AND SINGER

8 MARCH 2013 – BRAZIL

- RODRIGO NETO DE FARIA, JOURNALIST AND WRITER

16 JULY 2013 – CAMEROON

- ERIC OHENA LEMBEMBE, LGBT ACTIVIST AND WRITER

5 SEPTEMBER 2013 – AFGHANISTAN

- SUSHMITA BANERJEE, AUTHOR

23 APRIL 2014 – THAILAND

- KAMOL DUANGPHASUK, POET

24 JANUARY 2015 – EGYPT

- SHAIMA EL-SABBAGH, POET

30 JANUARY 2015 – SYRIA

- KENJI GOTO JOGO, JAPANESE AUTHOR KILLED BY SO-CALLED ISLAMIC STATE

20 FEBRUARY 2015 – INDIA

- GOVIND PANSARE, AUTHOR

25 FEBRUARY 2015 – BANGLADESH

- AVIJIT ROY, WRITER AND BLOGGER

12 MAY 2015 – BANGLADESH

- ANANTA BIJOY DASH, WRITER, EDITOR AND BLOGGER

30 AUGUST 2015 – INDIA

- DR MALLESHAPPA MADIVALAPPA KALBURGI, WRITER

31 OCTOBER 2015 – BANGLADESH

- FAISAL ABEDIN DEEPAN, PUBLISHER

27 DECEMBER 2015 – TURKEY

- NAJI JERF, A SYRIAN MAGAZINE EDITOR AND FILM MAKER

MARCH 2016 – SYRIA

- MOHAMMAD BASHIR AL-AANI, POET

23 APRIL 2016 – BANGLADESH

- REZAUL KARIM SIDDIQUE, POET, WRITER AND LITERARY CRITIC

10 JULY 2016 – CAMBODIA

- KEM LEY, WRITER AND HUMAN RIGHTS ANALYST

Africa

Africa Overview

Uganda: Stella Nyanzi

Women's and sexual rights activist waits for trial for 'insulting' President to start

Stella Nyanzi is an outspoken activist, a leading voice in the women's rights movement, and was a University of Makerere fellow, where she researches sexuality in Africa. A critic of the Ugandan government with a large social media following, she spent over a month in prison for a Facebook post criticising President Museveni. She is now awaiting trial on charges of insult.



Equatorial Guinea: Ramón Esono Ebalé

Artist detained for his cartoons lampooning the President

Ramón Esono Ebalé was arrested in September 2017 and detained for six months, on dubious counterfeiting charges, apparently brought in retaliation for his cartoons that portray the president and other officials as stealing public money to fund lavish lifestyles and sexual exploits, without any regard for the grinding poverty around them. He was released on 7 March 2018 after the charges were dropped.

In 2017, journalists, writers, and human rights defenders across the continent faced restrictions to the right of freedom of expression through repressive laws, threats, and other forms of harassment used to silence dissent, as well as limits on access to information through the imposition of internet and social media shutdowns.

Entrenched repression

The situation for freedom of opinion and expression continues to be dire in **Eritrea**, which remains one of the worst jailers of journalists in Africa. There is no independent press and no space for dissent. PEN is aware of at least 16 detained journalists, many held incommunicado, including **Amanuel Asrat** and **Dawit Isaak**, among others, detained during a September 2001 crackdown on the press. Dawit Isaak received the [2017 UNESCO World Press Freedom Award](#), which led to renewed [calls](#) for his release and that of the other journalists, including an [appeal](#) from the UN Special Rapporteur on the situation of human rights in Eritrea.

Use of restrictive legislation

Many legal barriers to freedom of expression remained in place. Laws criminalising **defamation and insult** continued to be used to silence critical voices, despite repeated [calls](#) from the African Commission on Human and Peoples' Rights for the repeal of such laws. For example, **Somaliland** [journalist](#) Mohamed Adan Dirir was sentenced in October 2017 to 18 months in jail on charges of criminal defamation and publishing false news. In **Cameroon**, journalist **Lewis Medjo** was [sentenced](#) in February 2017 to six months in prison and a US \$1,800 fine on the charge of defamation. His sentence was increased to two years, as he was unable to pay the fine. He was later released. In **Uganda** eight journalists writing for the *Red Pepper* tabloid newspaper were [charged](#) with libel, among other charges.

The **Computer Misuse Act** has also been used in Uganda to prosecute academic and activist **Stella Nyanzi** who was arrested and [charged](#) in April 2017 with cyber harassment and offensive communication, for her Facebook posts criticising Uganda's President. The United Nations Working Group on Arbitrary Detention, in its [findings](#) on Nyanzi's case, urged the Government to bring sections 24 (1) and (2) (a) and 25 of the Computer Misuse Act, which has been used to restrict the right to freedom of expression, into conformity with the commitments of Uganda under international human rights law.

In **Angola**, journalists Rafael Marques de Morais and Mariano Bras Lourenco were [charged](#) under the **Law on Crimes against State Security** in June 2017 with 'outrage to a body of sovereignty and injury against public authority' over a 2016 article. In 2016 they had already been separately charged with insult laws for the same article.

Anti-terrorist legislation was also used in many countries to silence journalists and writers. In **Ethiopia**, free expression continues to be severely limited amid

a crackdown on dissent on the back of protests for reform. Journalist **Getachew Shiferaw** was initially charged under the anti-terrorism law but the charges were reduced to inciting subversion. He was [sentenced](#) to 18 months in prison in May 2017 before being released just over a month later. The Anti-Terrorist Proclamation (ATP) was used to sentence former Ethiopian opposition spokesman **Yonatan Tesfaye**, and artists were among those [jailed](#) as part of a broader crackdown under the ATP. Journalists **Eskinder Nega and Woubshet Taye** who were imprisoned in 2011 under terrorism charges, were [freed](#) in February 2018 after almost seven years prison.

Anti-terrorist legislation was also used to [silence](#) journalists in **Cameroon**, including those who reported on [unrest](#) in Anglophone regions. Other critical voices were harassed, such as **Patrice Nganang**, a Cameroonian-American academic, who was [detained](#) for just under three weeks shortly after writing an article criticising the government's response to the Anglophone crisis.

The climate for freedom of expression became increasingly restrictive in **Tanzania** with a crackdown on the media and intolerance of dissent – in March the President warned media outlets to 'be careful, watch it.' Various newspapers were banned for their critical reporting. In December, a [reporter](#) went missing. Rapper **Ney Wa Mitego** was [arrested](#) after he released a song that allegedly insulted the president. According to Human Rights Watch, at least 10 people were [prosecuted](#) for comments on social media. The controversial **Cybercrimes Act** was used against human rights defenders and [musicians](#).

Senegal passed a new press law that has been described by the [Media Foundation for West Africa](#) as being 'one step forward and one step back' for media freedom.

Conflict

In states facing conflict, such as **Somalia**, journalists faced a difficult operating environment, where they were [attacked](#) by both state and non-state actors. Several radio journalists faced arrests and detention. In **South Sudan**, Christopher Allen, an American freelance journalist, was killed during fighting between government and rebel forces. Journalists were also [harassed](#), detained, and interrogated.

Repression of critical voices and internet shutdowns/ censorship

During periods of popular protests for reform and democracy, governments in several African countries employed media shutdowns, restrictions on the internet and social media, and legal and other forms of harassment against journalists and writers.

Freedom of expression was restricted in the lead up to August elections in **Kenya**, the results of which were nullified by the Supreme Court in September and later

held again on 26 October. Groups such as [Article 19](#) noted threats, intimidation and arbitrary arrests against [journalists](#) reporting on sensitive issues.

In **Nigeria**, despite a strong press, there was an increase in violations of freedom of expression, with attempts to silence journalists by both state and non-state actors. Journalists faced [attacks](#) and a number were [charged](#) for their reporting. Freemuse noted that artists faced multiple levels of censorship. For example, musician **Sadiq Usman** was [detained](#) for five days for allegedly releasing a song that had not been approved by the censorship board.

Against a backdrop of political turmoil in the **Democratic Republic of Congo** (DRC) the government silenced dissenting voices, including opposition, civil society groups, and the media. According to Human Rights Watch, at least 40 journalists were [detained](#) in 2017, and many others were prevented from doing their work by having their equipment confiscated or being denied access to report. Several media outlets were shut down and access to social media was at times restricted.

The use of internet shutdowns was a tactic used in many other African [countries over the course of the year](#). In 2017, **Cameroon** [shut down](#) the internet in its Anglophone region for 94 days in response to protests, and internet restrictions were again put in place on 1 October 2017. In **Togo**, the internet was [restricted](#) on the back of public protests. Under the state of emergency in **Ethiopia**, the government censored and [regularly](#) blocked internet access for its citizens. Reports [indicated](#) that access to the internet was again partially restricted in Ethiopia in December 2017. In **Uganda**, debates and live coverage in the media around the age limit debate were [restricted](#). In **South Sudan**, websites were [blocked](#), including some online news sites, such as the *Sudan Tribune*.

In recognition of the growing trend to restrict access to the internet, in late 2016 the African Commission on Human and Peoples' Rights adopted a [Resolution on the Right to Freedom of Information and Expression on the Internet in Africa](#). The resolution calls on States' Parties to respect and take legislative and other measures to guarantee, respect, and protect their citizens' right to freedom of information and expression through access to internet services.

In other countries, authorities sought to limit reporting or comments on sensitive subjects. In **Equatorial Guinea**, the space for dissent is highly restricted and human rights defenders are regularly harassed. Artists and cultural groups were also impeded in their work; cartoonist **Ramón Nsé Esono Ebalé** was arrested on 16 September and [charged](#) on 7 December with counterfeiting money and money laundering. His detention appeared to have been linked to his cartoons and blog posts critical of the President. He was released in March 2018 when the charges against him were dropped.

In **South Africa**, a country with a vibrant democracy and a strong press, writer **Jacques Pauw** faced legal [threats](#), calls to remove his book, and death threats after the release of his book *The President's Keepers*, which detailed allegations of corruption against the President of South Africa.

Positive developments

Despite the use by some states of restrictive laws that impinge upon freedom of expression, there were positive steps taken by others to repeal such laws. In **The Gambia**, a change of leadership was followed by commitments to respect media freedoms and freedom of expression, including assurances to repeal restrictive laws such as criminal defamation. **Kenya's** High Court [declared](#) Section 194 of the Penal Code, which creates the offence of criminal defamation, unconstitutional in February 2017. **Liberia** presented a bill in late 2017 before parliament calling for the repeal of criminal defamation.

The African Commission on Human and Peoples' Rights [appointed](#) a new Special Rapporteur on Freedom of expression and access to information to replace the outgoing Rapporteur.

I WANT TO THANK
ALL THOSE OF YOU WHO
ARE STILL FIGHTING TO
SECURE MY RELEASE...
I STILL HAVE MY HOPES
SET ON PRESENTING
"#218EMPIRE"
[HIS NEW PIECE] IN
VIENNA, AS PLANNED, AND
REALISING THE NATIONAL
DREAM OF BEING AT THE
SAME LEVEL AS OTHER
NATIONS, WITH THE ONLY
THING I'M GOOD AT:
DRAWING. I WILL NOT GIVE
UP... I LIVE TO DRAW ON
BEHALF OF MY PEOPLE.
THANK YOU.

Message from Ramón Esono Ebalé,
cartoonist, speaking while he was still
detained in Equatorial Guinea

Africa

Case List

Angola

ON TRIAL

Rafael MARQUES DE MORAIS

Profession: author, journalist and human rights activist

Date of birth: 31 August 1971.

Type of legislation: Insult/ defamation

Details of trial: On 21 June 2017 Rafael Marques de Morais and Mariano Bras Lourenço, editor of *O Crime* newspaper, were informed that they were charged with 'outrage to a sovereign body' and 'injury against public authority' under Angola's Law on Crimes against State Security and the Penal Code respectively over an article written by Marques de Morais in 2016. The charges had allegedly been filed on 12 May. Marques de Morais also faces separate charges of criminal defamation, 'injury,' and 'abuse of freedom of the press' in a personal lawsuit filed in the name of the attorney general as a private citizen. Marques de Morais had earlier been charged in December 2016 over the same article with 'crimen injuria' (similar to insult laws). He was questioned on 27 December 2016 and released pending trial on same day. Mariano Brás, who republished the said article in the newspaper *O Crime* was arrested on the 28 December 2016 and similarly charged and released the following day. The article alleged that Angola's attorney general, João Maria de Sousa, had been acting illegally and unconstitutionally regarding his purchase of a state-owned land. According to reports, Marques had written to de Sousa with several questions, but did not receive a reply. Brás has been under investigation since June 2015 for alleged abuse of press freedom, defamation, and insult of public authorities, following a complaint by Angola's army chief and the minister of interior, according to rights group [Front Line Defenders](#). No information on whether the case will be brought to trial as of 31 December 2017.

Previous convictions: Marques de Morais received a six-month suspended prison sentence with a probationary period of two years in May 2015 on charges of defamation relating to his book, *Blood Diamonds: Corruption and*

Torture in Angola. For more information see 2016 case list. Marques has been judicially harassed over the years. For example, in 2000 he was sentenced to six months in prison and ordered to pay damages for defamation against the president of Angola. The United Nations Human Rights Committee later found that the judgement had violated Marques' rights and ordered Angola to pay him damages.

Awards: Recipient of Transparency International's 2013 Integrity Award, winner of Index on Censorship's 2015 Freedom of Expression Awards in the Journalism category.

Cameroon

KILLED: IMPUNITY

Eric Ohena LEMBEMBE

Profession: executive director of the Cameroon Foundation for AIDS (CAMFAIDS), LGBT rights activist, author of several chapters in *From Wrongs to Gay Rights*, a collection of articles by LGBT activists from 76 countries published in February 2013 by the US based website, [Erasing 76 Crimes](#), for which Lembembe was also a contributor.

Date of birth: 1980

Perpetrator: Unknown

Details of killing: Lembembe was found dead on 16 July 2013. It is thought that he was murdered some days earlier between 12 and 13 July. 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 LGBT 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'. The investigation into Lembembe's death remains at a standstill as of 31 December 2017; PEN is seeking more information.

Other information: In May 2014, triggered by 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.'

BRIEF DETENTION

***Patrice NGANANG**
(Cameroonian-American)

Profession: writer, poet, academic

Type of legislation: Insult and other

Date of arrest: 6 December 2017

Date of release: 27 December 2017

Details of arrest: Patrice Nganang was detained and had his Cameroonian passport seized on 6 December as he attempted to fly from Douala to Zimbabwe to meet his wife. His whereabouts were unknown for 48 hours, until on 8 December his lawyer stated that he was being held in Yaoundé on accusations of offending the president of Cameroon in a Facebook post. He also confirmed that Nganang's phone had been confiscated and that he had not been given access to legal counsel until that date. The Facebook post in question is reported to have ended with the words '*Faites-moi confiance et je ne blague pas, je l'ai devant moi, lui Biya, et ai un fusil, je vais lui donner une balle exactement dans le front*' ('Trust me and I'm not joking, I have in front of me, Biya, and I have a rifle, I'm going to give him a bullet precisely in the forehead'). Shortly before his arrest, Nganang had written an article for *Jeune Afrique* in which he was critical of the response by Cameroon's authorities to unrest in some Anglophone areas of the country. His family and friends are reported to have named this article as the reason for his arrest.

Details of trial: Nganang attended a hearing on 9 December and was told he faced accusations of insulting Cameroonian President Paul Biya and issuing a death threat. On 11 December, the charge of insulting the president was dropped but three others remained: threats against the president, illegal immigration, and forgery and the use of false documents. Speaking to the BBC after his release, Nganang stated that he was facing a five year sentence and said the charges were changed every time he was interrogated.

Details of release: On 27 December, all charges against Nganang were dropped and his release and expulsion to the US were ordered by the state prosecutor. He reported that he was driven handcuffed to the airport by hooded and 'heavily armed' police officers.

Other information: Patrice Nganang was born in Yaoundé, Cameroon, and was educated both in Cameroon and Germany and is a US citizen. He is currently a professor

of Cultural Studies and Comparative Literature at Stony Brook University in the US. Nganang is the author of several novels, essay collections, and poems.

Equatorial Guinea

DETAINED - MAIN CASE

***Ramón Nsé ESONO EBALÉ**
(pen name Jamón y Queso)

Profession: cartoonist, blogger

Date of birth: 22 November 1977

Date of detention: 16 September 2017

Legislation: Money laundering/counterfeiting money

Details of detention: Esono Ebalé was arrested on 16 September in Malabo, the capital of Equatorial Guinea, following a dinner with two friends of Spanish nationality. All three were detained and questioned at the Central Police station, but Esono Ebalé's friends were released after a few hours. According to *El País*, the two Spanish nationals were questioned about the nature of their activities in the country and their relations to Esono Ebalé. Esono Ebalé was initially questioned by security agents in relation to his cartoons - according to one of the friends arrested with Esono Ebalé, the police asked about his drawings of the President and other high-ranking officials and his political leanings. He was told his drawings were offensive to the President and that his blog had text that was insulting and defamatory. He was also told that people should only participate in politics if they are associated with a political party.

Details of trial: News outlets reported that Esono Ebalé was accused of running an organisation implicated in money laundering and counterfeiting. Allegedly, the police also claim to have found one million francs in the car Esono Ebalé was in at the time of his arrest. A judge interrogated Esono Ebalé on 20 September about these accusations before sending him to Black Beach prison in Malabo, even though under Equatoguinean law it is illegal to detain someone without charges for more than 72 hours. He appeared in court on 3 October 2017, and gave a statement before a judge before again being sent back to prison. Esono Ebalé was formally charged on 7 December with counterfeiting money and money laundering after being held without charge for close to three months. He was ordered to be remanded on bail of 20 million CFA francs (35,000 USD) but remains detained. Esono Ebalé cannot appeal until the judicial year resumes on 15 January 2018. The judge has so far ignored all appeals and requests presented by the defence, including one made by his lawyers on the 9 October to cross-examine the prosecution's witnesses.

Background: Ramón Esono Ebalé, known by his pen name *Jamón y Queso*, addresses topics such as corruption, human rights violations, repression, and inequality in his critical comics and blog, 'Las Locuras

de Jamón y Queso' (*The Madness of Ham and Cheese*). His work is also highly critical of the President and other government officials and often lewdly characterises them. In 2014 Esono Ebalé released a graphic novel alongside other collaborators, '[La Pesadilla de Obi](#)' (*Obi's Nightmare*). The novel depicts the president as a normal citizen, experiencing the injustices of his own regime. Esono Ebalé had returned to Equatorial Guinea on the 29 August in order to renew his passport so that he could join his family in El Salvador, where they now reside, and was awaiting its processing at the time of his arrest.

Awards: Esono Ebalé received the Cartoonists' Rights Network International's 2017 [Courage in Cartooning award](#), awarded to 'cartoonists who have exhibited great courage and self-sacrifice in the pursuit of their craft and in the exercise of free speech'. His wife and daughter accepted the award in his absence on the 2nd of November 2017. PEN Action: [RAN 18/17](#), [Day of the Imprisoned Writer](#), [Joint letter to the President of Equatorial Guinea](#), [Equal Times blog post](#). [Stop press: On 7 March 2018 Esono Ebalé was released from prison]

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 interviews and articles related to the open letter published in the independent newspapers, all dissidents were detained, including 11 members of the G15 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 PEN case list from 2015 and earlier and for any updates to CPJ's 2017 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.' The **United Nations Human Rights Commission's** Special Rapporteur on Eritrea has issued several calls for the government to confirm whether or not the journalists were still alive, and on their health and legal status. A 2015 UN Resolution urged for the accounting for of the G-15 and the journalists.

Reportedly died in custody: Monitors including Reporters Without Borders and within the diaspora have reported as yet unconfirmed reports that at least five journalists had 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

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

Date of birth: c. 1971

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

Type of legislation: unknown

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.

Other information: 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 of the country. 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 Centre, 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](#); 'Empty Chair' in PEN International's 81st Congress in Quebec City; 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](#)

Temesken GHEBREYESUS

Profession: member of editorial board and sports editor of *Keste Debena* (*Rainbow*), comedian and actor

Date of birth c. 1967

Date of arrest: 20th of September 2001

Type of legislation: unknown

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 Centre, PEN Canada, PEN Eritrea in Exile

PEN Action: [PEN Action World Press Freedom Day May 2017](#)

Medhanie HAILE

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

Date of arrest: 18 September 2001

Details of arrest: Haile was arrested by the Eritrean security forces on the pretext of "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. He was 33 years old at the time of his arrest.

Honorary Member: PEN Eritrea in Exile **PEN Action:** [PEN Action World Press Freedom Day May 2017](#), [PEN Action 18 September 2017](#)

Dawit ISAAC (ISAAK) (holds dual Eritrean and Swedish nationality)

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.

Date of birth: 1964

Date of arrest: In the days following 23 September 2001

Type of legislation: unknown

Sentence: It is thought that Isaac, like his colleagues, has yet to be put on trial more than 17 years after his arrest. In a TV interview in June 2009, 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: Reportedly tortured. 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. 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 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. 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 hospitalized 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, reportedly 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 Peoples' 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)**, according to [Reporters Without Borders](#), on 27 October 2012. Isaac's case was due to be heard by the ACHPR during the Commission's extra-ordinary session from 18 to 25 February 2013 in Banjul, The Gambia. The ACHPR judged Isaac's case to be admissible in July 2014. A February 2016 decision by the African Commission on Human and Peoples' Rights urged Eritrea to release or provide a speedy and fair trial to Dawit and the other detained journalists. According to [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.

Lawyers acting for Isaac filed it with the Swedish judicial authorities in July. According to Reporters Without Borders, the prosecutor deemed that the investigation was a waste of resources as the Eritrean authorities were unlikely to cooperate.

Other information: 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 Centre, 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 Actions: [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](#)

Fessehaye "Joshua" YOHANNES (Johannes)

Profession: co-owner of *Setit*, poet, playwright, short story writer, co-founder of Shewit Children's Theatre and circus performer. According to a [report](#) by a PEN Eritrea in Exile member, he was also the co-founder and editor of the *Tigrinya Setit* newspaper, Eritrea's first independent newspaper.

Date of arrest: between 18-23 September 2001

Type of legislation: unknown

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](#)

Detained after September 2001:

DETAINED: MAIN CASE

Idris SAID 'Abu'Are'

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.

Date of arrest: October 2001

Type of legislation: unknown

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, in a secret location, rumoured to be Eiraeiro. 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 Action](#), [PEN Action 18 September 2017](#)

DETAINED: INVESTIGATION

Idris MOHAMED ALI

Profession: popular singer and songwriter in the Tigris language.

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

Type of legislation: unknown

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

Honorary member: PEN Eritrea in Exile

Ethiopia

IMPRISONED: MAIN CASE

Woubshet TAYE

Profession: deputy editor of the independent weekly *Awramba Times* and writer

Sentence: 14 years in prison

Date of arrest: 19 June 2011

Sentence expires: June 2025

Type of legislation: Anti-Terror

Details of arrest: Taye was arrested at his home in Addis Ababa on 19 June 2011 by security agents who confiscated various documents, cameras, CDs and copies of *Awramba Times*, which provides in-depth political coverage. He was initially detained incommunicado without charge and later said that he had been denied access to a lawyer during his interrogation.

Current place of detention: Initially held for investigation at Maekelawi Prison in the capital Addis Ababa, he was thought to be transferred to Kality Prison, approximately 11 km south of Addis Ababa and then to [Ziway](#) prison.

Details of trial: On 6 September 2011, Taye appeared before Ethiopia's High Court along with **Reeyot Alemu** (see 2015 case list). Both were charged under the Anti-Terrorism Proclamation for alleged sympathy for the banned political party Ginbot 7, designated a terrorist organisation, whose aim is to overthrow the government, a claim denied by the party. Their lawyers said they did not have any details about the charges as they were not notified of the hearing and as a result could not attend. On 19 January 2012, Taye and Alemu were convicted and sentenced to 14 years in prison for 'lending support to terrorist organisations' (article 5 of the Anti-Terror Proclamation). In September 2013 Taye's application for a presidential pardon was rejected, according to news reports.

Conditions in detention: During a court hearing in August 2011, Taye said that he had been tortured by state officials while he was being interrogated in prison; the court did not investigate his complaint. Taye is reported to have published a collection of essays in September 2014 entitled *The Voice of Freedom*, detailing his trial and the challenges Ethiopian journalists face. The police are reported to have restricted visits by friends and family after the book was released. On 1 December 2015, local news reports published Taye's [letter](#) sent from prison.

Update: According to [CPJ](#), in 2016 Woubshet filed an appeal with the Ethiopian Court of Cassation, and sought to have his sentence reduced to five years. The court [rejected](#) the appeal in June 2017, which was his last opportunity to have the sentence reduced.

Awards: Taye is a recipient of Human Rights Watch's Hellman-Hammett Award 2012 and CNN's Free Press Africa Award 2013.

PEN Action: [RAN 34/11](#) and updates ([#1](#) and [#2](#)). [Stop press: On 14 February 2018 Woubshet Taye was [released](#) from prison]

ON TRIAL

*Seenaa SOLOMOON AMBECHAA AMBECHAA (f)

Profession: singer, playwright and producer

Date of arrest: 3 December 2016

Legislation: Anti-terror

Details of arrest: Solomoon Ambechaa was [detained](#) on 3 December 2016

Current place of detention: Solomoon Ambechaa was reportedly held in Maekelawi detention centre but is currently being held in Kilinto Prison in Addis Ababa

Details of trial: Solomoon Ambechaa was held without charges for six months. According to the website [EthioTrialTracker](#), on 29 June 2017 the Ethiopian Federal High Court charged Solomoon Ambechaa and her colleagues with: posing as journalists and producing materials for YouTube and sending them to Australia for uploading; writing dissident material including poems and short stories; and distributing these materials among protesters during the 2016 anti-government protests throughout Oromia state. These charges were filed under the criminal code and the 2009 Anti-Terror Proclamation Act. The case was adjourned until 14 July 2017. Solomoon Ambechaa was [reportedly](#) sentenced on 31 October 2017. Solomoon Ambechaa also faces separate charges including serving as a newsreader and becoming a member of the Oromo Liberation Front and working with the organization (banned as a terrorist organisation by the Ethiopian government)

Conditions of detention: Human rights abuses, including torture, are [‘notorious’](#) at Maekelawi detention centre

Background: Solomon and the group have been creating resistance music since 2014, when Ethiopia’s ruling EPRDF party announced plans to expand the capital, Addis Ababa, into the adjacent farm lands of Oromia, necessitating the seizure of the ancestral home of the Oromo people. This resulted in [wide-scale protests and an extreme government crackdown](#), including [restrictions](#) on freedom of expression and alleged [repression](#) of Oromo artists and musicians. Solomoon Ambechaa’s group became key voices of a broader artistic, student-led protest movement in the Oromo language.

Other information: Also detained were the other members of Solomon’s group ‘Oromo’: producer/director **Elias KIFLU BEKELE**, vocalists **Olyaad BEKELE DEBRE** and **Bailu NECHO TADDESSE**, as well as dancers **Iffaa GAMMACHU LETTA**, **Qeneni TAMIRU JAFFER**, and **Mo’iibul MISGANU WORKNEH**. [Stop press: On 14 February 2018 reports [indicated](#) that Solomoon Ambechaa was freed from prison.]

HARASSED

*Teddy AFRO (born Tewodros Kassahun)

Profession: Singer-songwriter

Date of harassment: September 2017

Details of harassment: According to the [BBC](#), the Ethiopian authorities stopped him from releasing his album for reasons that were unclear. Federal police reportedly showed up at a hotel in Addis Ababa hours before the launch was due to be held on 4 September 2017 and stopped the sound team from setting up. A concert on 11 September, to celebrate Ethiopian New Year, was also cancelled. The [Washington Post](#) reported that the authorities claimed that Teddy had not received permission to hold the event.

Background: Teddy Afro has a large following. The album in question, which was released in May 2017, has been described by the BBC as being like a ‘history lesson’ with references to Emperor Tewodros II and calls for unity among Ethiopians. The album was allegedly [banned](#) by the state broadcaster. In 2006 Teddy Afro was jailed for a hit and run incident that some say was set up.

Ivory Coast

ENFORCED DISAPPEARANCE

Guy-André KIEFFER (French-Canadian national)

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. The investigation into his disappearance has stagnated. For information on Kieffer’s journalistic work and details of the investigation see previous [case lists](#).

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

Mali

DEATH THREAT

***Ismaila DOUCOURÉ**
(stage name Master Soumy)**Profession:** rapper, political campaigner**Date of birth:** 29 November 1983**Date of attack/threat:** June 2017**Perpetrator:** Unknown

Details of attack/threat: Doucouré was targeted after launching his [song](#) 'Touche pas à mon constitution' (*Don't touch my constitution*), as part of the campaign of the same name. The campaign was run by various political parties and civil society organisations with the aim of stopping a proposed constitutional amendment. Doucouré has [stated](#) that he started receiving death threats and anonymous phone calls in June 2017, according to local press [reports](#). He also stated [in an interview](#) with Maliactu.net that his social media accounts had been hacked. It is unclear who was behind the threats; Doucouré said in one [interview](#) that he suspected that public authorities were behind the harassment while [another](#) local media outlet alleges that supporters of the regime were to blame.

Details of investigation: No details of an investigation as of 31 December 2017. Long-time political activist and critic, Doucouré is a member of West African artists' collective 'Les ambassadeurs de la liberté d'expression' (*The Ambassadors of Freedom of Expression*) and holds a national merit medal for his civic work, as well as being a prolific rapper. In addition to his work with 'Touche pas à mon constitution', Doucouré was second vice-president of the platform 'An Tè A Bana', which organised opposition marches. Two other members of this platform were reportedly also targeted around the same time as Doucouré; a [blogger](#) survived an assassination attempt and another [musician](#), Roberto Magic Saper, was [alleged to have](#) received death threats.

after he posted an article criticising the inequality of Mauritania's caste system, referencing the teachings of the Prophet Mohammed on *Aqlame* news website on 2 January 2014. The article was taken down a few minutes after posting.

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), a fatwa was issued to kill Mohamed and nationwide demonstrations led his family to denounce him. Mohamed's lawyers appealed against the sentence on 26 December 2014. He is reportedly eligible to be pardoned by the Supreme Court if his repentance is verified, according to article 306 of the Mauritanian penal code. 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 has apologised and said that he never meant to insult the Prophet in his writing. In January 2017, [reports](#) indicated that the Supreme Court had indefinitely postponed its final decision and referred the case to a court of appeal.

Update: On 9 November 2017, Mkhaitir's death sentence was [reduced](#) by an appeals court in the city of Nouadhibou to two years in prison and ordered him to pay a fine of 60,000 Mauritanian ouguiya (US\$172). He was due to be released due to time served; however, a November 16 press [statement](#) from the former Justice Minister Ibrahim Ould Daddah stated that he remained in custody. His family has not been able to visit him or confirm his whereabouts. Reports [indicated](#) that the prosecution has appealed the decision. Whereabouts unknown as of 31 December 2017

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

PEN Actions: [statement](#) November 2017; Joint [letter](#) December 2017

Mozambique

CASE CLOSED

Carlos Nuno CASTEL-BRANCO**Profession:** Economist and writer **Type of legislation:** Crimes against the state

Details of trial: Castel-Branco and **Fernando Mbanze**, editor of the daily independent newspaper *MediaFax*, were charged with crimes against the security of the state in relation to a Facebook post from November 2013 on poor governance in Mozambique. Mbanze, who [reportedly](#) published Castel-Branco's post as an open letter in *MediaFax*, was charged with abusing freedom of the press under Article 42 of the Press Law in conjunction with the State Security Law. Castel-Branco and Mbanze were acquitted on 16 September 2015;

Mauritania

IMPRISONED: MAIN CASE

Mohamed Cheikh ould Mohamed MKHAITIR**Profession:** blogger**Date of arrest:** 2 January 2014**Sentence:** Death sentence**Type of legislation:** Apostasy/Blasphemy**Reason for arrest:** Mohamed was arrested in Nouadhibou, Mauritania's second largest city, shortly

however, on 16 October 2015, Amnesty International [stated](#) that the General Prosecutor appealed against the acquittal. According to [Amnesty International](#) on 18 February 2016, a date for the appeal hearing had yet to be decided. **Reason for closure:** No further news as of 31 December 2017.

Nigeria

ON TRIAL

***Sadiq Usman SALEH**
(stage name Sadiq Zazzabi)

Profession: singer

Date of arrest: The musician was detained on 1 March 2017

Date of release: 6 March 2017

Type of legislation: Other

Details of arrest: On the 28 February, Saleh received a court summons for a song he had released that was [allegedly](#) described by the prosecutor as ‘containing immorality by featuring seductive dance(s) by women’. According to [Freemuse](#), the singer attended the summons on 1 March and pleaded guilty to the charges of releasing an unapproved song and indecent dress, and was remanded to prison until the hearing could continue. According to Saleh, the real reason for his detention was the fact that the song expresses open support for Kano state’s former governor and criticism of him and more generally because he is a supporter of Kwankwaso. Saleh’s claims that his arrest was political were dismissed both by the Kano state [government](#) and Kano state’s [censorship board](#). The chairman of Kano state’s censorship board [told the Premium Times](#) that Saleh presented his song for approval but did not wait to receive it before releasing his song. (The Kano Censorship Board, set up in 2002, [regulates](#) the film and music industry to ensure that content is in conformity with Islamic law, and runs parallel to the federal and state justice systems in 12 northern states.) Saleh [told the online newspaper](#) that the board informed him parts of the song needed to be censored but did not tell him which these were until the date he was informed of his court summons, on 28 February. He added that just after he submitted the song for approval he was questioned by the Nigerian State Security Services, whom he said let him go after he explained the situation to them.

Details of trial: According to [the Vanguard](#) and [the Guardian \(Nigeria\)](#), [thousands](#) of supporters including other musicians and filmmakers gathered outside Saleh’s trial in early March. They were reportedly dressed in white kaftans and red hats, the dress of the Kwankwasiyya (pro-Kwankwaso) movement. The song in question was played from car stereos outside the court and posters of Kwankwaso were displayed.

Details of release: Court proceedings were [abandoned](#) on 6 March, and the musician was granted bail on the

sum of 100,000 Naira (315 USD), and under the guarantee from a member of the music writers association of Kano State. Saleh [is reported to have](#) met these conditions and was released on the same day. The next hearing was set for 27 March 2017. As of 31 December 2017, it remains unclear whether the hearing has taken place.

HARASSMENT/DEATH THREAT

***Romeo ORIOGUN**

Date of harassment: 2016 onward

Perpetrator: Non-state

Details of harassment: Shortly after winning the Brunel International African poetry [prize](#) in May 2017, news began to trend alleging that he had won because the West sought to use the arts to make homosexuality accepted in Nigeria, and Oriogun started receiving hate posts on Facebook. After the Facebook post the [messages](#) condemning Oriogun increased, some coming from accounts that were created solely for the purpose of sending him hate messages or threats. On the 2 July 2017 Oriogun was invited to the University of Nigeria Nsukka to read his poems, and security was provided for him. He was due to read alongside Chibuihe Obi, a writer of queer literature who wrote an [essay](#) for Brittle Paper in support of Oriogun after he was attacked. Obi did not turn up, however, and, the next day reports emerged that Obi had been kidnapped, with some reports suggesting it was due to his homosexuality. After three days and reportedly after paying a ransom to the kidnappers, Obi was released.

Other information: Previously, Oriogun had also received threats in 2016 after his chapbook *Burnt Men* was published by Praxis Magazine online as an E-book. It was the first poetry collection in Nigeria that interrogated queer sexuality and its personal and social context. With its publication came threats against the staff of Praxis and Oriogun, and hate messages.

Background: Oriogun is a poet originally from Udi, a small town in Eastern Nigeria. He won the prestigious Brunel International African poetry [prize](#) in 2017 for his “‘beautiful and deeply passionate’ writing on masculinity and desire in the face of LGBT criminalisation and persecution.”

Rwanda

CASE CLOSED

Francois Xavier BYUMA

Profession: playwright and human rights activist

Type of legislation: Other

Sentence: 17 years in prison

Expiry of Sentence: May 2024

Date of arrest: May 2007

Details of arrest: Byuma was reportedly arrested on charges of being present at one of the barriers erected to prevent Tutsi fleeing the 1994 genocide, having a firearm, and participating in weapons training.

Details of trial: Byuma was tried in a *gacaca* court, which was a judicial [system](#) set up to try those accused of participating in the 1994 genocide. Byuma was acquitted of the first two charges, but found guilty of participating in weapons training during the genocide. In addition, the court found him guilty of several counts not mentioned when the charges were first read. For more information see previous PEN [case lists](#). There were several trial irregularities, leading to concerns he received an unfair trial.

Reason for closure: Lack of new information.

Somalia

KILLED: IMPUNITY

Warsame Shire AWALE

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

Perpetrator: Unknown

Date of death: 29 October 2012

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 60s, 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 2017; PEN is seeking an update.

South Africa

DEATH THREAT

*Nakhane TOURÉ

Profession: musician, actor and author

Date of birth: 3 February 1988

Date of threat: July 2017 onwards

Perpetrator: Non-state

Details of threat: Nakhane Touré received ‘thousands’

of violent threatening messages for his lead role in the controversial film *Inexba (The Wound)*, which explores a homosexual relationship in the context of the practice of Ulwaluko, a traditional initiation process into manhood of the AmaXhosa people. Those involved in the film, including Nakhane Touré and other cast members, received [threats](#) from sources riddled with homophobia and hate speech. The [messages](#) that Touré received ranged from death threats to explicitly threatening Touré if he were to travel to the Eastern Cape. Touré stated [in an interview](#) that he had to cancel a trip there due to fear for his life. The actor also stated that the threats began when the trailer for *Inexba* was released the previous year but became more extreme when he posted a photograph to Facebook in July 2017 announcing his Best Actor win at the Durban International Film Festival. Speaking to [the Mail & Guardian](#), Touré commented that the specific nature of certain death threats meant that it became hard for him to discern which ‘which ones were real and which ones weren’t’. Additionally, photographs of the actor were shared with captions informing the viewer ‘This is him, if you see him, tell me’. In September 2017 Nakhane Touré stated that he was still receiving threats but that they had lessened in severity since August.

Details of investigation: no details of an official investigation into the threats could be found as of 31 December 2017

Background: The ritual of Ulwaluko is traditionally kept secret from women and uninitiated males. AmaXhosa king Mpendulo Zwelonke Sigcawu has [reportedly](#) stated that “the movie made everything public – even the very sensitive and secret things. It is insulting to the tradition because it stripped the tradition of its secrecy and sacredness. This will provoke the wrath of ancestors. Attacking and insulting this custom is an attack to our ancestors.” [According to the Times](#), he has vowed to lodge a complaint to the Film and Publication Board and National Heritage Council. However, [it has been suggested that](#) the violent reaction to the film is not due to its exposure of cultural secrets but homophobia – Touré himself is openly homosexual.

Other information: His work, including his music and his novel *Piggy Boy’s Blues* address queer relationships and issues. Nakhane Touré is a member of PEN South Africa. [**Stop press:** In early February 2018, protest action against the film caused screenings of *Inexba* to be [cancelled](#) at several cinemas in South Africa. The *Inexba* filmmakers also lodged a [complaint](#) with the Human Rights Commission after receiving violent threats.]

HARASSED

*Jacques PAUW

Profession: writer, investigative journalist

Date of harassment: 1 November 2017

Perpetrator: State

Details of harassment: South Africa’s State Security Agency (SSA) threatened legal action against Pauw and demanded publishers to 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 as well as that allegations made in the book were inaccurate. The book describes allegations of corruption and compromised power networks in the government of 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, only 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 have also been threats of civil suits against Pauw and NB Publishers, who published the book in question.

Background: Jacques Pauw is one of South Africa's most experienced and respected investigative journalists, and first gained prominence in 1989 when he exposed the apartheid-era Vlakplaas death squad. The public response to his latest book, *The President's Keepers*, has been overwhelming with approximately 160 000 copies sold since its launch on 29 October 2017. Many South Africans have approached Pauw and NB Publishers with offers to contribute to his legal costs, and Media Monitoring Africa, a respected independent media watchdog, recently set up a Legal Defence Fund in his support. As a South African investigative journalist, throughout his career, he has investigated lethal criminal activities in the underworld of southern Africa and exposed atrocities committed by governments around the African continent. Pauw has also authored and published six books.

PEN action: [Statement from PEN South Africa and PEN International](#); [Joint statement](#)

Tanzania

ON TRIAL

Fulgency MAPUNDA (Mwana Cotide)

Profession: musician, songwriter.

Type of legislation: Insult

Detail of trial: according to [reports](#), Mapunda was summoned to court on 28 September 2016 following

the release of his song 'Dikteta Uchwara' (Petty Dictatorship) in August that year. **Mussa Sikabwe**, who produced the song, also appeared before the Court. They were both charged with offending President John Magufuli and with "distributing the song with intent to offend" the president under the controversial 2015 Cybercrimes Act as they uploaded the song on YouTube, according to [reports](#).

Details of release: they have denied the charges and were released on bail of Tsh10 million (about \$4,568). The trial was set for 12 October 2016 but has faced numerous delays. According to [Freemuse](#), the case was postponed for a twelfth time to 11 October 2017 due to the investigation being incomplete and files being misplaced. Freemuse also reports that Sikabwe's musical instruments have been confiscated and the duo have not performed or produced any music since, leaving them with little income. PEN has not been able to confirm whether the trial went ahead and is seeking further information.

Other information: According to [reports](#), Mapunda is also an activist for the opposition party CHADEMA. He composed songs that were used by the party for elections. However, according to reports, the collaboration between the musician and the party ended after a fall out.

ABDUCTION

*Roma MKATOLIKI (real name Ibrahim Mussa) and MONI

Profession: Rappers

Date of abduction: 5 April 2017

Details of abduction: According to [Freemuse](#), Mkatoliki and Moni went missing on 5 April 2017 after unidentified people raided Tongwe Records in the Masaki area of Dar es Salaam and abducted the artists, along with producer Bello bin Laden and another person who was in the studio at the time. A few days later they resurfaced and held a press conference, where Mkatoliki said they had been abducted, blindfolded, interrogated and tortured, then dumped by the ocean where they were then able to seek safety. Mkatoliki has [said](#) he was unsure of the reasons behind the abduction and refuted rumours that the kidnapping was staged.

BRIEF DETENTION

Emmanuel ELIBARIKI (stage name Ney wa Mitego)

Profession: rapper

Date of birth: 9 June 1998

Date of arrest: 25 March 2017

Date of release: 27 March 2017

Type of legislation: defamation

Details of arrest: The BBC [reports](#) that Elibariki was

detained and questioned by the police “for releasing a song with words that malign the government”; Elibariki had released a Swahili-language song, ‘Wapo’, immediately prior to his detention. Its content explicitly mentions freedom of expression and refers to a person who cannot take criticism, as well as references to a doctor ‘lancing boils’, a favoured phrase of the Tanzanian president. The lyrics also insinuate that there are drug users in the Tanzanian government and that its members have forged academic certificates.

Details of release: Two days after his detention, Elibariki’s release was ordered by the Minister for Information; some sources stated that the order came from the president himself. Tanzania’s new information minister was reported in the local press as saying the president had a favourable opinion of the song but that he thought the song should include other issues such as the effect of narcotics and tax evasion. The *Citizen* also reports that the ban on the song, issued by the Tanzanian national arts council (BASATA), was lifted.

Other information: In 2016 The Citizen reported that after his song ‘Shika Adabu Yako’ was banned in February 2016 for appearing ‘to compromise national values’, Elibariki was banned by BASATA from participating in the music industry indefinitely in July of that year for the ‘immoral’ content of another song ‘Pale Kati Patamu’. In 2013 he received death threats for his political song ‘Salaam Zao’.

Uganda

ON TRIAL

*David MUGEMA

Profession: musician

Date of arrest: 5 December 2017

Type of Legislation: Insult

Details of arrest: On 5 December 2017, David Mugema was arrested for the composition, production, and dissemination of a song entitled ‘Wumula’, seen as offensive to the Ugandan president. Along with his producer, Mugema was charged under sections 25 and 21 of the Computer Misuse Act of 2011. The two men pleaded not guilty and were remanded to Luzira prison until the following day.

Date of release: 6 December 2017

Details of release: According to Article 19, Mugema was released on bail of 1 million Ugandan Shillings (c. US\$280) against a surety of 10 million.

Background: The song, the title of which means ‘retire’, is reported to include lyrics such as ‘You must retire now’; ‘Those who refused to go peacefully, where are they?’; ‘The doctors are striking over poor pay, the government says there is no money’; and ‘But government never fails to get money to buy teargas.’ The YouTube video,

uploaded in August 2017, shows images of the Ugandan president alongside figures such as Adolf Hitler, Saddam Hussein, Robert Mugabe, and Muammar Gaddafi. The video also includes images of police breaking up protests and impoverished-looking schools and health facilities. In September 2017, a bill was introduced in the Ugandan parliament to remove the presidential age limit of 75 from the country’s constitution; 73-year-old Yoweri Museveni has been in power since 1986. On 27 December 2017, President Museveni signed the bill into law. Certain sources report the song’s title to be ‘Wumula mzee’, meaning ‘take a rest old man’.

Other info: Mugema’s producer Jonah Muwuganzi was also charged with promoting offensive communication for aiding Mugema to produce the song.

*Stella NYANZI (f)

Profession: poet, academic, activist

Date of birth: 16 June 1974

Type of legislation: Insult

Date of arrest: 7 April 2017

Date of release: 10 May 2017

Details of arrest: Stella Nyanzi was arrested on 7 April for Facebook posts criticising Uganda’s president, in particular for one referring to him as a ‘pair of buttocks’. According to sources, Nyanzi was giving the keynote speech at a Rotary club meeting in Kampala when she realised that the building was surrounded by intelligence operatives. Nyanzi left the hotel through a back exit, where she was allegedly forcibly removed from her car and placed into another vehicle by eight plainclothes men, three of whom were armed. She was then held at a police station, physically assaulted, denied feminine hygiene products, and was not allowed to see her lawyer for 18 hours.

Details of trial: On 10 April, after spending three nights at the police station, she was formally charged with ‘insulting the president’ and ‘violating his right to privacy’ under the Computer Misuse Act of 2011. She pleaded not guilty to both charges. The prosecution also filed an application to determine Nyanzi’s sanity, invoking the colonial-era Mental Treatment Act. Court was adjourned until 25 April and Nyanzi was remanded to the maximum-security Luzira prison. Nyanzi appeared at the magistrate’s court on 25 April for a hearing on her application for bail and to get the mental health examination request dropped. The magistrate’s court was then adjourned until 10 May when she was released on bail. Since then Nyanzi’s case has been adjourned multiple times without hearing; the next date is reportedly set for 20 February 2018.

Details of release: On 10 May, Nyanzi was released on conditional bail. The conditions included a 10 million Ugandan shilling (around US\$ 2,800) non-cash bond imposed on Dr Stella Nyanzi and five of her sureties. Her passport was also handed over to the court for ‘safekeeping’.

Conditions of detention: Nyanzi reported that she contracted malaria at Luzira prison, stating that mosquito nets were not allowed. The activist also reported poor sanitation.

Background: On 6 March, police questioned Nyanzi for her comments about the Ugandan president and first lady. Nyanzi was allegedly prevented from travelling to a conference in the Netherlands in March, where she was due to be keynote speaker. In a TV interview on 30 March, the First Lady said she had forgiven her, but Nyanzi was then arrested days later. On 8 April, Gertrude Tumusiime Uwitware, a prominent journalist and reporter on the Nyanzi case was reportedly blindfolded, abducted, and interrogated for hours after she defended Nyanzi online. On 24 May, Nyanzi petitioned the constitutionality of the 1938 Mental Treatment Act used to order an examination of her mental health but to date has not received a hearing date. Nyanzi also stated that she was in negotiations with the government after suing them for putting her on a no-fly list. In November she was able to travel out of Uganda. Nyanzi was suspended in February 2017 from Makerere Institute of Social Research and was to be reinstated in a different department in the same University but was re-suspended in March 2017 as a result of her Facebook posts.

HARASSED

*Bobi WINE (Robert Kyagulanyi)

Profession: musician and politician

Date of harassment: October 2017

Perpetrator: State

Details of harassment: According to Freemuse, Wine was reportedly banned from performing at music shows after Kampala Metropolitan Police commander Frank Mwesigwa allegedly sent out a notice stating that the singer used “words that were inciteful to the public”. Music in Africa reported that three of his shows were cancelled in October. In a statement, the police commander said that Bobi Wine went against police orders to refrain from using the musical stage as a place to hold political rallies and said he was now under investigation.

Other information: Bobi Wine became an MP in July 2017. He has taken legal action against the police commander and the government for cancellation of his shows, according to the Ugandan newspaper, the Observer. He has been a vocal critic of President Museveni’s plans to remove the age-limit for Presidential candidates, which would allow Museveni to run again in 2021.

CASE CLOSED

Norman TUMUHIMBISE

Writer arrested in June 2014 on charges of unlawful assembly, criminal trespass, and interrupting parliamentary business. Local news reports indicate that he was arrested alongside another colleague in

connection with his activism for Jobless Brotherhood, an organization that tackles youth unemployment. For more information see PEN 2016 case list.

Reason for closure: no new information on the trial process

Zambia

HARASSED

*Fumba CHAMA (known as Pilato)

Profession: singer-songwriter

Date of threats: starting in December 2017

Perpetrator: State

Details of threats: In December he received a video message recorded by cadres of the ruling PF who threatened to beat him up for releasing his popular song ‘Koswe Mumpoto’ (‘Rat in the pot’), which has been interpreted as criticising President Edgar Lungu and his ruling Patriotic Front (PF) ministers and authority figures in general. The song was released in December. On 11 December the chairperson of the party for Central Province ordered Pilato to stop singing the song. Authorities also ordered radio and TV stations not to broadcast the song. Police also denied Pilato permits to perform at several planned concerts in December. In places where he was allowed to sing, police imposed conditions, including orders not to play any of his controversial songs.

Other information: On 29 September 2017, Pilato was arrested alongside other human rights defenders, after they marched to parliament demanding answers about the procurement of 42 fire trucks that cost 42 million USD and was reportedly charged with ‘disobedience of lawful order’.

Background: In 2015 Fumba was arrested for ‘conduct likely to cause breach of the peace’ in connection with his satirical song ‘A Lungu ana bwela.’ He has faced harassment and intimidation over the years, and difficulty finding promoters to allow him to put on a show. [**Stop press:** In January 2018 Amnesty International reported that he left Zambia on 5 January after receiving threats related to his recent song *Koswe Mumpoto*.]

Zimbabwe

THREATENED

*Mukudzei MUKOMBE aka Jay Prayzah

Profession: musician

Date of threat: September 2017

Perpetrator: unknown

Details of threat: The Children of War Veterans, a youth group believed to be associated with Zanu-PF's G40 faction, [reportedly](#) posted a statement on Facebook denouncing Mukombe and his music. The post warned Mukombe to cease interfering with Zanu-PF politics 'before it's too late' and alleged that two of his songs ('Mudhara Achauya' and 'Kutonga Kwaro') were intended to support the then-Vice President Emmerson Mnangagwa and promote factionalism. The post warned Mukombe that he was 'digging [his] own grave'. Mukombe himself has stated to various [sources](#) that his music is apolitical.

Background: [Reportedly](#), 'Kutonga Kwaro' was sung by Mnangagwa's supporters as Mugabe was unseated from power in November 2017, and Jay Prayzah [performed](#) at Mnangagwa's inauguration. The other song in question, 'Mudhara Achauya', was allegedly adopted by the pro-Mugabe faction of the Zanu-PF after these threats occurred; it became the theme song of rallies and was played as Mugabe approached the podium. On 31 October 2017, Mukombe was reportedly pelted with stones at the funeral of his former head of security. He [stated](#) that the attack was unrelated to his relationship with the deceased and that he did not know the identities or motivations of his attackers.

PEN Actions for Journalists in Africa

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 Africa, some in collaboration with other organisations, details of which can be found in the links provided below.

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, subject of two statements on imprisonment of writers and journalists in long term detention in Eritrea*

Action:

May 2017: World Press Freedom Day [Take action for detained journalists in Eritrea](#)

June 2017: United Nations Human Rights Council [PEN International Oral Statement on Freedom of Expression in Eritrea](#).

September 2017: PEN International Congress [PEN Resolution on Eritrea 83](#)
[PEN Congress](#)

Ethiopia

Eskinder NEGA: *Journalist sentenced to 18 years in prison in 2011(released 14 February 2018)*

Action:

January 2018: [Recipient of 2018 Oxfam Novib/PEN International Award for Freedom of Expression](#)

Americas

Americas Overview

Brazil: Jo Clifford & Natalia Mallo

Play on transgender issues banned, & its director threatened

UK playwright Jo Clifford's play 'The Gospel According to Jesus, Queen of Heaven' that re-imagines Jesus as a transgender woman, has been banned from being shown in parts of Brazil. Its director & translator, Natalia Mallo, has received death threats from the conservative right. This is just one of a growing number of recent attacks on artistic freedom in Brazil.



Paraguay: Nelson Aguilera

Fair trial concerns around 30 month sentence for alleged plagiarism

Writer of fiction for adults & children, Nelson Aguilera is appealing against a 30 month sentence for alleged plagiarism where experts have concluded that there is no case to make and where there are concerns of trial irregularities. The writer who initiated the law suit is related to the minister of the Supreme Court of Justice, suggesting inappropriate government influence in the case.



Writers and journalists in the Americas continue to face both direct and indirect censorship, threats, violence, and intimidation. The failure to hold individuals to account perpetuates a vicious cycle under which actors, both state and non-state, are emboldened to repeat

Censorship

Across the Americas, writers and journalists face various forms of both direct and indirect censorship. The selective allocation of budget for government advertising in Mexico encourages media houses to slant their coverage in order to obtain more favourable contracts. The concentration of media is of particular concern in the Americas, such as in **Brazil, Guatemala** and **Nicaragua**, to name but a few countries, severely limiting access to a diversity of cultural and political expressions. Threats and intimidation can lead to a ‘chilling effect’ under which writers and journalists may opt to self-censor, such as is the case in **Cuba, according to a recent Amnesty International report.**

In **Brazil**, attempts were made to stifle free expression relating to the LGBTQI community. In September 2017, an injunction was taken against a performance in São Paulo of the British playwright, **Jo Clifford’s** *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 – on the grounds that it insulted the church. Attempts to prevent subsequent performances were rejected by the courts. Elsewhere in the country, an art exhibition which focussed on sexual diversity, ‘Queermuseu: Cartographies of Difference in Brazilian Art’, was prematurely closed by Santander group after critics, including religious groups, alleged that the artworks on display featured paedophilia and violated religious and moral values.

Harassment of writers, journalists, and human rights defenders

Journalists, often local community journalists who do not benefit from the protection of large media houses, and activists who attempt to cover issues pertaining to indigenous rights or the environment face violence and intimidation. In July 2017, **Bertha Zúniga Cáceres**, the daughter of **Berta Cáceres**, renowned Honduran indigenous and environmental activist killed in 2016, narrowly escaped with her life following a machete attack. She had recently assumed her mother’s place in the Civil Council of Grassroots Indigenous Organisations of Honduras (COPINH).

In **Guatemala**, indigenous journalist and human rights defender, **Jerson Antonio Xitumul Morales**, faced charges of ‘incitement to commit crimes,’ ‘threats’, and ‘illegal detention’ widely believed to be for his coverage of the environmental damage caused by the mining industry in El Estor, Izabal province, and of protests held by the Maya Q’echi people.

A recent report published by Citizen Lab named renowned author and journalist **Carmen Aristegui** among a list of nine Mexican journalists and human rights defenders placed under surveillance through the use of sophisticated spyware, Pegasus. The evidence, compiled by Citizen Lab between January 2015 and October 2016, exposes attempts to infect their devices at critical moments in their work. The suggestion is that the Pegasus software, which is sold to governments ostensibly to enable them to monitor terrorism and criminality, may have been used by persons with access to it within the Mexican government. In July 2017, the Inter-American Commission on Human Rights raised concerns regarding recent episodes of stigmatisation and violence against journalists in **Colombia**, where both national and international journalists, such as **Susana Hernández-Mora** and **Jineth Bedoya Lima**, have faced threats, harassment, and intimidation at the hands of both public officials and non-state actors.

Violence and Impunity

Lethal violence against writers and journalists, and impunity for such crimes continue to threaten freedom of expression in the Americas. According to the International Press Institute, more journalists were killed in Latin America in 2017 than in any other region of the world.

In 2017, PEN recorded the murders of 10 writers and print journalists in Mexico – the highest number since the inauguration of President Enrique Peña Nieto in 2012 – among them, author of non-fiction titles **Javier Valdez Cárdenas** and poet **Filiberto Álvarez Landeros**. Since 2004, at least 90 writers and print journalists have been killed in the country; this figure does not take account of broadcast journalists who have been killed in this period. Few of these cases have ever been satisfactorily resolved: while the person who pulled the trigger may be apprehended, the person responsible for ordering the killing is rarely caught. However, in December 2017, PEN welcomed reports that the Mexican authorities had arrested the mastermind of the murder of journalist, **Miroslava Breach Velducea**, killed on 23 March 2017. Guatemala also demonstrated progress towards fighting impunity when the Supreme Court accepted a petition made by the public prosecutor along with the International Commission Against Impunity in Guatemala (CIGIG), to hold a preliminary hearing of a congressman, who stands accused of ordering the killings of journalists Danilo López and Federico Salazar Gerónimo in March 2015.

In June 2017, the Organisation of American States adopted a resolution on the right to freedom of thought and assembly, which reaffirms that journalism must be

free from threats, violence, or intimidation, and expresses special concern about the particular risks faced by women journalists. The resolution represents a commitment by states to implement strategies and to provide resources that will end the prevailing impunity enjoyed by those who commit crimes against journalists. It recommends the creation of independent, specialised prosecutors' offices; the adoption of specific investigative and prosecutorial protocols and methods; and the continuous training of lawyers, the police, the judiciary, and others on freedom of expression and journalists' safety.

Criminalisation of protest

Across Latin America, as disaffection mounts, the authorities have sought to stifle public demonstrations arising from social and economic inequalities and concerns around alleged governmental and/or electoral corruption. Between March and August 2017, **Venezuela** witnessed public demonstrations on an almost daily basis following the dissolution of the National Assembly and the formation of the new National Constituent Assembly, which rendered opposition representation in parliament all but impossible.

According to the [Inter-American Commission's Special Rapporteur for Freedom of Expression](#), at least 50 media outlets were closed in Venezuela in connection with their critical editorial line. Meanwhile, many journalists were detained, attacked, and threatened, while international journalists were expelled from the country.

Similarly, in **Honduras**, protests arising from the contested November elections have been met with violent repression, affecting protestors, journalists, and human rights defenders alike. In parallel, students of the National Autonomous University of Honduras (UNAH) continue to be penalised for their involvement in student protests, while human rights defenders working in their defence face harassment and attack. In June 2017, journalist and PEN member **Cesario Padillia Figueroa**, along with two fellow students, was convicted of 'usurpation' of university property. PEN International believes Padilla Figueroa and other university students are being persecuted for exercising their rights to freedom of expression, association, and assembly (see Case List entry). The public prosecutor is seeking a three-year prison sentence, which cannot be applied until the exhaustion of the appeals process.

In **Paraguay**, a proposed law aimed at regulating anonymous online posts during elections poses a threat to journalists and their sources, and would restrict citizens' right to freedom of expression by compelling service providers to delete content posted by anonymous users that is deemed 'offensive or defamatory' toward political parties or candidates.

With elections taking place in Venezuela, Chile, Colombia, Costa Rica, and Mexico in 2018, there are concerns that there may be further public demonstrations, repression, and attempts to control the editorial lines in the press.

"I AM WRITING TO YOU WITH GREAT JOY TO SHARE SOME GOOD NEWS ABOUT MY CASE. ABOUT A MONTH AGO, A BLOCK WAS PLACED ON MY CASE, WHICH IS TO SAY THAT I NO LONGER HAVE CASES PENDING AGAINST ME AND I CANNOT BE IMPRISONED AGAIN.

...

"I AM IMMENSELY GRATEFUL FOR [YOUR] WORK ON MY CASE AND FOR ALL THAT PEN DID IN MY FAVOUR. IN TRUTH, YOUR SOLIDARITY HAS SAVED ME FROM SUFFERING MORE MONTHS IN PRISON. THE WORK THAT YOU CARRY OUT IMMEASURABLY HELPS WRITERS ACROSS THE WORLD WHOSE LIBERTY IS UNDER THREAT. YOUR WORK IS ADMIRABLE."

Colombian poet and student activist, Angye Gaona, on trial since 2011 in a case seen to be deeply flawed and politically motivated, wrote to PEN on learning of the dropping of the charges against her in October 2017.

Americas

Case List

Argentina

HARASSED

***Germán DE LOS SANTOS**: writer, journalist

***Hernán LASCANO**: writer, journalist

Date of harassment: 11 October 2017

Perpetrator: non-state

Details of harassment: On 11 October 2017, three women interrupted the presentation of an investigative book regarding a narco-criminal organisation called Los Monos, which was being held in the auditorium of the Rosario National University (RNU) in central Argentina. The women, thought to be related to imprisoned members of Los Monos, are reported to have threatened and insulted the authors. One of the women is reported to have threatened: ‘ustedes investigaron a nuestras familias, ahora nosotros vamos a hacer lo mismo con las suyas’ (‘you have investigated our families, now it’s our turn to do the same’). Following the interruption, the university authorities decided to cancel the event for security reasons.

Background: De los Santos and Lascano are the authors of *Los Monos: Historia de la familia narco que transformó a Rosario en un infierno* (*Los Monos: the story of the narco family that transformed Rosario into a form of hell*), published in August 2017, which details the Cantero family’s business empire. In November 2017, the book was recognised by the Foro de Periodismo Argentino as the best book of investigative journalism of the year. Ariel ‘Pájaro’ Cantero, led Los Monos, the largest criminal organisation in Rosario until his killing in 2013. The group has been accused of involvement of a large number of murders, robberies, and other criminal acts for which several of the group’s leaders have been imprisoned. De Los Santos has also served as a journalist for *La Nación* and *El Litoral* newspapers while Lascano writes for *La Capital*. Both are reported to have received threats in the past in connection with their investigative reporting.

RELEASED

Pablo KATCHADJIAN

Profession: novelist, poet and university lecturer

Date of birth: 1977

Type of legislation: Intellectual property fraud

Details of trial: A criminal lawsuit was brought against Katchadjian in 2011 by Maria Kodama, widow of the Argentine author Jorge Luis Borges and guardian of the Borgesian literary estate, for alleged ‘intellectual property fraud’ for his 2009 short experimental book *El Aleph Engordado* (*The Fattened Aleph*). The lawsuit was brought on the basis that Katchadjian’s text – which takes Borges’ well known short story *El Aleph* and ‘fattens’ it by adding some 5,600 words of his own to Borges’ original 4,000 – amounted to plagiarism. The charges are based on an archaic intellectual property law (Law 11.723 of 1933, Article 71), which along with the Argentine Penal Code (Article 172), provides for between one month and six years’ imprisonment. The lawsuit was initially dismissed, but Kodama appealed the ruling which resulted in a further review by a lower court. On 18 June 2015, Katchadjian was formally charged with ‘intellectual property fraud’ by the same judge who had originally dismissed the case. The appeals court also froze his assets, imposing an 80,000 peso (c. US\$ 8,800) embargo on his property. On 14 August 2015, a Court of Appeal overturned Katchadjian’s indictment, but did not acquit him. Instead, the court ordered that a court-appointed literary expert should review the book in conjunction with experts selected by each party, and provide a report, thus delaying the final ruling. The review began in late 2016.

Update: On 15 May 2017, the court dismissed the case against Katchadjian.

Background: Katchadjian is the critically acclaimed author of 10 books, including the novels *Gracias* (*Thanks*), *La libertad total* (*Total Freedom*) and *Qué hacer* (*What to do*). His work has been translated into English, French and Hebrew. *El Aleph Engordado* was published in 2009 by Imprenta Argentina de Poesía, a small independent press, in a print run of 200 copies, most of which were reportedly given away to friends. In a postscript to *El Aleph Engordado* dated 1 November 2008, Katchadjian

makes it clear that the preceding text is his expansion of Borges' *El Aleph*. He has reportedly withdrawn his text from his blog and other official channels. There was therefore no intention on his part to pass Borges' text off as his own or, apparently, to make a profit.

Other information: Almost 3,000 writers, intellectuals and other supporters from Argentina and beyond signed an open letter protesting the prosecution of Katchadjian, including César Aira and Carlos Gamerro. A public demonstration took place on 3 July 2015 at the National Library in Buenos Aires, of which Borges was director from 1955-73.

PEN Action: [3 July 2015 Call to action](#); [3 July 2015 Statement](#)

Brazil

KILLED: IMPUNITY

Rodrigo NETO DE FARIA

Profession: host of the 'Plantão Policial' ('Police Shift') show on Radio Vanguardia, press aide for the local mayor and reporter for the daily newspaper *Vale do Aço*

Age: 38

Date of death: 8 March 2013

Perpetrator: State

Details of death: Neto was shot twice by two men on a motorcycle as he was reportedly leaving a local bar he often frequented with a colleague in Ipatinga, Minas Gerais, south eastern Brazil; he died later in hospital. Neto had started work for *Vale do Aço* the week before his murder. According to reports, the journalist had covered police corruption throughout his career and had frequently received threats, especially in relation to his coverage of cases in which police officers were suspected of being involved in local murders. At the time of his death he was reportedly working on a book entitled *The Perfect Crimes*, which investigated several murders in which he suspected police involvement. His reporting had led to his giving testimony to the Minas Gerais state assembly's human rights committee in which he accused police officers of involvement in criminal activity. Local journalists believed that Neto's murder could be related to his work. Neto had reported being followed.

Details of investigation: On 19 April 2013, the chief of police in Minas Gerais confirmed the participation of police officers in Neto's murder. Five police officers were arrested and placed under investigation for Neto's killing and that of his colleague, **Walgney Carvalho**, a *Vale do Aço* photojournalist who was shot dead on 14 April 2013. Investigations revealed that both men were killed by the same gun. The police officers are reportedly suspected of belonging to militia groups that operate in the region, whose activities Neto had been investigating; Carvalho is said to have taken the photographs that accompanied the investigation.

Investigation: up to seven police officers were reportedly investigated for their alleged involvement in the murders, including two who were subsequently convicted.

Trial of perpetrators: On 22 August 2013, police officer Alessandro Neves Augusto was charged with the murder of both men, and another, Lucio Lirio Leal was charged with hiring Neves to carry out the killings. The trial opened in December 2013, and in August 2014, Leal was sentenced to 12 years in prison. In June 2015, Neves was sentenced to 16 years for Neto's murder, and in August 2015 a further 14 years and three months for that of Carvalho. As of 31 December 2017, it was unclear whether an investigation into an alleged mastermind of Neto's murder is still on-going.

DEATH THREAT

*Natalia MALLO (f)

Profession: theatre director and translator

Date of threat: September 2017

Perpetrator: non-state

Details of threat: Mallo is reported to have received death threats in connection with her involvement in the play *The Gospel According to Jesus Queen of Heaven*. According to reports, the tyres of her car were also slashed.

Background: The play, in which Jesus is re-imagined as a transgender woman who tells Biblical stories of tolerance, had been [on tour in Brazil for the past year](#) and has been performed at least 60 times. The play, written by Scottish playwright, **Jo Clifford** (see below), was translated into Portuguese by Mallo who also directed the production. In September 2017, conservative Christian groups, including members of the clergy, attempted to have an injunction imposed on scheduled performances (for more information see Jo Clifford under 'harassed').

ATTACKED

*Gabriel BARBOSA DA SILVA (alias: 'Binho')

Profession: journalist

Date of attack: 28 December 2017

Perpetrator: unknown

Details of attack: Assailants in a silver vehicle reportedly rammed Barbosa da Silva's motorcycle off the road near Embu das Artes, a town in the greater Sao Paulo area, before firing three shots at him, which missed their mark. Barbosa da Silva reportedly sustained a broken ankle from the fall. Hours after the attack, Barbosa da Silva [reportedly](#) received a Facebook message informing him that the attack was a warning and that next time he would be shot in the face.

Investigation: Barbosa da Silva filed a report with the police. He is said to believe that the attack may be in retaliation for some of his recent political cartoons.

Background: Barbosa da Silva is a part-time freelance reporter, cartoonist and photographer for *Verbo Online*, a Sao Paulo based publication. Barbosa da Silva reportedly covered local news items including a controversial rubbish collection tax. According to CPJ, he has previously worked as a freelancer with the left-wing news organizations *Midia Ninja* and *Jornalistas Livres*. He also works full-time as a bus conductor.

HARASSED

*Jo CLIFFORD (f): (British national)

Profession: playwright, writer, performer, poet and teacher

Date of harassment: 15 September 2017

Perpetrator: non-state

Details of harassment: Jo Clifford's play, *The Gospel According to Jesus Queen of Heaven*, was banned at the Sesc Jundiá in Sao Paulo, Brazil. An injunction was placed on the play's scheduled performance on the grounds that it insulted the church. Subsequent performances of the play went ahead in Santo Andre and Rio Preto. However, Clifford reports that the Bishop of Rio Preto called for the play to be banned in a radio broadcast on 18 September 2017. On 20 September, José Antonio Coutinho, a judge in Porto Alegre, rejected an injunction petition filed to prevent performances due to take place during the Porto Alegre Theatre Festival on 21 and 22 September. According to Clifford, the play's director and translator received death threats for her involvement (for more information see **Natalia Mallo** under 'death threat' above).

Background: 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 2015, Jo Clifford wrote *The Gospel According to Jesus Queen of Heaven*. The play, in which Jesus is re-imagined as a transgender woman who tells Biblical stories of tolerance, had been on tour in Brazil for the past year prior to the injunction and has been performed at least 60 times. Its theme is highly topical. According to Rede Trans Brazil, at least 144 transgender women were killed in 2016.

Chile

CASE CLOSED

Bruno SOMMER CATALÁN

Journalist, poet and director of the weekly newspaper *El Ciudadano* was served an 18 months suspended prison term on charges of criminal defamation in June 2015. He had been convicted for an interview published in his newspaper following a defamation complaint from a businessman. Case closed as duration of the suspension expired at the end of 2017. For more information see previous case list.

Colombia

DEATH THREAT

*Salud HERNÁNDEZ-MORA (f)

Profession: author, journalist for the Bogotá newspaper *El Tiempo* and correspondent for the Madrid newspaper *El Mundo*

Date of threat: October 2017

Perpetrator: non-state

Details of threat: According to news reports, Hernández-Mora's name was included among that of six other women, including journalist **Jineth Bedoya Lima**, accused of collaborating with the Revolutionary Armed Forces of Colombia (FARC). The note alleges that Hernández-Mora pretended to be abducted by the National Liberation Army (ELN) in May 2016. In the note, the women are warned to leave Bogotá or they will be shot. The note appeared to be sent by the Bogotá division of *Aguilas Negras* – a group of right-wing, paramilitary organisations. The authorities were said to be investigating its source.

Background: Hernández-Mora, who has both Spanish and Colombian nationality, writes a column for the Colombian newspaper *El Tiempo* and is the Colombian correspondent for the Madrid newspaper *El Mundo*. She is the author of five non-fiction books. Between 21 and 26 May 2016, Hernández-Mora was reportedly abducted by members of the ELN after she agreed to meet with ELN commanders to conduct an interview (for more information see previous Case List).

PEN Action: statement on kidnapping 26 May 2016; statement on release 31 May 2016.

RELEASED

Angye GAONA (f)

Profession: poet, cultural worker and student

Date of arrest: 13 January 2011

Date of release: 21 May 2011

Type of legislation: Drugs offences/'Rebellion'

Details of arrest: She was arrested in Cucuta, Norte de Santander department, near the border with Venezuela, and detained at Buen Pastor Prison in Cucuta for 93 days. Gaona's supporters claimed the real reason for her arrest was her outspoken support for the demands of a labour union in the district where she lives.

Details of release: released on bail without formal charge in May 2011.

Details of trial: She was charged with 'aggravated conspiracy for drug trafficking and rebellion' at a hearing in Cartagena on 23 May 2011. Gaona denied the charges and maintained that the case against her was a set-up and due to her left-wing political sympathies. Her trial began

on 15 February 2012, in Cartagena. There were concerns around the fairness of her trial, including that Gaona was reportedly depicted as a terrorist by the press, that witnesses against her were former members of the armed forces, and that the prosecution used false recordings of allegedly incriminating telephone conversations as evidence against her. In September 2015, Gaona's arrest warrant was finally cancelled, three years after her arrest. The legal case against her continued although with no progress reported due to the repeated postponement of hearings. This may have been due in part to a lack of dedicated legal representation in her case.

Update: Gaona was notified that the case against her has been dropped in October 2017. She thanked PEN for its work on her case.

Background: Born in Bucaramanga on 21 May 1980, Gaona's poems have been published in anthologies and other print and internet publications in Colombia and abroad. In 2009 she published her first book, *Nacimiento Volátil (Volatile Birth)*. Until her detention, she was a student of languages and literature at the Universidad Industrial de Santander, Bucaramanga. Gaona is a former organiser of the Medellín International Poetry Festival and in 2001 organised the International Exhibition of Experimental Poetry, also in Medellín. Prior to her arrest, she organised poetry events in Bucaramanga. She is also said to work as a journalist for community media. (For more details of her case, see previous case lists).

Cuba

HARASSED

*Ubaldo Ramón OLIVERO GUZMÁN (aka UR Olivero)

Profession: writer

Date of arrest: 11 November 2017

Perpetrator: State

Details of detention: Olivero Guzmán, who is a member of the Democratic Party 30 Noviembre "Frank País", was reportedly detained by two state security officers. The arrest took place in Havana's Central Park, when Ubaldo Ramón was with his friends discussing an article written by the leader of the dissident group 'Otro 18', published in the *Diálogo Latino Cubano* magazine. Ubaldo Ramón Olivero Guzmán was reportedly accused of handing out "enemy propaganda".

Details of release: According to the director of the online newspaper La Santanilla, Olivero Guzmán was released shortly after his detention.

Background: Olivero Guzmán has published novels including *Vigilia del Cazador (Insomnia of the Hunter)* and *Vigilia en Buenos Aires (Insomnia in Buenos Aires)*. *Diálogo Latino Cubano* magazine publishes every three months and focuses on democracy and the promotion of universal human rights in Cuba.

Other information: The Cuban government regularly uses brief detention as a means to harass its critics and political opponents (see previous Case Lists). Security officers rarely present warrants.

*Rolando SÁNCHEZ MEJÍAS

Profession: writer

Date of birth: 18 June 1959

Perpetrator: State

Date of harassment: 8 November 2017

Details of harassment: On 8 November 2017, Sánchez Mejías, who has lived in Barcelona for 20 years, was reportedly informed by the Cuban authorities that his request to enter Cuba had been denied. Sánchez Mejías had requested to travel to Cuba in order to visit his ailing mother. No justification for the denial of his passport was provided. Sánchez Mejías believed that the reasons of the denial of his passport were (1) that he is the founder of *Diáspora(s)*, an independent literary magazine, and (2) his open criticism of censorship published in the form of an open letter in *El País* newspaper in 1996.

Background: Rolando Sánchez Mejías has published several fiction and poetry titles, such as *Historias de Olmo (Stories of the Elm)* (2001); *Cálculo de Lindes (Calculation of Front Lines)*; *Derivas (Drifts)* (1994); *Escrituras (Deeds)* (1994). He has also contributed to several anthologies: *Mapa Imaginario: Nuevos poetas Cubanos (Imaginary map: New Cuban Poets)* (1995); *9 poetas cubanos del siglo XX (9 Cuban poets of the 20th Century)* (2009); *Cuentos chinos extraordinarios (Extraordinary tall stories)* and *Cuentos contemporáneos (Contemporary tales)*. Sánchez Mejías founded the Diáspora(s) group in Havana in 1993 as well as the magazine with the same name.

Awards: Premio Nacional de la Crítica de Cuba (National Cuban Critique Award) in 1993 and 1994.

Ecuador

JUDICIAL HARASSMENT

*Fernando VILLAVICENCIO

Profession: journalist and author

Date of harassment: April 2017

Perpetrator: State

Details of harassment: In April 2017, Villavicencio sought asylum in Peru following continued threats made against him and his family, and in light of the issuance of a pre-trial detention order after he was accused, in 2016, of leaking sealed documents (see 'background' for more information). He has reportedly been receiving regular threats thought to be connected to his coverage of alleged corruption in the state-owned Petroecuador. Villavicencio reportedly returned to Ecuador in September 2017 in order to disclose the results of

his investigation into irregularities in petrochemical negotiations conducted by the previous government. In October 2017, the National Court of Justice substituted pre-trial detention for a police ankle bracelet while the case against him is investigated further.

Background: Villavicencio is a journalist, author of *Sarayaku*, his autobiography, and has served as an advisor to an opposition party legislator, Cléver Jiménez. In 2014, he was sentenced to 18 months in prison after being found guilty of defaming then President Rafael Correa. Villavicencio fled into hiding until the National Court of Justice rescinded the sentence in March 2015 (for more information see [2015 Case List](#)). The charges of leaking sealed information, reportedly relate to the publication of excerpts of email correspondence sent by public officials in an article published by Villavicencio in 2013 on Plan V news website. The article was critical of the then government's legal battle with U.S. company Chevron.

Honduras

SENTENCED

Cesario Alejandro Félix PADILLA FIGUEROA

Profession: journalism graduate, student leader, and board member of PEN Honduras.

Type of legislation: Public protest

Details of trial: Padilla 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 has also been subjected to threats and harassment in the same period. PEN International believes that Padilla and his fellow students are being targeted for the exercise of their rights to freedom of expression and assembly. Trial opened on 14 July 2015, and Padilla – 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 him on 17 July 2015 is alleged ‘usurpation’ of UNAH property, under Article 227 of the Honduran Penal Code, after Padilla 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. If convicted, Padilla faces a prison sentence of between two and four years. On 28 June 2016, the prosecution presented its evidence and the Criminal Court was due to issue its sentence in writing. It will also consider the appeal made by Padilla, Cáceres and Ulloa against their suspension from the UNAH in 2014 (see Background below).

Update: On 7 June 2017 Cesario Alejandro Félix Padilla Figueroa – along with fellow students Moisés David Cáceres Sergio Luis Ulloa – 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.

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 arbitrarily 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 have been subject to unlawful 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 Actions: [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](#).

HARASSED

*Jairo LÓPEZ

Profession: journalist and member of PEN Honduras

Date of harassment: 7 February 2017

Perpetrator: unknown

Details of harassment: López became the victim of a smear campaign that falsely identified him as the leader of a criminal gang and emissary of a well-known drug trafficker. López reported that the campaign has led to him receiving threats and that men on motorcycles had been circling his house. PEN believes that the smear campaign is in response to an unfavourable report broadcast on López' TV news programme, which showed the President of National Congress being attacked by protesters at a political gathering in Apacilagua, southern Honduras.

Background: López hosts TV news programme *El Informador* for a local television channel Canal 21 in Choluteca, southern Honduras. He is known for his investigative journalism, covering such topics as local government corruption.

PEN Action: [RAN 04/17 – 23 February 2017](#)

Dina MEZA (f)

Profession: journalist, human rights defender, founding member of PEN Honduras.

Date of threat: Since 2006

Perpetrator: non-state

Details of harassment: Meza's security situation remained a serious concern in 2017. She regularly finds herself under surveillance - of her home, office and movements. For details of previous incidents, see [Case List 2015](#).

Background: Meza has worked for a number of human rights organisations and digital media outlets since 1989. She is the author of the Honduras chapter in *Vamos a portarnos mal: protesta social y libertad de expresion 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). 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. Meza began her work as a human rights defender in 1989. She has been subjected to threats and harassment on a regular basis since 2006, when a lawyer who formed part of her team supporting security guards whose labour rights were being violated was killed. Since then, she has reported being followed, watched and threatened, including receiving death threats and threats of sexual violence. She also reports that her communications have been intercepted and her vehicle sabotaged. None of these incidents have been properly investigated. Meza and her family have had to move house several times since 2012 for security reasons and she left Honduras temporarily in 2013 due to her security situation. PEN International believes that she is targeted for exercising her right to free expression and that her physical security is at risk.

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 Actions: [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](#).

Mexico

KILLED: MOTIVE UNKNOWN

*Filiberto ÁLVAREZ LANDEROS

Profession: poet and journalist

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 Tlaquiltenango, 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' 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 2017.

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](#)

*Javier VALDEZ CÁRDENAS

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 (2) links to his journalism. The Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) has opened an investigation into Valdez Cárdenas' murder. [According to RíoDoce](#), in October 2017, an access to information request regarding the investigation was reportedly denied to avoid prejudicing the investigation. As of 31 December 2017, no one had been apprehended for his murder. [According to news reports](#), members of organised crime are impeding the investigation.

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](#)

KILLED: IMPUNITY

Guillermo FERNÁNDEZ GARCÍA

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 attorney general's office had failed to make headway in its investigation. No further information as of 31 December 2017.

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

JUDICIAL CONCERN

Enrique ARANDA OCHOA

Profession: university teacher and writer

Sentence: 57 years in prison, reduced to 24 years and six months

Expiry: 2022

Date of arrest: 25 June 1996. Aranda has been imprisoned along with his brother, Adrián Aranda Ochoa, since 1996 for allegedly kidnapping the daughter of a politician.

Type of legislation: Criminal

Place of detention: Imprisoned in Reclusorio Sur prison in Mexico City as of October 2010 and believed still to be held there as of 31 December 2017

Details of arrest: Arrested together, the Aranda brothers were accused of several crimes, including kidnap and carrying weapons. They were later charged with kidnapping Lorena Pérez-Jácome, a television presenter and the daughter of an Institutional Revolutionary Party (PRI) politician who has been a senator and presidential spokesman. They were also charged with robbery. The

brothers were allegedly tortured while in the custody of the police and Public Ministry and forced to sign confessions.

Details of trial: In August 1997, both brothers were sentenced to 57 years in prison, confirmed in December that year. The allegations of torture were not taken into account. Following a retrial, the brothers' sentence was reduced to 40 years in January 2005. This was further reduced to 32 years in March 2007 after the robbery charge was dropped, and in December 2008 to 24 years and six months. Enrique Aranda believes his arrest and conviction were due to his political activism and open criticism of the former PRI administration. When he was initially detained he was questioned about his political activities. He claims that the legal process has been marred by political pressure throughout.

Conditions in detention: The brothers filed a complaint against the state for torture and abuse of authority. In May 1999, a medical certificate was issued showing that they had been tortured. In 2002, the Human Rights Commission of the Federal District (CDHDF) issued a recommendation calling for those responsible for torturing the Aranda brothers to be brought to justice and that the brothers should be awarded reparations. The recommendation was accepted by the Attorney General, however it remains unclear as to whether it has been implemented. The brothers requested to be released on parole. In April 2014, the Centro de Derechos Humanos Fray Francisco de Vitoria submitted the case of the Aranda brothers to the UN Special Rapporteur on Torture. No further information as of December 2017.

PEN position: PEN holds no position on Aranda's guilt or innocence. It is concerned by the allegations that he was tortured and calls on the Mexican authorities to implement CDHDF's recommendation.

Background: Enrique Aranda lectured for several years in political psychology at the Iberoamerican University in Mexico and is a former president of the Mexican Association of Psychologists. Since his imprisonment, he has become a prolific writer, having produced six books of poems, short stories, plays, novels and non-fiction. His work has reportedly earned him some 11 national awards. Adrián Aranda Ochoa is an accountant.

DEATH THREAT

*Sanjuana MARTÍNEZ MONTEMAYOR (f)

Profession: journalist and author

Date of threat: June 2017

Perpetrator: non-state

Details of death threat: In June 2017, PEN International received copies of threats received by Martínez Montemayor through social media. The threats form part of an on-going harassment campaign on social media, through which she has been threatened with death and sexual violence. She reports that some social media users have created false accounts in her name in an attempt to discredit her.

Background: A fierce critic of the Mexican government Martínez is the author of at least seven books, among them two books on alleged sexual abuse in the Catholic Church in Mexico, *Prueba de Fe* (Test of Faith) (pub. Planeta, 2007) and *Manto Púrpura* (Purple Cloak) (pub. Grijalbo, 2006), for which she faced harassment and death threats (see July–December 2008 case list). Her most recent book is *Las amantes del poder: los escandalosos usos y abusos del poder público en la vida privada* (The Lovers of Power: the scandalous use and abuse of public power in private life) (pub. Temas de Hoy, 2014). Martínez writes for *SinEmbargo* and *La Jornada* newspapers, and her own website.

PEN Action: International Women’s Day action –9 March 2009; [International Women’s Day 2015 – 8 March 2015; Statement – 26 July 2017.](#)

THREATENED

*Lydia CACHO (f)

Profession: journalist and author

Date of threat: 13 July 2017

Perpetrator: unknown

Details of threat: Cacho was reportedly threatened by a man who approached her car while she was stopped at a traffic light in the streets of Quintana Roo on the Yucatán peninsula. This man reportedly said: “Lydia Cacho, don’t stick your nose into Punta Brava, because there are those belonging to the last letter there [a reference to a known criminal group operating in the area].”

Background: Cacho is an internationally renowned author, journalist and women’s rights activist. Her work includes four non-fiction books: *Los Demonios del Edén* (*The Demons of Eden: The Power That Protects Child Pornography*) (2005), *Memorias de una Infamia* (*Memoirs of a Scandal*) (2008), *Con mi hij@no* (*Not with my daughter/son*) (2009) and *Esclavas del 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*) (2011). As a columnist she reports on people trafficking, organised crime, drug trafficking, gender violence and corruption, among other topics. In addition to her work as a journalist, Cacho founded and directs the Refuge Centre for Abused Women of Cancún and is president of the Centre for Women’s Assistance, which helps victims of domestic violence and gender discrimination. Despite being awarded precautionary protective measures by the Inter-American Commission on Human Rights in 2009, Cacho has continued to be the target of harassment and death threats to this day due to her investigative journalism and activism, which she continues undeterred. In 2005, following the publication of *Demons of Eden*, Cacho was subjected to a year-long criminal defamation lawsuit (see previous Case Lists). In 2011, she received death threats in direct retaliation for her revelation of the names of alleged traffickers of women and girls, which she published both in *Slavery Inc.* and in her columns. In 2012, Cacho felt forced to flee Mexico after she received death threats transmitted through the security system in

her home in late July. She was warned ‘not to mess with us’ or ‘we will send you home in little pieces.’

Awards: Oxfam/Novib PEN Award for Free Expression (2007), the Tucholsky prize from Swedish PEN (2008), the PEN Canada One Humanity Award (2009), English PEN’s PEN/Pinter Prize 2010

Honorary member: Scottish PEN

PEN Action: [Statement – 26 July 2017](#)

Héctor DE MAULÉON

Profession: journalist and author

Date of birth: c. 1963

Date of threat: June 2017 - 16 August 2017

Perpetrator: non-state

Details of threat: [According to Article 19](#), de Mauleón began receiving threats in June 2017 in response to [his coverage](#) of the Tláhuac drug cartel. On 27 July 2017, a video was sent to de Mauleón and writer **Angela Mastretta** via Twitter, which showed a sign with De Mauleón’s name on it informing him that he had been warned to keep quiet and that his assassination had been ordered. On 31 July, De Mauleón reportedly received a letter which warned him that members of the Tláhuac cartel were investigating his whereabouts. On 16 August 2017, a [video was circulated on social media](#) which showed an individual firing a gun at an image of De Mauleón with the words ‘Sr Héctor la sentencia está por cumplirse, la muerte le ha llegado’ (‘Mr Hector, our sentence is about to be enforced, death awaits you.’).

Details of investigation: According to news reports, the police apprehended a suspect in November 2017. The accused – a 24-year-old university student in Veracruz – was ordered to give an apology, which De Mauleón accepted.

Background: De Mauleón received constant and serious threats throughout the course of 2016 (see previous Case Lists for more information).

Other information: De Mauleón a columnist for the daily newspaper *El Universal*, the sub-editor of the magazine *Nexos*, director of the TV program *El Foco* and an author; his books include the short story collections *La perfecta espiral* (*The Perfect Spiral*) and *Como nada en el mundo* (*Like Nothing in the World*), the novel *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; Statement – 24 August 2017](#)

HARASSED

*Carmen ARISTEGUI (f)

Profession: journalist and author

Date of harassment: January 2015 – October 2016

Perpetrator: unknown

Details of harassment: A report released by [Citizen Lab](#) in June 2017 revealed that highly sophisticated malware, sold exclusively to governments, has been used to spy on the mobile telephones and acquire the personal information of Aristegui and her son, along with several other journalists and human rights defenders in Mexico.

Background: Aristegui is a renowned investigative journalist and author of the book, *Transición*, which explores Mexico's political transition. Among the cases identified in the Citizen Lab investigation were those of journalists Carlos Loret de Mola, Daniel Lizárraga and Salvador Camanera; as well as human rights defenders Mario Patron, Stephanie Brewer, Santiago Aguirre, leaders of the human rights organisation, Centro Prodh; Juan Pardiñas and Alexandra Zapata, and directors at the Mexican Institute for Competitiveness (*Instituto Mexicano por la Competitividad*). The evidence, compiled by Citizen Lab from January 2015 to October 2016, suggests a correlation between their work and attempts to infect their devices with malware. Evidence shows that at critical moments in their work, there was an increase in the number of attempts of infection. It is not possible to confirm with certainty who used the malicious software because the spyware does not leave any traces of its origin, it seems likely, however, that it was used by the Mexican authorities as the malware is sold exclusively to governments.

PEN Action: [Statement – 22 June 2017](#)

Nicaragua

HARASSED

*Ernesto CARDENAL

Profession: Poet and priest

Born: 1925

Date of harassment: 12 February 2017

Perpetrator: state

Details of harassment: On 12 February 2017, a Nicaraguan court resumed a legal case against Cardenal. Cardenal was informed via an announcement published in the state newspaper, *La Gaceta*, on 12 February that he could be required to pay US\$800,000 in damages in relation to a dispute related to land located on Solentimane Island. The poet founded a community of artists on the island and created his famous work *The Gospel of Solentiname*. The trial is believed to be politically motivated and in response to his criticism of the government.

Background: Poet and Roman Catholic priest, Ernesto Cardenal's works include *El estrecho dudoso* (*The Doubtful Strait*) (1966), *Oración por Marilyn Monroe y otros poemas* (*Marilyn Monroe, and Other Poems*) (1965), *Salmos* (*The Psalms of Struggle and Liberation*)

(1964), *Homenaje a los indios americanos* (*Homage to the American Indians*) (1969), and *Oráculo sobre Managua* (*Oracles About Managua*) (1973). Having served as a leading figure of the leftist Sandinista movement and later as Minister of Culture, Cardenal left the Sandinista Party in the 1990s after accusing its leadership of monopolising power. The legal procedures in this case were considered finished in 2010, at which time Cardenal was cleared of all charges.

PEN Action: [Statement – 16 February 2017](#)

Paraguay

ON TRIAL

Nelson AGUILERA

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 2017. He reports that he is required to attend court and register each month.

Background: The case relates to a lawsuit filed by writer Maria Eugenia Garay that began in 2010. Garay alleges that Aguilera had plagiarised her adult fiction novel *El túnel del tiempo* (*The Tunnel of Time*), 2005 in the second in his series of children's fiction novels *Karumbita: La patriota* (*Karumbita: The Patriot*) (pub. Alfaguara Infantil, 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](#)

DEATH THREAT

*Teofilo ACOSTA

Profession: poet

Date of birth: 4 November 1946

Date of threat: May 2017

Perpetrator: non-state

Details of threats: According to an article published in [ABC Color on 11 May 2017](#), Acosta, who was seeking the leadership of the Paraguayan Authors Association ([Autores Paraguayos Asociados – APA](#)), received a threatening WhatsApp message, which included the image of a coffin.

Background: Teofilo Acosta, now President of APA, is a bilingual poet, publishing work in Guaraní and Spanish. His collection *Sueños y Cantares* (Dreams and Songs) (1999) compiles 70 of his poems. His poetry has also been set to music. Acosta fled Paraguay in the 1980s, returning after 20 years in exile. Following allegations of corruption and the mishandling of funds within APA, Acosta became part of a group called '[Cambio en APA ya](#),' which sought changes to the organisation including greater transparency.

Peru

HARASSED

Rafael LEÓN RODRÍGUEZ (Rafo LEÓN)

Profession: journalist, author, columnist for the Lima-based weekly newsmagazine *Caretas*, also known for his travel accounts and short stories.

Date of birth: 1950

Date of harassment: 17 October 2017

Perpetrator: State

Details of harassment: [According to media reports](#), the President of Congress threatened to take legal action against León in response to his 5 October column published in *Caretas*. The congressman took objection to the way that León referred to female members of the Fuerza Popular political party. His column '[Reporte desde el baño de damas](#)' ('Report from the ladies' bathroom') published on 5 October was criticised as being sexist, racist and classist.

Background: Rafo León is a journalist, author and columnist for the Lima-based weekly news magazine *Caretas*. León writes his weekly opinion column on

politics and current affairs in the fictional guise of La China Tudela, an upper-class woman from Lima. Between 2014 and 2016 he faced charges of criminal defamation, which stemmed from a satirical opinion piece that he published in his regular column in *Caretas* in June 2014. He was then found guilty of aggravated defamation and handed down a suspended sentence and a fine in May 2016. León was acquitted on appeal in September 2016 (for more information, see previous Case List).

United States of America

JUDICIAL CONCERN

Mumia ABU-JAMAL

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.

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.

Update: 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 detainment 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.

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 Actions: [PEN International Resolution 2014](#)

PEN Actions for journalists in the Americas

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, some in collaboration with other organisations, details of which can be found in the links provided below.

Honduras

Igor PADILLA: *television journalist, murdered*
17 January 2017

Action:

January 2017: Statement [PEN condena el asesinato del periodista Igor Padilla](#)

Mexico

Miroslava BREACH VELDUCEA (f): *journalist murdered*
23 March 2017

Action:

May 2017: World Press Freedom Day [Take action against impunity for crimes against journalists in Mexico](#)

May 2017: Statement [Murder of journalists a terrible blow to freedom of expression and information;](#)

November 2017: Campaign [Day of the Dead 2017](#)

Pedro CANCHÉ, Amir IBRAHIM, and Pina TINZÓN SOLÍS: *Web journalists under death threat*

Action:

July 2017: [PEN condemns recent threats against journalists](#)

Ricardo MONLUI CABRERA: *newspaper director murdered*
19 March 2017

Action:

May 2017: World Press Freedom Day [Take action against impunity for crimes against journalists in Mexico](#)

November 2017: Campaign [Day of the Dead 2017](#)

Gumaro PÉREZ AGUILANDO: *journalist murdered*
December 2017

Action:

December 2017: Statement [Deadly cycle of violence continues as tenth print journalist is gunned down at child's school](#)

Cecilio PINEDA BIRTO: *crime reporter murdered*
2 March 2017

Action:

May 2017: World Press Freedom Day [Take action against impunity for crimes against journalists in Mexico](#)

November 2017: Campaign [Day of the Dead 2017](#)

Cándido RÍOS VAZQUEZ: *reporter murdered*
22 August 2017

Action:

August 2017: [Failure of protection mechanisms exposed by murder of ninth print journalist](#)

November 2017: Campaign [Day of the Dead 2017](#)

Luciano RIVERA SALGADO: *TV reporter murdered*
31 July 2017

Action:

August 2017: [Failure of protection mechanisms exposed by murder of ninth print journalist](#)

November 2017: Campaign [Day of the Dead 2017](#)

Jonathan RODRÍGUEZ CORDOVA: *reporter murdered*
15 May 2017

Action:

May 2017: [Murder of journalists a terrible blow to freedom of expression and information](#)

November 2017: Campaign [Day of the Dead 2017](#)

Maximino RODRÍGUEZ PALACIOS: *crime reporter murdered*
14 April 2017

Action:

May 2017: [Murder of journalists a terrible blow to freedom of expression and information;](#)

November 2017: Campaign [Day of the Dead 2017](#)

Asia and the Pacific

Asia and the Pacific Overview

India: Hansa Sowvendra Shekhar

Writer threatened and harassed for his books

Writer Hansa Sowvendra Shekhar has lived under constant threat since 2015 when a social media campaign was launched against him, calling him a 'pornographic' writer and threatening violence. They have threatened to burn his effigy and his books, and called for him to be sacked from his government job.



China: Yang Tongyan

Death while on medical parole after 12 years in prison

Dissident writer & member of the Independent Chinese PEN Centre, Yang Tongyan was just weeks away from completing his 12 year sentence when, while on medical parole, he died from cancer. He had been imprisoned since December 2005 for his writings published on the internet. Four months earlier, in July 2017, another writer, Liu Xiaobo, also died while on medical parole.

In 2017, the freedom of expression landscape in Asia and the Pacific continued to be marked by entrenched repression, political crackdowns, prosecution and long-term imprisonment. The failure to protect writers and journalists from reprisals for their writing has also contributed to a climate of fear and self-censorship.

Entrenched repression

2017 bore witness to the relentless crackdown on freedom of expression in such countries as the People's Republic of China and the Socialist Republic of Viet Nam, where long-term imprisonment is deeply entrenched and ill-treatment of detainees is commonplace. Here, writers, bloggers, and journalists regularly face severe penalties following prosecutions under vague national security provisions, such as 'inciting subversion of state power' and 'conducting propaganda' against the state, or even 'abusing democratic freedoms'.

Rulings made by international bodies seem to have little influence on the use of such legislation. In November 2017, the Vietnamese courts confirmed the sentence served against blogger **Nguyen Ngoc Nhu Quynh** – popularly known by her pen name Me Nâm (Mother Mushroom) – despite the United Nations Working Group on Arbitrary Detention (UNWGAD) ruling in her favour. *It concluded that the provision 'is so vague and overly broad that it could result in penalties being imposed on persons who have merely exercised their legitimate rights to freedom of opinion and expression.'* *Me Nâm will now serve out her 10-year sentence.*

The June 2017 passage of the Anti-Terror Conspiracy Law in Japan – ostensibly aimed at tackling organised crime ahead of the 2020 Tokyo Olympics – **brings with it concerns that its definitions are** overbroad and could weaken civil liberties.

The dire consequences of such prolonged detention and neglect in prison are no better exemplified than by the deaths in China of award-winning writers and PEN members **Liu Xiaobo** and **Yang Tongyan**. Each were released on medical parole but too late to receive what might have been life-saving treatment. They died shortly afterwards. Their cases bear resemblance to the death of **Huuchinhuu Govruud**, who succumbed to chronic illness exacerbated by her long-term house arrest in Inner Mongolia in October 2016 (see 2016 Case List).

Such patterns of repression have long been apparent in the autonomous regions of China, including Tibet and the Xinjiang Uyghur regions, where ethnic minority writers are often accused of 'inciting separatism' in retaliation for asserting their cultural and linguistic identities. However, writers and journalists in Hong Kong appear to be facing increasing pressure from the mainland: recent reports suggest that there has been a decline in the number of books on display at the Hong Kong Book Fair that might be deemed to be politically sensitive or otherwise 'indecent'. Such inclinations towards self-censorship can only be exacerbated by the cases of three Hong Kong publishers **Gui Minhai**, **Yao Wentian (Yiu Mantin)** and **Wang Jianmin**, two of whom are imprisoned while the third was released under restrictions in October 2017.

Journalists attempting to cover the ongoing conflict in Rakhine state – which has seen the mass exodus of at least 380,000 Rohingya refugees – have faced prosecution in both **Myanmar** and **Bangladesh**, indicating a new arena for the repression of those who attempt to investigate human rights abuses.

Threats and Violence

Across the Asia and Pacific region, writers are threatened, intimidated and subjected to physical and sometimes lethal violence. The failure of the relevant authorities to tackle such attacks and bring the perpetrators to justice can often create a climate of fear and impunity.

Instead of protecting peaceful expression, the authorities often seek to limit expression that is considered by some to be offensive. This is exemplified in the case of award-winning Indian writer **Hansda Sowvendra Shekhar**, who, in the context of growing intolerance and vigilantism, has written works that were deemed to be pornographic and misrepresentative of his own community. In response to protests, which included the burning of Shekhar's effigy and his books, the state authorities seized all copies of his collection of short stories *The Adivasi Will Not Dance* and suspended him from his work as a medical doctor while they evaluated whether to press charges. Such patterns are also evident in **Bangladesh** where the authorities have thus far failed to provide sufficient protection to secular writers targeted by non-state actors. Instead, such writers have been advised by police to avoid contentious topics. Although the fact that no writers were killed in Bangladesh in 2017 is welcome in light of the murders of previous years, the failure of the Bangladeshi authorities to protect its writers from attack has continued to feed the climate of fear and perpetuate self-censorship.

Impunity is a theme that resonates across Asia, where murders, such as those of Cambodian scholar **Kem Ley in 2016** and Indian epigraphist **Dr Malleshappa Madivalappa Kalburgi in 2015**, remain unresolved. Suggestions of authorities' ineptitude at best or collusion at worst can also contribute to a climate of fear. The murders of bloggers and print journalists in India, the Maldives and Myanmar this year adds to the toll.

Criminal Defamation, Insult and Blasphemy

Across Asia and the Pacific, writers and journalists also face prosecution under outdated or vaguely-worded and overbroad provisions such as criminal defamation, insult, blasphemy, and obscenity.

In one of the most absurd cases of 2017, Thai writer and activist **Sulak Sivaraksa** was informed that, if he was considered to have insulted a former Thai monarch who died some 400 years earlier, Sivaraksa could face a military tribunal. Since the 2014 coup d'état, the Thai authorities have regularly subjected civilians deemed to have violated the country's lèse-majesté laws to military tribunals, in contravention of the UN's 'Decaux Principles' that prohibit military trials for civilians.

In the most severe penalty applied in a case of insult, a North Korean court reportedly sentenced the South Korean journalists **Son Hyo-rim**, of *Dong-A Ilbo*, and **Yang Ji-ho**, of *Chosun Ilbo*, and the papers' respective director generals, **Kim Jae Ho** and **Pang Sang Hun**, to death *in absentia* after being deemed to have insulted 'the dignity of the country' in August 2017.

In **Myanmar**, amendments to the Telecommunications Act's defamation provision fell short of changes needed to guarantee freedom of expression online, and left criminal penalties untouched. The Act provides sentences of up to three years for defamation.

'IN ONE OF YOUR POEMS, YOU WRITE OF THE 'COLD AND INDIFFERENT MOON'. THE SAME SKY WITH THIS MOON IN IT REACHES OVER ALL OF US, OVER YOU AND ME, OVER MY FREEDOM AND YOUR OPPRESSION. WHAT WE HAVE IN COMMON IS AS VARIOUS AS OUR DIFFERENCES, BUT ONE THING WE SHARE IS OUR BELIEF IN THE POWER OF WRITING TO CHALLENGE THOSE THINGS THAT LIMIT, OPPRESS, DESTROY, AND DENY. I AM SORRY THAT YOU HAVE EXPERIENCED THIS DENIAL, THIS OPPRESSION SO DIRECTLY, BUT I WANT YOU TO KNOW THAT - WHILST YOUR PUNISHMENT HAS ATTEMPTED TO REDUCE YOU - IN MY EYES YOU ARE MAGNIFIED INSIDE YOUR WORK, YOUR POWER, YOUR COURAGE, AND YOUR LOVE. THANK YOU FOR EVERYTHING YOU HAVE DONE IN YOUR FIGHT FOR A BETTER WORLD.'

Carol Ann Duffy, UK Poet Laureate, pays tribute to Liu Xiaobo, a Nobel Peace Prize winner, writer, human rights activist PEN member and former ICPC president, who died on 13 July 2017.

Asia and the Pacific

Case List

Afghanistan

KILLED: IMPUNITY

Sushmita BANERJEE (f)

Profession: author of the best-selling memoir *A Kabuliwala's Bengali Wife*

Date of death: 5 September 2013

Perpetrator: non-state

Details of death: According to reports, armed men broke into her home and tied up her husband before kidnapping and shooting her at least 20 times. Banerjee's body was left outside a *madrassa* (religious school) on the outskirts of Sharan City, Paktika province.

Details of investigation: On 9 September 2013, local police officials reportedly arrested two men – initially said to be armed militants connected to the [Haqqani Network](#), an affiliate of the Taliban which has connections to Pakistan – in connection with her murder. According to press [reports](#), the suspects confessed to Banerjee's murder. Four men arrested on 11 September 2013 reportedly indicated that the plan was orchestrated in Pakistan by three Pakistani Taliban militants working with a local commander of the Afghan Taliban in Paktika, although, according to the [BBC](#), the Afghan Taliban has denied responsibility for the attack. Banerjee was reportedly targeted by the group because of her critical writings of the Taliban in her memoir and for installing an Internet connection in her house. Banerjee had recently returned to Afghanistan to live with her husband and run a midwifery clinic. She had reportedly been filming the lives of local women as part of her work prior to her death, and was writing a second book. Despite the recent arrests, on 15 September 2013 news [reports](#) indicated that a splinter Taliban group – known as the Suicide Group of the Islamic Movement of Afghanistan – had admitted responsibility for Banerjee's murder via a Western news website, claiming they had killed her because she was an Indian spy. No further information as of 31 December 2017.

PEN Action: [RAN 30/13](#) – 27 September 2013

Australia/Papua New Guinea

HARASSED

Behrouz BOOCHANI

Profession: journalist, writer and 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.

Conditions of detention: According to PEN's information, Boochani has faced harassment for reporting to the Australian media and other organisations on conditions inside the detention centre and human rights abuses alleged to be taking place there. He reports being the target of beatings as a direct result of his reporting.

Update: Boochani was briefly detained by PNG police on 23 November 2017 in [apparent retaliation](#) for his coverage of an operation to close down the Manus Island processing facility.

Current place 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.

Update: In November 2017, the Australian authorities closed the Manus Island Processing Centre in response to an April 2016 PNG Supreme Court ruling that the centre was illegal and unconstitutional, since those seeking asylum in Australia were being forcefully brought into PNG and being held against their will. The men were offered the option of moving into accommodation within the wider PNG community, temporarily relocating to Refugee Transit Centres, [voluntarily transferring to Nauru](#), returning home voluntarily or moving to a third country

where they already have the right to reside. Boochani was relocated to a refugee transit centre. Boochani reported feeling unsafe on the island, but was unable to leave as he does not possess any travel documents.

Background: According to PEN's information, in his native Iran, Boochani worked as a journalist for several newspapers, including national dailies *Qanoon*, *Kasbokar* and *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, which he passes on to the Humanitarian Research Partners (HRP), who in turn pass the information on to the United Nations and its relevant agencies. Boochani has continued to write for several publications while in detention, and has published the first instalment of his book documenting his experiences in detention.

Honorary Member: PEN Melbourne, 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](#).

PEN Position: PEN considers that, in effect, Boochani is marooned on Manus Island and that his indefinite state of limbo has compounded his trauma, and amounts to cruel, inhuman or degrading treatment which is prohibited under international law, as affirmed in the [United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), to which Australia is a state party. The organisation is continuing to call for him to be allowed to enter Australia to seek asylum there.

Australia

DEATH THREAT

*Ellen VAN NEERVEN (f)

Profession: poet

Date of birth: 1990

Date of threats: October 2017

Perpetrator: non-state

Details of threats: In October 2017 the poem 'Mango' by Ellen van Neerven was set among English exam papers for final year Australian school students sitting their High School Certificate (HSC). Following the exam, posts and memes mocking the poem [reportedly](#) began to appear on Facebook groups discussing the HSC, with the largest group containing 70,000 members. This content ranged from making fun of the poem to comments threatening the author. She was personally contacted and insulted

on Facebook and Twitter, notably through an image of a monkey at a typewriter, captioned 'Leaked image of the author of 'Mango''. Van Neerven is of indigenous Australian heritage, so when its reported creator was challenged that this image was racist, he [denied these allegations](#), stating that he was unaware of van Neerven's heritage and that he was referring to the 'Infinite Monkey Theorem' – a theory in popular culture that an infinite number of monkeys sitting at an infinite number of typewriters would eventually reproduce the works of Shakespeare by chance. Racial slurs were also reportedly used to refer to van Neerven on social media platforms. Van Neerven's Wikipedia page was also allegedly defaced so much so that the site's administrators were forced to lock it, preventing further edits. A 60-second song was also uploaded to [Soundcloud](#) and [Twitter](#), with lyrics threatening van Neerven's life. Supporters of the poet online were also reportedly subjected to abuse, whilst fake tweets from their and van Neerven's own accounts were reportedly created and shared in order to incite further hatred. [According to the Guardian](#), no action was taken by the New South Wales Department of Education or Education Standards Authority.

Bangladesh

KILLED: IMPUNITY

Ananta Bijoy DASH (also known as Ananta Bijoy Das)

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.

Update: 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.

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 Biplob* (*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 was 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 Abedin DEEPAN

Profession: publisher at Jagriti Prokashoni publishing house

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, former army major, Syed Ziaul Haque, is the alleged mastermind behind Deepan's murder; he had yet to be apprehended as of 31 December 2016. 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.

Background: Earlier on the same day, publisher **Ahmed Rahim 'Tutul' Chowdhury** and writers **Ranadeep Basu** and **Tareque Rahim** were attacked in the offices of Shuddhashar publishing house in Dhaka (see previous [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 posting on Facebook following the attack on Roy, his friends said.

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

Avijit ROY

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 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. 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 Ansarullah Bangla Team (ABT) 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 ABT 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**.

Update: Three additional suspects were arrested in connection with Roy's murder in November 2017, they include: Md Abu Siddiq Sohel, Mojammel Hossain, and Arafat Rahman. All three men are alleged to be members of the ABT.

Background: Roy founded and administered a popular blog called Mukto-mona (Free Mind) which encouraged free thinking, humanism and rationalism.

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

Rezaul Karim SIDDIQUE

Profession: university professor

Date of death: 23 April 2016

Perpetrator: non-state

Details of death: Unknown assailants with machetes are reported to have attacked the professor of English as he walked to the bus station from his home in Rajshahi, on his way to the city's public university where he taught.

Details of investigation: According to news reports, Islamic State claimed responsibility for the attack. November 2016 news reports state that eight people have been charged in connection with Siddique's murder; reportedly all are members of the banned Islamist militant group Jamaat-ul-Mujahideen (JMB). Of the accused, four were in police custody, one was on the run and three are dead, reportedly killed under crossfire with authorities at various locations across the country. No further information as of 31 December 2017.

Background: Siddique wrote poems and short stories, edited the literary magazine *Komol Gandhar* and was involved with several cultural groups. Siddique reportedly set up a music school at Bagmara, a former bastion of JMB.

PEN Action: [23 April 2016 statement](#)

REPORTED MISSING

*Mubashar HASAN

Profession: academic, commentator

Date reported missing: 7 November 2017

Date returned: 22 December 2017

Perpetrator: unknown

Details: Hasan was reportedly travelling home from a meeting at the United Nations Country Office in a taxi when a group of individuals stopped the car, claiming it had been stolen, then dragged him into another vehicle.

Investigation: Hasan's family filed a report at Khilgaon police station in the early hours of 8 November 2017 and also reported to the Rapid Action Battalion (Bangladesh's elite crime and terrorism unit). News website [thewire.in](#) asserts that a senior member of Bangladesh's ruling Awami League party and another source independently confirmed that after leaving the UN offices, Hasan was abducted by members of the Directorate General of Forces Intelligence (DGFI) – the foreign military intelligence section of the Bangladeshi armed forces – with one of the sources specifying the 'political wing' of the DGFI. However, personnel in the DGFI denied such allegations.

Conditions in detention: According to multiple sources, Hasan claims that he was kept locked in a single dark room containing a dirty mattress on the floor and a single, sealed window. His hands were reportedly tied behind his back. Hasan has stated that the group of four to five men who abducted him seemed to be looking for ransom, talking about money often and allegedly taking Tk27,000 (approx. US\$326) from him. Despite this, the men did not request any particular amount of money or method of payment. A police officer reported no findings that a ransom had been exchanged. The academic has also reported that he heard his captors discussing whether to kill him.

Release: On 22 December 2017, 45 days after his abduction, Hasan's captors reportedly dropped Hasan on the roadside near Hazrat Shahjajal International Airport. His family described him as being in good health yet traumatised; he did not show signs of torture. The family stated that they did not wish to file charges.

Background: Mubashar Hasan is a political science lecturer at prominent Bangladesh institution, the North South University. He is a prolific academic writer, whose research has largely focused on political Islam, and he has worked as a journalist and political commentator for numerous media outlets. In 2017 Hasan was a network research fellow of the US-funded Resolve Network, an initiative researching the sources of extremism and conflict worldwide. At the time of his disappearance, he had recently founded [Alchonaa.com](#), 'a non partisan, non governmental and non religious platform seeking to promote debate across a range of social, and or, political topics'. The *Dhaka Tribune* has suggested that Hasan's abduction may have been due to the contentious nature of an upcoming collection of his essays, stating that Facebook posts promoting the book had been removed from his profile in the days following his abduction. His research on Islamism, former involvement with the news website [bdpolitico.com](#), and his general status as prolific and prominent liberal critic have also been put forward as possible causes of his disappearance. Hasan's case reportedly bears certain similarities with that of journalist Utpal Das. Both men are reported to have been abducted in a minibus and kept in similar conditions around the same time, while both sets of captors are alleged to have never specified conditions of a ransom exchange. Das was released two days before Hasan. In December 2017, the Dhaka Tribune counted fourteen similar recent kidnappings without specific demands for specific demands for ransom.

ON TRIAL

Shamsuzzoha MANIK

Profession: translator and publisher

Date of arrest: 15 February 2016

Date of release: 31 October 2016

Type of legislation: other

Details of arrest: Manik was reportedly arrested after a religious extremist group known as Khelefath 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 still ongoing before the Cyber Tribunal as of 31 December 2017.

Details of release: Manik was reportedly released on bail on 31 October 2016. His case is now pending before the Cyber Tribunal.

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. Manik is reported to be the book's translator and publisher. Two others are also reported to have been arrested. They are: Fakir Taslim Uddin Kajal, an employee at the publishing house, and Samsul Alam Chanchal, Manik's brother and a writer. PEN International is seeking further information on their situation to determine if they are also of concern to PEN.

Matiur RAHMAN

Profession: editor of *Prothom Alo*

Date of birth: 2 January 1946

Type of legislation: defamation/insult

Details of trial: According to [reports](#), 55 cases of defamation and 'hurting religious sentiments' were filed against Rahman in February 2016, the newspaper itself and some of its journalists. Rahman has been granted bail in many of the cases.

Background: The charges appear to stem from a cartoon published in 2007 in *Alpin*, a supplement of *Prothom Alo*, the highest circulated newspaper in Bangladesh. The cartoon culminated in a joke using the name of the Prophet Muhammad. A predominantly Muslim country, members of the public, as well as religious clerics objected to the cartoon, resulting in public protests and the detention of the cartoonist (see previous [Case List](#)). The charges also related to a series of articles which *Prothom Alo* ran on alleged irregularities in purchases by a local government office. The cases are thought to be part of a wider pattern of harassment of independent newspapers in Bangladesh, who provide critical coverage of the government in Bangladesh. Rahman reportedly continues to pursue an editorial policy of strengthening democracy and establishing fundamental human rights.

JUDICIAL CONCERN

Shafik REHMAN

Profession: writer, journalist and political activist

Date of birth: 11 November 1934

Date of arrest: 16 April 2016

Type of legislation: other – criminal conspiracy

Details of arrest: Rehman was reportedly arrested without a warrant on 16 April 2016, when three plainclothes police officers of the Detective Branch gained entry to his home in Ershad by pretending to be journalists. According to news sources, Rehman was informed that his arrest was in connection with a criminal case, filed in 2015, of conspiracy to kidnap and murder Sajeeb Wazed Joy, the son of Prime Minister Sheikh Hasina. The case reportedly stemmed from statements made by Wazed, in which he claimed that a court case tried in the US was related to a Bangladesh Nationalist Party (BNP) plot to kidnap and kill him. Rehman's name does not feature in either the General Diary or First Instance Report complaints, filed in April 2015 and August 2015 respectively, which discussed the alleged kidnap plot, according to reports.

Details of trial: On 17 July 2016, the Supreme Court granted Rehman permission to appeal his detention. On 30 August 2016, the Supreme Court ruled that he should be granted a three-month bail and on 6 September 2016 he was released from Kashimpur Jail on bail.

Update: [According to media reports](#), the police have repeatedly failed to submit a report of their investigation to the Dhaka Metropolitan Magistrate's court since the case was filed in 2015. In February 2017, Rehman was able to [leave](#) Bangladesh for the UK to visit his ailing wife. He has dual Bangladesh/UK citizenship.

Health concerns: Rehman suffers from diabetes and high blood pressure, as well as hypertension. His health is reported to have deteriorated considerably over the course of his detention.

Background: A dual British and Bangladeshi national, Rehman is an 81-year-old writer, editor and former speech-writer for former Prime Minister and BNP opposition leader, Khaleda Zia. A trained accountant, Rehman began his career as a journalist in the 1980s editing the weekly magazine *Jai Jai Din*, where he gained notoriety for his criticism of the government during General H M Ershad's caretaker government. The magazine was banned by the military regime, but later reopened, going on to become a daily newspaper in 2006. Rehman is also one of the original founders of [Spectrum Radio](#), based in north London. In 2015 he reportedly published his book, *Mrittudondo: Deshe Bideshe, Juge Juge*, a critique of the death penalty. Rehman is also a popular television show host. Rehman is now the editor of the popular Bengali monthly magazine *Mouchake Dhil* (roughly translating to *Provoking the Beehive*) while also serving as convener of the international affairs committee of the opposition BNP.

PEN Position: PEN International believes that Rehman has been targeted for his political activities and not for his writing and thus the organisation's concern focuses around his right to a fair trial and to his conditions of detention, including his access to medical treatment.

CASE CLOSED

Muhammad Ruhul Amin KHANDAKER

Profession: Jahangirnagar University teacher

Sentence: three years in prison and a fine of Bangladeshi Taka 10,000 (c. US\$125), failure to pay would reportedly increase his prison term by another six months.

Type of legislation: national security

Details of trial: On 18 August 2011, the High Court asked Khandaker to explain within two weeks why he should not be prosecuted for his 'derogatory comment' made in a Facebook post, where he wished the Prime Minister's death. When he failed to respond, the court sentenced him *in absentia* to six months in prison for contempt of court and ordered police to start a sedition case against him. On 7 August 2015, a Dhaka court reportedly sentenced Khandaker *in absentia* to three years in prison for sedition.

Other information: Khandaker has been in Australia since 2009 on study leave. On 11 January 2016, Khandaker was reportedly fired by Jahangirnagar University alongside his Assistant Professor Mufti Mahmud.

Case Closed: Case closed due to lack of information.

Cambodia

KILLED: IMPUNITY

Kem LEY

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.

Other information: In January 2017, Al Jazeera released a documentary entitled *Cambodia's Deadly Politics*, which doubted many aspects of the court case, implied that the killing was orchestrated by the state, and reported a meeting between senior military officials and Oeuth Ang a week before the murder took place. In March 2017, 50 armed men reportedly shut down a small screening of this documentary held by a student organisation. Its four organisers were detained and questioned for several hours. A government spokesman accused the four, who were released after thumb-printing a contract agreeing not to screen the film without permission, of running an illegal political organisation. Prime Minister Hun Sen has personally sued three people for insinuating that the government was behind Ley's death.

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.

PEN Actions: PEN statement – 1 August 2016

SENTENCED

Yorm BOPHA (f)

Profession: activist and protest songwriter

Sentence: three years in prison, reduced to two years on appeal.

Date of arrest: 4 September 2012

Date of release: 22 November 2013

Type of legislation: Other – violence

Details of arrest: Bopha was arrested for allegedly planning an assault on two taxi drivers in August 2012. At the time of her arrest, she was active in her community's struggle against forced evictions related to a land conflict at Boeung Kak Lake in Cambodia's capital Phnom Penh.

Details of release: On 22 November 2013, Bopha was released on bail by the Supreme Court, pending a re-hearing of her case by the Court of Appeal.

Details of trial: On 27 December 2012, the Municipal Court in Phnom Penh convicted Bopha of 'intentional violence with aggravating circumstances', sentencing her to three years' imprisonment. Concerns were reportedly raised surrounding the conduct of her trial; witness

testimonies were inconsistent, sometimes conflicting with each other, and some witnesses admitted to being intoxicated when the alleged crime occurred. It is widely believed that Bopha is being persecuted for her activism protesting forced evictions in the Boeung Kak community. In late June 2013, the Court of Appeals upheld her conviction, although the sentence was reduced to two years. Bopha was released on bail in November 2013. On 28 June 2016, following a retrial, the Court of Appeal reportedly found Bopha guilty of ‘intentional violence with aggravating circumstances’. Bopha was given a three-year prison sentence, which took into account the fourteen months she spent in prison, with the remainder of her sentence suspended. She was also ordered to pay the alleged victims 10 million riel (c. US\$ 2,500). The court sentencing occurred despite the prosecution’s failure to produce any credible evidence linking her to the alleged attack, according to media reports.

Update: In December 2017, Bopha claimed that she was still being monitored by authorities despite a retreat from activism.

Background: Bopha writes protest lyrics to popular song tunes which are then chanted at demonstrations.

Awards: Recipient of the James Lawson Award 2014 from the International Center on Nonviolent Conflict at Tufts University

PEN action: Call to Action – 14 October 2013; Call to Action Update #1 – 26 November 2013. Bopha was unable to attend a side event organised by PEN and ARTICLE 19 during the 18th Session of the Universal Periodic Review held in Geneva in February 2014 under which Cambodia was to be examined as she was unable to obtain a passport in time. She gave her testimony via video link.

China

DEATH IN CUSTODY

LIU Xiaobo

Profession: prominent dissident writer, former President and Board member of the Independent Chinese PEN Centre and 2010 Nobel Peace Laureate.

Date of birth: 28 December 1955

Date of death: 13 July 2017

Legislation: national security

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

Perpetrator: state

Details of death: In late May 2017, Liu was diagnosed with late-stage liver cancer. Liu Xiaobo’s lawyers informed the media that he had been “released on bail for medical treatment” on 23 June and transferred from Jinzhou Prison to China Medical University No. 1 Affiliated

Hospital in Shenyang, Liaoning Province, to treat his late-stage liver cancer. Liaoning Prison Bureau Administration confirmed his hospitalization on its website, stating that Liu was being treated by eight people it described as “well-known tumour specialists.” Liu was reportedly admitted to hospital under a pseudonym so that journalists and others would be unable to find him, with only his wife Liu Xia and possibly her brother Liu Hui being granted access to the poet, themselves unable to contact others. On 27 July two independent doctors from Germany and the US, were reportedly permitted to see Liu. Contrary to the position of the Chinese government, they declared Liu fit for travel. It is unknown to what extent Liu and his family were given access to the results of his medical examinations, if at all. In a statement, Shenyang local officials announced that Liu had died due to multiple organ failure after being transferred to intensive care on 10 July. Liu Xiaobo was reportedly not in pain at the time of his death.

Background: On 8 December 2008, Liu was arrested for signing Charter 08, a declaration calling for political reforms and human rights. He was held under Residential Surveillance, a form of pre-trial detention, at an undisclosed location in Beijing, until he was formally charged with ‘inciting subversion of state power’ on 23 June 2009. The charge is said to be based on his endorsement of Charter 08 and articles published between 2001 and 2008. On 25 December 2009 Liu was sentenced to 11 years in prison and two years’ deprivation of political rights on charges of ‘incitement to subversion of state power.’ On 11 February 2010, a Beijing Court rejected his appeal.

Other information: Liu first received support from PEN in 1989, when he was one of a group of writers and intellectuals given the label the ‘Black Hands of Beijing’ by the government, and arrested for their part in the Tiananmen Square protests. Prior to his current detention, Liu had spent a total of five years in prison, including a three-year sentence passed in 1996, and has suffered frequent short arrests, harassment and censorship.

Awards: Recipient of the 1990 and 1999 Hellman-Hammett Grant; People in Need (Czech) 2009 Homo Homini Award; PEN America Centre 2009 Freedom to Write Award; 2010 Giuseppe Motta Medal; German PEN 2010 Hermann Kesten Medal; HRW 2010 Alison Des Forges Award; 2010 Nobel Peace Prize; PEN Canada 2012 One Humanity Award; and National Endowment for Democracy 2014 Democracy Award. His wife, **Liu Xia** (see ‘Detained: Main Case’ below), was unable to travel to Norway in 2010 to receive the Nobel Prize on his behalf and remains under house arrest. Many of his supporters have been arrested or harassed since this prize was announced.

Honorary Member: Honorary President of ICPC, and Honorary Member of PEN America and Canada, and Czech, English, German, Iceland, Portuguese, Scottish, Sydney and Swiss-Italian PEN Centres.

PEN Action: Worldwide reading appeal March 2012; Statement – 10 December 2012; Action – 7 February 2013; Statement – 6 December 2013; Call to Action – 8 December 2014; Open petition to President Xi Jinping – 8 December 2016; Statement – 26 June 2017; Statement of death – 13 July 2017

YANG Tongyan (also known as Yang Tianshui)

Profession: dissident writer and member of Independent Chinese PEN Centre (ICPC)

Date of birth: 12 April 1961

Date of death: 5 November 2017

Sentence: 12 years in prison and four years' deprivation of political rights

Details of death: Yang died of an aggressive form of brain cancer in a Shanghai hospital on 7 November 2017, just three months after being released from Nanjing prison on medical parole on 16 August 2017. He had undergone an operation to remove a tumour on 23 August 2017. His family had only learnt of his diagnosis on 12 August. Repeated requests to permit Yang to seek medical treatment abroad were reportedly denied.

Background: Yang – who also wrote under the pen name Yang Tianshui – was a dissident writer and member of the Independent Chinese PEN Centre (ICPC). Arrested in December 2005, he had been serving a 12-year sentence for 'subversion' in connection with his writings. Yang was known for his critical writings published on dissident news websites such as Boxun.com and Epoch Times. He spent a decade in prison from 1990 to 2000 on 'counter-revolution' charges for his involvement in the 1989 pro-democracy protests. He was due to be released later this year on completion of his sentence.

Awards: Recipient of Independent Chinese PEN Centre's 2006 Writer in Prison Award; and the 2008 PEN/Barbara Goldsmith Freedom to Write Award.

Honorary Member: PEN Canada, Italian PEN, and PEN America.

PEN Action: [Open petition to President Xi Jinping – 8 December 2016](#); [Statement – 17 August 2017](#); [Statement – 8 November 2017](#)

IMPRISONED: MAIN CASE

CHEN Shuqing

Profession: dissident writer, activist and member of ICPC

Date of birth: 26 September 1965

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

Date of arrest: 11 September 2014

Type of legislation: national security

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

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

Profession: freelance writer and activist

Date of birth: 21 February 1969

Sentence: nine years in prison and two years' deprivation of political rights.

Expires: 2020

Date of arrest: 21 February 2011

Type of legislation: national security

Details of arrest: Chen was reportedly 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: Jualing 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.

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)

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.

Expires: 2021

Date of arrest: 29 November 2011

Type of legislation: national security

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 has decided not to appeal the verdict.

Conditions in detention: In early February 2012, Chen's wife reported that she was allowed to visit him in prison and that he had serious frostbite in his fingers. Prison officers refused to accept the extra pieces of clothing she had brought for Chen. Following another visit in late December 2014, she reported that his health remained of concern and that his application for medical parole had been rejected. There were also 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: In January 2015, Chen reportedly told his wife that he received inadequate treatment for chronic diarrhoea.

Background: 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)

Profession: writer, blogger and businessman

Date of birth: 1962

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

Expires: 9 March 2020

Date of arrest: 10 September 2013

Type of legislation: other

Details of arrest: Dong was initially arrested for allegedly posting false information on line 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.

GUO Quan

Profession: academic, internet writer and activist

Date of birth: 8 May 1968

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

Expires: 2018

Date of arrest: 13 November 2008

Type of legislation: national security

Details of arrest: Guo was reportedly arrested at his home in Nanjing, capital of Jiangsu province. At the time of his arrest, police confiscated articles and a computer belonging to Guo. He was held incommunicado at Nanjing City Public Security Bureau.

Current place of detention: Pukou Prison, Nanjing, Jiangsu Province.

Details of trial: Guo was formally charged with 'subversion of state power' on 19 December 2008. On 16 October 2009, a court in Jiangsu province sentenced Guo to 10 years in prison and three years' deprivation

of political rights for his pro-democracy activities and critical writings. The charges are reported to relate to a series of articles entitled 'Herald of Democracy', posted online between mid-2007 and November 2008, and for founding the opposition China New Democracy Party (CNDP). His sentence was upheld on appeal on 25 December 2009.

Background: Guo is a former criminal-court judge and literature professor at Nanjing Normal University; however, due to his political activities he has been banned from teaching. Previously he has written several open letters to Chinese leaders and was frequently briefly detained by police, most recently in May 2008 when he spent 10 days in prison after criticising the government's response to the 12 May 2008 Sichuan earthquake.

Awards: Recipient of the 2011 Hellman/Hammett Award.

Honorary Member: ICPC, Uyghur PEN and Guatemalan PEN.

PEN Action: 2 December 2008 - RAN 63/08; 2 November 2009 Update #1.

*HU Shigen

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

Date of birth: 14 November 1955

Date of arrest: first detained 10 July 2015, arrested 8 January 2016

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

Legislation: national security

Details of arrest: On 10 July 2015, Hu was reportedly apprehended by police and criminally detained the following day. His family were not notified of his detention nor were their subsequent enquiries to police as to his whereabouts answered, according to Chinese Human Rights Defenders. 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 to not 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 and as of July 2017 he had twice been sent to hospital for emergency medical treatment.

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, established by former PEN main case Kang Yuchun, 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 counterrevolutionary organisation' and of 'counterrevolutionary 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

JIN Andi

Profession: freelance writer

Date of birth: 23 May 1953

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

Expires: January 2019

Date of arrest: 19 September 2010

Type of legislation: national security

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; providing background information, revising drafts and disseminating the articles.

Current place of detention: Xi'an Prison in Shaanxi Province

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.

Health Concerns: Jin’s mother [told the Committee to Protect Journalists \(CPJ\)](#) that her son suffers from severe diabetes and that the prison hospital recommended that he be granted medical parole in 2016 to seek better treatment. Prison authorities reportedly rejected that recommendation on the grounds that Jin had not pleaded guilty to the charges. In September 2017, Jin reportedly experienced diabetic ketoacidosis – a potentially life-threatening complication caused by a shortage of insulin – and fell unconscious. He was taken to the prison hospital to recover and has remained there since, according to CPJ. Xi’an Prison officials told Jin’s family that Jin may be granted medical parole, but did not specify when. Jin’s family is allowed to visit once a month, according to Jin’s mother.

LI Bifeng

Profession: activist, novelist and poet

Date of birth: 3 March 1964

Sentence: 10 years in prison

Expires: 7 September 2021

Date of arrest: 8 September 2011

Type of Legislation: other – fraud

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 he was handed down a 12-year prison sentence. On 25 June 2013, this was reduced to 10 years on appeal. 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.

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](#). Li’s case exemplifies the vague legal wording of ‘economic crimes’; this vagueness is often exploited in order to suppress political dissent in China.

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

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: 2020

Date of arrest: 15 September 2010

Type of legislation: national security

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

Current place of detention: In February 2012 Li was transferred to Huangzhou Prison, Tuanfeng County, 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 Xianbin

Profession: dissident writer and activist

Date of birth: 25 August 1968

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

Expires: 7 June 2020

Date of arrest: 28 June 2010

Type of legislation: national security

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.

Conditions in detention: According to reports, Liu has been forced to carry out daily labour lasting 13 hours.

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

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

Date of arrest: 8 July 2014

Type of legislation: national security

Details of arrest: Lü was arrested from his home in Hangzhou, after approximately 20 policemen 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, 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: Lü's wife told Radio Free Asia that he suffers from high blood pressure and diabetes. Lü's daughter reported that her father's health has 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 following 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.

Background: Lü is an ICPC member and former PEN Main Case 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 previous Case List).

Awards: recipient of 2008 ICPC Writer in Prison Award

LU Jianhua (pen name: Wen Yu)

Profession: writer and academic

Date of birth: 3 July 1960 **Sentence:** 20 years in prison

Expires: April 2025

Date of arrest: April 2005

Type of Legislation: national security

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

Details of trial: According to reports, Lu was arrested in April 2005 on the suspicion of 'leaking state secrets'. On 18 December 2006, he was sentenced to 20 years in prison. This conviction reportedly relates to research articles which 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 reportedly found it especially concerning that Lu's trial was held in secret and reportedly only lasted for 90 minutes.

Conditions in detention: Lu is reportedly being held incommunicado. His wife is not allowed access to him.

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.

***WANG Jianmin: (US national)**

Profession: journalist, publisher, editor, literary commentator

Date of Birth: 11 March 1953

Sentence: five years and three months' imprisonment and a fine

Expires: 30 September 2018

Date of arrest: 30 May 2014

Type of Legislation: other

Details of arrest: On 30 May 2014 Wang was detained by police in the south-eastern city of Shenzhen for operating an illegal publication. Wang, his wife, and his father were reportedly removed by police from their property in Shenzhen; Wang's wife and father were released the next day on bail. Wang was formally arrested on 4 July 2014.

Current place of detention: Detention Center of Nanshan District, Shenzhen City, Guangdong Province

Details of trial: The ICPC states that his hearing was initially set for 28 March 2014 before being postponed. On 5 November that year, he was tried by Nanshan District Court and pleaded guilty to charges of illegal business operations, as well as related charges of bribery and bid-rigging. The defence reportedly stated that the magazines' eight mainland subscribers. (Shenzhen is a Special Economic Zone where foreign firms can invest and trade without the same controls in the rest of the China mainland). All allegedly friends of the publisher, they accounted for 66,000 yuan (c. US\$ 10,500) of their total revenue, less than half the of 150,000 yuan minimum needed to raise the offence to the level of running an illegal business. Wang's lawyer is reported to have said that the bribery charge was unfounded. The bid-rigging charge is reported to relate to the winning of a contract to write a market research report for a state-owned oil company. Wang is reported to have stated in court that 'the trial was fair and I'm grateful for the [Communist] Party's and the government's education.' Although Wang is a US citizen and Hong Kong ID cardholder, his being in mainland China at the time of arrest was reportedly used to give the Chinese government jurisdiction over his business. Wang reportedly made frequent trips across the border to Shenzhen, and, at least on the occasion of his arrest, entered Shenzhen on a China-issued 'home return permit' and not his US passport, preventing him from receiving any consular assistance from the US. Requests by US officials to visit Wang or attend his trial were repeatedly denied. On 26 July 2016,

Sentence: Wang was sentenced to five years and three months' imprisonment and a 200,000 yuan fine (approx. US\$31,530).

Background: Wang's magazines, *Multiple Face* and *New-Way Monthly*, are reportedly two of many political gossip magazines popular with mainland visitors to Hong Kong and are said to feature articles about China's political leaders. Some copies were reportedly sent to subscribers in mainland China. The persecution of Wang takes place within the wider context of Beijing's crackdown on Hong Kong's publishing industry. Wang is reported to have worked briefly for the Overseas Chinese Affairs Office, a central Chinese government department, before going to the US and earning a master's degree in journalism.

Other information: Wang's editor-in-chief, Guo Zhongxiao, was taken by police from his property in Shenzhen on 30 May. He appeared in court with Wang on 5 November 2015 and was sentenced to two years and three months' imprisonment and a fine of 50,000 yuan (c. US\$ 7,885) on 26 July 2016. He is reported to have stated in court that he and Wang 'published unverified news and have tarnished the image of the party and the government.' Meanwhile, Liu Haitao, described as an assistant editor or freelance contributor, pleaded guilty to charges of illegal business operations and was sentenced to two years' imprisonment suspended for three years. Another employee, Luo Sha, was reportedly also tried in November at a separate trial on the bid-rigging and bribery charges. Wang's wife, Xu Zhongyun, is reported to have helped post magazines to mainland China, and, having pleaded guilty to charges of illegal business, was sentenced to one year's imprisonment suspended for two years on 26 July 2016 and released free on probation.

Honorary member: ICPC

***XIE Fenxia (pen name: Xie Wenfei)**

Profession: internet writer, poet, and activist

Sentence: four-and-a-half years' imprisonment to be followed by three years' deprivation of political rights

Expires: 3 March 2019

Date of arrest: 3 October 2014

Type of legislation: national security

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 reportedly 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'.

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

XU Zhiqiang (also known as Shengguan)*Profession:** monk and writer**Date of birth:** 29 December 1961**Date of arrest:** 17 May 2014**Sentence:** four years' imprisonment and three years' deprivation of political rights**Expires:** 17 May 2018 (political rights restriction ends May 2021)**Type of legislation:** national security**Details of arrest:** On 17 May 2014, three days after Xu had hosted a seminar in Wuhan to commemorate the 25th anniversary of the Tiananmen Square pro-democracy movement, Xu was reportedly detained and charged with 'picking quarrels and provoking trouble.' He was formally arrested on 25 June the same year.**Current place of detention:** According to ICPC, Xu is being held in Jian'an District Detention Centre, Wuhan City, Hubei Province**Details of trial:** Almost a year later, Xu was tried on charges of 'inciting subversion of state power'. The verdict was announced by the Wuhan Intermediate People's Court on 8 April 2016.**Background:** According to ICPC, Xu co-authored several travel books in the 1990s. After 2002, when he became a Buddhist monk, he primarily published Buddhist essays and stories.**Honorary member:** ICPC**YANG Maodong (aka Guo Feixiong)****Profession:** dissident writer, independent publisher and civil rights activist**Date of birth:** 2 August 1966**Sentence:** six years in prison**Expires:** August 2019**Date of arrest:** 8 August 2013**Type of legislation:** other**Details of arrest:** Yang's arrest followed his involvement in anti-censorship and anti-corruption protests and he was held without charge for more than four months without access to his lawyer until 14 November 2013. According to his lawyer, Yang was denied bail due to accusations that he had destroyed evidence and interfered with witnesses – a supposition which his lawyer denies.**Current place of detention:** Guangdong's Yingde Prison**Details of trial:** On 31 December 2013 it was reported that Yang had been formally charged with 'incitement to disturb public order'. His trial on 28 November 2014 reportedly lasted nearly 18 hours – during which time the defendants were denied food – and ended without verdicts for the defendants. On 27 November 2015, Yang was sentenced to six years in prison by the GuangzhouMunicipal Tianhe District People's Court on charges of 'gathering crowds to disrupt order in public places' and 'picking quarrels and provoking troubles'. On 4 December 2015, Yang made an appeal to the Guangzhou Municipal Tianhe District People's Court challenging the validity of the ruling and requesting a re-trial. Among the arguments made were: the extraction of witness testimony under torture and beating, and failing to prove that he disrupted order in public spaces on the date of his protest activities in January 2013. On 16 January 2016, reports indicated that Yang's appeal was rejected and his conviction and six-year sentence upheld. Yang is reported to have refused to sign a new appeal after prison authorities requested that he delete part of his statement.**Conditions of detention:** Between 2 May and 18 August 2016, Yang reportedly conducted a hunger strike in protest at his treatment. During Yang's protest, his health condition reportedly significantly deteriorated. According to reports, 400 rights activists conducted a relay hunger strike across China in support of Yang. Following his transfer to Guangdong Yingde Prison's hospital, his sister, a physician, was reportedly denied permission to visit him.**Update:** Speaking at an NGO event in August 2017, Yang's wife reportedly told attendees that Guo had been subjected to cruel and degrading treatment, including being subjected to sleep deprivation, kept in a confined space and being denied outdoor breaks.**Background:** Yang has previously been detained, and was released on 13 September 2011 on completion of a five-year prison sentence for 'illegal business activity', although it is believed that he was targeted for his critical writings and civil rights activism. He reported that he was severely ill-treated and tortured during this five-year detention. He was a Main Case of PEN International during his imprisonment.**Awards:** 2015 Front Line Defenders Award for Human Rights Defenders at Risk**Honorary Member:** ICPC.**YAO Wentian (also known as Yiu Man-tin)****Profession:** publisher and former chief editor of the Hong Kong-based Morning Bell Press**Date of birth:** 11 July 1941**Sentence:** 10 years' imprisonment**Expires:** 2023**Date of arrest:** 27 October 2013**Type of legislation:** other**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; and 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.

Update: 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.

Background: 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 which 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

ZHU YUFU

Profession: dissident poet and member of the ICPC.

Date of birth: 13 April 1953

Sentence: seven years in prison and three years' deprivation of political rights.

Expiry: 2018

Date of arrest: 5 March 2011

Type of legislation: national security

Details of arrest: Reportedly arrested on 5 March 2011 and charged on 10 April 2011 by the Public Security Bureau of Hangzhou City, Zhejiang Province, for his critical writings, in particular his poem 'It's Time'. The poem appears to have drawn the authorities' attention due to its release at the time of a series of pro-democracy protests, known as the Chinese Jasmine Revolution.

Current place of detention: Zhejiang Provincial No.4 Prison, P.O. Box 50, Hangzhou City 311100, Zhejiang Province

Details of trial: On 10 February 2012, a court in Hangzhou sentenced Zhu to seven years in prison for

'inciting subversion of state power'. Zhu's wife and son were present at the hearing. On 7 May 2012, his appeal was reportedly rejected.

Conditions in detention: In February 2017, on a visit to her husband, Yufu's wife reportedly learnt that her husband had been attacked by a prison officer in a dispute about the length of his beard. Hitting his head on concrete, Yufu blacked out and required emergency medical treatment.

Health concerns: In November 2012, Zhu was reported to be in very poor health and that he was being denied adequate health care, food and medication. In October 2013, prison authorities refused to allow a US doctor to visit him. According to reports, his family has repeatedly requested medical parole since his arrest without success. He reportedly suffers from life-threatening conditions, including: heart disease, cerebral vascular sclerosis, hyperlipidemia, lumbar disc hernia, cholecystitis, prostatitis and hypertension. Family members are increasingly concerned about his health, especially his psychological welfare.

Background: 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

DETAINED: MAIN CASE

LIU XIA (f)

Profession: poet and artist, founding member of ICPC.

Date of birth: 1 April 1959

Date of arrest: October 2010

Type of legislation: none

Details of arrest: Liu has been held under unofficial house arrest in her Beijing apartment since October 2010. Liu's house arrest is thought to be punishment for the human rights work carried out by her late husband, imprisoned poet and Nobel Laureate **Liu Xiaobo** (see 'Death in custody' above). During her husband's imprisonment, Liu was reportedly allowed to visit him about once a month and to stay with him during his final days in hospital. Her friends claimed to have been unable to contact her since Liu Xiaobo's funeral. In a [YouTube video](#) posted on 18 August 2017, Liu is reported to have said 'I am outside recuperating, everyone please grant me time to mourn'. It is unclear where the video was shot or if she made the comments of her own free will. In September 2017, the Hong Kong-based Information Centre for Human Rights and Democracy reportedly stated that its founder, Frank

Lu Siqing, was able to speak to Liu for half an hour on the phone at her home.

Health concerns: Liu is said to be suffering from severe depression. She has previously been denied access to the physician of her choice and has been hospitalised after suffering a heart attack in 2014.

Other information: In March 2015, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concluded that the Chinese government had violated Liu's rights under the UN Convention Against Torture by denying her access to medical treatment. The UN Working Group on Arbitrary Detention in Opinion No. 16/2011 found her detention to be arbitrary under international law and called on the government to immediately release and adequately compensate her.

Honorary Member: Member of ICPC; Honorary Member of PEN America, Danish, English, Portuguese and Swiss-Italian PEN Centres.

PEN Actions: Mentioned in PEN's 2013 report *Creativity and Constraint in Today's China*, Press statements 22 October 2013, 6 December 2013, 8 December 2014, 8 December 2015 World Poetry Day 2014; International Women's Day 2014, World Poetry Day 2015, Liu Xia Solidarity Campaign, World Poetry Day 2016; Open petition to President Xi Jinping – 8 December 2016; RAN 13/17 – 21 July 2017

*QIN Yongmin

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

Date of Birth: 11 August 1953

Date of arrest: 6 May 2015

Type of Legislation: national security

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. The whereabouts of his wife reportedly remain unknown as of December 2017.

Current place of detention: No. 2 Detention Center of Wuhan City, Hubei 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 reportedly 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 reportedly cited 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, organising advocacy for the China Democracy Party (CDP), among other reasons. A hearing of his case, scheduled to take place on 29 December 2017 was reportedly postponed by the authorities. As of 31 December 2017, Qin was still in pre-trial detention, no date had been set for the hearing.

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

Profession: poet, singer and songwriter and member of ICPC

Date of arrest: 26 September 2017

Type of legislation: national security

Details of arrest: Xu was reportedly detained along with fellow singer-songwriter **Liu Sifang** (see conditional release below) on suspicion of "picking quarrels and provoking trouble". 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.

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** (see 'death in custody'). Many of these songs have been distributed online. Xu's wife has reportedly faced increased surveillance since Xu's detention. He has reportedly regularly faced harassment in connection with his activism.

***ZHOU Yuanzhi**

Profession: writer, ICPC member, former tax official

Date of Birth: 22 February 1961

Date of arrest: 10 November 2017

Type of Legislation: other

Details of arrest: According to [ICPC](#), Zhou was detained on 10 November 2017 for [protesting](#) 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.' As of 31 December 2017, Zhou remained in detention.

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](#).

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 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.

BRIEF DETENTION***WU Mingliang (pen name Langzi/Lang Zi)**

Profession: poet and member of ICPC

Date of arrest: 18 August 2017

Date of release: 22 September 2017

Type of Legislation: other

Details of arrest: Wu was reportedly arrested and criminally detained on suspicion of 'illegal business operations' on 18 August 2017. [According to Amnesty International](#), his home was raided and his computers and other personal belongings confiscated. He was detained in Haizhu District Detention Centre in Gangzhou. It is believed that his detention is connected to his involvement in writing, editing, and compiling an anthology of poetry commemorating the life and work of **Liu Xiaobo** (see 'death in custody' above). On 23 August, Wu reportedly told his lawyers that the police were questioning him

about the publication of his poetry collection *A Lost Map*, published in 2016 without the explicit permission of the Chinese authorities (see 'other information'). [Speaking to Radio Free Asia](#), a Guangdong-based rights activist has stated that the work in question was published the previous year without issue.

Details of release: Wu was released on bail on 22 September 2017. [Amnesty reports](#) that for the next twelve months he is barred from international travel and must report to the police if he leaves Gangzhou at any time. [Hong Kong Free Press](#) reports that his computer and mobile devices are still in the possession of police.

Background: Wu, a poet, has faced repeated harassment for his support of fellow poet and ICPC member **Liu Xiaobo**. On 1 July 2017, Wu was reportedly administratively detained for 10 days after co-signing a letter of support for the then-detained Liu Xiaobo. During that detention Amnesty International reports that he was repeatedly questioned about an anthology of writings commemorating Liu Xiaobo. Additionally, a surveillance camera was previously [reportedly](#) placed outside Wu's home after the poet signed an open letter in support of Liu Xiaobo's release.

Other information: In 2016, Wu [reportedly published a poetry collection](#) entitled *A Lost Map*. The collection was exhibited alongside a collection of visual artwork by Chinese painters in Guangzhou. On 29 August, **Peng Heping** was [reported by Amnesty International](#) to have printed Wu's exhibition catalogue in 2016, was taken in for questioning on suspicion of 'illegal business operations' and detained at the same detention centre. A printing works connected to Peng was also searched. Peng was released on bail on 22 September 2017.

***XIONG Yingxue (pen name: XIONG Feijun)**

Profession: writer, scholar and blogger

Date of birth: 11 November 1964

Date of arrest: 8 December 2016

Date of release: 13 January 2017

Type of legislation: other

Details of arrest: Xiong was [reportedly arrested by the public security bureau of Hong'an County, Hubei province](#), on suspicion of 'illegal business operations' on 8 December 2016. It is thought that his arrest was connected to the publication of two of his books on China, *China is Here to Reflect* and *A Lesson Learned from Modern Chinese History*.

Details of release: Xiong was reportedly released on bail on 13 January 2017. A decision on whether to proceed with the case was expected to remain pending for one year.

Background: In addition to his books addressing social issues in China, Xiong has reportedly published two novels online, a collection of 9 novellas, and many writings, including short stories, poems and essays on various journals and online.

HARASSED

*FENG Chongyi

Profession: academic

Date of harassment: 24 March 2017 - 2 April 2017

Perpetrator: state

Details of harassment: Feng was reportedly repeatedly prevented from boarding a flight to Sydney, Australia, from Guangzhou Airport. He was also reportedly held for questioning in Kunming, the provincial capital of south-western Yunnan, earlier that week. Feng was reportedly subjected to repeat questioning. According to *The Sunday Morning Herald*, a condition of his release was that he should not divulge the details of his discussions with the authorities. According to *The Guardian*, his lawyer said Chinese authorities had cited “national security” when asked about why he was twice barred from leaving the southern city of Guangzhou on a flight to Australia.

Background: Feng, a Chinese national, is a professor at the University of Technology, Sydney, where his research has focussed on human rights. He has written extensively on Chinese politics, government and human rights issues for several decades. Since arriving in China in March 2017 to conduct research, Feng had met with fellow academics, intellectuals and human rights lawyers in several cities.

PU Zhiqiang

Profession: writer and human rights lawyer

Date of birth: 17 January 1965

Sentence: three years’ suspended

Date of arrest: 4 May 2014

Date of release: 22 December 2015

Type of legislation: other

Details of arrest: A number of participants at a 3 May 2014 gathering were reportedly taken in for questioning by police. Most were released after interrogation; however, Pu was detained along with **Hu Shigen, Hao Jian, Xu Youyu** and **Liu Di** (see previous [Case List](#)). On 13 June 2014, Pu was formally charged with ‘causing a disturbance’ and ‘illegal access to citizens’ personal information’ for allegedly providing media with materials of investigations about corruption. In November 2014 police reportedly extended the charges against Pu to inciting to split the country and inciting ethnic hatred, reportedly based on 28 of his critical comments on Weibo, China’s version of Twitter.

Details of trial: On 15 May 2015, Pu’s lawyers stated that he would stand trial in Beijing on the charges of ‘inciting ethnic hatred’ and ‘picking quarrels’. He was detained in Beijing No 1 Detention Centre until his eventual December 2015 trial date. Pu’s trial was held between 14-15 December. He was handed down a three-year suspended sentence on 22 December 2015. He was subsequently released and placed under residential surveillance, according to Independent Chinese PEN

Centre. On 13 April 2016, the Beijing municipal Bureau of Justice announced its decision to strip Pu of his licence to practise law, citing his 2014 arrest and subsequent conviction as the reason.

Update: In 2017, Pu was reportedly still under close surveillance from authorities.

Health concerns: Pu suffers from diabetes, high blood pressure, high cholesterol and prostatitis.

Background: On 3 May 2014, at least 15 people – writers, scholars and activists – gathered at a private residence in Beijing to commemorate the 25th anniversary of the crackdown on 4th June 1989 pro-democracy protests, which reportedly resulted in the deaths of an estimated 2,000 unarmed individuals at the hands of Chinese troops in cities across the country. The group released a statement after the meeting calling on the Chinese government to launch an official investigation into the events in 1989 and to compensate the victims.

Awards: Independent Chinese PEN Centre’s 2015 Liu Xiaobo Courage to Write Award

Honorary member: ICPC.

PEN Action: Press statement [7 May 2014](#)

*YANG Shaozheng

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 regarding his submission of alleged sensitive material to a publishing house in the south-western megacity of Chongqing

Background: Yang was a professor at the Institute of Economics at Guizhou University. Yang reports having sent some of his articles to a retired publishing editor in Chongqing. The precise nature of the writings is unclear.

CONDITIONAL RELEASE

GUI Minhai: (Swedish national)

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

Date of birth: 5 May 1964

Date of disappearance: mid-October 2015

Date of release: 24 October 2017

Perpetrator: state

Details of disappearance: Gui went missing while in Thailand, where he has a home. He is believed to have been abducted by Chinese officials and forcibly returned

to China. On 17 January 2016, Gui appeared in a televised 'confession' on state broadcaster CCTV, confirming suspicions that Gui was being held in mainland China. In the video, Gui reportedly claimed that he had voluntarily surrendered himself to the Chinese authorities over his supposed involvement in a fatal hit-and-run incident which took place in December 2003. On 24 February 2016, Swedish diplomats in Beijing are reported to have visited Gui. However, in May 2016 Gui's daughter called on the international community to help her father, stating that she had no knowledge of his whereabouts nor of his legal status. **Update:** On 24 October 2017, the Gui Minhai's release was reportedly announced by the Chinese authorities, however Gui was not seen in public, sources stated that he did not have freedom of communication and two days after his reported release the Swedish Foreign Minister stated that Sweden had neither been granted access to Gui nor had its questions about him been answered. According to family members, Gui was transported to a house in Ningbo, an eastern coastal city in Zhejiang province, where he was joined by his wife for a period. Gui was required to report regularly to the police and was not allowed to leave the country.

Background: Gui's case is part of a string of incidents collectively known as the Causeway Bay Books Disappearances. Between October and December 2015, five employees of the publisher Mighty Current and its retail arm Causeway Book Store, of which Gui is one of three shareholders, disappeared. They are Causeway Book Store manager, **Lin Rongji** (see 'harassed' below); general manager **Lu Bo**; and staff member of the book store and publishing house, **Zhang Zhiping**. The three are reported to have disappeared while travelling in mainland China in October 2015. An editor at the publishing house, **Lee Bo**, disappeared from Hong Kong on 30 December (see 2016 Case List). All of Bo's colleagues were released. The Hong Kong-based Mighty Current has published and marketed books highly critical of mainland China. The titles are banned on the mainland, where the news media and the publishing industry are tightly controlled by the government. The publishing house was reportedly preparing to publish a book on the private life of China's President, Xi Jinping.

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 [**STOP PRESS:** 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. PEN is seeking further information as to his whereabouts and the reason for his apprehension.]

HUANG Zerong (pen name: Tie Liu)

Profession: writer and journalist

Date of birth: 20 May 1933

Date of disappearance: May 2016

Date of release: June 2016

Perpetrator: state

Details of disappearance: According to the Committee to Protect Journalists, Huang has been unreachable since 13 May 2016; police had reportedly taken him 'for tea'. His wife reports that she contacted the Chengdu police, Sichuan province, on 16 May and was told 'don't worry, he will be fine.' The police gave no further information. Huang had also been briefly detained between 28 March and 1 April 2016 on suspicion of 'picking quarrels and provoking trouble,' according to reports.

Update: In 2017, PEN learned that Huang had been taken on a 'forced vacation', a common practice whereby dissidents are taken from one location to another during a period where the Chinese authorities expect increased activism. Huang reportedly returned home in June 2016. According to ICPC, he was required to remain in Chengdu City, Sichuan Province, and not to discuss his case with the media. Huang has been able to publish articles overseas since his release.

Background: Huang began his career in the 1950s as a journalist. He also wrote essays, short stories and poems. Huang served over 20 years in prison during the so called 'anti-rightist' campaign during the Mao regime. He has published a number of memoirs of dissidents who suffered repression under Mao's rule. On 25 February 2015, Huang received a suspended sentence of two-and-a-half years in jail, after pleading guilty to the charge of 'illegal business activity' in a court in Chengdu, Sichuan province. He was fined 30,000 yuan (c. US\$4,800) and released on bail the same day. Huang was prohibited from returning to Beijing, where he had lived for decades, and forced to stay in Chengdu. Huang's enforced disappearance is probably linked to one of his recent essays in which he criticised a member of the Communist Party who is the adviser on ideology and propaganda (see previous Case List).

Honorary Member: ICPC.

*LIU Sifang

Profession: singer and songwriter

Date of arrest: 27 September 2017

Type of legislation: national security

Date of release: 2 November 2017

Details of arrest: Liu was reportedly arrested from his home in Jiangxi Province on 27 September, one day after fellow singer-songwriter **Xu Lin** (see 'detained' above). Liu was held on suspicion of 'picking quarrels and provoking trouble'. It is thought that his arrest was in connection with the release of songs referring to the death of **Liu Xiaobo** (see 'death in custody'). According to Amnesty International, Liu was interrogated for 48 consecutive hours.

Details of release: Liu was released on bail on 2 November 2017, however, according to Radio Free Asia, he was forced to leave Foshan, where he has a job and a family.

Background: Liu is reportedly a democracy activist, who has written songs about social injustices, such as forced eviction, the 1989 Tiananmen Square crackdown, and, most recently, the death of **Liu Xiaobo** (see ‘death in custody’). Many of these songs have been distributed online. He has reportedly regularly faced harassment in connection with his activism.

Tibet Autonomous Region (TAR)

IMPRISONED: MAIN CASE

DRUKLO (also known as SHOKJANG and Zhou Kajia)

Profession: writer and blogger

Date of birth: 1985

Sentence: three years in prison

Date of arrest: 19 March 2015

Type of legislation: national security

Expires: March 2018

Details of arrest: According to *Voice of America*, Shokjang and his brother-in-law were arrested by Chinese security police in Rebgong. While his fellow detainee was subsequently released, Shokjang was held in Tongren Prison.

Details of Trial: On 17 February 2016, Shokjang was sentenced to three years in prison by the intermediate public court in Malho prefecture for ‘inciting separatism’. Among other things, it appears that Shokjang was convicted of instigating separatist riots in 2008, contacting external separatist groups, and writing a number of articles detrimental to social security on social media. According to reports, Shokjang maintains his innocence and, on 24 February 2016, wrote a 12-page letter of appeal to the Higher People’s Court of China’s Qinghai Province ([available in English translation here](#)).

Place of detention: Shokjang is thought to be being held in Menyuan prison. *Background:* Shokjang is known for his critical articles on government policy in Tibet. In 2010, he was reportedly briefly detained for his involvement in the 2008 student protests that called for greater freedoms for Tibetans and his involvement in publishing a banned literary magazine. He has published four books, one of which, *The Courage of Path*, has reportedly been banned by the Chinese government. According to reports, on 16 March 2015, Shokjang had published a blog post on the deployment of Chinese security forces in Rebgong and had written about the poor conditions facing students in Kangtsa (Gangcha) county.

Honorary Member: ICPC.

PEN Action: [19 February 2016 statement](#)

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

Expires: 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 Nyulra, 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’)

Profession: writer

Date of birth: c. 1988

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

Date of arrest: 17 April 2015

Expires: October 2022

Type of legislation: national security

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.

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.

Gartse JIGME

Profession: writer and monk

Date of birth: 1976

Sentence: five years in prison

Expires: January 2018

Date of arrest: 1 January 2013

Details of arrest: A team of security officials reportedly raided Jigme's room at the Rebgong Gartse monastery, in the Huangnan (Malho) Tibetan Autonomous Prefecture, before escorting him away. According to reports, Jigme was arrested for political views expressed in his book *Tsenpoi Nyingtop (Tsenpo's Valour)*, which he had finished writing in early December 2012 and was planning to publish.

Current place of detention: After his arrest, Jigme was initially held in the provincial capital of Xining, followed by several months' detention in Rebkong County in Malho Prefecture.

Details of trial: On 14 May 2013, Gartse Jigme was sentenced to five years in prison by Zeku (Tsekhog) County People's Court in Malho Tibetan Autonomous Prefecture, Qinghai Province. He is thought to have been convicted of inciting separatism.

Background: Gartse Jigme has been writing since 1999 and has won several local literary prizes. His first book, *Musings on My Reflections*, received favourable reviews from the community. He was also a Buddhist scholar, having studied and successfully passed major Buddhist courses at his monastery in 2003. The first volume of *Tsenpoi Nyingtop* was published in 2008; it contains the writer's reflections and opinions on wide ranging subjects including self-immolation protests. Between February 2009 and June 2014, the total number of self-immolation protests in Tibet reached 131. In April 2011, local Public Security Bureau (PSB) officers briefly detained him for his views published in the book. The second volume could not be published in Tibet as planned by its author. However, the book was published by exiled Tibetans in India soon after Gartse Jigme's sentencing. An English translation of his essay on Tibetan self-immolation protests is available from the Tibetan Centre for Human Rights and Democracy (TCHRD).

Honorary Member: ICPC. [**Stop press:** Jigme was reportedly released upon the expiry of his sentence on 4 February 2018]

IMPRISONED: INVESTIGATION

Lo LO

Profession: singer

Date of Birth: 1983

Sentence: six years in prison

Date of arrest: 19 April 2012

Type of legislation: unknown

Details of arrest: Lo was reportedly arrested a few months after the release of his album 'Raise the Tibetan Flag, Sons of the Snow'; the lyrics of which call for independence for Tibet and for the return of the Dalai Lama. Lo was reportedly taken to an unknown location by local police officers. He was released shortly afterwards, but was later re-detained.

Current place of detention: a prison in Siling, Qinghai province.

Details of trial: On 23 February 2013, Lo was reportedly sentenced to six years' imprisonment in connection with his songs. PEN International is seeking information about the specific charges. An English translation of one of his songs can be read here.

Conditions of detention: A picture of Lo, taken clandestinely in April 2015 during a prison visit, has raised fears that he is not being treated well and that he has been suffering from health complications, according to the Tibetan Centre for Human Rights and Democracy. The Chinese authorities are also reported to have refused permission for family members to visit him in prison to deliver clothes and food. No further information as of 31 December 2016.

Health concerns: According to various reports, Lo is in very poor health.

Background: Lo is originally from Dhomda village in Yulshul County.

Additional information: According to Freemuse, Tibetan monk and song lyricist **Lobsang Jinpa** was released from prison on 30 October 2017 after serving out his full five-year sentence on charges related to lyrics he contributed to Lo's album. Jinpa – a monk at the Zilkar Monastery in Tibet – wrote lyrics on the subject of the 1995 disappearance of the 11th Panchen Lama, a six-year-old boy who was named and recognized by the 14th and current Dalai Lama. The Panchen Lama is the second highest ranking monk in the Gelug school of Tibetan Buddhism. The song appeared on Lo Lo's album 'Raise the Tibetan Flag'.

Gonpo TENZIN

Profession: singer and song-writer

Sentence: three-and-a-half years in prison, as well as deprivation of his political rights for four years

Date of arrest: 30 November 2013

Type of legislation: unknown

Details of arrest: Tenzin had reportedly been on a police wanted list prior to being taken into custody in Lhasa. He was reportedly arrested on unknown charges, and was kept in detention without any access to legal proceedings for over a year. His album entitled 'How Can We Have New Year's Celebrations in Tibet?' is thought to be the main reason for his detention.

Details of trial: On 15 April 2015, Tenzin was reportedly sentenced to three-and-a-half-years in prison in connection with his song 'Where is the New Year in Tibet'. The precise charges are unknown.

Current place of detention: unknown. PEN is seeking confirmation that Gonpo Tenzin was released upon the expiry of his sentence.

Conditions of detention: During his detention, Tenzin was tortured and deprived of all political and legal rights, according to the Central Tibetan Administration.

Background: Tenzin's recordings are said to focus on themes involving Tibetan unity and the promotion of the Tibetan language.

TOBDEN

Profession: writer and nomad

Sentence: five years in prison

Date of arrest: 28 October 2013

Details of arrest: The exact details of Tobden's arrest are unclear. Tobden is believed to be a resident of Diru county. His arrest occurred during a period of protests in the area, which began after Tibetans refused government orders to fly Chinese flags from their homes.

Details of trial: The exact charges are unclear, but it is thought that he and eight others were convicted of maintaining contacts with 'the Dalai clique' and 'engaging in activities to split the nation'. Tobden was reportedly sentenced to five years in prison on 30 November 2013. No further information as of 31 December 2017.

Background: According to reports, Tobden's writings on Tibetan national themes may have especially angered the Chinese authorities.

Trinley TSEKAR

Profession: singer and song-writer

Sentence: nine years in prison

Date of arrest: 20 November 2013

Type of legislation: other

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 2017.

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.

CASE CLOSED

Paljor NORBU (also known as Panjue Ruobu)

A printer arrested in 2008 and sentenced to seven years in prison in 2015 for printing 'prohibited material'. Said to be an internationally renowned printer of Buddhist texts, Norbu was in his 80s when arrested. Presumed no longer detained. Case closed

Xinjiang Uyghur Autonomous Region (XUAR)

IMPRISONED: MAIN CASE

Gulmire (Gulmira) IMIN (f)

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

Date of birth: 1978

Sentence: life imprisonment

Date of arrest: 14 July 2009

Type of legislation: national security

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 5th 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. Her health condition could not be determined, as of 31 December 2017.

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)

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

Date of Birth: 14 June 1959

Date of arrest: 1 October 2009

Sentence: 15 years in prison

Type of legislation: national security

Expires: 2024

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 in Urumqi, the regional capital (on 5 July 2009) 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 2017.

Background: Niyazi is a former reporter and columnist for *Xinjiang Economic Daily* and *Xinjiang Legal News*. Until June 2009 he edited and managed uighurbiz.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.

Ilham TOHTI

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

Date of birth: 25 October 1969

Sentence: life imprisonment

Date of arrest: 15 January 2014

Type of legislation: national security

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.

Conditions in detention: Tohti was allowed to see his lawyer for the first time in June 2014. He is reported to have been shackled and deprived of food and adequate water while in prison in March 2014, as a punishment for failing to co-operate with the authorities. During his initial days in detention, Tohti reportedly staged a 10-day hunger strike in protest against the food served to him, as it did not follow Islamic dietary laws. After a deadly attack at a train station in Kunming, which the government blamed on separatist Uyghur militants, Tohti was reportedly denied food for a further eight days. In March 2014, it was reported that the authorities had frozen Tohti's bank accounts. In May 2014, Beijing's Central University for Nationalities reportedly stopped paying his salary. In February 2016, the authorities gave permission for Tohti to receive visits from relatives; however, in the same month his brother was reportedly denied the right to visit him.

Update: According to [September 2017 reports](#), Tohti is only permitted one strictly monitored visit every three months and has been barred from communicating with family and friends, despite the law stipulating that inmates are allowed a family visit each month. His prison reportedly provides little by way of food suitable for Muslims.

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). 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.

Other information: On 10 December 2016 UN Human Rights Day, an international conference was convened to discuss Tohti's unjust imprisonment and the situation of human rights for the Uyghur community. Tohti was also the subject of a [15 December 2016 resolution](#) adopted by European Parliament on breaches of human rights, democracy and rule of law in China.

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.

Honorary Member: PEN America, 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

IMPRISONED: INVESTIGATION

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

Profession: Uyghur writer, journalist, webmaster and government official

Date of birth: February 1965

Sentence: 15 years' imprisonment

Expires: 2031

Date of arrest: April 2016

Type of legislation: unknown

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 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.

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

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.

India

KILLED: IMPUNITY

Dr Malleshappa Madivalappa KALBURGI

Profession: epigraphist and former Vice Chancellor of Hampi University in Karnataka.

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: According to reports, Kalburgi's death may be connected with the deaths of two other

activists; reportedly the investigative team are seeking the acquisition of further forensic analysis in order to assess conflicting ballistic reports. The Central Bureau of Investigation continues to investigate the case.

Update: 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.

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 Fearful Silence: The Chill on India's Public Sphere](#).

Govind PANSARE

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, age 82, 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 from her injuries.

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](#)). Police are reported to believe the right-wing group Sanatan Sanstha may be involved with both killings. In September 2015, a member of Sanatan Sanstha group, and four associates were arrested. However, due to a lack of evidence, the investigative team did not pursue their enquiry.

Update: 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.

Background: Pansare is a politician of the Communist Party of India. He is also the author of 21 books, predominately 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?)*.

ON TRIAL

*G. BALAKRISHNAN (aka G. Bala)

Profession: cartoonist and journalist

Date of arrest: 5 November 2017

Date of release: 6 November 2017

Type of legislation: defamation/insult

Details of arrest: G. Bala was reportedly arrested by the Tamil Nadu 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.

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. 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. They stand motionless, 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 [recent death](#) by self-immolation of a family facing large debts.

Kamal C CHAVARA (also known as Kamalsy Prana)

Profession: Malayalam writer and theatre activist

Date of arrest: 18 December 2016

Date of release: 20 December 2016

Type of legislation: national security

Details of arrest: Chavara was detained by Nadakavu police in the Kozhikode municipality of Kerala. According to reports, officers raided his house and allegedly threatened his parents. Chavara was suspected of insulting the national anthem in a Facebook post in Malayalam, thought to be an excerpt from his 2015 novel *Smashanangalude Nottu Pusthakam (Notebook of Cemeteries)*. The complaint was reportedly filed by activists of the Yuva Morcha, the Bharatiya Janata Party's youth wing, to police operating in the Karunagappalli municipality. Chavara was reportedly arrested while in the process of approaching a court for anticipatory bail.

Details of release: Chavara was released on bail on 20 December 2016. He has reportedly faced harassment from police and received threats from unidentified individuals since his release.

Details of trial: Chavara was reportedly charged with sedition under Section 124 (A) of the Indian Penal Code. The case is being handled by the Karunagal Police, where the complaint was originally filed. The investigation is ongoing; however, the validity of the case is reported to be under review, especially in relation to the lack of a charge sheet being filed.

Update: It was reported that as of 14 January 2017 no charge sheet had yet been filed, the investigation against Kamal was suspended, and the sedition charges placed upon him were being re-examined. On 14 January, Chavara publicly burnt copies of his novel *Smashanangalude Nottupustakam* to protest alleged police harassment. This protest came two days after Chavara announced on Facebook that he no longer wished to live as a writer. According to reports, hundreds of activists attended the book burning. Chavara was reportedly detained by police on 14 February 2017 while he was meeting the police commissioner to express his grievance about alleged police misconduct on a complaint that had been filed by a student activist. Chavara was charged under Sections 353, 'obstruction of duty', and 332, 'voluntarily causing hurt to public servant', of the Indian Penal Code for allegedly 'causing a ruckus' under the influence of alcohol. On 14 February 2017 a video was uploaded to Facebook which reportedly showed police attacking Chavara.

Background: In 2015, Chavara published his debut novel *Smashanangalude Note Pusthakam* under the pseudonym Kamalsy Prana. Chavara's comments were reportedly part of a protest against a 9 December Supreme Court directive that has made it mandatory for cinema halls to play the national anthem before screening a movie and that people stand to attention when it is played.

Durai GUNA

Profession: writer

Date of arrest: 10 June 2016

Type of legislation: other

Details of arrest: According to reports, Guna was detained in Kulandarampattu village, in Pudukkottai district, Tamil Nadu, by local police alongside his friend and fellow activist Bhoopathy Karthikeyan. According

to media reports, no reason was initially given for their arrests.

Details of trial: Guna was reportedly charged with assault under sections 341, 294 (b), 323, 324 and 506 (2) of the Penal Code and remanded in 15-days judicial custody; it was alleged that a financial dispute led to the stabbing of a man named Sivanandam. However, Guna claimed to have not met this individual. Media reports indicate that Sivanandam may have been forced to file the complaint. According to *The Hindu*, Sivanandam later filed a habeas corpus petition in the Madras High Court (Madurai Bench) seeking Guna's release. Guna was granted bail on 15 June 2016, but remained in detention due to his alleged involvement with another assault case, filed by local police in July 2015. PEN International is seeking an update.

Background: A Dalit, Guna's writings and activism focus on inter-caste marriages. According to reports, Guna previously faced a social boycott for his 2014 novella *Oorar Varaintha Oviyam (The Painting Done by Villagers)*, about caste and featuring the plight of a Dalit couple. Guna was reportedly forced to leave his hometown and he was physically attacked two years later when he attempted to return. This harassment contravened a directive from the High Court for local police to provide protection for Guna and his family. Guna's 2016 detention came amid reports of the arrest of at least 12 Dalits by local police who are considered to have upper-caste leanings. The use of Sivanandam, a Dalit himself, as the supposed complainant, is considered by some to be a deliberate effort by police to position the case outside of caste issues.

*Aseem TRIVEDI

Profession: cartoonist

Date of birth: 17 February 1987

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.

Update: 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.

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 CRNI'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.

THREATENED

*Arundhati ROY (f)

Profession: writer

Date of threat: 21 May 2017

Details of threat: On 21 May 2017, a Bharatiya Janata Party Member of Parliament stated on Twitter, 'Instead of tying stone pelt on army jeep, tie up Arundhati Roy,' making reference to an act of soldiers of the Indian army strapping a citizen to their jeep as a 'human shield' against stone pelters in Jammu and Kashmir commented. The MP later deleted the tweet reportedly stating that he was 'coerced' by Twitter to do so and that he would continue to stand by the citizens and armed forces of India. The statement is thought to have stemmed from fake news about a statement that Roy never made.

Background: Roy, who won the Man Booker Prize for *The God of Small Things*, has also been involved in human rights and environmental causes. Among the 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*.

HARASSED

*Srijato BADIYOPADHYAY

Profession: poet

Date of harassment: 22 March 2017

Perpetrator: non-state

Details of harassment: A First Information Report (FIR) was reportedly registered with the local police against Badiyopadhyay in connection with his poem *Abhishap* by a student who felt Badiyopadhyay had hurt the religious sentiments of all Hindus. The police reportedly filed charges under Section 295 (a) of the Indian Penal Code (hurting religious sentiments) and Section 67 of the Information Technology Act (transmitting in electronic form any material deemed to be obscene). If convicted, Badiyopadhyay could face up to three years in prison. PEN is seeking an update on whether the charges against Badiyopadhyay have been dropped. Following the publication of the poem, Badiyopadhyay reportedly received harassment and threats on social media. Additionally, Badiyopadhyay's poem was briefly removed from Facebook.

Background: Marking World Poetry Day, 21 March 2017, Badiyopadhyay reportedly published a poem entitled, 'Abhishap' ('Curse'), on Facebook in which he alluded to state assembly elections in Uttar Pradesh, where a Hindu priest, Yogi Adityanath, was appointed as the state's Chief Minister. In the poem, Badiyopadhyay referenced

the election and the 'Trishul', a trident said to be used by Hindu Gods and Goddesses.

*Kancha ILAIAH SHEPHERD

Profession: Professor, writer, Dalit rights activist, director of the Centre for Social Exclusion and Inclusion Policy at Maulana Azad National Urdu University (MANUU) in Hyderabad, Telangana state

Date of birth: 6 October 1952

Date of Harassment: 9 September 2017

Details of harassment: Ilaiah Shepherd reportedly started facing harassment when members of a Telegu-speaking Indian caste group called the Arya Vysya Organisation, which fights for the interests of its caste, threatened him following the reprinting of the Telugu translation of his book *Post-Hindu India* (see more in background) on 10 September 2017. More powerful voices from the Telangana government soon lent support to the threats. Furthermore, a deliberate campaign to harass Ilaiah Shepherd had started. On 10 September 2017 Ilaiah received hundreds of phone calls using abusive language. On 18 September 2017, a member of Rahya Sabha – the upper house of India's parliament – from Telangana state's Telugu Dasam Party reportedly called for Ilaiah Shepherd's public hanging during a press conference and sought a recall of his books. On 23 September 2017, Ilaiah was returning from a public meeting in the newly-created Bhupalpalli district of Telangana when his car was reportedly chased on the highway by two separate groups. Moreover, effigies of Ilaiah Shepherd and the offending chapter of his book have been burnt in different parts of Andhra Pradesh and Telangana states. Ilaiah Shepherd has filed several cases with the police relating to the various incidents. The Arya Vysya Association reportedly filed a petition under articles 153A(a), 153B(a), 295-A and 509 of the Penal Code in the stating that the book "hurt the feelings of the Arya Vysya community" and "was written without any evidence and historical facts". However, the Indian Supreme Court rejected the petition to ban Kancha Ilaiah's book on 13 October 2017.

Background: Kancha Ilaiah is a well-known Bahujan philosopher and critic of caste inequality. He is the author of several books, including *Why I am not a Hindu* (2001) and *Buffalo Nationalism* (2004), and has written for *The Hindu*, *Asian Age*, among other periodicals. His book *Post-Hindu India* was first published in English in 2009 and Telugu in 2011. According to reports, the book's chapters on various castes were re-printed in Telugu, each as a separate booklet in June 2017. His chapter on the Arya Vysyas, entitled "social smugglers", published under the title *Samajika Smugglerlu: Komatollu*, has provoked anger among the Arya Vysya community, as Ilaiah writes that they have appropriated a disproportionate share of economic resources through practices which exploit members of lower castes.

Other information: Kancha Ilaiah claimed that the Indian government did not provide him with any protection in the wake of these threats. Furthermore, ministers in Telangana state reportedly joined the Arya Vysya in condemning

him. In sign of protest, Ilaiah reportedly placed himself under self-imposed “house arrest” on 24 September 2017, which lasted until 4 October 2017; he later spoke out and stated that if he were to be killed, it would be the Indian government’s fault. His declaration comes in the wake of the murder of well-respected journalist Gauri Lankesh on 5 September 2017 in Bangalore, Karnataka state.

*Priyanka PATHAK-NARAIN (f):

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.

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

*Hansda Sowendra SHEKHAR

Profession: writer and doctor

Date of harassment: 4 August 2017

perpetrator: non-state/state

Details of harassment: On 4 August, groups of individuals gathered in Pakur, Jharkhand, where Shekhar was working as a government physician, to burn his effigy and copies of his books. Local police provided him with protection. Shekhar’s critics have since broadened the campaign to call for his dismissal from his position as a doctor in Pakur. On 11 August, the government of Jharkhand moved to seize all available copies of *The Adivasi Will Not Dance* and to initiate legal proceedings against Shekhar. The government reportedly formed a team of tribal experts and authors to conduct an inquiry. On 12 August, the government suspended him from his post as a medical officer. On 12 December 2017, a parliamentary affairs minister reported that the ban would soon be lifted as the Jharkhand government had found nothing objectionable in the book.

Background: A medical doctor by profession, Shekhar’s debut novel, *The Mysterious Ailment of Rupi Baskey* (Aleph, 2014), won the Sahitya Akademi Yuva Puraskar in 2015 and was joint winner of the Muse India Young Writer Award 2015, while his collection of short stories *The Adivasi Will Not Dance* (**Speaking Tiger, 2015**) was shortlisted for **The Hindu Prize in 2016. His stories and articles have been published widely in Scroll.in, The Statesman, The Asian**

Age, LiveMint, The Wire, and Alchemy: The Tranquebar Book of Erotic Stories II (Tranquebar Press, 2012), among others. Shekhar’s literary and journalistic writing focuses on the Santhal community (to which he belongs), which lives primarily in eastern India and parts of Bangladesh. Shekhar’s works, written in English, have been translated into Hindi, Marathi and Tamil. Shekhar has reportedly been facing a low-level campaign of harassment on social media since 2015. Shekhar’s detractors, who claim that his works are pornographic and misrepresent Santhal society, have set up a dedicated parody Facebook page to express their views.

PEN Action: Statement – 4 August 2017

Nandini SUNDAR (f), profession: writer, academic and activist

Archana PRASAD (f), 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. Sundar reports that she had not returned to Bastar since her last visit in May 2016. According to media reports, Baghel’s wife denied identifying any of the attackers and had not named Sundar in her complaint to the police. In November 2016, the Chhattisgarh government agreed with the Supreme Court that no action would be taken against the group without giving them one-month’s prior notice. In a statement, the National Human Rights Commission of India reportedly stated, ‘Naming of these human rights activists in the First Information Report in the backdrop and circumstances mentioned above lends credence to the observation of the People’s Union for Civil Liberties (PUCL) that all this was part of the State Police vendetta against the lawyers, journalists and human rights activists who have been critical of fake encounters, mass rapes, arson, etc. by security forces.’ It continued by stating that the police force’s actions seem ‘to be coloured by malafide, hostility and abuse of power.’

Background: 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.

Sundar has regularly travelled to Bastar to conduct field research since the 1990s. According to news reports, Sundar has faced threats from vigilantes and harassment at the hands of the police since 2005. In 2011, Sundar was the lead petitioner in a case in which the Supreme Court described state support for a vigilante movement against Maoist insurgency as illegal; the ruling reportedly indicted the state government for violating constitutional principles in arming young people as special police officers. 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 others. 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. In October 2016, police and security forces in Chhattisgarh reportedly burnt effigies of activists, including Sundar.

Update: In June 2017, Delhi University's sociology department, of which Sundar is a member, announced its intention to include three chapters of Sundar's book *The Burning Forest: India's War in Bastar* on its Masters syllabus. The National Democratic Teacher's Front, a group backed by India's majority BJP party, protested the inclusion owing to the title of the book, which they felt was misleading, giving the impression that India is fighting a war in Bastar. Additionally, a television newscaster was threatened with legal action in April 2017 after he invited Sundar to speak on a panel regarding recent violence in Chhattisgarh. The letter suggested that Sundar was a sympathiser to the Maoist cause in the region.

South Korea

SENTENCED

PARK Yu-Ha (f)

Profession: academic

Date of birth: 25 March 1957

Sentence: fine of 10 million won (approx. US\$8,900)

Date of arrest: 18 November 2015

Type of Legislation: defamation/insult

Details of arrest: On 18 November 2015 Park was reportedly indicted by the state for defaming surviving 'comfort women'.

Details of trial: On 25 January 2017, Park was found not guilty, however this acquittal was overturned by the Seoul High Court on 27 October 2017. Numerous sources report the court's statement: 'Park used definitive expressions in some parts of her book which could make readers think that... the victims voluntarily joined military brothels with an intention to sell sex... She inflicted (significant) mental stress on the victims by displaying distorted claims about those forced into sex slavery.' Park was ordered to pay a fine of 10 million won (c. USD\$ 9,500), avoiding a possible three-year term sought by prosecutors. The

academic is reported to have appealed the case on 30 October 2017, stating that she had no reason to defame comfort women.

Background: In her 2013 book, *Comfort Women of the Empire*, the academic Park Yu-Ha challenged normative views of Korean comfort women as exclusively victims or slaves, asserting that certain women did form bonds with Japanese soldiers and that there was some level of consent to some of their relationships. In January 2016, Park was reportedly sued by nine former comfort women for defamation and was ordered to pay 10 million won (c. US\$ 9,000) to each. In February 2015, a court reportedly ordered that Park's text be redacted in 34 sections for containing falsehoods. In February 2016, Park published the redacted version of her book online, reportedly in an effort to reach a resolution on the issue. Numerous intellectuals signed a statement in Park's defence, whilst her critics have branded her as a pro-Japanese apologist or traitor. During World War II, an estimated 80,000 to 200,000 women, mostly from Korea but also from other East Asian countries, were recruited into the sexual service of Japanese soldiers. Although their recruitment is considered to have been non-consensual, the Japanese government reportedly maintains that there is insufficient evidence that this drafting happened on an institutional level. In December 2015, Japan and Korea reached an ostensibly final settlement on the issue which has caused tensions between the two nations for many years, with Japan agreeing to pay 1 billion yen (c. US\$ 9.2 m) to a fund to aid the then 43 surviving victims, and South Korea agreeing to consider the matter resolved. The international dispute continued into 2017, with contention over memorial statues outside the Korean consulate in Tokyo and the recall of a Japanese envoy to South Korea.

Malaysia

ON TRIAL

Wee Meng CHEE (also known as NAMEWEE)

Profession: singer, songwriter and filmmaker

Date of birth: 6 May 1983

Date of arrest: 21 August 2016

Date of release: 25 August 2016

Type of legislation: religion and traditional values/insult

Details of arrest: According to reports, Namewee was detained at Kuala Lumpur International Airport after returning from an overseas trip. His arrest was reportedly in connection with the July 2016 release of his video for his song 'Oh My God', which features him rapping in front of places of worship around Malaysia. Representatives from 20 local NGOs reportedly filed complaints against Namewee. Plans for the police to arrest Namewee on his return from overseas were reported on 2 August 2016.

Details of trial: Namewee is reportedly being investigated under Section 295 of the Penal Code for ‘injuring or defiling a place of worship with intent to insult the religion of any class.’ Namewee insists the video was intended to promote religious harmony. The charge carries a prison term of up to two years and/or a fine. On 25 August 2016, Namewee was reportedly released on bail and an extension to his detention period was refused due to his health concerns. No further information as of 31 December 2017.

Conditions of detention: Namewee detailed on social media the poor conditions of the Bayan Baru police detention centre where he was held; he especially detailed the poor health and mistreatment of his fellow detainees. Namewee has since removed these social media posts.

Background: Namewee is a popular and controversial singer, known for his profanity-laced music. He has also directed and starred in several films. In 2007, he publically apologised after producing a parody of the Malaysian National Anthem which reportedly questioned government policies, highlighting police corruption and inefficient public services.

Zulkifli Anwar ULHAQUE (also known as ZUNAR)

Profession: cartoonist and writer

Date of birth: 15 May 1962

Date of arrest: 10 February 2015

Date of release: 14 February 2015

Details of arrest: Zunar was reportedly detained for four days during an investigation into a tweet.

Details of trial: According to reports, on 3 April 2015, Zunar was charged under the Sedition Act. He faces a total of nine charges and up to 43 years in prison. One investigation relates to a tweet Zunar posted on 10 February 2015 implying Federal Court judges had bowed to regime pressure in convicting and sentencing opposition leader Anwar Ibrahim to five years in prison. Another investigation relates to his cartoon books *Pirates of the Carry-BN* and *Conspiracy to Imprison Anwar*. Zunar will challenge the constitutionality of the Sedition Act; the trial was scheduled for 11 May 2017. Depending on the outcome, the trial on nine charges of Sedition will follow.

Background: Zunar is a prominent political cartoonist and has produced several books of cartoons. He champions the slogan ‘How can I be neutral? Even my pen has a stand’; through his work, he exposes the corruption and abuse of power committed by the state authorities. Zunar’s ongoing trials occur against the backdrop of increased restrictions placed on freedom of expression by the Malaysian authorities; in April 2015 amendments were made to the law in order to grant the government broader powers with respect to online media and to stiffen penalties.

Judicial Harassment: Between 2009 and 2010 the Home Minister for Malaysia reportedly banned five of Zunar’s cartoon books under the Printing Press and Publications Act, as ‘detrimental to public order’. Many of his cartoons

are censored; reportedly printers and bookstores around the country have been raided and warned not to print or sell his works. Additionally, Zunar has been investigated several times under the 1948 Sedition Act, as part of a series of harassment incidents that reportedly include the banning of his books, censorship of his drawings, restrictions imposed on his movement and harassment of his associates. Most recently, **(1)** on 17 October 2016, Zunar was banned from leaving Malaysia. According to reports, he was stopped by an immigration officer at Kuala Lumpur International Airport acting on instructions put in place by the Inspector General of Police as of 24 June 2016.

Update: In February 2017, Zunar’s bid to remove the High Court judge involved in the judicial review of his October 2016 travel ban was successful. Despite this, on 29 November 2017, the Malaysian High Court dismissed his challenge to his travel ban. He has since stated that he will contest the ban again. The cartoonist was to pay court costs of RM 5,000 (approx. US\$1,281). **(2)** on 25 November 2016, Zunar was forced to call off an exhibition taking place at a literary festival in Penang after it had been attacked by a group of approximately 30 individuals with pro-government leanings. The following day Zunar was reportedly arrested and briefly detained under the Sedition Act and Penal Code for cartoons that allegedly offended Prime Minister Najib Razak. Zunar was released the next day but the investigation is ongoing. All 20 artworks from the exhibition are reported to have been confiscated by police. **(3)** Zunar was arrested again on 17 December 2016 while attending a fund-raising programme to recover the monetary loss incurred at the disrupted November 2016 exhibition. According to reports, Zunar was detained alongside two assistants and two fans under the Penal Code, allegedly for being detrimental to parliamentary democracy. More than 1,000 of his books were reportedly confiscated by police. He was released the same day but the investigation is ongoing.

Update: In August 2017, it was reported that Zunar was suited for wrongful arrest and the seizure of his work at a fundraiser in December 2016. He is reported to be seeking damages of RM 22,388 (c. US\$ 5,735), aggravated and exemplary damages, and other reliefs deemed fit by the court. Earlier in the year, in April 2017, Zunar was awarded RM 18,000 (approx. US\$ 4,611) in damages over the seizure of his work as part of a police raid of his office in September 2010. **(4)** On 3 October 2017, Zunar’s book, a 2015 collection of cartoons mocking government leaders entitled *Sapuman: Man of Steal*, was reportedly banned under the Printing Presses and Publications Act. **(5)** On 29 November 2017, Zunar reports that he was questioned for one hour by police regarding a cartoon posted to social media in August and placed under investigation under Section of 233 (1)(a) of the Malaysian Communications and Multimedia Commission (MCMC) Act 1998. He stated that his phone was confiscated following this questioning.

Awards: Recipient of Courage in Editorial Cartooning Award 2011; Hellman/Hammett Award 2011 and 2015; Committee to Protect Journalists’ 2015 International Press Freedom Award; 2016 Cartooning for Peace Award.

PEN Action: Joint statement – 20 May 2015; statement – 2 December 2016

Thailand

KILLED: IMPUNITY

Kamol DUANGPHASUK: (pen name: Mainueng K. KUNTHEE)

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 2017.

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

DETAINED: MAIN CASE

SIRAPHOP: (Pen name: Rung Sila)

Profession: poet

Date of arrest: 24 June 2014

Type of legislation: defamation/insult

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. An arrest warrant was issued on 8 June 2014. He was arrested on 24 June 2014 after his car was intercepted by armed men in plainclothes. He was immediately taken to a military camp.

Place of detention: Bangkok Remand Prison

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 rearrested by the Technology Crime Suspension Division office for interrogation for violating Article 112 of the Criminal Code (lèse majesté) and Section 14 of the Computer-related Crime Act. Siraphop pleaded not guilty, although he admitted to using 'Rung Sila' as his pen name associated with the Facebook account and website in question. 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. 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. Siraphop's co-operation with the investigation process is reported to have played a role in the court delivering this reduced sentence. Siraphop continues to be detained and on trial in relation to the lèse majesté charge.

Update: On 15 November 2017, the Military Court in Bangkok [again postponed trial](#) as a witness failed to appear in 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. Siraphop regularly wrote articles critical of the government. He continues to write poetry in prison.

ON TRIAL

Bandit ANEEYA (also known as Jueseng Kwao)

Profession: writer and translator

Date of birth: 1951

Date of arrest: 15 November 2016

Date of release: 17 November 2016

Details of arrest: According to reports, Aneeya was arrested for a remark he made during a panel discussion about human rights and the monarchy at Thammasat University on 12 September 2015. Police had briefly

detained him shortly after the event but no charges were filed. A video transcription of his speech was reportedly re-assessed by a police committee leading to his November 2016 arrest.

Details of trial: Aneeya faced a military court on 16 November 2016 in relation to a lèse majesté complaint. He was released on bail on 17 November 2016.

Health concerns: According to reports, Aneeya is of fragile physical health and has a history of mental illness. Although Aneeya claims he does not have any mental disorder, uncertainties surrounding his mental state have influenced the trials and verdicts of previous prosecutions and there are continued questions as to whether he is fit to stand trial.

Background: Aneeya has been prosecuted numerous times in relation to alleged lèse majesté offenses. He was first accused of lèse majesté in 1975 in relation to a book written about the Ethiopian emperor Haile Selassie, focusing on Selassie's wealth. Aneeya currently has another lèse majesté case pending for remarks he made at a public panel discussion in November 2015. Criticisms of governments are a recurring theme in many of Aneeya's writings. One of his most recent works is his autobiography, *The Dream Under the Sun*, released in 2014.

Harit MAHATON

Profession: novelist

Date of arrest: 27 April 2016

Date of release: 8 July 2016

Details of arrest: Mahaton was among eight people arrested in a series of coordinated raids conducted in Bangkok and Kohn Kaen province on 27 April 2016. They were reportedly taken from the 11th Military Circle to the Crime Suppression Division.

Details of trial: Mahaton faces charges of sedition under Article 116 of the Penal Code, violating the 2007 Computer Crime Act, and lèse majesté under Article 112 of the Penal Code in connection with social media activity. Mahaton denies the charges and has emphasised his support for the monarchy in court. Despite being a civilian, he is being tried before a military court. In a civilian court, sedition carries a sentence of seven years in prison, while lèse majesté carries a maximum 15-year penalty. However, military courts have been known to pass sentences up to twice as harsh as those of a civilian court. Mahaton and colleagues were denied bail by the Bangkok military court, which argued that their cases carry heavy penalties for serious criminal charges against national security. After repeated bail applications, Mahaton was released on 8 July 2016. According to reports, Mahaton was officially indicted on lèse majesté charges on 2 August 2016. No further information as of 31 December 2017.

Background: Mahaton is the author of at least 10 fantasy novels for young adults. Mahaton is one of eight people accused of being involved in the making and dissemination of commentary on the parody Facebook page 'We Love

General Prayuth'. The seven, who also face charges of sedition and violating the 2007 Computer Crime Act are: **Natthika Worathaiyawich, Noppakao Kongsuwan, Worawit Saksamutnan, Yothin Mangkhangsanga, Thanawat Buranasiri, Supachai Saibut, and Kannasit Tangboonthina.** The Thai-language Facebook page categorised itself as a 'comedian' site. The Thai military junta claimed that it was created with funding from the son of deposed Prime Minister Thaksin Shinawatra in order to discredit the government. The Facebook page is no longer accessible. The lèse majesté charges are thought to stem from private communications on Facebook messenger between Mahaton and social media user Worathaiyawich, accessed following Mahaton's arrest on 27 April 2016. Worathaiyawich was also indicted on 2 August 2016 and will face lèse majesté charges.

JUDICIAL HARASSMENT

Sulak SIVARASKA

Profession: writer, academic, activist

Date of Birth: 27 March 1933

Legislation: Defamation/insult

Details of Trial: On 9 October 2017, Sivaraksa was reportedly taken before a military tribunal and informed that an almost three-year investigation into the charges of lèse-majesté had been concluded. He was reportedly released the same day and told that military prosecutors would decide on whether to proceed with the case at a hearing on 7 December 2017. Sivaraksa reportedly appeared before the court on this date only to be told his hearing had been postponed to 17 January 2018. The charges reportedly relate to a complaint filed by military personnel on 16 October 2014 in response to a speech he delivered at Thammasat University in Bangkok on 5 October 2014 in which he questioned a historical account of a 16th-century elephant battle between the Thai King Naresuan and the Burmese Crown Prince Mingyi Swa. At the time of this speech, King Naresuan was the subject of an epic film being promoted by the military junta.

Background: Sulak Sivaraksa, aged 85, is a well-known social critic and the author of at least 100 books and monographs published in Thai and English addressing Thai society and culture. A proponent of 'engaged Buddhism,' which 'integrates the practice of Buddhism with social action for a healthy, just, and peaceful world,' according to the [International Network of Engaged Buddhists](#) – an organisation which he co-founded in 1989 – Sivaraksa has founded many civil society organisations and cultural initiatives. According to [media reports](#), Sivaraksa sees dissent as an essential part of his loyalty to his nation. [He has faced at least five lèse-majesté charges.](#) According to [Reuters](#), at least 94 people have been prosecuted for lèse-majesté and as many as 43 have been sentenced since the 2014 coup. The law does not apply to past kings but is sometimes loosely interpreted and used to defend the royal establishment.

Awards: Sivaraksa has reportedly twice been nominated for the Nobel Peace Prize (1993 and 1994), and is the

recipient of the 1995 Right Livelihood Award, as well as the 2011 Niwano Peace Prize, awarded to those who promote peace through interreligious cooperation

PEN Action: [RAN 20/17 - 27 October 2017; Update 1 to RAN 20/17 – 9 January 2018](#)

[STOP PRESS: [On 17 January 2018, the charges against Sivaraska were officially dropped by the court, one day before the national commemoration and supposed anniversary of the 16th Century battle on Royal Thai Armed Forces Day.](#) The court cited a lack of evidence as its reason for dropping the charges.]

CONDITIONAL RELEASE

Andy HALL: (UK national)

Profession: labour activist and researcher who blogs at <http://andyjhall.wordpress.com/>

Date of birth: 30 October 1979

Sentence: three-year prison term suspended for two years and 150,000 baht (c. US\$ 4,300)

Details of trial: Hall was tried for both criminal and civil defamation, as well as offences under the Computer Crimes Act after publishing a report on alleged abuses committed by the Natural Fruit Company Limited, a fruit processing company in Thailand. Hall's investigative report entitled, 'Cheap has a high price: Responsibility problems relating to international private label products and food production in Thailand', was published in late 2012, by the Finnish NGO FinnWatch. The report focuses on production practices of juices and fruit sold in Finland, and was reportedly based on interviews with employees, many of them undocumented migrants from Myanmar, who suffered labour rights abuses, from poor working conditions to child labour. Hall was the lead researcher of the report, while working as Associate Researcher at Mahidol University in Thailand. The charges were filed on 14 February 2013, and his trial before the South Bangkok Criminal Court began on 2 September 2014. On 18 September 2015, the Appeal court upheld their decision to dismiss the defamation charges against Hall over a press interview conducted in Myanmar, saying neither Natural Fruit Company Limited nor the state prosecutors had grounds to sue for defamation in Thailand. On 3 November 2016, Thailand's Supreme Court rejected a final appeal by the Attorney General and Natural Fruit Company Limited. This is just one of four cases of defamation Natural Fruit has filed against Hall.

Conviction: Hall's trial began on 19 May 2016 and on 20 September 2016, he was convicted of criminal defamation and violation of the Computer Crimes Act. The court initially sentenced him to prison for four years in addition to a 150,000 baht (c. US\$ 4,300) fine. However, his prison sentence was reduced to three years and suspended for two years on 20 September 2016. Two civil complaints by Natural Fruit, who are reportedly demanding c. US\$12 million in damages, are still pending.

Update: According to reports, on 8 February 2017 the legal team representing Hall submitted an appeal to the Bangkok South Criminal Court against Hall's earlier

conviction in September 2016. In May 2017 Hall, who has since left Thailand, announced his intention to [sue Thai authorities](#) for wrongful prosecution and harassment. Hall's lawyers [were reported](#) to have filed litigation against the Office of the Attorney General, nine Thai state prosecution officials and one senior police officer at the Central Criminal Court for Corruption and Misconduct Cases in Bangkok on 31 May. Further criminal litigation was to be filed against Natural Fruit Company, a board member with legal authority to act on behalf of the company, a senior company management official and the company's lawyer. In October 2017, Andy Hall [reported on his blog](#) that two senior executives from Natural Fruit were indicted, pleaded not guilty, and were released on temporary bail pending trial in March 2018.

PEN Action: [RAN 01/16; Update 1 to RAN 01/16 – 16 May 2016](#)

Viet Nam

IMPRISONED: MAIN CASES

NGUYEN Ngoc Nhu Quynh (also known as ME NAM) (f)

Profession: blogger and social activist

Date of birth: 1979 **Sentence:** 10 years

Date of arrest: 10 October 2016

Expires: October 2026

Type of legislation: national security

Details of arrest: According to reports, Me Nam was arrested while visiting an imprisoned political activist in her hometown of Nha Trang. Me Nam and her mother were reportedly forced into a car and driven to her house. The home was searched and electrical equipment was confiscated. She was subsequently taken to Song Lo prison and was charged under Article 88 of the Penal Code, for 'propagandising' against the state, according to media reports; if convicted she could face up to 20 years in prison.

Current place of detention: Song Lo Prison

Details of trial: Evidence cited in her case reportedly includes approximately 400 Facebook posts and her published brochure, entitled *Stop*.

Update: On 29 June 2017, Me Nam was convicted of "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88 of the Penal Code and sentenced to 10 years in prison, following a one-day, closed-door trial. On 30 November 2017, a court reportedly rejected Me Nam's appeal. Her mother has claimed that she, along with others protesting outside the court, was repeatedly [beaten by plainclothes police](#). She also stated that three such activists were detained.

Conditions in detention: In March 2017, five UN Special Rapporteurs made a [joint statement](#) in which they express ‘*fear for her physical and psychological integrity, and denounce the violations of her fundamental right to due process, in particular her being detained incommunicado, the denial of her right to legal counsel and the banning of visits from her family.*’

UNWGAD ruling: In its [opinion](#) adopted during its 78th session on 30 May 2017, the UN Working Group on Arbitrary Detention (UNWGAD) found that “*article 88 of Viet Nam’s Penal Code is so vague and overly broad that it could result in penalties being imposed on persons who have merely exercised their legitimate rights to freedom of opinion and expression.*” Moreover, it concluded that Me Nam’s arrest and subsequent detention was intended to restrict her activities as a human rights defender, and that her detention violates her rights under articles 19 and 20 of the Universal Declaration of Human Rights (UDHR), articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), as well as her right to fair trial under 9, 10 and 11, and 9 and 14, of the UDHR and ICCPR respectively.

Background: Me Nam’s writing is often critical of the Vietnamese government, highlighting social injustice and human rights violations. She has faced persistent harassment from the Vietnamese authorities; she was first arrested in 2009 but was released after 10 days following international pressure. Her 2016 arrest reportedly followed her criticism of the government’s handling of a chemical dump at a Taiwanese-owned steel plant in central Viet Nam that caused mass fish deaths.

Other information: Member of the Viet Nameese Bloggers Network.

PEN Action: [RAN 11/17](#); [update 1 to RAN 11/17 – 29 June 2017](#); [Day of the Imprisoned Writer 2017 – 15 November 2017](#)

TRAN Anh Kim

Profession: writer, dissident and former army officer.

Date of Birth: 15 August 1949

Sentence: 13 years in prison

Date of arrest: 21 September 2015

Expires: 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.

Update: 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 of 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.

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)

Profession: businessman, poet and internet writer

Date of birth: 29 November 1966

Sentence: sixteen years in prison and three years of probationary detention.

Expires: 23 May 2025

Date of arrest: 24 May 2009

Type of legislation: national security

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 Môt 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 Moc prison, including

Tran Vu Anh Binh (see below), 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.

Update: 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 Viet Nam. He is the founder of the Studies Group for Improving and Promoting Viet Nam. 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 Viet Nam, 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)

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

Date of arrest: 9 October 2003

Type of legislation: unknown

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 was placed under house arrest. Although he has not been formally convicted of any charge, he remains under house arrest.

Update: In May 2017, it was reported that his telephone was being monitored by police.

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.

ON TRIAL

NGUYEN Quang Lap (aka: Bo Lap)

Profession: blogger, journalist and writer

Date of birth: 30 April 1956

Date of arrest: 6 December 2014

Date of release: 10 February 2015

Type of legislation: other

Details of arrest: Nguyen was arrested at his home in Ho Chi Minh City, reportedly for 'abusing freedom and democracy to infringe upon the interest of the state'

Details of release: On 10 February 2015 Nguyen was released into house arrest for medical reasons as he has a paralysed arm and a leg as a result of a stroke.

Details of trial: Nguyen is thought to remain under investigation under Article 258 of the Criminal Code on the charge of 'abusing freedom and democracy to infringe upon the interests of the state'. No further information as of 31 December 2017.

Background: Nguyen is said to have been in the Army in the 1980s for about five years. He then started his career as a journalist and became the deputy editor of the magazine *Cua Viet*, which was closed by the authorities for its alleged pro-democracy line. He later wrote plays, film scripts, a collection of stories and a novel. He is an award-winning writer and a member of the Viet Nameese Writers' Association. In 2007 he started blogging in 'Que Choa' (Dad's Homeland), which is said to be one of

the most popular blogs inside and outside Viet Nam. In recent years, the blog has suffered cyber-attacks, but it continues to be active and popular.

CONDITIONAL RELEASE

HO Thi Bich Khuong (f)

Profession: internet writer and human rights activist

Sentence: five years in prison and three years' probationary detention.

Date of birth: 1967

Date of arrest: 15 November 2011

Date of release: 15 January 2016

Details of arrest: Ho was arrested by the public security police after a search of her house, where agents confiscated many items, including books and computers.

Details of trial: Ho was tried on 29 December 2011, at Nghe An People's Court, for 'conducting propaganda against the Socialist Republic of Viet Nam' under Article 88-1(c) of the Criminal Code.

Details of release: Ho was reportedly released from prison on 15 January 2016. At the time of her release, it was unclear where Ho would go as the Vietnamese government had confiscated her house and land. She has three years of probationary detention to serve. No further updates as of 31 December 2017.

Background: Ho served two previous prison sentences, in 2005 and 2007, after conviction of offences under article 245 of the Criminal Code, for 'causing public disorder', and article 258 for 'abusing democratic freedoms to infringe upon the interest of the State', respectively. She has also been attacked, threatened and subject to brief detentions.

Other information: Ho's writings promote freedom of expression and freedom of association; especially focusing on defending the rights of landless poor people and human rights activists. Her memoir of her time in prison was published in serialised form in 2009 by *Nguoi Viet Online*, a Vietnamese-American newspaper in the United States. She has also written some satirical poems and was a member of the pro-democracy movement Bloc 8406.

Awards: Recipient of 2011 Hellman/Hammett 2011 Award.

NGUYEN Van Ly

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 2017.

Details of trial: On 30 March 2007, a People's Court in Hue (Central Viet Nam) 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 Viet Nam, 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 Actions: 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](#)

PHAN Ngoc Tuan

Profession: dissident poet, writer and human rights defender.

Date of Birth: 1959

Sentence: five years in prison and three years in probationary detention.

Date of arrest: 10 August 2011

Date of release: Released from prison on 10 August 2016 into probationary detention (a form of house arrest).

Details of arrest: Phan was arrested by the public security police when he took refuge with one of his acquaintances in Ho Chi Minh City. He was then escorted back to his place of residence for interrogation.

Details of trial: On 6 June 2012, Phan was sentenced

by the Ninh Thuan province's people court to five years in prison and three years in probationary detention after being convicted of 'conducting propaganda against the Socialist Republic of Viet Nam' under article 88-1(c) of the Criminal Code. The indictment alleged that Phan's writings 'slandered' the government and its leaders. No defence lawyers, even court-appointed ones, were present at Phan's half-day trial. Phan denied the charges.

Health concerns: On his release from prison, Phan was reportedly in poor health. He is said to have carried out multiple hunger strikes during his time in prison, protesting the mistreatment of prisoners.

Other information: Phan's family has reportedly faced harassment, intimidation and threats.

Background: Phan is the author of several satirical texts, lampoons, pamphlets and documents criticising the communist authorities for their human rights violations and denouncing corruption, social injustice and ideological discrimination in the regime's legal system.

TRAN Vu Anh Binh (also known as Hoang Nhat Thong)

Profession: songwriter and blogger.

Date of birth: 1974

Sentence: six years in prison and two years' house arrest

Expiry: 2017

Date of arrest: 19 September 2011

Type of legislation: national security

Details of arrest: According to reports, Binh was arrested by a group of about 10 plain-clothed police who confiscated his computers and audio-visual equipment.

Date of release: 21 May 2017

Details of trial: On 30 October 2012, Tran was convicted after a five-hour trial at Hi Chi Minh People's Court of 'conducting propaganda against the Socialist Republic

of Viet Nam' under article 88-1(c) of the Criminal Code. He was tried with songwriter and performer Vo Minh Tri (see 'conditional release' below).

Details of release: On 21 May 2017, Tran was released four months early and transferred to his home in Ho Chi Minh City. The year spent in jail before his trial and sentencing was reportedly counted as part of his sentence. PEN is seeking confirmation as to whether he is currently serving the additional two-year house arrest.

Background: Tran has written songs which deal with social matters, advocating the respect of human rights, denouncing social injustice and abuse of power. His best-known songs include 'Father, You Gave Me (Your Child) the Future', and 'The Lullaby is Not Fully Sung Yet'. He is also credited with writing the music for 'Courage in the Dark Prison', a song that reportedly expresses support for imprisoned blogger Nguyen Van Hai.

PEN Action: [RAN 70/12](#) – 31 October 2012

CASE CLOSED

VO Minh Tri (also known as Minh Tri and Viêt Khang)

Songwriter and performer arrested in December 2011 and sentenced to four years in prison, with an additional two years' probation. He was freed on expiry of his prison term in December 2015, and the subsequent two year probation period ended in December 2017. It is assumed that he has served his entire sentence, and the case is closed. He had been convicted for 'conducting propaganda against the Socialist Republic of Viet Nam' under Article 88 of the Criminal Code. Vo was tried with songwriter and blogger Tran Vu Anh Binh (above) (In April 2011, Vo and other young professionals, students and activists founded the organisation *Tuoi Tre Yeu Nuoc (Young Patriots)*, a human rights defenders' group. Vo's lyrics and writings have been published on the group's websites www.tuoi tre yeunuoc.com and www.tuoi tre yeunuoc.net.

PEN Actions for journalists in Asia & Pacific

In addition to its advocacy for the writers referred to in this list, PEN International also took action on behalf of a journalist killed in Asia, details of which can be found in the link provided below.

India

Gauri LANKESH (f): *journalist murdered on 5 September 2017*

Action:

September 2017: [Statement Murder of journalist is a devastating blow to freedom of expression](#)

Europe and Central Asia

Europe and Central Asia Overview

Turkey: Ahmet Şık

Writer on Trial under Anti-Terror Laws

Writer and journalist Ahmet Şık, imprisoned since December 2016, is on trial alongside 16 colleagues of *Cumhuriyet*, Turkey's oldest newspaper, on charges of assisting an armed terrorist organisation, charges seen to be spurious. PEN International has been observing the proceedings, which have been marred by violations of the right to a fair trial.



Poland: Tomasz Piątek

Charged for his book Claiming Corruption at High Level of Government

Journalist Tomasz Piątek faced potential criminal charges for his book '*Macierewicz and his Secrets*' that examines alleged links, both political and financial, between those close to Poland's Defence Minister Antoni Macierewicz and the Russian military intelligence services, entities close to the Kremlin, and organised crime. The charges were dropped on 15 March 2018.

Silencing of dissenting and critical voices continued in Europe and Central Asia in 2017. In addition to the unrelenting repression in Turkey, the Russian Federation and several Central Asian countries, there was also a marked deterioration in some European Union member states.

The state of emergency was maintained in **Turkey** throughout 2017, and the country remains the world's largest jailer of journalists, with over 150 imprisoned by the end of the year. On 16 April, constitutional amendments were approved in a contested referendum, granting President Erdoğan wide-reaching centralised new powers, and throughout the year several executive decrees were adopted that further impinge on the right to freedom of expression. Spurious criminal proceedings against journalists continue unabated, mostly on charges of lending support to terrorist organisations and alleged participation in the attempted coup of July 2016. Many of the trials including those against **Ahmet and Mehmet Altan** and against the *Cumhuriyet* journalists, which PEN International has been observing, have been marred by violations of domestic and international standards on fair trial and the independence and impartiality of the judiciary. Furthermore, in several trials there are allegations of torture or ill-treatment in order to obtain confessions or evidence. For instance, in the criminal proceedings against Kurdish reporter **Nedim Türfent**, who was sentenced to 8 years and 9 months' imprisonment in December, 20 of 21 witnesses who appeared in court claimed that they gave evidence after having been tortured by the police. It is not only journalists who are affected by the authorities' judicial persecution of free expression – as evidenced for instance by the institution of criminal proceedings were brought against the **Academics for Peace**, a diverse group who signed a declaration calling for peace in Turkey's south-east and who are facing terrorism-related charges as a consequence. In his report on his 2016 country visit, the UN Special Rapporteur on freedom of expression noted that the situation for free speech in the country is 'in grave crisis' and expressed serious 'concern at the deterioration of media freedom', echoing similar statements by, among others, including the Parliamentary Assembly of the Council of Europe, the Council of Europe's Human Rights Commissioner and the OSCE Representative on freedom of the media.

In the **Russian Federation**, the onslaught on the right to freedom of expression continues unabated, with the authorities taking increasingly extreme legal and policy measures, which consolidate their control over the free flow of information. Notably, under new legislation, access to websites banned in Russia has become even more difficult. Furthermore, new measures allow the authorities to list foreign media outlets as 'foreign agents' and force them to brand the news they provide as 'foreign' and disclose their funding sources. In response to this law,

the Council of Europe's Human Rights Commissioner stated that the Law on Foreign Agents has had 'a major "chilling effect" on the work of civil society organisations'. The media remain under attack in various other ways, including physical attacks on and intimidation of journalists including the murder of journalists Nikolai Andrushchenko and Dmitry Popkov (the first murders of journalists in Russia since 2013), criminal prosecutions against media workers (often alleging libel), detention of journalists covering contentious events, and blocking of electronic media. Private citizens equally suffer politically motivated prosecutions for having peacefully exercised their right to freedom of expression, for instance in application of the so-called blasphemy law, which criminalises insulting religious feelings of others, or on terrorism-related or separatism charges, particularly in relation to the conflict in Crimea. Lastly, censorship, both offline and online, remains at a high level, affecting the use of the internet, libraries that are targeted for holding 'extremist materials', access to literature for minors, and theatre and cinema. In **Crimea**, meanwhile, the state of freedom of expression, as well as working conditions for media workers, remain as dire as they have been since the occupation by the Russian Federation began in 2014. In March, the European Parliament adopted a resolution, condemning among other things the lack of freedom of expression and association in the peninsula, and in December 2017, the UN General Assembly called for the creation of a 'safe and enabling environment for journalists'.

In addition to the continued occupation of Crimea, **Ukraine** is facing a war in its eastern region against Russia-backed armed groups. The safety of journalists and media workers covering events there is precarious. Furthermore, in response to the war, the government has undertaken a series of steps to promote national security that have served to undermine the right to freedom of expression. Among others, in May a presidential decree banned major Russian companies from operating in the country, targeting Russian social media used by millions of Ukrainians, and in July and August the security services expelled or denied entry to several foreign journalists for allegedly engaging in anti-Ukrainian propaganda, which was condemned by the OSCE free media representative, among others.

In October, high-profile investigative journalist **Daphne Caruana Galizia** was assassinated in **Malta**, giving rise to wide-spread condemnation including by the European Parliament, the OSCE free media representative and several UN Special Rapporteurs. Although three men were charged with her murder in December, there are concerns about the authorities' handling of the investigation, reflecting both the fact that those who ordered the killing remain unidentified, as well as a more general scepticism regarding the Maltese authorities' capacity to carry out an independent and impartial investigation.

In **Spain**, the so-called 'Gag Law' that entered into force in 2015 continues to have a deteriorating effect on free speech, affecting the use of social media as well as artistic freedom. Furthermore, the Spanish authorities cracked down on opinion and protest surrounding Catalonia's

independence referendum, and political and civil society leaders as well as ordinary citizens find themselves in detention or under investigation on charges of sedition or 'hate crimes'. Moreover, journalists covering the referendum were on the receiving end of harassment and intimidation from both sides in the referendum.

In **Hungary**, the Orban government's ongoing crackdown on critical voices continued in 2017, including attacks on academic freedom and a further escalation of the government's anti-migrant stance, with the authorities openly fuelling anti-migrant rhetoric and smearing critical rights groups. In a May 2017 resolution, the [European Parliament](#) expressed regret that developments in Hungary have led to a serious deterioration of, inter alia, the freedom of expression.

The authorities in **Poland**, in addition to adopting far-reaching reforms that have the potential to remove the judiciary's independence, are taking measures that undermine the freedom of the press. The state media have been brought under the government's direct control, and actions are taken to intimidate independent journalists and critical media outlets, including by imposing large fines, for instance on a TV station accused of 'encouraging behaviour threatening the country's security' for covering anti-government protests. The [European Commission](#) has launched an investigation against Poland for breaching European common values and the rule of law, as a consequence of the above-mentioned judicial reforms.

Dissent continues to be systematically criminalised in **Azerbaijan**, with journalists and bloggers suffering arbitrary arrest and detention, torture, and prosecutions on politically motivated charges, as well as violence, harassment, and intimidation that subsequently goes unpunished. In March, legislative amendments were introduced that gave the government the power to block any website 'posing a danger to the state or society', and they have been used to block several leading independent news websites.

In **Kazakhstan**, the authorities in December introduced amendments to the press law that further impinge on the already-weak media freedom in the country. Among other things, journalists are now required to obtain the permission of persons named in their articles before publishing information involving matters of 'personal and family confidentiality', potentially obstructing, in particular, coverage of corruption. Furthermore, Internet users are required to identify themselves before posting a comment on a news website.

In **Uzbekistan**, there have been modest improvements concerning media freedom since President Mirziyoyev assumed office in December 2016, evidenced for instance by registered outlets' covering of politically sensitive topics. However, journalists are still arrested on politically motivated charges, and the Internet remains highly censored.

Lastly, the year was marked by several attempts by governments to abuse the **INTERPOL** Red Notice system to extend the persecution of writers and journalists

beyond their own borders. A Red Notice, nicknamed the 'international arrest warrant', is a voluntary request to locate and provisionally arrest an individual pending extradition, issued by INTERPOL's General Secretariat at the request of a member country. In 2017, Red Notices were issued concerning several Turkish journalists and writers, some of whom were indeed detained in Spain although ultimately not extradited, and Azerbaijani and Uzbek journalists, who were subsequently detained in Ukraine, among others. On 26 April 2017, the [Parliamentary Assembly of the Council of Europe](#) called for more stringent legal safeguards to avoid abusive recourse to the INTERPOL system.

"I APPRECIATE THE MEMBERS OF PEN FOR ALL THEIR SUPPORT AND SOLIDARITY WITH ME DURING THE TIME OF MY ARREST, DETENTION AND THROUGH THE ON-GOING HEARING OF MY CASE. I AM GRATEFUL FOR EVERYONE WHO WROTE AN EMAIL TO THE MINISTER OF INTERNAL AFFAIRS OR THE MINISTER OF JUSTICE, CALLING FOR MY RELEASE. I APPRECIATE THOSE INDIVIDUALS WHO PARTICIPATED IN ONLINE DISCUSSIONS ABOUT THE PLACE OF FACEBOOKERS AS WRITERS WORTH RECOGNISING AND PROTECTING. I THANK THOSE WHO SENT ME MESSAGES OF SOLIDARITY AND ENCOURAGEMENT DURING THAT DIFFICULT TIME. YOUR INVOLVEMENT IN MY TRIALS AND TRIBULATIONS LENT MY CASE THE MUCH NEEDED VISIBILITY, GRAVITAS, AND IMPETUS"

Stella Nyanzi, writer and activist on trial in Uganda, speaking to PEN in December 2017

Europe and Central Asia Case List

Azerbaijan

KILLED: IMPUNITY

Rafiq TAĞI

Profession: journalist and short story writer

Date of birth: 5 August 1950

Date of death: 23 November 2011

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.

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. He 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.

IMPRISONED: MAIN CASE

Rashad RAMAZANOV (pen name Rashad Hagigat Agaaddin)

Profession: writer and blogger

Date of birth: 1 January 1982

Sentence: nine years in prison

Date of arrest: 9 May 2013

Expires: May 2022

Type of legislation used: Other, narcotics-related (see below)

Details of arrest: Ramazanov was arrested in Azerbaijan's capital Baku near the '20 January' metro station and taken to 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'). His case was referred to the Baku Court of Grave Crimes on 7 August 2013 where 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 the Baku Court of Appeal on 16 January 2014 and by Azerbaijan's Supreme Court on 14 May 2014.

Background: Ramazanov is well known for his anti-government postings. PEN believes that the charges against him are politically motivated and that he is imprisoned solely for exercising his right to freedom of expression. The organisation calls for his immediate and unconditional release and for his conviction to be quashed.

Other information: Dunja Mijatović, then Organisation of Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, has referred to Rashad Ramazanov's case in several statements, most recently in [May 2016](#) when she welcomed the release of Khadija Ismayilova, a well-known investigative journalist who had been detained since December 2014. The United Nations Working Group of Arbitrary Detention also mentioned Ramazanov in its [May 2016 statement](#) upon the conclusion of its visit to Azerbaijan. Rashad Ramazanov's family says that he is not receiving the adequate medical treatment he requires. He suffers from a number of health problems as a result of his imprisonment, most serious being tuberculosis, which he contracted when he was arbitrarily detained without charge for several months in 2005.

Update: Ramazanov was punished with 15 days in solitary confinement beginning on 23 January 2017, allegedly for documenting the conditions of his detention. Since then, he no longer has access to writing materials.

Honorary member: PEN Canada. **PEN Action:** [RAN 01/17](#) and [update](#).

ON TRIAL

Akram AYLISLI

Profession: author, poet, playwright

Date of birth: 1 December 1937

Date of harassment: 30 March 2016

Details of harassment: Aylisli was [detained](#) at Heydar Aliyev airport in Baku in the morning of 30 March, 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 4 am 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.

Details of trial: 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. PEN is seeking an update to the trial proceedings.

Background: Aylisli was a popular writer in Azerbaijan up until the publication of his novel *Stone Dreams*, which tackled the 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 2013 publication, he was stripped of his titles and medals and the President signed a decree 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.

Arif YUNUS

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

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 years in prison by the Baku Court of Grave Crimes on 13 August 2015. Leyla Yunus was sentenced the same day to eight-and-a-half years in prison. Both were [convicted](#) on politically motivated charges, including illegal entrepreneurship, tax evasion, and fraud.

Place of detention: Arif Yunus was held at the Ministry of National Security's investigative prison.

Health concerns: Both Arif and Leyla Yunus suffer from serious health problems and their health deteriorated sharply in detention.

Details of release: The Baku Court of Appeals granted Yunus conditional release on medical grounds on 12 November 2015 at the request of his lawyers after his health seriously deteriorated. As part of the conditions of their release, Arif and Leyla Yunus 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 as the trial continues.

Update: On 17 May 2017, the Yunus' lawyer asked the Baku Court of Appeals to ensure the couple's participation in the proceedings via internet. 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.

Other information: In August 2015, a group of 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 euros (approximately US\$ 14,500) in damages each and 4,000 euros (approximately US\$ 4,500) for costs and expenses. 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.

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.

Croatia

ON TRIAL

Ante TOMIĆ

Profession: writer, journalist, satirical writer for *Slobodna Dalmacija* and *Jutarnji List* national daily newspapers.

Type of legislation used: defamation

Details of trial: Croatia's Minister for Culture, Zlatko Hasanbegović, is suing Ante Tomić for psychological damages up to 30,000 HRK (around US\$ 4,200), following the publication of an article in the Serbian newspaper *NIN* on 28 January 2016, entitled 'The Sorrows of a Political Minotaur' where Tomić referred to the minister in derogatory terms, including references to the minister's Muslim background. Tomić in his defence 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. PEN is seeking an update.

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: an effigy symbolising Tomić was burned during the annual carnival in the municipality of Proložac 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.

Italy

THREATENED

*Simone DI MEO

Profession: Journalist and writer

Details of threat: At a summer festival in Calabria, during the presentation of his book *Gotham City*, which tells the story of *Gelsomina Verde*, a young woman murdered by mafia in 2004, Di Meo was threatened by around twenty people in the audience. They shouted that Verde 'had it coming' and that 'these books' put Naples in a bad light, continually interrupting Di Meo, who had to be escorted back to his hotel by the police. The perpetrators left before they could be identified. One of them had declared to be from Melito di Napoli, a few kilometres from the author's home and the domain of the Di Lauro Camorra clan.

Kazakhstan

JUDICIAL CONCERN

Aron ATABEK (also known as Aron YEDIGHEEV)

Profession: poet, writer, newspaper publisher and political activist

Date of birth: 31 January 1953

Sentence: 18 years in prison

Expires: July 2024

Type of legislation used: Other (see below)

Date of arrest: 17 July 2006

Details of arrest: 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.

Current place of detention: AP 162/1 in Pavlodar

Details of trial: Charged and convicted in 2007 of organising mass disorder and of taking hostage and killing a police officer under disputed circumstances during those events. Atabek denied the charges. 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.

Conditions in detention: Atabek was held in a high security jail in Arkalyk, over 1,600km away from his family, until October 2013. 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, although his family doubt that he would have requested this.

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 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)*. He was awarded the literary 'Almas Kylysh' prize in 2004, as well as the Freedom to Create 'Imprisoned' prize in 2010. 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'.

PEN Action: [Call to action](#) 5 August 2013; updates on [24 October](#), [29 October](#), [12 November 2013](#) and [6 January 2014](#), [17 March 2014](#), [20 June 2014](#). Shortly before PEN International's World Congress in Bishkek, Kyrgyzstan (September 2014), a PEN delegation travelled to Kazakhstan where they protested Atabek's ill treatment at a meeting with 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 [2015](#) and [2016](#).

Netherlands

THREATENED

*Paul VUGTS

Profession: journalist and writer

Details of threat: In October 2017, crime correspondent of *Het Parool* newspaper Paul Vugts [went into hiding](#) on the advice of the police of Amsterdam, which is investigating concrete and detailed information about threats from criminal circles against Vugts because of his newspaper articles and his book *Afrekeningen* (roughly translated to '*Reckoning*'). The police also implemented several other protection measures, although more detail was not disclosed.

Background: Vugts authored and co-authored several books about the Dutch criminal underworld.

Poland

JUDICIAL HARASSMENT

*Tomasz PIĄTEK

Profession: investigative journalist and writer

Date of birth: 16 March 1974

Type of legislation used: Insult and other (see below)

Details of harassment: Piątek faces 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' 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 alleges that Piątek's publication constitutes 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. If found guilty, he could

face up to three years' imprisonment.

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 Ostrofskich*.

PEN Action: [RAN 15/17](#), 31 August 2017

Award: winner of the 2018 Reporters without Borders and TV5MONDE Press Freedom Prize (category 'journalist')

Russia

KILLED: IMPUNITY

Anna POLITKOVSKAYA (f)

Profession: journalist and author

Date of birth: 30 August 1958

Date of death: 7 October 2006

Details of death: Shot dead in the elevator of her apartment on 7 October 2006. She 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 back 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, the mastermind who ordered her killing has never been brought to justice; Anna Politkovskaya's family have said that they will continue to campaign for justice.

Background: Despite continuous threats against her Politkovskaya continued to write 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. Politkovskaya was the winner of numerous international awards for her courage, including the 2004 Olaf Palme Award that was set up by the family of the murdered Swedish prime minister. The prize was given to Politkovskaya to honour her work for the 'long battle for human rights in Russia'.

Honorary member: PEN Canada

PEN actions: [RAN 8/11](#), 2 March 2011; PEN 50th anniversary campaign (case 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](#).

KILLED: PERPETRATOR CONVICTED

Dmitry TSILIKIN

Profession: arts and culture journalist and critic, author

Date of birth: c.1961

Date of death: 27 March 2016

Details of death: A well-known Russian journalist and music and culture critic, Dmitry Tsilikin was found dead in his St. Petersburg apartment on the 31 March 2016. Friends and family had reportedly been unable to contact him after he had returned from a trip to the Latvian capital of Riga.

Details of investigation: St. Petersburg police stated that he died after suffering multiple stab wounds and severed tendons and that his laptop and mobile phone had been stolen. Investigators established that he had been killed at around 5pm on 27 March 2016. A murder investigation was opened the following day. On 7 April 2016 a university student was arrested in connection with his murder and admitted killing Tsilikin. Investigators informed the media that the student had far right views and viewed the killing as part of a crusade against 'a certain group of people' (believed to be a euphemism for [LGBT people](#)).

Update: In May 2017, the student was sentenced to 8.5 years' imprisonment. In a closed hearing, the court

reportedly heard he had initially met Tsilikin on the Internet and later attacked him following a 'sudden quarrel'.

Background: Dmitry Tsilikin had trained as an actor before turning to journalism. His writings had focused on art and culture, but he had also contributed to independent media outlets, where he had written about mainly social issues and civil rights. He had written for prominent Russian and international magazines such as *Vedomosti*, *Kommersant*, *Vogue* and *Elle*, and he had also worked on television, having been a host of two programmes on Russian channel RTR between 2001 and 2003.

Awards: He was posthumously awarded both the North-West Russian Golden Feather 2015 prize for journalism, and the Cultural Space prize.

JUDICIAL CONCERN

*Yuri Alexeyevich DMITRIEV

Profession: historian and human rights activist

Date of birth: 28 January 1956

Date of arrest: 13 December 2017

Details of arrest: Dmitriev was accused of making pornographic images of his foster daughter Natasha and charged under art. 242.2 of the Criminal Code (use of a minor for the production of pornographic materials or objects).

Type of legislation used: Child pornography

Current place of detention: On 28 December 2017, Dmitriev was transferred to Serbsky Centre in Moscow for psychiatric assessment.

Details of trial: On 1 June 2017, Dmitriev's trial began in Petrozavodsk City Court. The proceedings have been characterised by concerns over a lack of respect of the right to a defence, including with regard to the cross-examination of witnesses and the use of expert testimony provided by the Center for Sociocultural Expert Studies, which previously played a nefarious role in the case against Pussy Riot and against Ruslan Sokolovky, a blogger convicted under the blasphemy law. On 15 September, the Court agreed to submit the photographic evidence to other experts, who on 26 December presented their findings that there was no element of pornography in the photographs taken by Dmitriev and concluding that their purpose was to monitor the health of a weakly child. The Court subsequently ruled that Dmitriev must undergo a second psychiatric assessment at the Serbsky Center in Moscow and that a new assessment of the photographs be made by the same body. On 27 December, the Petrozavodsk City Court ruled that after more than a year in pre-trial detention at the city's Detention Centre No. 1, Dmitriev would be scheduled for release on 28 January 2018 on condition that he not leave the country.

Background: Dmitriev has worked since the late 1980s to locate the execution sites of Stalin's Purges and identify its victims. As head of the Karelian branch of the Memorial Society, 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. PEN International is monitoring the case in light of the coordinated assaults on Memorial, which the Russian authorities have long sought to silence from speaking out on human rights violations and abuses. It is believed that the charges against Dmitriev might be a means of penalising him for his work. In light of the heinous nature of the charges, 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, a judicial examination upon which the victim and society at large can rely to unearth the truth and to attribute guilt, if warranted, through due process.

BRIEF DETENTION: IMPUNITY

Hussein BETELGERIEV

Profession: poet, singer, writer, composer and university teacher

Date of abduction: 31 March 2016

Perpetrator: Non-state

Details of abduction: On 31 March 2016, Hussein Betelgeriev was abducted from his home in Grozny by two unidentified men dressed in black uniforms, believed to be Chechen law enforcement officials. According to *Amnesty International*, the men took him away but refused to tell his wife where they were going. She reported her husband missing on 2 April and on 4 April the Investigation Committee for the Chechen Republic officially announced that it was looking into reports of his abduction.

Date of release: 11 April 2016

Details of release: Betelgeriev returned home on 11 April 2016, severely beaten and tortured. Human Rights Watch [tied his abduction](#) to his pro-Chechen separatist views. While he was still missing, local media reported that he had used lyrics written by the president of the unrecognised state of Ichkeria; it was also [reported](#) that he had written on social media about the president of Ichkeria on the day of his abduction and that he had previously posted an image of the flag of Ichkeria.

Update: The investigation into the abduction has stalled and has not led to the identification of the abductors or their motives.

Other information: The case had become one of public interest, since his musical works are popular in the Chechen Republic. Betelgeriev was also a member of the Journalists Union of Russia.

ATTACKED

*Yulia LATYNINA (f)

Profession: Journalist, columnist and writer

Date of birth: 16 June 1966

Date of attack: 3 September 2017

Perpetrator: Unknown

Details of attack: On 3 September 2017, unknown attackers set fire to Latynina's car, which was parked near the wooden house that she shares with her parents. In July, she reported that unknown assailants sprayed an unidentified substance through a window of her house, resulting in noxious fumes wafting through the house, which her mother said made her feel as if she were suffocating. In August 2016, an unknown attacker threw faeces at Latynina near the offices of *Ekho Moskvy*, a radio station where she hosts a weekly show, *Kod Dostupa*. Reportedly, the authorities are investigating the attacks, which caused Latynina to flee Russia.

Background: Latynina writes a column for independent newspaper *Novaya Gazeta* and hosts a weekly radio show. She is known as a critic of President Putin, but is also a polarizing figure in Russian liberal circles, including over her backing strict immigration policies, opposition to combating climate change and criticism of rights groups. In March 2015, she temporarily left Russia amid reports that she featured on a rumoured 'kill list' of Kremlin critics. She has authored over twenty fiction books since 1991.

scale' (Article 160, part 4, which carries up to ten years in prison). Her trial hearing began on 2 November 2016. She pleaded not guilty to the charges.

Update: On 5 June 2017, she was found guilty and handed-down a four-year suspended sentence. She has appealed her conviction. Proceedings are on-going as of 31 December 2017

Conditions of detention: In October 2016 her house arrest was extended until 28 April 2017. She is allowed to have daily walks in fresh air for two hours.

Health concerns: Sharina suffers from high blood pressure and needs both exercise and regular medical examinations.

Other information: The Ukrainian government sent an official protest to the Russian authorities in connection with the search in Moscow's Library of Ukrainian Literature, describing the actions of Russian law enforcement as 'ruthless and unmotivated'. 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 of 7 July 2017.

Russia: Crimea

ON TRIAL: MAIN CASE

Natalia SHARINA (f) (Ukrainian national)

Profession: director of the state-run Moscow Library of Ukrainian Literature

Date of birth: 1957

Date of arrest: 28 October 2015

Type of legislation used: Anti-extremism

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 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 initially charged under anti-extremism legislation for allegedly distributing printed materials with 'anti-Russian and anti-Russian state propaganda'. In April 2016, she was charged with 'inciting enmity or hatred with abuse of office' (Article 282, part 2(b) of the Russian Criminal Code, which carries up to five years in prison) and 'embezzlement on an especially large

JUDICIAL CONCERN

Oleg SENTSOV

Profession: filmmaker, best known for his 2011 film 'Gamer', author

Sentence: 20 years in prison

Expires: August 2034

Date of arrest: 11 May 2014

Type of legislation used: Anti-terror

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 with rape in an attempt to get a confession. To PEN International's knowledge, the Russian authorities have yet to investigate 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 rightwing group *Pravyi Sektor* (Right Sector)), charges which he denies. He was transferred to Moscow on 23 May. On 26 June 2014, Russia's presidential council for human rights appealed to the deputy prosecutor to review the circumstances surrounding the arrests of Sentsov and a fellow Ukrainian activist. A reply, posted on the council's website, said that prosecutors found 'no grounds for altering the detention of either suspect'. In September 2014, his lawyer appealed to the European Court of Human Rights regarding Sentsov's arrest, pre-trial detention and ill treatment. He also asked for an interim measure requesting access to the case file.

Spain

Current place of detention: Initially held in Moscow's Lefortovo pre-trial detention centre, a judge ruled in August 2015 that he would be held in SIZO (pre-trial prison) No. 4 in Rostov-on-Don until the judgment came into force. He is currently being held in Yakutia, Siberia.

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.

Background: Sentsov was an activist in the Maidan movement that toppled former Ukrainian President Viktor Yanukovich. He helped deliver food to Ukrainian soldiers following Russia's annexation of Crimea.

Other information: In July 2016, the Russian authorities published an updated list of 'terrorists and extremists' from Crimea that included Sentsov. In October 2016, they 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. The Ukrainian authorities are still banned by their Russian counterparts from contacting Sentsov.

PEN Action: Mentioned in the 2014 [resolution on Russia](#) passed at PEN's annual congress, [Day of the Imprisoned Writer](#) 2016.

PEN position: PEN International fears that Oleg Sentsov was imprisoned for his opposition to the Russian annexation of Crimea. The organisation denounces serious flaws in judicial proceedings against him, including his lengthy pre-trial detention, the failure to investigate his allegations of torture as well as the fact that he is being held in Russia. Under international law, Crimea constitutes occupied territory and as the occupying power, Russia is obliged not to transfer civilian prisoners out of the territory. Trying civilians in military courts also violates international human rights norms. Bearing these breaches of international standards in mind, PEN International calls on the Russian authorities to release Oleg Sentsov. Should there be grounds for prosecution on charges of terrorism, these should be heard by a civilian court under Ukrainian law. PEN International further calls for an independent and impartial investigation into his allegations of torture and other ill-treatment. Anyone against whom there is sufficient admissible evidence of responsibility for torture or other ill-treatment should be brought to justice.

ON TRIAL**Josep Miquel ARENAS BELTRÁN**
(stage name Valtònc)

Profession: musician

Date of birth: 18 December 1993

Type of legislation used: Anti-terror and insult

Details of trial: Valtònc 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. Valtònc 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 Valtònc issued a public apology, a proposition which the rapper declined as he pleaded not guilty. The charges brought up by Campos Asensi were eventually dismissed in 2015 but the additional charges went to the National Court.

Update: On 22 February 2017, the National Court sentenced Valtònc 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 fine to Campos Asensi as compensation for the threats. He has lodged an appeal and remains free.

Background: A rapper from Mallorca, Valtònc 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, Valtònc 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.

SENTENCED**César MONTAÑA LEHMAN** (stage name César Strawberry)

Profession: musician, lead singer of the Madrid-based band Def Con Dos

Date of birth: 2 March 1964

Date of arrest: 19 May 2015

Type of legislation used: Anti-terror

Details of trial: César Montaña Lehmann was arrested by the Guardia Civil on 19 May 2015 and charged with 'glorifying terrorism' and 'humiliating its victims' under Article 578 of the Spanish Penal Code in relation to tweets he sent in 2013 and 2014. He was released four hours

later. Among the tweets that were considered criminal were references to the armed separatist group ETA and the far-left militant group GRAPO as well as a joke that he was sending a 'cake-bomb' to the king of Spain for his birthday. Montaña Lehmann appeared before the National High Court on 12 July 2016, as the public prosecutor's office asked for 20 months in prison. The court cleared him of all charges on 19 July 2016, a decision that the public prosecutor quickly appealed. In its ruling, the court acknowledged that the tweets served the same function as the social and politically-critical lyrics of Montaña Lehmann's songs. It also stated that Montaña Lehmann did not postulate support of terror groups or any kind of violence in both his professional and private lives.

Update: However, on 19 January 2017 Spain's Supreme Court sentenced Montaña Lehmann to one year in prison, arguing that his intentions were irrelevant. It also banned him from holding public office for six years and six months. His lawyer said he would appeal to the European Court of Human Rights. Montaña Lehmann is currently out of prison (under Article 80 of the Spanish Penal Code, prison sentences of less than two years are usually suspended for those who do not have a criminal record).

Background: Def Con Dos makes many references to pop culture, news and cinema in its lyrics. After his arrest in May 2015, Montaña Lehmann released a statement expressing astonishment at his arrest and saying that he never intended to glorify terrorism or insult its victims.

Other information: The UN Special Rapporteur on Freedom of Opinion and Expression and other international human rights bodies have specified that the criminalisation of speech relating to terrorism or acts of terrorism should be restricted to instances of intentional incitement to terrorism, understood as a direct call to engage in terrorism.

RELEASED

Raúl GARCÍA PÉREZ, Profession: puppeteer with the company Puppets from Below (Títeres Desde Abajo)

Alfonso LÁZARO DE LA FUENTE, Profession: puppeteer with the company Puppets from Below (Títeres Desde Abajo)

Date of arrest: 5 February 2016

Date of release: 10 February 2016

Date of case dismissal: 5 January 2017

Details of trial: Alfonso Lázaro de la Fuente and Raúl García Pérez were arrested by Spanish police on 5 February 2016 after conducting a puppet show entitled 'The Witch and Mister Cristobal' (La Bruja y Don Cristobal) as part of a public event organised for Madrid's Carnival celebrations. The play represented a police set-up in which a character held up a poster with the words 'Gora Alka-ETA', a play on the words 'al Qaeda' and 'Gora ETA' (Basque for 'Long live ETA'). Some members of the public complained, asked for the show to be stopped and called

the police. De la Fuente and Pérez were brought before the Central Investigative Court in Madrid on 6 February and charged with glorifying terrorism (Article 578 of the Penal Code) and incitement to hatred or violence (Article 510 of the Penal Code). They were released pending trial on 10 February and subject to a number of restrictive measures, including a prohibition on leaving the country, a requirement to report daily to a court or police station and the confiscation of the offending material.

Update: On 5 January 2017, the case was dismissed due to insufficient evidence.

Other information: Jorge Fernández Díaz, Spain's Interior Minister at the time, had defended the detention of the puppeteers, describing as 'an absurdity' the idea that their act could be labelled satire.

Turkey

*Since 2013, human rights and the rule of law have been seriously eroded in **Turkey**. In the summer of 2013, security forces violently suppressed protests in Istanbul's Gezi Park and thousands of peaceful protesters were subsequently criminally prosecuted. Further serious abuses have occurred after the end of the fragile two-year peace process between the Kurdish Workers' Party (PKK) and the state forces in July 2015, with round the clock indefinite curfews in towns and cities in South-East Turkey affecting hundreds of thousands of people. The use of heavy weaponry in urban areas has caused an estimated 2,000 deaths and the internal displacement of up to half a million people. Following the contemptible coup attempt on 15 July 2016, the Turkish authorities have pursued an unprecedented crackdown on a range of human rights. At PEN International's World Congress in Ourense, Spain, 2016, the Assembly of Delegates adopted two resolutions on the situation of freedom of expression in Turkey and on the conflict in the Kurdish-populated region in Turkey. At the 2017 Congress in Lviv, Ukraine again two resolutions were adopted on the situation in Turkey and on the destruction of Kurdish culture in Turkey.*

KILLED: IMPUNITY

Hrant DİNK

Profession: author and editor of the Armenian language magazine *Agos*

Date of death: 19 January 2007

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 İskender,

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 is on-going as of 31 December 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.

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: He was one of the 50 writers chosen to represent the struggle for freedom of expression since 1960 for PEN International’s Writers in Prison Committee’s 50th Anniversary Campaign – Because Writers Speak Their Minds, representing 2007.

Naji JERF: (Syrian National)

Profession: founder and editor of opposition magazine *Henta* and documentary filmmaker

Date of death: 27 December 2015

Details of death: Jerf was shot dead in Gaziantep, southeastern 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.

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 next 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.’

Note on Anti-Terror Investigations in Turkey:

The majority of cases brought against writers in Turkey fall under the scope of various Anti-Terror investigations.

*The **KCK (Kurdistan Communities Union)**, is the alleged ‘urban wing’ of the outlawed PKK (Kurdistan Workers Party), which has been engaged in armed conflict with the Turkish army since 1984. The various waves of this investigation have targeted Kurdish and Turkish civilians with pro-Kurdish sympathies, including politicians, lawyers, human rights defenders, academics, translators, researchers, publishers, journalists and writers. Each investigation is aimed at targeting a separate alleged ‘wing’ of the organisation, such as the ‘committee of leadership’ (46 of the 50 under trial in this wave are lawyers), the ‘political wing’ (including publishers, academics and translators alongside politicians) and the ‘press wing’ (which implicates 46 journalists).*

*The **FETO** investigation relates to the widespread infiltration of various organs of state, including the police, military and judiciary of followers of Fethullah Gülen, a US-based cleric. Initially close to the ruling Justice and Development Party, the two groups fell out and since December 2013 and the government has been cracking down on alleged Gülenist sympathisers, designating the Gülen movement as a terrorist organisation (FETO). Since the attempted coup of July 2016, this crackdown has massively increased, after the government declared a state of emergency and its derogation from the European Convention on Human Rights. Tens of thousands of state officials have been purged from the judiciary, police, military, education system and universities; thousands have been arrested, including well over 100 journalists and writers. Although initially those suspected of affiliation to the Gülen movement were targeted, Kurdish and pro-Kurdish journalists have also been arrested, along with others known to be critical of the government.*

This list indicates those persons whose cases are linked to one of these investigations. Where there is no reference to either, these are cases which are not known to be linked to any particular investigation.

IMPRISONED: MAIN CASE

Mehmet BARANSU

Profession: journalist for the daily *Taraf* and author of 3 books

Sentence:

- 1) 10 months in prison (also on trial for other charges)
- 2) 11 months and 20 days
- 3) 10 months in prison

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.

Current place of detention: Silivri Prison, Istanbul

Details of trial: (1) 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.

Update: 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' conspiracy.

(2) 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 reportedly accused of 'collecting secret official documents on state's security and political interests'.

(3) 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.

(4) 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, 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 and imposed a 10-month prison sentence.

(5) 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 2017.

Conditions of detention: According to his lawyer, Baransu was kept in isolation for nearly four months before being given a cell mate on 22 June 2015.

PEN Action: [Statement 5 March 2015.](#)

*Zehra DOĞAN (f)

Profession: Journalist, painter, poet

Date of birth: 1989

Sentence: 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

Details of arrest: Taken into custody on 12 June 2017, while she was on her way to visit family

Current place of detention: Diyarbakir prison

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.

Conditions of detention: Doğan does not have access to painting materials, but she continues to paint, mixing colours from food and drink.

Background: Doğan is the founding editor of the all-female news agency Jin News Agency, which was closed on 29 October 2016 by emergency law Statutory Decree No. 675. She received numerous awards for her work, including the prestigious Metin Göktepe Journalism Award for her reportage 'The Screams of Yezidi Women'.

PEN Action: [Statement](#) 17 August 2017; selected case for the Day of the Imprisoned Writer 2017.

DETAINED: MAIN CASE

*Ahmet ALTAN

Profession: Novelist, essayist and journalist

Date of birth: 2 March 1950

Date of arrest: Arrested on 10 September 2016; released on probation on 21 September 2016; re-arrested on 23 September 2016 and in pre-trial detention since then

Current place of detention: Silivri Prison, Istanbul

Conditions of detention: Altan is being held in isolation

Details of trial: Ahmet Altan alongside his brother, academic and journalist Mehmet Altan (also detained) and others, is accused of sending subliminal messages to encourage the planners of the attempted coup in July 2016. The indictment, alleging membership of a terrorist organisation, was issued on 17 April 2017 and the proceedings started on 19 June 2017. PEN International has been observing the trial, which has been characterised by many fair trial violations throughout. Proceedings are on-going as of 31 December 2016. If found guilty, Altan faces an aggravated life sentence. Altan is also on trial in a separate case, together with Baransu (see above) 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.

Previous political trials: In 2013, he was found guilty of defamation for a January 2012 editorial piece in *Taraf*, 'Morality and Enabling the State', for which was sentenced to 11 months' imprisonment, commuted to a fine. He has faced various other charges for his work both as a journalist and a novelist, including 'insulting Turkishness' (Art. 301 Penal Code) for an article dedicated to the victims of the Armenian Genocide.

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.

Ahmet ŞIK

Profession: journalist and writer, reporter for *Cumhuriyet* Daily

Date of birth: 1970

Date of arrest: 29 December 2016

Details of arrest: arrested at his home in Istanbul

Details of trial: Şık is on trial alongside 16 colleagues of *Cumhuriyet*, Turkey's oldest newspaper, on charges of assisting an armed terrorist organisation. PEN International has been observing the proceedings, which have been marred by violations of the right to a fair trial. The trial is on-going as of 31 December 2017.

ODA TV case

Date of arrest. Arrested 7 March 2011 alongside Nedim Şener (see below)

Date of release: 12 March 2012

Details of release: Freed pending trial on 12 March 2012

Details of trial: Formally charged on 11 March 2011 on charges related to the Ergenekon investigation. ODA TV is a news website described as its media wing. He is charged with 'membership of an armed organisation' under Article 314/2 of the Penal Code. His trial began on 14 April 2011.

Update: On 12 April 2017, the 18th High Criminal Court acquitted all defendants in the ODATV case.

Additional charges: On 12 March 2012, additional charges were brought by prosecutors alleging that comments made by Şık on 12 March 2012 as he left Silivri prison were 'threatening' to judges and prosecutors and depicted them as 'targets for terrorist organisations'. Şık was indicted under Articles 106/2-d, 43/1, 53, 125/1, 125/3-a and 125/4 of the Turkish Penal Code (Law No. 5237) on 3 July 2012, with the prosecutor seeking between three and seven years in prison. The charges are said to be linked to the comment 'The police, prosecutors and judges who plotted and executed this conspiracy will enter this prison.'

Update: On 8 November 2017, Şık was acquitted of these additional charges.

Background: Şık is a graduate of the Communications Faculty Department of Journalists, Istanbul University. Reporter for *Milliyet*, *Cumhuriyet*, *Evensel*, *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 Ergenekon trial 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 *Kontrgerilla ve Ergenekon'u Anlama Kılavuzu (Guide to understanding contra-guerrilla and Ergenekon)*. His co-defendant Ertugrul Maviolu was also acquitted. 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, Sik was convicted of defamation and sentenced to pay a fine of 4,000 Turkish Lira (c. US\$ 5,118).

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 and Danish PEN.

PEN Actions: PEN International is closely following Şik's case since his arrest and is monitoring the criminal proceedings against the *Cumhuriyet* staff. 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.

IMPRISONED: INVESTIGATION

PEN is seeking further information as to whether the writers below used or advocated violence.

Hamit DUMAN (alias DİLBAHAR)

Profession: poet, politician and journalist for *Azadiya Welat*

Sentence: 16 years

Date of arrest: 13 February 2010, as part of the KCK operation.

Current place of detention: Erzurum E-type prison

Details of trial: Convicted of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code and leadership of a terrorist organisation under Article 5 of the Anti-Terror Law in early 2013 and sentenced to 16 years in prison. Still imprisoned as of December 2017.

Hidayet KARACA (FETO):

Profession: writer, former *Zaman* reporter and chairman of the Samanyolu Broadcasting Group

Date of arrest: 14 December 2014

Sentence: 31 years

Current place of detention: Silivri Prison, Istanbul

Details of trial: Karaca was one of 31 people arrested on 14 December 2014 'on suspicion of membership of an illegal organisation'. Among those arrested were high-ranking members of the Istanbul police force as well as journalists, screenwriters, producers and directors who have worked for newspapers and TV stations said to be affiliated with the Gülen movement, subsequently linked to an attempted coup in July 2016. On 26 April 2015, the Istanbul 32nd Court of First Instance issued a verdict to release Karaca but the decision was overruled by the Istanbul 10th Court of Peace on the grounds that the former court had no authority to decide. On 12 December 2015 Istanbul police reportedly raided and

searched Karaca's home seizing a computer used by Karaca's children. Karaca's lawyer said that the aim of the search was to disturb the family of the journalist and that 'it is impossible that the judge who took this decision does not know that he is already in jail.' His trial began in December 2015.

Update: In November 2017, Karaca was sentenced to 31 years in prison.

Background: Karaca is also the author of one book, *Bir Dizi Film*.

PEN Actions: Statement 15 December 2014

Erol ZAVAR

Profession: poet and former editor in chief of *Odak* and *Direnış* magazines

Date of arrest: January 2000

Sentence: life imprisonment

Details of trial: Convicted of 'attempting to overthrow the constitutional order' in January 2001. Imprisoned ever since despite numerous campaigns for his release and several battles with cancer.

Background: Zavar was editor-in-chief at *Odak* and *Direnış* in 1997 and 1998 and has had two books of poetry published during his time in prison. He remained imprisoned as of 31 December 2017.

ON TRIAL: KCK – PRESS WING

46 journalists, mainly working for the pro-Kurdish media, have been on trial for forming the 'media committee' of the Kurdistan Communities Union (KCK) and taking orders from the outlawed Kurdistan Workers Party (PKK). All arrested in December 2011, many served more than two years in prison. Following the abolition of Special Authority Courts in the 4th Judicial Reform Package in February 2014, all suspected members of the KCK 'Press Wing' were freed pending trial. The hearings continued throughout 2017 and into 2018.

ON TRIAL: KCK – OTHER

At least a further 21 journalists and other writers were put on trial in other KCK-related cases. Some have been released, while others remain on trial. Below are key cases. For details of the others, please refer to previous case lists.

Ayşe BERKTAY (f)

Profession: scholar, author, translator and woman's activist

Date of arrest: 3 October 2011

Date of Release: 20 December 2013

Details of trial: Berktaş had been working with the Peace

and Democracy Party (BDP) of which she is a member. She is being tried on charges of ‘membership of an illegal 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.’ Her trial in Istanbul is believed to be on-going as of 31 December 2017.

Background: Publications include: *History and Society: New Perspectives*, 2008; *The Ottoman Empire and the World Around – with Suraiya Faroqhi*, 2007. Berktaş 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. Berktaş has also written numerous articles on feminism in Turkey.

Honorary member: PEN Turkey, PEN American Center, 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 Ayşe Berktaş](#) 8 March 2014.

Professor Büşra ERSANLI (f)

Profession: academic, expert on political science and author

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.

Details of trial: She 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 pro-Kurdish Peace and Democracy Party (BDP), a legitimate political party. 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 on-going as of 31 December 2017.

Background: Professor Büşra Ersanlı is an academic based at Istanbul’s Marmara University’s Faculty of Political Science and International Relations. She 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](#)

Deniz ZARAKOLU

Profession: author and translator

Date of Birth: 15 July 1975. Son of leading freedom of expression activist, also detained and now freed, **Ragıp Zarakolu** (see below).

Date of arrest: 7 October

Date of release: Freed pending trial on 27 March 2014

Details of arrest: Arrested at his home in Tarlabasi, Istanbul.

Details of release: Deniz Zarakolu was released pending trial on 27 March 2014.

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 pro-Kurdish 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 2017.

Professional details: Civil Engineer and PhD student at Bilgi University, Istanbul. Author of a book on Thomas Hobbes and translated Hobbes’ *De Cive* among others. 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

Profession: publisher, freedom of expression and minority rights activist, member of PEN Turkey

(1) Date of Arrest: 29 October 2011

Date of release: 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 Penal Code Article 220/7 and demanding between 7.5 and 15 years in prison reportedly in connection with a speech he made at an event by the pro-Kurdish Peace and Democracy (BDP) party, and articles published in the newspaper *Özgür Gündem*

(*Free Agenda*). His trial in İstanbul is on-going as of 31 December 2017.

(2) Date of arrest: An arrest warrant was issued in absentia in July 2016.

Details of the trial: Zarakolu is on trial under anti-terror legislation alongside **Aslı Erdoğan** (see below) and eight others for articles they 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 on-going as of 31 December 2017."

Update: Harassment of Zarakolu continued in 2017 with police raiding Belge Publishing House, founded by Ragıp and Ayşe Zarakolu in 1977, and seizing over 2000 books.

Background: In the days running up to his arrest in 2011, Zarakolu had been campaigning for the release of his son, Deniz Zarakolu, (see above) who had been arrested three weeks earlier. Ragıp 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. Zarakolu is currently living abroad, with trial hearings held *in absentia*.

Honorary member of: PEN Turkey, German PEN, Netherlands PEN, San Miguel de Allende PEN

PEN Actions: RAN 54/11 Update #5 10/04/12 & RAN 23/13 23/05/13, Update 12/06/13. He was one of the 50 writers chosen to represent the struggle for freedom of expression since 1960 for the Writers in Prison Committee's 50th Anniversary Campaign – Because Writers Speak Their Minds, representing 1991.

ON TRIAL: OTHER

Doğan AKHANLI (German national)

Profession: writer and human rights activist

Date of birth: 1957

Date of arrest: 10 August 2010

Date of release: 8 December 2010

Details of trial: Acquitted on charges of 'robbery' and 'membership of armed organisation' by the domestic court in 2011. In February 2013 the Supreme Court reversed this decision, demanding life imprisonment. Akhanlı, who permanently lives in Germany as a German citizen was arrested in 2010 when he was visiting Turkey. Reportedly, Akhanlı was among the group who robbed an exchange office in 1989. Following the abolition of Special Courts, the case was delegated to the 3rd High Criminal Court of İstanbul. (For more information see previous Case List – July – December 2011)

Update: On 19 August 2017, Akhanli was arrested in Spain pursuant to an INTERPOL Red Notice. On 20 August, the Spanish authorities granted him conditional release pending the extradition proceedings. In October

it was decided that Akhanli would not be extradited, and he was free to return to Germany.

Background: Akhanlı contributes to projects and campaigns dealing with violence in history and human rights. His novel *Madonna'nın Son Hayali (Last Fantasy of Madonna)* was acclaimed by critics among the 10 best novels in Turkish in 2005. Akhanlı is also known for his efforts to clarify the circumstances of the murder of Hrant Dink (see above: killed - Impunity) and to keep his memory alive.

Can DÜNDAR:

Profession: former editor of *Cumhuriyet*, writer, documentary filmmaker and member of PEN Turkey

Date of birth: 16 June 1961

Date of arrest: 26 November 2015

Details of arrest: On 26 November 2015, the authorities detained Dündar and his Ankara bureau chief **Erdem Gül** 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 those 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. Proceedings are on-going as of 31 December 2017

(2) In August 2015, the public prosecutor of İstanbul 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 on-going as of 31 December 2017.

(3) Dündar is on trial alongside 16 colleagues of *Cumhuriyet*, Turkey's oldest newspaper, on charges of assisting an armed terrorist organisation. PEN International has been observing the proceedings, which have been marred by violations of the right to a fair trial. The trial is on-going as of 31 December 2017.

Attack - Day of attack: 6 May 2016

Details of attack: Can Dündar was leaving the Istanbul Çağlayan Courthouse for an intermission of his trial where he was being accused of publishing secret state documents and trying to overthrow the government, when attacker Murat Şahin approached him with a gun and fired several shots in quick succession at Dündar whilst shouting 'traitor'. The assailant was neutralised by Dündar's wife, Dilek Dündar and a member of parliament from the Republican People's Party (CHP). Dündar was unharmed in the attack although NTV television reporter **Yağız Şenkal** was wounded in the leg. Accusing the Turkish President, Recep Tayyip Erdoğan, and the pro-government media of whipping up a climate of hatred against him, Dündar commented on the attack saying 'We know very well who showed me as a target. This is the result of provocation. If you turn someone into so much of a target, this is what happens.' On 21 October 2016, shooter Murat Şahin, who was jailed following the attack, was released pending trial by an Istanbul court; proceedings are on-going.

Background: Dündar was also tried for criminal defamation following an official complaint by Turkish President Recep Tayyip Erdoğan and his son Bilal Erdoğan on 7 August 2014. The charge related to two articles he wrote in July 2014, in which he criticised the handling of a major investigation into alleged government corruption in Turkey and discussed the ramifications of then Prime Minister Recep Tayyip Erdoğan's presidential candidacy. Erdoğan has previously attempted to have Dündar charged with defamation for an article he wrote. The public prosecutor questioned Dündar on 6 May 2014 following Erdoğan's complaint, but decided against pursuing charges against him.

Other information: While imprisoned Dündar wrote a [letter](#) to the *Washington Post* entitled 'What's freedom worth? Less than three billion euros apparently', wherein he criticised Europe's dealings with Turkey with regards to managing the refugee crisis.

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](#)

Ekrem DUMANLI (FETO)

Profession: former editor-in-chief of *Zaman* and playwright

Date of arrest: 14 December 2014

Date of release: 19 December 2014

Details of arrest: Dumanli was arrested alongside journalist **Hidayet Karaca** (see above) and nine others on 14 December 2014 'on suspicion of membership of an illegal organisation'. Among those arrested were high-ranking members of the Istanbul police force as well as journalists, screenwriters, producers and directors who have worked for newspapers and TV stations said to be affiliated with the Gülen movement. The arrests came against a backdrop of escalating political tensions

between the ruling party in Turkey and the followers of Islamic cleric Fethullah Gülen. He was released after questioning.

Details of trial: Dumanli was charged with membership of the Gülen movement, which the authorities have designated a terrorist organisation. PEN is seeking an update on the status of his trial.

Background: **PEN Actions:** Press release [15 December 2014](#)

Aslı ERDOĞAN (f), profession: novelist, advisory position in *Özgür Gündem* daily

Date of birth: 8 March 1967

Necmiye ALPAY (f), profession: linguist, advisory position *Özgür Gündem* daily

Date of birth: 1946

Details of trial: Erdoğan was detained on 17 August 2016, with more than 20 other journalists and employees including renowned writer/linguist **Necmiye Alpay** 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. Erdoğan, who serves as an advisory board member and columnist in the paper, was sent to a jail in Istanbul on preliminary charges of 'membership of a terrorist organisation' and 'undermining national unity.' On 31 August 2016, Istanbul's Eighth Criminal Court of Peace ordered the arrest of Alpay and Erdoğan on charges of being members of a terror organisation and disrupting the unity of the state; they deny all charges.

Date of Release: Both Alpay and Erdoğan were subsequently released on 29 December 2016 following 133 days in detention.

Update: On 7 September 2017, the Turkish authorities lifted travel restrictions imposed on Asli Erdogan. Erdogan and Alpay's trial is ongoing as of 31 December 2017

PEN Actions: [RAN 18/16](#), [RAN 19/16](#), [Call to Action 1 September 2017](#)

Ahmet NESIN

Profession: journalist and writer

Date of arrest: 20 June 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 others 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’. He faces up to 14 years and six months in prison if found guilty. The trial is ongoing as of December 2017.

Background: The *Özgür Gündem* campaign was launched on 3 May 2016 for World Press Freedom Day. It involved 44 writers and human rights activists who demonstrated solidarity with the newspaper by volunteering as editor-in-chief for a day. *Özgür Gündem* has frequently been under pressure from the Turkish authorities; it was banned between 1994 and 2011 and many of its reporters were arrested over the years on charges of supporting the PKK. Others were held for years as part of an investigation into the KCK.

Sevan NİŞANYAN

Profession: Turkish language historian, writer and *Agos* columnist

Sentence:

- 1) Thirteen-and-a-half months (postponed until the outcome of an appeal)
- 2) 11 years (currently being served)

Date of arrest: January 2014

Details of Trial:

1) Nişanyan was found guilty of religious defamation under Article 216/3 of the Turkish Penal Code on 24 May 2014 for comments he made regarding the Prophet Muhammad in his personal blog. He was handed a thirteen-and-a-half month prison sentence, with the court deciding not to suspend his sentence or commute it to a fine as a result of his prior convictions. An appeal which had been placed on 25 October 2016 was rejected.

2) Nişanyan is currently serving a prison sentence as a result of a long-standing legal battle with the state over planning permission. Nişanyan began his prison sentence in early January 2014. In April 2015, a court increased the length of this sentence from six years and six months to 11 years and one month after he was convicted of additional planning offences.

Update: On 14 July 2017, Nişanyan tweeted ‘The bird has flown away. Wishing the same for the remaining 80 million’, thus enigmatically announcing his escape from Foça prison, where he had been transferred in April. He fled to Greece, where he requested asylum.

PEN Actions: [Interview with Sevan Nişanyan](#), 5 February 2015. Mentioned in PEN’s 2015 report: [Surveillance, Secrecy and Self-Censorship: New Digital Freedom Challenges In Turkey](#)

RELEASED

Nedim ŞENER

Profession: journalist and writer

Date of birth: 1966

Date of arrest: 7 March 2011

Date of release: Released from pre-trial detention on 12 March 2012

Details of Trial: Formally charged on 11 March 2011 with 13 others on charges related to the Ergenekon investigation with ‘membership of an armed organisation’ under Article 314/2 of the Penal Code. ODA TV, a news website, is described as its media wing. The trial began on 14 April 2011.

Update: On 12 April 2017, the 18th High Criminal Court acquitted all defendants in the ODATV case.

Background: Şener was tried and subsequently acquitted in 2010 for his book that implicates the Turkish security forces in the 2007 murder of the Turkish Armenian newspaper editor, Hrant Dink (see above). Şener has published over 12 books between 1994 and 2012. Since his 2010 acquittal, he has written two other books on related issues: *Red Friday - Who Broke Dink’s Pen?* And *Fetullah Gülen and the Gülen Community in Ergenekon Documents*.

HARASSED

İhsan ELİAÇIK

Profession: writer, theologian and publisher; owner of İnşa Publishing House

Perpetrator: Non-state

Details of harassment: At Kayseri Book Fair In October 2017, Eliaçık was insulted by a group of unknown actors. The police did not allow him to enter the fair. No further details available.

Background: İhsan Eliaçık has written over 20 books since the early 1990s, including a series on revolutionary Islamic intellectuals and a number of books outlining a socialist interpretation of Islam. He is the ideological leader of ‘the Anti-Capitalist Muslims’, a group that strongly opposes the synthesis of capitalism and Islam on moral grounds. An outspoken critic of the incumbent AKP administration and Turkey’s Directorate of Religious Affairs, Eliaçık and his group were present throughout the Gezi Park protests, and garnered significant attention for their condemnation of the heavy-handed government response. A criminal defamation case against him, initiated in 2013 by representatives of Erdoğan (Prime Minister at that time), was dropped pursuant to clemency offered by President Erdoğan on all criminal defamation cases involving him following the attempted coup.

PEN Actions: Featured in PEN’s 2014 report [The Gezi Park Protest: The Impact on Freedom of Expression in Turkey](#).

CASE CLOSED**Sedat ERGIN**

Profession: writer and editor-in-chief *Hürriyet* newspaper

Details of trial: Ergin has been charged with insulting the President Recep Tayyip Erdoğan in a report by paraphrasing his 6 September 2015 remarks about an attack by the outlawed Kurdistan Workers' Party (PKK) in Dağlica on the Iraqi border that killed 16 Turkish soldiers. He appeared before Istanbul's Bakırköy district 54th Penal Court of First Instance for a hearing on 25 March 2016.

Awards: 2016 Deutsche Welle Freedom of Speech Award.

Case closed: On 29 July 2016, President Erdoğan announced in a speech commemorating those killed and wounded during the attempted coup that he would drop all lawsuits against people charged with insulting him.

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

Mehman HUSEYNOV: journalist suffering cruel, inhuman and degrading treatment

Action:

January 2017: Joint Action [Rights Groups Demand Justice for journalist Mehman Huseynov Tortured in Azerbaijan](#)

March 2017: Statement [Crackdown on Free Expression Accelerates With Conviction of Prominent Blogger](#)

May 2017: Statement [3 May Press Freedom Day Free Azerbaijani Journalist Mehman Huseynov](#)

Afgan MUKHTARLI: kidnapped journalist

Action:

June 2017: RAN [Kidnapped journalist must be released immediately](#)

June 2017: Statement [Open letter on the cross-border abduction and detention of Afgan Mukhtarli](#)

Kyrgyzstan

Azimjon ASKAROV: *journalist on trial*

Action:

January 2017: Statement [Court upholds life-sentence of journalist & human rights activist Azimjon Askarov](#)

February 2017: RAN [Journalists life-sentence upheld on trumped-up charges](#)

Malta

Daphne CARUANA GALIZIA (F): murdered journalist

Action:

October 2017: Statement [We condemn the barbaric murder of Daphne Caruana Galizia who fearlessly exposed corruption](#)

Russia

NOVAYA GAZETA journalists: *journalists under threat*

Action:

April 2017: Statement [PEN joins Russian writers to demand the protection of Novaya Gazeta journalists](#)

April 2017: Statement [Protect journalists who exposed horrific abuses against gay men in Chechnya](#)

Spain/Turkey

Hamza YALÇIN: *journalist arrested and threatened with extradition*

Action:

August 2017: Statement [Release Turkish-Swedish journalist](#)

Sweden/Bangladesh

Mishu DHAR: *Bangladesh blogger refused protection*

Action:

February 2017: Statement [Sweden refuses protection to Bangladeshi blogger facing death threats](#)

Turkey

CUMHURİYET journalists: *under unfair trial process*

Action:

September 2017: Statement [Hearing in Cumhuriyet case: an unfair trial continues](#)

November 2017: Statement [Newspaper hearing marred by procedural violations, as journalists remain behind bars a year after arrest](#)

CUMHURİYET, EVRENSEL journalists, Mehmet ALTAN, Ahmet ALTAN: *detained journalists*

Action:

September 2017: Statement [PEN welcomes the release of Gürsel and Karataş despite 'dark week' for the freedom of expression in Turkey](#)

CUMHURİYET journalists, ÖZGÜR GÜNDEM newspaper, Academics for Peace: *journalists and academics trials*

Action:

December 2017: Statement [Unfair trials illustrate continuing onslaught on free speech in Turkey](#)

Nuriye GÜLMEN and Semih ÖZAKÇA: *academics on protesting dismissal*

Action:

May 2017: Statement [Academics on hunger strike as effects of post-coup decrees deepen](#)

May 2017: Statement [academics on hunger strike detained](#)

Oğuz GÜVEN: *Arrested web editor*

Action:

May 2017: RAN [Cumhuriyet Daily Web Editor Arrested](#)

November 2017: Statement [PEN International appalled by Cumhuriyet Daily web editor Oğuz Güven guilty verdict](#)

SÖZCÜ Daily staff: *arrested journalists*

Action:

May 2017: Statement [Detention of Sözcü Daily staff effectively silences Turkey's independent press](#)

Nedim TÜRFENT: *journalist detained in solitary confinement*

June 2017: Statement [Journalist on trial after more than a year in solitary confinement](#)

Deniz YÜCEL: *arrested journalist*

Action:

March 2017: Statement [Journalist Deniz Yücel arrested in latest crackdown on media freedom](#)

March 2017: RAN [Turkish-German journalist Deniz Yücel must be released immediately](#)

Ukraine/Uzbekistan

Narzullo AKHUNJONOV: *journalist under extradition and lacking medical treatment*

Action:

October 2017: RAN [Halt extradition of dissident journalist to Uzbekistan](#)

Uzbekistan

Bobomurod ABDULLAEV: *journalist arbitrarily detained and tortured*

Action:

October 2017: RAN [Immediately and unconditionally release independent journalist Bobomurod Abdullaev](#)

Middle East and North Africa

Middle East and North Africa Overview

Egypt: Hesham Gaafar

Writer arbitrarily detained for over two years

Gaafar is a well-known writer, political reformist and head of the Mada Foundation for Media Development (MADA) who was arrested on 21 October 2015 and has been held in pre-trial detention mainly ever since. There are grave concerns about his deteriorating health



Israel: Dareen Tatour

Poet under house arrest as trial continues

Palestinian Poet, Dareen Tatour, spent three months in detention in different Israeli prisons before being placed under house arrest in July 2016 as her trial is under way. She is charged with 'support for a terrorist organisation' for her poetry and social media activity.

Freedom of expression and systematic human rights violations

The Middle East and North Africa (MENA) region continues to be an area of systematic human rights violations, which affect political and civic rights, including freedom of expression and press. This freedom is under attack by both state and non-state actors, among them armed religious extremists such as those that emerged following the beginning of the Arab uprisings in 2010 and 2011 and the resulting failure of democratic transition. Writers and journalists suffer under the ongoing armed conflicts, dictatorships, political crises, and instability across the region. Many have been subjected to arbitrary arrest and detention, enforced disappearance, kidnapping, torture, extra-judicial killings, harassment, and threats. Across the region, writers have been challenged with criminal charges for writings ranging from criticism of religions, particularly Islam, through to commentary addressing corruption and questions surrounding government legitimacy.

Criticising religion or authorities brings death sentences and prison terms

The main legal penalties affecting freedom of expression in the theocratic states of the Middle East, such as Iran and Saudi Arabia, were implemented in the name of religion, including blasphemy, atheism and apostasy. **Ashraf Fayadh**, a Palestinian poet and artist, remains in prison in **Saudi Arabia**, on charges of ‘insulting the divine self’ due to the atheist content of his work. Originally sentenced to death, in February 2016, his sentence was commuted to eight years in prison and 800 lashes.

Freedom of expression becomes enormously limited when writing addresses political change and the legitimacy of those in power. On 18 January 2017, **Nadhir al-Majid**, a Saudi writer and school teacher, was found guilty of ‘writing articles supporting protests’, ‘failing to obey the ruler’, ‘contact with foreign news agencies’, and ‘participating in demonstrations’. One piece of good news is that several Iranian writers were released in 2017 after having served almost a decade in detention, among them poet **Mahvash Sabet** and writer **Mohammad Sadiq Kabudvand**.

Laws criminalising writers and writings

The challenge facing freedom of expression is complicated by penal codes, states of emergency and counter-terrorism legislation, which include vaguely worded provisions often used to arrest bloggers, journalists, writers, and political activists expressing their views through peaceful means. The **Iranian** Islamic penal code, for example, includes charges such as ‘*Moharebeh*’ (waging war against God) and ‘spreading Corruption on Earth’, while the **Syrian** Penal Code includes provisions under which many political prisoners have been arrested for ‘spreading of false news’ and ‘disseminating false information that could affect the morale of the nation’.

In **Egypt** and **Syria**, state of emergency laws that had been lifted following the Arab uprising were absorbed into new counter-terrorism legislation. These constitute a key threat to the right of freedom of expression, freedom of association and the right to fair trial, and have been used to criminalise writers, human rights activists, and intellectuals who criticise the authorities. For example, Article 8 of the Syrian counter-terrorism law penalises ‘any person that distributes printed materials or stored data of any form for such a reason as to promote means or acts of terrorism’. The definition of terrorism under this law extends it to penalising criticism against the government.

Governments in the MENA region also prevent and criminalise writings and publications dealing with sexual orientation and sexuality such as in the case of **My.Kali**, a digital magazine promoting LGBTIQ rights in **Jordan**, which was blocked in July 2017 by the Jordanian Audio-visual Commission. Algerian writer **Anouar Rahmani** was the subject of a criminal investigation under article 144 (bis 2) of the Penal Code, which stipulates a three to five-year prison sentence for anyone who ‘offends the Prophet’ or ‘denigrates the dogma and precepts of Islam’. **Rahmani** was under investigation for his novels *Jibril’s Hallucination* and *White Shadows*, depicting gay relationships during the Algerian war of independence.

Killings, detentions and harassment

Internal armed conflicts within the region have placed ordinary citizens between two and often more deadly forces as starkly confirmed by [the Committee to Protect Journalists \(CPJ\)](#), whose statistics show **Syria** and **Iraq** among the most dangerous places in the world for journalists in 2017 with eight journalists killed in each country, while two journalists lost their lives in **Yemen**. Hundreds of thousands of people, including writers and journalists have been arbitrarily arrested and detained and subjected to enforced disappearance in Syria. Extrajudicial killing, torture, and other ill treatment in prison and detention centres are believed to have caused or contributed to the deaths of thousands of detainees since March 2011. In August 2017, the wife of **Bassel Khartabil**, a Syrian-Palestinian software engineer and free speech activist, reported that he had been extrajudicially executed by the Syrian authorities.

Non-state armed groups continue to control parts of Syria and are also carrying out killings and arbitrary detentions as well as torture and other ill treatment. In **Iraq**, writers have been harassed by armed groups, including **Saad Saloum** who was threatened with death by an unknown Islamic group through phone calls and letters demanding he halt his activities. Similarly, in **Yemen** the situation for freedom of expression continues to decline following the Houthis' occupation of the capital, Sana'a, in September 2014, and the ongoing conflict. A small piece of good news came on 24 September 2017 when writer **Mohammad Yahya al-Jubaihi** was released after being detained by Houthi forces for almost a year. He was [pardoned](#) by a Houthi rebel court that had initially sentenced him to death in April 2017.

The ongoing **Israeli-Palestinian** conflict has caused violations of human rights and injustice for Palestinians. Israel has been detaining many journalists and activists over decades as part of its practice of administrative detention – a form of detention without charge or trial imposed for periods of up to six months, renewable an infinite number of times. On 1 November 2017, journalist **Muhammed al-Qiq** was released after almost one year under administrative detention. Last but not least, Palestinian poet **Dareen Tatour's** trial continues and she remains under house arrest. In a gesture of support in October 2017, PEN International President, Jennifer Clement, and its Executive Director, Carles Torner, [visited](#) Tatour at her home in Reineh near Nazareth. Charged with 'support for a terrorist organisation', Tatour is accused in relation to a video which she posted on YouTube in which she recites one of her poems.

Palestinian poet Dareen Tatour is under house arrest in Israel for her poetry, where she was visited in October 2017 by PEN's International President and its Executive Director and she gave this message:

“AS A DETAINED POET, YOUR SUPPORT GAVE ME A SPARK OF HOPE THAT WOULD NEVER EXTINGUISH, AND IT CONFIRMED THAT THERE IS SOMEONE WHO WORKS TO PROTECT THE RIGHTS OF THE WRITER AND THE POET AS A HUMAN BEING, AND TO ENSURE THAT THE SPARK OF CREATIVITY REMAINS ALIGHT FOREVER. THANK YOU PEN INTERNATIONAL. THANKS VERY MUCH FOR VISITING ME, FOR YOUR SUPPORT, AND STANDING BY POETS AND WRITERS WHO SUFFER AND FACE IMPRISONMENT LIKE MYSELF SOLELY FOR EXPRESSING THEIR VIEWS THROUGH ART.”

Middle East and North Africa Case List

Algeria

JUDICIAL HARASSMENT

*Anouar Rahmani

Date of birth: 9 March 1992.

Profession: writer and law student.

Date of harassment: throughout 2017

Type of legislation: insult to religion and traditional values.

Details of harassment: Rahmani was investigated for allegedly insulting Islam following the publication of his latest novel *Jibril's Hallucination*. On 27 February 2017 Rahmani received a summons to appear the next day at a police station in the province of Tipaza. Officers interrogated him about his writings for six hours, focussing on certain chapters of his novel, his religious views, his political opinions, and those regarding Charles Darwin's *Theory of Evolution*. On completion of the interrogation, the officer in charge informed Rahmani that he was the subject of an investigation under article 144 (bis 2) of the Penal Code, which stipulates a three to five-year prison sentence and a fine of between 50,000 and 100,000 Algerian Dinar (roughly US\$9,000) for anyone that 'offends the prophet' or 'denigrates the dogma and precepts of Islam'. Police officers also told him that his case had been sent to the public prosecutor. By the end of 2017, Rahmani had not yet heard from the authorities, who – at any given moment – could decide to indict him.

Harassment: On 14 March 2017, Rahmani was detained for more than six hours at Algiers' Houari Boumediene airport whilst he was on his way to a conference in Lebanon, under the pretext that he had not carried out his military service, despite the fact that he is exempt as he is still a student. He was questioned by the police about the organisers of the conference he

due to attend. Rahmani was also censored in Algeria and therefore many of his books were published in Egypt, such as *What God Hides From Us* - Editions Atlas, Egypt. In November 2017, Rahmani's book *Jibril's Hallucination* was confiscated from the Algerian International Book Fair by plainclothed members of the security service. Furthermore, his new book *What God Hides From Us* was not allowed to be brought to 2017 Algerian book fair. On 13 November 2017, Rahmani was invited to give a presentation at Constantine III University. Upon his arrival, he learnt that the conference had been cancelled on the orders of the security service (Military Branch). The organiser of the event informed Rahmani that security officers came to ask about him and the theme of his presentation. Rahmani was then kicked out of the university by one of its employees.

Background: Rahmani is the author of three Arabic novels, *Jibril's Hallucination* which deals with religion, *The City of White Shadows*, which notably depicts a gay relationship during the Algerian war of independence (see extract [here](#)), and *What God Hides From Us*, which also deals with the definition of 'honour' in Arab society and how it affects women's rights. Rahmani has also written and published an online book entitled *Human liberty: how to be free in an authoritarian society*, in which he is critical of religious values, in particular those incompatible with human rights and freedoms. Through his writings, Rahmani explores human rights issues in Algeria and the rest of Arab world, including those relating to Lesbian, Gay, Bi, Transsexual and Intersex (LGBTI) people and religious minorities. He regularly defends the rights of marginalised and minority groups on his blog *Diary of an unusual Algerian* and on his Facebook page. He has called to legalise homosexual marriage and for the full right of freedom of belief, including to be without a religious belonging, which is not yet allowed in the Arab states. Many Arab and foreign online magazines have written about Rahmani's activism and courage, such as *al-akhbar*, *alhurra* and *Middle East Eye*.

PEN Actions: RAN 06/17 of 23 March 2017.

Egypt

KILLED: IMPUNITY**Shaimaa EL-SABBAGH (f)**

Profession: poet and activist Date of Birth: 1984

Date of death: 24 January 2015

Details of killing: El-Sabbagh reportedly died when shot by police during a peaceful flower laying protest in Tahrir Square, a day before the fourth anniversary of the January 2011 revolution in Egypt.

Perpetrator: state.

Details of investigation: On 11 June 2015, a police officer was sentenced to 15 years in prison for killing el-Sabbagh. He was convicted of 'action that led to the death' of el-Sabbagh - a lesser charge than murder, as well as 'deliberately wounding' other protesters. According to [news reports](#), the police officer appealed his conviction, which was overturned and a re-trial was ordered. Salah Yassin, the officer accused of this crime, was released in 2016 pending his trial. On the hearing of the 18th of June of this year, he was [sentenced](#) to 10 years in prison by a Criminal Court of Cairo. In October 2017, the Court of Cassation has received an appeal against this decision.

Other information: 17 witnesses to the killing were acquitted of participating in an illegal protest in October 2015. The charge had been brought after they testified against the police following the killing.

PEN action: statement [13 February 2015](#)

IMPRISONED - MAIN CASE**Alaa Abd EL-FATTAH**

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

Expiry of Sentence: October 2019

Date of arrest: 28 October 2014.

Type of legislation used to charge/convict: political and civic activism.

Details of arrest: Rearrested at the start of his retrial on 28 October 2014.

Current place of detention: Tora Prison, Egypt's notorious maximum-security detention centre.

Details of trial: 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 re-trial 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, added to insulting the judiciary (see below).

Health concerns: Abd El-Fattah was on a 100-day partial hunger strike before being sentenced, which ended on 11 February 2015. He has kidney problems that emerged after his first hunger strike in 2014.

Sentence: On 8 November 2017, his [sentence](#) was upheld, ratifying that he had to serve the last year and a half remaining of his sentence. On the hearing of 30 December 2017, he also received a fine of approximately US\$1,700 for 'insulting the judiciary'.

Prison Conditions: According to [reports](#), in February 2017, Abd El-Fattah and other prisoners at Tora Prison Complex B (where Abd El-Fattah is imprisoned) were not allowed to receive any books, apart from textbooks for study purposes. According to Abd El-Fattah's family, he was also prevented from regular exercise and access to fresh air while in prison.

Background: Following the uprising of 25 January 2011, Abd El-Fattah continued to promote free expression through online platforms. He started a [nation-wide 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.

Previous political charges: Abd El-Fattah has been jailed or charged under successive governments in Egypt between 2006 and 2013. For details see previous case list.

Other information: The United Nation's Working Group on Arbitrary Detention in its [opinion](#) delivered in June 2016 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.

Honorary member: Austrian PEN.

PEN Actions: [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.

DETAINED: MAIN CASE**Ismail ALEXANDRANI**

Profession: freelance investigative journalist and researcher

Date of arrest: 29 November 2015.

Type of legislation used to charge/convict: anti-terror and political activism.

Details of arrest: Alexandrani was arrested on 29 November 2015 in Hurgada 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. He was later detained for 15 days pending further investigation. According to *Al Jazeera*, on 10 December 2015 Alexandrani was informed that his detention had been extended for another 15 days for investigation. On 27 December 2015, his detention was reportedly extended for a third time. (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 is accused of 'releasing false news and spreading terror' and 'joining a banned group'. On 12 January 2016, Alexandrani's hearing was postponed until 27 January. On 1 January 2017, the Giza criminal court ordered his detention to be renewed for an additional 45 days, local media reported. According to his lawyer, as of 12 February 2017, Alexandrani's detention had been renewed 25 times.

Updates: In January 2018, the public prosecution has referred his case, no. 569/2015, to the military justice after accusing him of publishing false news and joining an illegal group.

Background: According to news reports, Alexandrani had allegedly attended a conference in Berlin regarding 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.

Awards: At the time of his arrest, he 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.

***Hesham GAAFAR**

Profession: Political researcher.

Date of arrest: 21 October 2015.

Type of legislation used to charge/convict: civic activism.

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. His family members were also detained by security agents inside their home for 17 hours. Gaafar's whereabouts were unknown for almost two days following his arrest, during which time he was blindfolded, handcuffed and interrogated without the presence of a lawyer.

Details of trial: On 24 October, 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, no. 720/2015, was opened against him and he was placed in pre-trial detention. Since then, his detention has been regularly renewed for 45 day periods. According to Egyptian penal law, the detention renewal total period should not exceed two years. Despite that, his detention has been renewed so far three times after this two year period had elapsed. The last renewal was on 17 January 2018.

Conditions in detention: Since his arrest, Gaafar has spent most of his detention in the heavily-guarded Tora (al-Aqrab) Prison. The conditions are said to be poor: he sleeps on the floor and has no access to basic hygienic necessities. Moreover, Gaafar is denied access to medication and specialist medical care, which he requires for pre-existing medical conditions, namely an enlarged prostate and optic nerve atrophy. As a consequence, Gaafar's health has been deteriorating and he is said to be at high risk of losing his sight. The Minister of Interior not only refused his requests for adequate medical treatment from prison, but also denied his family to provide his medication and treatment at a private health care facility. Only in March 2016, after the serious deterioration of Gaafar's health, did the authorities transfer him to al-Manial University Hospital, which is affiliated with Cairo University. However, Gaafar was sent back to Tora Prison in August 2016 where he continues to be detained under poor conditions without access to further medical treatment. His family has also been denied access to the results of this medical intervention. At his hearing on 24 August 2016, Gaafar appeared to be carrying a urinary catheter. Gaafar's family state they are regularly banned from visiting him, visiting him for the first time 11 months after his arrest. On 31 August 2017, during a family visit at Tora Prison, they discovered that he had lost all sight in his right eye while his left eye has become weak. Gaafar also informed his family that the medical exams indicated suspected prostate cancer. At his hearing on 12 September 2017, Gaafar's wife reported that her husband was beaten and

ill-treated by an agent of security service while on his way back to the prison.

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*, which is 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 rights from an Islamic perspective in 2012. 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 a 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.

PEN action: RAN 19/17 7 October 2017

SENTENCED

Abdel-Halim QANDIL

Profession: writer and editor-in-chief of *Sawt Al-Omma* Journal

Date of Birth: 1954.

Abdul Rahman Yusuf AL-QARADAWI

Profession: poet,

Date of Birth: 18 September 1970.

Sentence:

- 1) three years in prison;
- 2) Qandil only - an additional five years imprisonment

Date of sentence:

- 1) 30 December 2017;
- 2) 28 February 2017

Type of legislation used to charge/convict: defamation/insult.

Details of trial: The two are among 25 defendants (including former President Mohammad Morsi) as well as **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 14 June 2016 it was reported that the court had given him a fine of 10,000 Egyptian pounds (c. US\$ 1,120) on a charge of 'negligence of his work'. The 25 defendants' trial has been adjourned several times, the latest one was on 30 December 2017 when 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 28 February 2017, al-Qarawi also received in absentia five years' prison sentence pronounced by New Cairo Misdemeanour Court on the charge of 'publishing false news'.

ON TRIAL

* Abdel-Rahman MEKLED

Profession: poet and journalist

Date of arrest: 14 July 2017

Type of legislation used to charge/convict: activism, defamation/Insult

Details of arrest: Maklad was standing on the steps of the Journalists Syndicate, speaking to a colleague, when he was arrested by police.

Details of release: Mekled was reportedly released on bail on 17 July 2017 after four days in detention.

Details of trial: He had a court hearing on 4 February 2018, together with two other journalists, Mohammed Riyad and Mahmoud Nijm. They are accused of taking part in demonstrations that 'disturb the public peace' without license; attacking public and private property; standing without license among a group of more than five people (an emergency law that is in effect in Egypt, but only enforced selectively by police to target specific individuals, notably, journalists) for the purpose of 'endangering public peace and preventing authorities from carrying out their work'; 'verbally insulting' the president; 'Shouting insults and degradations in order to spread mayhem'. If convicted, he could face up to five years' imprisonment and a heavy fine. Maklad is also one of the three colleagues unlawfully dismissed from his work at youm7 (see **Medhat Safwat's case below**).

PEN Actions: [statement](#) on 18 August 2017.

HARASSED

Omar HAZEK

Profession: poet.

Date of harassment: through 2016 and 2017

Details of harassment: Hazeq was one of three writers to receive the 2016 Oxfam Novib/PEN Award for Freedom of Expression. He would have been the only one of the three

winners to be present at the award ceremony, but he was stopped by the authorities in Cairo at the airport. As of 31 December 2016 he was under a travel ban. According to reports, on 8 February 2017, Hazek was detained alongside other human rights and political activists, by members of Abdeen Security service while they were at a coffee shop. He was questioned for five hours, before being released.

Background: Omar Hazek is a writer of international acclaim and was formerly employed by the Library of Alexandria. His publications include a collection of poetry in Arabic and English entitled *Nota - Skies of Freedom* (Egypt 2011), which he co-published with Syrian poet Abdelwahhab Azzawi and two other poets from Italy and Portugal. Since the overthrow of President Mubarak in February 2011, Omar Hazek has been outspoken in his allegations of corruption in the Library of Alexandria, whose official head of the board of trustees was former first lady Suzanne Mubarak. On 23 September 2015, Hazek was released from prison under a Presidential pardon. Arrested in December 2013, he had been serving a two-year prison sentence for ‘protesting without permission’ (for more information, see previous Case List).

Awards: 2016 Oxfam Novib/PEN Award for Freedom of Expression, Omar Hazek previously won the title of ‘Poet of Romance’ in the TV classical poetry competition ‘Prince of Poets’ in 2007, organised by the Abu Dhabi Organization for Culture and Heritage.

Honorary Member: Austrian PEN and Danish PEN. Hazek was chosen as the virtual writer-in-residence of the Nottingham Festival of Literature 2016.

PEN Actions: RAN 07/14 19 March 2014; featured writer May 2014; PEN statement – 14 January 2016.

*Medhat SAFWAT

Date of birth: 22 October 1985.

Profession: political researcher and journalist

Date of harassment: 26 July 2017

Details of harassment: Safwat, along with Abdel-Rahman Mekled (see above) and Maher Abdel-Wahed, was dismissed from his job at the newspaper *al-Youm al-Saba* on 26 July 2017 due to the expression of an opinion that contradicted the official position of the Egyptian authorities, and particularly due to their Facebook posts and for signing an online statement, which asserted that the Tiran and Sanafir islands – recently handed over to Saudi Arabia by the Egyptian authorities – belonged to Egypt.

Background: Safwat is also a political researcher and the author of a book entitled *Power and interests* as well as many articles published in Arab newspapers. Through his writings, he promotes human rights and social justice. In one of his articles, he criticised the prohibition on mixed marriage between a Muslim woman and a Christian man in Islamic countries, and called for the replacement of religious marriage with civil ceremonies, which he sees as respecting the principles

of a modern state. Due to his controversial writings, in particular criticising the strict interpretation of Islam by fundamentalist groups, he has been receiving death threats and insults over the past years. The editor-in-chief of *al-Youm al-Saba*, Khaled Salah, reportedly informed his journalists of his decision to dismiss them during a meeting in which he explained that the Egyptian government had acquired the newspaper, and did not welcome opposition to its policies, notably on the issue of Tiran and Sanafir. Later, this same journal published an article accusing the three journalists of collaboration with a pro-Iranian journal, after they spoke out about their arbitrary dismissal from their work.

PEN Action: statement on 18 August 2017.

CONDITIONAL RELEASE

Ahmed NAJI (also NAGY or NAJE)

Profession: writer

Date of Birth: 25 September 1985

Sentence: On 6 February 2016, Naji was sentenced to two years in prison

Type of legislation used to charge/convict: religion and traditional values.

Details of trial: On 31 October 2015, a case was referred to the Criminal Court relating to the serialisation of Naji’s book *The Use of Life* in the literary magazine *Akhbar al-Adab* in 2014. Both Naji and al-Taher, editor in chief of *Akhbar al-Adab* were charged with publishing ‘obscene sexual content’ and ‘defaming public morals’ after a complaint was lodged by a reader in relation to chapter six of the novel. The case falls under Article 178 of the Penal Code, which criminalises content that violates public morals. Al-Taher was also charged with failing to carry out his duties as an editor and was sentenced to a fine of 1,000 Egyptian Pounds (c. US\$ 1,200) by Boulak Abou-Alaa Appeal Court in February 2016. Naji was acquitted at a hearing on 2 January 2016, which the prosecution subsequently appealed. On 6 February 2016, Naji was sentenced to two years in prison, and Tarek El Taher, was fined 10,000 Egyptian pounds (c. US\$ 1,250). According to reports, the court ruled that ‘the essential constructs of society including religion, traditions and moral values are deeply rooted in Egyptian society. The defendant has gone against these values with his poisonous novel by publishing its chapters in a state-owned publication.’ Article 67 of Egypt’s Constitution protects writers, intellectuals and artists from being imprisoned for their work or for crimes committed by way of publication. Two motions for a stay of implementation of Naji’s sentence filed by his lawyers were rejected in July and August 2016. A third was successful. On 18 December 2016, Naji’s sentence was temporarily suspended by the Court of Cassation, which led to his conditional release on 22 December 2016. Naji’s trial has been continuing in 2017. **Update:** The last hearing on 6 January 2018 before the court of appeal has ended by declaring this court’s incompetency. In its decision, it referred Naji’s case to the criminal court, which hasn’t yet set-up a date of hearing.

Naji remains out of prison although he faces retrial and a travel ban.

Other information: Subject of a world-wide reading of his work on 12 May 2016, staged by writers around the world, including many PEN Centres.

Background: *The Use of Life* is a hybrid novel comprising graphic, prose and fictional elements. The novel's major theme of sex and sexuality is narrated through the character of Bassam, a man lost inside a 'spider web of emotional frustration and failure'. Chapter six of the novel was published in the magazine *Akhbar al-Adab*, and includes a description of sex and drug use. As with any foreign printed book, it was approved by the Publications Censorship Authority before copies were permitted to enter Egypt. Chapter six can be read [here](#). The book has not been banned or taken off the shelves.

Awards: 2016 PEN/BARBIEY Freedom to Write Award

PEN Actions: [RAN 05/16](#) and updates; and various PEN statements [here](#) and [here](#).

Karam SABER

Profession: author and director of the Land Centre for Human Rights, which provides human rights assistance to farmers. Saber wrote a book of short stories in 2010 entitled *Where is God?*

Sentence: Five years in prison and a fine of 50,000 Egyptian pounds (c. US\$ 5,600)

Type of legislation used to charge/convict: defamation.

Details of trial: On 12 April 2011, a group of individuals in Beni Suef governorate filed complaint No. 600/2011 accusing Saber of insulting religion in his book *Where is God?* under Article 98 of Egypt's Penal Code. The prosecution launched an investigation which included consulting the Coptic and Muslim authorities in Egypt. The case was referred to the Misdemeanour Court which issued a sentence of five years' imprisonment on 7 May 2013. The sentence was issued in absentia, and Saber was unaware of the hearing before the sentence was passed. He presented himself to the authorities after the sentence and was briefly detained, but was released on bail pending his appeal. According to press reports, Saber's defence team suggested the testimonies against the writer are a result of personal feuds between Saber and police and Ministry of Endowments representatives because of Saber's work defending farmers' rights. The sentence was upheld by the Summary Court of Beba, Beni Suef, on 13 March 2014 and by the Court of Appeal on 5 June 2014, but he remained free at the end of December 2017 pending a further appeal to the Court of Cassation. The Court of Cassation refused to suspend the sentence. However, he remains free, but is under a travel ban.

CASE CLOSED

Fatima NAOOT (f)

Poet, chief-editor of *Qaws Qazah* and columnist for *El-Masry El-Youm*, she was sentenced to three years in prison in January 2016 for 'contempt of Islam', 'spreading sectarian strife' and 'disturbing public peace' in connection with comments she made on Facebook about the celebration of Eid al-Adha in October 2014. During her trial, Naoot acknowledged that she had written the post but denied that her intention was to insult Islam. Her sentence was reduced on appeal in November 2016 to a six-month suspended prison term. She had remained free throughout her trial. Case closed as suspended sentence has expired. For details see PEN [action](#) for 2016 International Women's Day.

Iran

IMPRISONED - MAIN CASE

Arzhang DAVOODI

Profession: writer and poet; Director of the Parto-e Hekmat Cultural Education Centre in Tehran

Sentence: Death and imprisonment.

Date of arrest: October 2003.

Type of legislation used to charge/convict: opponent and human rights activities.

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.

Current place of detention: On 13 August 2014, Arzhang Davoodi was transferred from the central prison of Bandar Abbas to section 12 ward 4 in Gohardasht (Rajai-Shahr) prison in Karaj where political prisoners are held.

Details of trial:

Sentence 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.'

Sentence 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.

Sentence 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.)

Sentence 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 imposed, apparently 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.

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. He has been repeatedly shuffled between numerous prisons in Tehran and the Central Prison of Bandar Abbas, which is far from his family, and subjected to prolonged periods of solitary confinement. 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](#).

Health concerns: Davoodi has suffered broken teeth and injuries to his eye, eardrum, shoulder and knee resulting from torture, and also suffers from renal failure, diabetes and heart disease. He is reported to be denied medical attention (see [here](#) and [here](#))

Background: 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, when he spoke about political prisoners and the death in custody of Canadian-Iranian photojournalist Zahra Kazemi in 2003.

Golrokh EBRAHIMI IRAEE (f)

Profession: writer and activist

Sentence: initially six years in prison (reduced to 30 months).

Date of arrest: 24 October 2016.

Type of legislation used to charge/convict: opponent and human rights activities, defamation/Insult.

Details of arrest: Ebrahimi Iraee was reportedly arrested from her home on 24 October 2016.

Current place of detention: Evin Prison, Tehran

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 pressures 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.

Sentence updates: 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.

Further information: according to reports, on 3 January 2017 Ebrahimi Iraee was granted a temporary release from prison to await a judicial review of her case by the Supreme Court, [then re-arrested](#), on 22 January 2017, while en route to visit her husband, and returned to Evin prison.

Background: 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 and during which she was reportedly subjected to extended interrogations. Arash Sadeghi, a prominent student activist, was sentenced to 15 years in Evin prison for alleged conspiracy and propaganda against the state. He reportedly began a hunger strike in October 2016 to protest his wife's imprisonment that lasted until January

2017, when Iraee was released. He is reported to be in critical health condition and denied access to [medical care](#).

Hesameddin FARZIZADEH

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

Date of arrest 21 November 2013

Type of legislation used to charge/convict: religion and insult.

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.

Current place of detention: Meshgin Shahr prison

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 savior 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.

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 2017.

DETAINED - MAIN CASE (HOUSE ARREST)

Zahra RAHNAVARD (f)

Profession: academic, writer and politician

Date of arrest: February 2011

Type of legislation used to charge/convict: opposition

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*.

Other information: In an article published on *Kalame* 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. On December 2017, she made a public statement saying that she would take the remaining sentences of all those mothers arrested upon herself (source [here](#)). According to [reports](#), Rahnavard remains under house arrest.

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. She is a member of the reformist opposition group, the Green Path of Hope, headed by her husband, Mir-Hossein Mousavi. Dr Rahnavard is also the author of 15 books. 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

PEN actions: [Day of the Imprisoned Writer case 2013](#)

CONDITIONAL RELEASE

*Sedigheh VASMAGHI (f)

Profession: university lecturer.

Date of arrest: 22 October 2017.

Date of release: 4 November 2017, on bail.

Type of legislation used to charge/convict: human rights activities. **Details of arrest:** On 14 October

2017, Vasmaghi, along with her husband, arrived from Sweden to 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 aboard, as well as her opposition to the practice of stoning women found guilty of adultery. Vasmaghi was then immediately transferred to Evin prison where she is currently detained. Vasmaghi was released on bail at what is reported to have been set at an unusually high amount, on 4 November 2017. No hearing date had been set.

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. 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. Despite her departure, Vasmaghi's private office was searched and her belongings were confiscated. 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 Göttingen, 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

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

Type of legislation used to charge/convict: anti-government propaganda

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).

HARASSMENT

Hossein RAFIEE

Date of birth: 9 April 1945.

Profession: retired Tehran University chemistry professor and writer.

Type of legislation used to charge/convict: political opposition.

Date of harassment: since 2001.

Details of harassment: In September 2016, after almost one year of arbitrary detention, Rafiee was released on medical furlough. According to [reports](#), he has been banned from political and journalistic activities for two years.

Background: Rafiee was reportedly arrested on 16 June 2015 by the Intelligence Ministry without an arrest warrant and taken to Evin prison prosecution centre. According to Amnesty International, one month after his

arrest Rafiee was told that the reason for his arrest was a previous four-year sentence. In 2004 a Revolutionary Court had convicted him of being member of an ‘illegal group’ Melli Mezhabi (National Religious Alliance). He had been arrested in February 2001 with other members of the banned political party Melli Mazhabi, which advocates for social and political reform. He spent six months in solitary confinement before being released on bail. On 25 May 2015, Branch 15 of the Revolutionary Court in Tehran sentenced Rafiee to five years in prison for ‘membership of an illegal and anti-national security group’ (Melli Mazhabi – National Religious Alliance), one year for ‘spreading propaganda against the system’ by giving interviews to media ‘who are against the state’ and for ‘issuing statements against the state’s security’. He was also fined for possession of a TV satellite dish and receiver, and was sentenced to a two-year ban on political and journalist activities. His family stated that Rafiee’s 20-metre cell which he shared with 27 other prisoners was very crowded. He reportedly slept on the floor, as there were only six three-bunk beds in the cell. Evin prison is known for its dire conditions, including poor food, lack of ventilation, hygiene, medical provision and overcrowding, with a prevalence of life threatening infectious disease including hepatitis, HIV and TB. In addition, Rafiee was held with drug traffickers and financial criminals, whilst Iranian law, establishes that inmates should be separated according to nature of their crimes.

Other information: Rafiee is over 70 years old and suffers from a heart condition, high blood pressure, thyroid problems and severe allergies. Rafiee undertook a hunger strike following his arrest, also refusing to take medication. Rafiee was reportedly hospitalised on 11 August 2016 due to the deterioration of his health, but after examination, despite medical advice, he was returned to prison. On 20 September 2016, he was reportedly granted a one-month medical furlough due to poor health in order to recuperate at home where he is thought, as of December 2017, to remain. Rafiee was a vocal supporter of the nuclear talks between Iran and the P5+1 (China, France, Russia, the United Kingdom, the United States plus Germany) which resulted in the lifting of sanctions against Iran. He is also a member of National Peace Council, founded in 2008 by Nobel Peace Laureate Shirin Ebadi. Rafiee believes that an agreement could reduce the threat of war and the easing of economic sanctions, outlined in a 120-page analysis of the nuclear situation (*The Geneva Agreement*). He sent the report to Iranian authorities and published it on his website; a few independent media also published a summary. He also stated that the release of political prisoners, free and fair elections and improvement of human rights in Iran were required for a sustainable future for Iran. According to his son, soon after the analysis was published, the Intelligence Ministry threatened Rafiee and started limiting his activities. In June 2014 his residences in Tehran and Damavand were raided and archives, papers and laptops confiscated. Rafiee was then arrested, later released on bail and banned from leaving the country. It is believed that the Intelligence Ministry pressured the judiciary to re-open his case.

RELEASED

*Homa HOODFAR (f)

Profession: academic

Date of arrest: 6 June 2016.

Date of release: 26 September 2016.

Type of legislation used to charge/convict: political opposition.

Details of release: PEN learned Hoodfar is no longer detained in 2017. After her release on 26 September 2016 on ‘humanitarian grounds’, Hoodfar flew to Canada through Oman. She thanked those who assisted in securing her release, mainly the Canadian government.

Conditions of detention: Hoodfar was detained in Evin Prison. On her return to Canada, Hoodfar wrote about the poor conditions in prison, including solitary confinement and hard interrogations she had been subjected to. She was using the end of her toothbrush as a makeshift pen to write down her observations and thoughts on the stone walls.

Background: On 24 June 2016, Hoodfar was arrested and detained in Evin prison. The Tehran public prosecutor announced that Hoodfar was under investigation for ‘dabbling in feminism and security matters.’ Hoodfar is a Canadian-Iranian professor of anthropology at Concordia University in Montreal, Canada. A renowned anthropologist, her work has focused on the role of women and the family in Muslim societies. She has published extensively on diverse topics including poverty, development, women’s labour force and political participation, family law, and refugees in many different countries in the Middle East, Canada, and South Asia. Hoodfar travelled to Iran in February 2016 to visit family members and to conduct research on women’s participation in public life. Her visit happened to coincide with the national elections in Iran, during which many women candidates were elected to parliament. She had recently published an interview in *Zanan* magazine. In the weeks before her arrest, Hoodfar’s family report that she had come under the scrutiny of the security forces of the Counter Intelligence Unit of the Iranian Revolutionary guards. Shortly before she was due to return to Canada, the authorities are reported to have raided her home on 10 March 2016, confiscating all of her personal belongings, including her passports, research documents and computer. Hoodfar was required to provide surety and prohibited from leaving the country. She was subjected to at least 10 subsequent interrogations; her arrest on 6 June 2016 followed another such interrogation.

Mohammad Sadiq KABUDVAND

Profession: editor of *Payam-e Mardom-e Kurdistan* journal and Kurdish rights activist

Date of arrest: 1 July 2007.

Type of legislation used to charge/convict: human rights activities/opposition.

Sentence:

- (1) 10 years' imprisonment
- (2) six months' imprisonment.

Details of trial: On 22 June 2008, the Tehran Revolutionary Court sentenced him to 11 years' imprisonment. The Tehran Appeal Court upheld and reduced the sentence to 10 years on 23 October 2008. He was accused of establishing the Kurdistan Human Rights Organization and spreading propaganda against the system. Kabudvand was reportedly recommended for conditional release by the chief warden of Evin Prison in February 2016, which was subsequently denied by the prosecutor.

Details of release: On 12 May 2017, Kabudvand was released from prison after he completed the ten years' sentence.

Conditions in detention: Kabudvand was allegedly held incommunicado and suffered ill treatment. He suffered from high blood pressure, skin and kidney conditions and has lost considerable amounts of weight since his arrest. On 19 May 2008 he was denied medical care following a stroke; he suffered a second stroke in December 2008. On 8 May 2016, Kabudvand began a hunger strike in protest at his continued imprisonment and the possibility of new charges being brought against him (see above).

Awards: Recipient of the 2009 Hellmann/Hammett prize and the 2009 International Journalists Award.

Honorary member: Austrian PEN, Swedish PEN, Catalan PEN and Sydney PEN.

PEN Action: RAN 30/07 – 18 July 2007; Update #2 – 4 June 2008; Update #3 – 2 July 2008; Update #4 – 4 November 2008; Update #5 – 7 June 2016; Update #6 – 14 June 2016; Update #7 – 30 July 2017.

Mahvash SABET (f)

Profession: teacher and poet

Date of birth: 1953

Date of arrest: 5 March 2008.

Date of release: 18 September 2017.

Type of legislation used to charge/convict: political activities/opposition and religious belonging.

Sentence: 20 years in prison

Conditions of detention: Sabet was arrested on 5 March 2008 while on a trip to Mashhad. She was imprisoned without charge for 20 months, during which time she was held incommunicado for several weeks and denied access to legal counsel. Sabet reportedly suffered from maltreatment while in detention. On 5 October 2016, Sabet was allowed to leave prison for the first time in eight years, on a five-day medical furlough. Her health had reportedly deteriorated as a result of her imprisonment; she is reported to have developed severe osteoporosis.

Details of release: On 18 September 2017, Sabet was the first of the group to be released from prison, having served almost a decade in detention.

Other information: Sabet is one of seven Baha'i leaders known as the 'Yaran-i-Iran' – or 'Friends of Iran' – the now-disbanded group which worked to support the spiritual and social needs of Iran's 300,000 Baha'is. The other six are Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli, and Vahid Tizfahm, all of whom were arrested on 14 May 2008 at their homes in Tehran. Like Sabet, all were imprisoned without charge for 20 months and held incommunicado for weeks and denied access to legal counsel. All suffered ill-treatment and deprivations during pre-trial detention. Two other members have been released after her, Tavakkoli and Kamalabadi. There are still four leaders in prison.

Mahvash began writing poetry in prison, and a collection of her prison poems was published in English translation on 1 April 2013. In 2008, the UN Working Group on Arbitrary Detention, in opinion 34/2008 found the imprisonment of the seven Baha'i leaders to be arbitrary and requested their immediate and unconditional release.

Honorary member of: Austrian PEN, Danish PEN and Belgian PEN.

PEN Action: Day of the Imprisoned Writer case 2015, Open letter from Alberto Manguel; International Women's Day case 2016, and statement on 21 September 2017.

CASES CLOSED**Rouzbeh GILASIAN and Elaheh SOROUSHNIA (f)**

Both writers, Gilasian and Soroushnia were reportedly arrested at their homes in Gorga on 14 December 2015 then freed on bail on 2 January 2016. No information has been released regarding the charges laid against them. Gilasian's published works include *Philosophy on Street* and *Human of Bahman month*, which gives an overview over the educational policies in Iran after the revolution. Like many of his other books, these were not approved by the ministry of culture. Case closed as they are no longer detained.

Atena FARGHADANI (f): painter and women's rights activist.

After her release on 3 May 2016, Farghadani spoke out about her bad conditions of detention and her determination to continue producing political art. Farghadani was arrested on 10 January 2015 and sentenced to 12 years and nine months in prison, reduced to 18 months on appeal in April 2016. Farghadani was reportedly acquitted of undermining national security, while her three-year prison sentence for insulting the Supreme Leader was reportedly suspended for four years. Her nine-month prison sentence for 'insulting members of parliament through paintings', 'insulting the President' and 'insulting prison officials' was converted into a fine of one million Rials (c. US\$ 33). Case closed as she is no longer detained.

PEN Actions: Mentioned in [resolution on Iran](#) adopted at 81st PEN Congress in 2015 and in a January 2016 [statement](#) marking the anniversary of attack on *Charlie Hebdo* in Paris, referring to high profile attacks on freedom of expression globally.

Alireza ROSHAN: poet and writer

Roshan was reportedly arrested at his home on 17 November 2012. He was sentenced to five years in prison, four of which were suspended by Branch 26 of Revolutionary Court on charges of ‘gathering and colluding with intent to harm national security’. He was released on expiry of his one-year sentence on 3 October 2011. Roshan is a poet who has published a collection of poems entitled *There is no Book*. His poetry has been translated into French. Case closed as Roshan is it is believed he is no longer under suspension.

Awards: He received the [Prix André Verdet du Poète Résistant](#) in June 2013.

Iraq

THREATENED

*Saad Salloum

Profession: General Coordinator of Masarat Foundation for Cultural and Media Development.

Date of birth: 1 July 1975

Date of harassment: during 2017

Perpetrator: non-state.

Details of harassment: Saad Salloum, a prominent Iraqi writer and activist, as well as his colleagues at Masarat Foundation for Cultural and Media Development, have been recently subjected to death threats by an unknown Islamic group through phone calls and letters asking the Foundation staff to halt their activities.

Background: Saad Salloum is an Iraqi academic and writer specializing in Iraqi minorities and human rights. He is the General Coordinator of Masarat and the editor-in-chief of its [magazine](#). He is also an assistant professor in the College of Political Sciences at Mustansiriya University, and is one of the founding members of the [Iraqi Council for Interfaith Dialogue](#). Salloum is the author of many publications, including 14 books and hundreds of [articles](#), in which he mainly focuses on Iraqi religious minorities and their rights. Among his books, one entitled *Minorities in Iraq: memory, identity & challenges* edited in 2013, as well as *Christians in Iraq* and *Policies and Ethnic Groups in Iraq*, both published in 2014. More recently, Salloum has published *A hundred illusions about minorities in Iraq* in 2015, *Êzidîs in Iraq: Memory, beliefs and Current Genocide* in 2016 and *At Crossroads: Iraqi Minorities after ISIS* in 2016. The [Masarat Foundation](#) is an Iraqi based non-governmental organisation working to

support the rights of minority groups, collective memory studies and inter-faith dialogue. Since the liberation of most Iraqi territory from Daesh, Masarat has been playing a central role in reinforcing interfaith and intercultural dialogue, and reconciliation among different groups. Subsequently, Masarat’s General Coordinator Salloum reports being subjected to continuing threats and harassment from unknown Islamic armed groups. Other writers and civil society activists within the organisation also report having repeatedly received death threats this year from unidentified armed groups.

PEN action: [statement](#) on 24 November 2017.

Israel

DETAINED- MAIN CASE (HOUSE ARREST)

Dareen TATOUR (f) (Palestinian)

Date of birth: 16 April 1982.

Profession: poet, photographer and activist

Date of arrest: 10 October 2015

Type of legislation used to charge/convict: anti-terror.

Details of arrest: Reports claim that Tatour was arrested at her home at 3am by the Israeli authorities, who possessed neither search nor arrest warrants. Tatour spent three months in detention in different Israeli prisons before being placed under house arrest at a place outside Tel Aviv, where she was forced to wear an electronic surveillance device around her ankle. The immediate reason for Tatour’s detention appeared to be a status she posted on Facebook in relation to a Palestinian woman who had recently been shot by Israeli police. Posting a picture of the injured woman, Tatour wrote underneath: ‘I will be the next martyr’. On 2 November 2015, she was charged with ‘support for a terrorist organisation’ under articles 4(b) and 4(g) of the Prevention of Terror Ordinance (1948), and multiple counts of ‘incitement to violence’ under article 144(d)2 of the Penal Code, according to the indictment. These charges relate to a [YouTube](#) video posted on her own video channel in which Tatour recites a poem entitled ‘Resist, my people, resist them’. In the video, the poem is set to music against a backdrop of video footage of Palestinian youths throwing rocks at Israeli soldiers. Charges also relate to three more Facebook posts. Tatour denies the charges and claims the authorities have fundamentally misconstrued the meaning of her post and the poem.

Current place and details of detention: Since July 2016, held under house arrest in her home in the Arab village of Reineh, northern Israel. Initially required to wear an ankle monitor, this has been removed and she is now able to leave the house although she is required to be with a chaperone at all times. On 4 December 2017, an Israeli court in Nazareth rejected Tatour’s appeal for the lifting of house arrest.

Details of trial: It has been reported that, during the first

hearing of Tatour's trial on 13 April 2016, the policeman who translated her poem for the court was called as a witness to explain the alleged incitement contained in it. He reportedly cited his studies of literature at school and love of the Arabic language as the necessary qualifications for translating the poem. Owing to difficulties obtaining her own translator, Tatour was reportedly unable to testify at her scheduled 6 September 2016 hearing. The prosecution, however, presented its final witness. Tatour appeared in court again on two separate occasions in November 2016, during which she confirmed that she was the author of the poem 'Resist, My People, Resist Them' and responded to questions regarding her writing. In March 2017, Dr. Yoni Mendel, a respected literary translator, provided a translation of Tatour's poem that was substantively different from the prosecution's translation. The defence subsequently presented evidence that charges against Tatour were based on a mistranslation and misinterpretation of her poem and posts. In April 2017, the prosecution and defence were given 45 days each to submit their case summaries. The verdict was due to be heard at a hearing scheduled for 17 October 2017. However, the hearing was delayed due to a request by the defence to present new evidence to the court that was presented on 9 November. No date for a final verdict on her case had been set as of end of December. On 4 December 2017, an Israeli court in Nazareth rejected the appeal submitted by the poet to end her house arrest. Consequently, Tatour remains under house arrest.

Other information: Tatour is the author of a book of poetry, *The Last Invasion*, which was published in 2010.

Background: According to the US-based [Electronic Intifada](#) website that covers the Israeli-Palestinian conflict, Tatour is also the director of a short [documentary](#).

PEN Action: Mentioned in [25 April 2016 statement](#)

PEN Position: After reviewing the charge sheet and the evidence against her, including the video and Facebook posts, PEN has concluded that Tatour has been targeted for her poetry and activism and is calling for her immediate and unconditional release.

Jordan

CASE CLOSED

Ahmed AL-TALAWI

Poet reportedly arrested in December 2015 in the city of Irbid. PEN has been unable to gather further information and the case is now closed.

Libya

THREATENED

***Laila Moghrabi (f): Profession: journalist and photographer**

***Khaled Mattawa: Profession: poet and professor of English at the University of Michigan**

***Ahmad a-Bokhar: Profession: writer**

***Meckey Almostage: Profession: poet and student of medicine**

Date of harassment: starting from 26 August 2017 and thereafter.

Perpetrator: both state and non-state.

Details of harassment: Moghrabi and Mattawa are the two co-editors of a new literary collection entitled *Sun on Closed Windows* which contains short stories by 25 writers including **a-Bokhari and Almostageer**. The writers and editors have received death threats, insults and have been the target of hate speech. The threats, numbered in their thousands have appeared predominantly as comments on Facebook and Twitter. The attacks started after a [literary event](#) featuring some of the contributors at the Public Library (Dar al-Kitab) in the city of Zawiya on 26 August 2017. Despite similar events having taken place earlier this year, in Cairo in May and in Tripoli in July, the collection sparked outrage shortly after the event in Zawiya due to the intervention of an Islamic group, which controls the city in the absence of a government presence. The group arrested the event organiser, releasing him the following day. Furthermore, the Islamists also closed the Public Library with the intention of preventing any further literary events.

Details of publication: The main reason for the intervention relates to the content of a short story by the novelist **Ahmad a-Bokhari** which is considered by '[too obscene](#)'. The story narrates a love scene. Photos of the controversial passages of al-Bokhari's story were published online and went viral causing a wave of abuse and threats that are especially targeting **Laila Moghrabi** and **Khaled Mattawa**, the two co-editors, as well as al-Bokhari and the women contributors. Fearing for their lives, some went into hiding with their families before escaping the country. El-Maghrbi was told that an armed group had come to Dar Al-Faqih Hassn Cultural Center and asked about her place of residence. El-Maghrbi's husband has also been subjected to a spate of insults on social media forcing him to temporarily leave his job. Fearing for their lives, el-Maghrbi and her family went into hiding in Tripoli until they managed to escape to Tunisia on 2 September 2017, where they are currently living. On 9 September 2017, Almostageer was arrested in Tripoli, where he was severely beaten before being delivered the 'Joint Security Room', which is a religious militia controlling part of Tripoli. Almostageer

was reportedly tortured and his laptop was destroyed and his car confiscated before he was released. He fled Libya to Tunis on 15 September 2017

Government response: The Libyan authorities, in particular the Ministry of Culture has condemned the book's content and considered it against 'public morality'. The Ministry has also stated that the book which was published outside Libya and was not subject to the country's censorship rules. However, the passages in question were taken from a novel called *Kashan* previously published in Libya, which had been reviewed by the Ministry before its publication in 2012. The Ministry has ordered the confiscation of all copies of the literary collection.

Background: **el-Moghrabi** is a Libyan writer and journalist who has worked with several local and international newspapers and websites. In April 2017, el-Maghrbi was among several women awarded by the League of Arab States for their service to their societies. **Dr. Khaled Mattawa**, has joint Libyan and American citizenship and is a poet, literary critic, translator, and Chancellor of the Academy of American Poets in the U.S.A. Mattawa is also the President of the Arete Foundation for Arts, and professor of English at the University of Michigan. *Sun on Closed Windows* (in Arabic *Shams 'ala Nawafidh Mughlaqa*) is a joint project between the Arete Foundation for Arts and Culture and Darf Publishers in London. The book contains various works – short stories, poetry and prose, by 25 writers. It also includes an introduction by **Dr. Farida Al-Masri** of the University of Tripoli, and a study of the texts by **Ahmad al-Faitouri**, a Libyan literary critic now residing in Cairo.

PEN action: statement on 3 September 2017.

Morocco

ON TRIAL

Maati MONJIB

Profession: journalist, academic and historian

Date of Trial: 19 November 2015 and ongoing

Type of legislation used to charge/convict: other

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. According to Amnesty International, he 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. He started a hunger strike that lasted until 29 October 2015, when the authorities lifted the travel ban. Monjib also faces a second charge of 'financial violations' in relation to his activities as director of the Ibn Rushd Institute.

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.

Oman

SENTENCED

Hamood AL-SHUKAILY

Profession: writer and teacher

Date of arrest: 14 August 2016

Date of release: 18 October 2016

Sentence: Three-years in prison and a fine of 1,000 OMR (c. US\$ 2,600), suspended on 18 January 2017.

Details of arrest: The Internal Security Service (ISS) arrested Al-Shukaily on 14 August 2016. According to reports, the arrest was in connection with posts he made on Facebook, specifically a poem, about the arrests of three journalists working at the *Azamn* newspaper closed by the Omani authorities on 9 August 2016, as well as on charges of corruption. He was detained in Muscat at the Special Division of Oman Police General Command.

Details of trial: On 6 September 2016, the Court of First Instance in Muscat held a first hearing and al-Shukaily's detention was extended until 27 September 2016. On 18 October 2016, he was sentenced to three years in prison and a fine of 1,000 OMR (c. US\$ 2,600) on conviction of 'incitement to protest' under Article 19 of the Information Technology Crimes Act and he was freed on bail pending an appeal.

Suspended sentence: On 18 January 2017, the Appeal Court in Muscat suspended al-Shukaily's prison sentence, ruling 'to accept the appeal in form and reject it in substance in addition to stopping the prison sentence.'

Background: Al-Shukaily is a prominent writer and member of the Omani Society for Writers and Authors. In 2014, he published his novel *One Cry is not Enough*. He has also published five short stories and a book of children's literature. Al-Shukaily also works as a teacher of Arabic language. He reportedly participated in peaceful protests calling for minimum wages and other changes in 2011.

Abdullah HABIB*Profession:** author, film critic and director**Date of arrest** (1) 15 April 2016 (2) 11 July 2016**Date of release:** (1) 4 May 2016 (2) 28 July 2016**Type of legislation used to charge/convict:** Contempt of religion

Details of arrest: The Omani Internal Security Service (ISS) summoned Habib to appear for investigation before the Special Division of the Omani Police General Command in Muscat on 15 April 2016. He was allegedly arrested for a Facebook post in which he urged the Omani government to reveal the burial sites of 'Group 72' and 'Group 74', groups of rebels who were executed by the government during the Dhofar rebellion in the 1960s and 1970s. On 11 July 2016, Habib was reportedly arrested after he published comments and posts on his Facebook page during the month of Ramadan, relating to fasting and prayers in the Islamic faith.

Details of trial: On 8 November 2016, Habib was reportedly sentenced to three years in prison and a fine of 2,000 OMR (c. US\$2,600), convicted on charges including contempt of religion, spreading hatred, blasphemy, and using the internet to publish material that prejudice religious values or public order. According to [reports](#), his appeal hearing was reportedly postponed through 2017 and believed not yet held by end of December 2017. PEN is seeking confirmation of his trial status. 2017.

Details of release: (1) Habib was released without charge from detention on 4 May 2016. (2) Released pending appeal on 28 July 2016.

Background: Habib is reported as a prominent critic of the Omani government, as well as having taken part in the 2011 protests against poor living standards in Oman but he had not been arrested prior to 2016.

PEN Action: [RAN 09/16 – 3 May 2016](#); [Update #1 to RAN 09/16 – 5 May 2016](#); [Update #2 – 30 November 2016](#).

Palestine**JUDICIAL HARASSMENT****Abbad YAHYA****Profession:** writer and researcher.**Age:** 30 **Date of harassment:** through 2017.**Type of legislation used to charge/convict:** traditional values.

Details of harassment: The Palestinian Attorney General's prosecution of writer Abbad Yahya, led to the banning his novel and accusing him of threatening morality and public decency in his of his novel *Crime in Ramallah*. Yahya was unable to enter Palestine, after the Attorney General's office [ordered the confiscation](#) of all copies of the novel, *Crime in Ramallah*, on 6 February

2017 for investigation. The Attorney General's office also issued a summons for questioning to Yahya, and to the book's publisher and its distributor, Fuad al-Akleeq, who was reportedly arrested and held for questioning for six hours shortly afterwards.

Threats: Since the launch of the Attorney General's investigation, Yahya has been the victim of a hate campaign on social media. He has received death threats and copies of his novel were reportedly burnt in the Gaza strip.

Other information: The department of culture and information of the Palestine Liberation Organisation [condemned the Attorney General's office decision](#), stating that 'to use the term public decency is a form of manipulation and unacceptable justification because it has no legal or logical definition. It opens the doors for an endless censorship, which violates freedom of expression and right to creative writing.' Conversely, on 10 February, the Hamas Ministry of Culture [issued a press release condemning the novel](#).

Current situation: The investigation into Abbad Yahya seems to be closed. Yahya has returned home in July 2017 safely without prosecution.

Background: Yahya's fourth novel, *Crime in Ramallah*, tells the story of three Palestinian men who work in a bar, where the murder of a young woman takes place. The book goes on to chart how the murder affects each man's life. The novel explores the themes of politics, religion and homosexuality through its protagonists. *Crime in Ramallah* is reportedly not only seen as critical of the Palestinian authorities through its symbolism, but also contains sexual language and references.

PEN Actions: [statement](#) on 15 February 2017

Saudi Arabia**IMPRISONED - MAIN CASE****Ashraf FAYADH (Palestinian national)****Profession:** poet and artist**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.

Type of legislation used to charge/convict: 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’.

Current place of detention: He has been held in a prison in the city of Abha in south-west Saudi Arabia since his arrest.

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 re-trial. 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.

Conditions in detention: According to PEN’s information, Fayadh has been ill-treated in prison and denied family visits and phone calls.

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 and 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 [here](#). Other examples of Fayadh’s poetry are available [here](#) and [here](#). 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.

Awards: [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

Profession: school teacher and writer.

Date of arrest: 18 January 2017.

Type of legislation used to charge/convict: political opposition.

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’. He was sentenced to seven years in prison as well as a seven-year travel ban and a fine of 100,000 riyals (approx. US\$ 26,000). He had his sentence upheld by the Riyadh Court of Appeal on 4 June 2017. The judgment is final and cannot be subject to further appeal.

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-Damam prison on 24 February, where he spent the first two days in solitary confinement.

Background: Al-Majid is a prominent Saudi writer and schoolteacher who has published many books and articles in several Arabic newspapers and electronic websites, including *Modern Discussion* and *Droub*. 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*. 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.

RELEASED**Zuhair KUTBI**

Profession: prominent writer, commentator and critic

Sentence: Four years in prison (with two suspended), a five-year travel ban, a fine and a 15-year ban on writing and giving interviews

Date of arrest: 15 July 2015.

Date of release: 23 June 2017.

Type of legislation used to charge/convict: counter-terror law, the Law for Crimes of Terrorism and Its Financing, and the Anti-Cyber Crime Law.

Details of arrest: According to Amnesty International, Kutbi was arrested at his home in Mecca on 15 July 2015 by members of the security forces. It is believed that he was detained due to his appearance at *Fi al-Samim* (In depth), a television program, on 22 June 2015, where he criticised political and religious repression and called for reforms such as to the constitutional monarchy in Saudi Arabia.

Details of trial: According to Amnesty International, on 21 December 2015 the Specialized Criminal Court (SCC) in Riyadh sentenced Kutbi to four years in prison, followed by a five-year ban on overseas travel, a fine of 100,000 Saudi Arabian riyals (c.US\$ 26,600), and a 15-year ban on writing and giving interviews to the media. The court also ordered him to erase his social media accounts. It suspended two years of his four-year sentence because of his poor health, but indicated it would re-impose them if he 'offended' again.

Details of release: On 23 June 2017, Kutbi was released after two years' detention. The conditions of this release remain unknown.

Conditions of detention: Kutbi was mainly detained at Mecca Prison. He was reportedly beaten and ill-treated during interrogation. According reports, on 2 January 2017 Kutbi was allowed to leave his prison for 3 days in order to attend to attend his mother-in-law's funeral.

Background: Since the 1990's, Kutbi has been harassed, detained, fined and sentenced up to six times. The major reasons behind these attacks are his peaceful activism and his repeated demands for governmental reform and being critical of prison conditions in Saudi Arabia. He had reportedly already been asked to sign a pledge not discuss public issues in social, written and broadcast media.

CASES CLOSED**Mohanna ABDULAZIZ AL-HUBAIL**

Writer, scholar and Director of the Islamic Orient Studies Bureau in Istanbul. Sentenced in absentia (al-Hubail is no longer in Saudi Arabia) in March 2016 to six years in prison and a further six year travel ban He was convicted on charges of insulting the state and its rulers' and 'being in solidarity with imprisoned members of the Saudi Civil and Political Rights Association' for comments he had made on Twitter which were critical of Saudi Arabia.

The Association promotes greater understanding of human rights in Saudi Arabia. Two of its prominent members are serving 10-year prison terms for sedition. Case closed, as al-Hubail is not at threat of imminent arrest.

Mukhlif AL-SHAMMARI

Writer and activist sentenced in 2013 and 2014 under two separate charges of insult reportedly relating to articles he wrote on issues surrounding corruption, and his advocacy for co-existence between Sunnis and Shiites. Al-Shammari has been the target of previous prosecutions and was arrested on 15 June 2010 for articles posted on the Saudiyoon and Rasid news websites criticizing political and religious leaders. Case closed: no further developments.



Syria

ENFORCED DISAPPEARANCE**Zaki CORDILLO**

Profession: playwright and a leading figure of Puppet Theatre (Masrah Azil)

Date of arrest: 11 August 2012.

Details of arrest: He was reportedly arrested by Syrian forces in Damascus on 11 August 2012 along with his son Mihyar, an actor. He is believed to be targeted for his writings about the current events taking place in Syria, more particularly his opposition to the violations committed in Syria by all sides.

Background: Cordillo has written more than eight plays including *Shade and Light*, *Captain Caracoz* and *Alma'ar* and has directed and acted in his works. He has also written dramas for children such as *Watery Dreams*, *The Active Girl* and *The Kingdom of Ants*. Cordillo remained detained incommunicado at an unknown location as of December 2014, and considered to be at serious risk of torture and other ill-treatment. No further news as of 31 December 2017.

PEN Actions: [RAN 03/13](#) – 21 January 2013.

Hussein ESSOU

Profession: writer from al-Hasakah, northeastern Syria and member of the Kurdish minority.

Date of Birth: 1950

Date of arrest: 3 September 2011

Details of disappearance: Essou was reportedly arrested from his home by Air Force Intelligence agents, and allegedly detained for actively participating in anti-government protests and advocating reform in his writings. He was detained prior to the 2011 uprising for

his dissident activities. Reports from released detainees who had been held with him suggest he may have been transferred to an Air Force Intelligence branch in Damascus. They say his health condition is very poor. His family has not been allowed access to him, and has not been informed of his whereabouts or the reason for his arrest. Essou is still believed to be detained incommunicado as of 31 December 2017.

Abd al-Akram AL-SAKKA

Profession: Islamic scholar and the founder of Al-Sakka printing and publishing house

Date of Birth: 1944

Date of arrest: 15 July 2011

Details of arrest: On 15 July 2011, Air Force Intelligence arrested Abd al-Akram al-Sakka from his home without a warrant. His family has received no information about his fate or whereabouts, and official sources have never confirmed his detention. The only indication regarding his possible place of detention was received through a released detainee, who said he had seen al-Sakka at a military court in September 2012. This could indicate that he may have been held at Saydnaya Prison, where detainees in military court cases are often held. No further information as of 31 December 2017.

Background: Abd al-Akram al-Sakka, an imam from Daraya, a town on the outskirts of Damascus, has published several books and essays on a variety of topics, including feminism. He has a history of participating in awareness raising campaigns and community work framed by a group called Shabab Daraya (Youth of Daraya). As a result, security forces arrested him several times before anti-government protests began in March 2011.

Ali AL-SHIHABI

Profession: Syrian Palestinian political analyst and blogger

Date of Birth: 1955

Date of arrest: 17 December 2012

Details of arrest: Reportedly arrested on 17 December 2012 by the Palestine Branch of the Syrian Military Intelligence at a checkpoint between Al-Zahra district and Al-Yarmouk Refugee Camp. Believed to remain detained in an unknown location as of 31 December 2017; there are unconfirmed reports that he may have been killed under torture. On 17 December 2015, several human rights organisations launched a campaign for his release or clarification of his situation on the third anniversary of his disappearance.

Background: Al-Shihabi is a leading writer and has published several books including *The World New Structure* and *Syria, Where to?* He previously spent nine years in prison for his peaceful opposition activities. On 15 March 2013, his case was submitted to the UN Working Group on Enforced and Involuntary

Disappearances (WGEID) and other UN Special Procedures for their urgent intervention. In December 2013, the Syrian authorities responded to the inquiry by WGEID, stating 'he was arrested on the base of suspicions about his activities, and he still under investigation by the competent judicial authorities.' No further information about his fate or whereabouts has been revealed since then.

DETAINED - MAIN CASE

Tal AL-MALLOUHI (f)

Profession: student, poet and blogger

Date of Birth: 1991

Date of arrest: 27 December 2009

Details of arrest: Al-Mallouhi was detained on 27 December 2009 after being summoned for questioning.

Current place of detention: Adra prison in Damascus.

Type of legislation used to charge/convict: national security.

Details of trial: On 5 October 2010 it was reported that al-Mallouhi had been charged with spying for a foreign country. She appeared before the State Security Court on 10 November 2010, and was sentenced to five years in prison by the State Security Court in Damascus on 14 February 2011, after conviction of 'revealing information to a foreign country'. The court session was closed, and al-Mallouhi's family were banned from attending; there was no possibility of appeal. The judge reportedly did not provide any evidence against her. No further news as of 31 December 2017.

Other information: In its opinion [No 38/2011](#), the UN Working Group on Arbitrary Detention found that al-Mallouhi was arbitrarily held and called for her immediate release and adequate reparation.

Honorary member: PEN Canada and Danish PEN

DETAINED - INVESTIGATION

Adnan ZARRA'AI

Profession: playwright and scriptwriter

Date of arrest: 26 February 2012

Details of arrest: Zarra'ai was reportedly arrested on 26 February 2012 and detained incommunicado in the State Security detention centre in Damascus. He reportedly suffered a broken rib as a result of torture during his detention. He remained detained incommunicado without charge or trial as of 31 December 2014, when reports suggested he may have been moved to Saydnaya prison. No further information as of 31 December 2017.

Background: On 19 April 2013, it was reported that Zarra'ai's wife was arrested by security forces in Damascus and later released on 14 May 2013.

United Arab Emirates (UAE)

IMPRISONED – MAIN CASE

Mohammed AL-ROKEN

Profession: lawyer and author

Date of birth: 26 September 1962

Sentence: Ten years in prison followed by three years of probation

Date of arrest: 17 July 2012

Current place of detention: Al-Razin prison.

Type of legislation used to charge/convict: human rights activism.

Details of trial: Tried as part of the ‘UAE 94’ trial. 94 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 2016.

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). He has written a number of books and articles on human rights, freedom of expression, and counter terror laws.

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.

Awards: 2012 Alkarama Award for Human Rights Defenders and Ludovic Trarieux Award.

DETAINED - MAIN CASE

Nasser BIN GHAITH

Profession: academic and human rights defender

Date of arrest: 18 August 2015.

Type of legislation used to charge/convict: political opposition.

Sentence: ten years’ imprisonment.

Details of 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.

Current place of 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.

Place of detention: unknown location

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 leaders **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. According to reports, on 6 May 2016, Bin Ghaith reappeared before the State Security Chamber of the Federal Court and repeated his claims of enforced disappearance and torture received while in detention. His allegations were not acknowledged, and his case was adjourned until 23 May. A further hearing took place on 20 June 2016. On 5 December 2016, the case was reportedly transferred from the State Security Chamber of the Federal Supreme Court to the Federal Appeal 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.

Conditions in detention: 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 transferred to an undisclosed location after a hunger strike he started in 2 April 2017 in protest against the lack of family visits.

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, and having his glasses removed for several weeks, and not receiving prompt treatment for tooth pain.

Previous political arrest: 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.

Tayseer AL-NAJJAR (Jordanian national)

Profession: journalist and poet

Date of arrest: 13 December 2015.

Sentence: three years in prison and a fine of 500,000 UAE Dirhams (c. US\$ 135,000).

Type of legislation used to charge/convict: cybercrime law.

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 has 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. In June 2017, the ruling was appealed before the Federal Supreme Court, which confirmed the previous sentence.

Conditions of detention: Al-Najjar allegedly told his family that he was initially held in solitary confinement at the State Security Department, where he was subjected to 'heavy pressure'. On 28 February 2016 he was transferred to al-Wathba prison. He has since been able to call his family on a weekly basis.

Health concerns: In its [urgent action](#) of May 2016, Amnesty International reports that al-Najjar is suffering from severe toothache, for which he has been given a mild painkiller but has not been referred to a dentist. [According to his family](#), al-Najjar also suffers pain and health problems in the eyes and bones, and has had kidney problems.

Background: al-Najja 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.

Yemen

RELEASED

*Mohammad Yahya al-Jubaihi

Profession: writer and journalist.

Date of arrest: 6 September 2016.

Date of release: 24 September 2017.

Type of legislation used to charge/convict: political opposition.

Sentence: sentenced to death on 12 April 2017 by a Houthi rebel court in Sana'a.

Details of arrest: On 6 September 2016, Al-Jubaihi was arrested by Houthi uniformed security agents in front of his house in Yemeni capital Sana'a; they also broke into his home and confiscated his electronic devices, books and other documents. According to his family.

Details of trial: sentence issued by a Houthi court in Sana'a after a grossly unfair trial. Al-Jubaihi was found guilty of spying for a foreign country (Saudi Arabia) and helping the rival President Abd-Rabbu Mansour Hadi who resigned in January 2015 after pressure from Houthis. Before being arrested in September 2016, Al-Jubaihi had received anonymous threats and was asked to write an article supporting Houthi presence in Sana'a, which he refused

Conditions of detention: Al-Jubaihi was transferred to several prisons and detentions centres During his detention, Al-Jubaihi was denied access to medical care despite being in poor health.

Details of release: Al-Jubaihi was [pardoned](#) by [the](#)

Supreme Political Council in Sana'a. According to the pardon decision, the death sentence issued by the court in Sana'a on 12 April 2017 against the writer was abolished and his release was ordered. On 24 September 2017, al-Jubaihi was released after being detained by Houthi forces for almost one year.

Background: Yahya al-Jubaihi, 61 years-old, is a writer and journalist. He is member of the Arab Journalists' Association and Yemeni Journalists' Syndicate. He published research studies and articles and wrote regular columns in many Yemeni and other Arabic newspapers such as *Okaz* and *al-Madina*. He published an article in December 2015 in which he sharply criticized the Houthi raids and invasions of some regions in Yemen. According to news reports, this article is what subsequently led to his arrest and conviction.

PEN Actions: RAN 08/17 on 10 May 2017

PEN Actions for journalists in Middle East & North Africa

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 Middle East and North Africa, some in collaboration with other organisations, details of which can be found in the links provided below.

Algeria

Reda AMRANI and Rachid At Ali UQASI
journalists: *attacked on street*

Action:

September 2017: Statement Attack against two journalists over conference promoting Kabyle media

Nabeel RAJAB: *human rights defender in prison*

Action:

July 2017: Statement Writer and human rights defender remains in custody despite worsening health condition

Bahrain

Sayed Ahmed ALWADAEI: *Human rights defender under harassment*

Action:

October 2017: Joint Action States should press for end to reprisals against family members

Abdulhadi al-KHAWAJA: *detained human rights defender*

Action:

December 2017: Joint Action Human rights defender Abdulhadi Al-Khawaja faces reprisals in detention after protesting poor prison conditions

Abduljalil Al-SINGACE: *activist and human rights defender in prison*

Action:

March 2017: RAN Concern for health of academic, activist and blogger Dr. Abduljalil Al-Singace

Egypt

Maher ABDEL-WAHED: *journalist harassed and dismissed.*

Action:

August 2017: Statement PEN condemns the arbitrary dismissal of three journalists from newspaper

Iran

Yousef EMADI, Hossein RAJABIAN, Mehdi RAJABIAN: film maker and musicians in prison

Action:

January 2017: Statement [Drop Charges Against Filmmaker and Musicians](#)

Keywan KARIMI: film-maker, released under conditions

Action:

February 2017: RAN [Serious concerns for the health of imprisoned filmmaker Keywan Karimi](#)

Narges MOHAMMADI (f): imprisoned journalist

Action:

March 2017: Women's Day Action [Take Action for Narges Mohammadi](#)

Israel

Muhammed al-QIQ: administratively detained journalist, released

Action:

November 2017: RAN [Palestinian journalist released following hunger strike](#)

Saudi Arabia

Raif BADAWI detained blogger

Action:

November 2017: RAN [Raif Badawi spends his 2000th day behind bars](#)

Syria

Bassel KHARTABIL: free speech activist, subject to extra judicial execution

Action:

August 2017: Joint Action [Rights groups condemn extrajudicial execution of human rights defender and software engineer Bassel Khartabil](#)

Khalil MA'TOUQ, Mohamed THATHA, Razan ZAITOUNEH, Samira KHALIL, Nazem HAMADI, Wa'el HAMADA lawyers and activists who have disappeared

Action:

August 2017: Joint Action [Day of the Victims of Enforced Disappearances – Take Action for Khalil Ma'touq, writer and human rights lawyer](#)

United Arab Emirates

Ahmed Mansoor al-SHEHHI: detained human rights defender

Action:

June 2017: Joint Statement [Coalition of Human Rights Organisations and Experts Call for Mansoor's release](#)

Yemen

Abdelkhaleq AMRAN, Hisham TARMOOM, Tawfiq al-MANSOURI, Hareth HAMID, Hasan ANNAB, Akram al-WALIDI, Haytham al-SHIHAB, Hisham al-YOUSEFI, Essam BALGHEETH, Salah al-QAEDI: detained journalists

Action:

June 2017: Joint Action [NGOs demand release of journalists held by Huthi forces for two years](#)

Stifling Dissent, Impeding Accountability

Criminal Defamation Laws In Africa

21 November 2017

In many countries in Africa, governments continue to stifle freedom of expression, open debate, political criticism and media reporting using laws that make it a crime to say, write or publish anything that they consider defamatory or insulting. These laws are usually vague and sweepingly broad, opening them to such wide interpretation that they act as an ever-present constraint, particularly on investigative journalism and other aspects of the media's capacity to perform its public watchdog role.

Culture's Oxygen - The PEN Report

21 February 2017

The report – Culture's Oxygen The PEN Report – finds that there is still a conviction in the mainstream publishing industry that it is primarily viable to sell books in dominant languages, and that a major obstacle to establishing and sustaining strong minority-language publishing industries is the way that minority languages are valued locally and nationally. It outlines global trends in minority-language literatures, explores the minority-language situation, and analyses the legal and policy framework and the prevailing book markets trends in the four focus countries. Finally, it outlines long-term objectives for the future of minority-language publishing and makes a series of recommendations to governments, as well as to cultural actors, publishers and writers.

To read this report, please go to: <http://pen-international.org/promoting-linguistic-rights/cultures-oxygen-report>

Imposing Silence:

The Use of India's Laws to Suppress Free Speech

May 20 2015

In 2015, PEN International in partnership with PEN Canada and the International Human Rights Program (IHRP) at the University of Toronto Faculty of Law released a ground-breaking report calling on India to repeal overbroad and vaguely worded laws that enable censorship in the world's largest democracy. Imposing Silence: The Use of India's Laws to Suppress Free Speech finds that overreaching legislation and longstanding problems with the administration of justice have produced cumbersome legal processes that deter citizens from exercising their right to free expression. The resulting chill silences political criticism and often discourages marginal voices from speaking out on sensitive social, cultural, and religious matters.

To read this report please go to:

<http://www.pen-international.org/wp-content/uploads/2015/05/Imposing-Silence-FINAL.pdf>

The Gezi Park Protests:

The impact on freedom of expression in Turkey

March 14 2014

In The Gezi Park Protests: the impact on freedom of expression in Turkey, PEN assesses the violations of the right to freedom of expression and to freedom of assembly during last year's protests, detailing numerous examples of intimidation, judicial harassment and violence against writers and journalists by the authorities in Turkey, and shedding light on the mechanisms by which the mainstream media in Turkey is pushed towards self-censorship.

To read this report please go to:

<http://www.pen-international.org/wp-content/uploads/2014/03/PEN-Gezi-Report.pdf>

Honduras:

Journalism in the Shadow of Impunity

January 22 2014

Journalists who cover organized crime, government corruption and other sensitive issues are increasingly facing threats and lethal attacks in Honduras, with almost complete impunity for perpetrators, said PEN International in a new report released today in partnership with PEN Canada and the International Human Rights Program (IHRP) at the University of Toronto Faculty of Law.

The report – Honduras: Journalism in the Shadow of Impunity – documents the rise in violence against journalists following the coup d'état that ousted President José Manuel Zelaya in June 2009, and the failure of both state and international mechanisms to investigate and punish those responsible. Since June 2009 at least 32 Honduran journalists – most working for the broadcast media – have been killed and many more continue to work in a climate of fear and self-censorship.

To read this report please go to:

<http://www.pen-international.org/wp-content/uploads/2014/01/Honduras-Journalism-in-the-Shadow-of-Impunity1.pdf>

The PEN Report:

Creativity and Constraint in Today's China

May 3 2013

On World Press Freedom Day, PEN International launched The PEN Report: Creativity and Constraint in Today's China. The culmination of five years of collaborative research among PEN members inside and outside of China, the report is a frank assessment of the climate of freedom of expression in the world's most populous state. It also provides first-hand accounts of life under the weight of Chinese censorship through personal essays by 10 of China's leading dissident writers.

To read this report please go to:

<http://www.pen-international.org/wp-content/uploads/2013/05/The-PEN-Report-Creativity-and-Constraint-in-Todays-China.pdf>

The 2017 Case List, published by PEN International, highlights freedom of expression violations around the world, detailing hundreds of cases of harassment, arrests, attacks, killings and imprisonments of writers worldwide and highlights the global deterioration of freedom of expression.

The statistics for 2017 are numbing enough: 218 attacks on freedom of expression documented by PEN in a year. Writers have been murdered. Many writers and journalists have been imprisoned, detained without trial, and threatened with lawsuits, and the powerful continue to attack those who express themselves freely. Through the Case List we present the writers behind these numbers.

pen
INTERNATIONAL

