

The PEN  
International

**Case  
List  
2018**

**pen**  
INTERNATIONAL

# About PEN International

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

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

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

## Information sources

PEN International gathers its information from a wide variety of sources. It seeks to confirm its information through 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.

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

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# PEN International Charter

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

**PEN affirms that:**

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

## Sponsors

Our work would be impossible without our Sponsors who include:

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# Case List Methodology

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

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

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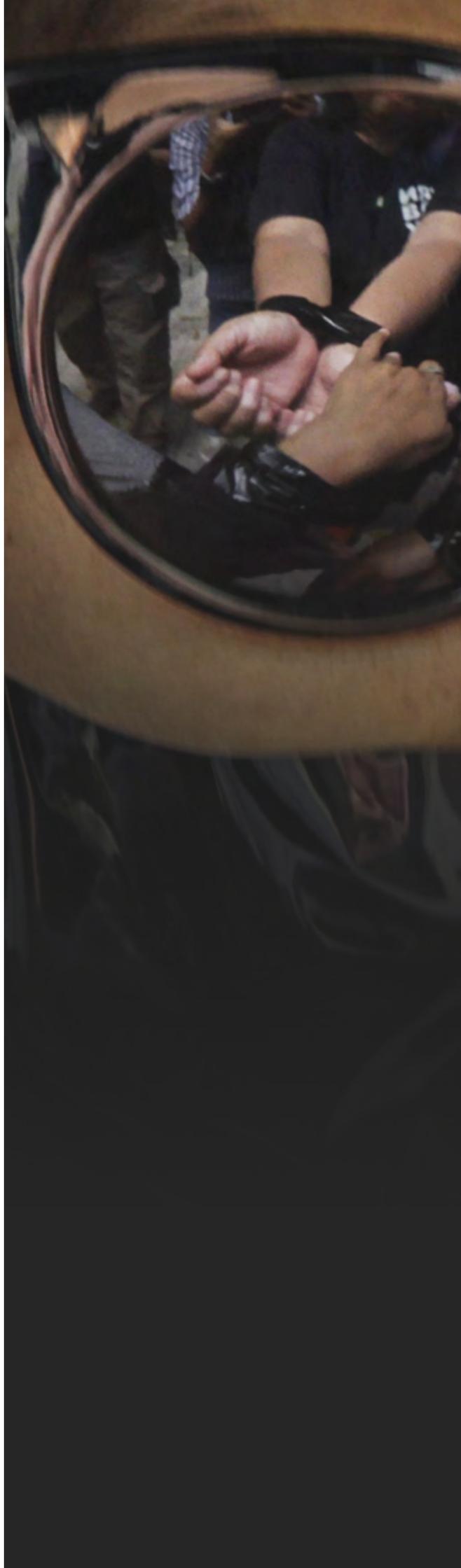
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**'I have been receiving your letters for a while. Each letter day, I get so many letters from PEN members that I am engulfed by very beautiful feelings.**

**I suppose in places such as these where everything is banned the strength of a single pen...is a great force. It is because they know that writing is a magical force that they are left hopeless against it. I can feel myself with you, always and perhaps this is why I never feel helpless. This is thanks to you.'**

**Zehra Doğan**

**Diyarbakır E Type Prison  
Turkey  
(Freed February 2019)**



# Introduction by Salil Tripathi

## The truth behind the numbers

Numbers never tell the full story. As writers, poets, journalists, and publishers, we know that truth to be self-evident. Numbers tell us possible trends of what has taken place. But numbers alone do not convey the truth. Numbers do provide evidence of the existence of a phenomenon, but their absence does not mean the phenomenon has not occurred. Sherlock Holmes knew that when a dog doesn't bark, it doesn't mean a crime has not been committed.

And so it is with statistics about cases PEN investigates and examines, about writers at risk or in jail. The number has gone down from about 220 in 2017 to 205 in 2018. But what does that mean? Is it a reason to rejoice? Does it mean that fewer writers are under threat, or that some threats are so insidious that we don't get to hear about them? Does it mean that those who torment writers – governments, religious groups, other opponents – are so successful at intimidating the writers that their stories don't even get out? Or has the situation actually improved? But how can we say it has improved, if hundreds of writers – not one or a dozen, though even that's too many – are still classified as writers facing risks?

Of these, about a fifth of the cases concern women writers. Does it mean male writers are more likely to get intimidated or arrested? Or that we don't even get to hear the stories of women writers facing intimidation? We know of the more prominent cases – the murders of Daphne Caruana Galizia in Malta and Gauri Lankesh in India remaining unresolved. They were brave and feisty reporters who took on the powerful. Male writers taking on those causes would also have faced anger and intimidation, but some of the threats these writers faced were gendered. And like Anna Politkovskaya, these two cases are visible because of the cold finality of murder silencing them. Other cases abound. I'm thinking of Stella Nyanzi in Uganda, arrested repeatedly for her strategic use of 'radical rudeness' in driving home her criticisms of the Ugandan President; Itatí Schwartzman in Argentina, who gets death threats because of her activism against and writing about violence against women; Claudia Piñeiro, also from Argentina, attacked because she speaks for abortion rights; Sushmita

Banerjee, murdered in Afghanistan, and no justice in sight; Swathi Vadlamudi, being tried in India for a cartoon she did of a rape of a child; the sustained harassment of Maria Ressa in the Philippines, who is taking on the might of the Duterte administration; artist Zehra Doğan in Turkey, imprisoned for more than two years for her writings and artwork; Golrokh Ebrahimi Iraee in Iran, in jail for a book on the stoning of women; Hatoon al-Fassi in Saudi Arabia, tortured in prison, and arrested because she has championed women's rights; and the sustained online trolling and harassment of women journalists and writers in many parts of the world – but particularly so in India, where Swati Chaturvedi, Rana Ayyub, Barkha Dutt, and many other women journalists and writers have been sent sexually graphic imagery and rape threats.

These horrendous examples remind us why we focus on individuals and cases, although numbers matter and are important. A rise in abuses is alarming; a fall is not a reason for complacency. Each case is a violation. And we must work together to help our colleagues, in particular our sisters, facing threats from those who wield power and who are uncomfortable when truth stares back at them.

We admire and salute that gaze.

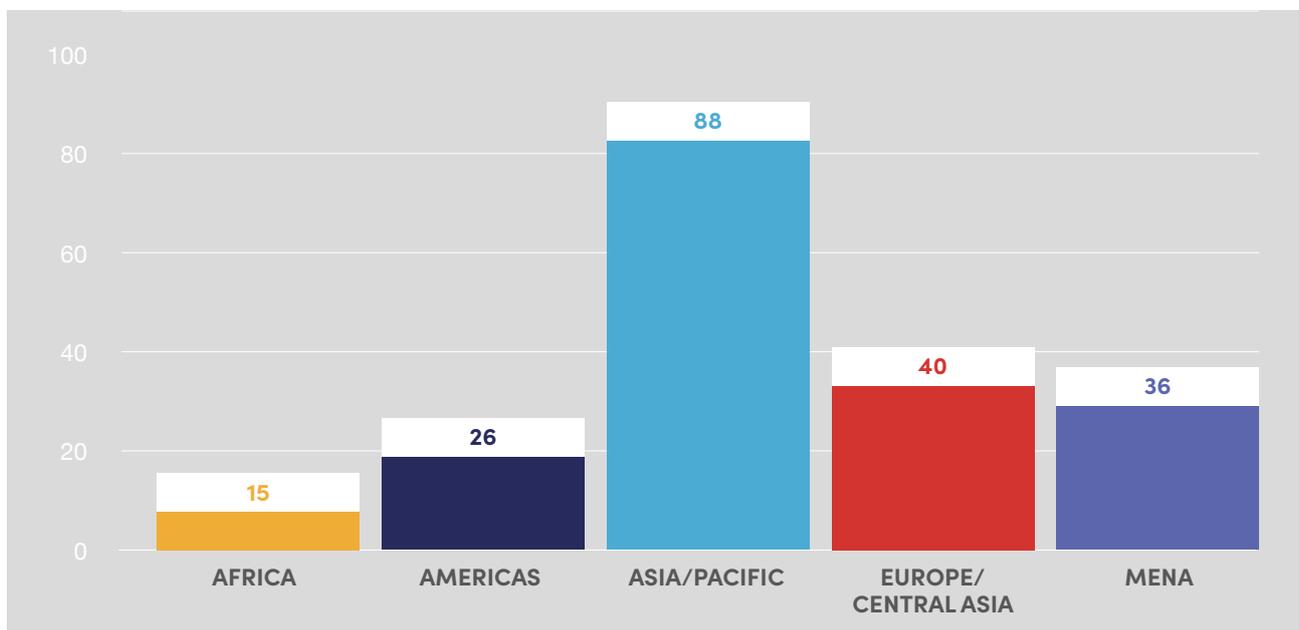
**Salil Tripathi**

**Chair, Writers in Prison Committee  
PEN International**

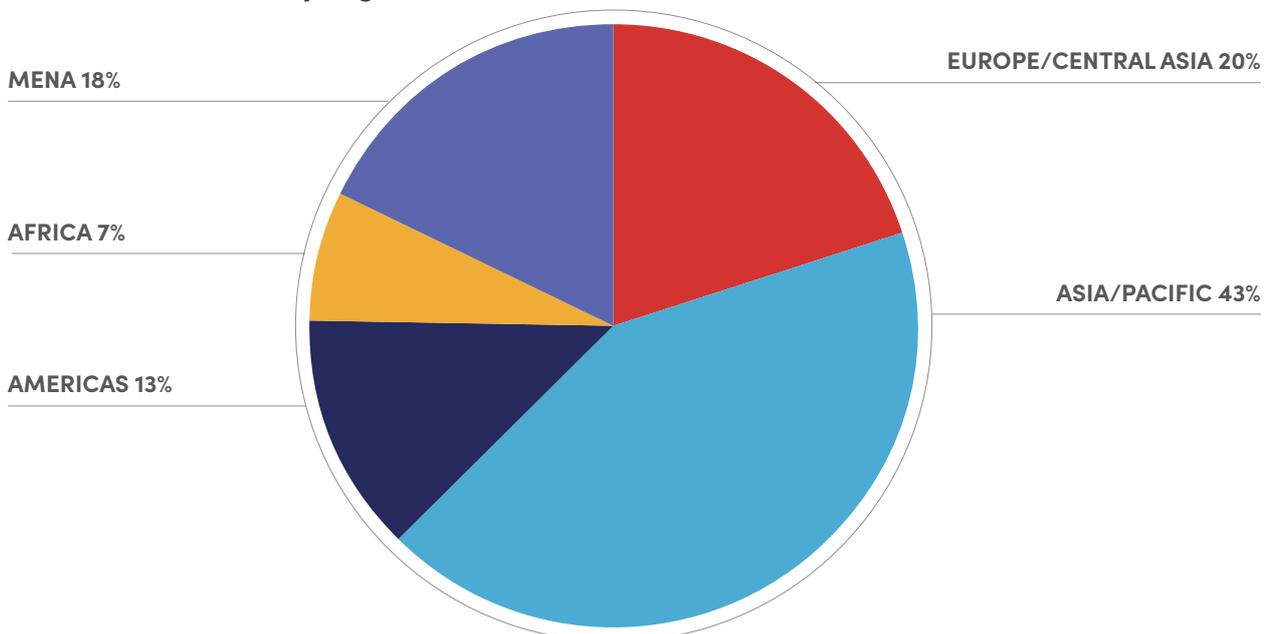
# Overview

## PEN Cases in Numbers: Total of 205 recorded attacks in 2018

In 2018, PEN International monitored 205 cases of attacks against writers across all world regions

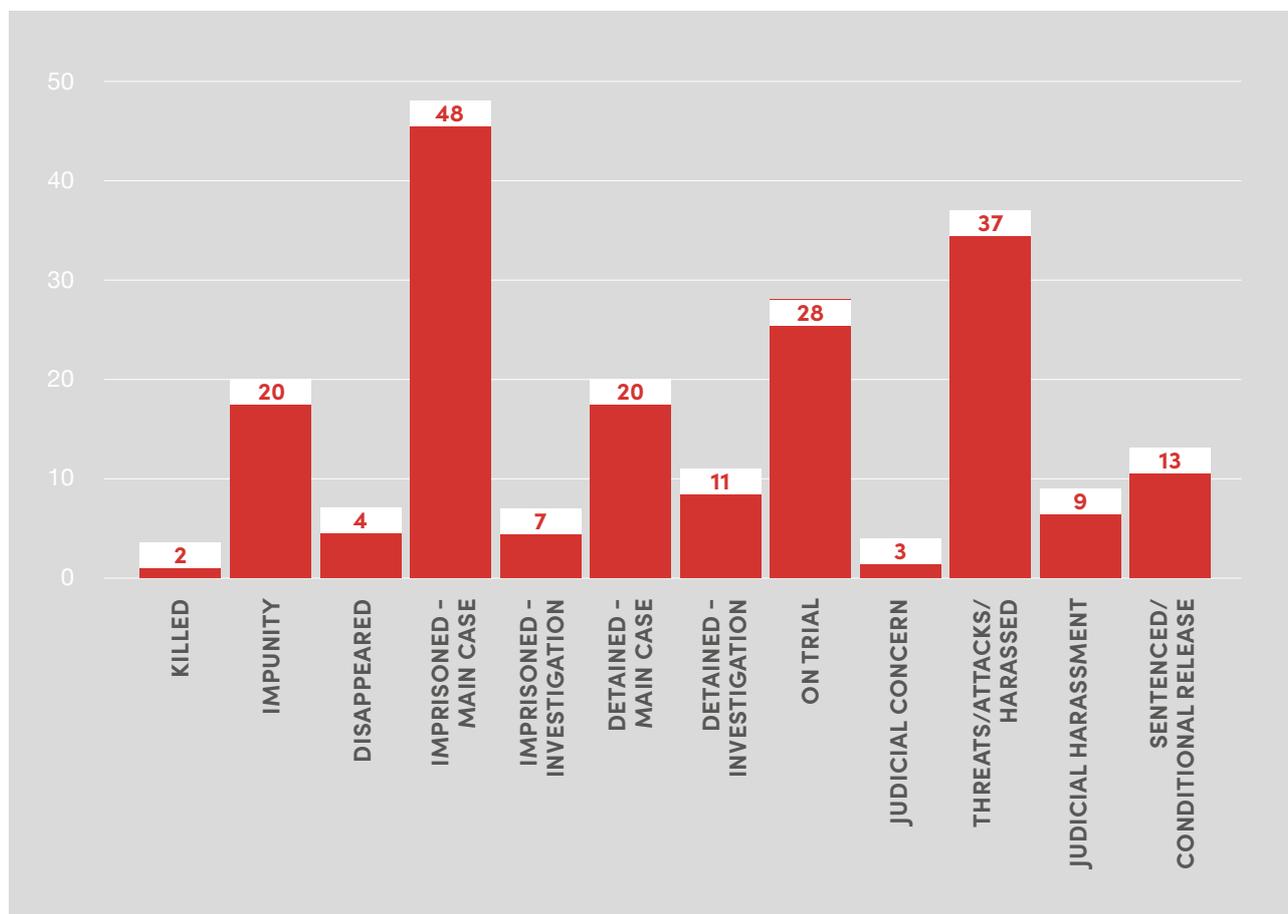


### Attacks on writers by region



# Types of attacks

The most reported of attacks is of lengthy prison terms, a total of **68 writers in prison** specifically for the practice of their profession or their peaceful activism, representing a third of the total. Almost half of these, 32, have been charged under anti-terror or national security laws. PEN is investigating the cases of 18 more where clarification is needed about the reasons for their detention.



In **Africa** and the **Middle East**, long prison sentences represent almost half of those regions' caseloads, specifically long-term detentions in **Eritrea**, **Egypt**, and **Iran**. Thirty-two writers are held in **Asia**, mostly in prisons in **China**. In **Europe**, two thirds of those detained are in **Turkey** with a similar number there also on trial.

While in recent years imprisonment has not been used widely against writers in the **Americas**, harassment and threat is a constant source of pressure from state and non-state sources, reported in half the cases listed. The shadow of impunity lies heavy in the region with murders over the past years remaining unresolved. Lack of justice for writers killed is a factor in all regions, notably in **Asia** where religious extremists remain unpunished for murders carried out in recent years.

# Writers killed in 2018

## Shahzahan Bachchu

The murder on 11 June 2018 in **Bangladesh** of **Shahzahan Bachchu**, a 60-year-old publisher, poet, and blogger on secular issues in his home village of Kakaldi on the outskirts of Dhaka is an indication of the dangers that writers who challenge religion continue to face in the country. Bachchu had been meeting with friends at a pharmacy when a group of assailants on motorbikes detonated a bomb outside. Bachchu was then reportedly dragged out of the shop and shot dead, and the attackers fled. An investigation was launched and Bachchu's killers were identified as members of the banned Islamist Jamaat-ul-Mujahideen, two of whom, police claim, were themselves subsequently killed in a police shootout. Bachchu, known for his secularist writings, had reported having received many death threats since 2015. He joins the growing list of Bangladeshi secularist writers, publishers, and bloggers who have been murdered since 2015 and for whom there has yet to be justice.



## Nedim Yasar

In **Denmark** on 19 November 2018, former gang member **Nedim Yasar** was shot while getting into his car after a book launch reception at the offices of the Danish Red Cross youth branch in Copenhagen. Yasar had been celebrating the release of a book about his life, *Rødder – En Gangsters Udvej* (Roots: A Gangster's Way Out), co-authored with journalist Marie Louise Toksvig. He died the following day, the same day his book was published. Yasar founded the gang Los Guerreros, with links to drug trade, but left it in 2012 to join a state-run exit programme. He subsequently became a radio host on Radio24syv and spoke out against gang violence. In December, three men were arrested and charged with Yasar's murder; until brought to trial, the killers' motives will remain unclear.





## **PEN International joins forces with media rights organisations in a year that saw the doubling of killings of journalists**

In a year that saw the doubling of journalists murdered in retaliation for their reporting, PEN International and its member Centres added their voices to the protests, issuing statements, staging vigils, and joining with other free media organisations to call for justice. The Committee to Protect Journalists reported 34 retaliatory murders in 2018, compared with 18 the previous year.

Most high profile among the murders was that of **Jamal Khashoggi, the Saudi journalist brutally tortured and murdered in the Saudi consulate in Istanbul in October.**

The Americas continues to be the region where journalists are at most risk, with **Mexico** still the most dangerous country of all. PEN joined protests against the murders of eight Mexican reporters who had been killed in 2018: **Carlos Domínguez Rodríguez** (January), **Leslie Ann Pamela Montenegro del Real** (February), **Leobardo Vázquez Atzin** (March), **Juan Carlos Huerta** (May), **Héctor González Antonio** (May), **José Guadalupe Chan Dzib** (June), **Ruben Pat** (July) and **Mario Leonel Gómez Sánchez** (September).

Elsewhere in the **Americas**, journalists' lives were at acute risk, reflected in the protests PEN sent to **Guatemala** on the murders of **Laurent Ángel Castillo Cifuentes** and **Luis Alfredo de León Miranda** in February, the abduction then killings of **Javier Ortega Reyes** and **Paúl Rivas Bravo** in **Ecuador** in March and the murder of **Ángel Eduardo Gahona López** in **Nicaragua** in April.

**Nine broadcast journalists** were among around 25 people killed and scores more injured in two bomb attacks in **Kabul, Afghanistan** in April, the second targeted at journalists who were covering the first attack. PEN protested this incident, as well as that of the fatal shooting of a tenth journalist in the east of the country.

In **India**, PEN International joined PEN Delhi and PEN South India in condemnation of the murder of prominent and respected journalist **Shujaat Bukhari** on 14 June 2018 in Srinagar, Kashmir.

Violence against journalists in Europe continued with the murders of the **Slovak** reporter, **Ján Kociak**, murdered alongside his fiancée in February, and that of **Viktoria Marinova** killed in **Bulgaria** in October, where PEN added its voice to calls that there be full investigations and justice. In October, PEN International joined an international freedom of expression mission to Malta to raise concerns about the lack of justice a full year after the murder of investigative journalist **Daphne Caruana Galizia.**

# Impunity: Writers' deaths go unpunished

PEN International is following the cases of 20 other writers who have been murdered since 2006 and for whom there has yet to be justice. Those who carried out the killings or who had ordered others to do so, remain at liberty, creating a climate of impunity under which those who choose murder as a means of silencing their critics do so without fear of repercussion. Over the years, PEN has also joined ranks with other organisations working for free media in calling for justice for the many more journalists killed in the course of their profession.

The great majority of physical and verbal attacks and other forms of harassment recorded in 2018 were carried out by extremists, criminal gangs, and other non-state actors, or simply those listed as 'unknowns' – people who carry out the attacks then disappear without trace. These account for all but six of these 28 serious threats recorded by PEN in the past 12 months. Anecdotal evidence suggests that the problem is under-reported. All too often writers who had previously complained about receiving threats and attacks, and had called for protection did not receive help, and were subsequently murdered.

Writers who are most at risk are those who report on local corruption and criminality, notably on the illegal drugs trade. This is especially so in the Americas where among those killed was **Javier Valdez Cárdenas**, the author of several books on narco-criminality in **Mexico**, who was shot dead in May 2017. At least two men are under investigation for his murder.

Reporting on police corruption is another dangerous area, as in the case of **Brazilian** writer **Rodrigo Neto de Faria**, killed by gunmen in 2013. He had been investigating police corruption and officers' alleged involvement in local murders. Although two police officers have since been convicted and imprisoned for his murder, the investigation into who had ordered his killing has yet to be conclusive. Neto de Faria's case has similarities to those of the **Russian** writer and journalist, **Anna Politkovskaya**, assassinated in 2006, and the **Turkish-Armenian** editor, **Hrant Dink**, shot dead in 2007. In both cases people have been convicted for carrying out their murders, while the 'intellectual authors', thought to be government-linked, remain at liberty.

Religious fanatics have also turned to extreme violence, and none more than in **Bangladesh** where there have been many murders of atheists or those who challenge religion. Three writers were killed in 2015 in separate attacks carried out by members of an extremist group, killings that were exceptionally brutal. Publisher **Faisal Arefin Deepan** was hacked to death in Dhaka in October 2015. In February that year, one of the writers published by Deepan's publishing house, **Avijit Roy**, had been similarly murdered. Then, a third writer, **Ananta Bijoy Dash**, who had gone into hiding after the murder of his friend, Avijit Roy, was himself killed by attackers with machetes in May 2015. A banned Islamist group claimed responsibility for

Roy's death and police had apprehended some of the alleged killers, killing one in a shoot-out. A military figure is said to have been behind the murders and remains unpunished. Extreme violence and threats from religious extremists are also prevalent in the **Middle East** and **North Africa**, where writers touching on religion are under attack from both the state and non-state actors.

Religious fanatics also turn their dangerous ire upon women, especially those who stand up for women's rights. In September 2013, **Sushmita Banerjee** was kidnapped from her home in **Afghanistan**, then shot dead. The suspects behind the murder of Banerjee, a women's rights activist who had written on Taliban human rights abuses, are reported to be members of a Taliban splinter group working under orders from one of its leaders operating in Pakistan.

Acute homophobia in some areas has led to attacks and deaths of LGBTQ people. In **Cameroon**, **Eric Ohena Lembembe**, an LGBTQ rights activist who had contributed chapters on a global survey of attacks on LGBTQ people, was found dead in July 2013, having suffered severe beatings. His killers remain unknown. PEN International also protested the May 2012 murder of LGBTQ activist in **Honduras**, **Erick Alexander Martínez Ávila**. A former journalist, he had recently been nominated as a candidate for the Libre political party's sexual diversity board.

While the majority of extra-judicial killings are carried out by individuals or groups not affiliated to the state – criminal gangs, religious and nationalist extremists primarily – writers have also been murdered at the hands of state officials. Writer and journalist **Abduhadi Kasheet** died in custody in July 2013, one of very many victims of harsh conditions in **Syrian** prisons, where inmates suffer torture and inhuman treatment including the lack of medications, starvation, and overcrowding in detention. PEN has also protested the disappearance of at least five other writers arrested by Syrian forces since 2011, amidst fears that they too may no longer be alive.

As UNESCO [succinctly explains](#), when attacks on journalists and others who report the 'embarrassing truth' or 'unwanted opinions' go unpunished, 'society loses confidence in its own judiciary system' and the perpetrators of these crimes become 'emboldened when they realize they can attack their targets without ever facing justice'. It is for this reason that PEN International will continue to call for full justice, and the proper prosecution of both those who murder writers and those who are behind their killings, no matter how long it takes.

# Imprisonment, violence, threat and harassment against women writers



Sushmita Banerjee, writer murdered in Afghanistan in 2013

**‘For women to have free speech, the right to read, the right to write, they need to have the right to roam physically, socially and intellectually. There are few social systems that do not regard with hostility a woman who walks by herself.’**

## PEN International Women’s Manifesto (2017)

In 2018, PEN monitored the cases of 38 women writers who had that year suffered imprisonment, trial and attack for their writings and activism. The relatively small numbers of women featured in PEN’s freedom of expression activism is a reflection of the correspondingly low levels of female representation among commentators on issues relating to government corruption, crime or in conflict zones, areas that are the most risky for writers in general. Nevertheless, for many women, their gender or, more specifically, their women’s rights activism makes them especially targeted. Around half of the women listed in PEN’s case list are in prison, and among these most are held for campaigning on minority rights or general criticism of governments, such as in China’s **Xinjiang** Region, **Vietnam** and in **Turkey**. Government critics, such as veteran rights activist, writer, and founder of PEN **Honduras**, **Dina Meza**, live their lives under constant surveillance, harassment, and threat.

Crime reporting in most regions is a niche area for women writers. **Maria Josephina Vergina Laurio**, a writer in the **Philippines** who blogs on the narcotics trade, has suffered

abusive and threatening posts, including threats of rape, leading her to go into hiding. Online abuse is commonly suffered by writers of all sexes when they tackle criminality, with women such as Laurio suffering the added threat of sexual abuse. Online harassment carrying threats of sexual violence directed towards women is a phenomenon which is thought to be under-reported.

Female writers are often imprisoned directly or indirectly for their women’s rights activism. **Hatoon al-Fassi** was arrested in June 2018 alongside a number of other women’s rights campaigners in **Saudi Arabia**, and remained in prison at the end of the year.

In **Iran**, **Golrokh Ebrahimi Iraee** was serving a 30-month sentence (reduced from six years) for her writings condemning the stoning of women. Artist, Kurdish rights campaigner, and writer for a women’s magazine, **Zehra Doğan** was imprisoned in **Turkey** on a clutch of charges relating to her activism.<sup>1</sup> **Stella Nyanzi**, a well-known academic and rights campaigner in **Uganda** whose causes have included the provision of sanitary pads for girls, is in prison awaiting trial for comments ‘ridiculing’ the Ugandan president.

Threats and harassment are the most reported attacks against women writers, notably in the Americas. In **Argentina**, feminist writer **Itatí Schwartzman**, who campaigns against sexual violence, has received violent, sexually explicit and anti-Semitic online threats for her work. Also, in **Argentina**, novelist **Claudia Piñeiro** has received death threats from anti-abortion activists because of her public stance for the decriminalisation of abortion. **Nicaraguan** PEN president **Giocanda Belli**, well known for her writings on female sexuality, has, alongside two male writers, been subject to threatening video alleging that they are linked to terrorism, a charge that PEN sees as clearly related to their criticism on a crackdown on dissent in Spring 2018. Maybe less threatening, but nevertheless deeply impacting on her capacity to report on gender issues, is the denial of permission to leave **Cuba** to a poet and founder of a feminist magazine, **Ileana Álvarez**. She had wanted to attend a feminist conference in Panama. The harassment was such that she and her husband subsequently went into exile in Spain.

While, thankfully, most threats do not result in actual violence, it cannot be forgotten that many people who had been murdered for their writings had complained to the authorities about being threatened and asked for protection. The case of **Sushmita Banerjee** of **Afghanistan** is a case in point. Murdered in September 2013 by members of a Taliban splinter group, she had written books critical of the Taliban, and had only recently returned to Afghanistan to set up a midwifery clinic. Five years later her killers are still to be brought to justice.

<sup>1</sup> Doğan was freed on 25 February 2019

# Releases and Acquittals – PEN's impact

Of the **138** writers PEN recorded as serving long-term prison sentences or who had been on trial in 2018, **21** were released or acquitted, just over 15%. Whereas a small number had been freed having served the full terms of their imprisonment, notably in **China**, most were released early. In many of these cases, PEN Centres had taken them up as Honorary Members and had lobbied for their freedom, sometimes for years; others had been subjects of PEN advocacy campaigns, had their cases raised within regional and international forums such as the UN and EU.

One of PEN's most high-profile advocacy tools, its Rapid Action Network (RAN), alerts the PEN membership to the plight of writers whose cases are critical. In 2018, the RAN was activated 16 times, calling on PEN's more than 20,000 members to take action. More than 59 PEN Centres lobbied government officials, writing letters of solidarity and organising vigils and protests, including on social media.

Courts that order the acquittal of writers charged for their writings or legitimate activism are to be celebrated by showing judicial independence and a willingness to consider complaints that a person has been tried wrongly. In **Equatorial Guinea**, cartoonist and writer **Ramón Nsé Esono Ebalé** was held for almost five months on criminal indictments, then freed in March 2018 when a court ruled the charges as being without foundation. During his detention, PEN had campaigned for his release pointing out that he was clearly being held only because of his cartoons that had ridiculed the President and other high-ranking officials. For years, another cartoonist, **Zunar**, has suffered harassment and trials in **Malaysia** for his social media activity and books of cartoons satirising official corruption and poor governance. In July 2018, all nine charges of sedition that were pending against him were dropped. If convicted, he could have served 43 years in prison.

In December 2016 in **Angola**, writer **Rafael Marques de Morais** was charged with insult for an article suggesting illegal land purchases by the country's Attorney General. Eighteen months later, in July 2018, he was acquitted. A PEN main case, his many years of reporting corruption has earned him international awards as well as other legal actions.

There is optimism for the future for freedom of expression under a new government in **Ethiopia** that has promised democratic reform. This was put into practice in February 2018 when over 700 political prisoners were pardoned and released, among them two PEN main cases: **Woubshet Taye**, a writer serving a 14-year sentence that was not due to expire until 2025 and **Seenaa Solomoon Ambechaa**, a singer who had been arrested with her group of seven other performers in 2016 for their videos and performances promoting Oromia rights.

In **Israel**, the young Palestinian poet **Dareen Tatour** was freed in August 2018. She had been imprisoned

then placed under house arrest since October 2015 for a poem accompanying a video uploaded on YouTube deemed to incite terrorism and violence, charges that were widely disputed. Her release came six weeks after she had been transferred from house arrest and re-imprisoned in August 2018. Dareen became a main case for PEN, whose members petitioned for her release, and a high-level mission to Israel that lobbied directly on her behalf. She was freed in September 2018.

Another poet, **Liu Xia**, for whom PEN had staged appeals for release since she was placed under house arrest in **China** in 2010, was freed in July 2018 and is now in exile in Germany. Liu Xiaobo, Liu Xia's husband, and winner of the Nobel Peace Prize in 2010, was a writer arrested in 2008 and who died in hospital in 2017 within weeks of being granted medical parole.

In many countries, few are released before expiry of their sentences, notably in **China** where several writers who had served long sentences were freed in 2018 when their prison terms ended, many of whom continue to be deprived of political rights. Although PEN welcomes that they were not detained beyond their release date, that they had to serve their sentences in full is not a cause for celebration. In other countries, such as in **Vietnam**, writers were freed but continue to be bound by conditions, often extremely restrictive, such as not being allowed to leave the towns and cities where they live, travel bans, restrictions on civil and political rights. Others are released directly into exile, such as **Me Nam**, a blogger and PEN main case, who was released in October 2018, two years into a 10-year sentence served in 2016. Others have been freed pending trial, which can, for example in **Turkey**, drag on for years. In these cases, PEN continues to consider their cases as 'live' and continues to campaign for their complete freedom.

Writers' solidarity for other writers in prison, for whom they write appeals to governments, lobby their own governments, raise publicity, stage readings and publish the censored writers' works, and on occasion attend trials and visit their families, all play a part in creating public awareness and contribute towards an improvement in their situations:

**I am humbled by the support PEN International gave me during those difficult years. Thanks for the tremendous support PEN International gave me during my imprisonment. Each word from PEN was a morale booster not only to me and my family but also to the whole democratic movement in Ethiopia.**

**Eskinder Nega, Ethiopian journalist and blogger released in February 2018 after spending more than six years of an 18-year prison term.**

# 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



Top left to right: Oleg Sentsov, Mirosława Breach Velducea, Wael Abbas/Bottom left: Dawit Isaac, right: Shahidul Alam

## Day of the Imprisoned Writer 2018

### Five writers who symbolise the struggle for free expression in 2018

On 15 November every year, PEN International celebrates the courage of writers and journalists who stand up against those who attempt to silence their voices, sometimes losing their lives in doing so. Each year, five writers are highlighted, each of their cases emblematic of the global scale of the struggle writers face, and of the broad range of persecution they face. On that day, PEN members world-wide stand in solidarity with their fellow writers, calling for justice and an end to the suppression of their right to freedom of expression.

The 2018 Day of the Imprisoned Writer focused on five cases of writers, four of whom had been imprisoned, in one case for over 17 years, and a fifth who had been killed in the practice of her profession as a journalist. On that day, other writers from across the world wrote letters to each of those featured in the campaign, sending messages of solidarity and support, letters that in turn were widely featured in the international media, providing both publicity and encouragement to the imprisoned writers, their families and supporters. In one case, the acclaimed Indian author Arundhati Roy wrote to the then-imprisoned Bangladeshi writer, Shahidul Alam. Following his release on bail on 15 November, the Day of the Imprisoned Writer itself, Alam wrote to Roy his appreciation of her support and of how much her books had influenced him and supported him through his ordeal. He wrote:

**It was a letter I read and reread long before it appeared before my eyes. It was through layers of metal bars that I strained to listen to Rahnuma's\* words. At over 130 decibels, the noise made by us screaming prisoners, straining to hear and be heard, was akin to a crowded stadium or a fire siren. As she repeated her words over and over again, I faintly heard, Arundhati. Letter. .... Those words, screamed out but barely heard was the nourishment I needed.**

\*Alam's wife

# PEN International's Emblematic Cases – 15 November 2018, Day of the Imprisoned Writer

Dawit Isaac, an award-winning Swedish-Eritrean journalist and writer, has been held incommunicado in Eritrea since his arrest under a crackdown on independent press and politicians in 2001. Over the subsequent 17 years, there has been no information about his whereabouts and circumstances. There were assurances from Eritrea's Foreign Minister in 2016 that all those arrested in 2001, including Isaac, were still alive, although no proof was given. Isaac was awarded the UNESCO/Guillermo Cano World Press Freedom Prize in 2017.

Veteran journalist Miroslava Breach Velducea was repeatedly shot in the head outside her home in Chihuahua on 23 March 2017. Breach Velducea, aged 54, was a well-known journalist whose twenty-year career focused on reporting on political and social issues, often covering corruption. In December 2017, the federal police arrested a member of a criminal organisation who they have indicted as the mastermind of the crime. The authorities are seeking a 70-year prison sentence. An individual thought to be one of the perpetrators of the murder was reportedly found dead in Sonora state in December 2017. Other individuals suspected of involvement in her murder remain at large.

Ukrainian writer and filmmaker Oleg Sentsov is serving a 20-year prison sentence on spurious terrorism charges after a grossly unfair trial by a Russian military court, marred by allegations of torture. He is currently being held in the 'Polar Bear' penal colony of Labytnangi, in Siberia, thousands of kilometres away from his home and family in Crimea. PEN International believes that Oleg Sentsov was imprisoned for his opposition to Russia's occupation and illegal 'annexation' of Crimea and calls on the Russian authorities to release him immediately. He was awarded the European Parliament's Sakharov Prize for Freedom of Thought on 12 December 2018.

Award-winning photographer, writer and activist - Shahidul Alam - was taken from his home in Dhaka, Bangladesh, by plainclothes police officers on the night of 5 August 2018. Shortly before his arrest, Alam had given an interview to the news agency Al Jazeera in which he was critical of the government's mishandling of student-led protests. He was held for more than three months before being freed on bail on 15 November. PEN continues to call for the dropping of charges against him. If convicted, he faces up to 14 years in prison.

Writer and blogger Wael Abbas was arrested at his home on 24 May 2018 by armed agents of the Egyptian security services in relation to his writing critical of President Abdel Fattah El-Sisi's regime. He was held for seven months in pre-trial detention on charges including 'involvement in a terrorist group', 'spreading false news', and 'misuse of social networks', all charges PEN considers to have been politically-motivated. On 12 December 2018, Abbas was released on condition that he present himself to police twice weekly until either the case is referred to the court or is closed by the State Security Prosecution.

# Africa Overview

By Cathal Sheerin,  
Africa Programme Coordinator

Writers, journalists, and human rights defenders continued to face persecution across the continent throughout 2018. Repressive legislation, threats, violence, arbitrary arrest, and dubious prosecutions were among the tools that (mainly) state actors used to suppress dissenting voices. In addition to this, there were internet shutdowns and 'social media taxes'. However, there were also some welcome developments.

## Unrelenting repression

Eritrea continues to be a key focus of PEN's work, and one of the most dangerous countries in the world in which to be a journalist or writer. Free expression is in a dire state, and there are currently at least 16 journalists held in circumstances amounting to enforced disappearance, without charge or trial. Many of these were arrested in September 2001, when the independent media in Eritrea was shut down. Journalist and playwright **Dawit Isaac** is the most prominent of these detainees; little is known of his current condition, or that of the other prisoners. The [2018 peace deal](#) between Eritrea and **Ethiopia**, the consequent opening of the border between the two countries, and the [lifting of UN sanctions](#) against Eritrea gave some hope that the Eritrean regime might itself become more 'open'. However, by the year's end, nothing had changed in Eritrea.

## Legislation restricting free speech

In several countries, troubling new laws were introduced that could restrict writers and journalists in their work.

In April 2018, **Mauritania** passed a law [making the death penalty mandatory](#) for '**blasphemous speech**' and '**sacrilegious acts**'. There is speculation that the change to the law was related to writer **Mohamed Cheikh Ould Mkhaitir's** current situation. Convicted of apostasy and sentenced to death in 2014, Mkhaitir had his punishment reduced to a two-year jail sentence by the Court of Appeals in November 2017 although he remains detained incommunicado; the Council of Ministers approved the draft legislation making the death penalty mandatory in cases such as his.

In September, **Rwanda** adopted a new **Penal Code** which included plenty of extremely repressive provisions: writings or cartoons that ‘humiliate’ lawmakers, cabinet members, or security officers will see their authors facing up to two years in prison; anyone who defames the president could face between five and seven years behind bars; editing images or statements ‘in bad faith’ could lead to a prison sentence of up to one year.

In **Nigeria**, a bill was proposed in March 2018 which stipulates the death penalty for anyone who commits ‘**hate speech**’ that leads to the death of another person; for offences such as harassment on the grounds of ethnicity or racial contempt, there are punishments of up to five years in jail. The bill also seeks to establish an Independent National Commission for Hate Speeches, which will oversee the enforcement of hate speech laws across the country.

## Targeting journalists, human rights defenders, citizens

Journalists and human rights defenders were harassed, threatened, abducted and jailed throughout 2018; sometimes they were killed. The April murder of Super FM journalist **Tyron Browne** in **Liberia** was particularly shocking; his body, covered in cuts, was discovered after being dumped in the road; three individuals are currently on trial for the killing. Also shocking was the March abduction and brutal beating of journalist and human rights lawyer, **Ericino de Salema**, in **Mozambique**. In **Tanzania**, the authorities detained and interrogated the **Committee to Protect Journalists’** Africa programme coordinator, Angela Quintal, and its sub-Saharan Africa representative, Muthoki Mumo in November 2018; their passports, phones, and computers were confiscated and they were released after 24 hours. These cases represent just a tiny handful of the writers and activists who were persecuted in Africa in 2018.

At times, journalists found themselves targeted en masse, particularly during periods of heightened social and political tension, such as the general election and protests in **Zimbabwe** and the anti-government demonstrations triggered by food price hikes in **Sudan**.

**Internet shutdowns**, especially around election time or during protests, restricted the free expression of writers, journalists and ordinary citizens of many countries in 2018, including the **Democratic Republic of Congo**, **Zimbabwe**, **Chad**, **Sierra Leone**, **Sudan** and others.

Just one example of the use of laws circumscribing the use of social media is that of academic and women’s rights activist **Stella Nyanzi** who was prosecuted under **Uganda’s 2011 Computer Misuse Act** for writing rude messages about President Museveni on Facebook; her trial is ongoing and she is still on remand at time of writing. Her fellow Ugandan, the singer **Moses Nsubuga (aka Viboyo)**, was also charged under the same legislation in 2018 for allegedly calling the president a ‘pair of buttocks’.

## Good News

There were some welcome developments in various cases and countries in 2018. **Ethiopia** released writers **Woubshet Taye** and **Eskinder Nega**, both of whom were convicted on trumped up terrorism charges in 2012 and handed jail sentences of 14 and 18 years respectively. They were released alongside more than 700 other political prisoners as part of a presidential pardon in February 2018. Although Nega was rearrested in late March under the state of emergency, he was released in early April and remains free.

In **Equatorial Guinea**, cartoonist, blogger and government critic **Ramón Nsé Esono Ebalé** was released from jail after a judge dismissed the highly dubious case against him in February. Detained in September 2017 and later charged with money laundering and counterfeiting, Esono Balé spent six months behind bars before he was released.

There have been very positive changes in **Gambia** recently. President Adama Barrow (elected in 2017) has impressed rights advocates as he pushes for transparency, accountability, and democratic reforms. Under his predecessor, President Jammeh (who held power for 22 years), dissent was not tolerated and critical journalists and other independent voices were subjected to arrest, torture, rape, and enforced disappearance. In October 2018, President Barrow launched a Truth, Reconciliation and Reparations Commission, which has a two-year mandate to cover human rights violations and abuses that took place from July 1994 to January 2017.

PEN continues to campaign for the repeal of **criminal defamation** in Africa. There were welcome developments on this front too in 2018. In May, Gambia’s Supreme Court declared that criminal defamation was unconstitutional; this followed a judgment by the Court of Justice of the **Economic Community of West African States** that said that Gambia should immediately repeal its laws on criminal libel, sedition, and false news. **Lesotho’s** High court also declared criminal defamation unconstitutional in May. In **Rwanda**, revisions to the Penal Code decriminalised defamation, though other troubling provisions remain (see above). In December, **Sierra Leone’s** President Julius Maada Bio promised the imminent repeal of criminal libel and sedition laws.

There was also a big win for **freedom of information** in **Nigeria** in April, when the Court of Appeals ruled that Nigerian states must fulfil requests filed under the Freedom of Information Act.

# Africa Case List

## Emblematic Cases

### UGANDA: Stella Nyanzi

*Jailed writer and women's rights activist, currently imprisoned awaiting trial for insulting the president*

**Stella Nyanzi** is an academic researcher and the founder of #Pads4girlsUg, a campaign that provided sanitary pads to over 1 million Ugandan schoolgirls when the government reneged on its pledge to do so. She is currently on trial for her Facebook posts criticising President Museveni and has been on remand since November 2018.



### ERITREA: Dawit Isaac

*Journalist and playwright detained without trial for 17 years*

Dawit Isaac is one of the founders of *Setit*, Eritrea's first independent newspaper, and the author of *Hope: the Tale of Moses and Manna's Love*. He was arrested in 2001 after *Setit* published a letter calling for constitutional reforms. Isaac was unexpectedly released for medical treatment in 2005 and then immediately re-arrested. He has been detained incommunicado ever since.



## Angola

### RELEASED

#### Rafael MARQUES DE MORAIS

**Gender:** Male

**Profession:** Author, journalist, and human rights activist

**Date of birth:** 31 August 1971

**Type of legislation:** Insult/defamation

**Date of release/acquittal:** 6 July 2018

**Details of release:** Marques de Moraes and the editor of *O Crime* newspaper, Mariano Brás Lourenço, were acquitted of all insult and defamation charges by a Luanda court on 6 July 2018.

**Details of trial:** On 21 June 2017 Marques de Moraes and Mariano Brás Lourenço 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 Moraes in 2016. The charges had allegedly been filed on 12 May. Marques de Moraes 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 the same day. Brás Lourenço, who republished the said article in the newspaper *O Crime*, was arrested on 28 December 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 de Moraes had written to de Sousa with several questions, but did not receive a reply.

**Previous convictions:** Marques de Moraes 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 PEN International's 2016 case list. Marques de Moraes 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 judgment had violated Marques de Moraes's rights and ordered that the Angolan authorities 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, and named World Press Freedom Hero in 2018 by the International Press Institute.

**PEN Action:** Statement in March 2015, Statement in May 2015

## Cameroon

### KILLED: impunity

#### Eric Ohena LEMBEMBE

**Gender:** Male **Profession:** Executive Director of the Cameroonian Foundation for AIDS (CAMFAIDS), LGBTQ rights activist, author of several chapters in *From Wrongs to Gay Rights*, a collection of articles by LGBTQ 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. 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 LGBTQ 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 2018; 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'.

## Equatorial Guinea

### RELEASED

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

**Gender:** Male

**Profession:** Cartoonist, blogger

**Date of birth:** 22 November 1977

**Type of legislation:** Money laundering/counterfeiting money

**Date of detention:** 16 September 2017

**Date of release:** 7 March 2018

**Details of release:** The prosecution withdrew the charges

against Esono Ebalé after the main witness against him, a police officer, admitted in court on 27 February 2018 that he had no personal knowledge of Esono Ebalé's involvement in the alleged crime, and that he had acted on orders of his superiors.

**Details of trial:** Esono Ebalé was accused of running an organisation implicated in money laundering and counterfeiting. A judge interrogated Esono Ebalé on 20 September 2017 about these accusations, then sent him to Black Beach prison in Malabo, and he was formally charged on 7 December 2017 with counterfeiting money and money laundering after being held without charge for close to three months.

**Details of detention:** 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.

**Publications:** 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.

**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 2 November 2017.

**PEN Action:** RAN 18/17, Day of the Imprisoned Writer, Joint letter to the President of Equatorial Guinea, Equal Times blog post

## Eritrea

### WRITERS AND JOURNALISTS ARRESTED IN SEPTEMBER 2001

**Background to arrests:** In May 2001, 15 dissident members of the People's Front for Democracy and Justice (which is the current ruling party in the Eritrean government) (known as the G-15) published an open letter where the President's abuse of power was denounced and presented his actions as 'illegal and unconstitutional'. Following the publication of the letter as well as related interviews and articles published in the independent newspapers, all dissidents were detained, including 11 members of the G-15 who were arrested in Asmara on 18 and 19 September 2001 and accused of crimes against national security and sovereignty. On 18

September 2001, eight independent Eritrean newspapers were closed down by the authorities; these include the weeklies *Meqaleh*, *Setit*, *Tsigenay*, *Zemen*, *Wintana* and *Admas*. Ten journalists were arrested in September 2001 and a further two in October 2001. PEN is focusing on those among them who are writers. For information on the other journalists please refer to 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 the whereabouts 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 have died in prison as a result of ill-treatment. Their deaths – which have not been officially confirmed – were attributed to harsh conditions and lack of medical attention. The Eritrean authorities denied in 2016 that the prisoners are dead (see above).

**DETAINED: Main Cases****Amanuel ASRAT****Gender:** Male**Profession:** Editor-in-chief and co-founder of *Zemen* (*Times*), art critic, award-winning poet and songwriter, also credited with establishing the Saturday's Supper literary clubs in 2001 (for more see below)**Date of birth:** c. 1971**Type of legislation:** Unknown**Date of arrest:** 23 September 2001, the same day the editors of all privately-owned newspapers were also arrested.**Conditions of detention:** The limited information available suggests that Asrat was detained in Eiraeiro prison until the beginning of 2016 when he was allegedly transferred from the maximum-security prison to an undisclosed location along with other inmates, according to unverified information leaked in February 2016. This has not been confirmed by the Eritrean authorities. He has been held incommunicado since his arrest.**Publications:** Amanuel Asrat is credited for the Eritrean poetry resurgence of the early 2000s. Along with two friends, he created a literary club called Saturday's Supper in 2001. This club set a precedent for the emergence of similar literary clubs in all major Eritrean towns. Asrat is also a well-known poet and songwriter. His writings deal with subjects ranging from the daily life of the underprivileged to war and peace topics. His work provided a negative insight towards conflict, an uncommon approach among popular Eritrean wartime poetry. His award-winning poem 'The Scourge of War' alluded to the then-ongoing border dispute with neighbouring Ethiopia, describing it as like the bloodshed by two brothers. The newspaper *Zemen* (*The Times*) where Asrat worked had become the leading literary newspaper in the country and was run by a circle of critics who helped shape the cultural landscape. His work in the newspaper was well-known, as Asrat was the most popular art critic of his time in the country.**Honorary Member:** PEN American Center, PEN Canada, PEN Eritrea in Exile**PEN Action:** [2015 Day of the Imprisoned Writer](#); [2016 World Poetry Day](#); [2017 World Poetry Day](#); [International Translation Day 2015](#); 'Empty Chair' in PEN International's 81<sup>st</sup> 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](#); [Oral statement in 2018 to the African Commission on Human and People's Rights](#), [World Poetry Day 2018](#).**Temesken GHEBREYESUS****Gender:** Male**Profession:** Member of editorial board and sports editor of *Keste Debenä* (*Rainbow*), comedian and actor**Date of birth** c. 1967**Type of legislation:** Unknown**Date of arrest:** 20 September 2001**Conditions of detention:** Since his arrest, Temesgen has been held incommunicado without charge or trial. The limited information available suggests that he was detained in Eiraeiro prison until the beginning of 2016 when he was allegedly transferred from the maximum security prison to an undisclosed location along with other inmates, according to unverified information leaked in February 2016. This has not been confirmed by the Eritrean authorities.**Honorary Member:** PEN American Center, PEN Canada, PEN Eritrea in Exile**PEN Action:** [PEN Action World Press Freedom Day May 2017](#), [Oral statement to the African Commission on Human and People's Rights](#)**Medhanie HAILE****Gender:** Male**Profession:** Assistant editor-in-chief and co-founder of *Keste Debenä*, a Tigrinya independent newspaper, former sports journalist, and lawyer.**Date of arrest:** 18 September 2001**Details of arrest:** Haile was arrested by the Eritrean security forces for 'undermining national security and sovereignty'. Since his arrest, Haile has been held incommunicado without charges and trial. He is [reported](#) to have died while in detention in February 2006, due to torture and harsh prison conditions. This has not been confirmed by the authorities.**Honorary Member:** PEN Eritrea in Exile**PEN Action:** [PEN Action World Press Freedom Day May 2017](#), [PEN Action 18 September 2017](#), [Oral statement to the African Commission on Human and People's Rights](#)**Dawit ISAAC (ISAAK)****Gender:** Male**Profession:** Co-owner of *Setit*, playwright and writer. Isaac spent a number of years in Sweden during the Eritrean war of independence (1961-1991) and the border dispute between Eritrea and Ethiopia. He has dual Eritrean and Swedish nationality.**Date of birth:** 1964**Type of legislation:** Unknown**Date of arrest:** In the days following 23 September 2001**Sentence:** It is thought that Isaac, like his colleagues, has yet to be put on trial more than 17 years after his arrest. In a TV interview in June 2009, when asked about Isaac, President Afwerki said that he did not know what crime Isaac had committed but that he [Isaac] had made a 'big mistake'. He added that the Eritrean authorities would not release Isaac or put him on trial and that they have their 'own ways of dealing with that'.**Conditions of detention:** Said to have been tortured. 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 supposedly due to pressure by groups in Sweden but did not lead to Isaac's release; he was returned to prison two days later with no explanation. Since then Isaac has reportedly been moved to various prisons around the country. 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 People's Rights Intervention:** As a result of the non-response from the Supreme Court, three European jurists referred Isaac's case to the **African Commission on Human and Peoples' Rights (ACHPR)**, on 27 October 2012m according to Reporters Without Borders. The ACHPR judged Isaac's case to be admissible in July 2014. A February 2016 decision by the ACHPR urged Eritrea to release or provide a speedy and fair trial to Dawit and the other detained journalists. According to the Committee

to Protect Journalists (CPJ), the Commission also asked the government to lift the ban on the independent press, grant detained journalists access to their families and lawyers, and pay the detainees compensation.

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

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

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

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

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

## Fessehaye 'Joshua' YOHANNES (Johannes)

**Gender:** Male

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

**Type of legislation:** Unknown

**Date of arrest:** between 18-23 September 2001

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

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

### DETAINED AFTER SEPTEMBER 2001:

#### DETAINED: Main Case

##### Idris SAID 'Abu'Are'

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

**Type of legislation:** Unknown

**Date of arrest:** October 2001

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

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

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

**Other information:** He is married and has one daughter.

**Honorary Member:** PEN Eritrea in Exile.

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

#### DETAINED: Investigation

##### Idris MOHAMED ALI

**Gender:** Male

**Profession:** Popular singer and songwriter in the Tigris language.

**Type of legislation:** Unknown

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

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

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

**Honorary member:** PEN Eritrea in Exile

## Ethiopia

#### RELEASED

##### Woubshet TAYE

**Gender:** Male

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

**Sentence:** 14 years in prison

**Expiry of sentence:** June 2025

**Type of legislation:** Anti-terrorism

**Date of arrest:** 19 June 2011

**Date of release:** 14 February 2018

**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.

**Details of release:** Taye was released as one of over [700 political prisoners](#) pardoned in February 2018.

**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, which was designated a terrorist organisation whose aim is to overthrow the government, a claim denied by the party. 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).

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

**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 from prison 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.

**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](#)).

## Seenaa SOLOMOON AMBECHAA

**Gender:** Female

**Profession:** Singer, playwright, and producer

**Type of legislation:** Anti-terror

**Date of arrest:** 3 December 2016

**Date of release:** 14 February 2018

**Details of release:** Solomoon Ambechaa was [freed](#) as part of the mass release of over 700 political prisoners in February 2018.

**Details of trial:** 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. Solomoon Ambechaa was [reportedly](#) sentenced on 31 October 2017.

**Place of detention:** Solomoon Ambechaa was reportedly held in Maekelawi detention centre and then Kilinto Prison in Addis Ababa.

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

**Background:** Solomoon 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 Solomoon'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**.

## Ivory Coast

### ENFORCED DISAPPEARANCE

**Guy-André KIEFFER** (French-Canadian national)

**Gender:** Male

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

**Date of birth:** c 1950

**Date of disappearance:** 16 April 2004

**Details of disappearance:** According to Reporters Without Borders (RSF) he was 'abducted from the car park of an Abidjan supermarket on 16 April 2004 after falling into a trap set for him by a member of [former] President Laurent Gbagbo's entourage'. He is assumed to have been killed. 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](#).

## Liberia

### BRIEF DETENTION

**Augustine FORD (A.Fo4doe)**

**Gender:** Male **Profession:** Musician/Producer

**Date of arrest:** 22 September 2018

**Date of release:** 23 September 2018

**Details of arrest:** Ford said that he and rapper Kpanto (who raps on the protest song '[Bring our Container Back](#)') were heading home when the bike they were on was stopped [by police](#). Ford was asked to identify himself, which he did, revealing that he was the producer of the aforementioned song that criticised the government over a missing shipping container said to contain 90 million euros worth of Liberian banknotes. Ford says that the police began insulting him and that he started to record the incident with his phone. He claims that the police then took his phone and arrested him.

**Conditions of detention:** Ford says that he was assaulted by the police whilst in custody.

## Mauritania

### IMPRISONED: Main Case

#### Mohamed Cheikhould Mohamed MKHAÏTIR

**Gender:** Male **Profession:** Blogger

**Sentence:** Death sentence

**Type of legislation:** Apostasy/blasphemy

**Date of arrest:** 2 January 2014

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

**Details of trial:** On 24 December 2014, a court in Nouadhibou imposed a death sentence upon Mohamed after convicting him of apostasy. In court, Mohamed said he had not intended to insult the Prophet Muhammad and repented. According to the Committee to Protect Journalists (CPJ), there were calls for the killing of Mohamed and nationwide demonstrations led his family to denounce him. Mohamed's lawyers appealed against the sentence on 26 December 2014. 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 again 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. 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 16 November [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.

**Conditions in detention:** Whereabouts unknown as of 31 December 2018. In March 2018, the Mauritanian Minister of Justice Mokhtar Malal Dia said in an interview that 'the blogger Mkhaitir is [still held somewhere in Mauritania](#)'. News reports indicate that Mohamed may have been subjected to torture or other ill-treatment and was held in solitary confinement.

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

six [UN human rights experts](#) expressed grave concerns about Mkhaitir's continued detention.

**PEN Action:** [statement](#) November 2017, Joint [letter](#) December 2017.

## Nigeria

### CASE CLOSED

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

**Gender:** Male **Profession:** Singer

**Type of legislation:** Other

**Date of arrest:** 1 March 2017

**Date of release:** 6 March 2017

**Details of arrest:** On 28 February 2017, 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, pleaded guilty 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 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 the [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 it. 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 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 2017.

**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 2018, it remains unclear whether the hearing has taken place.

**Reason for closure:** Lack of new information.

## Somalia

### KILLED: Impunity

#### Warsame Shire AWALE

**Gender:** Male

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

**Date of death:** 29 October 2012

**Perpetrator:** Unknown

**Details of death:** Shot several times by unidentified armed men near his home in the capital Mogadishu on 29 October 2012. He was taken to hospital but was declared dead on arrival. According to the National Union of Somali Journalists (NUSOJ), he had recently received threats in connection with comments he had made about gunmen who targeted civilians. At the time of his death Warsame, who was in his sixties, was working at Radio Kulmiye where his plays were known for their criticism of the extremist Islamist group Al-Shabaab. According to NUSOJ and other sources, he was the 18th media worker to be killed in Somalia in 2012. PEN is calling for an investigation into the murder. No further information as of 31 December 2018; PEN is seeking an update.

### RELEASED

#### Naema Ahmed IBRAHIM

**Gender:** Female

**Profession:** Poet

**Sentence:** Three years in prison

**Type of legislation:** Defamation/Insult

**Date of arrest:** 27 January 2018

**Date of release:** 7 May 2018

**Details of arrest:** Arrested reportedly without charge on 27 January 2018 by National Intelligence Agency authorities at Egal International Airport in Hargeisa. She had been due to fly back to her home Mogadishu, having gone to Hargeisa to see her father who was having medical treatment. She was first held at a facility run by the National Intelligence Agency and then transferred to the Central Police Station on 28 January 2018, where she was held incommunicado without the ability to see her family.

**Details of release:** Ahmed Ibrahim was released following a reported presidential pardon by Somaliland President Muse Bihi Abdi.

**Details of trial:** Ahmed Ibrahim was charged on 4 March 2018 with 'bringing the nation or the state into contempt' under Article 219(2) of the Penal Code and 'anti-national activity of a citizen abroad' under Article 212 of the Penal Code; she was convicted of the former offence on 15 April 2018 and sentenced to three years in prison. According

to reports, the charges were based on statements that the poet had posted on Facebook, which prosecutors claimed were 'against the separation of the Republic of Somaliland' and called Somaliland a 'region'.

**Conditions of detention:** Whilst in detention she was denied visits from her father after he gave interviews to the press about her case.

**Other information:** Ahmed Ibrahim is an activist for the unity of Somalia and Somaliland, her home region to the north. She has been based in Mogadishu in recent years.

## South Africa

### HARASSED

#### Jacques PAUW

**Gender:** Male

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

**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. He has investigated

lethal criminal activities in the underworld of southern Africa and exposed atrocities committed by governments around the African continent.

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

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

## Tanzania

### CASE CLOSED

#### Fulgency MAPUNDA (Mwana Cotide)

**Gender:** Male

**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 US\$ 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.

**Reason for closure:** Lack of new information.

## Uganda

### IMPRISONED: Main Case

#### Stella NYANZI

**Gender:** Female

**Profession:** Poet, academic, activist

**Date of birth:** 16 June 1974

**Type of legislation:** Insult

**Date of arrest:** 2 November 2018

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

**Details of trial:** Nyanzi went on trial on 9 November 2018. There were further hearings on 22 November and 19 December. She is being held on remand.

**Current place of detention:** Luzira prison

**Details of previous charges and detention:** Nyanzi was arrested on 7 April 2017 and charged on 10 April 2017 with 'insulting the president' and 'violating his right to privacy' (under the 2011 Computer Misuse Act) after she posted a message on Facebook in which she called the president a 'pair of buttocks'. She pleaded not guilty to both charges. The prosecution [filed](#) an application to determine Nyanzi's sanity, invoking the Mental Treatment Act. Nyanzi was remanded to the maximum security Luzira prison. On 10 May 2017 she was released on bail. After that, Nyanzi's case was adjourned multiple times without hearing; [according to reports](#), it is as of December 2018 still waiting to take place.

**Background:** On 6 March 2017, 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 2017, where she was due to be keynote speaker. In a TV interview on 30 March 2017, the First Lady said she had forgiven her, but Nyanzi was then arrested days later. On 8 April 2017, 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. In early 2017, Nyanzi launched the [#Pads4girlsUg](#) campaign which crowd-funded for the purchase and supply of sanitary pads to one million girls in Uganda. She said that she had been motivated by her anger at the government's failure to fulfil a 2016 pledge to provide these pads to all schoolgirls (at least 30% of whom miss school when they have their period). Her campaign was hugely successful; [the one million target was soon reached](#). Nyanzi was [reportedly](#)

fired from her post at Makerere University alongside 44 others in December 2018.

**PEN Action:** [RAN 09/17, Update to RAN 09/17, Statement 12 November 2018.](#)

## ON TRIAL

### Moses NSUBUGA (Viboyo)

**Gender:** Male

**Profession:** Singer

**Type of legislation:** Insult

**Date of arrest:** 4 October 2018

**Date of release:** 5 October 2018

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

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

## RELEASED

### David MUGEMA

**Gender:** Male

**Profession:** Musician

**Type of legislation:** Insult

**Date of arrest:** 5 December 2017

**Details of arrest:** 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. On 13 April 2018, the authorities announced that all charges against Mugema had been withdrawn.

**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.

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

## PEN Actions for journalists in Africa 2018

### 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:

April 2018: Shadow Report on Eritrea submitted to the African Commission on Human and People's Rights

July 2018: Joint UPR Submission on Eritrea

October 2018: PEN International Congress PEN Resolution on Eritrea 84 PEN Congress

October 2018: PEN Oral Statement on Eritrea to the African Commission on Human and People's Rights

### Ethiopia

**Eskinder NEGA and Temesgen DESALEGEN and others:** *Journalist freed from prison in February 2018, then temporarily detained again*

#### Action:

February 2018: Statement on the Release from Prison of Eskinder Nega

March 2018: Statement on the Arrest of Journalists and Bloggers under the State of Emergency

March 2018: Joint Letter to Prime Minister Designate on the Arrests of Journalists and Human Rights Defenders

September 2018: Joint UPR Submission on Ethiopia

# Americas Overview

By Emma Wadsworth-Jones,  
Asia and Americas Programme Coordinator

2018 represented another year of violent repression of journalists and citizens seeking to exercise their free expression as states attempted to control the nation's narrative and suppress political dissent. Writers and journalists continue to face harassment, violence, criminalisation, and even death in the pursuit of their work, while perpetrators largely went unpunished.

## Violence and impunity – a symbiotic relationship

On 1 December 2018, President Andrés Manuel López Obrador took power in **Mexico**, promising to address endemic problems facing the country, such as corruption and violence. The very same day, the body of **Alejandro Márquez Jiménez** – editor for the bi-weekly newsmagazine *Orión Informativo* – was found. Márquez Jiménez's death marked the ninth murder of a journalist in 2018, according to Article 19, and emphasised the need to ensure that the country's mechanism to protect journalists is properly funded.

In 2018, journalists have been killed or have disappeared in the line of duty across the Americas; from the **United States of America**, to **Brazil**, **El Salvador**, **Guatemala**, **Nicaragua**, **Colombia**, **Honduras**, and **Haiti**, among others. Yet more writers, journalists, and human rights defenders across the region face violent reprisals and threats for the peaceful exercise of their right to free expression, such as Argentine writers **Itatí Schwartzman** and **Claudia Piñeiro**, and Colombian cartoonist **Jesús César González**. Among the most vulnerable are those living outside of metropolitan hubs in rural areas reporting on local issues, who lack access to the protections available to those affiliated with mainstream publications, and whose reports of persecution rarely reach an international audience.

Few of these crimes are successfully prosecuted; while the person who pulled the trigger may be apprehended, the individual who ordered the killing rarely is. In 2018, UNESCO reported that only 18 per cent of cases of journalists killed between 2006-2017 in Latin America and the Caribbean had been reported as resolved by member states. Unless the cycle of impunity can be broken, and the safety of writers and journalists sufficiently guaranteed, perpetrators will feel safe

to continue to commit such crimes. In March 2018, the Inter-American Court of Human Rights held the Colombian state responsible for the 1998 murder of radio journalist **Nelson Carvajal**, for its failure to guarantee his right to freedom of expression, and for delays in the investigation. The landmark ruling constitutes a judicial precedent that may aid in the fight against impunity across the region.

## Criminalisation of dissent

On 18 April 2018, students and pensioners protesting government reforms to social security in **Nicaragua** sparked waves of wider anti-government protests. In response, the authorities and pro-government groups launched a campaign of repression, violently attacking, arbitrarily detaining, harassing, and bringing charges against the protesters and independent journalists. Others were subject to smear campaigns, such as that carried out against writers and PEN members **Gioconda Belli**, **Yaser Morazán**, and **Pierre Pierson**. As the year drew to a close, the repression showed little signs of abating as the authorities expelled two missions of the Inter-American Commission on Human Rights tasked with monitoring and investigating events.

In **Venezuela**, faced with threats to their freedom and safety – and forced by the political, economic, and humanitarian crisis into prioritising securing life's basic needs over creativity – writers and journalists face a stark choice: express oneself freely and risk being targeted, self-censor, or go into exile. The Venezuelan free expression NGO, Espacio Público, recorded the second highest number of attacks on freedom of expression in recent years, second only to the unprecedented levels of repression seen in 2017. In the given climate, with limited access to paper and under financial pressure, many independent media outlets and publishing houses have shut down or moved to digital platforms. However, the internet in Venezuela is slow and often unreliable, and has become another battleground to control the dissemination of information.

## Criminalisation of cultural expression/artistic freedom:

Despite a change in president in April 2018, the climate for free expression in **Cuba** remains as constrained as ever. Independent writers, journalists, and artists continue to face censorship, repeated harassment, travel restrictions, arbitrary detention, and the possibility of facing prosecution. Such persistent harassment has proved to be too much for some and led to the voluntary exile of writers such as **Francis Sánchez Rodríguez** and **Ileana Álvarez**.

In December 2018, Legislative Decree 349/2018 partially entered into force. The Decree regulates independent artistic production by requiring the Ministry of Culture's prior approval of all artistic activity. The Decree also restricts audio-visual content based on overbroad descriptions of what may be considered impermissible. Its announcement in July led to widespread condemnation and protests by independent artists,

musicians, and writers and an inevitable crackdown; among those subjected to repeated brief detentions were artists **Tania Bruguera**, **Luis Manuel Otero Alcántara**, **Yanelys Núñez Leyva**, and **Michel Matos**, and poets **Javier Moreno Díaz** and **Amaury Pacheco**.

In **Brazil**, attempts to prevent the performance of **Jo Clifford's** play with a transgender theme, *The Gospel According to Jesus, Queen of Heaven*, continued, resulting in members of the police in Garanhuns dismantling the stage mid-performance during the Festival Internacional de Garanhuns.

## A look ahead

On 1 January 2019, Jair Bolsonaro will officially assume the presidency of **Brazil**. Having run on a campaign to counter corruption, his hostility towards the press as president-elect in the final months of 2018 have done little to assuage concerns for the challenges to the freedom of expression of the nation's indigenous and LGBTQ communities, human and environmental rights defenders, and journalists. Media outlets appear to be preparing for the worst.

In the year ahead there will be elections in Argentina, Bolivia, El Salvador, Guatemala, Guyana, Haiti, Panama, and Uruguay, where there are likely to be further challenges to free expression, especially of journalists seeking to cover proceedings.

# Americas Case List

## Emblematic Cases

### **CUBA: Francis Sánchez Rodríguez and Ileana Álvarez**

*Poets and independent journalists  
go into exile*

A husband and wife team who collaborate on their journalism projects were sent into exile in August 2018 after the persistent harassment they had suffered intensified. Their departure comes at a time when Cuba is seeking to more closely regulate artistic expression through Decree 349, which came into force in December.



### **NICARAGUA: Gioconda Belli**

*Writer, activist, and president of PEN  
Nicaragua subjected to smear campaign*

In May 2018, renowned writer and poet Gioconda Belli was among several others who had been subjects to an online campaign accusing them of being behind a terrorist conspiracy against the Nicaraguan government. Belli is a high profile critic of the Nicaraguan government and such smear campaigns are particularly dangerous as they could lead to violent reprisals at a time of heightened political tension in the country.



## Argentina

### DEATH THREAT

#### Itatí SCHVARTZMAN (Uruguayan national)

**Gender:** Female

**Profession:** Writer

**Date of birth:** 16 September 1971

**Date of threat:** 24 April 2018

**Perpetrator:** Unknown

**Details of threat:** According to [media reports](#), Schwartzman received a death threat via her daughter's Facebook account. The threat consisted of an image which stated 'One less...Itatí Schwartzman died this morning in the city of Rosario. At her request there will be no memorial service. Her remains will be cremated. RIP.' ('Una menos... Itatí Schwartzman falleció esta mañana en la ciudad de Rosario. A su pedido no se efectuará velatorio. Sus restos serán cremados. QUEPD'). In a [Facebook post](#), Schwartzman made clear that she felt she was targeted both for her Jewish faith and her gender. The phrase 'one less' at the beginning of the 'epitaph' likely refers to Schwartzman's work fighting gender-based violence. Spokespeople for the relevant authorities confirmed that an investigation was under way while the municipal council of Rosario [condemned the threats](#) made against her.

**Other information:** Schwartzman is a member of Ni Una Menos, a collective that works in Rosario to combat gender-based violence. She was a [key player in the organisation of the nation-wide strike](#) carried out by Argentine women on 19 October 2016 following the brutal murder of a 16-year-old girl. A staunch feminist, Schwartzman's ideals and condemnation of patriarchal society pervade her writings, including poems such as 'Ni Una Menos' ('Not one less')

**Publications:** Schwartzman published her first poetry collection *Ni Una Menos y otros poemas antipatriarcales* (*Not one less and other antipatriarchal poems*) in 2017. The collection [reportedly](#) arose from her experiences working with Ni Una Menos.

### HARASSED

#### Claudia PIÑEIRO

**Gender:** Female

**Profession:** Novelist and screenwriter

**Date of birth:** 10 April 1960

**Date of harassment:** July 2018

**Perpetrator:** Non-state

**Details of harassment:** On 13 July 2018, [PEN Argentina condemned](#) the harassment of writer Claudia Piñeiro, who

had reportedly been receiving threatening messages on Twitter and harassing telephone calls. Pro-life activists campaigned for the cancellation of a speaking event at which Piñeiro was due to speak that was due to take place on 23 August, according to [El Universal](#). The activists reportedly [called up the event organisers](#) and warned of violence should the event take place. The threats and harassment stem from her position on the polemic debate regarding the decriminalisation of abortion (see her [speech](#) delivered to the Argentine Senate on 31 July 2018).

**Professional background:** Piñeiro began her career as an accountant before turning to writing in 1991.

**Publications:** A prolific and award-winning author of novels, plays, and stories for children and young adults, Piñeiro's work has been translated into several languages, including English. She is perhaps best known for her crime fiction titles. Among her best-known works are *Elena Sabe* (*Elena Knows*) (2007) – for which she was awarded the LiBerturpreis Prize in 2010; *Las Viudas de los Jueves* (*Thursday Night Widows*) (2005), for which she won the Clarín Novel Prize 2005; and *Las grietas de Jara* (*A Crack in the Wall*) (2009), which received the 2010 Premio Sor Juana Inés de la Cruz. PEN Galicia awarded her the XII Premio Rosalía de Castro in recognition of her contribution to literature in the Spanish language. Several of her books have been turned into films. In 2019 she will be awarded the [XIV Pepe Carvalho](#) prize for crime fiction. The award is bestowed by the Barcelona local government to writers who have furthered crime fiction.

## Brazil

### KILLED: Impunity

#### Rodrigo NETO DE FARIA

**Gender:** Male

**Profession:** Journalist and writer

**Age at death:** 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. 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 2018, it was unclear whether an investigation into the alleged mastermind of Neto's murder is still ongoing.

**Professional background:** Neto was 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*. 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.

## HARASSED

### Natalia MALLO

**Gender:** Female **Profession:** Theatre director and translator

### Renata CARVALHO

**Gender:** Female

**Profession:** Actor

### Jo CLIFFORD (British national)

**Gender:** Female

**Profession:** Playwright, writer, performer, poet, and teacher

**Date of harassment:** 28 July 2018

**Perpetrator:** Non-state

**Details of harassment:** According to [reports by Jo Clifford](#), her play, *The Gospel According to Jesus, Queen of Heaven*, and its Brazilian cast and crew continued to face harassment in 2018. Recent attempts to prevent the staging of the play at a festival in Garanhuns saw the stage being dismantled by police as they performed.

**Background:** Since 2016, the play has been performed

over 140 times in cities across Brazil, where it has faced opposition from both the Evangelical and Catholic Church who sought injunctions on performances (see 2017 Case List). In other locations including Londrina, Taubaté, Rio de Janeiro, Araçatuba, and Brasília, a concerted campaign against the play involved public calls for boycotts, threats made against the play's translator and director, Natalia Mallo (see **Natalia MALLO** under 'Death threat' in 2017 Case List) and a number of films have been shared online that included death threats aimed at the cast. This is taking place against the backdrop of widespread killings of transgender people in Brazil, with more than 170 and 150 killed in 2017 and 2018 respectively, according to [RedeTrans](#).

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

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

## Chile

## RELEASED

### Javier REBOLLEDO ESCOBAR

**Gender:** Male

**Profession:** Journalist and writer

**Date of birth:** 1976

**Type of legislation:** Defamation/Insult

**Date of release:** 9 October 2018

**Details of trial:** On 18 July 2018, Rebolledo Escobar received a summons to a hearing related to a case filed against him for 'serious insult' (*injurias graves*) [Article 416 of the Penal Code] in connection with his non-fiction title, *Camaleón: doble vida de un agente comunista* (*Chameleon: the double life of a Communist agent*). While the case had originally been dismissed by the 8<sup>th</sup> Court of First Instance ('*Octavo Juzgado de Garantía de Santiago*') on 8 May 2018, the case was reportedly declared admissible on appeal on 13 June and Rebolledo Escobar was subsequently acquitted of insult on 9 October 2018.

**Professional background:** Rebolledo Escobar is a writer and journalist who has dedicated his career to investigative journalism on issues related to systematic human rights violations and corruption. **Publications:** Rebolledo Escobar has collaborated with *Siete+7*, *The Clinic*, and *La Nación Domingo*. In 2005, he was selected as the Chilean finalist in an international competition

run by UNESCO for his piece 'Alcatraz for juveniles' published in *The Clinic*. He is author of three novels: *The Dance of the Crows (La Danza de los cuervos)* (2012), *The Awakening of the Crows (El despertar de los cuervos)* (2013), and *In the Shadow of the Crows (A la sombra de los cuervos)* (2015) – a trilogy that has sold more than 30,000 copies. Rebolledo Escobar's works of non-fiction include *Los Hijos en el Frío* (2018) and *Chameleon: the double life of a Communist agent (Camaleón: doble vida de un agente comunista)* (2017).

**PEN Action:** [Statement – 5 October 2018](#) (in Spanish only)

## Colombia

### DEATH THREAT

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

**Gender:** Male

**Profession:** Cartoonist

**Date of birth:** 1969

**Date of threat:** 3 April 2018

**Perpetrator:** Non-state

**Details of threat:** On 3 April 2018, González announced that he would no longer be publishing his cartoons on his social media accounts as a result of death threats he had received from supporters of former president and popular senator Álvaro Uribe, whom González has depicted as a two-faced strongman, a saboteur of Colombia's peace process that ended a long-running guerrilla war in 2016, and a political puppeteer scheming to place one of his ideological allies in the presidency, [according to CPJ](#). The threats appear to be an escalation of the harassment he reportedly regularly receives as a result of his work. The Colombian authorities immediately denounced the threats made against him and he has been provided with protection measures, including bodyguards and an armoured car.

**Professional background:** Over the course of the last 15 years, González has satirised public figures across the political spectrum. His cartoons have been published on social media and in the daily newspaper *El Tiempo*.

### CASE CLOSED

#### Salud HERNÁNDEZ-MORA

**Gender:** Female

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

**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](#)). Her alleged kidnapper has since reportedly been arrested. No further reports of threats. Case closed.

## Cuba

### DETAINED: Investigation

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

**Gender:** Male

**Profession:** Musician/rapper

**Date of birth:** c.1983

**Type of legislation:** Criminal

**Date of arrest:** 26 September 2018

**Details of arrest:** Castillo Pérez was [reportedly arrested](#) on 26 September shortly after he organised a concert for artists critical of Decree 349, which took place on 21 September in La Madriguera, Havana. At the time of his arrest the precise charges were unclear: some reports indicated that he had been [charged with ‘contempt of court’](#) possibly connected to a case [dating back to 2015](#) in which he accused the public prosecutor's office and police of corruption after he was beaten; other reports indicated that he stands accused of assault ('*atentado*'). According to a [letter](#) he wrote from his cell on 8 February 2019, the case stems from an incident earlier in the year where he received a fine for filming a police official near his home. According to *Diario de Cuba*, the case has been reopened and he stands accused of assault. Decree 349 is a law that partially came into force in December 2018 that demands all public performances, exhibitions, and events by artists must be authorised by the Ministry of Culture, and increased restrictions on dissemination of audio-visual works seen as 'obscene', 'vulgar' or 'harmful to ethical and cultural values'.

**Current place of detention:** Valle Grande Prison

**Health concerns:** According to [media reports](#), family members reported that Castillo Pérez was transferred to Salvador Allende Hospital on 4 December after he entered into a hunger strike in protest at his detention. However, prison authorities denied this. Castillo Pérez previously conducted a hunger strike in November, during which he [reportedly sewed his lips shut](#), which he called off after he was reportedly told that he would be released.

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

## Lázaro Leonardo RODRÍGUEZ BETANCOURT ('Pupito En Sy')

**Gender:** Male

**Profession:** Musician/rapper

**Type of legislation:** Criminal

**Date of arrest:** 12 November 2018

**Details of arrest:** Rodríguez Betancourt was reportedly arrested on 12 November 2018 in apparent reprisal for his participation in a concert organised by fellow rapper **Maykel Castillo Pérez** (see above). According to [media reports](#), he stands accused of assault ('atentado') and bribery ('cohecho'). One of the arresting officers reportedly accused him of having offered him a US\$ 100 bribe and a tablet computer.

**Current place of detention:** Valle Grande

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

## JUDICIAL HARASSMENT

### Javier MORENO DÍAZ

**Gender:** Male

**Profession:** Poet

**Date of arrest:** 22 November 2018

**Date of release:** 6 December 2018

**Details of detention:** Moreno Díaz and Pacheco were reportedly briefly detained on several occasions between November and December 2018, along with artists **Tania Bruguera**, **Luis Manuel Otero Alcántara**, **Yanelys Núñez Leyva**, and **Michel Matos** in an attempt to prevent their peaceful protests ahead of the 7 December implementation of Decree 349. Decree 349 is a law that partially came into force in December 2018 that demands all public performances, exhibitions and events by artists must be authorised by the Ministry of Culture, and increased restrictions on dissemination of audio-visual works seen as 'obscene', 'vulgar', or 'harmful to ethical and cultural values'. Following his release on 4 December, Pacheco [reported that he had begun a hunger strike](#) until all of his colleagues had been released. On 6 December, it was [reported](#) that all had been released. The same group were also briefly detained in November in connection with similar protests, according to [Cubanet](#).

## HARASSED

### Gorki ÁGUILA

**Gender:** Male

**Profession:** Musician

**Date of arrest:** 2 August 2018

**Perpetrator:** State

**Date of release:** 2 August 2018

**Details of harassment:** According to [media reports](#), Águila was reportedly picked up by police and held for an hour and a half. He reported that the police seemed interested in the work of the independent recording studio that he has set up and a radio programme that he is working on there. According to [Freemuse](#), Águila was prevented from boarding a plane bound for Miami on 27 June 2018. In the month prior to the imposition of his travel ban, he has reportedly signed a [Cuban opposition statement](#) directed against the 'dynastic succession of the Castro family' in the country.

**Professional background:** Águila is the leader of the punk rock band Porno para Ricardo. Águila is recognised as a critic of the authorities

### Ileana ÁLVAREZ

**Gender:** Female

**Profession:** Poet and independent journalist

**Perpetrator:** State

**Date of harassment:** 6 April 2018

**Details of harassment:** According to [Havana Times](#), Álvarez was reportedly prevented from boarding a plane bound for Panama where she was due to attend a seminar on gender journalism. She and her husband, **Francis Sánchez Rodríguez** (below), came under increasing pressure throughout 2018 in connection with their work.

**Professional background:** A noted poet and independent journalist, Álvarez has published works of poetry, essays and literary criticism. In 2016 she founded the progressive feminist magazine [Alas Tensas](#), which gives space to Cuban women to speak freely and highlights issues of gender-based violence in the country. Together with her husband, she published a book of essays, [Sagradas compañías](#) (*Sacred Company*), which won the National Prize for Essays in Cuba in 2018. In August 2018, she and her husband went into exile in Spain.

### Francis SÁNCHEZ RODRÍGUEZ

**Gender:** Male

**Profession:** Writer, poet, and journalist

**Perpetrator:** State

**Date of harassment:** 24 March 2018

**Details of harassment:** On 24 March 2018, Sánchez Rodríguez [reported](#) being stopped by customs officials at Santa Clara airport upon his return home from Panama. The customs officials proceeded to search his belongings and confiscate his laptop on the basis that some of his documents amounted to 'attempts against the interests of the nation' and were harmful to national security. Sánchez Rodríguez was subsequently interviewed by state security agents where he confirmed that he was the author of files on the computer. The state security agents reportedly tried to get him to define his political position, unsuccessfully. In August 2018, Sánchez Rodríguez and his wife Ileana Álvarez (see above) [went into exile](#) in Spain.

**Professional background:** A prolific author of essays, poetry and prose, Sánchez Rodríguez has published at least 20 books. Most recently, Sánchez Rodríguez has turned his focus to visual poetry, citing contemporary visual poets such as Václav Havel and Joan Brossa as sources of inspiration. His exhibitions of his visual poetry include *Cicatrices* ('Scars') in Havana in 2015 and *Cuba en vivo* (Cuba live) in Prague in 2016. As a journalist, Sánchez Rodríguez regularly collaborates with media outlets such as 14ymedio, *Convivencia*, and *La hora de Cuba*, as well as newspapers such as *Diario de Cuba*, feminist magazine *Alas Tensas*, and his own online cultural magazine *Árbol Invertido* where he publishes, among other things, his photographs and visual poetry.

**Publications:** His published works include the poetry collections *Revelaciones atado al mástil* (1996), *un pez sobre la roca* (1996), *El ángel discierne ante la futura estatua de David* (2000), *Música de trasfondo* (2001), *Luces de la ausencia mía* (2001), *nuez sobre nuez* (2004), *Estraño niño que dormía sobre un lobo* (2006), *Caja negra* (2006), *Epitafios de nadie* (2008), *Textos Muertos* (2015), and *Llamadme libertad* (2016). His fiction titles include *Reserva federal* (2002), *Cadena perfecta* (2004), and *Secretos equivocados* (2016). Sánchez Rodríguez has also published essay collections, such as *Dualidad de la penumbra* (2009) and *Liturgia de lo real* (2011).

## Ángel SANTIESTEBAN PRATS

**Gender:** Male

**Profession:** Writer and blogger

**Date of harassment:** 27 April 2018

**Perpetrator:** State

**Details of harassment:** Santiesteban Prats was reportedly detained from boarding a flight at José Martí International Airport on 28 April 2018 in an attempt to prevent him from attending a literary event in Colombia. He was able to leave the country on 29 April after spending 28 hours in detention, according to an interview that he gave to Colombian newspaper *El Tiempo*.

**Professional background:** Santiesteban Prats is an award-winning writer and author of the blog 'The Children Who Nobody Loved' ('*Los Hijos que Nadie Quiso*'). He is a member of the official Union of Writers and Artists of Cuba (Unión de Escritores y Artistas de Cuba - UNEAC). On 20 July 2015, he published *Última Sinfonía*, a collection of short stories on violence in Cuba written while he was in prison (2012-2015).

**Health concerns:** Santiesteban Prats is reported to suffer from cancer, for which he is seeking treatment abroad.

**Publications:** *Sueño de un día de Verano*, *Sur: latitud 13*, *Dichoso los que lloran*

**Other information:** Santiesteban was previously sentenced to five years in prison on 8 December 2012 for alleged assault and trespassing. Conditionally released on 17 July 2015, he is now on parole. (For full details of this case see 2015 Case List). In 2016, he was briefly detained (see 'brief detention' 2016 Case List).

## Dominican Republic

### DEATH THREATS

#### Ángela HERNÁNDEZ NUÑEZ

**Gender:** Female

**Profession:** Poet and novelist

**Date of birth:** 6 May 1954

**Date of threat:** 23 December 2018

**Perpetrator:** Non-state

**Details of threat:** According to Hernández Nuñez, while out walking she came across a demonstration of anti-Haitian nationalists. Members of the group reportedly turned on her when she challenged them, calling her a 'traitor' and saying that she should be shot. The threats made against her led to public outcry, including a public letter signed by writers and intellectuals, including Noam Chomsky, calling for the authorities to protect her and implement anti-discrimination and anti-hate legislation.

**Professional background:** A writer of novels, essays, short stories, and poems, Hernández Nuñez has won the National Literature Award on multiple occasions.

**Publications:** Hernández Nuñez' novels include: *Charamicos*, *Metáfora del cuerpo en fuga*, and *Mudanza de los sentidos*. Her poetry has been included in various collections, including *Praises & Offenses and Three Women Poets from the Dominican Republic* (2009).

## Ecuador

### RELEASED

#### Fernando VILLAVICENCIO

**Gender:** Male

**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 below). 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 was investigated further.

**Update:** Villavicencio was reportedly acquitted of leaking sealed documents on 22 February 2018.

**Professional background:** Villavicencio is a journalist, author of *Sarayaku*, his autobiography, and has served as an advisor to an opposition party legislator, Cléver Jiménez.

**Other information:** 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

**Gender:** Male

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

**Type of legislation:** Public protest

**Details of trial:** Padilla Figueroa is facing trial on charges brought in July 2015 for his part in student protests at the Honduran National Autonomous University (UNAH) in the capital Tegucigalpa. He had also been subjected to threats and harassment in the same period. PEN International believes that Padilla Figueroa and his fellow students are being targeted for exercising their rights to freedom of expression and assembly. The trial opened on 14 July 2015, and Padilla Figueroa – along with fellow students Moisés David Cáceres, Sergio Luis Ulloa, and Josué Armando Velásquez – were ordered not to leave the country and to report to the court on a weekly basis. According to reports, the charge brought against Padilla Figueroa on 17 July 2015 is alleged ‘usurpation’ of UNAH property, under Article 227 of the Honduran Penal Code, after Padilla Figueroa allegedly took part in the occupation of a university building during a student protest. The charges were upheld at a hearing on 5 August 2015. On 28 June 2016, the prosecution presented its evidence and the Criminal Court was due to issue its sentence in writing. On 7 June 2017, Padilla Figueroa was convicted of ‘usurpation’ as charged. At a hearing held on 7 August 2017, the public prosecutor reportedly requested a three-year sentence, among other penalties, to be applied. According to PEN Honduras, Padilla Figueroa and his colleagues currently find themselves in

a form of legal limbo while they await a written copy of the sentence – which they require to file an appeal. Padilla was still awaiting a written notice of his sentencing as of 31 December 2018; he remains unable to appeal his sentence until this is supplied.

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

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

### ON TRIAL

#### Jairo LÓPEZ

**Gender:** Male

**Profession:** Journalist and member of PEN Honduras

**Type of legislation:** Criminal

**Date of arrest:** 10 November 2018

**Date of release:** 10 November 2018

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

**Details of release:** López was released on bail later the same day.

**Details of trial:** According to media reports, the judge presiding over the case was recused on 29 November 2018 owing to a conflict of interest; the judge had served as

the legal representative for the complainant in a previous case against López between 2015-2018. The first hearing was due to take place on 7 December, however it was expected to be delayed. No further information as of 31 December 2018.

**Professional 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.

**Other information:** In 2017, López became the victim of a smear campaign following report broadcast on his news programme, which painted a member of the National Congress in an unfavourable light (see under 'harassed' in [2017 Case List](#)). López is currently the beneficiary of precautionary measures under the national protection mechanism after receiving threats due to his reports alleging corruption by Empresa Energia Honduras.

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

## HARASSED

### Dina MEZA

**Gender:** Female

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

**Date of threat:** Ongoing since 2006

**Perpetrator:** Non-state

**Details of harassment:** Meza's security situation remained a serious concern in 2018. She regularly finds herself under surveillance – of her home, office and movements – and reports being followed by persons unknown. For details of previous incidents, see [Case List 2017](#). PEN International believes that she is targeted for exercising her right to free expression and that her physical security is at risk.

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

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

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

**Honorary Member:** PEN Català

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

## Mexico

### KILLED: Impunity

#### Filiberto ÁLVAREZ LANDEROS

**Gender:** Male

**Profession:** Poet and journalist

**Date of birth:** c. 1952

**Date of death:** 29 April 2017

**Perpetrator:** Non-state

**Details of death:** Álvarez Landeros was reportedly making his way home after hosting his radio show when he was shot dead in 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's journalism as a possible motive. According to a subsequent [statement](#), the police arrested a 26-year old man in connection with the murder on 4 May 2017, placing him in pre-trial detention. No further information as of 31 December 2018.

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

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

#### Guillermo FERNÁNDEZ GARCÍA

**Gender:** Male

**Profession:** Poet and translator

**Date of birth:** 2 October 1932

**Date of death:** 31 March 2012

**Perpetrator:** Unknown

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

**Details of investigation:** According to official correspondence with the Mexican authorities, the case was referred to Mexico's attorney general. On 4 April 2013, it was reported that the attorney general's office had failed

to make headway in its investigation. No further information as of 31 December 2018. **PEN Action:** [RAN 16/12](#)

## Javier VALDEZ CÁRDENAS

**Gender:** Male

**Profession:** Journalist and author

**Date of birth:** 14 April 1967

**Perpetrator:** Non-state

**Date of death:** 15 May 2017

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

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

**Update:** [According to media reports, a man suspected of being an accomplice in Valdez Cárdenas's murder was arrested on 23 April 2018.](#) In November 2018, the authorities reported having [charged another suspect](#) involved in the crime. Prosecutors are reportedly [seeking the maximum penalty](#) provided by Sinaloa's legal framework, 50 years in prison.

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

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

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

### CASE CLOSED

## Enrique ARANDA OCHOA

**Gender:** Male **Profession:** University teacher and writer

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

**Expiry of sentence:** 2022

**Type of legislation:** Criminal

**Date of arrest:** 25 June 1996. Aranda had been imprisoned since 1996 along with his brother, Adrián Aranda Ochoa, for allegedly kidnapping Lorena Pérez-Jácome, a television presenter and the daughter of an Institutional Revolutionary Party (PRI) politician who has served as 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. Following a retrial, their 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.

**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. (For details see [2017 Case List](#))

**Case Closed:** No news has been received on the case since 2014 and there are suggestions that both men were freed in 2017. Case closed.

## Nicaragua

### HARASSED

#### Gioconda BELLÍ

**Gender:** Female **Profession:** Writer, poet, President of PEN Nicaragua

#### Yaser Morazán

**Gender:** Male **Profession:** Journalist, member of PEN Nicaragua

#### Pierre Pierson Vilchez

**Gender:** Male

**Profession:** Writer, lyricist, artist and member of PEN Nicaragua

**Perpetrator:** Unknown

**Date of harassment:** May 2018

**Details of harassment:** In May 2018, PEN Nicaragua informed PEN International of the circulation of an anonymous video which labelled three of its members, among others, as being behind a terrorist conspiracy against the Nicaraguan government. PEN International believes the three were named for their peaceful exercise of their right to freedom of expression and their condemnation of a [crackdown on dissent, following civil unrest that began on 18 April 2018](#) and which led to dozens of deaths of protestors shot by pro-government

armed groups or the police.

**Professional background:** Gioconda Belli is an award-winning Nicaraguan poet, writer, and activist and President of PEN Nicaragua. Belli is heralded as revolutionising Nicaraguan poetry with her 1972 collection *On the Grass* for having openly addressed the female body and female sexuality. Pierson Vilchez is the author of fiction for children and adults. He has also written the lyrics for pop artists including Katia Cardenal and Lya Barrioz.

**Awards:** Gioconda Belli was the 2019 recipient of the Oxfam Novib/ PEN International Freedom of Expression Award and German PEN's Hermann Kesten prize.

**PEN Action:** Statement – 3 May 2018; Call to Action – 7 September 2018

## Paraguay

### ON TRIAL

#### Nelson AGUILERA

**Gender:** Male

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

**Sentence:** 30 months in prison

**Type of legislation:** Other – plagiarism

**Details of trial:** Aguilera was convicted of plagiarism on 4 November 2013. His lawyer filed an appeal on 25 November 2013. According to Aguilera, 40 witnesses were prevented from testifying in his defence as the judge ruled that they had been presented too late. These included a recognised legal expert in plagiarism employed by the court to investigate the case and who argued that Aguilera did not have a case to answer. In June 2014, Aguilera's conviction and sentence was confirmed by the Chamber of Appeal in Asunción. In November 2015, the judges responsible for his trial allowed Aguilera to fly to the United States to attend his son's wedding. According to Aguilera, his appeal to the constitutional section of the Supreme Court was at a standstill as of December 2018. He reports that he is required to attend court and register each month.

**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

## United States Of America

### JUDICIAL CONCERN

#### Mumia ABU-JAMAL

**Gender:** Male

**Profession:** Journalist and author

**Sentence:** Life imprisonment without parole

**Type of legislation:** Criminal

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

**Update:** On 28 December 2018, it was reported that a judge in Philadelphia reinstated Abu-Jamal's rights to appeal his sentence.

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

**Background:** Despite the difficult conditions of his 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.

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

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

**PEN Action:** [PEN International Resolution 2014](#)

## PEN Actions for journalists in the Americas 2018

### Canada

**Ben Makuch:** *Intervention in case demanding the handing over of notes of interview with Islamic State fighter*

**Action:**

May 2018 : [International coalition to intervene in Canada Supreme Court case on confidentiality of journalists' sources](#)

### Ecuador

**Javier Ortega Reyes, Paúl Rivas Bravo, and Efraín Segarra Abril:** *abduction and murder of journalist, photographer and driver in March 2018*

**Action:**

April 2018: [Ecuador - Colombia: journalists killed](#)

### Guatemala

**Laurent Ángel Castillo Cifuentes and Luis Alfredo de León Miranda:** *two journalists killed February 2018.*

**Action:**

February 2018: [PEN urges the authorities to protect its journalists following the murder of two journalists](#)

### Guatemala

**Jerson Antonio Xitumul Morales:** *false charges against indigenous journalist and rights defender.*

**Action:**

September 2018: [PEN International Resolution Guatemala](#)

### Mexico

**Carlos Domínguez Rodríguez:** *journalist murdered January 2018;* **Leslie Ann Pamela Montenegro del Real ('Nana Pelucas'):** *journalist murdered February;* **Leobardo Vázquez Atzin:** *journalist murdered March;* **Juan Carlos Huerta:** *journalist murdered May.*

**Action:**

June 2018: [On the Mexican Day of Freedom of Expression, PEN urges the authorities to resolve crimes carried out against Mexican journalists](#)

**Héctor González Antonio:** *journalist murdered May 2018;* **José Guadalupe Chan Dzib:** *Journalist murdered June;* **Ruben Pat:** *journalist murdered July;* **Mario Leonel Gómez Sánchez:** *journalist murdered September;* **Mario Leonel Gómez Sánchez:** *journalist murdered September.*

**Action:**

September 2018: [PEN Resolution - Mexico](#)

### Nicaragua

**Ángel Eduardo Gahona López:** *journalist abducted and murdered April 2018*

**Action:**

September 2018: [PEN International Resolution](#)

# Asia and the Pacific Overview

By Emma Wadsworth-Jones,  
Asia and Americas Programme Coordinator

Prosecution remained a key means of silencing dissenting voices in Asia and the Pacific in 2018. Across the region, states use often outdated, vague, and overbroad criminal defamation, sedition, obscenity, and national security provisions that provide for long periods of pre-trial detention and heavy prison sentences. While there have been some welcome early releases, these remain exceptions to the norm. States also stepped up attempts to stifle dissent online, especially in the context of political crackdowns.

## Cultural repression intensifies in China

One of the most significant developments of 2018 has been the intensification of China's crackdown on Turkic Muslims, largely Uyghurs from the Xinjiang Uyghur Autonomous Region (XUAR), who have been detained *en masse* and without charge in political re-education camps under the pretext of countering religious extremism. While there is no official data on the numbers detained, estimates suggest at least one million Turkic Muslims are detained – forced to submit to political indoctrination and prevented from practising their religion or expressing their culture. Among their number are reported to be well-respected academics such as **Rahile Dawut** and **Abdukerim Rahman**, writers and musicians such as **Chimengül Awut**, **Ablajan Awut Ayup**, and **Abduqadir Jalaeddin**. The Chinese authorities' denial of what is taking place and restrictions on access to the region and its prisoners makes obtaining information on a person's wellbeing or precise whereabouts almost impossible.

Outside of the camps, the authorities continue to place considerable pressure on the Uyghur population, subjecting them to heightened surveillance and restrictions on religious practice. Such repression is not limited to the XUAR, however. Ethnic minorities across the country also continue to face significant challenges to the exercise of their rights to freedom of expression and cultural freedoms, including in the Tibetan Autonomous Region. While several Tibetan writers were released upon the expiry of their sentences, including **Gartse Jigme** and

**Shokjang**, who had been held for five and three years, respectively, others, such as the five-year sentence handed down to linguistic rights advocate **Tashi Wangchuk**, have been handed down heavy prison sentences for their peaceful promotion of Tibetan-language education. Meanwhile, the authorities' attempts to constrain religious practice reportedly extended to cracking down on the online sale of bibles. Such actions illustrate how the Chinese authorities are pressing forward with their pursuit of the homogenisation of national identity and quest to suppress religious practice.

## Electoral Repression

Across the region, governments preparing for elections placed restrictions on freedom of expression. Ahead of national elections in 2018, the authorities in **Cambodia** and **Bangladesh** sought to stifle criticism by targeting independent media outlets, journalists, and their political opponents by harassing them, and, in some cases, bringing them to prosecution. Bangladesh's crackdown on dissenting voices is illustrated by the case against award-winning photographer and writer **Shahidul Alam**, who faces up to 14 years in prison on charges under the draconian Information Communications Technology (ICT) Act.

While some restrictions around political activities and public assemblies have reportedly been lifted in **Thailand** ahead of national elections scheduled for February 2019, the Southeast Asian Press Alliance noted that restrictions on media coverage remained in force in December 2018. In 2018, more than 100 pro-democracy activists were prosecuted for peacefully demanding that elections be held without any further delay, according to Human Rights Watch. In October 2018, rap music collective Rap against Dictatorship reportedly faced investigation after their single 'Prathet Ku Me' (translated as 'What my country has got') went viral on social media. The song expressed disaffection with the current political climate, criticising military rule and human rights abuses. The collective later confirmed on their Facebook page that the investigation had concluded that no charges would be brought against them.

The May 2018 elections in **Malaysia** signalled the end of the 60-year reign of the Barisan National coalition, as Mahathir Mohamad took up the post of Prime Minister once again, this time representing the Pakatan Harapan alliance. Since the election, the authorities have repealed the overbroad Anti-Fake News Act 2018 and dropped all charges against political cartoonist **Zunar**.

## Legislative restrictions on free speech

Overbroad and vaguely-worded national security provisions are frequently used to stifle dissenting voices in countries such as **China, India, Myanmar, and Vietnam**. The case of Burmese writers **Wa Lone** and **Kyaw Soe Oo**, served with seven-year sentences, illustrates how states utilise such legislation in an attempt to prevent investigative reporting on sensitive issues.

Sedition legislation is also used to curtail citizens' right to free expression in countries such as **India, Bangladesh** and **China**, where charges of separatism or inciting separatism are frequently used to target advocates of Uyghur culture, such as **Ilham Tohti**, who is currently servicing life in prison for his peaceful promotion of understanding between Uyghurs and the Han Chinese majority.

Criminal defamation and insult provisions remain on the statute books of many nations, including **Bangladesh, China, India, Myanmar, the Philippines, Singapore, and Thailand**. PEN's research has found that the threat of criminal prosecution under defamation laws, in particular, has made publishers in India particularly cautious and led to them acting as unofficial censors.

In February 2018, **Cambodia** adopted a lèse majesté law similar to that of its neighbour, **Thailand**. In both nations, any perceived insult of the monarch is prohibited. At least three people faced prosecution under the legislation in Cambodia in 2018. While the maximum penalty for lèse majesté is five years in Cambodia, the maximum penalty in Thailand is considerably longer at 15 years. Poet **Siraphop Kornaroot** has been detained under this law since July 2014 awaiting trial.

In 2018, legislation restricting expression in digital spaces in **Vietnam** and **Bangladesh** sparked particular concern. Despite calls by free expression advocates to repeal sections of Bangladesh's Information and Communication Technology (ICT) Act, it was instead subsumed into the new Digital Security Act, which maintains many of the ICT Act's most problematic provisions and provides even more broadly drawn restrictions on freedom of expression alongside draconian custodial sentences. In June 2018, the Vietnamese government passed the Cyber Security Law, which contains overbroad and vaguely-worded provisions that could infringe free expression. The law is due to enter into force in January 2019. Both nations are also reported to be scaling up their monitoring of social media with teams dedicated to the detection of content deemed to be anti-state.

While PEN welcomed the long-awaited releases of Chinese poet and artist **Liu Xia** and Vietnamese blogger **Nguyen Ngoc Nhu Quynh**, neither should have been held in the first place and it is regretful that they have been forced into exile by member states. Unless the cycle of impunity can be broken, and the safety of writers and journalists sufficiently guaranteed, perpetrators will feel safe.

# Asia and the Pacific Case List

## Afghanistan

### KILLED: Impunity

#### Sushmita BANERJEE

**Gender:** Female

**Profession:** Writer and activist

**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 *madrasa* (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 [Hagqani 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 writings critical 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 2018.

**Professional background:** Banerjee is the author of the best-selling memoir *A Kabuliwala's Bengali Wife* (1998). In 2003, the book was adapted into a Bollywood film, 'Escape from Taliban'.

**Publications:** *Talibani Atyachar – Deshe o Bideshe (Taliban atrocities in Afghanistan and Abroad)*, *Mullah Omar, Taliban o Ami (Mullah Omar, Taliban and I)* (2000), *Ek Borno Mithya Noi (Not a Word is a Lie)* (2001), *Sabhyatar Sesh Punyabani (The Swansong of Civilisation)*.

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

## Australia/ Papua New Guinea

### DETAINED: Main Case

#### Behrouz BOOCHANI

**Gender:** Male

**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. 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. 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.

**Professional background:** According to PEN's information, in his native Iran, Boochani worked as a journalist for several newspapers, including national dailies *Qanoon*, *Kasbokar*, *Etemad*, and the Kurdish-language monthly magazine *Varia*. Boochani claims that due to his focus on business and politics, he was subject to constant surveillance by the Iranian authorities. In 2013, he was reportedly arrested, interrogated, and threatened by the Iranian Intelligence Services. Fearing that he would be imprisoned, he fled Iran on 13 May 2013. Since his detention, Boochani has been documenting human rights violations. Boochani has continued to write for several publications while in detention, and in 2018 published his book, *No Friend but the Mountains: Writing from Manus Prison*, to critical acclaim. From his cell, Boochani also recorded his film *Chauka, Please Tell Us the Time*, co-directed with Iranian filmmaker and editor, Arash Kamali Sarvestani.

**Awards:** 2018 Anna Politkovskaya investigative journalism award

**Honorary Member:** PEN Melbourne, Sydney PEN, Norwegian PEN

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

**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.

## Bangladesh

### KILLED

#### Shahzahan BACHCHU

**Gender:** Male

**Profession:** Publisher, poet, and secular blogger

**Date of birth:** c. 1958

**Date of death:** 11 June 2018

**Perpetrator:** Non-state

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

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

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

**Other information:** Bachchu was the former Munshiganj unit general secretary of the Communist Party of Bangladesh.

### KILLED: Impunity

#### Ananta Bijoy DASH (also known as Ananta Bijoy Das)

**Gender:** Male

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

**Date of death:** 12 May 2015

**Perpetrator:** Non-state

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

**Details of investigation:** On 18 August 2015, three members of the Islamic extremist group Ansarullah Bangla Team (ABT) were arrested by security forces in connection with the killings of Dash and **Avijit Roy** (see below). On 28 August 2015, one of the arrested, Mannan Yahia, confessed his involvement in Dash's murder. On 10 September 2015, three more individuals, including the head of the ABT, Mohammad Abul Bashar, were arrested in connection with the murders of both Dash and Roy. Bashar is reportedly thought to be the mastermind of both killings. In May 2017, [local media](#) reported that a court had filed a supplementary charge sheet against six accused men, of whom three are reportedly on the run and three in detention. No further information as of 31 December 2018; PEN is seeking an update.

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

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

**Awards:** Mukto-mona Rationalist Award in 2006

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

## Faisal Arefin DEEPAN (also written: Faisal Arefin Dipon)

**Gender:** Male

**Profession:** Publisher at Jagriti Prokashoni publishing house

**Date of birth:** c. 1972

**Date of death:** 31 October 2015

**Perpetrator:** Non-state

**Details of death:** Deepan was found dead in his office in

Dhaka on 31 October 2015. According to reports, he had been hacked to death by a group of men who then fled.

**Details of investigation:** According to news reports, a former army major is the alleged mastermind behind Deepan's murder; 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.

**Update:** On 17 July 2018, members of a counter terrorism unit reportedly arrested another individual in connection with Deepan's murder. While the individual has confessed to involvement in the murder of several other killings of Bangladeshi free thinkers and writers, such as **Avijit Roy**, **Nazim Uddin Samad**, and **Xulhaz Mannan**, he denied involvement in Deepan's killing, according to the *Daily Star*.

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

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

## Avijit ROY

**Gender:** Male

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

**Date of birth:** 12 September 1972

**Date of death:** 26 February 2015

**Perpetrator:** Non-state

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

**Details of investigation:** Roy was a dual Bangladesh and American national and as such, in March 2015, it was reported that the Federal Bureau of Investigation would

aid the investigation into his death. The Islamist group Ansar al-Islam initially claimed responsibility for Roy's murder in a series of messages on its Twitter account. On 18 August 2015, three members of the 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](#). Three additional suspects were arrested in connection with Roy's murder in November 2017: Md Abu Siddiq Sohel, Mojammel Hossain, and Arafat Rahman. All three men are alleged to be members of the ABT.

**Update:** On 17 July 2018, members of a counter terrorism unit reportedly arrested another individual in connection with Roy's murder.

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

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

## Rezaul Karim SIDDIQUE

**Gender:** Male

**Profession:** University professor

**Date of death:** 23 April 2016

**Perpetrator:** Non-state

**Details of death:** 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 had 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.

**Update:** In May 2018, several news outlets [reported](#) that two people had been sentenced to death, and three others sentenced to life in prison, for the murder of Siddique. One of those sentenced to death was tried *in absentia* as he has been on the run since the killing.

**Professional 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](#)

## ON TRIAL

### Shahidul ALAM

**Gender:** Male

**Profession:** Photographer, writer, activist

**Date of birth:** c. 1955

**Type of legislation:** Criminal

**Date of arrest:** 5 August 2018

**Date of release:** 20 November 2018

**Details of arrest:** Alam was arrested by plainclothes police officers from his home. Police officers reportedly taped over CCTV cameras and confiscated any footage of his arrest in an apparent attempt to prevent evidence of their conduct being recorded. On 6 August, Alam was brought before a lower court in Dhaka and accused of 'making provocative comments', and 'giving false information' to the media under [Section 57](#) of Bangladesh's draconian Information Communications Technology Act (ICT Act). On his way to the court, Alam shouted that he had been beaten while in custody. According to his lawyer, Alam stated before the Court that he had been subjected to torture.

**Details of release:** On 15 November 2018, the Bangladesh High Court granted Alam permanent bail. He was released from Dhaka Central Jail on 20 November. If convicted, Alam could face up to 14 years in prison.

**Professional background:** Alam is the founder and managing director of the Drik Picture Library and the creator of the Patshala South Asian Media Academy, a photography school in Dhaka that has trained hundreds of photographers. In 2014, he was awarded the [Shilpakala Padak](#) for his significant contribution to Bangladeshi culture in the field of photography. In June 2018, he was announced as the 2018 winner of the prestigious, US-based [Lucie Award](#) in acknowledgement of his exceptional contribution to photography and society. In 2018, he was also awarded the Tribute Award by the London-based Frontline Club and named, among others, as TIME Magazine's Person of the Year.

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

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

**PEN Action:** [Statement - 6 August 2018](#), [Joint statement](#)

– 10 August 2018, [statement](#) – 10 September 2018, [RAN 06/18](#) – 29 August 2018, [Day of the Imprisoned Writer emblematic case 2018](#) – 15 November 2018

## Shamsuzzoha MANIK

**Gender:** Male

**Profession:** Translator and publisher

**Type of legislation:** Other

**Date of arrest:** 15 February 2016

**Date of release:** 31 October 2016

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

**Details of trial:** Manik was reportedly charged with hurting religious sentiments under Section 57 (2) of the 2013 Information and Communications Technology Act, which criminalises publishing or transmitting material that is 'fake and obscene', 'tends to deprave and corrupt persons' or causes to 'prejudice the image of the State'. The trial was thought to be ongoing before the Cyber Tribunal as of 31 December 2018.

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

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

## JUDICIAL CONCERN

### Shafik REHMAN

**Gender:** Male

**Profession:** Writer, journalist, and political activist

**Date of birth:** 11 November 1934

**Type of legislation:** Other – criminal conspiracy

**Date of arrest:** 16 April 2016

**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. [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.

**Update:** On 6 March 2018, [bdnews24 reported](#) that a Dhaka court had ordered the arrest of Rehman and three others in connection with charges filed against them on 20 February relating to their alleged involvement in a plot to kill Sajeeb Wazed Joy. According to the [Dhaka Tribune](#), Rehman's lawyer has sought more time to present Rehman before the court as he is in London with his wife, who is undergoing treatment for cancer.

**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.

**Professional background:** A dual British and Bangladeshi national, Rehman is an 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.

**ATTACKED****Muhammad Zafar IQBAL****Gender:** Male**Profession:** Writer and academic**Date of birth:** c. 1952**Date of attack:** 3 March 2018**Perpetrator:** Non-state

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

**Investigation:** The alleged assailant, Foyzur Rahman, was apprehended at the scene after having been beaten unconscious by bystanders. Rahman is reported to have [confessed to the attack under interrogation](#), claiming that Iqbal was ‘an enemy of Islam’. Police have reportedly connected Rahman to an extremist internet forum – Dawah Ilallah – which is run by the banned militant group the Ansarullah Bangla Team (ABT). **Police charged** Rahman, along with several members of his family and an alleged accomplice, with attempted murder, according to the *Daily Star*.

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

**CASE CLOSED****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 in connection with 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. 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. Rahman has been granted bail in many of the cases.

**Case closed:** Case closed due to lack of information.**Cambodia****KILLED: IMPUNITY****Kem LEY****Gender:** Male**Profession:** Scholar, researcher, writer, independent analyst, and adviser to PEN Cambodia**Date of death:** 10 July 2016**Perpetrator:** Unknown

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

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

**Update:** In July 2018, the *Phnom Penh Post* reported that the investigating judge at Phnom Penh Municipal Court has said the case remains open.

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

**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.

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

## CASE CLOSED

### Yorm BOPHA (f)

**Gender:** Female

**Profession:** Activist and protest songwriter

**Sentence:** Three years in prison, reduced to two years on appeal

**Type of legislation:** Other (violence)

**Date of arrest:** 4 September 2012

**Date of release:** 22 November 2013

**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.

**Professional background:** Bopha writes protest lyrics to popular song tunes which are then chanted at demonstrations. For details, see previous case lists.

**Case Closed:** No further developments.

## China

### IMPRISONED: MAIN CASE

#### CHEN Shuqing

**Gender:** Male

**Profession:** Dissident writer, activist, and member of ICPC

**Date of birth:** 26 September 1965

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

**Type of legislation:** National security

**Date of arrest:** 11 September 2014

**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:** 3<sup>rd</sup> Branch of Qiaosi Prison, Hangzhou, Zhejiang Province

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

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

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

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

#### CHEN Wei

**Gender:** Male

**Profession:** Freelance writer and activist

**Date of birth:** 21 February 1969

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

**Expiry of sentence:** 2020

**Type of legislation:** National security

**Date of arrest:** 21 February 2011

**Details of arrest:** Chen was 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:** Jialin Prison, Nanchong City, Sichuan Province.

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

**Professional background:** During Chen's time as a student at Beijing University of Technology, he was involved in the 1989 pro-democracy movement and as a result spent several months in prison. Chen was arrested again in 1992 and sentenced to five years' imprisonment

on ‘counter-revolutionary’ offences for his involvement in the China Liberal Democracy Party. He is a signatory of Charter 08, a manifesto for democratic reform.

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

**Honorary Member:** ICPC

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

## CHEN Xi (also known as CHEN Youcai)

**Gender:** Male

**Profession:** Freelance writer and prominent human rights activist

**Date of birth:** 2 April 1954

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

**Expiry of sentence:** 2021

**Type of legislation:** National security

**Date of arrest:** 29 November 2011

**Details of arrest:** Chen is a member of the Guizhou Human Rights Forum, which was declared an ‘illegal organisation’ by the Guizhou authorities on 5 December 2011, prior to the UN Human Rights Day (10 December). Chen was detained in November 2011 after he announced his intention to run for the Guiyang City People’s Congress Election as an independent candidate. At least 10 other members of the group were arrested but all were later released without charge.

**Current place of detention:** Xingyi Prison, Guizhou province

**Details of trial:** On 26 December 2011, Chen was sentenced by a Guiyang court for ‘inciting subversion of state power’ at a trial which lasted less than three hours. According to the court verdict, his conviction is based on several quotations from over 30 of his articles published on overseas Chinese-language websites. He 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. 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:** There have been concerns that Chen’s health is poor and that he has been denied appropriate treatment.

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

**Awards:** Recipient of 2014 Hellman/Hammett Award

**Honorary Member:** ICPC

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

## DONG Rubin (also known as Bianmin)

**Gender:** Male

**Profession:** Writer, blogger, and businessman

**Date of birth:** 1962

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

**Expiry of sentence:** 9 March 2020

**Type of legislation:** Other

**Date of arrest:** 10 September 2013

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

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

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

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

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

**Honorary Member:** ICPC

## HU Shigen

**Gender:** Male

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

**Date of birth:** 14 November 1955

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

**Expiry of sentence:** c. June 2023

**Type of legislation:** National security

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

**Details of arrest:** On 10 July 2015, Hu was reportedly apprehended by police and criminally detained the following day. 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. No further information as of 31 December 2018.

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

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

**Honorary Member:** English PEN, ICPC, PEN Canada

## JIN Andi

**Gender:** Male

**Profession:** Freelance writer

**Date of birth:** 23 May 1953

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

**Type of legislation:** National security

**Date of arrest:** 19 September 2010

**Details of arrest:** According to reports, Jin was initially taken into custody on 19 September 2010. He was placed under residential surveillance before being formally arrested on 17 January 2011 and charged with 'inciting subversion of state power' in relation to articles critical of former Chairman of the Chinese Communist Party, Jiang Zemin, published between 2000 and 2010. These articles were primarily written by **Lü Jiaping** (see previous Case Lists). Jin allegedly assisted Lü with the writings by providing background information, revising drafts, and disseminating the articles.

**Details of trial:** Jin was sentenced to eight years in prison on charges of 'subversion of state power' by the Beijing First Intermediate Court on 13 May 2011. Three articles were used as evidence to convict both Jin and Lü, in particular an article published in 2009, 'Two Traitors Two Fakes', discussing Jiang's historical background. **[Stop press:** Jin was reportedly released upon expiry of his sentence on 14 January 2019]

## LI Bifeng

**Gender:** Male

**Profession:** Activist, novelist, and poet

**Date of birth:** 3 March 1964

**Sentence:** 10 years in prison

**Expiry of sentence:** 7 September 2021

**Type of legislation:** Other (fraud)

**Date of arrest:** 8 September 2011

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

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

**Details of trial:** On 19 November 2012, Li was convicted of alleged 'contract fraud' by the Shehong County People's Court, Sichuan Province, and 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.

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

**Gender:** Male

**Profession:** Human rights activist and dissident writer

**Date of birth:** March 1962

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

**Expiry of sentence:** 2020

**Type of legislation:** National security

**Date of arrest:** 15 September 2010

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

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

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

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

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

**Honorary Member:** ICPC

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

## LIU Xianbin

**Gender:** Male

**Profession:** Dissident writer and activist

**Date of birth:** 25 August 1968

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

**Expiry of sentence:** 7 June 2020

**Type of legislation:** National security

**Date of arrest:** 28 June 2010

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

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

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

**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

**Gender:** Male

**Profession:** Dissident writer and activist, member of ICPC

**Date of birth:** 7 January 1956

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

**Type of legislation:** National security

**Date of arrest:** 8 July 2014

**Details of arrest:** Lü was arrested from his home in Hangzhou after approximately 20 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 after developing an oral ulceration. In September 2017, Radio Free Asia reported that Lü's application to be released on medical parole had been denied despite his deteriorating health.

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

**Professional 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 2010 Case List).

**Awards:** Recipient of 2008 ICPC Writer in Prison Award

## LU Jianhua (pen name: Wen Yu)

**Gender:** Male

**Profession:** Writer and academic

**Date of birth:** 3 July 1960

**Sentence:** 20 years in prison

**Expiry of sentence:** April 2025

**Type of legislation:** National security

**Date of arrest:** April 2005

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

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

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

**Honorary Member:** ICPC

## QIN Yongmin

**Gender:** Male

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

**Date of birth:** 11 August 1953

**Sentence:** 13 years in prison and 3 years deprivation of political rights

**Expiry of sentence:** May 2028

**Type of legislation:** National security

**Date of arrest:** 6 May 2015

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

**Current place of detention:** No. 2 Detention 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 claim they neither knew of Qin's whereabouts nor received any notification of his detention until June 2016, when his lawyer made a speculative application to meet with his client at Wuhan No. 2 Detention centre. The indictment is said to cite Qin's circulation of writings about democracy and involvement in a 'series of activities with the aim to subvert state power,' including writing online essays and organising advocacy for the China Democracy Party (CDP), among other reasons. A hearing of his case, scheduled to take place on 29 December 2017, was reportedly postponed by the authorities.

**Update:** On 10 July 2018, Wuhan City Intermediate Court found Qin guilty of 'subversion of state power' sentencing him to 13 years in prison and 3 years deprivation of his political rights. Qin reportedly refused to cooperate with the court and remained silent throughout the duration of the trial in May. According to ICPC, his conviction was upheld by the Hubei Provincial High People's Court on 26 September 2018.

**Professional background:** Since the late 1970s, Qin has been involved in pro-democracy activism, beginning with his role in editing and publishing a pro-democracy

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

### WANG Jianmin (US national)

**Gender:** Male

**Profession:** Journalist, publisher, editor, literary commentator

**Date of birth:** 11 March 1953

**Sentence:** Five years and three months' imprisonment and a fine

**Expiry of sentence:** 30 September 2018

**Type of legislation:** Other

**Date of arrest:** 30 May 2014

**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 Centre 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. (Shenzhen is a Special Economic Zone where foreign firms can invest and trade without the same controls in the rest of the China mainland). The defence reportedly stated that the magazines' eight mainland subscribers, allegedly friends of the publisher, accounted for 66,000 yuan (c. US\$ 10,500) of their total revenue, less than half of the 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 card-holder, 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.

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

**Professional 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 2014. 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)

**Gender:** Male

**Profession:** Internet writer, poet, and activist

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

**Expiry of sentence:** 3 March 2019

**Type of legislation:** National security

**Date of arrest:** 3 October 2014

**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’.

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

**Honorary member:** ICPC

## XU Lin:

**Gender:** Male

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

**Sentence:** Three years in prison

**Expiry of sentence:** 26 September 2020

**Type of legislation:** National security

**Date of arrest:** 26 September 2017

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

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

**Place of detention:** Nansha Detention Centre in Guangzhou, Guangdong

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

## YANG Maodong (aka Guo Feixiong)

**Gender:** Male

**Profession:** Dissident writer, independent publisher, and civil rights activist

**Date of birth:** 2 August 1966

**Sentence:** Six years in prison

**Expiry of sentence:** August 2019

**Type of legislation:** Other

**Date of arrest:** 8 August 2013

**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 Guangzhou Municipal Tianhe District People’s Court on charges of ‘gathering crowds to disrupt order in public places’ and ‘picking quarrels and provoking troubles’. On 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 said to have been denied permission to visit him. Speaking at an NGO event in August 2017, Yang’s wife told attendees that Guo had been subjected to cruel and degrading treatment, including being subjected to sleep deprivation, kept in a confined space, and denied outdoor breaks.

**Other information:** 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 PEN International Main Case 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)

**Gender:** Male

**Profession:** Publisher

**Date of birth:** 11 July 1941

**Sentence:** 10 years' imprisonment

**Expiry of sentence:** 2023

**Type of legislation:** Other

**Date of arrest:** 27 October 2013

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

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

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

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

**Professional background:** Yao Wentian is a publisher and former chief editor of the Hong Kong-based Morning Bell Press. According to Yao's son, Yao had previously been harassed for his collaboration with dissident writer **Yu Jie** and his publication of *Hu Jintao: Harmony King*, a critique of the former president's concept of 'harmonious society'. He reported that his Gmail account was hacked while he was preparing to print the book. Since 2007, Yao has worked closely with dissident writers, including many members of the ICPC, to publish books 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

## IMPRISONED: Investigation

### LIU Tianyi (pen name: Tianyi)

**Gender:** Female

**Profession:** Writer

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

**Expiry of sentence:** 2028

**Type of legislation:** Other

**Details of trial:** On 31 October 2018, Tianyi was reportedly sentenced to 10-and-a-half years in prison by the People's Court of Wuhu, Anhui province, for making and selling 'obscene material' for profit. Her self-published novel, entitled *Gongzhan (Occupy)*, about a forbidden love affair between a teacher and a student, was said to be filled with 'graphic depictions of male homosexual sex scenes' tinged with violence, [according to media reports](#). Liu is reported to be [appealing to the Intermediate People's Court of Wuhu](#). PEN is seeking further information.

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

## DETAINED: Main Case

### GUI Minhai (Swedish national)

**Gender:** Male

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

**Date of birth:** 5 May 1964

**Type of legislation:** Unknown

**Date of arrest:** 20 January 2018

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

**Place of detention:** Gui Minhai is thought to be being

held in a detention centre in Beijing. On 13 August 2018, the Chinese authorities reportedly allowed a Swedish physician to examine Gui for his disorder. No further details were provided on his condition.

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

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

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

## ZHOU Yuanzhi

**Gender:** Male

**Profession:** Writer, ICPC member, former tax official

**Date of birth:** 22 February 1961

**Type of legislation:** Other

**Date of arrest:** 10 November 2017

**Details of arrest:** According to [ICPC](#), Zhou was detained on 10 November 2017 at a local tax bureau. He was placed under administrative detention for fifteen days for 'violating law and order regulations'. On 18 November, police reportedly searched his flat and confiscated his iPad. On 24 November 2017, Zhou was placed under criminal detention at Jingmen Detention Centre on suspicion of 'organising illegal gatherings'. As of 31

December 2018, 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.

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

## BRIEF DETENTION

### SUN Wenguang

**Gender:** Male

**Profession:** Academic

**Date of birth:** 26 August 1934

**Type of legislation:** Unknown

**Date of arrest:** 1 August 2018

**Date of release:** 11 August 2018

**Details of arrest:** Sun was reportedly arrested from his home in Jinan, Shandong province, during a live telephone interview with Voice of America (VOA). His last words before he was detained were reportedly, 'I am entitled to freedom of speech.' Sun was then said to have been taken to Yanzi Mountain Villa at Jinan Military Region, a military-linked hotel and reception centre. He was subsequently moved several times. There are reports that two journalists working with VOA – correspondent Yibing Feng and multimedia contractor Allen Ai – were reportedly taken into custody for six hours after attempting to interview Sun through a closed door.

**Details of release:** Sun was said to have been allowed to return home 10 days after his detention, but was reported to remain under strict surveillance.

**Professional background:** Sun graduated from Shandong University Department of Physics in 1957, where he stayed on as a teacher. In 1978 he was sentenced to seven years in prison for 'attacking Great Leader Chairman Mao', eventually being politically rehabilitated in 1982. Sun retired from Shandong University in 1994.

Among his published works is *A Century of Disasters: From Mao Zedong to Jiang Zemin* (2004). Sun was one of the original 303 signatories of Charter 08 and is an honorary director of ICPC.

## JUDICIALLY HARASSED

### CUI Haoxin (pen name: An Ran)

**Gender:** Male

**Profession:** Poet

**Date of birth:** c. 1979

**Date of harassment:** Throughout 2018

**Perpetrator:** State

**Details of harassment:** Over the course of 2018, Cui – a Hui Muslim – has been subjected to harassment because of his condemnation of the repression of religious freedom in China and his outspoken criticism of China's political re-education camps. In April 2018, Radio Free Asia reported that Cui was asked to attend a week's re-education course by Shandong police. On his way to the camp in Jiangxi, he was reportedly detained and questioned by Jiangxi state security police. Cui refused to cooperate with the interrogation. He is reported to believe that the reason for his detention was a recent article examining his collection of poetry, which contains a number of poems referencing the troubled region of Xinjiang Uyghur Autonomous Region. On 16 August 2018, Cui was reportedly visited by police after he tweeted about the political re-education camps. He was warned not to use overseas media. On 27 November 2018, Cui was reportedly detained and questioned by police in Jinan, Shandong province, and questioned in relation to his 27 October tweet about the suppression of religious freedom in China. Radio Free Asia reported that police wanted to know his aim in sending the tweet. The police also ordered him to delete his Twitter account, a platform blocked in China.

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

## HARASSED

### YANG Shaozheng

**Gender:** Male

**Profession:** Academic

**Date of harassment:** November 2017

**Perpetrator:** Non-state

**Details of harassment:** According to Radio Free Asia, Yang was informed that his undergraduate classes at Guizhou University were to be cancelled. Yang reportedly believes that the suspension is likely linked to his questioning by Guizhou city police on two occasions in October regarding his submission of alleged sensitive

material to a publishing house in the south-western megacity of Chongqing.

**Update:** On 15 August 2018, Yang was reportedly expelled from the university.

**Background:** Yang was a professor at the Institute of Economics at Guizhou University. The precise nature of the writings is unclear.

### ZHU Yufu

**Gender:** Male

**Profession:** Poet

**Date of birth:** 13 April 1953

**Date of harassment:** 17 September 2018

**Perpetrator:** State

**Details of harassment:** On 17 September 2018, authorities in Zhejiang province reportedly detained Zhu for questioning on suspicion of 'subversion of state power'. And then arrested from his home by plainclothes officers. The police are reported to have searched his home and confiscated two computers. He was released later the same day.

**Other information:** This investigation comes only five months after his release from Zhejiang Provincial No.4 Prison, having served out a seven-year sentence in connection with his poetry (for more information see 'released' below).

## RELEASED

### GUO Quan

**Gender:** Male

**Profession:** Academic, internet writer, and activist

**Date of birth:** 8 May 1968

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

**Type of legislation:** National security

**Date of arrest:** 13 November 2008

**Date of release:** 12 November 2018

**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.

**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. **Details of release:** Guo was reportedly released upon the expiry of his sentence on 12 November 2018. For further details see 2017 Case List.

## LIU Xia

**Gender:** Female

**Profession:** Poet and artist, founding member of ICPC

**Date of birth:** 1 April 1959

**Type of legislation:** None

**Date of arrest:** October 2010

**Date of release:** 10 July 2018

**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, who died in custody in 2017 (see Case list 2017). 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.

**Details of release:** On 10 July 2018, Liu Xia was allowed to board a plane bound for Germany.

**Honorary Member:** Member of ICPC; Honorary Member of PEN American Center, Danish, English, Portuguese, and Swiss-Italian PEN Centres. (For further details see 2017 Case List).

**PEN Action:** 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; RAN 13/17 – 4 May 2018; Statement – 11 July 2018

## XU Zhiqiang (also known as Shengguan)

**Gender:** Male

**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

**Type of legislation:** National security

**Date of release:** 17 May 2018 (political rights restriction ends May 2021)

**Details of arrest:** On 17 May 2014, three days after Xu had hosted a seminar in Wuhan to commemorate the 25<sup>th</sup>

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.

**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.

**Details of release:** Xu is thought to have been released upon expiry of his sentence.

**Professional 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

## ZHU Yufu

**Gender:** Male

**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

**Type of legislation:** National security

**Date of arrest:** 5 March 2011

**Date of release:** 4 March 2018

**Details of arrest:** Yufu was 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.

**Details of trial:** On 10 February 2012, a court in Hangzhou sentenced Zhu to seven years in prison for 'inciting subversion of state power'. On 7 May 2012, his appeal was reportedly rejected.

**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

## Hong Kong

### HARASSED

#### MA Jian (joint British and Hong Kong citizen)

**Gender:** Male

**Profession:** Writer

**Date of birth:** 18 August 1953

**Date of harassment:** 7 November 2018

**Perpetrator:** Non-state

**Details of harassment:** On 7 November 2018, Ma Jian reported that both of his speaking events due to be held at Tai Kwun art space on 10 November 2018 – as part of the Hong Kong International Literary Festival – were cancelled due to the venue's fears that he would use the platform to promote his political interests, according to media reports. The Hong Kong International Literary Festival nevertheless stood by him attempting to find an alternative location for the events. However, the second venue also refused to host the event, according to the *South China Morning Post*. Media reports indicate that Tai Kwun eventually reversed its decision and the events went ahead. While the Chief Executive of Hong Kong denied any direct involvement, critics have argued that the current political and free expression climate over which she presides is a factor in such decisions being taken.

**Professional background:** Born in Qingdao, China, Ma Jian is the author of over 11 novels, short stories, and poetry collections. Due to the satirical and critical nature of many of his books, and his own vocal criticism of the Chinese authorities, Ma and his books have been banned from mainland China. Reports indicate that Ma had struggled to find a Hong Kong publisher for his latest novel, *China Dream* (2018).

## Inner Mongolia Autonomous Region

### IMPRISONED: Main Case

#### LIU Chengkun

**Gender:** Male

**Profession:** Journalist and writer

**Sentence:** Eight months in prison

**Type of legislation:** Defamation

**Date of arrest:** 2 April 2018

**Details of arrest:** According to the Committee to Protect Journalists, Liu was arrested by Hohhot police on charges of 'spreading rumours' after he published two short stories about a fictional character named Mr Pan, which were alleged to bear a resemblance to Pan Gang, chairperson of Yili Group, China's largest dairy producer. Both stories were originally posted on *Tianlu Caijing*, but were deleted and later reposted to *Sina Finance*. Two lawyers hired by Liu's family were allowed to visit him on 23 April 2018, where he told them the stories were works of literature, and denied committing libel, according to Radio Free Asia.

**Details of trial:** Liu was reportedly convicted of 'picking quarrels and provoking troubles' and sentenced to eight months in prison on 2 October 2018. His sentence was due to expire on 2 December 2018; no further information as of 31 December 2018. PEN is seeking confirmation that Liu was released.

**Current place of detention:** Hohhot No. 1 Detention Centre

**Professional background:** Liu Chengkun is a former journalist for state media outlet *Time Weekly*, who runs the financial news microblog *Tianlu Caijing*.

**Other information:** Another journalist, Zou Guangxiang, was reportedly detained in March 2018 in connection with an article alleging tense relations between Pan Gang and the Communist Party. On 24 October 2018, Zou was reportedly sentenced to one year in prison on the same charges.

## Macau Special Administrative Region

### HARASSED

#### Jung CHANG

**Gender:** Female

**Profession:** Biographer, writer

#### James CHURCH

**Gender:** Male

**Profession:** Writer

#### Suki KIM

**Gender:** Female

**Profession:** Writer, investigative journalist

**Date of harassment:** 5 March 2018

**Details of harassment:** In March 2018, it was announced that The Script Road – Macau Literary Festival had cancelled the presence of writers Jung Chang, Suki Kim, and James Church. The Script Road (Rota das Letras) – Macau Literary Festival aims to 'highlight the desired

understanding and cooperation between China and the Lusophone world, through Macau'. It hosts writers, publishers, translators, journalists, musicians, filmmakers, and visual artists. The festival's programme director, Hélder Beja, stated that he had been notified 'informally, unofficially' by unspecified 'relevant authorities' that the entry of these writers into Macau was not considered 'timely' and as such could not be guaranteed. Not wishing to put them in a difficult position, the festival's organisers reportedly decided to remove them from the programme. Speaking to *Ponto Final*, the newspaper which founded the festival, Macau's Secretary for Social Affairs and Culture stated that he had no prior knowledge of the situation and found it a 'pity'. The president of Macau's Cultural Affairs Bureau (formerly, Macau Cultural Institute) and speaker at the festival stated that the governmental body 'does not intervene in the appreciation of the content' and that she also was not informed.

**Professional backgrounds:** Jung Chang is a Chinese-born British author of several books, including her best-selling family autobiography *Wild Swans*, which is banned in China. With her husband, Irish historian Jon Halliday, she co-authored a lengthy and critical work on Mao Zedong, *Mao: The Unknown Story* (2005). James Church is the pseudonym used by a former CIA agent who has written a series of detective novels featuring a fictional North Korean policeman, 'Inspector O'. Suki Kim has written numerous essays for American newspapers as well as her novel *The Interpreter* (2003). For her nonfiction work, *Without You, There Is No Us: Undercover Among the Sons of North Korea's Elite* (2014), Kim spent six months working undercover in Pyongyang.

## Tibet Autonomous Region (TAR)

### IMPRISONED: Main Case

#### Kunchok Tsephel GOPEY TSANG

**Profession:** Writer, co-founder and editor of the Tibetan language website Chomei <http://www.tibetcm.com>, and environmental officer for the Chinese government

**Date of birth:** 1970

**Sentence:** 15 years in prison

**Expiry of sentence:** 2024

**Date of arrest:** 26 February 2009

**Details of arrest:** Gopey Tsang was arrested by Chinese security officials at his home in the town of 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')

**Gender:** Male **Profession:** Writer

**Date of birth:** c. 1988

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

**Type of legislation:** National security

**Date of arrest:** 17 April 2015

**Expiry of sentence:** October 2022

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

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

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

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

### IMPRISONED: Investigation

#### Trinley TSEKAR

**Gender:** Male

**Profession:** Singer and songwriter

**Sentence:** Nine years in prison

**Type of legislation:** Other

**Date of arrest:** 20 November 2013

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

**Details of trial:** Tsekar was reportedly accused of 'attacking the local public security organ, assaulting policemen, smashing offices, damaging properties and objects [and] gravely disturbing social order due to his participation in the protests'. According to a 13 January 2014 news report, Tsekar was convicted and sentenced to nine years in prison in late December 2013. No further information as of 31 December 2018.

**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.

## RELEASED

### DRUKLO (also known as SHOKJANG and Zhou Kajia)

**Gender:** Male

**Profession:** Writer and blogger

**Date of birth:** 1985 **Sentence:** Three years in prison

**Type of legislation:** National security

**Date of arrest:** 19 March 2015

**Date of release:** 19 March 2018

**Details of arrest:** According to *Voice of America*, Shokjang was arrested by Chinese security police in Rebgong.

**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 maintained 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](#)).

**Details of release:** Shokjang was reportedly released upon completion of his sentence on 19 March 2018. (For further details see [2017 Case List](#).)

### Gartse JIGME

**Gender:** Male

**Profession:** Writer and monk

**Date of birth:** 1976

**Sentence:** Five years in prison

**Date of arrest:** 1 January 2013

**Date of release:** 4 February 2018

**Details of arrest:** According to reports, Jigme was arrested for political views expressed in his book *Tsenpoi Nyinytop (Tsenpo's Valour)*, which he had finished writing in early December 2012 and was planning to publish.

**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.

**Details of release:** Jigme was reportedly released upon the expiry of his sentence on 4 February 2018. He has been banned from speaking at public gatherings, according to Radio Free Asia (for further details see [2017 Case List](#)).

### Gonpo TENZIN

**Gender:** Male **Profession:** Singer and songwriter

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

**Type of legislation:** Unknown

**Date of arrest:** 30 November 2013

**Date of release:** 1 August 2018

**Details of arrest:** Tenzin had reportedly been on a police wantedlist prior to being taken into custody in Lhasa and then arrested on unknown charges, and 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.

**Details of release:** Tenzin is said to have been 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.

## CASE CLOSED

### TOBDEN

**Gender:** Male

**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.

**Case closed:** Presumed released on expiry of his sentence in October 2018

## Xinjiang Uyghur Autonomous Region (XUAR)

### IMPRISONED: Main Case

#### Gulmira IMIN

**Gender:** Female

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

**Date of birth:** 1978

**Sentence:** Life imprisonment

**Type of legislation:** National security

**Date of arrest:** 14 July 2009

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

**Current place of detention:** Xinjiang Women's Prison in Urumqi

**Details of trial:** Imin was handed down a life imprisonment sentence for 'splittism, leaking state secrets and organising an illegal demonstration' by the Urumqi Intermediate Court on 1 April 2010. According to reports, this sentence relates to allegations that she used Salkin to disseminate information leading up to protests on 5<sup>th</sup> 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 2018.

**Professional background:** Imin published poems and short stories on various Uyghur websites. She became the moderator for the Uyghur language website Salkin; after Imin's arrest the website was reportedly shut down and all of its content was deleted.

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

**Awards:** Recipient of 2012 Hellman/Hammett Award

**Honorary Member:** ICPC

#### Hailaite NIYAZI (aka Hairat or Gheyret Niyaz)

**Gender:** Male

**Profession:** Freelance journalist and former editor of the website Uyghur Online ([www.uighurbiz.net](http://www.uighurbiz.net)).

**Date of birth:** 14 June 1959

**Sentence:** 15 years in prison

**Expiry of sentence:** 2024

**Type of legislation:** National security

**Date of arrest:** 1 October 2009

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

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

**Details of trial:** Niyazi was convicted by the Urumqi Intermediate People's Court on charges of 'endangering national security' on 23 July 2010. Essays written by Niyazi highlighting mounting ethnic tension in the region prior to the riots and interviews he gave to Hong Kong media after the violence were reportedly used by the prosecution as evidence. His appeal was rejected. The state of Niyazi's health and the conditions under which he is being held were unknown as of 31 December 2018.

**Professional 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](http://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

**Gender:** Male

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

**Date of birth:** 25 October 1969

**Sentence:** Life imprisonment

**Type of legislation:** National security

**Date of arrest:** 15 January 2014

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

**Details of trial:** Tohti was formally charged with 'splittism' in July 2014; he was sentenced to life imprisonment and confiscation of all his property on 23 September 2014 after a two-day trial. Tohti denied the charges. There are reports that during the trial, materials were shown representing Tohti's views on the Uyghur minority and China's policies. Some of the material had been downloaded from his website and teaching papers. The prosecutor also reportedly added that Tohti had 'internationalised' the Uyghur issue by translating articles and essays about the Xinjiang region for his website, and by providing interviews to international media. On 21 November 2014, the Xinjiang's high court rejected Tohti's appeal against the conviction and upheld the life sentence. In October 2015, Tohti reportedly called on his family to engage lawyers and lodge an appeal for him through the Chinese judicial system.

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

**Conditions in detention:** 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.

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

**Other information:** A number of people associated with Uyghur Online, a website dedicated to the promotion of understanding between ethnic Uyghurs and Han Chinese, have faced similar harassment. **Hailaite Niyazi** is serving a 15-year prison sentence for 'endangering national security' following his conviction on 23 July 2010 (see above). Tohti reportedly faced continued harassment on the part of the Chinese authorities over the course of

2013 (see 2013 [Case List](#)). Seven of his students, **Perhat Halmurat, Shohret Tursun, Abdukeyum Ablimit, Akbar Imin, Mutellip Imin, Atikem Rozi, and Luo Yuwei** were arrested around the same time as Tohti. Halmurat and Tursun were reportedly formally charged with 'splittism' while Ablimit was charged with 'revealing state secrets' on 24 February 2014. They are thought to be held in a detention centre in Urumqi, however their exact location, as well as the locations of Imin, Mutellip Imin, Rozi, and Yuwei remain unknown.

**Awards:** Recipient of 2014 PEN/Barbara Goldsmith Freedom to Write Award; Ismail Gaspriali 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 American Center, Danish PEN, ICPC, and Japanese PEN.

**PEN Action:** Press statement 23 September 2014; [open letter](#) 28 February 2014; [RAN 03/14](#) – 31 January 2014; [RAN 03/14 Update #1](#) – 27 February 2014; Empty Chair at PEN's 80<sup>th</sup> Congress in Bishkek, Kyrgyzstan; subject of PEN [resolution](#) adopted at the 80th Congress; 2015 International Mother Language Day case; [statement 11 October 2016](#). ; [Open petition to President Xi Jinping – 8 December 2016](#); [RAN 24/16](#) – 7 December 2016; [World Press Freedom Day – 3 May 2017](#); [Mother Language Day – 21 February 2018](#)

## IMPRISONED: Investigation

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

**Gender:** Male

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

**Date of birth:** February 1965

**Sentence:** 15 years' imprisonment

**Expiry of sentence:** 2031

**Type of legislation:** Unknown

**Date of arrest:** April 2016

**Details of arrest:** Hasan was [reportedly](#) arrested in April 2016. According to [reports in Radio Free Asia](#) dated June 2016, Aksu (Akesu) prefecture's Commission for Discipline Inspection announced on its website that Hasan had been expelled from the Communist Party and was under investigation. The Commission reportedly accused him of writing essays attacking the party and government's ethnic or religious policies in Xinjiang, distorting the history of Xinjiang, instigating ethnic hatred, and opposing

China's unity or territorial integrity. In September 2016, friends of Hasan reportedly contacted the World Uyghur Congress to say that neither they nor his family members had been informed of his whereabouts or any charges laid against him.

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

**Place of detention:** Aksu Prison, Aksu prefecture, according to CPJ

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

## Yolqan ROZI

**Gender:** Male

**Profession:** Writer

**Sentence:** 15 years

**Type of legislation:** Sedition

**Date of arrest:** October 2016

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

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

**Place of detention:** Unknown

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

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

## DETAINED: Investigation

### Abdurahman ABEY

**Gender:** Male

**Profession:** Publisher and Communist Party official

**Date of birth:** c. 1953

**Date of arrest:** July 2018

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

**Professional background:** Abdurahman Abey reportedly had a 40-year career in writing and publishing in the Xinjiang Uyghur Autonomous Region (XUAR), serving as director of the official Xinhua Bookstore, and from 2005-2015 as director and Communist Party deputy secretary of the Xinjiang People's Publishing House.

### Chimengül AWUT

**Gender:** Female

**Profession:** Poet

**Date of birth:** c. 1973

**Type of legislation:** Unknown

**Date of arrest:** July 2018

**Details of arrest:** Awut was [reportedly arrested](#) in July 2018 and sent to a political re-education camp in connection with her involvement in editing *Golden Shoes*, a 2015 novel by Uyghur writer Halide Isra'il. She is thought to still be under investigation.

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

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

### Ablajan Awut AYUP (popularly known as Ablajan)

**Gender:** Male

**Profession:** Musician

**Date of birth:** 1984

**Type of legislation:** Unknown

**Date of arrest:** 15 February 2018

**Details of arrest:** Ablajan was reportedly taken into custody by state security agents on 15 February 2018 on his way home following a recording trip in Shanghai. No reason was given for his detention and his family are not thought to have been informed of any charges against him.

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

**PEN Action:** RAN 04/18 – 21 June 2018

## Rahile DAWUT

**Gender:** Female

**Profession:** Academic

**Date of birth:** c. 1966

**Type of legislation:** Unknown

**Date of arrest:** Thought to be January 2018

**Details of arrest:** Dawut was reportedly last heard from in December 2017 when she informed a relative of her intention to travel to Beijing from Urumqi, according to the *New York Times*. She has not been heard from since. She is thought to be being held in a political re-education camp. No further information as of 31 December 2018.

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

## Abduqadir JALALEDDIN

**Gender:** Male

**Profession:** Poet and academic

**Type of legislation:** Unknown

**Date of arrest:** 29 January 2018

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

**Place of detention:** Jalaeddin is thought to be being held in a political re-education camp. No further information as of 31 December 2018.

**Professional background:** Jalaeddin is a poet and

professor of literature at Xinjiang Pedagogical University in Urumqi.

## Abdukerim RAHMAN

**Gender:** Male

**Profession:** Academic

**Date of birth:** c. 1941

**Type of legislation:** Unknown

**Date of arrest:** January 2018

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

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

## India

### KILLED: Impunity

## Dr Malleshappa Madivalappa KALBURGI

**Gender:** Male

**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:** The Central Bureau of Investigation continues to investigate the case. According to 31 August 2017 reports, Dr Kalburgi's family had lost all faith in the ongoing investigation. The family reportedly told the *New Indian Express* that they had not been contacted by investigators in seven months. According to Scroll.in, the chief minister of Karnataka asked the crime investigation department to fast-track the investigation.

**Update:** Kalburgi's wife subsequently petitioned the court to investigate any links between the murder of

her husband and those of Govind Pansare, Narendra Dabholkar, and Gauri Lankesh. Evidence reportedly indicated that the same gun was used to kill both Kalburgi and Lankesh. On 11 December 2018, the Karnataka police were given permission to investigate whether there is a link between Kalburgi's murder and that of Lankesh. Indeed, the Supreme Court reportedly asked the Central Bureau of Investigation to explain why the murders of Kalburgi, Pansare, Dabholkar, and Lankesh should not be investigated jointly by January 2019.

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

**Awards:** Recipient of 2006 Sahitya Akademi Award

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

## Govind PANSARE

**Gender:** Male

**Profession:** Politician and author

**Date of birth:** 24 November 1933

**Date of death:** 20 February 2015

**Perpetrator:** Non-state

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

**Details of investigation:** On 28 February 2015, the police reportedly announced a reward for information in relation to the killing; this monetary incentive was subsequently increased in March 2015. Similarities were highlighted between this case and that of the 2013 killing of rationalist and editor of the weekly Marathi-language magazine *Sadhana (Spiritual Devotion)*, **Narendra Dabholkar** (see previous Case Lists). 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 and four associates were arrested. However, due to a lack of evidence, the investigative team did not pursue their enquiry. According to reports in early 2017, the investigation team began re-questioning the leader of Sanatan Sanstha. This is part of an ongoing search for two individuals who are believed to be connected with the group and the killings of Pansare and Dabholkar. In June 2017, Samir Gaikwad, alleged to be a member of Sanatan Sanstha, was reportedly accused of being a co-conspirator and actor in the death of Pansare along with other Sanatan Sanstha activists. He was granted bail two days later on 17 June. In July 2017, the

local state government and Pansare's daughter-in-law reportedly filed applications in the high court challenging the lower court's decision to grant bail to Gaikwad. In December 2017, a special search operation was reportedly set up to apprehend two others suspected of involvement in Pansare's murder.

**Update:** In December 2018, police in Maharashtra reportedly arrested two more individuals in connection with Pansare's killing. One of the individuals has also been under investigation for the killing of journalist Gauri Lankesh.

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

## DETAINED: Investigation

### P Varavara RAO

**Gender:** Male

**Profession:** Poet, writer, activist

**Date of birth:** c. 1940

**Type of legislation:** National security

**Date of arrest:** 28 August 2018; 17 November 2018

**Date of release:** 29 August 2018

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

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

**Details of release:** Rao was released on 29 August 2018 and placed under house arrest, until his re-arrest in November 2018.

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

**Publications:** Rao's poetry collections include:

*Chali Negallu (Camp Fires, 1968), Jeevanaadi (Pulse, 1970), Ooregimpu (Procession, 1973), Swechcha (Freedom, 1978), Samudram (Ocean, 1983), Bhavishyathu Chitrapatam (Portrait of the Future, 1986), Muktakantam (Free Throat, 1990), Aa Rojulu (Those Days, 1998), Unnadado Unnattu (As it is, 2000), Dagdhamauthunna Bagdad (Burning Bagdad, 2003), Mounam Oka Yuddhaneram (Silence is a War Crime, 2003), Antassootram (Undercurrent, 2006), Telangana Veeragatha (Legend of Telangana, 2007), Palapitta Paata (Song of Palapitta, 2007) and Beejabhoomi (Field of Seeds, 2014).*

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

## ON TRIAL

### G. BALAKRISHNAN (aka G. Bala)

**Gender:** Male

**Profession:** Cartoonist and journalist

**Type of legislation:** Defamation/insult

**Date of arrest:** 5 November 2017

**Date of release:** 6 November 2017

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

**Update:** On 5 April 2018, the Madras High Court threw out what appears to be a separate defamation suit filed against G. Bala in relation to his political cartoons. In its observations, the court stated that a cartoonist must be able to work without any inhibition and he is entitled to greater latitude. PEN is seeking an update on the original case.

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

**Other information:** The cartoon in question depicts the Chief Minister, the Police Commissioner and the District Collector of the city of Tirunelveli, who are shown nude, covering their genitals with bundles of cash, watching

as a child’s body burns in the foreground. According to media reports, G. Bala sought to criticise the authorities for failing to prevent the recent death by self-immolation of a family facing large debts.

### Arun FERREIRA

**Gender:** Male

**Profession:** Writer, cartoonist, lawyer

**Type of legislation:** National security

**Date of arrest:** 28 August 2018

**Date of release:** 29 August 2018

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

**Details of trial:** According to Amnesty India, Ferreira’s petition for bail was rejected by the Pune Sessions Court on 26 October 2018; his request to extend his house arrest was also rejected, as such he was remanded into custody until 6 November 2018. No further information as of 31 December 2018.

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

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

### Vernon GONSALVES

**Gender:** Male

**Profession:** Writer and academic

**Type of legislation:** National security

**Date of arrest:** 28 August 2018

**Date of release:** 6 November 2018

**Details of trial:** Gonsalves was reportedly one of several writers and activists arrested under the Unlawful Activities (Prevention) Act (UAPA) and several sections of the Indian Penal Code as part of a coordinated nationwide raid led by the Pune police on charges arising from evidence of their ‘involvement in inciting violence’ on 31 December

2017. Gonsalves was said to have been arrested from his home in Mumbai.

**Details of trial:** According to Amnesty India, Gonsalves's and Arun Ferreira's petition for bail was rejected by the Pune Sessions Court on 26 October 2018; his request to extend his house arrest was also rejected, as such he was remanded into custody until 6 November 2018. No further information as of 31 December 2018.

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

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

## Gautam NAVLAKHA

**Gender:** Male

**Profession:** Writer, journalist, and human rights activist

**Type of legislation:** National security

**Date of arrest:** 28 August 2018

**Date of release:** 1 October 2018

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

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

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

## S. SIVIDAS (pen name: Kovan)

**Gender:** Male

**Profession:** Folk singer

**Date of birth:** c. 1963

**Type of legislation:** Other

**Date of arrest:** 13 April 2018

**Date of release:** 13 April 2018

**Details of arrest:** Kovan was reportedly arrested by the Tiruchi City Police on charges of promoting enmity between groups (153A of the Indian Penal Code) and criminal intimidation (506 of the IPC) for denigrating the prime minister through a song. Kovan's song – performed at a protest on 24 March – reportedly mocked a recent pilgrimage dedicated to supporting the construction of a temple on disputed land in Ayodhya. The song is reported to have gone viral on social media. No further details; as of 31 December 2018, the case had neither progressed nor been dropped.

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

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

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

## Anand TELTUMBDE

**Gender:** Male

**Profession:** Academic and writer

**Type of legislation:** National security

**Details of trial:** According to media reports, Teltumbde's home was raided on 28 August 2018 in his absence; the same time that several writers and activists (see **Vernon Gonsalves, Arun Ferreira, Gautam Navlakha, P Varavara Rao** above) were arrested. According to Teltumbde's account, the police had threatened a security guard to get the keys, and had disconnected landlines and taken away the mobile phones of security personnel. He was not arrested at the time of the incident. According to PEN Delhi, Teltumbde's name was added to a First Information Report implicating him in inciting violence during Bhima Koregaon meetings. No further information as of 31 December 2018.

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

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

*Perspectives for Understanding Communal Praxis* (ed., 2005). [Stop press: On 14 January 2019, the Supreme Court reportedly rejected Teltumbde's appeal to have the case against him quashed.]

## Aseem TRIVEDI

**Gender:** Male

**Profession:** Cartoonist

**Date of birth:** 17 February 1987

**Type of legislation:** National security/defamation

**Details of trial:** Trivedi has been on trial since 2012 on charges of sedition and defaming national symbols in his cartoons. On 12 November 2017, Trivedi was reportedly notified by police that his presence was required in court that day. He later received a phone call informing him that his presence was in fact not required and that the court would be filing a charge sheet relating to the ongoing case. In a tweet, Trivedi later stated that he was being charged under the National Emblem Act 1971, and that a hearing was scheduled for 22 January 2018.

**Update:** On 27 August 2018, Trivedi tweeted that little progress had been made in the trial and that his next hearing was scheduled for 27 March 2019.

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

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

## Swathi VADLAMUD

**Gender:** Female

**Profession:** Journalist and cartoonist

**Type of legislation:** Other

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

**Professional background:** Vadlamud is a journalist and cartoonist who works at the bureau of *The*

*Hindu* newspaper in Hyderabad, the capital of the southern state of Telangana.

## HARASSED

### Rana AYYUB

**Gender:** Female

**Profession:** Writer and investigative journalist

**Date of birth:** 1 May 1984

**Date of harassment:** 22 April 2018

**Perpetrator:** Non-state actors

**Details of harassment:** A twitter account, using the name of Republic TV, attributed a fake tweet to Ayyub in which she purportedly defended child rapists, calling them 'human' and said that Muslims were not safe in India. The twitter account has since been proven to be fake by the website AltNews. The tweet, however, circulated widely; it has been translated into Hindi and shared with thousands on social media. As a result, Ayyub was the victim of trolling; her face was photoshopped onto those of women in pornographic videos and she was reportedly threatened with gang rape if she failed to stop 'talking against Hindus and (Narendra) Modi'. Moreover, her address and personal telephone number were made available in the media.

**Details of investigation:** At the end of April, Ayyub filed a complaint against unknown persons for posting fake tweets in her name. Police registered it as a criminal case.

**Professional background:** Ayyub is a writer and journalist. She is the author of the award-winning book, *Gujarat Files: Anatomy of Cover Up*, which focuses on the organised violence against Muslims in Gujarat in 2002.

**PEN Action:** Statement – 1 May 2018

## S. HAREESH

**Gender:** Male

**Profession:** Writer

**Date of birth:** c. 1975

**Date of harassment:** July 2018

**Perpetrator:** Non-state

**Details of harassment:** Following the publication of the third instalment of the serialisation of his debut novel *Meesa (Moustache)* in the weekly newspaper *Mathrubhumi*, Hareesh and his family began to receive threatening messages over the phone and on social media. His aggressors took offence to a conversation which they felt insulted Hindu women and priests. The excerpt was reportedly taken out of context and shared widely on social media. As a result of the harassment, Hareesh asked Mathrubhumi to suspend the serialisation. Media reports indicate that copies of the book were burned in protest after it was published by DC Books.

**Professional background:** Hareesh is an award-winning

Malayalam-language writer whose stories address issues of caste and social issues. In 2016, he was awarded the Kerala Sahitya Akademi Award for his collection of short stories, *Aadam*, several of which have served as inspiration for the recent film *Aedan*.

**Publications:** Short story collections – *Rasavidhyayude Charitram (The History of Alchemy)* (2005), *Modasthathanayangu Vasippu Malamele (Lives like a Mound, with Gay Abandon)*, *Aadam* (2016), *Appan (Father)* (2018). His first novel, *Meesa (Moustache)* – originally serialised in the weekly newspaper *Mathrubhumi* – was published in 2018 by DC books (excerpts of his novel, translated into English by Santosh Alex, can be [read here](#)).

## Damodar MAUZO

**Gender:** Male

**Profession:** Writer, script writer

**Date of birth:** 1 August 1944

**Date of harassment:** July 2018

**Perpetrator:** Non-state

**Details of harassment:** In July 2018, it was [reported](#) that the Special Investigation Team of Karnataka Police investigating the 2017 murder of journalist, [Gauri Lankesh](#), had received intelligence that Mauzo was listed as another potential target. The Goa police have provided Mauzo with a security detail.

**Professional background:** Damodar Mauzo is a Konkani-language novelist and short fiction writer, scriptwriter, and critic, and member of PEN South India. His novels have been translated into English, various Indian languages, Portuguese, and French. Katha published a collection of his stories, *These Are My Children*, which was released at Paris Book Fair; while Rupa Publications' *Teresa's Man* was first released at the Frankfurt Book Fair. In 2015, *Teresa's Man* was nominated for the prestigious Frank O'Connor International Prize. He was awarded the Sahitya Akademi Award in 1983 for the novel *Karmelin*. He is the co-founder and co-curator of the Goa Art and Literary Festival, an annual event that was started in 2010.

**Other information:** Mauzo has been an outspoken critic of the presence of the headquarters of Sanathan Santha – a right-wing organisation that has been accused of involvement in the murders of rationalists Narendra Dabholkar and Govind Pansare – in Goa state.

## Priyanka PATHAK-NARAIN

**Gender:** Female

**Profession:** Writer

**Date of harassment:** 4 August 2017

**Perpetrator:** Non-state

**Details of harassment:** On 4 August 2017, the Karkardooma District Court in Delhi approved an order prohibiting the publication and sale of *Godman to Tycoon: The Untold Story of Baba Ramdev*, without hearing the defence of either the book's publisher or author, in order

to avoid 'the delay which would be caused during the process of serving the notice and hearing the defendants', [according to the book's publisher, Juggernaut](#).

**Update:** On 28 April 2018, a Delhi court [lifted the ex-parte interim injunction](#) on the publication and sale of *Godman to Tycoon: The Untold Story of Baba Ramdev*. However, the injunction was promptly restored by the Delhi High Court. Following an appeal by Juggernaut to the Supreme Court, the Supreme Court asked the Delhi High Court to decide on the plea. The Delhi High Court ruled to prohibit the publication on 29 September 2018, stating that portions of the book were defamatory, [according to media reports](#). The publisher's appeal is expected to be heard in February 2019.

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

**PEN Action:** [Statement – 17 August 2017: featured in PEN's publication India: Pursuing truth in the face of intolerance](#)

## Viaramuthu RAMASAMAY (known as Viaramuthu)

**Gender:** Male

**Profession:** Poet, lyricist, novelist

**Date of birth:** c. 1953

**Date of harassment:** 15 January 2018

**Perpetrator:** State and non-state

**Details of harassment:** According to [media reports](#), hundreds of people gathered to protest remarks Viaramuthu made about Andal. In a speech delivered at the Srivilliputhur Andal Temple, Viaramuthu made reference to an American study that suggests that Andal – a seventh century mystic poet, the only woman among 12 Tamil poet-mystics called the Alvars – had belonged to the *Devadasi* community - a term referring to female servants of God and has come to be associated with sex slavery. The Devadasi system was a religious practice in parts of South India in which a girl was married to the temple deity and was expected to serve the deity for the rest of her life. A widely-circulated Tamil newspaper, *Dinamani*, reportedly [faced criticism](#) after it published the text of Viaramuthu's speech, leading it to remove the article from its website and issue an apology. Viaramuthu issued a public apology for any offense caused.

**Professional background:** Viaramuthu is a prominent and award-winning Tamil poet and lyricist, whose lyrics have been used in many films. He has won, among other awards, the Sahitya Academy Award in 2003.

## Hansda Sowendra SHEKHAR

**Gender:** Male

**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.

**Update:** Shekhar reports that his suspension was lifted in June 2018 and that he began work at his new posting in July 2018. His latest book *Jwala Kumar and the Gift of Fire: Adventures in Champakbagh* – a novel for children – was published by Speaking Tiger in August 2018, while his collection of short stories, *My Father's Garden* was published in December 2018.

**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

## Kureepuzha SREEKUMAR

**Gender:** Male

**Profession:** Poet

**Date of birth:** 10 April 1955

**Date of attack:** 5 February 2018

**Perpetrator:** Non-state

**Details of attack:** Sreekumar was reportedly targeted by a group of right-wing supporters on his way home from delivering a speech at a local library in Kollam, Kerala state. The aggressors are said to have his car and shouted at him. Press reports say that during his speech, Sreekumar criticised Hindutva groups for their stand

on the construction of a 'caste wall' at Vadayampady. Six Rashtriya Swayamsevak Sangh (RSS) workers were arrested on 6 February 2018. According to Mathrubhumi, the ruling Bharatiya Janata Party (BJP) state president denied the involvement of either the BJP or the RSS in the incident. Instead, the BJP has requested legal action be taken against Sreekumar for attempting to promote communal violence, according to Mathrubhumi.

**Professional background:** Sreekumar is an award-winning Malayalam-language poet whose works include *Habibinte Dinakkurippukal*, *Sreekumarinte Dukkangal*, *Rahulan Urangunnilla*, *Amma Malayalam*, *Keezhaalan* – for which he won the Kerala Sahitya Akademi Award for Poetry in 2011 – and *Suicide Point*. In 2003, he was awarded the Kerala Sahitya Akademi Sree Padmanabhaswamy Award for Best Work in Children's literature for *Penangunni*. However, he reportedly rejected it owing to the fact that the award was named after a Hindu god and thus straying from the Akademi's secular principles.

## Nandini SUNDAR

**Gender:** Female

**Profession:** Writer, academic and activist

## Archana PRASAD

**Gender:** Female

**Profession:** Author and academic

**Date of harassment:** 7 November 2016

**Perpetrator:** Non-state

**Details of harassment:** According to Sundar, Bastar police filed a First Information Report accusing her, Prasad, and nine others, including former journalist Vineet Tiwari, of the murder of Sharnath 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 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 of 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'. In October 2016, police and security forces in Chhattisgarh reportedly burnt effigies of activists, including Sundar. 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 Master's 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.

**Professional backgrounds:** Sundar is a professor of sociology at Delhi University and the author of several books, including her most recent, *The Burning Forest: India's War in Bastar* (Juggernaut Press, 2016), about the Maoist conflict in the region, is reported to shed light on alleged police atrocities. 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.

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

## CASE CLOSED

### Durai GUNA

**Gender:** Male

**Profession:** writer

**Date of arrest:** 10 June 2016

**Details of trial:** Guna was reportedly charged with assault and remanded in 15-days judicial custody and 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. No further information as of 31 December 2018.

**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. **Other information:** 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.

**Case closed:** No further information. See Case List 2017 for more background.

### Kamalsy NAJMAL (previously known as Kamal C CHAVARA, pen name: Kamalsy Prana)

**Gender:** Male

**Profession:** Malayalam writer and theatre activist

**Type of legislation:** National security

**Date of arrest:** 18 December 2016

**Date of release:** 20 December 2016

**Details of arrest:** Chavara was suspected of insulting the national anthem in a Malayalam-language Facebook post, thought to be an excerpt from his 2015 novel *Smashanangalude Nottu Pusthakam (Notebook of Cemeteries)*.

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

**Details of trial:** Chavara was reportedly charged with sedition under Section 124 (A) of the Indian Penal Code when he was 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. According to media reports, the sedition charge has been dropped.

**Professional 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. (For further details see 2017 Case List.)

## Malaysia

### RELEASED

#### Zulkifli Anwar ULHAQUE (also known as ZUNAR)

**Gender:** Male

**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 faced a total of nine charges and up to 43 years in prison. One investigation related 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 sought to challenge the constitutionality of the Sedition Act.

**Update:** On 30 July 2018, it was widely reported that the Malaysian authorities had dropped all nine charges.

**Professional 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 has faced regular harassment since 2009 (for more information please see previous Case Lists).

**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

## Myanmar

### IMPRISONED: Main Case

#### Wa Lone

**Gender:** Male

**Profession:** Journalist and author

#### Kyaw Soe Oo

**Gender:** Male

**Profession:** Journalist and poet

**Date of arrest:** 12 December 2017

**Sentence:** Seven years in prison

**Expiry of sentence:** December 2024

**Type of legislation:** Other (official secrets)

**Details of arrest:** Wa Lone and fellow Reuters journalist Kyaw Soe Oo were arrested on 12 December 2017. Prior to their arrest, the pair had been investigating the ethnic violence in Myanmar's Rakhine state, which contributed to a [Reuters exposé](#) released in February 2018.

**Details of trial:** After weekly pre-trial hearings, the court announced that the case would proceed to trial in July 2018. On 3 September 2018, Wa Lone and Kyaw Soe Oo were sentenced to seven years in prison for breaching [section 3.1.c of the Official Secrets Act](#) by allegedly obtaining confidential documents during their reporting. Wa Lone and Kyaw Soe Oo have maintained that they were framed by the police in retaliation for their coverage of ethnic violence in Rakhine state. The Judge reportedly indicated that their time in detention would count towards their sentence. Their defence lawyers are thought to have [filed an appeal](#) against their conviction in November 2018.

**Fair trial concerns:** [Hearings](#) revealed not only a lack of evidence against the two journalists—the documents they are accused of wrongfully possessing are not secret, and there is no evidence of their intent to harm the country—but also included [testimony](#) from a police officer that they were deliberately framed by authorities in a set-up.

**Place of detention:** Insein Prison, Yangon

**Professional background:** Wa Lone is the author of several books for children, including *The Gardener* (2015) and *Jay Jay the Journalist* (2018), which he wrote from his prison cell. In 2014, Wa Lone reportedly founded Third Story Project, a social enterprise with the purpose of producing and distributing books to disadvantaged children across Myanmar free of charge. Each of his books has been [published through the Third Story Project](#). Prior to becoming a journalist, Kyaw Soe Oo composed poetry. Both Wa Lone and Kyaw Soe Oo are journalists with Reuters who worked on a story covering the conflict in Rakhine state and resulting [humanitarian crisis](#). A UN fact-finding mission found evidence that [crimes against humanity](#) had been carried out against the resident ethnic communities, including the Rohingya.

Previously, between 2014–2016, Wa Lone had worked for the *Myanmar Times*, covering stories relating to internal conflicts and the 2015 elections.

**Awards:** 2018 PEN/Barbey Freedom to Write Award

**[STOP PRESS:** On 11 January 2019, the Yangon Regional Court rejected Wa Lon and Kyaw Soe Oo's appeal. They are expected to appeal before the Supreme Court.

## Philippines

### THREATENED

#### Maria Josephina Vergina 'Jover' LAURIO

**Gender:** Female

**Profession:** Writer and blogger

**Date of threat:** 31 January 2018

**Perpetrator:** Unknown

**Details of threat:** Since her identity as a blogger writing on criminality was revealed in October 2017, Laurio has reportedly faced a barrage of threats, including threats of rape. On 3 January 2018, the *Philippine Daily Inquirer* reported that Laurio had been moved to a temporary safe house after an unidentified man, claiming to be from a telecommunications company, appeared at her home. The man proceeded to take photographs of the apartment and ask probing questions about Laurio. The telecommunications company later confirmed that they had not sent anyone to the house.

**Professional background:** Laurio reportedly began posting commentary about Filipino current affairs, including the war on drugs on Facebook in December 2016 in which she also challenged 'fake news' and championed evidence-based reporting. In February 2017, she launched the blog [pinoyakoblog.com](http://pinoyakoblog.com), reportedly writing anonymously until her [identity was revealed](#) in October 2017. As a result, she began receiving threats. On 6 January 2018, Laurio [published a collection of her top 100 blogs](#) from 2017 as a book entitled *Resibo*.

**Awards:** Named one of the *Philippine Daily Inquirer's* voices of the year 2017

## Thailand

### KILLED: Impunity

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

**Gender:** Male

**Profession:** Poet

**Date of death:** 23 April 2014

**Perpetrator:** Unknown

**Details of death:** Kunthee was shot several times by unknown assailants who had approached his car at a restaurant parking lot in northern Bangkok. The gunmen escaped on a motorcycle. Kunthee, aged 45, died in hospital. The motive for Kunthee's murder is not known, although it is thought that he may have been targeted for his activism amidst the escalating political violence in the country at the time.

**Details of investigation:** On 24 July 2014, police issued arrest warrants for two individuals suspected of his killing. No further information as of 31 December 2018.

**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 Kornaroot (Pen name: Rung Sila)

**Gender:** Male

**Profession:** Poet

**Date of birth:** c. 1963

**Type of legislation:** Defamation/insult

**Date of arrest:** 24 June 2014

**Details of arrest:** On 1 June 2014, the National Council for Peace and Order (NCPO) listed Siraphop's name among those who should present themselves to military

camps for ‘attitude adjustment’ under order No. 44/2557. Siraphop refused and attempted to flee the country and claim asylum. 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 re-arrested by the Technology Crime Suspension Division office and interrogated for violating Article 112 of the Criminal Code (lèse majesté) and Section 14 of the Computer-related Crime Act. Siraphop pleaded not guilty, 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 cooperation 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. On 15 November 2017, the Military Court in Bangkok again postponed trial as a witness failed to appear in court.

**Update:** On 5 November 2018, the Bangkok Military Court reportedly denied Siraphop’s bail petition. According to the *Bangkok Post*, the case has so far only heard from two of 10 witnesses, heightening concerns that the case could be protracted. No further information as of 31 December 2018.

**Background:** The arrest on charges of violating Article 112 of the Criminal Code (lèse majesté) and the Computer-related Crime Act relate to a report filed to the police on 30 June 2014 alleging that three writings Siraphop had posted on Facebook and a poem published on *Prachathai* newspaper’s webpage were considered offensive to the late Thai King Bhumibol Adulyadej, who died on 13 October 2016. Siraphop regularly wrote articles critical of the government. He continues to write poetry in prison.

## RELEASED

### Andy HALL (UK national)

**Gender:** Male

**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 the Finnish NGO FinnWatch published his investigative report on alleged abuses committed by the Natural Fruit Company Limited, a fruit processing company in Thailand. 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 appeals court upheld its 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.

**Update:** On 31 May 2018, the Thai Appeals Court quashed his conviction and overturned his sentence. Two civil complaints by Natural Fruit, who are reportedly demanding c. US\$ 12 million in damages, are still pending. In March 2018, a Thai court ordered Hall to pay 10 million baht (approx. US\$ 312,000) in damages to Natural Fruit Company following his conviction in one of the civil defamation cases. Hall’s legal team filed an appeal against his conviction in September 2018.

**Countersuits:** In May 2017, Hall, who has since left Thailand, announced his intention to sue Thai authorities for wrongful prosecution and harassment. On 31 May, 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. 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.

**Update:** On 2 July 2018, [Hall reported](#) that the Thai Appeals Court for Corruption and Misconduct Cases had dismissed his countersuits on 9 May 2018. He also reported that his civil case against the Natural Fruit Company had also been dismissed in May 2018.

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

## Sulak SIVARASKA

**Gender:** Male

**Profession:** Writer, academic, activist

**Date of birth:** 27 March 1933

**Type of legislation:** Defamation/insult

**Details of trial:** On 9 October 2017, Sivaraksa was taken before a military tribunal and informed that an almost three-year investigation into the charges of lèse-majesté had been concluded. He was released the same day. 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.

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

**Background:** Sulak Sivaraksa 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. According to the [International Network of Engaged Buddhists](#), an organisation co-founded by Sivaraksa in 1989, he follows ‘engaged Buddhism,’ which ‘integrates the practice of Buddhism with social action for a healthy, just, and peaceful world.’ 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](#)

## CASE CLOSED

### Bandit ANEEYA (also known as Jueseng Kwao)

**Gender:** Male

**Profession:** Writer and translator

**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.

**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. 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. No further information as of 31 December 2018.

**Health concerns:** According to reports, Aneeya is of fragile physical health and has a history of mental illness.

**Case closed:** Case closed due to lack of information (for more information see [2017 Case List](#)).

### Harit MAHATON

**Gender:** Male

**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 stand accused of being involved in the making and dissemination of commentary on the parody Facebook page ‘We Love General Prayuth’.

**Details of trial:** Mahaton faces charges of sedition under Article 116 of the Penal Code, violating the 2007 Computer Crimes 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. No further information as of 31 December 2018.

**Case closed:** Case closed due to lack of information.

## Vietnam

### IMPRISONED: Main Cases

#### TRAN Anh Kim

**Gender:** Male

**Profession:** Writer, dissident, and former army officer.

**Date of birth:** 15 August 1949

**Sentence:** 13 years in prison

**Type of legislation:** National security

**Date of arrest:** 21 September 2015

**Expiry of sentence:** September 2028

**Type of legislation:** national security

**Details of arrest:** Authorities are thought to have charged Tran under Article 79 of the Criminal Code (carrying out activities aimed at overthrowing the people's administration). Reports state that his laptop, mobile phone, and some files were taken from his residence.

**Place of detention:** Prison No. 5, Thanh Hoa province

**Details of trial:** On 16 December 2016, Tran was reportedly sentenced to 13 years in prison to be followed by four years of house arrest by the Thai Binh People's Court. In May 2017, an appeals court reportedly upheld Tran's sentence. In August 2017, it was reported that Tran had been transferred to a prison far from home and without prior notice to his relatives.

**Health concerns:** In December 2017, Tran's wife reported her husband to be 'very thin and weak' due to severe prostatitis and chronic headaches. She stated that he was waiting for approval to be transferred to a hospital from prison.

**Update:** In May 2018, Amnesty International reported that Tran's health had deteriorated considerably. Although it was reported that he had received surgery to address his prostate infection, his condition had not improved. In addition, his wife also reported that his ongoing headaches have worsened whilst imprisoned, he has lost almost all sight in one of his eyes, and lost most of his teeth, causing him difficulty when eating.

**Background:** Tran is the author of more than 85 articles and essays focusing on government corruption, human rights abuses, and social injustice. His most prominent works include the essays 'Letter of confidence' and 'A wise leader'. He was a member of the editorial board of the underground journal *Fatherland*. Tran was first arrested in 1991: he was briefly detained and accused of 'abuse of power to steal public wealth'. He was arrested again in 1994 and sentenced to two years in prison. He was released after one year. Tran was also arrested in July 2009 for his pro-democracy activities: on 7 January 2015, he was released from prison under a probationary detention of three years after completing a five-and-a-half-year prison term.

**Other information:** Tran is secretary of the banned Vietnamese Democratic Party and member of the banned democracy movement known as Bloc 8406.

**Awards:** Recipient of the 2009 Hellman/Hammett Award

**PEN Action** RAN 49/09 - 15 September 2009

#### TRAN Huynh Duy Thuc (pen name: Tran Dong Chan)

**Gender:** Male

**Profession:** Businessman, poet, and internet writer

**Date of birth:** 29 November 1966

**Sentence:** 16 years in prison and three years of probationary detention.

**Expiry of sentence:** 23 May 2025

**Type of legislation:** National security

**Date of arrest:** 24 May 2009

**Details of arrest:** According to reports, Tran was arrested at his home by the Security Agency and was originally charged with 'conducting propaganda against the Socialist Republic of Viet Nam' under article 88-1(c) of the Criminal Code. There are reports that in August 2009, Tran was compelled to make a public 'confession'.

**Current place of detention:** On 7 May 2016, Tran was reportedly moved from Xuyên 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 Môt 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.

**Conditions in detention:** In March 2017, Tran's family stated that he was being kept in a dark cell and had been denied reading materials. His family expressed fear that his eyesight was failing and repeated concerns about a lack of electricity at the prison. In April 2017, Tran's family were reportedly permitted to visit him in prison. They were allowed to see him for one hour in a special room through a thick glass screen, communicating through a speakerphone. Their conversations were

monitored and recorded under the supervision of about 10 superintendents. They stated that torches, reading materials, and letters from family they had sent to Tran had been returned, often without explanation. Tran was reported to be in good health.

**Background:** Tran began his career running several IT businesses. Reportedly he gained an awareness of the corruption endemic in the country's economic environment which fed into his activism; advocating democratic reform and promoting respect for human rights in Vietnam. He is the founder of the Studies Group for Improving and Promoting 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 Vietnam, as well as his poems. He is said to be the co-author of the clandestine book *The Way for Viet Nam*. At the time of his 2009 arrest, Tran was reportedly in the process of writing a book entitled *Hewing Quest for Democracy and Prosperity*.

**Awards:** Recipient of the 2013 Viet Nam Human Rights Network Prize

## DETAINED: Main Case

### DANG Phuc Tue (religious name: Thich Quang Do)

**Gender:** Male

**Profession:** Buddhist monk, writer, scholar. Secretary General of the outlawed Institute for the Propagation of the Dharma, United Buddhist Church of Viet Nam (UBCV).

**Date of birth:** 27 November 1928

**Type of legislation:** Unknown

**Date of arrest:** 9 October 2003

**Details of arrest:** Thich Quang Do was part of a delegation of nine UBCV leaders who were all arrested on 9 October 2003. The delegation had left Binh Dinh on 8 October 2003 en route to Ho Chi Minh City when security services blocked their departure. After a protest in which over 200 monks formed a human shield around their vehicle, the delegation was allowed to continue its journey, only to meet another police barricade on the following day, when all nine UBCV leaders were arrested and taken away for interrogation. Thich Quang Do was placed under house arrest. Although he has not been formally convicted of any charge, he remains under house arrest. In May 2017, it was reported that his telephone was being monitored by police.

**Update:** In September 2018, Thich Quang Do was reportedly expelled from the monastery in which he had been placed under house arrest by the monastery's superior monk. The Vietnamese authorities had reportedly been exerting pressure to have Thich Quang Do moved to a state-sponsored pagoda. After staying for a short while in Northern Vietnam, he took up residence in a UBCV owned monastery in Ho Chi Minh city.

**Background:** On 27 June 2003, Thich Quang Do was released from a 27-month detention order. He has spent

most of the last 20 years in detention or under residential surveillance because of his campaign for religious freedom and free expression. In August 2008, Thich Quang Do was appointed as the new Patriarch of the UBCV.

**Other information:** The UN Working Group on Arbitrary Detention declared his imprisonment as 'arbitrary' in May 2005.

**Awards:** Recipient of 2001 Hellman/Hammet Award; 2002 Viet Nam Human Rights Award; 2002 Homo Homini Award for his 'outstanding merits in promoting human rights, democracy, and the non-violent resolution of political conflicts' by the Czech group People in Need; 2006 Norwegian Thorolf Rafto Human Rights Prize; 2006 Democracy Courage Tribute by the World Movement for Democracy

**Honorary Member:** French PEN, German PEN, and Swedish PEN

## JUDICIAL HARASSMENT

### Pham Doan TRANG

**Gender:** Female

**Profession:** Writer, blogger, journalist, activist

**Date of birth:** c. 1978

**Date of harassment:** Over the course of 2018, Pham Doan Trang has reportedly been subjected to repeated short-term detentions and a beating. On 24 February 2018, she was reportedly arbitrarily detained for some 10 hours while visiting her mother in Hanoi. On this occasion, Pham Doan Trang was not shown a warrant but told by police that they needed her to 'work' with them regarding her recent book, *Chính Trị Bình Dân* (I). During her detention, she was interrogated about *Politics for Everyone* and her other activities, and reportedly forced to sign documents verifying interviews she had given since 2015. Following the interrogation, security officials surrounded her mother's residence, cut its electricity and internet access, and told Trang that she was not allowed to leave the premises, according to the Committee to Protect Journalists. Pham Doan Trang was reportedly detained for nine hours by police in Hanoi on 8 March 2018. She was thought to be under close surveillance. On 15 August 2018, Pham Doan Trang was reportedly detained by police while attending a musical performance in Ho Chi Minh City. Police officers reportedly violently interrogated her and confiscated her computer, identification documents, and money. The incident resulted in her seeking medical treatment at a local hospital.

**Professional background:** Pham Doan Trang is the founder of online magazine *Luật Khoa* on law and human rights and a member of the editorial board of *The Vietnamese*, an independent news website on human rights and politics in Vietnam. As well as blogging, she has worked for numerous major Vietnamese media agencies. Trang is also the author of numerous books including *Chính Trị Bình Dân* (*Politics for Everyone*), published in September 2017. The book discusses

human rights and democracy in its aim to explain politics for ordinary Vietnamese citizens and encourage them to engage with it. Its circulation is reportedly banned in Vietnam. In February 2018, Trang was awarded People in Need's Homo Homini prize, given to 'individuals who have greatly contributed to the promotion of human rights and democracy and nonviolent solutions to political conflicts'.

**Other information:** According to media reports, Pham Doan Trang has been the subject of regular harassment since 2012, when she felt forced to flee Vietnam, only returning in January 2015. On 16 November 2017, Trang, along with two other activists, was reportedly detained and interrogated after meeting with EU representatives to discuss the human rights situation in Vietnam. Her computer and telephone were confiscated by police who escorted her home at midnight that day. On 9 February 2018, two copies of Trang's book were reportedly seized by Da Nang Customs Department for allegedly 'politically sensitive' content after arriving in the city from Poland.

## CONDITIONAL RELEASE

### HO Thi Bich Khuong

**Gender:** Female

**Profession:** Internet writer and human rights activist

**Date of birth:** 1967

**Sentence:** Five years in prison and three years' probationary detention.

**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 2018.

**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 Ngoc Nhu Quynh (also known as ME NAM)

**Gender:** Female

**Profession:** Blogger and social activist

**Date of birth:** 1979

**Sentence:** 10 years

**Type of legislation:** National security

**Date of arrest:** 10 October 2016

**Date of release:** 17 October 2018

**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.

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

**Details of release:** Me Nam was released unexpectedly on 17 October 2018 and then reportedly taken directly to Ha Noi International Airport and put on a plane bound for the USA; the remainder of her 10-year prison sentence has reportedly been suspended.

**UNWGAD ruling:** In its opinion adopted during its 78<sup>th</sup> 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 Vietnam that caused mass fish deaths.

**Other information:** Member of the Vietnamese 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](#); [Update 2 to RAN 11/17 – 24 October 2018](#)

## NGUYEN Van Ly

**Gender:** Male

**Profession:** Priest, scholar, essayist, and co-editor of the underground online magazine *Tu Do Ngon luan* (*Free Speech*).

**Date of birth:** 1946

**Sentence:** Eight years in prison and five years of probationary detention.

**Date of arrest:** 19 February 2007

**Date of release:** 20 May 2016

**Details of arrest:** Nguyen was reportedly arrested on 19 February 2007 during an 'administrative check' at the archdiocesan building where he lives in the city of Hue. Two other editors of *Tu Do Ngon luan*, Father Chan Tin and Father Phan Van Loi, were reportedly also placed under house arrest.

**Details of release:** Nguyen was released from the labour camp on 20 May 2016, one month early. He is currently under five years of probationary detention as part of the original sentence. No further updates as of 31 December 2018.

**Details of trial:** On 30 March 2007, a People's Court in Hue (Central Vietnam) sentenced Nguyen under Article 88 of the Criminal Code for 'conducting propaganda against the Socialist Republic of Viet Nam'. Video footage of his sentencing is available [here](#).

**Other information:** In September 2010, the United Nations Working Group on Arbitrary Detention called for the immediate and unconditional release of Nguyen, who it said had been arbitrarily and illegally detained and denied access to legal counsel by the Vietnamese authorities.

**Background:** Nguyen is a leading member of the pro-democracy movement 'Bloc 8406'. He was previously detained from 1977-1978, and again from 1983-1992 for his activism in support of freedom of expression and religion. He was sentenced again in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Vietnam, and was a Main Case of PEN International. The sentence was commuted several

times and he was released under amnesty in February 2005. **Awards:** Recipient of 2002 Homo Homini Award for human rights activism by the Czech group People in Need; 2008 Hellman/Hammett Award in recognition of his work in the face of persecution; nominated for the 2009 and 2010 Sakharov Prize for Freedom of Thought

**Honorary Member:** Sydney PEN

**PEN Action:** RAN 12/07 - 28 February 2007; update #1 - 7 March 2007; updates #2 - 3 April 2007; [RAN 06/14](#); [RAN 06/14 Update #2 - 26 May 2016](#)

## PHAN Ngoc Tuan

**Gender:** Male

**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)

**Gender:** Male

**Profession:** Songwriter and blogger

**Date of birth:** 1974

**Sentence:** Six years in prison and two years' house arrest

**Type of legislation:** National security

**Date of arrest:** 19 September 2011

**Details of arrest:** According to reports, Binh was arrested by a group of about 10 plainclothes 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 Ho 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; no further information as of 31 December 2018.

**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

### NGUYEN Quang Lap (aka: Bo Lap)

**Gender:** Male

**Profession:** Blogger, journalist, and writer

**Date of birth:** 30 April 1956

**Type of legislation:** Other

**Date of arrest:** 6 December 2014

**Date of release:** 10 February 2015

**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 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 2018.

**Case closed:** No new information (for further details see 2017 case list).

## PEN Actions for journalists in the asia pacific 2018

### Afghanistan

**10 journalists including Shah Marai: radio and television journalists killed in a targeted bomb attack**

**Action:**

May 2018: Afghanistan: journalists targeted in deadly attacks across the country

### India

**Shujaat Bukhari: prominent Kashmiri journalist murdered in June 2018**

**Action:**

June 2018: India: The murder of prominent Kashmiri journalist is a blow to freedom of expression and peace

# Europe and Central Asia Overview

By Aurélia Dondo, Europe Programme Coordinator

The right to freedom of expression in Europe and Central Asia remained under attack in 2018. Four journalists and a writer were murdered, at least three in direct retaliation for their work. Scores remained behind bars in Turkey and in Russia simply for peacefully expressing their views. The space for civil society continued to shrink, with the authorities in several countries adopting increasingly repressive laws and severely restricting fundamental rights and artistic freedoms.

## Safety of writers and journalists

A string of killings drew international condemnation and raised concerns about media freedom across Europe and Central Asia. The numbers of deaths is the highest recorded in the region in recent years, with four of the five murders carried out within the European Union, a stark illustration of the growing hostility, threats, and violence faced by writers and journalists.

On 25 February, **Slovak** journalist **Ján Kuciak** and his girlfriend Martina Kušnírová were found shot dead after he wrote an article linking politicians to the mafia. Although four individuals were eventually charged with their murder, those who ordered the attack have yet to be brought to justice. In **Bulgaria**, journalist **Viktoria Marinova** was found dead on 7 October. She had been raped and murdered. She was the third journalist to be killed in the European Union (EU) in less than a year. **Daphne Caruana Galizia**, **Malta's** best-known investigative journalist and anti-corruption campaigner, was killed on 16 October 2017 when a car bomb detonated as she drove away from her home in Bidnija. The Maltese authorities continued to ignore calls for a public enquiry into whether her assassination could have been prevented.

The killing of **Jamal Khashoggi** on 2 October shook the world. The Saudi journalist disappeared after walking into the **Saudi Arabian** consulate in **Turkey**. Although the Saudi authorities initially denied any involvement, they later admitted that he had been murdered. Serious questions remained around the independence and effectiveness of the Saudi investigation, prompting calls for an international inquiry. (See also Saudi Arabia entry below).

On 4 November, Ukrainian journalist, anti-corruption activist, and rising politician **Kateryna Gandziuk** succumbed to her injuries after being targeted in an acid attack in July. Human rights groups criticized the lack of effective investigation. On 20 November, former **Danish** gang leader **Nedim Yasar** was shot dead as he left the launch party for his book on quitting crime.

Questions remained around the death of **Russian** investigative journalist **Maksim Borodin**, who died on 15 April after falling from the balcony of his fifth-floor apartment. The Russian authorities treated his death as a suicide despite calls for a full investigation. His reporting on local corruption, prisons, and the involvement of Russian private military contractors in Syria had gained national attention in the weeks prior to his death.

## Criminal prosecution of writers and journalists

**Turkey** continued to be the biggest jailer of journalists in the world. At least 160 writers and journalists remained behind bars by the end of 2018, including writer and former co-chair of the pro-Kurdish Peoples' Democratic Party **Selahattin Demirtaş**, who faces up to 142 years in prison on dubious terrorism charges, despite the European Court of Human Rights ruling on 20 November for his immediate release. On 2 October, aggravated life sentences against writers and journalists, brothers **Ahmet** and **Mehmet Altan**, were upheld on appeal, just another of the many examples of Turkey's complete disregard for international protections for freedom of expression to which it has pledged its commitment on the one hand, yet ignores on the other.

In **Azerbaijan**, dozens of journalists, writers, and activists were kept in jail simply for peacefully exercising their right to free expression. In a worrying move, the authorities brought new spurious charges against five critics who were about to complete their prison sentences in a bid to keep them detained, prompting several Azerbaijani prisoners, activists, and opposition figures to go on hunger strike in protest.

In **Russia**, the authorities continued to use anti-extremism legislation to prosecute and convict bloggers for online expression, particularly regarding Russian activity in Ukraine. They refused to free Ukrainian writer and filmmaker **Oleg Sentsov** from jail despite an international campaign for his release. Winner of the 2018 European Parliament's Sakharov Prize for Freedom of Thought, Oleg Sentsov spent 145 days on hunger strike, calling for the release of all Ukrainian nationals imprisoned in Russia on politically-motivated grounds.

## Repressive legislation

In **Hungary**, the space for civil society and academic freedom continued to shrink dramatically. Media coverage of the 8 April elections, which saw Prime Minister Viktor Orbán re-elected for a third consecutive term, was highly polarised and lacked critical debate as a result of Orbán's extensive reshaping of the media landscape over the past six years. The Central European University, founded by

Hungarian-born philanthropist and writer George Soros, was forced into inoperability and announced in December that it would be relocating to Vienna, Austria, the latest incident in a government-run campaign targeting Soros.

On 12 September, the European Parliament voted to start the process of sanctioning Hungary under Article 7 of the EU treaty. In doing so, it stated that Orbán's government posed a 'systemic threat' to democracy and the rule of law, including the right to free expression. The following month, the European Court of Justice ordered **Poland** to immediately suspend a law designed to curb judicial independence, amidst systematic attacks by the government against the rule of law.

In **Russia**, attempts to block the instant messaging application Telegram in April resulted in extensive violations of freedom of expression and access to information, including mass collateral website blocking.

Although **Turkey's** two-year-long state of emergency was lifted on 18 July, a new law enacted on 31 July with the view to continue the fight against terrorism, valid for three years, codified emergency decrees into permanent law.

## Artistic freedoms under threat

In **Spain**, the authorities used the so-called 2014 'Gag Law' to prosecute summary offences or misdemeanours, such as graffiti, song lyrics, and poems, as crimes of terrorism or arms trafficking. On 20 February, the Supreme Court upheld the sentence of rapper **Valtònyc** to three and a half years in prison on charges of insults to the Crown, glorification of terrorism, and making threats.

**Kirill Serebrennikov**, one of **Russia's** most prominent theatre directors, remains under house arrest on allegations of fraud regarding the use of state funds, which he denies. Although the spending of funding allocated for theatre productions is a notoriously murky process, many artists and intellectuals in Russia have expressed doubts about the grounds for the prosecution, and claim instead that it is politically motivated, framing it in light of the Russian authorities' curbing of dissenting voices.

## Positive developments

**Uzbekistan** continued to take steps to improve its freedom of expression record. Since President Shavkat Mirziyoyev was elected president in December 2016 following the death of Islam Karimov, the country's long-serving authoritarian ruler, around 40 people imprisoned on politically-motivated grounds have been released. However, much remains to be done for press freedom, particularly online.

# Europe and Central Asia Case List

## Emblematic Cases

### Turkey: Nedim Türfent

*News editor, reporter and poet imprisoned on trumped-up terrorism charges*

Nedim Türfent is serving an eight-year-and-nine-month prison sentence on trumped-up terrorism charges following an unfair trial, during which scores of witnesses said they had been tortured into testifying against him. He spent almost two years in solitary confinement in harrowing detention conditions. Determined to keep writing, Nedim Türfent started composing poetry while detained.



### Russia: Oleg Sentsov

*Unfairly imprisoned Ukrainian writer and filmmaker spent 145 days on hunger strike*

Oleg Sentsov is serving a 20-year prison sentence on spurious terrorism charges after a grossly unfair trial by a Russian military court, marred by allegations of torture. In 2018, he spent 145 days on hunger strike, calling for the release of all Ukrainian prisoners imprisoned in Russia on politically motivated grounds. He ended his strike on 6 October 2018 as he feared being forced-fed. He remains imprisoned in Siberia despite an international campaign for his release.



## Azerbaijan

### KILLED: Impunity

#### Rafiq TAĞI

**Gender:** Male

**Profession:** Journalist and short story writer

**Date of birth:** 5 August 1950

**Date of death:** 23 November 2011

**Perpetrators:** Unknown

**Details of death:** Died in hospital after being attacked while returning home from work on 19 November 2011. Although the motive for the attack remains unknown, Taği stated in an interview held a day prior to his death that it may have been related to an article published on 10 November 2011, entitled 'Iran and the Inevitability of Globalisation', in which he criticised the Iranian government and described threats made against Azerbaijan by Iran as 'ridiculous'.

**Details of investigation:** A criminal investigation was launched by the Khatai District Prosecutor's Office in November 2011. In February 2012, media reports stated that the authorities ruled out medical negligence as a contributory factor, which was criticised by Taği's family members. The investigation was reportedly suspended on 8 January 2014, owing to the 'non-establishment of the person subject to prosecution'. On 8 January 2015, Taği's lawyer announced on Facebook that the Prosecutor-General's Office had informed him in writing that the probe into the death had ended. No further information was given.

**Background:** Taği, a former PEN main case, was previously arrested in November 2006 for an article entitled 'Europe and Us' published in *Sanat* newspaper, for which he was accused of insulting the Prophet Muhammad. Following the publication of the article, the then Grand Ayatollah Fazil Lankarani of Iran issued a fatwa calling for Taği's death. Taği was sentenced to three years in prison under Article 283 of Azerbaijan's Criminal Code for 'inciting national, racial and religious enmity'. Following significant international pressure, Taği was granted amnesty on 28 December 2007.

### IMPRISONED: Main Case

#### Rashad RAMAZANOV (pen name Rashad Hagigat Agaaddin)

**Gender:** Male

**Profession:** Writer and blogger

**Date of birth:** 1 January 1982

**Sentence:** Nine years in prison

**Expiry of sentence:** May 2022

**Type of legislation:** Other (narcotics-related)

**Date of arrest:** 9 May 2013

**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. 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.

**Current place of detention:** Baku Prison #2, Azerbaijan

**Conditions of detention:** Ramazanov was punished with 15 days in solitary confinement beginning on 23 January 2017, allegedly for documenting the conditions of his detention.

**Health concerns:** 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.

**Professional background:** Ramazanov is the author of seven books and many articles. His academic articles have been published by the National Sciences Academy of Azerbaijan and other institutes. He has also been an active and outspoken political commentator on social media, and has published articles critical of the government on his [Facebook page](#) under the pen name of Rashad Haqiqat Agaaddin. He reports receiving many warnings and threats from the authorities for his critical online writings, and has also received death threats from radical Islamist extremists in Baku for his liberal views.

**Other information:** Former Organisation of Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media Dunja Mijatović 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. On 18 June 2018, the United Nations Working Group on Arbitrary Detention [called](#) on Azerbaijan to release

Rashad Ramazanov immediately and to accord him an enforceable right to compensation and other reparations.

**Update:** Ramazanov was one of several Azerbaijani prisoners, activists, and opposition figures who went on hunger strike in January 2019 in solidarity with jailed anti-corruption blogger Mehman Huseynov, against whom the Azerbaijani authorities brought new spurious charges in December 2018, just weeks before his scheduled release. Rashad Ramazanov was also protesting against his own continuous detention on politically-motivated grounds. On 17 January 2019, the European Parliament adopted a [resolution](#) calling on the Azerbaijani authorities to immediately and unconditionally release all those arbitrarily detained in Azerbaijan, including Ramazanov.

**Honorary Member:** PEN Canada

**PEN Action:** [RAN 01/17](#) , [update#1](#) , [update#2](#) and [update#3](#)

## ON TRIAL

### Akram AYLISLI

**Gender:** Male

**Profession:** Author, poet, playwright

**Date of birth:** 6 December 1937

**Type of legislation:** Other – resisting authorities with violence

**Date of harassment:** 30 March 2016

**Details of harassment:** Aylisli was [detained](#) at Heydar Aliyev airport in Baku on the morning of 30 March 2016, after attempting to travel to Venice, Italy, where he was due to speak at the Incroci di Civiltà literary festival. He was detained by border guards at 4am and held for five hours after being told that he could not travel, although no reason was given at the time. He says that his bags were taken off the plane and searched several times over the course of the day. At 9:30am he was taken into custody by the airport police after being accused of creating a public disturbance, hindering the work of border officials and disturbing other passengers. He was then held for over 10 hours and interrogated. Later in the evening, a border official accused Aylisli of having punched him in the chest hard enough to bruise in a room without security cameras during a brief period when Aylisli's son had stepped outside. Aylisli [stated](#) that the alleged punch was used as justification to deny him the right to leave the country. Aylisli was [charged with hooliganism under Article 221.1 of the Criminal Code](#) on 6 April 2016; on 22 April 2016, charges were upgraded to [resisting the authorities with violence](#) under Article 315.1 of the Criminal Code. This came after he wrote a letter to Azerbaijan's president, suggesting that it was absurd that a 78-year-old man could assault a young border control guard, and asking for charges against him to be dropped. He faces up to three years in prison if convicted. PEN International calls on the Azerbaijani authorities to drop all charges against Akram Aylisli.

**Details of investigation:** According to Aylisli's lawyer,

the alleged incident qualifies as a minor offence and as such, the preliminary investigation should have been concluded within nine months, in line with Article 218.10.2 of Azerbaijan's Code of Criminal Procedure. Shortly after being detained, Aylisli signed a document compelling him to remain in Baku, thereby subjecting to a local and international travel ban. Since then, he has been unable to attend scores of cultural and literary events and to promote his books, including his latest opus *Farewell, Aylis*, published in the USA on 21 November 2018. As part of the investigation, the Prosecutor General's office confiscated Aylisli's identity documents, which prevents him from accessing health care services. In September 2018, Aylisli wrote an [open letter](#) to the Prosecutor General, calling on him to drop the charges against him, and to lift his travel ban so he can seek medical treatment abroad. He has yet to receive a response.

**Health concerns:** According to his family, Aylisli is in poor health and in need of medical care. PEN International urges the authorities to immediately grant him the medical care that he needs, including by allowing him to travel abroad to seek medical treatment.

**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.

**PEN Action:** [Statement](#), 19 December 2018

### Arif YUNUS

**Gender:** Male

**Profession:** Historian, writer, and activist, head of the Department of Conflict and Migration of the Institute of Peace and Democracy

**Date of birth:** 12 January 1955

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

**Type of legislation:** Other – tax evasion and fraud

**Date of arrest:** August 2014

**Date of release:** 12 November 2015

**Details of arrest:** Arif Yunus and his wife Leyla Yunus, an

outspoken political activist, were arrested in August and July 2014, respectively.

**Details of trial:** Arif Yunus was sentenced to seven 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, and lodged an appeal. On 17 May 2017, the Yunus' lawyer asked the Baku Court of Appeals to ensure the couple's participation in the proceedings via internet. 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. Their appeal is believed to be ongoing at the end of the year.

**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.

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

**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 Euro (approximately US\$ 14,500) in damages each and 4,000 Euro (approximately US\$ 4,500) for costs and expenses. In May 2017, the co-rapporteurs of the Parliamentary Assembly of the Council of Europe for the monitoring of Azerbaijan expressed concerns over the court order to appear before the Baku Court of Appeals in person.

**Professional background:** Arif Yunus has published over 30 books and 190 articles related to Azerbaijani history and Armenian-Azerbaijani relations.

**PEN Action:** Resolution on the Republic of Azerbaijan, 80<sup>th</sup> PEN World Congress, October 2014; open letter 17 May 2016

## Croatia

### SENTENCED

#### Ante TOMIĆ

**Gender:** Male

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

**Date of birth:** 22 April 1970

**Sentence:** 30,000 HRK fine (approximately 4,000 Euro)

**Type of legislation:** Defamation

**Details of trial:** Zlatko Hasanbegović, then Croatia's Minister for Culture, sued Ante Tomić for psychological damages up to 30,000 HRK, following the publication of an article in the Serbian newspaper *NIN* on 28 January 2016, entitled 'The Sorrows of a Political Minotaur'. Tomić referred to the minister in derogatory terms, including references to the minister's Muslim background. In his defence, Tomić stated they were not intended to denigrate his religion but were questions about the Minister's political affiliations. Court proceedings began on 6 July 2016. In March 2018, a first instance Court in Zagreb found Tomić guilty and ruled that either Tomić or his publisher should pay a 30,000 HRK financial compensation to Hasanbegović. The appeal was ongoing at the end of 2018.

**Professional background:** Tomić's debut novel *Što je muškarac bez brkova* (*What is a man without a moustache*) was published in 2000. In 2003 he published *Ništa nas ne smije iznenaditi* (*Nothing can surprise us*) on the Yugoslav People's Army. Both novels were turned into films.

**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.

## Denmark

### KILLED - Motive Unknown

#### Nedim YASAR

**Gender:** Male

**Profession:** Writer, radio host

**Date of birth:** 1987

**Date of death:** 20 November 2018

**Perpetrator:** Unknown

**Details of killing:** Nedim Yasar was shot on 19 November 2018 while getting into his car after a book reception at the offices of the Danish Red Cross youth branch in Copenhagen, Denmark's capital. Yasar had been celebrating the release of a book about his life, *Rødder - En Gangsters Udvej (Roots: A Gangster's Way Out)* written with his cooperation. He was taken to hospital in a critical condition but died of his injuries on 20 November 2018, the day his memoir was published. Yasar founded the gang Los Guerreros, with links to drug trade, but left it in 2012 to join a state-run exit programme after he discovered that he was going to be a father. He subsequently became a radio host on Radio24syv and spoke out against gang violence. In 2017, Yasar reported being the victim of an attempted assault at his home.

**Details of investigation:** On 6 December 2018, three men were arrested and subsequently charged with Yasar's murder. The investigation was ongoing at the end of December 2018.

**Professional background:** Written by journalist Marie Louise Toksvig with Yasar's cooperation, *Rødder* describes Yasar's life as a gang member and his experience leaving Los Guerreros. Yasar also worked on Radio24syv's programme 'Politiradio' and acted as a mentor for young people.

## Italy

### JUDICIAL HARASSMENT

#### Roberto SAVIANO

**Gender:** Male

**Profession:** Writer, journalist

**Date of birth:** 22 December 1979

**Type of legislation:** Defamation

**Date of harassment:** 19 July 2018

**Perpetrator:** State

**Details of harassment:** On 19 July 2018, Italy's Deputy

Prime Minister Matteo Salvini declared on Twitter that he was suing anti-mafia writer Roberto Saviano for defamation over a speech that described him as 'il ministro della malavita' – minister of the underworld – a phrase borrowed from early 20th-century anti-fascist Gaetano Salvemini. In his speech, Saviano accused Salvini of ignoring the mafia stranglehold on Italy's south in favour of stirring up resentment against immigrants. Salvini is suing Saviano under Article 595 of the Italian Penal Code, which carries up to three years in prison. The case was ongoing at the end of 2018. Previously in June 2018, Salvini threatened to remove Saviano's police escort. Saviano has been living under constant police protection since October 2006, after receiving threats from the mafia following the publication of his bestseller *Gomorra*. Salvini's warning came after Saviano criticized the Italian authorities' anti-migrant stance.

**Professional background:** Saviano is the author of *Gomorra*, an international best seller that has sold over 10 million copies worldwide. Other books include *Beauty and the inferno* (2009), *La parola contro la camorra* (2010); *Come away with me* (2011) and *ZeroZeroZero* (2013). He wrote several screenplays and theatre scripts and regularly contributes to newspapers and magazines such as *La Repubblica*, *l'Espresso*, the *New York Times*, *Newsweek*, *El Diario*, *Die Zeit*, the *Guardian*, and *Le Monde*.

**Awards:** Winner of the 2011 PEN/Pinter International Writer of Courage Award and of the 2019 Oxfam Novib/PEN International Award for Freedom of Expression

## Kazakhstan

### JUDICIAL CONCERN

#### Aron ATABEK (also known as Aron YEDIGHEEV)

**Gender:** Male

**Profession:** Poet, writer, newspaper publisher, and political activist

**Date of birth:** 31 January 1953

**Type of legislation:** Other (mass disorder, hostage taking, murder)

**Sentence:** 18 years in prison

**Expiry of sentence:** July 2024 **Date of arrest:** 17 July 2006

**Details of arrest:** Atabek was arrested following a July 2006 riot that broke out in the Shanyrak shantytown of Almaty, after local residents and activist groups clashed with security forces that had been brought in to clear the area for demolition.

**Details of trial:** Atabek was charged and convicted in 2007 of organising mass disorder, and of taking hostage and killing a police officer under disputed circumstances

during those events, which he denied. After the conviction and shortly before a hearing of the case at the Supreme Court, the two main witnesses for the prosecution withdrew their testimony. They claimed that they had been tortured and blackmailed into testifying against Atabek. The Supreme Court declined their new testimony as unsubstantiated. In December 2015, a court in Astana dismissed Atabek's appeal against his sentence.

**Current place of detention:** AP 162/1 in Pavlodar, north-eastern Kazakhstan

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

**Professional background:** Atabek has written several books of poetry and prose inspired by Tengri (a form of Central Asian shamanism), as well as a book about the Alash state that fought for autonomy between 1917 and 1920, and eventually subsumed into the Kazakh Soviet Socialist Republic in 1936. In February 1992, he founded and organised the publication of the monthly newspaper *Khak (The Truth)*.

**Other information:** On 28 May 2014, Catherine Ashton, then High Representative for Foreign Affairs and Security Policy for the European Union responded on behalf of the European Commission to a question in the European parliament about Aron Atabek. She said: 'No evidence linking him explicitly to the death of the police officer or to violence was presented in court... The EU is and will continue to follow the developments in this case very closely and to encourage the Kazakh authorities to ensure that Mr Aron's right to a fair trial has been respected, and that his treatment is in line with Kazakhstan's international commitments and obligations.'

**Awards:** Atabek was awarded the literary 'Almas Kilysh' prize in 2004, as well as the Freedom to Create 'Imprisoned' prize in 2010.

**PEN Action:** [Call to action](#) 5 August 2013; updates on [24 October](#), [29 October](#), [12 November 2013](#) and [6](#)

[January 2014](#). Shortly before PEN International's World Congress in Bishkek, Kyrgyzstan (September 2014), a PEN delegation travelled to Kazakhstan where they protested Atabek's ill treatment at a meeting with the Head of the Executive Office of the President of the Republic of Kazakhstan, the Chairman of the Committee of Criminal and the Executive System. World Poetry Day Action [2014](#), [2015](#), [2016](#) and [2018](#).

## Poland

### JUDICIAL HARASSMENT

#### Tomasz PIĄTEK

**Gender:** Male

**Profession:** Investigative journalist and writer

**Date of birth:** 16 March 1974

**Type of legislation:** Insult and other

**Details of harassment:** Piątek faced potential criminal charges for a book published in June 2017. In *Macierewicz and his Secrets*, Piątek examines political and financial links between the network of Defence Minister Antoni Macierewicz's aides, collaborators, and political associates, and the Russian military intelligence services, entities close to the Kremlin and organised crime. On 11 July 2017, a spokesperson from the military department of Poland's Office of the Prosecutor General confirmed that the department was investigating Piątek pursuant to a notification from the defence ministry. The Minister alleged that Piątek's publication constituted the use of force or unlawful threat to influence the official acts of government authority, public insult or humiliation of a constitutional authority, and unlawful attack on a public official because of their position, charges that carry up to three years' imprisonment. In [March 2018](#), prosecutors in Warsaw decided not to pursue the case. In [December 2018](#), a Warsaw-based district court ordered the Office of the Prosecutor General to investigate whether Macierewicz had committed a criminal offense by filing charges against Piątek.

**Professional background:** Piątek writes for some of Poland's most important media outlets and newspapers, including *Polityka* weekly, *Krytyka Polityczna* quarterly and portal, *Gazeta Wyborcza* daily and *TOK FM* radio among others, and has published in *La Stampa* (Italy) and *The Forward magazine* (USA). He has also published 19 mostly non-fiction books, some of which have been translated into Spanish, Italian, and Russian. In 2009, he was nominated for the European Union Prize for Literature for his novel *Pałac Ostrogskich*.

**Award:** Winner of the 2018 Reporters without Borders and TV5MONDE Press Freedom Prize

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

## Russia

### KILLED: IMPUNITY

#### Anna POLITKOVSKAYA

**Gender:** Female

**Profession:** Journalist and author

**Date of birth:** 30 August 1958

**Date of death:** 7 October 2006

**Perpetrator:** Non-state (possible State involvement)

**Details of death:** Shot dead in the elevator of her apartment on 7 October 2006. Politkovskaya covered the war in Chechnya and had been receiving threats since 1999 after she wrote articles claiming that the Russian armed forces had committed human rights abuses in Chechnya.

**Details of investigation:** On 27 August 2007, the prosecutor general announced that ten suspects had been arrested in connection with the murder, including Chechen criminals as well as former and serving members of the Russian Federal Security Services and police forces. On 18 June 2008, the Investigative Committee announced that it had charged three men, a former police officer and two ethnic Chechen brothers.

**Trial of perpetrators:** On 17 November 2008, the trial of Politkovskaya's alleged murderers began, at first open to the public, and then behind closed doors. On 19 February 2009, the men accused of assisting Politkovskaya's murder were acquitted for lack of evidence. After prosecutors appealed the not-guilty verdict, the Supreme Court overturned the decision and ordered a retrial. On 24 August 2011, Russian authorities arrested Lt. Col. Dmitry Pavlyuchenkov in connection with the case and named convicted criminal Lom-Ali Gaitukayev as the organiser of the murder. In December 2012, Pavlyuchenkov was found guilty and sentenced to 11 years in prison in a high security penal colony. Five other suspects, including three Chechen brothers – two of whom were acquitted by a jury 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. On 17 July 2018, the European Court of Human Rights ruled that the Russian authorities had 'failed to take adequate investigatory steps to find the person or persons who had commissioned the murder'. It found Russia in violation of Article 2 (right to life) of the European Convention on Human Rights and ordered it to pay 20,000 Euro in compensation.

**Professional background:** Despite continuous threats against her, Politkovskaya continued her investigative reporting and in 2003 published *A Dirty War: A Russian Reporter in Chechnya*. She was also a co-contributor to *A Small Corner of Hell: Dispatches from Chechnya*, published in 2003. Her last book, published in 2006, was *Putin's War: Life in A Failing Democracy*. In 2002, Politkovskaya was one of the few outsiders allowed into a Moscow theatre in an attempt to negotiate with Chechen rebels the release of hundreds of hostages held there. In 2004, she fell seriously ill as she attempted to fly to Beslan to cover the hostage crisis there, leading to speculation that she had been deliberately poisoned to stop her from reporting on the crisis.

**Awards:** Politkovskaya was the winner of numerous international awards for her courage, including the 2004 Olaf Palme Award 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 Action:** RAN 8/11, 2 March 2011; PEN 50<sup>th</sup> anniversary campaign (case focus for 2006); statement 7 October 2011; RAN 78/12 21 December 2012; PEN World Cup Campaign 2014; statement 22 May 2014; statement 7 October 2015, statement 7 October 2016, report October 2018

### JUDICIAL CONCERN

#### Yuri Alexeyevich DMITRIEV

**Gender:** Male

**Profession:** Historian and human rights activist.

**Date of birth:** 28 January 1956

**Type of legislation:** Other (pornography and sexual assault)

**Date of arrest:** 13 December 2016.

**Details of arrest:** Dmitriev is accused of making pornographic images of his foster daughter Natasha and charged under Article 242.2 of the Criminal Code (use of a minor for the production of pornographic materials or objects), and illegally possessing components of a firearm. On 27 June 2018, Dmitriyev was arrested by traffic police and placed in pre-trial detention. He was subsequently charged with 'violent acts of a sexual nature in relation to a person who has not reached the age of fourteen' under Article 132.4 of the Criminal Code.

**Details of trial:** Yuri Dmitriev was arrested on 13 December 2016 and charged with making pornographic images of his foster daughter under Article 242.2 of the Criminal Code (use of a minor for the production of pornographic materials or objects) and possessing an illegal firearm. He denied the charges, saying that the purpose of the photographs was to monitor the health of his weakly child. He spent more than a year in pre-trial detention. On 5 April 2018, the Petrozavodsk City Court in northwest Russia cleared him of the child pornography

charges but sentenced him to two years and six months of probation (three months after deducting time spent in custody) and community service for illegally possessing components of a firearm. On 14 June 2018, the Karelian Supreme Court overturned his acquittal in what human rights groups in Russia are calling another trumped-up case. He was charged under Article 132.4 of the Criminal Code and underwent enforced psychiatric testing. Both criminal cases against him were merged in October 2019. The first hearing in the new case against him was held in Petrozavodsk on 19 October 2018. He faces up to 20 years in prison if convicted.

**Professional background:** Dmitriev devoted his life to locating the execution sites of Stalin's Purges and identifying its victims. As head of the Karelian branch of the human rights centre Memorial, he played an important role in the discovery and investigation of the killing fields of Sandarmokh and Krasny Bor and their transformation into memorial complexes. Although local authorities attended memorial events at the beginning, attitudes are changing, with the Russian authorities glorifying the Soviet past after Vladimir Putin stated in 2017 that the 'excessive demonisation of Stalin is one of the ways to attack the Soviet Union'. The Russian authorities have repeatedly targeted Memorial, which has been labelled a 'foreign agent' since 2014.

**Current place of detention:** Sledstvenny izolyator N1 Petrozavodsk, northern Russia

**PEN Position:** In light of the heinous nature of the charges, alongside concerns that they may be applied as a means of penalising Dmitriev for his work for Memorial, fair and transparent criminal proceedings before an independent and impartial tribunal are of the utmost importance to ensure a fair trial for Dmitriev on the one hand and, on the other, 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.

**Honorary Member:** St Petersburg PEN

**PEN Action:** Report October 2018

## DETAINED: Investigation

### Kirill SEREBRENNIKOV

**Gender:** Male

**Profession:** Theatre and film director

**Date of birth:** 7 September 1969

**Type of legislation:** Other (fraud)

**Date of arrest:** 22 August 2017

**Details of arrest:** Serebrennikov was detained on 22 August 2017 on allegations of fraud. He was placed under house arrest the following day.

**Details of trial:** One of Russia's most prominent theatre directors, Serebrennikov has been under house arrest since 23 August 2017 on allegations of fraud regarding the use of state funds, which he denies. The Russian authorities accuse him of embezzling 133 million roubles

(approximately US\$ 2 million) awarded from 2011 to 2014 to the Seventh Studio theatre company for a project known as Platform, which aimed to make contemporary dance, music, and theatre popular. Investigators claimed that a part of this project, a production of Shakespeare's play *A Midsummer Night's Dream*, was never staged. Serebrennikov denies the accusation, claiming that the play has been performed several times. He faces up to ten years in prison under Article 159.4 of the Russian Criminal Code (large-scale fraud) if convicted. Although the spending of funding allocated for theatre productions is a notoriously murky process, many artists and intellectuals in Russia have expressed doubts about the grounds for the prosecution, and claim instead that it is politically motivated, framing it in light of the Russian authorities' curbing of dissenting voices. Accused alongside Kirill Serebrennikov are Yuri Itin (executive director of the Seventh Studio theatre company), Aleksei Malobrodsky (general producer at the initial stage of the project), Sophia Apfelbaum (general producer following Malobrodsky's departure), and Ekaterina Voronova (former Culture Ministry official in charge of the project on the Ministry's side and current director of the Russian Academic Youth Theatre), who deny any wrongdoing.

**Current place of detention:** House arrest

**Conditions of detention:** In October 2018, Serebrennikov's house arrest was extended until 3 April 2019. He is forbidden to correspond, make phone calls and meetings, and go outside.

**Professional background:** Serebrennikov is the artistic director of the Gogol Center, a progressive, experimental theatre known for contemporary productions that often deal with political or sexual themes. He has also espoused views critical of the Russian authorities, which – as many believe – have made him a target of repression.

**Other information:** On 4 September 2017, the European Union issued a statement raising concern about Serebrennikov's arrest and freedom of expression in the arts in Russia.

**PEN Position:** PEN International calls on the Russian authorities to release Serebrennikov from house arrest immediately and to ensure that all defendants in the case are granted access to a prompt and fair trial.

**Awards:** Serebrennikov was awarded the 2017 Europe Theatre Prize by the European Commission.

**PEN Action:** Report October 2018, statement October 2018

## Russia: Crimea

### IMPRISONED: Main Case

#### Oleg SENTSOV

**Gender:** Male

**Profession:** Filmmaker, writer

**Date of birth:** 13 July 1976

**Sentence:** 20 years in prison

**Expiry of sentence:** 2034

**Type of legislation:** Anti-terror

**Date of arrest:** 10 May 2014

**Details of arrest:** Sentsov said he was arrested by the Russian Federal Security Service (FSB) at his apartment in Crimea on 10 May 2014, adding that the officers beat him and suffocated him with a plastic bag to the point where he lost consciousness, then threatened him with rape in an attempt to get a confession. To PEN International's knowledge, the Russian authorities 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 right wing 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.

**Details of trial:** After spending over a year in pre-trial detention, Sentsov was eventually charged with the establishment of a terrorist group, politically-motivated arson, and conspiring to blow up a statue of Lenin, all of which he denied. Following a trial that has been widely condemned outside of Russia for its irregularities – including where a key prosecution witness retracted his statement, saying it had been extracted under torture – Oleg Sentsov was found guilty of organised terrorist acts and sentenced to 20 years in prison by the military court of Rostov-on-Don on 20 August 2015. His sentence was upheld on appeal on 24 November 2015. In October 2016, the Russian authorities denied a request for extradition to Ukraine on the grounds that he had become a Russian citizen following Russia's occupation and 'annexation' of Crimea.

**Current place of detention:** Sentsov is currently being held in the 'Polar Bear' penal colony of Labytnangi in Siberia, thousands of kilometres away from his home and family in Crimea.

**Health concerns:** Oleg Sentsov began a [hunger strike](#) on 14 May 2018 to urge the Russian authorities to release all Ukrainian nationals currently imprisoned in Russia on politically-motivated grounds. He was taken to intensive care on 15 June 2018. His heart and kidney problems considerably worsened and he was put on a glucose drip. In August 2018, he told his family that he had been denied access to letters and had been kept in 'an information vacuum'. The prison authorities subsequently granted him access to correspondence following an international outcry. On 5 October 2018, he wrote a [letter](#) stating that he felt compelled to end his hunger strike as he feared being forced-fed. He said he had lost 20 kilos and suffered irreparable damages to his health.

**Professional background:** Best known for his film *Gaamer*, Sentsov is also the author of several [short stories](#) and a [play](#). He continues to write in prison.

**Other information:** Scores of international and regional officials and organisations have called for Sentsov's immediate release, including [United Nations experts](#), the [European Parliament](#), and the [Organization for Security and Co-operation in Europe](#).

**PEN Position:** PEN International denounces serious flaws in judicial proceedings against Sentsov, including his lengthy pre-trial detention, the failure to investigate his allegations of torture, as well as the fact that he was tried by a Russian military court and is now 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. PEN International believes that Oleg Sentsov was imprisoned for his opposition to Russia's occupation and illegal 'annexation' of Crimea, and calls on the Russian authorities to release him immediately.

**Awards:** Sentsov is the winner of the [2017 PEN/Barbey Freedom to Write Award](#) and the 2018 European Parliament's [Sakharov Prize for Freedom of Thought](#).

**PEN Action:** [Day of the Imprisoned Writer 2016](#), [Call to Action May 2017](#), [RAN 02/18](#), [update#1](#), [update#2](#), publication of [short stories](#) June 2018, [solidarity action](#) August 2018, [Report](#) October 2018, [Day of the Imprisoned Writer 2018](#), [statement](#) 12 December 2018

### JUDICIAL CONCERN

#### Natalia SHARINA

**Gender:** Female

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

**Date of birth:** 1957

**Type of legislation:** Anti-extremism

**Date of arrest:** 28 October 2015

**Details of arrest:** On 28 October 2015, law enforcement officials took Natalia Sharina into custody and searched her apartment, raided the library, and seized books and

documents following a complaint by a former employee of the library who had been dismissed in 2010. In their search, officials found books they claimed were banned in Russia as 'extremist'. Sharina denied that the books were from the library and claimed that they were not part of the library collection. While under interrogation, Sharina was told that she was being detained on suspicion of abuse of office, of inciting hatred between Russians and Ukrainians. On 30 October 2015, Sharina was put under house arrest pending trial.

**Details of trial:** Sharina was detained on 28 October 2015 after a former employee, who was dismissed in 2010, lodged a complaint against her. Investigators searched her house and took her to the Moscow Library of Ukrainian Literature where, after several hours of extensive search, they found banned works by Ukrainian nationalist Dmitry Korchinsky. Sharina denied that these belonged to the library and claimed they had been planted. She was held in police custody for two days, during which time she was denied access to emergency medical care and suffered a spinal compression fracture, a condition that affects her to this day. She was charged under Article 282 of the Russian Criminal Code – 'Incitement of Hatred or Enmity' – which carries up to five years in prison, and placed under house arrest on 30 October 2015. On 5 April 2016, Sharina was charged with 'embezzlement on a particularly large scale' under Article 160 of the Russian Criminal Code, which carries up to 10 years in prison, after being accused of misappropriating library monetary funds to pay for her legal defence in a previous attempt to prosecute her, although all the sums paid by the library to the lawyers had been sanctioned by the Moscow Department of Culture. In 2011, Sharina had also been charged with distributing extremist literature under Article 282 of the Russian Criminal Code, but the case was dropped. Natalia Sharina's trial opened on 2 November 2016. On 5 June 2017, the Moscow Meshchanskiy District Court found her guilty of 'incitement of hatred and hostility' in connection with 'keeping extremist literature' and 'embezzlement' and handed-down a four-year suspended sentence. The time she spent under house arrest was counted as part of her sentence. On 20 April 2018, the press service of the Moscow City Court announced that the verdict had been upheld on appeal, even though it had yet to be announced in court. Natalia Sharina's lawyers immediately appealed to the Presidium of the Moscow City Court. PEN International believes that the case against Natalia Sharina is politically motivated and calls for her sentence and conviction to be quashed.

**Health concerns:** Natalia Sharina spent 19 months under house arrest throughout the investigation and trial, which had a serious impact on her health. She was denied access to the telephone and the internet, could only communicate with her lawyer and close relatives, and was not allowed to take walks outside her house for an entire year.

**Other information:** The Russian Memorial Human Rights Centre recognised Sharina as a political prisoner in November 2015; Amnesty International has adopted her as a prisoner of conscience. **PEN Action:** Call to action July 2017, Report October 2018

## Spain

### DETAINED: Main Case

#### Jordi SANCHEZ

**Gender:** Male

**Profession:** Writer and civil society leader

**Date of birth:** 1 October 1964

#### Jordi CUIXART

**Gender:** Male

**Profession:** Writer, civil society leader, and member of PEN Català

**Date of birth:** 22 April 1975

**Type of legislation:** Other (rebellion and sedition)

**Date of arrest:** 16 October 2017

**Details of arrest:** Jordi Sànchez and Jordi Cuixart were taken into custody on 16 October 2017 on charges of sedition. They were subsequently charged with rebellion in March 2018. They stand accused of calling on protestors to gather in front of governmental buildings in Barcelona on 20 and 21 September 2017 in order to obstruct searches for electoral materials, and for 'encouraging, supporting and leading' sedition through participation in Catalonia's independence referendum on 1 October 2017, despite the Spanish Constitutional Court suspending the Catalan referendum law. Prosecutors are seeking 17 years in prison for rebellion under Articles 472.1, 472.5, 472.7, 473.1, and 478 of the Spanish Penal Code, and eight years in prison for sedition under Articles 544 and 545 of the Penal Code against both men (sentences are not cumulative). Despite filing several petitions for release, Sànchez and Cuixart have been remanded in custody for over a year. In December 2018, Sànchez and three other imprisoned Catalan leaders embarked on a hunger strike to protest against their ongoing detention, accusing Spain's Constitutional Court of deliberately rejecting their appeals to prevent their cases progressing to the European Court of Human Rights.

**Current place of detention:** Lledoners Prison, near Barcelona

**Professional background:** Sànchez is the former president of the Catalan National Assembly. As former director of the Jaume Bofill Foundation, he co-authored several reports on social equality, migration, public policy and education, democratic values, and civil society participation, as well as a range of academic papers. Cuixart is the president of Òmnium Cultural. He is the author of a book of poems entitled *El plaer dels plaers*, published in 2007. Both men contributed to the 2018 book *Per la llibertat* and have written numerous press articles while in pre-trial detention.

**PEN Position:** PEN International believes that the lengthy pre-trial detentions of Sànchez and Cuixart are

an excessive and disproportionate restriction on their right to freedom of expression and peaceful assembly, and calls for their immediate release. PEN International has expressed deep concerns about restrictions on the right to freedom of expression and opinion in Catalonia during and following the referendum on independence of 1 October 2017.

**PEN Action:** Statement January 2018, statement August 2018

## SENTENCED

### Josep Miquel ARENAS BELTRÁN (stage name Valtònc)

**Gender:** Male

**Profession:** Musician

**Date of birth:** 18 December 1993

**Sentence:** Three years and six months in prison

**Type of legislation:** Anti-terror and insult

**Details of trial:** 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. 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. On 20 February 2018, Spain's Supreme Court upheld his sentence. Valtònc fled to Belgium, where a court ruled against his extradition in September 2018.

**Professional 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.

**PEN Action:** Statement February 2018

## CASE CLOSED

### César MONTAÑA LEHMANN (stage name César Strawberry)

**Gender:** Male

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

**Sentence:** One year in prison (suspended)

**Type of legislation:** Anti-terror

**Details of trial:** On 19 May 2015, César Montaña Lehmann was 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 cleared of all charges on 19 July 2016, but on 19 January 2017 Spain's Supreme Court sentenced him to one year in prison. It also banned him from holding public office for six years and six months.

**Reason for closure:** No further news as of 31 December 2018.

## 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. At the 2018 Congress in Pune, India, the Assembly of Delegates adopted a resolution on freedom of expression in Turkey.*

**KILLED: Impunity****Hrant DINK****Gender:** Male**Profession:** Author and editor of the Armenian language magazine *Agos***Date of death:** 19 January 2007**Perpetrators:** Non-state – possible links to state officials**Details of killing:** Killed outside his office in Istanbul by an assassin on 19 January 2007.

**Details of investigation:** In July 2011, 17-year-old Ogün Samast was sentenced to 22 years and 10 months in prison for Dink's murder. In January 2012, Yasin Hayal, a criminal with a previous conviction for a bomb attack on a McDonald's restaurant, was sentenced to life in prison in solitary confinement and with no possibility of parole, for 'soliciting another person to wilfully commit a murder'. Two others, Ersin Yolcu and Ahmet 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 started in 2017 and was ongoing as of 31 December 2018. 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.

**Professional background:** Dink had been convicted under Article 301 of the Penal Code for 'insulting Turkishness' for his writings on Armenian Genocide. In October 2005, he was given a six-month suspended sentence for a 2004 article entitled, 'The Armenian Identity'. Dink's murder sparked debate on revision or repeal of Article 301, which many believe marked Dink out as a target for ultranationalists.

**Honorary Member:** PEN Belgium/Flanders, English PEN, and Norwegian PEN**PEN Action:** 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)****Gender:** Male**Profession:** Founder and editor of opposition magazine *Henta* and documentary filmmaker**Date of death:** 27 December 2015**Perpetrator:** Non-state**Details of death:** Jerf was shot dead in Gaziantep, south-eastern Turkey, where he had worked for three years documenting atrocities by Islamic State and the Syrian government.

**Details of trial:** On 9 June 2017, a court in Gaziantep convicted Yusef Hamed Al-Shefreh, who is a member of Islamic State, passing two life sentences: for Naji Jerf's murder and for 'trying to overthrow the constitutional order' by joining Islamic State. Three other suspects were acquitted for lack of evidence. The trial was held behind closed doors. Jerf's family were not represented by a lawyer, relative, or representative of any Syrian organisation. They had no direct access to the case and had to follow it through media reports. As a result of the trial being held behind closed doors, it remains unclear what the motive for the murder was, how it was carried out, what was the convicted murderer's profile, and whether other individuals were involved.

**Professional background:** Originally from Salamiyah, Hama province of Syria, Jerf covered human rights abuses and coordinated the work of citizen-journalists after the start of the Syrian uprising in 2011. When government intelligence officers identified him and ransacked his office in October 2012, he went into hiding and fled Syria a month later. He had previously told Reporters Without Borders (RSF) that he had been receiving threats and had just obtained a visa for France, where he planned to move the following month. In his visa application letter, he said he feared for his safety and would like to live in a country that 'respects human rights'. In a letter to the French ambassador in Turkey sent in July 2015, in support of his application, he wrote: 'I now live in the Turkish city of Gaziantep and my safety is more and more difficult after an increase in the threats to me and my family, above all because I am a secularist and belong to the Ismaili minority, which is targeted by the Jihadis.' The threats against Jerf increased following his coverage of the atrocities by Islamic State, including the 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’ (mainly lawyers), the ‘political wing’ (including publishers, academics, and translators alongside politicians) and the ‘press wing’ (which implicates journalists).*

*The **FETO** investigation relates to the widespread infiltration of followers of Fethullah Gülen, a US-based cleric, into various organs of state, including the police, military, and judiciary. Initially close to the ruling Justice and Development Party, the two groups fell out, and since December 2013 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 that are not known to be linked to any particular investigation.*

### IMPRISONED: Main Case

#### Ahmet ALTAN

**Gender:** Male

**Profession:** Novelist, essayist, and journalist

**Date of birth:** 2 March 1950

#### Mehmet ALTAN

**Gender:** Male

**Profession:** Academic economist, journalist, and writer

**Date of birth:** 11 January 1953

**Sentence:** Life imprisonment

**Type of legislation:** Other (attempting to overthrow the constitutional order)

**Date of arrest:** Both were arrested on 10 September 2016; Ahmet Altan was released on bail on 22 September 2016, only to be rearrested later on the day.

**Date of release:** Mehmet Altan was released pending the outcome of his appeal on 27 June 2018.

**Details of release:** On 11 January 2018, Turkey’s Constitutional Court ruled that Mehmet Altan’s lengthy pre-trial detention should end, but the trial court refused to implement the ruling. A second appeal to the Constitutional Court was successful but not implemented. In March 2018, the European Court of Human Rights urged the Turkish authorities to release him without delay. On 27 June 2018, the Istanbul Regional Court of Justice ordered Mehmet Altan’s release pending the outcome of his appeal.

**Details of trial:** On 16 February 2018, Ahmet Altan and his brother Mehmet Altan were convicted of ‘attempting to overthrow the constitutional order’ under Article 309 of the Turkish Penal Code and sentenced to aggravated life sentences, or life without parole. PEN International – together with other free expression organisations – have observed the trial since the first hearing and have found the proceedings to be marred by profound violations of the defendants’ rights to a fair trial. Proceedings most notably ignored landmark rulings by the European Court of Human Rights and Turkey’s Constitutional Court, which ruled for Mehmet Altan’s release from pre-trial detention (see above). Ahmet Altan is also on trial in a separate case, together with Mehmet Baransu (see below) and others, related to his work as editor-in-chief of *Taraf* newspaper, in which he is accused of acquiring, destroying, and divulging documents concerning the security of the state and its political interests. In 2013, Ahmet Altan was found guilty of defamation for a January 2012 editorial piece in *Taraf*, ‘Morality and Enabling the State’, for which he was sentenced to 11 months’ imprisonment, commuted to a fine. He has faced various other charges previously for his work both as a journalist and a novelist, including ‘insulting Turkishness’ (Article 301 Penal Code) for an article dedicated to the victims of the Armenian Genocide.

**Current place of detention:** Ahmet Altan is being held in Silivri Prison, Istanbul

**Conditions of detention:** Aggravated life imprisonment is the most severe sentence under Turkish law. It consists of 30 years’ imprisonment, after which prisoners are eligible for parole on condition of good behaviour. Those convicted of aggravated life sentences also face harsher detention conditions, including solitary confinement for 23 hours per day, one phone call every 15 days to immediate family members, visitation by immediate family for one hour every 15 days, and no permission to leave under any circumstances.

**Professional background:** Ahmet Altan is the author of several novels and essays. The English version of his new book *I Will Never See the World Again* is due in March 2019. Mehmet Altan is an academic economist, journalist, and author of over 25 books.

**Honorary Member:** PEN Belgium/Flanders

**PEN Action:** PEN International has been closely following the case since the initial arrest (RAN 19/16) and has been monitoring the criminal proceedings. With others, PEN International has submitted a third-party intervention before the European Court of Human Rights. Statement February 2018, statement October 2018

## Mehmet BARANSU

**Gender:** Male

**Profession:** Journalist for the daily *Taraf* and author of three books

**Date of birth:** 7 March 1977

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

**Type of legislation:** Anti-state, insult, and obtaining secret documents

**Date of arrest:** 2 March 2015

**Details of arrest:** Baransu was arrested along with journalist Murat Seki Çoban on charges of forming a criminal organisation and obtaining, distorting, and stealing secret state documents. Baransu broke a story in 2010 about an alleged military coup plot in 2003 known as ‘Sledgehammer’, after having received CDs, tapes, and documents from a source.

**Details of trial: (1)** The Istanbul chief public prosecutor’s office launched an investigation against Baransu and Çoban in November 2013 on the grounds that they ‘revealed confidential documents regarding Turkey’s national security interests’ in the article *Gülen’i Bitirme Kararı 2004’te MGK’de Alındı* (The Decision to Ruin the Gülen Movement Made at the National Security Council Meeting in 2004), which was written by Baransu and published by *Taraf* on 28 November 2013. Baransu and Çoban were officially charged on 22 May 2014, following a six-month investigation. On 10 May 2017, Istanbul’s 13<sup>th</sup> Court for Serious Crimes denied Baransu’s request that he be freed pending the conclusion of his trial on charges of ‘founding and running a terrorist organisation’, which he faces in connection with the alleged ‘Sledgehammer’ military coup conspiracy. **(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 2<sup>nd</sup> Civil Court of First Instance for insulting the then Prime Minister, now President Erdoğan. The charges concerned Baransu’s tweets, which he denied had contained any insults. Whilst the indictment accused Baransu of insulting and blackmailing President Recep Tayyip Erdoğan, seeking a seven-year sentence, the court decided that the tweets did contain insults but imposed a 10-month prison sentence. According to the CPJ, in 2018 the Turkish authorities reopened 15 trials related to Baransu’s social media presence, despite the Appeals Court already approving the final rulings of suspended sentences that a lower court handed down. In two of the retrials, the courts ordered Baransu to pay a fine of 20,000 Turkish lira (US\$ 3,320) or do 200 hours’ work in a prison. His lawyers filed a complaint to the Constitutional Court about the fines. As of late 2018, neither the local courts nor the European Court of Human Rights had responded to their appeals. **(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 2018.

**Current place of detention:** Silivri Prison, Istanbul

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

**Health concerns:** According to CPJ, Baransu had deliberately been kept hungry in 2016, held in filthy conditions, verbally abused and mistreated while being transferred from prison to various courts for his hearings. His lawyer said in late 2017 that he developed health problems as a result of his detention. The Turkish authorities reportedly denied his request to be transferred to hospital because of lack of personnel.

**PEN Action:** Statement 5 March 2015

## Zehra DOĞAN

**Gender:** Female

**Profession:** Journalist, painter, poet

**Date of birth:** 1989

**Sentence:** Two years, nine months, and 22 days in prison

**Expiry of sentence:** February 2019

**Type of legislation:** Anti-terror

**Details of arrest:** Zehra Doğan was taken into custody on 12 June 2017, while she was on her way to visit family.

**Details of trial:** The charges against Doğan relate to a painting, a news article, and her social media activity. The painting at issue is her recreation of a photograph taken by the Turkish military and disseminated by social media accounts linked to the Turkish security forces, taken during the five-month curfew imposed on the town of Nusaybin, which was a site of the conflict between the Turkish army and the PKK. The news item in question is an article written on 22 December 2015, concerning Nusaybin. Lastly, the court also considered social media activity between 21 December 2015 and 9 December 2016 to be evidence of guilt. On 24 March 2017, Doğan was sentenced to 2 years, 9 months, and 22 days in prison. She was convicted under article 7/2 of the Anti-Terror Law.

**Current place of detention:** Tarsus prison, southern province of Mersin

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

**Professional 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.

**Awards:** Doğan received numerous awards for her work, including the prestigious Metin Göktepe Journalism Award for her reportage ‘The Screams of Yezidi Women’.

**Honorary member:** PEN Belgium (French-speaking)

**PEN Action:** [Statement](#) August 2017; [Day of the Imprisoned Writer](#) 2017

## Nedim TÜRFENT

**Gender:** Male

**Profession:** News editor, reporter and poet.

**Date of birth:** 8 February 1990

**Sentence:** Eight years and nine months in prison

**Expiry of sentence:** 2026

**Type of legislation:** Anti-terror

**Date of arrest:** 12 May 2016

**Details of arrest:** Nedim Türfent was arrested on 12 May 2016 after covering clashes between the Turkish army and the PKK in the predominantly Kurdish southeast of Turkey.

**Details of trial:** Türfent was formally charged with ‘membership of a terrorist organisation’ and ‘spreading terrorist propaganda’ 10 months after his arrest. Among the reasons listed in his indictment were his social media posts, his news reporting, and 20 concealed witness testimonies. His first hearing was held in Hakkari on 14 June 2017, some 200 km away from Van where he was being detained. He was denied the right to appear physically in court seven times, and instead testified via the judicial conferencing system [SEGBİS](#), experiencing severe connection and [interpretation issues](#). Out of the 20 witnesses called, 19 retracted their statements, saying they had been extracted under [torture](#). Despite this, Türfent was sentenced to eight years and nine months in prison for ‘membership of a terrorist organisation’ and

‘spreading terrorist propaganda’ on 15 December 2017. On 19 June 2018, the Erzurum Regional Appeals Court upheld Nedim Türfent’s conviction. His lawyers lodged an appeal before Turkey’s Constitutional Court on 3 September 2018. PEN International believes that Türfent is being imprisoned solely for the peaceful exercise of his right to freedom of expression, and calls for his immediate and unconditional release.

**Current place of detention:** Van high security prison, eastern Turkey

**Conditions of detention:** Türfent spent nearly two years in solitary confinement, during which time he was transferred to several prisons. In a letter addressed to Turkish columnists and dated 8 May 2017, he reported harrowing detention conditions in his four-meter-long prison cell, where he was denied access to TV, radio, books, or newspapers and forced to read ‘the back of detergent boxes’ to pass time. According to the [UN Standard Minimum Rules for the Treatment of Prisoners](#), prolonged solitary confinement amounts to torture or other cruel, inhuman, or degrading treatment or punishment and must not be imposed under any circumstances.

**Professional background:** Türfent worked as news editor and reporter at the pro-Kurdish Dicle News Agency (DİHA) prior his arrest. He started composing poetry while detained.

**Awards:** Türfent received the prestigious Musa Anter journalism award for his coverage of a military operation in the Kurdish city of Yüksekova, where a group of soldiers reportedly handcuffed and pinned 50 villagers face down, yelling slurs such as ‘you will witness the power of the Turk’.

**PEN Action:** [Statement](#) June 2017, [statement](#) August 2017, [statement](#) February 2018, [call to action](#) December 2018

## IMPRISONED: Investigation

*PEN is seeking further information as to whether the writers below used or advocated violence.*

## Hamit DUMAN (alias DİLBAHAR)

**Gender:** Male

**Profession:** Poet, politician, and journalist for *Azadiya Welat*

**Sentence:** 16 years

**Expiry of sentence:** 2029

**Type of legislation:** Anti-terror

**Date of arrest:** 13 February 2010, as part of the KCK operation.

**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 2018.

**Current place of detention:** Believe to be held in Erzurum E-type prison.

**Hidayet KARACA (FETO)****Gender:** Male**Profession:** Writer, former *Zaman* reporter, and chairman of the Samanyolu Broadcasting Group**Date of birth:** 18 August 1963**Sentence:** Life imprisonment**Type of legislation:** Anti-terror**Date of arrest:** 14 December 2014

**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 and he was sentenced to 31 years in prison in November 2017. He received an aggravated life sentence in June 2018 for 'attempting to overthrow the constitutional order'.

**Current place of detention:** Believed to be held in Silivri Prison, Istanbul**Professional background:** Karaca is the author of one book, *Bir Dizi Film*.**PEN Action:** Statement 15 December 2014**Erol ZAVAR****Gender:** Male**Profession:** Poet and former editor-in-chief of *Odak* and *Direnış* magazines**Date of birth:** 1 January 1969**Sentence:** Life imprisonment**Type of legislation:** Anti-terror**Date of arrest:** January 2000

**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.

**Current place of detention:** Believed to be held in Tekirdağ F Type Prison**Professional 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 2018.**DETAINED: Main Case****Selahattin DEMIRTAŞ****Gender:** Male**Profession:** Writer, politician**Date of birth:** 10 April 1973**Type of legislation:** Anti-terror**Date of arrest:** 4 November 2016

**Details of arrest:** Former co-chair of the pro-Kurdish Peoples' Democratic Party (HDP), Selahattin Demirtaş was arrested on 4 November 2016 on terrorism charges alongside other HDP MPs. He has been held in pre-trial detention since then. He is accused of being a leading member of a terrorist organisation, of spreading terrorist propaganda, of praising crimes and criminals, and of incitement of violence. The evidence against him consists largely of his political speeches and press statements and lacks any compelling evidence of criminal activity. He faces up to 142 years in prison if convicted. On 20 November 2018, the European Court of Human Rights ruled that Turkey's repeated extensions of Demirtaş's pre-trial detention pursued the purpose of 'stifling pluralism and limiting freedom of political debate'. For the first time in Turkey's history, the Court found Turkey in violation of Article 18 (limitation on use of restrictions on rights) of the European Convention on Human Rights, in conjunction with Article 5(3) of the Convention (right to be brought promptly before a judge) and called on the Turkish authorities to 'take all necessary measures to put an end to [Demirtaş's] pre-trial detention'. Following the Court's ruling, Demirtaş's lawyers filed for his release. Under Article 46 of the European Convention on Human Rights, Turkey must abide by judgments of the European Court of Human Rights. Yet on 13 December 2018, the Ankara 19th High Criminal Court ordered the continuous detention of Demirtaş on the grounds that the judgment was not final as it had not been pronounced by the Grand Chamber. PEN International calls on the Turkish authorities to abide by the European Court of Human Rights' ruling and immediately release Demirtaş from pre-trial detention.

**Details of trial:** In a separate case on 7 September 2018, Selahattin Demirtaş was sentenced to four years and eight months in prison for carrying out terrorist propaganda at a speech he gave in 2013. His sentence was upheld on appeal on 4 December 2018. PEN International is calling for his conviction to be quashed.

**Current place of detention:** Silivri Prison, Istanbul**Professional background:** While in detention, Demirtaş wrote a collection of short stories entitled *Seher (Dawn)*, which instantly became a best-seller and was translated into scores of languages. He ran for the June 2018 presidential elections as HDP candidate from his prison cell.**Other information:** It is the first time the European Court of Human Rights finds Turkey in violation of Article 18 of the European Convention on Human Rights. In doing so, the Court ruled that Demirtaş's continuous detention was politically motivated. It also found Turkey in violation of

Article 5(3) (right to be brought promptly before a judge), Article 5 (4) (right to a speedy review of the lawfulness of detention) and Article 3 of Protocol No. 1 (right to free elections) of the European Convention on Human Rights.

**Honorary Member:** [German PEN](#), PEN Mexico, and PEN Català.

**PEN Action:** [Written statement](#) to the UN Human Rights Council May 2017, [statement](#) August 2017, [oral statement](#) to the UN Human Rights Council June 2018, [statement](#) June 2018, [statement](#) December 2018

## Mehmet Osman KAVALA

**Gender:** Male

**Profession:** Civil society leader, philanthropist, publisher, and human rights defender

**Date of birth:** 1957

**Type of legislation:** Kavala has been arbitrarily detained since October 2017 on alleged suspicion of attempting to overthrow the government and the constitutional order. An indictment outlining the precise charges against him had yet to be issued at the time of writing.

**Date of arrest:** 18 October 2017

**Details of arrest:** Mehmet Osman Kavala was first [detained](#) on 18 October 2017 at Istanbul's Atatürk airport upon returning from the city of Gaziantep, south-eastern Turkey. Gaziantep houses about 350,000 Syrian refugees, and Kavala was [reported](#) to be setting up a cultural centre aiming at integrating refugees with the local community. He was interrogated on 31 October 2017 by the Istanbul Police Department Anti-Terrorism Unit. The next day, a Court in Istanbul [ruled](#) that he be remanded in custody under Articles 309 ('attempting to overthrow the constitutional order') and 312 of the Turkish Penal Code (crimes against the government). On 16 November 2018, 13 academics, journalists, and activists were detained in simultaneous raids across the country. In a [statement](#) issued that day, the Istanbul Public Prosecutor's Office said that those detained were being questioned over their links to Kavala, and were being accused of attempting to 'trigger chaos and turmoil in the country' through their alleged involvement in the nationwide Gezi Park protests of 2013. An indictment outlining the precise charges against Kavala had yet to be issued at the time of writing. PEN International calls for his immediate and unconditional release.

**Current place of detention:** Silivri prison, Istanbul

**Professional background:** Kavala has dedicated his life to promoting open dialogue and peace, human rights, and democratic values in Turkey. He helped establish a number of civil society organisations, including Anadolu Kültür (Anatolian Culture), a cultural association that aims to foster a celebration of diversity through cultural and artistic exchange. He also helped found İletişim Publishing in 1983, which has since become one of Turkey's largest publishing houses.

**Other information:** In June 2018, Kavala [announced](#) that he had applied to the European Court of Human Rights appealing his lengthy pre-trial detention. In November

2018, PEN International and the Turkey Litigation Support Project requested to submit a joint third-party intervention in his case, which the Court accepted. Dunja Mijatović, the Council of Europe Commissioner for Human Rights, [announced](#) that she would also be submitting written observations as a third party.

**PEN Action:** [Resolution](#) 2018, [statement](#) November 2018

### On Trial: KCK – Press Wing

*Forty-six 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 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

**Gender:** Female

**Profession:** Scholar, author, translator, and women's activist

**Type of legislation:** Anti-terror

**Date of arrest:** 3 October 2011

**Date of release:** Freed pending trial on 20 December 2013

**Details of trial:** Berktaý had been working with the now-defunct pro-Kurdish Peace and Democracy Party (BDP), of which she was 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 is believed to be ongoing as of 31 December 2018. Additionally, on 9 August 2016, she was one of several staff members of *Özgür Gündem* whose passports were ordered to be [cancelled](#) by Istanbul's 14th Court of Serious Crimes.

**Professional background:** Publications include: *History and Society: New Perspectives* (2008); *The Ottoman Empire and the World Around* with Suraiya Faroqi, (2007). Berktaý 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. Berktaý also writes numerous articles on feminism in Turkey. **Awards:** Winner of the [2013 PEN/Barbara Goldsmith Freedom to Write Award](#). **Honorary member:**

PEN Turkey, PEN America, PEN Canada **PEN Action:** [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

## Büşra ERSANLI

**Gender:** Female

**Profession:** Academic, expert on political science, and author

**Date of birth:** 1950

**Sentence:** 15 months' imprisonment (subject to appeal)

**Type of legislation:** Anti-terror

**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:** Ersanlı was charged under an indictment issued on 19 March 2012 with 'leading an illegal organisation' under Article 314/1 of the Turkish Penal Code, 'leading a terrorist organisation' under the Anti-Terror Law in connection with her participation in the Political Academy of the now-defunct pro-Kurdish Peace and Democracy Party (BDP). Ersanlı's involvement included providing advice on lessons to be held within the Academy and on proposals for a new constitution for Turkey, and her participation in peaceful demonstrations. If convicted, she faces between 15 and 22.5 years in prison. Hundreds of supporters protested outside the court at an appeal hearing against the arrest on 31 October 2011. Her trial is believed to be ongoing as of 31 December 2018. In a separate case in June 2018, a court in Istanbul [sentenced](#) her to 15 months in prison for spreading terrorist propaganda, after she signed a declaration calling for peace in Turkey's south-east in January 2016.

**Professional 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 Falı (Nephomancy)*, in which she narrates her nine-month-long experience in prison. She is primarily known for her work towards finding non-violent resolutions to conflict.

**Honorary Member:** PEN Turkey

**PEN Action:** [RAN 23/13 23/05/13](#), Update 12/06/13 [International Women's Day Action 2014](#)

## Deniz ZARAKOLU

**Gender:** Male

**Profession:** Author and translator

**Date of birth:** 15 July 1975. Son of leading freedom of expression activist **Ragıp Zarakolu** (see below).

**Type of legislation:** Anti-terror

**Date of arrest:** 7 October 2011

**Date of release:** Freed pending trial on 27 March 2014

**Details of arrest:** Arrested at his home in Tarlabasi, Istanbul.

**Details of trial:** Zarakolu was charged with 'membership of an illegal organisation'. He faces 6-12 years in prison if found guilty. The indictment against him references a series of lectures that he gave at a Peace and Democracy Party (BDP) event. The lectures concerned political philosophy and the Kurdish movement in Turkey. He was 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 2018.

**Professional details:** Civil Engineer and PhD student at Bilgi University, Istanbul. The author of a book on Thomas Hobbes and translated Hobbes' *De Cive* among others, he also translated a book on the Turkish justice system in 1999, *The Independence of Judges and Lawyers in the Republic of Turkey: Report of a Mission 1999*, published by the Centre for the Independence of Judges and Lawyers, Geneva.

**Honorary Member:** German PEN, Danish PEN, Swiss Italian PEN.

**PEN Action:** [RAN 23/13 23/05/13](#), Update 12/06/13

## Ragıp ZARAKOLU

**Gender:** Male

**Profession:** Publisher, freedom of expression and minority rights activist, member of PEN Turkey

**Type of legislation:** Anti-terror

**Date of arrest:** 29 October 2011

**Date of release:** Freed pending trial on 10 April 2012

**Details of release:** Zarakolu was released pending trial. The İstanbul 15th High Criminal Court cited the length of time he had already been imprisoned, 'the nature of the crime', and 'the state of the evidence' as reasons for his release. He has since left the country.

**Details of trial:** An indictment was issued on 19 March 2012, charging Zarakolu with 'aiding and abetting an illegal organisation' under Article 220/7 of the Penal Code. He faces between seven-and-a-half and 15 years in prison in connection with a speech he made at an event by the now-defunct pro-Kurdish Peace and Democracy (BDP) party. Although he has been living in Sweden since 2013, the harassment continues. In May 2017, police officers [raided](#) Belge Publishing House, which he founded in 1977 with his late wife Ayşe, and seized over 2000 books. In July 2018, the İstanbul 3rd High Criminal Court submitted a request for an Interpol Red Notice, a mechanism used to locate and provisionally arrest an individual pending extradition. His trial in İstanbul is ongoing as of 31 December 2018.

**(2) Details of 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 ongoing as of 31 December 2018.

**Professional background:** Zarakolu is a well-known political activist who has been fighting for freedom of expression in Turkey for over 30 years, publishing books on issues such as minority and human rights.

**Awards:** Zarakolu was awarded the Assyrian Cultural Award in March 2012 and was nominated as a candidate for the 2012 Nobel Peace Prize.

**Honorary Member:** PEN Turkey, PEN Canada, Danish PEN, German PEN, Netherlands PEN, and San Miguel Allende PEN

**PEN Action:** 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. Statement September 2018

## ON TRIAL: Other

### Can DÜNDAR

**Gender:** Male

**Profession:** Former editor of *Cumhuriyet*, writer, documentary filmmaker, and member of PEN Turkey

**Date of birth:** 16 June 1961

**Type of legislation:** Anti-terror

**Date of arrest:** 26 November 2015

**Details of arrest:** On 26 November 2015, Dündar and his Ankara bureau chief **Erdem Gül** were detained on terrorism and espionage charges in relation to a news story published in June 2015.

**Date of release:** 26 February 2016

**Details of release:** Dündar and Gül were released by a Supreme Court decision that stated that their rights and that of the press have been violated. Following President Erdoğan's criticism of the Supreme Court, commenting 'he won't abide by the ruling', the lower court sentenced Dündar and Gül to five years in prison for revealing state secrets. The decision is on appeal whilst Dündar and Gül remain free, with Dündar living in exile in Germany as of December 2016. Proceedings against him (see below) are taking place *in absentia*.

**Details of trials:** (1) In June 2015, President Erdoğan filed a criminal complaint against Dündar over a news story, alleging espionage and demanding an aggravated life sentence. The complaint accused Dündar of trying to manipulate justice with fabricated material and violating confidentiality by publishing the story. Dündar's paper,

*Cumhuriyet*, had published photos of Turkish intelligence agency's trucks allegedly carrying arms to Syria. Proceedings are ongoing as of 31 December 2018.

(2) In August 2015, the public prosecutor of Istanbul drafted an indictment against 18 journalists from nine newspapers for 'propaganda in favour of a terrorist organisation' in relation to the 'Editors Watch' solidarity action with *Özgür Gündem* daily, seeking prison terms of between one-and-a half to seven-and-a-half years in prison. Dündar is among those indicted. Proceedings are ongoing as of 31 December 2018. (3) Dündar stood trial alongside 16 colleagues of *Cumhuriyet*, Turkey's oldest newspaper, on charges of assisting an armed terrorist organisation. PEN International observed the proceedings, which have been marred by violations of the right to a fair trial. On 25 April 2018, 13 of the defendants were convicted of terrorism-related crimes and handed down sentences of between 7 years and 6 months and 2 years and 5 months' imprisonment, even while ordering their release under travel ban. An appeal in the case is pending. The court also ruled the case against Dündar would continue separately.

**Date 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. He was sentenced to 10 months in prison on 2 October 2018.

**Professional background:** Former editor of *Cumhuriyet*, Can Dündar is the author of *We Are Arrested: A Journalist's Notes from a Turkish Prison*, which the Royal Shakespeare Company in Britain turned into a play in 2018. He writes a weekly column for *Die Zeit* and works closely with Correctiv, a nonprofit center for investigative journalism.

**PEN Action:** 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)

**Gender:** Male

**Profession:** Former editor-in-chief of *Zaman* and playwright

**Type of legislation:** Anti-terror

**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.

**PEN Action:** Press release [15 December 2014](#)

## Aslı ERDOĞAN

**Gender:** Female

**Profession:** Novelist, advisory position in *Özgür Gündem* daily

**Date of birth:** 8 March 1967

## Necmiye ALPAY

**Gender:** Female

**Profession:** Linguist, advisory position in *Özgür Gündem* daily

**Date of birth:** 1946

**Type of legislation:** Anti-terror

**Date of arrest:** 17 August 2016 (Aslı Erdoğan) and 31 August 2016 (Necmiye Alpay)

**Date of release:** 29 December 2016

**Details of arrest:** Erdoğan was detained on 17 August 2016, following a police raid into her apartment. Her arrest came alongside more than 20 other journalists and employees from *Özgür Gündem*, a pro-Kurdish opposition daily, which was shut down by decree as part of the state of emergency following the failed coup of 15 July 2016. On 31 August 2016, Istanbul's Eighth Criminal Court of Peace ordered the arrest of both Alpay and Erdoğan on charges of being members of a terror organisation and disrupting the unity of the state; they deny all charges.

**Details of release:** Both Alpay and Erdoğan were subsequently released on 29 December 2016 following 133 days in detention. On 7 September 2017, the Turkish authorities lifted travel restrictions imposed on Aslı Erdoğan. Erdoğan's and Alpay's trial is ongoing as of 31 December 2018.

**Professional background:** Aslı Erdoğan is the author of

several books. Her short story *Wooden Birds* received first prize from Deutsche Welle radio in a 1997 competition and her second novel, *Kırmızı Pelerinli Kent (The City in Crimson Cloak)*, received numerous accolades abroad and has been published in 15 languages. Necmiye Alpay is a renowned linguist, writer, and translator. She has published books on the usage of language, literary criticism, and the peace process in Turkey.

**Awards:** Aslı Erdoğan was awarded the 2018 Simone de Beauvoir Prize for Human Rights.

**PEN Action:** [RAN 18/16](#), [RAN 19/16](#), [Call to Action 1 September 2017](#)

## Ahmet NESİN

**Gender:** Male

**Profession:** Journalist and writer

**Date of birth:** 1957

**Type of legislation:** Anti-terror

**Date of arrest:** 20 June 2016

**Date of release:** Freed pending trial on 1 July 2016

**Details of arrest:** As part of a campaign launched on World Press Freedom Day 2016, Ahmet Nesin acted as editor-in-chief for a day for the pro-Kurdish newspaper *Özgür Gündem*, on 7 June. On 20 June 2016, he was detained alongside 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 2018.

**PEN Action:** [Statement](#) June 2016, [statement](#) August 2016

## Sevan NİŞANYAN

**Gender:** Male

**Profession:** Turkish language historian, writer, and *Agos* columnist

**Date of birth:** 21 December 1956

**Sentence: (1)** Thirteen-and-a-half months (postponed until the outcome of an appeal)

**(2)** 11 years and six months

**Type of legislation:** Defamation, other (building infractions)

**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 22 May 2013 for comments he made regarding the Prophet Muhammad in his personal blog. He was

handed a fifteen-and-a-half-month prison sentence, with the court deciding not to suspend his sentence or commute it to a fine because of prior convictions. An appeal which had been placed on 25 October 2016 was rejected. (2) Nişanyan was imprisoned on conviction relating to a long-standing legal battle with the state over planning permission related to buildings on his estate. 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 six months after he was convicted of additional planning offences. On 14 July 2017, Nişanyan tweeted 'The bird has flown away. Wishing the same for the remaining 80 million' (referring to the population in Turkey), thus enigmatically announcing his escape from Foça prison, where he had been transferred in April. He fled to Greece, where he has 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

## Ahmet ŞIK

**Gender:** Male

**Profession:** Journalist and writer, reporter for *Cumhuriyet Daily*, politician

**Date of birth:** 1970

**Sentence:** Seven years and six months' imprisonment (subject to appeal)

**Type of legislation:** Anti-terror

**Date of arrest:** 29 December 2016

**Date of release:** Freed pending trial on 9 March 2018

**Details of arrest:** Arrested at his home in Istanbul

**Details of trial:** Şik stood trial alongside 16 colleagues of *Cumhuriyet*, Turkey's oldest newspaper, on charges of assisting an armed terrorist organisation. He spent 435 days in solitary confinement and was eventually released from pre-trial detention on 9 March 2018. He filed an application to the European Court of Human Rights, alleging infringement of his right to liberty and right to freedom of expression and arguing that his detention amounted to politically-motivated judicial harassment. Despite being accorded priority status by the Court, his case remains pending at the end of 2018. PEN International observed the *Cumhuriyet* proceedings, which have been marred by violations of the right to a fair trial. On 25 April 2018, Ahmet Şik was found guilty of aiding a terrorist organisation without being a member, and sentenced to seven years and six months' imprisonment. The verdict attracted widespread criticism, both within and outside Turkey. His appeal was ongoing as of 31 December 2018.

**Professional background:** Şik is a graduate of the Communications Faculty Department of Journalists, Istanbul University and a reporter for *Milliyet*, *Cumhuriyet*, *Evrinsel*, *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 breaching the confidentiality surrounding the trial of people alleged to be part of a 'deep state' conspiracy – known as 'Ergenekon' – in a two-volume book published in 2010, 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)*. In 2015, Şik 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, Şik was convicted of defamation and sentenced to pay a fine of 4,000 Turkish Lira (c. US\$ 5,118). On 12 April 2017, Şik was acquitted in the OdaTV case, where a number of journalists were tried on accusation of being Ergenekon members. In 2018, he was elected deputy for the Democratic People's Party (HDP) in Istanbul's second electoral district.

**Awards:** Awarded a number of prizes for his journalism in Turkey, including UNESCO's 2014 Guillermo Cano World Press Freedom Prize.

**Honorary Member:** PEN Turkey, Danish PEN, PEN Belgium/Flanders

**PEN Action:** PEN International closely followed Şik's case since his arrest. With others, PEN International has intervened before the European Court of Human Rights in his case. PEN International also issued a RAN (and updates 1, 2, 3) at the time of the ODATV case. Statement April 2018

## CASE CLOSED

### Doğan AKHANLI (Turkish-German national)

**Gender:** Male

**Profession:** Writer and human rights activist

**Type of legislation:** Anti-terror

**Details of trial:** Akhanlı, who permanently lives in Germany as a German citizen, was arrested in 2010 when he was visiting Turkey. He was accused of being among the group who robbed an exchange office in 1989 and charged with 'robbery' and 'membership of armed organisation'. He was found not guilty in 2011, but in February 2013, Turkey's Supreme Court reversed this decision, demanding life imprisonment. On 19 August 2017, Akhanlı 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 Akhanlı would not be extradited, and he was free to return to Germany. **Reason for closure:** Extradition proceedings have stopped.

# PEN Actions for Journalists in Europe and Central Asia 2018

## Azerbaijan

**Sahib Teymurov:** *reprisals against human rights defender's relatives*

**Action:**

February 2018: PEN International concerned about reprisals against Sahib Teymurov's family members

## Bulgaria

**Viktoria Marinova:** *murdered journalist*

**Action:**

October 2018: PEN International condemns horrific killing of Bulgarian journalist

## Kazakhstan

**RATEL.KZ:** *civil and criminal actions taken against critical media outlets*

**Action:**

May 2018: 'False information' laws must not be used to silence the media in Kazakhstan

## Malta

**Daphne Caruana Galizia:** *murdered journalist*

**Action:**

February 2018: PEN joins calls on Council of Europe to ensure justice for murdered Maltese journalist Daphne Caruana Galizia

April 2018: Leading international writers join PEN in calling on Europe to protect press freedom in Malta

June 2018: Oral statement on the situation of violence against women and the rule of law in Malta

July 2018: European Commission calls for justice for Daphne Caruana Galizia and for European Capitals of Culture to uphold European values

October 2018: Statement of the International Freedom of Expression Mission as delivered at the meeting with Prime Minister Muscat

October 2018: Statement International freedom of expression mission to Malta: preliminary statement of findings

October 2018: Malta's authorities are not living up to their obligations to safeguard freedom of expression

October 2018: Statement on the Ministry of Justice's repeated destruction of the protest memorial for justice for Daphne Caruana Galizia

October 2018: Open letter to Malta's Justice Minister concerning the destruction of the protest memorial for Daphne Caruana Galizia

November 2018: Malta: A total lack of accountability - Open letter to Prime Minister Muscat on the promotion of Jason Micallef, Chair of Valletta 2018

November 2018: Malta: Naomi Klein joins PEN's calls for a public inquiry into the assassination of Daphne Caruana Galizia

November 2018: Statement on the Universal Periodic Review

December 2018: One year after arrests of murder suspects, international NGOs condemn continued lack of justice for Daphne Caruana Galizia

December 2018: Maltese state official verbally abuses human rights advocate at the UN in part of a growing trend of harassment of human rights defenders

## Russia

**Telegram:** *mass collateral website blocking*

**Action:**

April 2018: [Russia: Telegram block leads to widespread assault on freedom of expression online](#)

**Zhalaudi Geriev:** *imprisoned journalist*

**Action:**

June 2018: [Oral statement on freedom of association and peaceful assembly in Russia](#)

## Slovakia

**Ján Kuciak:** *murdered journalist*

**Action:**

December 2018: [Statement on Council of Europe's Journalists' Safety Platform Partners' mission to Bratislava](#)

## Turkey

**Mehmet Altan and Şahin Alpay:** *imprisoned journalists*

**Action:**

January 2018: [Statement PEN International welcomes Constitutional Court decision regarding Alpay and Altan](#)

January 2018: [Turkey: Implement Constitutional Court Decision to Free Journalists](#)

March 2018: [European Court: Rulings to free two Turkish Journalists](#)

**Çayan Demirel and Ertuğrul Mavioğlu:** *detained Turkish documentary filmmakers*

**Action:**

May 2018: [Turkey: Charges against filmmakers Çayan Demirel and Ertuğrul Mavioğlu must be dropped](#)

**Cumhuriyet journalists:** *under unfair trial process*

**Action:**

March 2018: [Turkey: PEN calls for release of Atalay and dismissal of charges as Sik and Sabuncu are freed](#)

March 2018: [Freedom On Trial - Prosecutor's closing argument in Cumhuriyet proceedings illustrates absurdity of the charges](#)

April 2018: [Cumhuriyet Verdict Huge Blow to Freedom of Expression](#)

**Özgürlükçü Demokrasi:** *raid on pro-Kurdish daily*

**Action:**

March 2018: [Turkey: statement on today's raid at Özgürlükçü Demokrasi](#)

**Thirteen academics, journalists and activists detained**

**Action:**

November 2018: [More academics and journalists arrested in continuing crackdown](#)



## Nedim Türfent (Turkey)

News editor, reporter, and poet Nedim Türfent is serving a prison sentence of eight years and nine months on trumped-up terrorism charges following an unfair trial, during which scores of witnesses said they had been tortured into testifying against him.

Speaking to his lawyer in December 2018, he said:

**‘No matter what the price or consequence might be, we will never compromise from the magical creations of writing and of the written word. We would like to repeat once again our gratitude to PEN members, who have stood by us on this path. We will create beautiful things as we continue to be together. Efforts by PEN make us happy, boost our morale. We are grateful.’**

# Middle East and North Africa Overview

By Nael Georges, Middle East and North Africa  
Programme Coordinator

## Freedom of expression in the context of a fragile region

Throughout 2018, writers and journalists in the Middle East and North Africa (MENA) region continued to suffer from acute attacks on their rights to freedom of expression and opinion. They have been threatened and harassed, arrested, arbitrarily detained or subjected to enforced disappearance, kidnapped, and even murdered. Violations against writers have been mainly committed by authoritarian regimes, and sometimes by extremist actors.

## Assassination of Jamal Khashoggi

Unprecedented in recent times was the murder of Saudi journalist **Jamal Khashoggi** on 2 October, who was killed after going to the Saudi consulate in Istanbul, whose body was quickly disposed of and, as of the end of 2018, has yet to be found. The case has caused international condemnation, and in January 2019, UN Special Rapporteur on extra-judicial killings Agnes Callemard visited Turkey to investigate the murder, which she described as having been carried out with 'sheer brutality' under perceived diplomatic immunity. While the Saudi authorities eventually admitted he had been assassinated, they refuse to accede to Turkey's request to extradite the 18 alleged killers. Several states have issued sanctions against the 18 and others have cancelled arms deals with Saudi Arabia since the killing.

Those responsible for the murder and torture of other writers who have been killed in prisons or assassinated in previous years in the MENA region are yet to be brought to justice.

## Main limits to freedom of expression

The majority of the governments of the MENA region forbid certain forms of expression, in particular criticism of religion and political authorities as well as writing about sexuality. Theocratic governments, such as Iran and Saudi Arabia, criminalise writers who write about religious issues under multiple charges including blasphemy, atheism, and apostasy. Such criticism of religion is also seen to undermine the ruling system and its legitimacy, giving added charges of undermining the state. One such example is **Ashraf Fayadh**, a Palestinian poet and artist arrested in 2014, who is still in prison in Saudi Arabia on charges of ‘insulting the divine self’ due to the atheist content of his work.

Political crises and instability in many Middle-Eastern states, such as in Syria and Egypt, have seen a rise in the number of writers and journalists imprisoned solely for exercising their right to freedom of expression, as well as their human rights work and political opposition. Egyptian poet **Galal el-Behairy**, one among hundreds of writers and activists who have been arrested, received a sentence of three years’ imprisonment on 31 July 2018 for ‘insulting the military’ and ‘spreading false news’ on charges related to his latest book of poetry, *The Finest Women on Earth*.

The Syrian regime has continued its policy of enforced disappearances, torture, and execution of activists in custody, including writers. **Abduhadi Kasheet** is an opposition Syrian writer who was among those killed in detention after being subjected to an enforced disappearance since his arrest on 17 July 2013. Unconfirmed reports of Kasheet’s death were initially received on 12 October 2013, but according to a recent [report](#), his name is included in official records of deaths in custody issued recently by the Syrian government. These [death notices](#) were delivered by the Syrian regime to the relatives of those detainees. However, the whereabouts of dozens of other Syrian writers who are subject to enforced disappearance, including **Zaki Cordillo** and **Hussein Essou**, remain unknown.

Last but not least, governments in the region continue to block or reduce internet services, mainly in response to protests or at the time of political events such as elections. In July 2018, the internet disruption by the National Security Council has prevented Iraqi journalists and activists from reporting the news of peaceful protests against the Iraqi government to the rest of the world. *My.Kali*, a digital magazine promoting LGBTQ rights in Jordan, has been continuously blocked since July 2017 by the Jordanian Audio-visual Commission. This is just one of the examples of governments in the MENA region preventing and criminalising writings and publications dealing with sexual orientation and sexuality.

## Conflicts and its effects on writers

Pro-democracy movements erupted across the region in 2011 to achieve democratic change, which was widely requested at the time in the context of the Arab Uprising. However, the failure of these movements – except in Tunisia – has since led to internal conflicts in several countries such as Yemen, Libya, and Syria. Armed non-state actors, among them religious extremists, took control of some areas in these countries, where they carry out systematic violations of human rights, including closing the media and banning journalism activities. The writing that is criminalised ranges from criticism of religions, particularly Islam, through to commentary addressing leaders’ corruption and illegitimacy. Thus writers have been suffering oppression on the one side from governments due to their support of political change, and on the other from Islamic armed non-state actors due to their secular views and criticism of religion. This situation has forced many writers to seek refuge abroad, mainly in neighbouring countries where they face great psychological and financial difficulties. Whether inside their countries or outside, they also face significant direct and indirect threats because of the nature of their work, especially aimed at combating impunity and documenting widespread and systematic human rights violations in their native countries.

The Israeli-Palestinian conflict has also heavily impacted on human rights of Palestinians, including the right to freedom of expression. Israel has targeted journalists reporting on protests, including those sparked by the decision of the President of the United States, Donald Trump, to recognise Jerusalem as the capital of Israel and to move the US embassy there. The use of excessive force against protestors by the Israeli forces in May 2018 and thereafter has led to the deaths and the injuries of hundreds of people, including journalists and other activists. **Dareen Tatour**, a Palestinian poet, spent more than two years in imprisonment, first in an Israeli jail then under house arrest, before being released on 20 September 2018. Tatour’s conviction is mainly related to a video that she posted on YouTube, in which she recites one of her poems entitled, ‘Qawim ya sha’abi, qawimhum’ (Resist, my people, resist them). She had been the subject of extensive advocacy by PEN members worldwide against what PEN considers to have been a gross denial of Tatour’s right to freedom of expression.

# Middle East and North Africa Case List

## Emblematic Cases

### EGYPT: Galal el-Behairy

*Egyptian poet serving three year sentence*

El-Behairy has been sentenced to three years' imprisonment for 'insulting the military' and 'spreading false news' on charges related to his book of poetry, *The Finest Women on Earth*. Upon his arrest on 3 March 2018, el-Behairy was held for some time in an unknown location, where he was reportedly subjected to torture.



### SAUDI ARABIA: Hatoon al-Fassi

*Writer and activist detained for her role in the women's rights movement*

Dr. Hatoon al-Fassi is an associate university professor and writer. She is an outspoken activist and a leading voice in the women's rights movement in Saudi. Along with other women's rights defenders, al-Fassi has been detained since her arrest on 27 June 2018.



## Egypt

### IMPRISONED – MAIN CASE

#### Alaa Abd EL-FATTAH

**Gender:** Male

**Profession:** Blogger, activist, and writer. Writes a popular [blog](#) *Manalaa*, established with his wife, Manal.

**Date of birth:** 18 November 1981

**Sentence:** Five years in prison

**Details of sentence:** On 8 November 2017, his [sentence](#) was upheld, ratifying that he had to serve the last year and a half remaining of his original sentence. During a hearing on 30 December 2017, he also received a fine of approximately US\$ 1,700 for ‘insulting the judiciary’.

**Expiry of sentence:** [17 March 2019](#)

**Type of legislation:** Political and civic activism

**Date of arrest:** 28 October 2014.

**Details of arrest:** Rearrested at the start of his retrial on 28 October 2014.

**Details of trial:** El-Fattah was among 25 defendants to be sentenced to 15 years in prison *in absentia* on 11 June 2014 by the Cairo Criminal Court for violating the Protest Law issued by former president Adly Mansour on 24 November 2013 to regulate the right to peaceful assembly. The court also fined the defendants 100,000 Egyptian pounds (c. US\$ 5,500) each and ordered they be placed under police observation for five years in addition to serving their time in prison. In August 2014, Abd el-Fattah was granted a retrial and later released on bail along with two co-defendants on 15 September 2014. On 23 February 2015, Abd el-Fattah was again sentenced to five years in prison for violating the Protest Law. He was not included in a Presidential Pardon of political prisoners in September 2015. Among the charges he faces are organizing a demonstration without a license, provoking riots, assaulting police officers, blocking roads, gathering public property, and insulting the judiciary (see below).

**Current place of detention:** Tora Prison, Egypt’s notorious maximum-security detention centre

**Conditions of detention:** 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.

**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.

**Professional background:** Following the uprising of 25 January 2011, Abd el-Fattah continued to promote

free expression through online platforms. He started a [nationwide people’s initiative](#) enabling citizen collaboration in the drafting of the Egyptian Constitution. He initiated and hosted [Tweet-Nadwas](#) (‘Tweet-Symposiums’), that brought activists and bloggers from across the world into Tahrir Square, to participate in open format dialogue about issues ranging from [Islamism](#) to [economic](#) reform.

**Other information:** In its opinion delivered in June 2016, the United Nation’s Working Group on Arbitrary Detention found that he was arbitrarily detained as a result of his exercising his right to freedom of opinion and his participation in a peaceful demonstration on 26 November 2013. Abd el-Fattah has been jailed or charged under successive governments in Egypt between 2006 and 2013. For details see previous case list.

**Honorary Member:** Austrian PEN

**PEN Action:** [Joint call for release](#), 23 January 2014; [Statement](#) welcoming release 24 March 2014, [statement 23 February 2015](#), [Call to action](#) 3 March 2017, [statement on 9 November 2017](#), PEN [RAN](#) on 22 December 2017

#### Ismail ALEXANDRANI

**Gender:** Male

**Profession:** Freelance investigative journalist and researcher

**Sentence:** [10 years in prison.](#)

**Date of sentence:** May 2018

**Expiry of sentence:** [29 November 2025](#)

**Type of legislation:** Anti-terror and political activism

**Date of arrest:** 29 November 2015

**Details of arrest:** Alexandrani was arrested on 29 November 2015 in Hurghada Airport when returning from Berlin. The prosecution seized his laptop, mobile phone, and some personal belongings, which they took as evidence. Alexandrani’s wife reportedly suggested that after his detention he was questioned in New Cairo for more than 10 hours. Since his arrest and until his sentence, Alexandrani’s detention had been [renewed](#) more than 25 times. (In September 2013, regulations on pre-trial detention, previously set at a maximum of two years, were [amended](#) to allow for indefinite detention in some cases.)

**Details of trial:** According to [news reports](#), he was charged by the Military prosecution of ‘obtaining and publishing military secrets, joining a banned organization and publishing false news abroad’ in Case 18/2018. In May 2018, the North Cairo Military Criminal Court sentenced Alexandrani to 10 years in prison. On 24 December 2018, an Egyptian military court upheld a 10-year prison sentence against Ismail Alexandrani.

**Professional background:** Alexandrani worked as a freelance journalist and a researcher with many research centres, including the Egyptian Center for Economic and Social Rights and the Arab Reform Initiative.

**Other information:** According to news reports, Alexandrani had allegedly attended a conference in Berlin

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.

**Publications:** Among his papers, one entitled 'The War in Sinai: A battle against terrorism or cultivating terrorism for the future?'

**Awards:** At the time of his arrest, Alexandrani was a Visiting Arab Journalist Fellowship, Middle East Program, Woodrow Wilson International Center for Scholars; Open Eye - Hany Darweesh Award for Exceptional Essay 2014; Global Winner in Youth Essay Contest on Democracy 2009 (World Youth Movement for Democracy); 2009 winner of the National Contest for Spreading Understanding and Mutual Respect of the Cairo Institute for Human Rights Studies.

## Abdel-Halim QANDIL

**Gender:** Male

**Profession:** Writer and editor-in-chief of *Sawt Al-Omma* Journal

**Date of birth:** 1954.

**Sentence:** On 30 December 2017 – *in absentia* – three years' prison for 'insulting the judiciary'

**Expiry of sentence:** 15 October 2021

**Type of legislation:** Defamation/insult

**Date of arrest:** 15 October 2018

**Details of arrest:** Qandil was arrested at the building of the High Court in Cairo while attending a hearing (in his case) of the Court of Cassation. According to reports, Qandil surrendered himself to the security service at the building of the High Court in Cairo.

**Details of trial:** Qandil is among 25 defendants (including former President Mohammad Morsi, poet Abdul Rahman Yusuf AL-QARADAWI - below, 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. On 30 December 2017, the Cairo criminal court sentenced Qandil and al-Qarawi *in absentia*, along with Morsi and 17 other defendants, to three years' prison for 'insulting the judiciary'. On 15 October 2018, the Court of Cassation approved the three years' prison sentence.

**Professional background:** Qandil is a journalist and editor of *Sawt Al Umma* (Voice of the Nation) magazine. He has co-founded Kefaya (Enough) which is a civil society organisation calling for democratic change in Egypt.

**Other information:** Due to his critical writing, Qandil has been previously subjected to harassment and human rights violations. According to his interview, Qandil was kidnapped in 2005 by the regime's security agents, who beat him and threw him naked into the middle of the desert. On 15 May 2010, he was arrested for one day upon his arrival at Queen Alia International Airport in Jordan to attend an event to support the Palestinian people.

**Publications:** Qandil has published many books including *El Ayam El Akhira (The Last Days)* in 2008, *Cart Ahmar lil Rayis (Red Card for the President)* in 2009, and *Al Rayis El Badil (The Alternative President)* in 2010.

## DETAINED: Main Case

### Galal EL-BEHAIRY

**Gender:** Male

**Profession:** Poet

**Sentence:** Three years' imprisonment and a fine of 10 000 Egyptian pounds (c. 560 USD)

**Type of legislation:** Activism and religious defamation

**Date of arrest:** 3 March 2018

**Details of trial:** On 6 May 2018, Galal el-Behairy attended a trial in the Military Court with the understanding that the verdict would be given just three days later on May 9, although the verdict was then postponed until May 16. On 31 July 2018, the sentence of three years' imprisonment was handed down to el-Behairy for 'insulting the military' and 'spreading false news' on charges related to his book of poetry, *The Finest Women on Earth*. At the same time, el-Behairy is being investigated by the High State Security Prosecution for both this book and the lyrics he wrote for the song *Balaha* by the exiled singer, Ramy Essam, released on 28 February 2018. The High State Security charges against him include joining a terrorist organization, spreading false news, abuse of social media networks, blasphemy, contempt of religion, and insulting the military. An arrest warrant in the same case has been issued *in absentia* against Ramy Essam.

**Current place of detention:** *Tora Prison*

**Conditions of detention:** Upon the release of the above-mentioned song, el-Behairy was arrested 5 days later on 3 March. His whereabouts were not disclosed to his family or lawyers until he appeared before the High State Security Prosecution one week later, on March 10, 2018. He reportedly showed signs of severe torture and beating, and the High State Security Prosecution ordered him to undergo forensic medical examination.

**Other information:** Ramy Essam's song and music video *Balaha* was released on February 26, 2018. Soon after the release of the song, which criticizes the government and policies of Egypt, various pro-state TV hosts launched a smear campaign against Essam and el-Behairy. On 3 May 2018, el-Behairy wrote from his prison a statement in which he gave more details about his book *The Finest Women on Earth*, and his current situation. On 26 July 2018, UN human rights experts urged that he be released.

**PEN Action:** [Joint letter](#) on 8 May 2018, PEN share and translate el-Behairy's [poem](#) written in prison on 9 June 2018, **RAN Action** on 2 August 2018, PEN publishes a [new piece of poetry](#) on 13 August 2018.

## Hesham (or Hisham) GAAFAR

**Gender:** Male

**Profession:** Political researcher

**Type of legislation:** Illegally receiving funds

**Date of arrest:** 21 October 2015

**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 2015, Gaafar appeared before the Supreme State Security Prosecution in Cairo, where the Public Prosecutor accused him of membership of the Muslim Brotherhood and of illegally receiving funds from foreign donors to support his Foundation's activities. A judicial case was opened against him and he was placed in pre-trial detention. Since then, his detention has been regularly renewed for 45 day periods.

**Current place of detention:** Tora (al-Aqrab) Prison

**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.

**Health concerns:** 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 reportedly been deteriorating and he is said to be at high risk of losing his sight. The Minister of Interior is said to have refused not only 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. 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. Gaafar's family state they are

regularly banned from visiting him, having only been able to visit him for the first time 11 months after his arrest. On 31 August 2017, during a family visit at Tora Prison, they say 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.

**Professional background:** Hesham Gaafar is a well-known writer, journalist, and political researcher. He is a leading political expert and founder of several regional NGOs including the Centre for Mediation and Dialogue and the Mada Foundation for Media Development (MADA), which is a local, private media company promoting, among others, dialogue among Egyptian society. He is also a member of Egypt's press syndicate. Gaafar has consulted for many international and national organisations such as [the Centre for Humanitarian Dialogue \(HD\)](#), UNICEF, and the Egyptian National Population Council. He also worked as an editor-in-chief for many Arabic magazines and scientific journals, including [IslamOnline](#) and *Thought Harvest*, a monthly cultural publication. Gaafar has also chaired several consultations focusing on interreligious and women's issues within Egyptian society, one of which led to the adoption of [the al-Azhar declaration](#) for women's rights from an Islamic perspective in 2012.

**Publications:** Gaafar is the author of [many books and articles](#) about political issues, Islam, women, and governance in Egypt. For instance, in one of his books on [the political dimensions of the concept of Governorship in Islam](#), he presents an in-depth study into this concept in Islam from both a historical and contemporary perspective. He has also contributed to many publications, such as *The Crises of Muslim Brotherhood*, in which he describes and critiques the Muslim Brotherhood's role in Egypt's professional syndicates.

**Other information:** On 17 December 2018, in its opinion No. [47/2018](#) the UN Working Group on Arbitrary Detention found Gaafar's detention to be arbitrary.

**PEN Action:** [RAN](#) on 7 October 2017

## CONDITIONAL RELEASE

### Wael ABBAS

**Gender:** Male

**Profession:** Writer and political activist.

**Date of birth:** 14 November 1974

**Type of legislation:** Anti-terror

**Date of arrest:** 24 May 2018

**Date of release:** 12 December 2018

**Details of arrest:** Abbas was arrested on 24 May 2018, when several armed agents from the Egyptian security service raided his home, blindfolded him and took him to an undisclosed location.

**Details of release:** On 12 December 2018, Abbas was released after seven months of pre-trial detention. On 1 December 2018, the Giza criminal court ordered his conditional release, but the public prosecutor appealed this decision. On 3 December 2018, the Cairo criminal court refused the appeal and confirmed Abbas's release. It took several days to complete the security procedures before releasing Abbas on 12 December 2018. According to [reports](#) and as Abbas's release is conditional, he has to 'present himself at the police station of his place of residence twice a week, 2 hours each day'. Furthermore, Abbas 'will appear every 45 days before the court to decide on the renewal of his conditional release until either the case is referred to the court or is closed by the State Security Prosecution'.

**Details of trial:** Abbas is facing charges of 'joining a terrorist group in realizing its objectives', 'spreading false news', and 'using the internet to propagate a terrorist group's ideology'. Since his [arrest](#) on 24 May 2018, Abbas's pre-trial detention has been regularly extended by the Egyptian judiciary. More recently on 16 October 2018, the Cairo Criminal Court has [renewed](#) his detention for a further 45 days for investigation.

**Professional background:** Abbas, a prominent Egyptian writer and political activist, is widely known for documenting abuses by the Egyptian security forces. In his [blog](#), created in 2004, Abbas posted news related to human rights violations, including corruption and police brutality. In particular, he posted a video in 2006 showing police torturing an individual, which led to the imprisonment of a police officer.

**Publications:** Abbas is the author of many books, including *Abdel Nasser and minorities* and a [collection of Articles 2006 – 2013](#), which ask the American administration to stop their support of former president Hosni Mubarak, and more recently '[another person](#)' which was published in 2018.

**Awards:** Abbas is the recipient of the 2007 Knight International Award for Journalistic Excellence, and Human Rights Watch's Hellman/Hammett Award 2006. He also won the Egyptians Against Corruption Award 2005/2006. In 2007 Abbas was named Middle East Person of the Year by CNN and was considered one of the Most Influential People of 2006 by the BBC.

**PEN Action:** [RAN](#) on 13 November 2018 and a [statement](#) on 18 December 2018.

## Ibrahim AL-HUSSEINI

**Gender:** Male

**Profession:** Writer

**Age:** 63 years old

**Type of legislation:** Political activism

**Date of arrest:** 9 December 2018

**Details of arrest:** Al-Husseini was [arrested](#) at his home in Cairo by several security agents, who confiscated a number of his books and electronic devices. [According to his family](#), the arrest was related to his social media posts, in which he commented on events in Egypt

and France. After his arrest in the early morning of 9 December 2018, al-Husseini was taken to the *Shubra al-Kheima* Police Station before transferred to an unknown location and subsequently held at different locations. He was [reportedly](#) interrogated for 18 hours and denied access to a lawyer or to his family. His family were only allowed to deliver him medicine four days after his arrest. On 23 December 2018, the State Security Prosecution ordered al-Husseini's pre-trial detention for 15 days on a charge of 'inciting a demonstration'. Al-Husseini's pre-trial detention was renewed on 5 January 2019 for another 15 days.

**Conditions of detention:** On 25 December, his health suddenly worsened, and he was transferred to a hospital the next day where he received an initial examination but was returned the following day. His family, who had restricted access to al-Husseini, claim that his health continued to be critical. They also reported that he was being held in cramped conditions alongside four other detainees, and that he was denied access to legal counsel.

**Health concerns:** Al-Husseini suffers from diabetes, high blood pressure, and heart disease for which he needs regular medical care.

**Professional background:** Through his writing, al-Husseini has been defending social justice since the 1970s, and for this and his peaceful activism, he has previously been subjected to arrests and detentions.

**Publications:** Al-Husseini is the author of short stories including his latest collection entitled *Leil*, which is published by the Supreme Council for Culture in Egypt. In his [articles](#), al-Husseini criticized both dictatorships and religious extremism in Egypt.

**PEN Action:** [RAN](#) on 7 January 2019 **Update:** On 14 February 2019, al-Husseini was released on bail.

## JUDICIAL HARASSMENT

### Abdel-Rahman MEKLED

**Gender:** Male

**Profession:** Poet and journalist

**Date of arrest:** 14 July 2017

**Type of legislation:** Activism, defamation/insult

**Details of arrest:** Mekled was standing on the steps of the Journalists Syndicate, speaking to a colleague, when he was arrested by police on 13 July 2017.

**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’. According to sources, in June 2018 Mekled received a ruling of innocence.

**Other information:** Mekled is also one of the three colleagues unlawfully dismissed from his work at youm7 (see **Medhat Safwat’s case below**).

**PEN Action:** [statement](#) on 18 August 2017

## Karam SABER

**Gender:** Male

**Date of birth:** 19 July 1964

**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:** 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, the 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 Supreme Court. On 15 January 2018, the Court of Cassation refused Saber’s appeal to suspend his sentence. However, he remains free, but is under a travel ban and could be subjected to an arrest at any time as he is still inside Egypt.

## Medhat SAFWAT

**Gender:** Male

**Profession:** Political researcher and journalist

**Date of birth:** 22 October 1985

**Date of harassment:** Since 26 July 2017 and thereafter

**Perpetrator:** State and non-state actors

**Details of harassment:** Due to his controversial and thought-provoking writings, in particular criticising the strict interpretation of Islam by fundamentalist groups, Safwat has been harassed over the past years. Attacks

have ranged from slander to verbal abuse against Safwat and other members of his family. The insults and intimidation have followed every controversial piece he has written, in an alarming indication of the depth of indoctrination and fundamentalism that has swept over Egyptian society. Members of the main religious institutions in the country, as well as the Salafi movement and the Orthodox Church, have also accused him of being infidel. Such accusations were mainly posted via Twitter and Facebook as well as some Salafi sites, most of which are banned today. After Safwat’s article on mixed marriage (see below), the Dean of the Faculty of Islamic Sciences for foreign students at al-Azhar University wrote an [article](#) accusing Safwat of sedition. As Safwat was a journalist for *Al-Youm Al-Saba at the time*, this newspaper posted many articles in his defence (see [here](#) and [here](#)). As mentioned above, in October 2015 Safwat held a seminar at the University of Copenhagen in which he discussed religious discourse and fundamentalism in Egypt. A complaint sent by the Egyptian embassy in Copenhagen to the Egyptian Foreign Ministry accusing Safwat of ‘distorting the picture of Egypt’. The Director of the Danish-Egyptian Dialogue Institute in Cairo was summoned to the Foreign Ministry, where he was admonished for allowing the event. In 2017, when Safwat went to the Danish Embassy in Cairo to apply for a visa to visit the University of Copenhagen for another round of lectures, he was asked by the Danish officials whether he planned to talk about ‘religion’. Although he reportedly answered no to this question, his visa was denied. Upon his return from Copenhagen on 4 November 2017, Safwat was held at Cairo airport by the police for five hours of questioning. Due to this harassment, Safwat has avoided publishing critical articles in Egyptian newspapers. Nevertheless he continued to write for a number of external Arab newspapers, particularly the Lebanese *al-Akhbar*, in which he has published many articles denouncing despotism and human rights violations. However, this didn’t spare him from being prosecuted in Egypt for his Facebook posts and for signing an [online statement](#). On 26 July 2017, Safwat, along with two other colleagues, was subjected to arbitrary dismissal from his work at the newspaper *Al-Youm Al-Saba*. The editor-in-chief of *Al-Youm Al-Saba*, Khaled Salah, reportedly informed the 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. *Al-Youm Al-Saba* then 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. More recently, Safwat’s name was put forward to attend an international literature festival in Morocco, to present his recent book *Power and Interest*. However, shortly afterwards, the organiser informed him that his name had been removed. Safwat believes that this is another attempt to silence him and damage his career, by barring him from opportunities that he was able to attend in the past. Since his dismissal, Safwat has been applying to work with other newspapers in Egypt, but in vain. He reports that some had informed him that he needs to wait for a while, until the noise surrounding his dismissal from his previous job dies down, as they do not want ‘problems with the establishment’.

**Professional background:** Safwat is a political researcher. He graduated with a Master's in Literary Criticism from the Arabic Language Department of Helwan University, Egypt, in 2013. As a journalist, Safwat has worked as a managing editor for many journals, including *Fikr (Thought)*, *al-Wafd* and *al-Mashhad* newspapers. He was also the head of the Culture section of the Egyptian online newspaper *al-Dustour* in 2011-2012, and the *Bidaia* website in 2012-2013. In May 2015, Safwat joined the Egyptian Journalists Syndicate. As an activist Safwat co-founded several civil society groups such as *Kifaya* (Enough), which openly opposed former Egyptian President Hosni Mubarak's rule. He is also co-founder of the *Egyptian Cultural Constitution Group*, which is an initiative of more than one thousand writers and intellectuals which aims to defend Egyptian identity and promote public freedoms. Safwat has also co-founded the movement *Musharaka* (Participation), aimed at increasing political awareness and spreading the importance of community participation in the development of the country.

**Publications:** Safwat is the author of a book entitled *Power and Interests*; many scientific papers, including one entitled 'The voice of al-Ghazali and Averroes' parchment', which was published in January 2018 as a contribution to a book entitled *On the Harmony of Religions and Philosophy*; as well as many articles published in Arab newspapers, such as 'Women as imams of prayer and heads of state', 'The law of captivity among ISIS in Egypt', 'A new vision of polygamy', 'Al-Shafei jurisprudence as a source of extremism', 'Fatwas forbidding the building of churches: myths', 'Egyptian bigotry continues repressing Mona Prince', and 'Eros under the rule of the Brotherhood'. Through his writings, he promotes human rights and social justice.

**PEN Action:** [statement](#) on 18 August 2017

## CASE CLOSED

### Ahmed NAJI (also NAGY or NAJE)

**Gender:** Male

**Profession:** Writer.

**Date of birth:** 25 September 1985

**Details:** On 6 February 2016, Naji was sentenced to two years in prison on charges 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. 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 al-Taher was fined 10,000 Egyptian pounds (c. US\$ 1,250 at that time). 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. He has since left Egypt to the USA, where he is currently living. For further details see previous case lists.

### Abdul Rahman Yusuf AL-QARADAWI

**Gender:** Male

**Profession:** Poet

**Date of birth:** 18 September 1970

**Sentence:** Three years in prison

**Date of sentence:** 30 December 2017

**Type of legislation:** Defamation/insult.

**Details of trial:** Al-Qaradawi, along with Abdel-Halim Qandil (above), was among 25 defendants (including former President Mohammad Morsi and **Alaa Abd El-Fattah** (see above)) accused since 2014 of 'insulting the judiciary', 'attempting to influence public opinion' and 'attempting to influence the rulings of presiding judges via comments made on social media and in interviews with the press'. All were banned from travel in January 2014; the ban was lifted in 2015. On 28 February 2017, al-Qaradawi also received five years' prison sentence in absentia, pronounced by New Cairo Misdemeanour Court on the charge of 'publishing false news'.

## Iran

### IMPRISONED: Main Case

#### Arzhang DAVOODI

**Gender:** Male

**Profession:** Teacher, writer, and poet; Director of the Parto-e Hekmat Cultural Education Centre in Tehran

**Date of birth:** 1952

**Sentence:** Death and imprisonment

**Type of legislation:** Propaganda opposition activism, insult, 'enmity against God'

**Date of arrest:** October 2003.

**Details of arrest:** Arzhang Davoodi was arrested for participating in a documentary, *Forbidden Iran*, in which he spoke out about human rights violations in Iran.

**Details of trial: (1):** In March 2005 he was sentenced to 25 years' imprisonment, reduced to 10 years on appeal, on charges of 'spreading propaganda against the system' and 'establishing and directing an organisation opposed to the government'. **(2):** Following another trial in 2005, he was sentenced to 15 years' imprisonment and 75 lashes by Branch 26 of the Revolutionary Court on charges of 'spreading propaganda against the system', 'establishing and directing an organisation [the Parto-e Hekmat Cultural Education Centre] opposed to the government', as well as for participating in the making of the documentary and because of his writings on a secular system of governance in Iran.

**(3 – death penalty):** In 2012, a fresh charge of 'enmity against God' was brought against Davoodi. In November 2012, Branch 15 of the Revolutionary Court in Tehran

ruled that the case fell outside the court's jurisdiction, apparently due to lack of credible evidence. However, it is understood that the Ministry of Intelligence overruled this decision, leading to further hearings that ended with him being sentenced to death *in absentia* in July 2014 for his alleged membership and support of the banned group People's Mojahedin Organization of Iran (PMOI). Davoodi is believed to have been accused of having ties with the PMOI because in prison he insisted on calling the group by its official name, Mojahedin, rather than by the term used by the Iranian authorities, Monafeghin (hypocrites). Amnesty International considers him to be a prisoner of conscience, with no links with the PMOI or any armed groups. (For details see previous case lists.) (4): On 14 May 2014, Davoodi was also sentenced to a further two years' imprisonment on a charge of 'insulting the Supreme Leader' by a Revolutionary Court in Tehran. The charge was apparently imposed in relation to a phrase he wrote on the walls of the prison's bathroom, implying that injustice and inequality are prevalent in Iran under the Supreme Leader Ayatollah Ali Khomeini.

**Expiry of sentence:** Unclear

**Current place of detention:** Arzhang Davoodi is currently detained in the quarantine section of the Zahedan prison. He has been repeatedly shuffled between numerous detention centres and prisons, including the central prison of Bandar Abbas, section 12 ward 4 in Gohardasht (Rajai-Shahr) prison in Karaj, and Evin prison.

**Conditions of detention:** Following his arrest, Davoodi was held in solitary confinement for prolonged periods of time, during which he said he was tortured and denied access to a lawyer and to his family. During his subsequent years of imprisonment, Davoodi has reportedly frequently been subjected to torture and other ill-treatment. According to news reports, Davoodi began a hunger strike on 8 December 2015; as a result, his health deteriorated and he was transferred to hospital on 8 January 2016. He ended the hunger strike on 28 January 2016. Davoodi reportedly renewed his hunger strike on 17 July 2016 to protest the treatment of fellow inmates at Gohardasht Prison. He also stopped taking his medication and was reported to still be on hunger strike as of 13 August 2016. According to [news reports](#), Davoodi returned to his hunger and medicine strike in late August 2017, in solidarity with the prisoners of [Gohardasht Prison](#), and in February 2018 to [protest](#) being 'deprived of free air and sunlight since August'.

**Health concerns:** According to [reports](#), Davoodi has suffered broken legs resulting from torture, and also suffers from renal failure, diabetes, and heart disease. He is reported to be denied medical attention (see [here](#) and [here](#)). In one of his messages posted [online](#), Davoodi said that his sight was becoming dim and he was deprived of the most basic rights including visits, phone calls, communications with other prisoners, reading books, and medication.

**Professional background:** In 2002, Davoodi co-founded the Confederation of Iranian Students, an organization which promotes human rights and democracy in Iran.

**Other information:** The TV documentary *Forbidden Iran*

was filmed in secret, and widely broadcast in northern Europe in December 2003 and in North America in January 2004. Davoodi assisted in the making of the documentary and was interviewed in the film, where he spoke about political prisoners and the death in custody of Canadian-Iranian photojournalist Zahra Kazemi in 2003.

## Golrokh EBRAHIMI IRAEE

**Gender:** Female

**Profession:** Writer and activist

**Date of birth:** 1980

**Sentence:** Initially six years in prison (reduced to 30 months). According to [reports](#), her six-year sentence was reduced to five years (by consolidating her sentences), then again to [30 months'](#) imprisonment under a Nowruz (Iranian New Year) amnesty.

**Expiry of sentence:** Estimated March 2019

**Type of legislation:** Opponent and human rights activities, defamation/insult.

**Date of arrest:** 24 October 2016

**Details of arrest:** Ebrahimi Iraee was reportedly arrested from her home on 24 October 2016.

**Details of trial:** According to reports, Ebrahimi Iraee was tried and sentenced at two brief sessions by the Revolutionary Court in Tehran. She was convicted of 'insulting Islamic sanctities' and 'spreading propaganda against the ruling system'. The conviction relates to an unpublished fictional story that she had written, focusing on the country's practice of stoning to death. A lawyer was reportedly not present at her trials; the first lawyer she was appointed was reportedly put under pressure by security officials to withdraw from the case and a second lawyer was barred from representing her. Ebrahimi Iraee reportedly was unable to speak in her own defence; the first court session focused on the activism of her husband, Arash Sadeghi – who is currently serving a 15-year sentence in connection with his human rights activism – and she was unable to attend the second session as she was in hospital recovering from surgery. She was sentenced to six years in prison. According to reports, Ebrahimi Iraee received a phone call from judicial officials on 4 October 2016 ordering her to report to Evin prison by noon on 5 October; however, as she did not receive a written summons, as required by law, she did not comply with the order.

**Current place of detention:** Women's Ward of Evin Prison, Tehran

**Conditions of detention:** According to [reports](#), on 24 January 2018, Ebrahimi Iraee, along with human rights defender Atena Daemi, was transferred from Evin prison in Tehran to Qarchak prison in the city of Varamin. To protest their transfer to a poor conditions prison, both started a hunger strike on 3 February 2018. Ebrahimi Iraee continued her hunger strike until her hospitalization (see below) on 3 April 2018. Her family was allowed to visit her on 9 April 2018, and she was then returned to Evin prison where she is currently detained.

**Health concerns:** According to [Human Rights Watch](#), Ebrahimi Iraee's health conditions deteriorated as a result of the above-mentioned hunger strike.

**Other 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 was rearrested on 22 January 2017 while en route to visit her husband, and was returned to Evin prison.

**Publications:** Ebrahimi Iraee's unpublished story depicts the emotional reaction of a young woman who watches the 2008 film *The Stoning of Soraya M*, a true story based on a woman stoned to death for committing adultery. The protagonist becomes so enraged that she burns a copy of the Quran. According to reports, the authorities discovered this story in her diary in September 2014 when her residence, shared with her husband Sadeghi, was searched and laptops, notebooks, and CDs were confiscated. At the time, Ebrahimi Iraee was detained for 21 days, during which she was reportedly subjected to extended interrogations.

## Hesameddin FARZIZADEH

**Gender:** Male

**Profession:** Author and former nuclear physics student

**Date of birth:** 1992

**Sentence:** Sentenced to death for apostasy as well as seven years' imprisonment and 74 lashes

**Expiry of sentence:** November 2020

**Type of legislation:** Religion and insult.

**Date of arrest:** 21 November 2013

**Details of arrest:** Farzizadeh was reportedly arrested in a raid on his house by plainclothes Ministry of Intelligence (MOI) agents and held incommunicado at the MOI facility for several days before being transferred to Meshgin Shahr Prison in Ardabil Province, north-western Iran.

**Details of trial:** Following a ruling from the Criminal Court of Meshgin Shahr in May 2015, Farzizadeh was reportedly convicted of apostasy and insulting the Prophet Muhammad, the Shi'a Imams, and Ayatollah Khomeini, the founder of the Islamic Republic of Iran. These charges stem from a book Farzizadeh wrote entitled *From Islam to Islam*, which reportedly examines the history of Shi'a Islam and raises questions about Shi'a Islam. In the book, Farzizadeh supposedly questions the existence of the Twelfth Imam, a messianic figure in Shi'a ideology who is supposed to reappear in the future as the 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.

**Current place of detention:** Meshgin Shahr prison

**Conditions in detention:** A source for Iran Human Rights Documentation Center (IHRDC) has claimed that Farzizadeh has been threatened and assaulted in prison. Farzizadeh's brother also raised concerns about his safety in Meshgin Shahr prison, where Farzizadeh was beaten and stabbed, according to Oyan News.

**Health concerns:** The writer reportedly suffers from depression and obsessive-compulsive disorder. According to an Iranian news report, Farzizadeh's brother contested Farzizadeh's death sentence on account of his mental condition, though the court has not lifted the charge. No further news as of December 2018. PEN is seeking an update.

## DETAINED - Main Case (house arrest)

### Zahra RAHNAVARD

**Gender:** Female

**Profession:** University professor, writer, and politician.

**Date of birth:** 19 August 1945

**Type of legislation:** No charges.

**Date of arrest:** February 2011

**Details of arrest:** Rahnavard has been held under unofficial house arrest in Tehran since February 2011 for her and her husband's political activism. Rahnavard and opposition leaders Mir-Hossein Mousavi and Mehdi Karroubi were placed under house arrest after calling for popular demonstrations on social media in support of the people of Tunisia and Egypt. There have not been any official legal proceedings against them. They had alluded to vote fraud in the disputed 2009 presidential election, which was followed by a widespread crackdown on protests against the result. In the wake of the protests and Karroubi and Mousavi's criticism both of the election and alleged human rights violations by state agents, the authorities began tightly monitoring and controlling their and their wives' movements, also suspending the presidential candidates' newspapers *Etemad-e Melli* and *Kalame-ye Sabz*.

**Current place of detention:** House arrest in Tehran

**Health concerns:** In an article published on *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](#)).

**Professional background:** Rahnavard is a leading Iranian academic, writer, artist, and politician. She served as the Chancellor of Alzahra University from 1998–2006, becoming the first female chancellor of a university since the Islamic Revolution in 1979. During this time, she also served as political adviser to the then President Khatami.

**Other information:** Rahnavard is a member of the reformist opposition group, the Green Path of Hope, headed by her husband, Mir-Hossein Mousavi. Born in 1945, Zahra Rahnavard is a committed women's rights activist. She broke convention by campaigning on behalf of her husband Mir-Hossein Mousavi's 2009 presidential campaign, becoming the first woman to do so in Iran. Her mantra on the campaign trail – that 'getting rid of

discrimination and demanding equal rights with men is the number one priority for women in Tehran' – is credited with galvanising young women to vote. She is also a devout Muslim and vocal supporter of the hijab, arguing that it liberates women, though she has said it should be a woman's choice to wear it. On 30 March 2012, in its opinion 30/2012 the UN Working Group on Arbitrary Detention found the house arrest of the three to be arbitrary and requested that they be released and afforded compensation. According to reports, Rahnavard remains under house arrest as of December 2018. According to reports, Rahnavard 'declined an unofficial offer for some of the restrictions on her to be lifted, demanding that she and fellow opposition leaders under house arrest – Mir Hossein Mousavi and Mehdi Karroubi – be freed together and unconditionally'.

**Publications:** Dr Rahnavard is also the author of more than 15 books including *Beautiful hidden secrets of beauty* in 2017 and *Beauty of Concealment and Concealment of Beauty*.

**PEN Action:** Day of the Imprisoned Writer case 2013

## CONDITIONAL RELEASE

### Mohammad BAMM

**Gender:** Male

**Profession:** Writer

**Date of birth:** 31 January 1990

**Type of legislation:** Public order offences, illegal demonstrations, blasphemy and insult

**Date of arrest:** 31 December 2017

**Date of release:** 19 March 2018

**Details of arrest:** He was arrested by members of the Iranian security forces on 31 December 2017 while on his way home in the city of Abadan, Iran.

**Details of release:** Bamm has been released on bail of 200 billion Iranian rial (about US\$ 60,000).

**Details of trial:** Bamm has been accused of causing harm to public order and security, participating in the leadership of illegal demonstrations and inciting people to take part in them, and insulting the Supreme Leader of the Islamic Republic of Iran.

**Conditions of detention:** Following his arrest, Bamm had been detained incommunicado with no access to his lawyer or his family. He had been subjected to an enforced disappearance period during which he was tortured. For the first 28 days, Bamm was held in solitary confinement in Ahvaz Prison before being transferred to the public section of the prison.

**Other information:** Bamm was previously detained in 2017 on politically-motivated charges of 'propaganda against the Islamic Republic of Iran' and 'blasphemy'. He was then released on bail. In connection with this charge, Bamm was given absolution by the first branch of the revolutionary court in Abadan; however, his case was transferred to the appeal court for final sentence

due to the prosecutor's objection. Bamm has been also charged with 'blasphemy', for which he is awaiting trial. **Publications:** Bamm writes lyrics; some of them have been sung by singers such as Pouya Hatami and Ali Bonyadi. Bamm's poems and lyrics are described as political and social poems.

**Awards:** He has won several literary awards for his poems in Iranian literary festivals.

**PEN Action:** RAN on 13 February 2018, Update RAN on 28 March 2018

### Sedigheh VASMAGHI

**Gender:** Female

**Profession:** University lecturer

**Type of legislation:** Human rights activities

**Date of arrest:** 22 October 2017

**Date of release:** 4 November 2017, on bail

**Details of arrest:** On 14 October 2017, Vasmaghi, along with her husband, arrived from Sweden 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 then released on bail, at what is reported to have been set at an unusually high amount, on 4 November 2017. Dr. Vasmaghi's appeal was held on 16 May 2018. PEN is seeking an update on the outcome.

**Background:** Vasmaghi is a well-known poet, writer, and women's rights activist. She obtained her PhD in law at Tehran University and is one of a small number of women to have taught the subject of Islamic law in Iran. As a university lecturer, she worked to highlight and improve women's status and rights in Iranian society. She has written many articles on political, legal, Islamic, and social issues, which have been published in various newspapers and magazines in Iran, including *Cheshm andaz Iran (Perspective in Iran)*. Vasmaghi published her first poetry collection, *Praying for Rain*, in 1989, for which she received the 1991 Best Book Award by the University of Al-Zahra, Tehran. Since then, she has published five collections of poetry in addition to several academic books, and translated classical Arabic poetry to Persian. Due to her activism and writings, Vasmaghi was under pressure and harassment from the Iranian authorities.

**Previous political sanctions:** A number of police complaints and charges were brought against Vasmaghi for her publications and speeches over the past decades. For instance, she was prosecuted in May 1997 due to a complaint filed by a conservative deputy in connection with her article published in the *Salam* newspaper,

in which she criticised the confidential negotiations between the above-mentioned deputy and a British official. Due to this complaint, Vasmaghi received a two-month prison sentence, which was quashed by the Appeal Court, mainly because of international pressure by human rights groups such as Amnesty International. On 20 February 2011, the Iranian Security Ministry issued an order for Vasmaghi's arrest. On the same day, a group of security agents raided Vasmaghi's house, but failed to arrest her. She went into hiding before fleeing the country on 26 March 2011. While in Iran, a number of Vasmaghi's scientific lectures and presentations were prevented from taking place by security agents, and several of her books and articles were banned from publication.

**Stay in Europe:** Vasmaghi arrived in Germany in 2011 as a guest professor at the University of Gottingen, where she taught in the department of Islamic Studies. In 2012, she moved to Uppsala city in Sweden, as an [ICORN resident](#). After her residency, Vasmaghi stayed in this city and worked as a research fellow at Uppsala University.

**PEN Action:** RAN 21/07 – 2 November 2017; Update #1– 15 November 2017

## INTERNAL EXILE

### Saeed MADANI

**Gender:** Male

**Profession:** Sociologist and former editorial board member of the banned magazine *Iran-e Farda* and former editor-in-chief of the quarterly *Refah-e Ejtemaee (Journal of Social Welfare)*

**Sentence:** Six years in prison

**Date of arrest:** 7 January 2012

**Date of release into internal exile:** 16 March 2016

**Details of trial:** Madani was tried in January 2013 and sentenced to six years' imprisonment, to be spent in exile in prison in Bandar Abbas, a port city on the southern coast of Iran, and ten years of enforced residency in Bandar Abbas city after a conviction of 'spreading propaganda against the system' and gathering and colluding with intent to harm national security. These accusations are believed to relate to his activities in the National Religious Alliance and in the opposition Green Movement.

**Details of release:** Madani was reportedly released into internal exile on 16 March 2016, according to the [Centre for Human Rights in Iran](#). He is required to reside in the port city of Bandar Abbas.

**Background:** Madani is a well-known researcher and sociologist and member of the National Religious Alliance (Melli-Mazhabi). (or more details see previous Case Lists.)

## Iraq

## HARASSED

### Ahmad ABDULHUSAIN

**Gender:** Male

**Profession:** Poet and journalist

**Date of harassment:** 25 July 2018

**Details of harassment:** On 25 July 2018, the head of the IMN, which is a government holding company, issued an administrative order terminating Abdulhusain's services as an editor-in-chief after he refused to sign a pledge not to criticize senior government officials.

**Background:** Abdulhusain is an Iraqi poet and political activist. **Publications:** He is the author of many [articles](#) about literature and art in the Arab region.

**PEN Action:** [statement](#) on 27 July 2018

## THREATENED

### Saad SALLOUM

**Gender:** Male

**Profession:** Writer and General Coordinator of Masarat Foundation for Cultural and Media Development

**Date of birth:** 1 July 1975

**Date of threat:** Through 2017 and 2018

**Perpetrator:** Non-state

**Details of attack/threat:** Salloum, a prominent Iraqi writer and activist, and his colleagues at Masarat Foundation for Cultural and Media Development have been subjected to death threats by an unknown Islamic group through phone calls and letters asking the Foundation staff to halt their activities. The Foundation suffered in the last two years from three cases of robbery of its archive material and possessions.

**Details of investigation:** Despite a complaint filed by the writer to the security and judicial services, the Iraqi authorities are said not to have taken the necessary measures to ensure the safety of Masarat Foundation staff, or to prosecute those responsible for the threats and the robberies.

**Background:** 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](#).

**Publications:** 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. His books include 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, *Ēzidīs in Iraq: Memory, beliefs and Current Genocide* in 2016 and *At Crossroads: Iraqi Minorities after ISIS* in 2016.

**Other information:** 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.

**Awards:** Salloum received the 2018 Stefanus International Prize for religious freedom and the Kamil Shiaa's Award for Enlightenment of 2018.

**PEN Action:** [statement](#) on 24 November 2017

## Israel

### RELEASED

#### Dareen TATOUR (Palestinian)

**Gender:** Female

**Profession:** Poet and photographer

**Date of birth:** 16 April 1982

**Date of arrest:** 10 October 2015, and multiple arrests and house arrest since then

**Sentence:** Five-month prison sentence (with six months suspended)

**Type of legislation:** Anti-terror

**Date of release:** 19 September 2018

**Details of arrest:** Reports claim that Tatour was arrested on 10 October 2015 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.

**Details of trial:** 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. 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. Consequently, Tatour remains under house arrest.

**Details of detention:** Since July 2016, Tatour had been held under house arrest in her home in the Arab village of Reineh, northern Israel. Initially required to wear an ankle monitor, this was removed and she was then able to leave the house, although she was required to be with a chaperone at all times. Tatour was convicted of incitement to violence and support for terror organisations in May 2018, and then handed a five-month prison sentence in July, with six months suspended, which could be activated if she is convicted of any new offence. On 8 August 2018, Tatour was moved to prison at the special wing of Damoun Prison. However, having already served three months in prison, she was only required to serve a further two months.

**Date of release:** 18 September 2018

**Other information:** In 2017, PEN International's delegation met Tatour at her home in Nazareth to show solidarity. In 2018, Tatour gave an [interview](#) to PEN International.

**Publications:** Tatour is the author of a book of poetry, *The Last Invasion*, which was published in 2010. According to the US-based [Electronic Intifada](#) website that covers the Israeli-Palestinian conflict, Tatour is also the director of a short [documentary](#).

**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.

**Awards:** The 2019 Oxfam Novib/PEN International Awards for Freedom of Expression

**PEN Action:** Many statements and calls including [25 April 2016 statement](#), [RAN](#) on 2 July 2018, 31 July 2018 [statement](#) and 20 September 2018 [statement](#).

## Libya

### HARASSED/ATTACKED

#### Meckey ALMOSTAGEER

**Gender:** Male

**Profession:** Poet and medical doctor

**Date of birth:** 29 April 1988

**Date of harassment:** Throughout 2016, 2017 and 2018

**Perpetrator:** Both state and non-state

**Details of attack/threat:** Due to his critical writing and other activities, Almostageer has been subjected to human rights violations including harassment, detention, and torture. On 2 November 2016, Almostageer was arrested and detained for ten days by the Special Deterrent Force, which is a religious security service operating under the supervision of the Ministry of the Interior. His arrest is related to an article entitled '[Am I a secular person](#)', which was published on 4 October 2016. In 2017, Almostageer contributed to a literary collection entitled *Sun on Closed Windows*, which contains short stories by 25 writers including **Ahmad al-Bokhar**. The writers and the two co-editors, **Laila Moghrabi** and **Khaled Mattawa**, have received death threats, insults, and have been the target of hate speech (See 2017 case list). 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 Zawiyah on 26 August 2017. Despite similar events having taken place earlier in 2017, in Cairo in May and in Tripoli in July, the collection sparked outrage shortly after the event in Zawiyah 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. The main reason for the intervention relates to the content of a short story by the novelist Ahmad al-Bokhari, which is considered '[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 were especially targeting the contributors. On 9 September 2017, Almostageer was severely beaten in a coffee shop in Tripoli by an unknown group, who then delivered him to the 'Joint Security Room', which is a religious militia controlling part of Tripoli. While he was detained, Almostageer was reportedly tortured, his laptop was destroyed, and his car confiscated before he was released the second day. On 15 September 2017, he fled Libya to Tunis, where he remained until 10 February 2018, the date of his return to Libya. On 16 November 2018, Almostageer was interrogated at Benghazi airport by an officer who asked him about his writings and political opinion.

**Other information:** The Libyan authorities, in particular the Ministry of Culture, has [condemned](#) the above-mentioned book's content and considered it against 'public morality'. The Ministry has also [stated](#) that the book, which was published outside Libya, 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. Furthermore, none of the threats received from the non-state actors have been investigated by the Libyan authorities.

**Publications:** Almostageer has published dozens of articles in online magazines and journals. He has also contributed to several books including *Sun on Closed Windows*.

**PEN Action:** [statement](#) on 3 September 2017 in solidarity with the writers of the literary collection (see above)

## Morocco

### ON TRIAL

#### Maati MONJIB

**Gender:** Male

**Profession:** Journalist, academic, and historian

**Type of legislation:** State security

**Perpetrator:** State

**Date of trial:** 19 November 2015 and ongoing

**Details of trial:** Monjib was [charged](#) alongside six other journalists and human rights defenders with 'undermining state security' and 'failing to report foreign funding' for participating in a foreign-funded project to train people in citizen journalism. They are being tried under article 206 of the Penal Code, which states that 'a person is guilty of harming internal state security [...] if he, directly or indirectly, receives [support from abroad intended, or used, to finance] an activity or propaganda capable of harming the integrity, sovereignty, or independence of the kingdom.' The Court of First Instance in Rabat is

currently considering their case. According to [Amnesty International](#), Monjib was thought to be the main target of the prosecution.

**Other harassment:** Monjib was placed under a travel ban when he attempted to travel to Norway in early October 2015. Monjib also faces a second charge of 'financial violations' in relation to his activities as director of the Ibn Rhd Institute. He has also been victim of a continued [defamation campaign](#) through online articles.

**Background:** Maati Monjib is the president of Freedom Now, an association that works to defend freedom of expression and journalism in Morocco, and the founder of the Ibn Rochd Center for Studies and Communication.

**Publications:** Monjib has published papers with think tanks such as Carnegie Center and the Brookings Institution.

## Oman

### RELEASED

#### Abdullah HABIB

**Gender:** Male

**Profession:** Writer, filmmaker, film critic, and director

**Type of legislation:** Contempt of religion

**Dates of arrest:** (1) 15 April 2016 (2) 11 July 2016 (3) 2 April 2018

**Dates of release:** (1) 4 May 2016 (2) 28 July 2016 (3) 13 June 2018.

**Details of arrest:** (1) 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. (2) 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. (3) Habib's last arrest on 2 April 2018 immediately followed the decision of the Muscat Appeals Court, which upheld a three-year sentence against him with six months to be served in prison. **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 the public order or religious values'. According to [reports](#), his appeal hearing was reportedly postponed through 2017 and 2018. On 2 April 2018, the Muscat Appeals Court upheld a three-year sentence against him with six months to be served in prison. The remaining two and a half years

of the sentence have been suspended, but during this time Habib is prevented from travelling.

**Details of release:** (1) Habib was released without charge from detention on 4 May 2016. (2) Released pending appeal on 28 July 2016. (3) Released on 13 June 2018 under a general amnesty issued by ruler Sultan Qaboos on the occasion of Eid al-Fitr, which is an Islamic celebration to mark the end of Ramadan.

**Conditions of detention:** On 2 April 2018, Habib was taken directly from the court to the accommodation centre at Samail Central Prison, where he remained detained with around 40 other inmates, mainly undocumented migrants and others charged with committing crimes related to drug trafficking.

**Health concerns:** During his detention at the accommodation centre at Samail Central Prison, Habib was denied regular access to his medication.

**Professional background:** Abdullah Habib is a prolific writer, filmmaker and intellectual who has written extensively on film. He holds a PhD/ABD (2005) in Critical Film Studies from the University of California, Los Angeles (UCLA), where he has taught courses in Third World Cinema, and Cinema and Social Change. A member of the founding committee of cinema in the Gulf Cooperation Council (GCC), he has also directed several short films, including 'The Statue' and 'This is Not a Pipe', for which he received the Abu Dhabi Cultural Association Award in 1992.

**Other information:** Habib is known 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.

**Publications:** Habib has published twelve books of poetry and short story collections.

**Awards:** Habib was honoured in 1992 at the Abu Dhabi Cultural Association for his short film 'This is Not a Pipe'. In 2013, Habib was honoured by the General Secretariat of the Gulf Cooperation Council for his excellence in cultural production.

**PEN Action:** [RAN 09/16 – 3 May 2016; Update #1 to RAN 09/16 – 5 May 2016; Update #2 – 30 November 2016, Update #3 - 4 May 2018, Update #4 - 20 June 2018](#)

### CASE CLOSED

#### Hamood AL-SHUKAILY

**Gender:** Male

**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:** According to reports, he was arrested in connection with his Facebook posts, notably a poem

inspired by the arrests of three journalists who had been working for the *Azamn* newspaper that had been closed by the Omani authorities a few days earlier.

**Details of trial:** 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.

**Case closed:** No further news.

## Palestine

### CASE CLOSED

#### Abbad YAHYA

**Gender:** Male

**Profession:** Writer and researcher

**Date of harassment:** Through 2017

**Details of harassment:** The Palestinian Attorney General’s prosecution of writer Abbad Yahya led to the banning of his novel and accusations of threatening morality and public decency. 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.

**Threats:** Since the launch of the Attorney General’s investigation, Yahya had been the victim of a hate campaign on social media. He received death threats and copies of his novel were reportedly burnt in the Gaza Strip.

**Other information:** On 10 February 2017, the Hamas Ministry of Culture issued a press release condemning the novel.

**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.

**Case closed:** The investigation into Abbad Yahya seems to be closed. Yahya was able to return home in October 2017 safely without prosecution. He is currently living outside of Palestine.

**PEN Action:** statement on 15 February 2017

## Saudi Arabia

### IMPRISONED - Main Case

#### Fahad al-FAHAD

**Gender:** Male

**Profession:** Writer

**Date of birth:** 11 October 1982

**Sentence:** Five years’ imprisonment, a ten-year travel ban, and a ban on writing and media work.

**Expiry of sentence:** April 2022

**Type of legislation:** Anti-terrorism and violating the Saudi cybercrime law

**Date of arrest:** 6 April 2016

**Details of trial:** In June 2017, the Specialised Criminal Court, Saudi Arabia’s ‘terrorism tribunal’, sentenced him to five years’ imprisonment, a ten-year travel ban, and a ban on writing and media work. According to reports, ‘the judgment does not indicate the length of the ban on writing, but the Saudi judge said in the courtroom that the ban was for life’. The charges against al-Fahad include ‘violating the Saudi cybercrime law via tweets criticising the Saudi criminal justice system and government corruption’ and ‘inciting hostility against the state, its structure, and its justice systems’.

**Current place of detention:** Dahban prison in Jeddah.

**Professional background:** Fahad al-Fahad is a well-known Saudi activist. He is member of several human rights groups, such as Monitor of Human Rights in Saudi Arabia (MHRSA), and has denounced freedom of expression violations in Saudi Arabia at public events.

**Publications:** Al-Fahad has written about civil and political rights and the crackdown on Saudi activists.

**PEN Action:** RAN on 11 October 2018

#### Ashraf FAYADH (Palestinian)

**Gender:** Male

**Profession:** Poet and artist

**Date of birth:** 1980

**Date of arrest:** 1 January 2014

**Sentence:** Four years in prison and 800 lashes, converted to a death sentence following a re-trial which was then reduced to an eight-year prison sentence.

**Expiry of sentence:** January 2022

**Type of legislation:** Defamation/insult and religion/tradition

**Details of arrest:** Initial reports suggested that Fayadh was accused of 'blasphemy' due to the atheist content of his work as well as of 'having long hair'. Court documents later showed that he was first arrested in the summer of 2013 because of a complaint that a citizen submitted to the Saudi Committee for the Promotion of Virtue and the Prohibition of Vice. Allegedly, he was accused of 'misguided and misleading thoughts'. He was later released on bail and rearrested on 1 January 2014 on charges of 'insulting the divine self' and 'having long hair'.

**Details of trial:** During his trial, held over six hearings between February and May 2014, Fayadh stood accused of numerous blasphemy-related charges, including 'insulting the divine self' and the Prophet Muhammad, spreading atheism, refuting the Quran, and insulting the King and the Kingdom. Evidence compiled against Fayadh included at least 10 pages from his collection of poetry *Instructions Within*, published by the Beirut-based Dar al-Farabi in 2008 and later banned from distribution in Saudi Arabia. Also used as evidence against him were Twitter posts and conversations he had in a coffee shop in Abha, where he lived. Fayadh was also accused of having illicit relations with foreign women and for having images on his mobile telephone. Witness testimonies reportedly claimed that the complaint submitted to the Saudi Committee for the Promotion of Virtue and Prohibition of Vice was the result of a personal dispute. During the last trial session, Fayadh expressed repentance for anything in the book that religious authorities may have deemed insulting, stating, according to trial documents, 'I am repentant to God most high and I am innocent of what appeared in my book mentioned in this case'. According to court documents, on 30 April 2014, the General Court of Abha found proof of Fayadh having committed apostasy (ridda) and his repentance for it. The court therefore ruled to lift the penalty for apostasy, but sentenced him to four years in prison and 800 lashes – to be administered 50 at a time every 10 days – for storing images on his mobile telephone. On 17 June 2015, the General Court of Abha sentenced Fayadh to death for the crime of being an infidel (kufr), following a retrial. The court argued that Fayadh's repentance for the crime of apostasy was a matter of the heart and should have no bearing in determining whether or not the crime had been committed. On 2 February 2016, Fayadh's death sentence was commuted to an eight-year prison term.

**Current place of detention:** He has been held in a prison in the city of Abha in south-west Saudi Arabia since his arrest.

**Conditions in detention:** According to PEN's information, Fayadh has been ill-treated in prison and denied family visits and phone calls.

**Professional background:** Fayadh is a member of the Shattah group, which belongs to the new generation of artists in Saudi Arabia and which has been engaged in well-known exhibitions of contemporary art. He also curated London's *Edge of Arabia* exhibition. The work

upon which his charges are based is a collection of poems published in 2008 entitled *Instructions Within*. Mona Karen, a Bedouin human rights activist from Kuwait who has been advocating for Fayadh's release, suggested that he may be imprisoned for also having published a video of Abha's religious police lashing a young man in public.

**Other information:** On 11 February 2014, 100 intellectuals from the Gulf signed a [petition](#) demanding Fayadh's release. In addition, there has been significant support and campaigning through social media on his behalf. Karen has also been engaged in a translation movement for Fayadh's work, and translated the poems 'Frida Kahlo's Moustache' and 'Asylum'. On 3 December 2015, the UN Office of the High Commissioner of Human Rights released a [statement](#) urging his release.

**Publications:** Fayadh co-authored *Rhizoma*, a book exploring the transformation of the arts scene in Saudi Arabia. English translations of the poetry used in evidence against him are available [here](#). Other examples of Fayadh's poetry are available [here](#) and [here](#).

**Awards:** 2017 [Oxfam Novib/PEN Award](#) for Freedom of Expression

**Honorary member:** German PEN, English PEN, Swedish PEN, Scottish PEN, and PEN Belgique

**PEN Action:** RAN 13/15 press statement [27 November 2015](#), [joint letter](#) by writers worldwide, participation in global poetry reading of Fayadh's work on [14 January 2016](#); [17 June 2016 Action](#).

## Nadhir AL-MAJID

**Gender:** Male

**Profession:** School teacher and writer

**Date of birth:** 30 April 1977

**Sentence:** Seven years in prison as well as a seven-year travel ban and a fine of 100,000 riyals (approx. US\$ 26,000).

**Expiry of sentence:** January 2024 for the imprisonment and January 2031 for the travel ban.

**Type of legislation:** Political opposition

**Date of arrest:** 18 January 2017

**Details of arrest:** On 18 January 2017, he was arrested at the hall of the Court of Appeal of the Specialised Criminal Court in Riyadh, after the judicial arrest decision.

**Details of trial:** He was accused of 'writing articles supporting protests', 'failing to obey the ruler', 'contact with foreign news agencies', and 'participating in demonstrations'. On 4 June 2017, al-Majid's sentence of seven years in prison and a seven-year travel ban as well as the fine was upheld by the Riyadh Court of Appeal. The judgment is final and cannot be subject to further appeal.

**Current place of detention:** Dammam Investigations prison

**Conditions in detention:** He was taken to the al-Ha'ir high-security prison, where he was held in solitary

confinement for over a month. Al-Majid was then transferred to the al-Dammam Investigations prison on 24 February, where he spent the first two days in solitary confinement.

**Professional background:** Al-Majid is a prominent Saudi writer and schoolteacher.

**Other information:** Al-Majid was previously arrested on 13 April 2011 and detained until 27 June 2012, without charge or trial during which time he claims to have been tortured and ill-treated and placed in solitary confinement for five months. His detention then was related to his writings and publications, in particular his article, 'I protest, I am a human being', in which he supports the right to protest and freedom of assembly. This article, along with his other articles, were published in 2015 in a book entitled *I protest*.

**Publications:** He has published many books and articles in several Arabic newspapers and electronic websites, including *Modern Discussion* and *Droub*. Al-Majid is also the author of *Procrustes shades: the text, the intellectual, the confession*, published in 2015, in which he promotes liberal and uncensored writings.

**PEN Action:** [statement](#) on 21 June 2017

## DETAINED: Main case

### Hatoon AL-FASSI

**Gender:** Female

**Profession:** [Associate university professor](#).

**Date of birth:** 1964

**Type of legislation:** Political opposition

**Date of arrest:** 27 June 2018

**Details of arrest:** Al-Fassi is one of many women activists who were arrested in May and June 2018 for their peaceful support of women's rights or other human rights.

**Current place of detention:** Unknown

**Conditions of detention:** Recent [reports](#) have emerged that some of the detained women activists were subjected to electric shocks, flogging, sexual threats and violence, and other forms of torture. Testimonies recount that this abuse has left some of the women unable to walk or stand properly, with uncontrolled shaking and marks on their bodies. Some were detained incommunicado with no access to their families or lawyers during the first three months of their detention. Al-Fassi, along with the other activists, remained as of 31 December 2018 without access to legal representation.

**Professional background:** Al-Fassi is an associate professor of women's history at King Saud University in Saudi Arabia. She also taught at the International Affairs Department at Qatar University. She is a leading figure in fighting for [women's rights](#) in the region, mainly the right to drive in Saudi, a ban which was lifted on female drivers.

**Publications:** Among her publications is the book *Women*

*in Pre-Islamic Arabia: Nabataea*. She is a columnist for *al-Riyadh* newspaper. **Awards:** the [MESA Academic Freedom Award](#) for 2018

## ENFORCED DISAPPEARANCE

### Marwan Almuraisy (Yemeni citizen)

**Gender:** Male

**Profession:** Journalist and TV presenter.

**Date of birth:** c. 1982

**Date of arrest:** 1 June 2018

**Details of arrest:** Almuraisy was arrested at his home in Riyadh by Saudi National Security agents.

**Current place of detention:** It is unknown where he is being detained.

**Conditions of detention:** Despite their requests, Almuraisy's family have been denied information about the charges against him, the location where he is being held, and are unable to visit him.

**Health concerns:** As Almuraisy's whereabouts are unknown and access to him is denied, there is acute concern about his safety and physical well-being.

**Professional background:** Almuraisy is a social media activist. He has worked as a journalist and TV presenter for many media companies such as al-Majed, al-Ressala, MBC and Sabak Journal. Almuraisy specialises in digital media, and he was regularly [invited](#) to give talks about his work.

**Other information:** Almuraisy is a Yemeni citizen who has been living in Saudi Arabia since 2003.

**Publications:** In January 2014, Almuraisy published a book, *Lbn ala'sfour (Milk of the Bird)*, in which he reproduced 140 tweets posted by several twitter users, which he considered to be amusing. He has also published articles on a variety of issues, including [on how to fund](#) personal projects.

**PEN Action:** [RAN](#) on 19 September 2018

## Syria

## KILLED: IMPUNITY

### Abduhadi KASHEET

**Gender:** Male

**Profession:** Journalist

**Date of birth:** 1967

**Date of arrest:** 12 July 2013

**Date of death:** 8 October 2013

**Perpetrator:** State

**Details of death/killing:** On 12 July 2013, Kasheet was arrested by the Air Force Intelligence Branch of Aleppo. Unconfirmed reports of Kasheet's death were initially received on 12 October 2013, but according to a recent [report](#), his name is included in official records of deaths in custody issued recently by the Syrian government. These [death notices](#) were delivered by the Syrian government to the relatives of those detainees killed in custody. Syria has one of the highest death tolls for detainees in the world. Since the beginning of the Syrian uprising in March 2011, thousands of Syrians have been arrested by the Syrian government, subjected to enforced disappearance and death in the various government detention centres due to [hanging](#), torture, inhuman treatment including the lack of medications, starvation, and overcrowding in detention.

**Professional background:** In 1991, Kasheet started his journalistic career at *al-Baath* newspaper. He participated in many literature evenings and festivals.

**Publications:** Besides his writing at *al-Baath* newspaper, Kasheet published for other Syrian and Arab journals. He has also written many short stories and articles about literary and musical criticism.

**Awards:** Kasheet has received prizes including one from the Arab Writers Union in Aleppo in 1998 for his short story entitled 'A letter to the General Director'.

**PEN Action:** [statement](#) on 17 August 2018

## ENFORCED DISAPPEARANCE

### Zaki CORDILLO

**Gender:** Male

**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.

**Details of detention:** Cordillo remained detained incommunicado at an unknown location as of December 2014, and is considered to be at serious risk of torture and other ill-treatment. No further news as of 31 December 2018.

**Publications:** 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*.

**PEN Action:** [RAN 03/13](#) – 21 January 2013, [Day of the Victims of Enforced Disappearances](#) - 30 August 2017

### Hussein ESSOU

**Gender:** Male

**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 2018.

**PEN Action:** [Day of the Victims of Enforced Disappearances](#) - 30 August 2017.

### Abd al-Akram AL-SAKKA

**Gender:** Male

**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 2018.

**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.

**PEN Action:** [Day of the Victims of Enforced Disappearances](#) - 30 August 2017.

## Ali AL-SHIHABI

**Gender:** Male

**Profession:** Syrian Palestinian political analyst and blogger

**Date of birth:** 1955

**Date of arrest:** 17 December 2012

**Details of arrest:** Al-Shihabi was 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. He is 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.

**PEN Action:** [Day of the Victims of Enforced Disappearances](#) - 30 August 2017

## Adnan ZARRA'AI

**Gender:** Male

**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 2018, when reports suggested he may have been moved to Saydnaya prison. No further information as of 31 December 2018.

**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.

**PEN Action:** [Day of the Victims of Enforced Disappearances](#) - 30 August 2017

## IMPRISONED - Main Case

### Tal AL-MALLOUHI

**Gender:** Female

**Profession:** Student, poet and blogger

**Date of birth:** 1991

**Sentence:** Initially five years in prison.

**Expiry of sentence:** She remains in prison as of 31 December 2018.

**Type of legislation:** National security

**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

**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. She remains in prison as of 31 December 2018.

**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

## United Arab Emirates (UAE)

## IMPRISONED – Main Case

### Nasser BIN GHAITH

**Gender:** Male

**Profession:** Academic and human rights defender

**Sentence:** Ten years' imprisonment

**Expiry of sentence:** August 2025

**Type of legislation:** National security

**Date of arrest:** 18 August 2015

**Details of arrest:** security forces reportedly searched both bin Ghaith's home and office on 18 August 2015 before arresting him that evening and taking him to an undisclosed location. He was allegedly arrested because of tweets he had posted which were critical of the UAE and Egypt.

**Details of trial:** According to Amnesty International, bin Ghaith appeared before the State Security Chamber of

the Federal Supreme Court in Abu Dhabi on 4 April 2016. He was charged with: 'committing a hostile act against a foreign state' for his Tweets criticising the Egyptian Government; 'posting false information in order to harm the reputation and stature of the State and one of its institutions', in relation to tweets stating that he had not been given a fair trial in the 'UAE 5' case; 'posting false information' regarding UAE leader's arrest, UAE, and their policies; and 'offensively criticising the construction of a Hindu temple in Abu Dhabi and inciting UAE citizens against their leaders and government'. This charge brought against bin Ghaith related to a tweet, which he told the court, had been misinterpreted and had been intended to promote tolerance. His final charges are of 'communicating and cooperating with members of the banned al-Islah organization' because of meetings he had with individuals who were tried in the 'UAE 94' case, and 'communicating and cooperating with the banned Emirates Ummah Party'. The judge allegedly turned off bin Ghaith's microphone in response to his claims of torture. The hearing is reported to have taken place behind closed doors, in breach of international law. Bin Ghaith was only allowed to see his lawyer for the first time while in court. 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.

**Place of detention:** Al-Razeen prison in Abu Dhabi

**Conditions in detention:** Bin Ghaith was held in secret detention in conditions amounting to an enforced disappearance for around eight months after his arrest in August 2015 until his first trial hearing on 8 April 2016. Bin Ghaith reportedly told the court how he had been beaten and deprived of sleep for up to a week while being held in detention. He is also said to have been kept in solitary confinement since his transfer to the maximum-security block in al-Sadr prison on 18 May 2016. According to [human rights monitors](#), he was also detained at al-Razeen prison, from where he was temporarily transferred to an undisclosed location after a hunger strike he started in 2 April 2017 in protest against the lack of family visits. He has also been on hunger strike several other times, the latest started in November 2018 that lasted for several weeks.

**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. His health has been getting worse as a result of his latest hunger strike and the conditions of detention. According

to a 2018 [human rights report](#), 'Bin Ghaith is very tired and has chronic symptoms of fatigue and can't even walk or use his feet. He also has difficulties breathing and he has lost a lot of weight'. It added that 'the administration of al-Razeen prison continues its ill-treatment of Dr. bin Ghaith, including by not providing him with his medications'.

**Professional background:** Bin Ghaith is an economist and researcher. He taught at the Abu Dhabi branch of Paris-Sorbonne University.

**Other information:** Bin Ghaith was one of five Emirati men (known as the 'UAE 5') who were arrested and detained in April 2011, accused of 'publicly insulting' United Arab Emirates officials in comments posted on an online discussion forum. All five men were convicted on 27 November 2011, with Bin Ghaith receiving a two-year prison sentence, before being released under a presidential pardon a day later following international outcry. The United Nation's Working Group on Arbitrary Detention in its [opinion](#) delivered 15 January 2018 found that he was arbitrarily detained as a result of his exercising his right to freedom of opinion.

**Publications:** He has mainly published about [economic devolvement](#) in the UAE.

**PEN Action:** Mentioned in a [joint letter](#) on 20 March 2018 and a [joint letter](#) on 19 November 2018

## Tayseer AL-NAJJAR (Jordanian national)

**Gender:** Male

**Profession:** Journalist and poet

**Sentence:** Three years in prison and a fine of 500,000 UAE Dirhams (c. US\$ 135,000)

**Expiry of sentence:** 13 December 2019

**Type of legislation:** Insult/cybercrime law

**Date of arrest:** 13 December 2015

**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.

**Professional background:** Al-Najjar moved to the UAE from Jordan in April 2015 to join Al Jewa, a large publishing house in the UAE, ahead of the launch of *al-Dar* weekly newspaper in January 2016, for which he was to write in the cultural pages.

**Other information:** Al-Najjar has completed his three years' prison sentence on 13 December 2018; however he has to serve another six months as he is unable to pay the accompanying fine.

**Publications:** Among al-Najjar's publications is a book about the state and the life in the UAE.

## Mohammed AL-ROKEN

**Gender:** Male

**Profession:** Lawyer and author

**Date of birth:** 26 September 1962

**Sentence:** Ten years in prison followed by three years of probation

**Expiry of sentence:** July 2025

**Type of legislation:** National security

**Date of arrest:** 17 July 2012

**Details of trial:** Tried as part of the 'UAE 94' trial. 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 2018.

**Current place of detention:** Al-Razin prison

**Conditions of detention:** Upon his arrest on 17 July 2012 and for the next three months, al-Roken was held in solitary confinement at an undisclosed location. His fate and whereabouts were unknown in what amounted to enforced disappearance. Many of the 'UAE 94' defendants and others standing trial before the State Security Chamber of the Federal Supreme Court have alleged in court that they were tortured or otherwise ill-treated in pre-trial detention, where they were often held incommunicado for months in secret State Security detention facilities. The State Security Chamber of the Federal Supreme Court has not adequately investigated these allegations, despite mounting evidence that State Security is abusing detainees.

**Professional background:** Mohamed Abdullah al-Roken is a well-known human rights lawyer representing some members of the 'UAE 5', five individuals sentenced to two to three years' imprisonment in 2012 for having expressed criticism of government policies. He also represented the 'UAE 7', a group of seven individuals whose United Arab Emirates citizenship the authorities attempted to revoke in 2011, owing to their membership of the Reform and Social Guidance Association (Al-Islah).

**Other information:** The UN Working Group on Arbitrary Detention in its opinion 60/2013 found al-Roken's detention and that of 60 others of the UAE 94 to be arbitrary.

**Publications:** Al-Roken has written a number of books and articles on human rights, freedom of expression, and counter terror laws.

**Awards:** 2012 Alkarama Award for Human Rights Defenders and Ludovic Trarieux Award

**PEN Action:** Mentioned in a joint letter on 4 March 2016, and a joint letter on 19 November 2018

## PEN actions for journalists in Middle East and North Africa 2018

### Bahrain

**Abdulhadi al-Khawaja:** *Human rights defender under detention*

**Action:**

April 2018: Bahrain: NGOs call for release of Abdulhadi al-Khawaja on 7th anniversary of his arrest

**Nabeel Rajab:** *human rights defender in prison*

**Action:**

August 2018 : Bahrain: 127 Rights groups call for immediate release of Nabeel Rajab

**Hassan Mushaima:** *health concerns in detention*

**Action:**

August 2018 : Bahrain: NGOs Raise Concerns Regarding Failure of Bahrain to Address the Case of Hassan Mushaima

### Lebanon

**Hani H. Nsouli:** *journalist under judicial harassment.*

**Action:**

December 2018: Lebanon: writer accused of criminal charges for defamation

### Saudi Arabia

**Jamal Khashoggi:** *Saudi journalist killed during visit to Saudi consulate in Istanbul*

**Action:**

October 2018: Dissident Saudi writer Jamal Khashoggi disappears after visit to Saudi consulate in Istanbul

October 2018: Saudi Arabia: Over 160 groups call for accountability following murder of journalist and widespread arrest of women's rights defenders

**Eman al-Nafjan:** *detained female blogger and activist*

**Action:**

June 2018: Open Letter/Saudi Arabia: Over 50 human rights groups call for immediate release of women's rights defenders

### United Arab Emirates

**Ahmed Mansour al-Shehhi:** *detained human rights defender*

**Action:**

March 2018: UAE: One Year on, Ahmed Mansoor's Whereabouts Remain Unknown

## Behrouz Boochani – Iranian writer exiled in Papua New Guinea

An Iranian writer seeking asylum in Australia, Behrouz Boochani has been held in a refugee detention centre on Manus Island, Papua New Guinea for six years. A PEN main case, Boochani continued writing, working with members of PEN Melbourne, resulting in his book *No Friend but the Mountains: Writing from Manus Prison*. In the first month since its publication in Australia, the book has been reprinted nine times, and has been met with universal critical acclaim. Boochani remains on Manus Island. In an interview with PEN Melbourne, Boochani explains:



**‘Resistance is the soul of this book ... an act of creativity, which challenges the destructive power of the prison. When writing the book, I was aware of this concept of resistance. At the same time ... I am sure that the readers will understand that I, as the writer, was not always consciously thinking of this as resistance. In those moments, when I was writing, I was completely free ... those moments were the most exciting ... because I found myself out of the prison as a free man.’**

## Dareen Tatour – Palestine/Israel

**‘There is no doubt that the solidarity campaign, especially from the writers’ community, was not only an important stand for the principles of freedom of expression, but also was a huge moral boost for Dareen. If the police and the prosecution hoped to silence Dareen’s voice, they made her voice a thousand times stronger. The power of solidarity helped Dareen to survive all the suffering of confinement, silencing and imminent imprisonment. It helped her to become even more optimistic and resolute in her artistic expression.’**



– Letter from Yoav, who led the campaign for Dareen Tatour, to Jennifer Clement, PEN International President

## Reports

### Acts of Resistance: Literature, Journalism and Censorship in Venezuela

Over the last five years, censorship – both state-enforced and self-imposed – has become increasingly prevalent in Venezuela. Whether it takes the form of direct attacks on journalists, restrictive legislation and lawsuits against media outlets, or whether it is experienced psychologically as a kind of ‘internal policeman’ controlling one’s private conversations and exercising an inhibitory pressure over what one writes, the effect on writers, the media, and society more generally has been devastating. This report is the result of PEN International’s mission to Venezuela in February/March 2018, and is intended to provide an overview of the current situation in the country as it pertains to freedom of expression, censorship and the effects of both on writers. It includes numerous case studies which serve to demonstrate the personal consequences of both state and self-censorship and ends with a series of recommendations.

The report is available in [English](#) and [Spanish](#)

### India: Pursuing truth in the face of intolerance

In India today, if a journalist cannot be lured by money or scared away from a story, then the threat of intimidation – sometimes leading to violence and murder – looms large. The past few years have been bloody for some journalists and writers who took on the powerful.

Many journalists, especially in smaller towns and villages of India, enter the profession fuelled by passion and a thirst to interrogate and challenge the powerful. These writers often have to rely on alternative ways to supplement their income, including collecting local advertising for newspapers or doing other odd jobs to make their journalism sustainable. Many of them face immense pressure from families to give up journalism – a profession that puts them in harm’s way and doesn’t guarantee money in their pockets.

What compounds the crisis are the numerous incidences of violent attacks on journalists. A growing climate of intolerance in the country and the tendency among those with power to intimidate journalists have combined to make threats to journalists a critical issue. To make matters worse, the state has been sluggish in prosecuting cases, perpetuating a climate of impunity.

Coupled with the dangers of surveillance and oversharing of personal information in the digital age, the gap has narrowed between physical violence and virtual threats (more in the essay titled ‘Surviving in a world of “virtual” abusers’).

Silencing the media through violent means signals the breakdown of a functioning democracy. Not only is impunity the result of weak law enforcement and criminal justice systems, but it also points to an unquestioning society that accepts and perpetuates violence. Both Gauri Lankesh and Shujaat Bukhari were abused online for their views after they were killed. When there are no checks on power, it ceases to be a democracy even in name.

The report is available in [English](#)

### Russia’s Strident Stifling of Free Speech 2012–2018

A journalist and a filmmaker languish behind bars on trumped-up charges. A librarian is convicted of holding ‘extremist’ literature. A theatre director critical of the authorities is held under house arrest for more than a year. Dozens of people are prosecuted for online comments regarding Russian activity in Ukraine.

A joint PEN International, PEN Moscow and St Petersburg PEN report published in October 2018 describes how, since 2012, the Russian authorities have dramatically strengthened their control over the flow of information online and offline. The report shows how Russia’s array of repressive laws severely restricts the rights to freedom of expression, opinion and information. It describes the deterioration of media freedom, through the Russian authorities’ control of the media landscape and the immense pressure faced by independent journalists to not contradict the official line or provide coverage of critical viewpoints. It analyses the prosecution and conviction of several people on politically motivated grounds and further shows how artistic freedom and literature are under threat.

Russia’s Constitution enshrines the rights to freedom of expression and privacy and prohibits censorship. Russia is also a party to several international treaties and as such has obligations to respect, protect and fulfil the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

The report is available in [English](#) and [Russian](#)