

PEN INTERNATIONAL CASE LIST 2020

100 YEARS OF CELEBRATING LITERATURE AND
PROTECTING FREEDOM OF EXPRESSION



About PEN International

PEN International promotes literature and freedom of expression. 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.

Founded in London in 1921, PEN International – PEN's Secretariat – connects an international community of writers. Governed by the PEN Charter, PEN operates across five continents through Centres in over 100 countries.

The Writers in Prison Committee (WiPC) of PEN International was set up in 1960 as the result of mounting concern about attempts to silence critical voices, globally. The WiPC works on behalf of those who are detained or otherwise persecuted for their opinions expressed in writing, including writers who are under attack for their political activities or for exercising their profession, provided that they did not use violence or advocate violence and racial hatred.

Over time, 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. Every year member of PEN Centres campaign and lobby relevant governments for an improvement in the conditions of persecuted writers and journalists and/or for their release, as well as for investigations into cases of torture and killings. Through writing to prisoners, where possible, or to their families, they provide encouragement and hope. PEN International and its Centres also advocate for systemic change to restrictive laws and practices, including by submitting concerns and recommendations about freedom of expression issues to various international and regional human rights bodies.

In 2021, PEN International celebrates its Centenary. One hundred years since its foundation, today PEN is recognised as the world's foremost association of writers, as well as a leading international charity and expert on freedom of expression.

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pen-international.org



HAITI

Jacques Roumain – poet and founder of the Haitian Communist Party. He was detained several times in the 30s and exiled for his political activities and opposition to the US occupation of Haiti. His case was the first of a writer in prison to be taken up by PEN.



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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.

Case List Methodology

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

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

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

Our work would be impossible without our Sponsors who include:

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PEN INTERNATIONAL – A PANDEMIC YEAR OF CRISIS FOR FREEDOM OF EXPRESSION

In my bleak moments I sometimes wonder – if coronavirus did not exist, would governments have invented something similar? This sounds like one of the conspiracy theories about the pandemic spreading like the virus itself across the planet, but there is cruel logic to it. The pandemic has allowed governments to impose strict controls and restrictions on civil liberties. We are effectively under house arrest, cannot meet others easily, cannot go out easily, should be willing to be subject to surveillance and be monitored, follow certain social norms such as wearing masks and keeping safe distance between us and others, and abide by rapidly changing rules about what we can do, with whom, and where. And when the government decides, sometimes by giving reasons, but sometimes on a whim, to impose lockdowns or time-bound curfews (as if the virus respects government strictures), again, we must comply.

It is all for good reasons. Liberties must not be curtailed, but international human rights standards do permit derogation of human rights in certain circumstances, such as grave threat to public health. But those restrictions have to be legal, evidence-based, necessary, proportional, and gradual. One thing we've learned in the past year and more is that while these restrictions are necessary and often legal, the evidence on which these are based is not always convincing.

Many governments believe in 'shock and awe,' and as such, the restrictions are not gradual. And they are certainly not proportional. Restricting a large number of people to meet in public may be necessary, but restricting journalists from reporting on that is not. Challenging conspiracy theories is essential, but jailing commentators or writers who question the authorities is not. Being transparent about government policy is crucial, but dismissing critics as purveyors of fake news, and worse, prosecuting them, is not.

And yet, as PEN International begins celebrating its centenary – albeit on a subdued note, given the pandemic and the impossibility for us to meet one another – it is worth remembering that no government wants to miss turning a crisis into an opportunity. We have seen this with armed conflict, which has allowed many governments to impose restrictions that never go away. It was most noticeable two decades ago, when after the attacks in the United States on September 11, 2001, the US and many other countries passed legislation that made dissent harder, and in the years since, few governments relinquished the controls they had acquired. The pandemic poses a similar challenge. In the name of keeping us safe, healthy, and secure, governments will want to know more about whom we meet, where we



meet, and for how long, and in the process find out what we might eat or drink, buy, and consume, because really what they want to know is what we think and what we might express – and how to stop us from doing it.

But we – writers, poets, playwrights, bloggers, artists, editors, and journalists – are made of sterner stuff. We like speaking truth to power. We say that the emperor is in his birthday suit, if he is without any clothes – because that is the truth, and people have the right to know. Some of us may say this through imagination and fiction; some of us write poetry about it; some present a harrowing account that moves from journalism to the realm of literature; and some of us use newer modes of communication – through social media, through blogs – to widen out audiences. And we create a community – of writers and readers who care for each other, who support each other, and believe in everyone's right to peaceful and free expression, regardless of their origin – their passport (or not), language, religion (or none), ethnicity, sexual orientation, gender identity, indigeneity. Those in authority – governments, religions, corporations, and others who wield power – don't like that. They threaten the stubborn among us. They prosecute such outspoken writers, intimidate them, jail them, torture them, and sometimes kill them.

As I leave this office which I have had the privilege to hold for the past six years, my parting words are: we must not give up. We must persevere and continue to support one another, because an attack on one of us is an attack on all of us, to borrow the idea of collective defence governments think they own. But freedoms are ours; we are born with those freedoms, it is not governments who grant us those freedoms. Let us assert ours; let us celebrate our heroes. We mourn those who have left us, we derive inspiration from their courage. And we remember their names. As I step aside at the end of my term, I want to thank the brilliant regional coordinators at the secretariat and former colleagues, other staff at the secretariat, PEN's board, and friends from the centres. You are the force; it has been an honour to be your messenger.

I want to assure you – I will be back at the pickets, still signing those letters, and continuing to express outrage with you.

We present you with our case list for this year.

SALIL TRIPATHI

Chair, Writers in Prison Committee
PEN International (2015-2021)

What is the PEN International case list? A brief explanation

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

This report firstly provides a global analysis of the cases monitored by PEN International between January to December 2020, providing a summary of the wider context under which writers and those who use the written word to express themselves are challenged. This is followed by the 'list' itself, divided into regions, each starting with an overview of key events that have impacted on freedom of expression in the region, then followed by a summary of cases of writers of concern to PEN. At the end of each regional overview is a summary of the actions that PEN took for journalists and others, such as human rights defenders, usually in collaboration with other freedom of expression NGOs, and giving links to sources providing fuller details.

The PEN International case list's primary role is to inform its membership and others engaged in advocacy for free expression and serves to enable PEN Centres to identify where their focus could be. It does not, therefore, attempt to be a comprehensive list of attacks on writers, but an indication – a weather vane – of where the problems lie in any given year, enabling reflection on patterns and trends that can serve to inform future actions. It is up to date as of 31 December 2020 and as events can move rapidly, readers who wish to know more about a case listed in this document are advised to look for updates either on-line or by contacting PEN International.



ALBANIA

Musine Kokalari – said to be Albania's first published female writer. She was imprisoned from 1946 to 1964 for her opposition to the government. She was one of the cases to appear on the first PEN Writers in Prison Committee case list in 1960.

2020: freedom of expression deteriorated globally during the pandemic

2020 was an extraordinary year in which the global COVID-19 pandemic brought much of the world to a halt - with horrific death tolls and lives blighted by loss, disease and enforced isolation. The PEN International 2020 Case List records the challenges presented to writers and those who use the written word to express themselves in their attempts to speak out under the most difficult of circumstances.

Measures aimed at curtailing the disease were a necessity, with widespread closures of schools, shops, workplaces, theatres and public spaces. The wearing of masks and 'social distancing', quarantines, and self isolation became mandatory, often enforced by law. [UNESCO](#), in a review of the pandemic year published in December 2020, recorded that around 80 states had enacted emergency legislation to tackle the spread of the virus. In some countries these laws, either through hasty implementation or by design, criminalised journalists and others whose commentary on the virus ran counter to the official line.

The media rights watchdog, [Reporters Without Borders](#), reported that at least 125 journalists in 29 countries had been attacked in COVID-19 related incidents by the end of the year. Maybe unsurprisingly, authoritarian governments saw the pandemic as an opportunity to further stifle their already troublesome critics. In **China**, for example, the pretext of coronavirus prevention checks was used to gain access to the home of a dissident writer who was then arrested. In **Uganda**, a writer was charged under COVID-19 regulations soon after he had published books that criticised corruption and human rights abuses.

Restrictions on public gatherings meant that the opportunity to protest was severely curtailed. In some countries, liaison between police and protestors enabled demonstrations while practicing COVID-19 safety precautions, while in others these regulations were taken to extremes.

In **Zimbabwe**, for example, a writer and another friend staged a two-person protest criticising the government. Although both wore masks and were walking in a largely empty street, they were arrested for breaking COVID-19 regulations.

Insult and **defamation** laws have long been used to suppress criticism of governments, and in some countries COVID-19 regulations have entered this realm. In **Kuwait** these new laws extended to commentary that "weakens the prestige of the state". In **Lebanon** there was a crackdown on online content deemed insulting to the President and threats to open investigations into possible defamation crimes linked to the pandemic. In **Iran** newspaper staff were arrested for insulting the country's leadership in a cartoon that suggested that Ayatollah Ali Khamenei recommended fake remedies for the virus.

Across world regions, **digital communication** came under increased control with new laws and tighter regulations linked to COVID-19. [Freedom House](#) reported that at least 28 countries blocked websites or forced users to delete information such as on unfavourable health statistics, criticism of government handling of the crisis or other content on the virus. These countries included in **China, Belarus, Venezuela, Egypt, India** and **Hungary**. Digital blackouts where the virus is dominant or in areas of conflict are especially dangerous, denying access to vital public health information such as in **Myanmar** and in **Ethiopia**.

Despite lockdowns and restrictions, 2020 was a year of mass demonstrations on issues such as flawed elections, police brutality and other rights violations. Many thousands took to the streets in countries including **Belarus, Uganda, Nigeria, Tanzania** and the **USA**. These protests were met with detentions, more police violence, bans on social media and attacks on the press. In **Belarus** hundreds of protestors, including writers and artists, were arrested.

2020: COVID-19 an additional threat to imprisoned writers

Running alongside new arrests and restrictions, are long-term cases that are often forgotten as global attention switches to more recent events. Notably in **China** where there are seven writers who have been in prison for more than five years, with one held since 2005. Writers are among the thousands of people who have been taken to detention camps in Xinjiang since 2017, and whose whereabouts remain unknown. In **Turkey**, several writers and over 40 journalists who were arrested between 2009 and 2010 and who spent periods in prison before being released on trial, are now entering the tenth year of court hearings with no end in sight. One of the most disturbing situations is in **Eritrea** where five writers have been held since 2001 and now are entering their twentieth year in prison, with their whereabouts unknown: it is unclear if they are still alive. It is important that these cases are not forgotten.

COVID-19 has hit prisons particularly hard with overcrowding, unsanitary conditions and lack of medical attention in many countries, with writers held in jails in **Iran** and **India** contracting the virus. In **Iran** and **Turkey**, where there are high numbers of writers and journalists in prison, government concern about the prevalence of the virus led to the release of many thousands of prisoners - 54,000 in Iran and 90,000 in Turkey. However, in both countries, political prisoners including writers, were excluded. In addition, a knock-on effect of the virus has been delays in trial hearings, adding to already tortuously slow judicial processes. This has also meant a longer wait for justice for the families of murdered writers whose alleged killers are before the courts.


More than 30 journalists killed in 2020

In the pandemic year there were no reported murders of writers. However the killings of journalists continued unabated, with the [Committee to Protect Journalists](#) recording at least 32 killed in 2020. Twenty-two had been singled out in retaliation for their reporting, double the number for 2019. **Mexico** and **Afghanistan** were cited as the deadliest countries in which to be a reporter. This creates a pall of fear over anyone who speaks out, from all sectors of society. PEN International joined its colleagues in protesting and calling for justice for journalists killed in Afghanistan and Mexico, as well as continuing to call for full justice for journalist Daphne Caruana Galizia, murdered in **Malta** in 2017. PEN International joined the world-wide condemnation of the execution of exiled journalist Ruholla Zam in **Iran** in December, a year after he had been abducted from Iraq. PEN International also joined the outrage at the COVID-19 related death in prison in May 2020 of **Egyptian** film-maker, Shady Habash.



NIGERIA

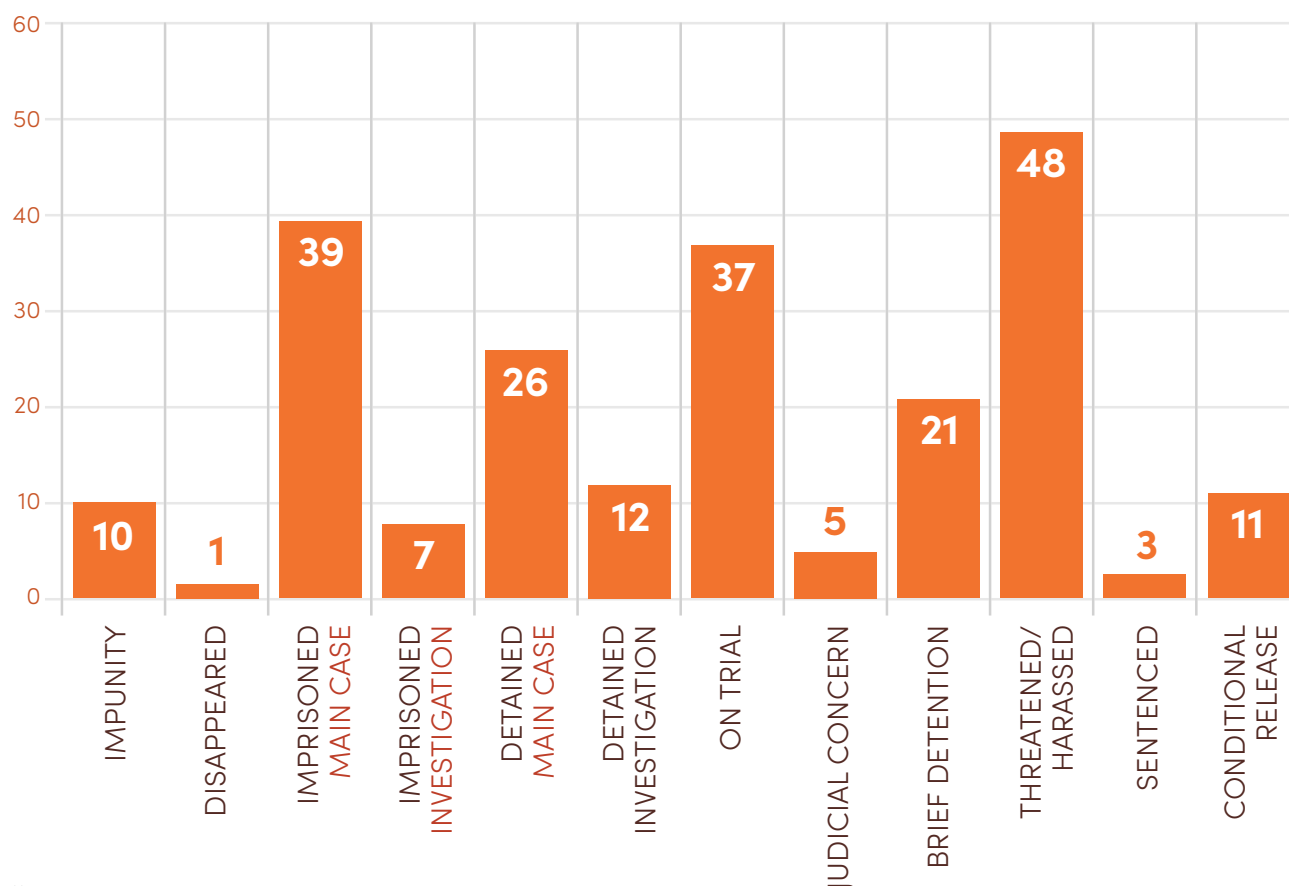
Ken Saro Wiwa – writer, environmental activist and leader of the Movement for the Survival of the Ogoni People. He was executed in 1995 by the military government.



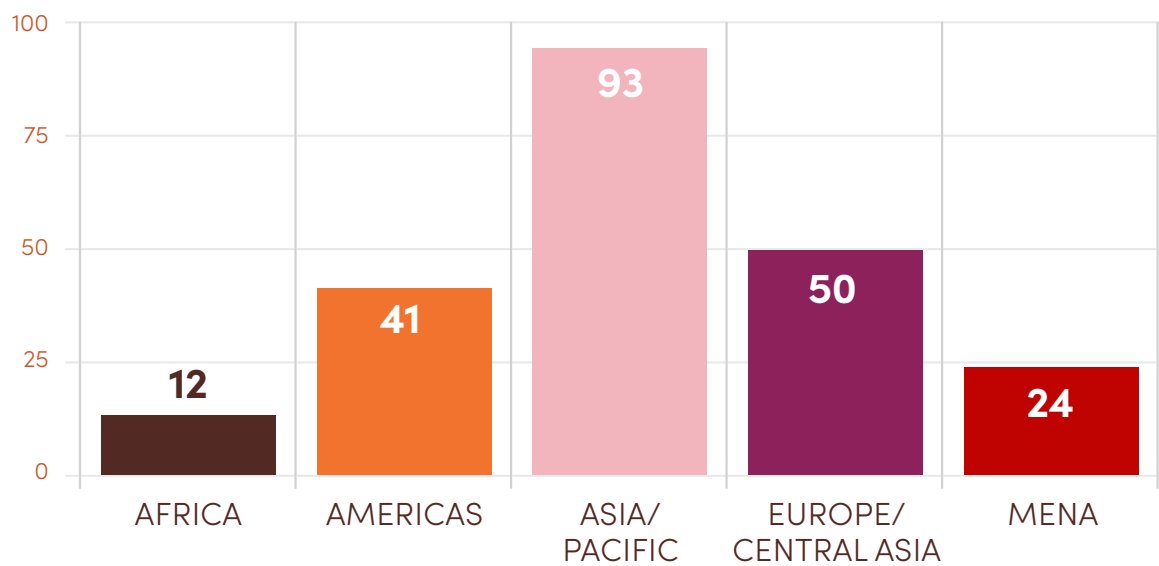
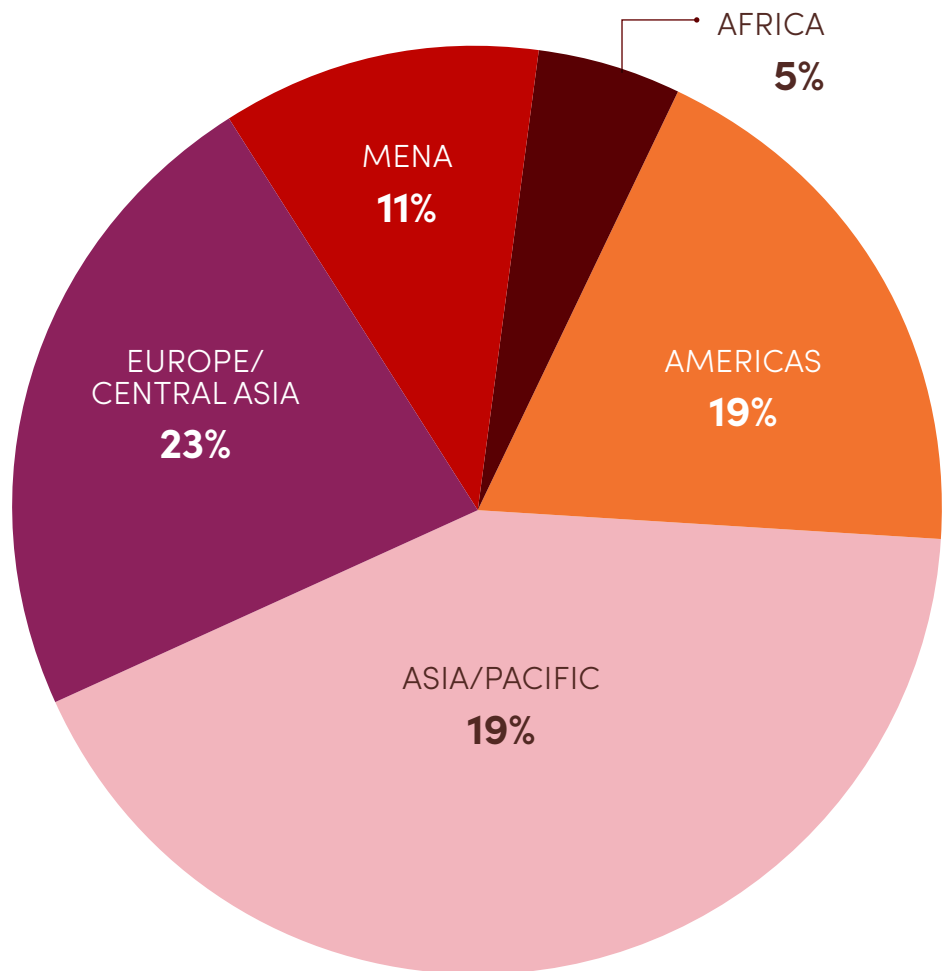
THE CASE LIST IN NUMBERS

The PEN Case List records 220 attacks on writers that were reported in 2020. However these figures reflect only those instances where the information is proven, and where there are no restrictions on making the details public. It should also be noted that in countries where freedom of expression is repressed it is more difficult to gather and verify information on abuses. The following data should therefore be seen as illustrative of general patterns of attacks – and where they occur – and not a definitive record.

ATTACKS ON WRITERS BY TYPE 2020



ATTACKS ON WRITERS BY REGION 2020



Women writers confronting sexual violence

The 2020 PEN International Case List features forty-four women who suffered imprisonment, trial, attack and threats. Most were targeted for the same reasons as their male counterparts such as for standing up against human rights abuses, exposing corruption, challenging the powerful, and defending minority rights. However, the wider societal impact of gender inequality cannot be adequately measured by the numbers of women who are brought to trial. For many their initial capacity to create literature or to be a journalist is compounded by a multitude of factors – including limited access to education as well as professional platforms. For others the fear of writing on certain issues can lead to unconscious and conscious forms of self-censorship (particularly in the online sphere), or they may face threats of psychological or other forms of violence for wishing to pursue a career as a journalist or writer. For those female writers or journalists who are imprisoned, they may have suffered gender and identity-based violations.

In 2020 female writers and artists who spoke out on gender rights and sexual violence found themselves under attack. They include:

- In **Iran**, writer and rights activist **Golrokh Ebrahimi Iraee**, who continues to be held in dire conditions in an Iranian jail for her unpublished book that features the stoning to death of a woman. She was sentenced in 2016 to six years in prison, a sentence that was increased by more than two years after she staged prison protests, for which she suffered beatings in December 2020. Another rights activist, theologian and poet, **Sedigeh Vasmaghi** faces six years in prison for her participation in the reform movement in Iran. Her 2014 book, *Women, Jurisprudence, Islam*, is banned in Iran.
- The **Chilean** feminist arts collective, **LASTESIS**, became a global phenomenon when their video released in 2019 went viral. It featured a song and dance routine that denounced sexual violence and victim blaming. In 2020, LASTESIS worked with the Russian punk feminist band, Pussy Riot, to produce a second video denouncing police violence, the increase of domestic abuse under the pandemic and social inequality. For this they were accused of threatening violence themselves – against the police – although the case against them was eventually dismissed.
- Across the globe, sexism and misogyny permeates and hinders the lives of women. Derogatory, sexualised comments are used to attack women who challenge those in power. One example is that of **Patrícia Campos Mello**, a **Brazilian** writer whose investigation into reports of illegal financing of President Jair Bolsonaro's election campaign led to her being accused of being willing to trade sexual favours for information. Issues escalated when these accusations were repeated by President Bolsonaro himself, leading to more threats on social media. Although Campos Mello has received compensation for the abuse, her experience of speaking out serves to deter other women to do the same.

EGYPT

Nawal el-Saadawi – writer imprisoned for three months in 1981 because of her feminist writings and political activism. She continued to write under constant harassment and threat until her death in 2021.



Explanation of Terms

■ Main cases

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

■ Investigation case

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

■ Judicial concern

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

■ Attack types

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

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

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

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

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

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

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

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

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

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

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

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



Each year, on 15 November, PEN International celebrates the courage of writers who stand up to repression and censorship, for which many pay a heavy price. On this day, PEN features five writers, one from each world region, whose struggle for freedom of expression is emblematic of that of so many others.

In 2020, the focus was on writers in **Uganda** and **Peru** whose books that expose corruption and abuse at high levels of authority had led to threats of violence and prosecution. Also featured was an **Iranian** academic and poet who faces six years in prison for her criticism of the authorities, and an arts philanthropist and publisher who had been held in a **Turkish** prison for over 1,000 days on charges linked to his support for the pro-democracy movement. There was welcome news of the release in 2020 of a poet who had been held for almost five years in a re-education camp in **China** for editing a book in the Uyghur language. However, this was tempered by the fact that many thousands more remain in the camps, and that an end to their suffering seems far off.

All around the world, PEN Centres and members took action for these writers, and for others who are also under threat for expressing their views. Letters were written addressed to the five featured cases, and appeals were sent to the governments that are responsible for censorship and repression. Centres held events, readings and debates on the theme of

freedom of expression. In doing so, PEN members, one hundred years after PEN International was founded, are continuing to support and stand up for the rights of their fellow writers.

Read more about the five focus cases for the 2020 PEN International Day of the Imprisoned Writer:

- **Sedigeh Vasmaghi** – academic, writer and poet facing six years in prison in Iran for her activism.
- **Osman Kavala** – publisher and rights activist in pre-trial detention in Turkey for his support for democracy.
- **Paola Ugaz** – journalist under threat for her book exposing corruption and abuse in a religious organisation in Peru.
- **Kakwenza Rukirabashaija** – writer detained, tortured for his novel featuring high level corruption but charged in court for violating COVID-19 control measures.
- **Chimengul Awut** – Uyghur poet detained since 2018 in a re-education camp for her work as a writer and editor of Uyghur literature. Reports later emerged of her release in late 2020.

CZECH REPUBLIC (CZECHOSLOVAKIA)

In 2009, **Václav Havel**, the Czech playwright and subsequently the first President of the new Czech Republic, and who had been the subject of PEN appeals during his imprisonment from 1979-1983, wrote to PEN on the 50th anniversary of the Writers in Prison Committee



I vividly recall the wave of solidarity at the turn of the 1980s in protest against my imprisonment. There were protests from friends, playwright colleagues, writers, Amnesty International, and the Writers in Prison Committee of International PEN. Later, when I assumed the post of President of the Republic as a result of the revolutionary changes, it was my turn to show solidarity with imprisoned colleagues.

AFRICA REGIONAL OVERVIEW 2020

Nduko o'Matigere Africa Programme Coordinator

Across Africa, critical writers, journalists, human rights defenders, and political opposition groups continued to be targets of repression for their peaceful expression, work, and activism throughout 2020. Repressive governments across the continent used COVID-19 control measures as a cover for repressive actions against political dissent, peaceful protest, and journalists critical of government responses to the pandemic. In several countries, internet shutdowns and restrictions on the use of social media and mobile messaging apps were used to restrict free flow of information, particularly during contentious elections and conflict. Overall, freedom of expression continued to be under attack in many countries, with a pattern of shrinking civic space across the continent.

Unrelenting repression against digital communications

There is a general trend across African countries towards repressive control of online platforms. Through enactment of social media regulations and cybercrime laws, countries like **Lesotho, Tanzania, Zimbabwe, Burkina Faso** and **Uganda** imposed stringent regulatory requirements on users of digital platforms. **Tanzania** passed new online content regulations that criminalise free online speech.

Ethiopia continued to use media blackouts and internet shutdowns to restrict free speech and access to information. For two months in early 2020, the authorities imposed a telecommunications and internet shutdown in the Oromia region during a government counterinsurgency operation, and in the Tigray region after the outbreak of war between the Ethiopian federal army (ENDF) and the regional Tigray People's Defence Front (TPLF) in November. Another internet shutdown was imposed in Ethiopia in the wake of protests after the killing of popular Oromo musician, Hachalu Hundessa in June.

In February **Ethiopian** authorities introduced a new hate speech and disinformation law whose loose and ambiguous definition of hate speech and disinformation has a chilling effect on free expression and access to information online. Freedom of expression, including press freedom is still a distant dream in Ethiopia despite earlier promises of significant reforms after Prime Minister Abiy Ahmed took power in 2018. Together with Ethiopia, a report by ARTICLE 19 records the use of restrictive laws and policies to criminalise online expression in **Kenya, Uganda, Tanzania** and **Rwanda**. In many countries across Africa where online hate speech laws are either being attempted or are in force press freedom and freedom of expression continued to be under attack.

In **Nigeria**, the dangers to freedom of expression posed by the proposed Social Media Bill (purportedly to curb fake news) came to the fore

during the #ENDSARS protests whose global support was enabled by social media. Nigerian authorities arbitrarily blocked websites associated with the #EndSars protest movement.

As in previous years, state authorities and powerful individuals in **the Democratic Republic of Congo, Niger** and **Cameroon**, continued to target critics using **criminal defamation laws**. Many countries in Africa still retain colonial era laws that criminalize insult and defamation. Despite recent positive judicial developments at regional and national levels which upheld that criminal defamation laws are unconstitutional and that they violate the right to freedom of expression, no concrete steps have been taken in these countries to repeal these laws.

Misuse of anti-terror laws and their arbitrary application to restrict freedom of expression continues to be an area of concern. In **Cameroon** journalist Tsi Conrad has been in detention since 2016, charged under Cameroon's terrorism laws. He was arrested while filming a public protest of alleged discriminatory state practices in the Anglophone region of the country.

Misuse of rule of law and judicial harassment

Arbitrary arrests, prosecution on bogus charges, prolonged pre-trial detention and judicial harassment through drawn out prosecutions were among the most persistent forms of misuse of rule of law against dissenting voices. In **Uganda**, novelist Kakwenza Rukirabashaija was arrested and tortured in military and police detention on two occasions. In both instances he was interrogated about his books, although in official documents he was charged with violating COVID-19 regulations and later placed under indefinite investigation for the odd charge of 'inciting violence and promoting sectarianism.'

In **Zimbabwe**, novelist **Tsitsi Dangarembga** was arrested while peacefully protesting corruption on a deserted street and charged with inciting violence and breaching COVID-19 health regulations. Similarly, investigative journalist Hopewell Chin'ono was arrested,

detained and charged over tweets he posted in support of planned peaceful anti-corruption demonstrations and for allegedly breaking bail terms when he posted a tweet suggesting that the Chief Justice had improperly intervened to have his bail application denied.

Arbitrary enforcement of COVID-19 measures

In the pretext of enforcing COVID-19 health measures repressive governments intensified attacks on freedom of expression and press freedom across the continent. Human rights and freedom of expression organizations reported a sharp rise in attacks and restrictions on journalists, editors, reporters and digital content producers in **Nigeria, Democratic Republic of Congo, Rwanda, Eswatini, Tanzania, Zimbabwe, South Africa, Uganda, Comoros, Kenya, Ghana** and **Ethiopia** for their reporting on the pandemic and its effect on their respective populations. Journalists were assaulted, shot, had their equipment seized or destroyed, were arrested and detained arbitrarily; they were also harassed through bogus trials and some were forced to flee their countries. Others were banned from practice and media outlets were shut down for reporting on the pandemic. In Kenya, the police unlawfully stopped peaceful protests calling for police accountability over excessive use of force and extrajudicial killings while enforcing lockdown measures.

Rise of electoral authoritarianism

As in the previous year, writers, journalists, and civil society activists were caught up in crackdowns on freedom of expression across the continent, particularly during tense election seasons. In **Uganda** state security agents carried out a massive crackdown on civil society, opposition supporters and the press during election campaigns. Journalists covering opposition campaign activities were attacked by security agents and pro-government mobs. In the lead-up to elections in **Tanzania**, authorities introduced stringent media regulations leading to a rise in the harassment of journalists and arbitrary suspension of broadcast licenses for independent media outlets. The government also engaged in digital censorship of mobile communications and blocked social media to suppress access to information and expression.

Some good news

Following years of campaigning by media and civil society groups, on 23 July the **Sierra Leonean Parliament repealed the colonial era Public Order Act** that criminalised libel and sedition. This development is a major boost to ongoing efforts for the repeal of criminal defamation laws.

In February, **Tanzanian** investigative journalist Erick Kabendera and **Ugandan** activist, poet, and academic Stella Nyanzi were released from prison.

EMBLEMATIC CASES



Photo credit: permission granted by PEN Eritrea/unknown

Eritrea

Idris Said 'Abba Arre'

Writer and journalist held in incommunicado detention since October 2001

Idris Said 'Abba Arre' is an Eritrean writer and journalist, known for his work on mother tongue education and critique of the government's post-independence language policy. He was arrested in October 2001 after he reportedly questioned a massive crackdown on dissent. He has since been detained incommunicado. No known charges have been brought against him nor has he been brought to trial.



Photo credit: permission granted by Kakwenza Rukirabashaija

Uganda

Kakwenza Rukirabashaija

Novelist and journalist targeted for judicial harassment for his writing

Kakwenza Rukirabashaija is a novelist and journalist. On two occasions in 2020 he was detained, and interrogated about his books, reportedly tortured, then tried on false charges of violating COVID-19 regulations. The case against him was dismissed although he remains under investigation and restraint on charges of 'inciting violence'.



NIGERIA

Wole Soyinka – writer and Nobel Laureate who was arrested twice in the 1960s, and subsequently spent periods in voluntary exile over the following three decades under threat of further arrest and imprisonment.

AFRICA CASE LIST 2020

■ CAMEROON

Killed: impunity

Eric Ohena LEMBEMBE

Gender: Male

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

Date of birth: 1980

Date of Death: c. 16 July 2013

Perpetrator: Unknown

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

Details of investigation: PEN is continuing to seek more information on the progress of the investigation into his murder and to urge the Cameroonian authorities to bring the perpetrators to justice.

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

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

■ ERITREA

Writers and journalists
arrested in September 2001

Background to arrests: In May 2001, members of a dissident group – known as the G-15 – within the People's Front for Democracy and Justice (PDFJ), which is the ruling party in Eritrea, published an open letter in which they denounced the president's abuse of power and presented his actions as 'illegal and unconstitutional'. Following the publication of the letter as well as related interviews and articles published by independent newspapers, 11 members of the G-15 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 shut down by the authorities. These included the weeklies Meqaleh, Setit, Tsigenay, Zemen, Wintana and Admas. Ten journalists were arrested in September 2001 and a further two in October 2001. PEN is focusing on those among them who are writers. For information on the other journalists please refer to the PEN case list from 2015 and earlier and for any updates to the [2020 CPJ Report](#) of killed or imprisoned journalists. Over the years, Eritrean 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 that they 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 unverified reports that several of the detainees died in custody due to ill-treatment and neglect. On 20 June 2016 in an interview with Radio France Internationale (RFI), the Foreign Minister of Eritrea claimed that all the journalists and politicians arrested in 2001 were alive, though no proof has been provided. In the same interview, the Foreign Minister said that these men would be tried 'when the government decides'.

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

International intervention for all ten journalists: In May 2007, the **African Commission on Human and Peoples' Rights (ACHPR)** of the African Union ruled that the detention of the journalists was arbitrary and unlawful and called on the Eritrean government to release and compensate the detainees. In September 2011, the **European Parliament** adopted a strongly worded resolution urging Eritrea to 'lift the ban on the country's independent press and to immediately release independent journalists and all others who have been jailed simply for exercising their right to freedom of expression'. A 2015 UN Resolution called for the accounting for the whereabouts of the G-15 and the journalists. In her [2020 report](#), the UN Special Rapporteur on Eritrea noted that there was still neither information about their fate nor compliance by the Eritrean authorities with the various past decisions of the African Commission on Human and Peoples' Rights regarding the cases. As in previous years, the Eritrean authorities maintained their non-cooperation policy and denied the UN Special Rapporteur on Eritrea access to conduct in-country visits.

Detained Main Case: Amanuel ASRAT

Gender: Male

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

Date of birth: c. 1971

Type of legislation: Unknown

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

Conditions of detention: The limited information available suggests that Asrat was detained in Eiraeiro prison until the beginning of 2016 when he was allegedly transferred from the maximum-security prison to an undisclosed location along with other inmates, according

to unverified information leaked in February 2016. This has not been confirmed by the Eritrean authorities. He has been held incommunicado since his arrest.

Publications: Amanuel Asrat is credited for the Eritrean poetry resurgence of the early 2000s. Along with two friends, he created a literary club called Saturday's Supper in 2001. This club set a precedent for the emergence of similar literary clubs in all major Eritrean towns. Asrat is also a well-known poet and songwriter. His writings deal with subjects ranging from the daily life of the underprivileged to war and peace topics. His work provided a negative insight towards conflict, an uncommon approach among popular Eritrean wartime poetry. His award-winning poem 'The Scourge of War' alluded to the then-ongoing border dispute with neighbouring Ethiopia, describing it as like the bloodshed by two brothers. The newspaper *Zemen* (*The Times*) where Asrat worked had become the leading literary newspaper in the country and was run by a circle of critics who helped shape the cultural landscape. His work in the newspaper was well-known, as Asrat was the most popular art critic of his time in the country.

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

PEN Action: [2015 Day of the Imprisoned Writer](#); [2016 World Poetry Day](#); [2017 World Poetry Day](#); [International Translation Day 2015](#); He has featured in 'Empty Chair' actions at a number of PEN Congresses and conferences. Recipient of the 2016 [Oxfam Novib/PEN Award for Freedom of Expression](#); [PEN Action World Press Freedom Day May 2017](#); [PEN Action 18 September 2017](#); [Oral statement in 2018 to the African Commission on Human and People's Rights](#) and [World Poetry Day 2018](#). In 2020, English PEN announced Amanuel Asrat as the International Writer of Courage 2020 at a ceremony where he shared the [PEN Pinter Prize 2020](#) with Jamaica born poet Linton Kwesi Johnson.

Temesken GHEBREYESUS

Gender: Male

Profession: Member of editorial board and sports editor of *Keste Debona* (*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 Debona*, 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 charge or 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

Gender: Male

Profession: Co-owner of *Setit*, playwright and writer. Isaac lived in Sweden for several years 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, close to 20 years after his arrest. When asked about Isaac in a June 2009 TV

interview, President Afwerki said that he did not know what crime Isaac had committed but that he (Isaac) had made a 'big mistake'. He added that the Eritrean authorities would not release Isaac or put him on trial and that they have their 'own ways of dealing with that'.

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

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

Current place of detention: In May 2011, Amnesty International reported that Isaac was being detained at the 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. Further to its [resolution](#) of July 2017, the European Parliament adopted a fresh [resolution](#) in October 2020 demanding the immediate and unconditional release of Dawit Isaac and all other prisoners of conscience in Eritrea.

Appeal to the Supreme Court: In July 2011, Isaac's

brother, Esayas Isaak, filed a writ of *habeas corpus* with Eritrea's Supreme Court calling for information on the location of Isaak's detention 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 Isaak released on humanitarian grounds rather than stand trial. The Eritrean 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 Isaak's case to the African Commission on Human and Peoples' Rights (ACHPR) on 27 October 2012. The ACHPR judged Isaak's case to be admissible in July 2014 and in a February 2016 decision, 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 Isaak's release, but that they could not reveal details of the 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 Isaak out of prison and refused to comment on suggestions that Isaak may be dead. According to 23 September 2014 reports, the Swedish prosecutor had closed an investigation into a complaint accusing the Eritrean authorities of crimes against humanity, torture and abduction in the Isaak 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 Isaak'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: Isaak was awarded the 2009 Tucholsky Award by Swedish PEN, the 2009 Norwegian Authors' Union Freedom of Expression Prize and the 2011 Golden Pen of Freedom, the annual press freedom prize of the World Association of Newspapers and News Publishers (WAN-

IFRA). In 2017 he was awarded the 2017 UNESCO/Guillermo Cano World Press Freedom Prize. An award in his name was established in 2007 by the Swedish National Press Club.

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

Fessehaye 'Joshua' YOHANNES (Johannes)

Gender: Male

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

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 'Abba Arre'

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. This is 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 Abba Arre 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: Abba Arre 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, Honorary Empty Chair at the 83rd PEN International World Congress in 2017 in Lviv, Ukraine; PEN Action 18 September 2017, Oral statement in 2018 to the African Commission on Human and People's Rights, International Mother Language Day 2018.

Berhane ABREHE

Gender: Male

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

Type of legislation: unknown

Date of arrest: 17 September 2018

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

Place of detention: unknown

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

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

Idris MOHAMED ALI

Gender: Male

Profession: Popular singer and songwriter in the Tigris language.

Type of legislation: Unknown

Date of arrest: November 2005, according to a May 2013 report by Amnesty International.

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

Place of detention: Whereabouts not known. According to unverified information leaked online in February 2016 and widely discussed and read in Eritrean social media, Idris Mohamed Ali was killed along with journalist **Jim'ie 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.

■ IVORY COAST

Enforced disappearance – Impunity

Guy-André KIEFFER

Gender: Male

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

Date of birth: c. 1950

Date of disappearance: 16 April 2004

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

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

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

PEN Action: PEN 2014 World Cup Action: [Ivory Coast](#). PEN continues to monitor the case and call for full investigations and accountability.

■ UGANDA

Main Case: judicial harassment

Kakwenza RUKIRABASHAIJA

Gender: Male

Profession: Novelist and journalist.

Date of arrest: 13 April and 18 September 2020.

Date of release: 20 April after the first arrest and 21 September 2020 after the second arrest.

Details of the 1st arrest: On 13 April 2020, Kakwenza Rukirabashaija was arrested at his home by military police officers of the Chieftaincy of Military Intelligence (CMI). He was detained for seven days during which time he was interrogated about his novel, *The Greedy Barbarian*. In this novel Rukirabashaija explores high-level corruption involving characters in the political and military establishment. He was brought before a court on 21 April 2020 and charged with violating COVID-19 health regulations, supposedly for the offence of 'doing an act likely to spread the infection of disease...'. However, the entire interrogation while in detention reportedly focused on the contents of his novel. He was released on bail and the case against him continues.

Details of the 2nd arrest: Rukirabashaija was arrested again on 18 September 2020 at his home by the same officers from the CMI. He was held for three days, during which time he was questioned about his second book, *Banana Republic: Where Writing is Treasonous*. In this book, Rukirabashaija describes the torture he was subjected to during his first detention. He has sworn an affidavit and sued the Ugandan authorities for the torture. He was released on a police bond pending investigation for the offence of 'inciting violence and promoting sectarianism.' Under this bond he is required to report to the police 240km away from his home on a weekly basis for an indefinite period. He has reported that he and his family have been subjected to unlawful surveillance by the same state security agents who have arrested him twice.

Details of detention: In April 2020 Rukirabashaija was detained at the Mbuya military barracks near Kampala and in September 2020 he was held at the same barracks before transfer to the Special Investigations Unit in Kireka. **Trial:** After six months' failure by the state prosecutor to appear in court to argue their case, a Chief Magistrate's Court dismissed the case and freed Rukirabashaija, citing non-appearance of the complainant in the case.

PEN Action: PEN issued a [statement](#) calling for his

immediate release in May 2020, [Rapid Action Network appeal](#) in October. Rukirabashaija's case was featured in the [2020 Day of the Imprisoned Writer](#) campaign. PEN continues to monitor the case and calls on the Ugandan authorities to stop misusing the rule of law to harass Rukirabashaija.

ZIMBABWE

Main Case: judicial harassment

Tsitsi DANGAREMBGA

Gender: Female.

Profession: Novelist, playwright, and filmmaker.

Date of arrest: 31 July 2020

Details of arrest: Tsitsi Dangarembga was arrested while peacefully protesting government corruption in Harare. On the day of her arrest, anticorruption demonstrations had been called by opposition, civil society, and professional association activists. Neither warrant of arrest nor explanation was given by the arresting police officer.

Details of detention: Dangarembga was detained overnight at a police station without the charges against her being disclosed.

Trial: On 1 August she was arraigned in court where she was charged with taking part in a protest and allegedly violating COVID-19 regulations, although she was protesting in a quiet street with just one other person, and both were wearing masks. She was released on a cash bail and ordered to report to the police every week. She was also ordered to surrender her passport to the Zimbabwean authorities although she successfully petitioned to the court and got back her passport in December. She has been appearing before court as ordered although, as of 31 December 2021 no trial date had been set.

Additional information: On several occasions, the prosecution has failed to appear in court, hence delaying progress of the case. In an unusual move, on 24 September 2020, the prosecution authorities and a Magistrate transferred the protest case against Tsitsi Dangarembga to the Anti-corruption Court. Dangarembga risks a prolonged period of pre-trial detention. She has made a legal challenge against the new move as unlawful.

Publications: Dangarembga's novel, *This Mournable*

Body, was shortlisted for the 2020 Booker Prize; Other novels include *Nervous Conditions*; and *The Book of Not*.

Awards: Commonwealth Writers Prize 1989.

PEN action: PEN has [made calls](#) for the dropping of all charges against Tsitsi and continues to monitor the case.

Closed Cases – Africa

The following cases in the Africa region which featured in previous PEN International case lists have been closed as there has been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2019:

Cameroon: Gaston Serval (aka General Valsero)

Guinea: Elie Kamano

Mauritania: Mohamed Cheikh Mkhaitir

Nigeria: Chido Unumah

Somalia: Warsame Shire Awale

Somaliland: Abdirahman Ibrahim Adan (aka Abdirahman Abees)

South Africa: Jacques Pauw

Uganda: Allinda Michael (aka Ziggy Wine); Moses Nsubuga (aka Viboyo); Stella Nyanzi; and Robert Kyagulani (aka Bobi Wine)

Zimbabwe: Samantha Kureya (aka Gonyeti)

PEN ACTIONS FOR JOURNALISTS AND OTHERS AT RISK IN THE AFRICA REGION

In addition to its advocacy for the writers referred to in this list, PEN International also acted on behalf of journalists and others at risk in the Africa region, some in collaboration with other organisations, details of which can be found in the links provided below:

Burundi

Four Iwacu journalists: imprisoned for over a year

Action: October 2020: Joint Statement
Sixty-five organizations call for immediate release of Iwacu journalists

Zimbabwe

Hopewell CHINONO: journalist and filmmaker facing up to 10 years in prison if convicted

Action: August 2020: Take Action Release Journalist Hopewell Chinono and drop all charges against him

AMERICAS REGIONAL OVERVIEW 2020

Alicia Quiñones Americas Program Coordinator

In 2020, the COVID-19 pandemic gave some governments in the Americas a pretext to control and silence dissenting voices. This attempt at repression was particularly targeted at women, cultural movements, writers, and journalists who have led the fight for human rights on the American continent.

Central America: De facto repression

Central America has seen numerous attempts at censorship in 2020. In **Guatemala** attacks on journalists were mainly against community and indigenous media. Journalist Anastasia Mejía was arrested on 22 September and charged with sedition for reporting on an indigenous demonstration.

In **Honduras**, in June 2020, a new Penal Code was approved. This Penal Code criminalizes protests and critical press; the crimes of “insult” and “slander” are punishable by fines and jail. The new Penal Code has extended the penalties for some charges; it also criminalizes the way that information is distributed and from whom, meaning that the authorities could charge editors, journalists, and media directors. Journalists as well as members of the PEN Honduras Centre experience constant surveillance and threats of retribution.

Five years after the murder of activist Bertha Cáceres, the crime remains unpunished. Although seven people presumed implicated in her death have been prosecuted and convicted, the Honduran justice system has postponed the trials of the alleged co-author of the murder.

New laws were created in **Nicaragua** that inhibit freedom of expression: on 15 October, the Law for the Regulation of Foreign Agents was approved, which blocks international funding for civil society, NGOs that defend human rights, journalists and government opponents, to limit their political activities. Two media buildings were seized and given to the health ministry; nine NGOs were outlawed. On 27 October, the Special Cybercrime Law was approved, which provides two to eight years in prison for anyone who “reveals public information classified as reserved” putting “the sovereign security of the State in danger,” or who reveals in social networks “false or misrepresented” information that causes alarm, fear or anxiety in the population.

In addition, increased repression initiated in 2018 by President Daniel Ortega, saw a series of legal and physical threats against those who are critical of his government. Kalúa Salazar, a radio journalist was accused of slander in September 2020; journalist Gerall Chávez received death threats, as did David Quintana, director of the digital Boletín Ecológico, who was also charged with libel and slander for his journalistic work.

Cuba: The revolution will be cultural

The San Isidro Movement, a group of artists, writers and journalists who are protesting against Decree 349, which sanctions and restricts artistic rights and freedom, gained the attention of the world in 2020. In November, the group demonstrated against the arbitrary detention of the musician Denis Solís. Heavy handed repression led the protest to become a call for respect for free expression in general and for an end to ideological censorship. On November 27, 300 artists, writers and journalists gathered at the Ministry of Culture to engage in an unprecedented dialogue with the Cuban authorities to demand artistic freedom.

The government accused the Movement of being financed by the United States, an accusation that has long been used to suppress dissident voices in Cuba. Among the artists and journalists who have suffered systematic harassment, arbitrary detentions, house arrests and threats are Luis Manuel Otero Alcántara (artist), Anamely Ramos (academic), Tania Bruguera (artist), Camila Acosta (journalist), and Luz Escobar (journalist), among others

Over the year at least 234 repressive acts against journalists were registered, 80 more than in 2019. Added to this, Decree-Law 370 was approved, which increases digital surveillance and sanctions the dissemination of information on social networks seen to be contrary to “public interest”.

Through these repressive tactics, the government of Miguel Díaz-Canel punishes protests or their coverage with detentions and house arrests, as happened on 30 June 2020. Cuba is the country

with the highest number of writers and journalists under threat in the Americas and is also listed among the top ten countries abusing the right to freedom of expression in the Committee to Project Journalists [censorship index](#).

The bullet is the message

In **Mexico**, at least six journalists were murdered in 2020, and 99 percent of crimes against journalists go unpunished. Although the investigation into the murder of journalist Miroslava Breach in 2017 has made progress, there has yet been no conviction and those responsible for her death go unpunished. Violence and threats against journalists lie behind their continued forced displacement, the impact of which is largely unreported in Mexico.

The president of Mexico, Andrés Manuel López Obrador, undermines and endangers critical voices through his daily press conferences, during which he disqualifies investigations, journalistic works or social movements including feminist ones or by sanctioning media organizations.

Venezuela registered at least two murders of journalists during 2020, and arbitrary arrests for disseminating unofficial information increased, many related to COVID-19.

According to press monitor Reporters without Borders, **Brazil** registered 580 attacks on journalists, most of which occurred on Twitter; a large majority were perpetrated by President Jair Bolsonaro and his son, the congressman Eduardo Bolsonaro. Writers, cartoonists and women journalists critical of his administration were also targeted. Numerous lawsuits were also filed against journalists.

USA: Police violence

Donald Trump came to the end of his presidential term, which saw relentless attacks on the press, exacerbated by the COVID-19 crisis. The murder by police of an African American man, George Floyd, on 25 May 2020 in Minneapolis sparked protests in at least 140 cities and corresponding police violence, reviving the Black Lives Matter movement. During the protests, at least 930 infringements of press freedom were recorded in 79 cities in the United States. At least 12 journalists faced criminal charges in a year that saw an unprecedented wave of attacks on the press.

EMBLEMATIC CASES



Photo credit: permission granted by LASTESIS

Chile

LASTESIS

Women artists and writers
Faced trial for “threatening”
police in a performance

LASTESIS, a feminist collective, faced trial for the alleged crime of “attack on authority and threats against the institution of the police.” One complaint against them was based on a video and some phrases allegedly written by the group. In their performance, LASTESIS denounced acts of police violence against women.



Photo credit: private

Cuba

Abraham Jiménez Enoa

Writer and journalist under
ongoing harassment, brief
detentions and threats

Jiménez Enoa was detained and interrogated by members of the State Security. A columnist for The Washington Post and other media, he was threatened with jail if he continues his work with the newspaper. He has been warned that he could be prosecuted for “usurpation of functions” and that his family and those close to him are under threat.



GUATEMALA

Alaíde Foppa, writer and founder of a feminist magazine was forcibly disappeared in 1980, alongside over 45,000 people abducted by armed forces and paramilitaries during the 37-year conflict in Guatemala. Her family continues to search for her whereabouts.

AMERCIAS CASE LIST 2020

BOLIVIA

Death Threat

Abel BELLIDO CÓRDOVA (pen name: Abecor)

Gender: Male

Profession: Cartoonist

Date of Birth: 31 October 1972

Date of harassment: 5 April 2020

Perpetrator: Unknown

Details of harassment: According to [media](#) reports and [NGOs](#), Abel Bellido Córdova was threatened with death and harassed in response to cartoons published on *Página Siete*, a Bolivian newspaper (the cartoons were also shared on his professional Facebook account). Bellido told the media that he received about “half a dozen such threats in response to the two cartoons”, published on 5 and 18 April 2020, including messages such as “The day you will meet your maker is getting closer,” and “If this man disappears, it will not be because of magic.” On 28 April, Isabel Mercado, *Página Siete* editor, sent a [letter](#) to Minister of the Interior, Arturo Murillo, to ask for security guarantees for the cartoonist. He continued to receive death threats up to June, when he [received a threat](#) giving a date for when he would die. The Office of the UN High Commissioner for Human Rights in Bolivia [condemned the harassment](#) and called on the authorities to protect the cartoonist and to [investigate the threats](#).

Background: The [cartoons](#), published on April 2020, depicted the political debate and anti-drug operations in Bolivia during the COVID-19 crisis. In addition to the health crisis, Bolivia faced an electoral year, and Abel Bellido Córdova - who is well known for his cartoons criticising the authorities for almost two decades - continued to challenge the authorities in 2020 for their response to the pandemic and over the elections. He received the National Prize for Journalism

in 2018. He co-founded *Página Siete* newspaper.

Publications: *Indígenas homosexuales, Un acercamiento a la cosmovisión sobre diversidades sexuales de siete pueblos originarios del Estado Plurinacional de Bolivia. (Indigenous Homosexuals. An approach to the worldview on sexual diversities of seven original peoples of the Plurinational State of Bolivia).*

Harassed

Carlos VALVERDE BRAVO

Gender: Male

Profession: Writer and journalist

Date of birth: 16 March 1957

Date of harassment: 16 November 2019

Perpetrator: Non-state

Details of harassment: According to the [National Association of Journalists of Bolivia \(ANP\)](#) Carlos Valverde's Facebook page was disabled for more than 24 hours on 16 November 2019 after he made critical comments about Bolivian politics; there were complaints that his comments had broken Facebook rules. The [IACHR reported that people allegedly](#) from the Civic Committee of Santa Cruz (Comité Cívico de Santa Cruz) called the political analyst and journalist Carlos Valverde to intimidate him against continuing to criticise the transition government and persisting with his criticism of the Committee's President, Luis Fernando Camacho.

Update: On 17 December 2020, the Carlos Valverde's Facebook Fan Page was hacked and closed for 12 days, according to [media](#) and the journalist's own [personal account](#). After an affidavit and technical repairs, the journalist recovered his public information. The account [was restored](#) on 29 December 2020.

Background: On 17 November 2019, the ANP and Bolivian writers complained about the Facebook suspension; the page was restored on 18 November after several appeals sent by Valverde to Facebook's offices. Valverde, on his [YouTube](#) and [Twitter](#) sites, on which he publishes political critiques, commented

on the closure, saying that 'journalism is becoming a dangerous event and that generates censorship on the part of those who have power. I had been warned that this would happen to me if I was critical.' Valverde is a well-known, controversial journalist in Bolivia, with more than 640,000 followers on his Facebook account.

Professional Background: Carlos Valverde Bravo is the author of books of journalistic research and is also a broadcast journalist. Publications: *Coca, territorio, poder y cocaína* (Coca, territory, power and cocaine), *Evo, mito y engaño* (Evo, myth and deception), *¡Maten a Rozsa! El rompecabezas de una conspiración* (Kill Rozsa! The puzzle of a conspiracy) y *¿Qué pasó presidente?* (What happened, president?)

BRAZIL

Harassed

Renato AROEIRA

Gender: Male

Profession: Cartoonist and musician

Date of birth: 18 May 1954

Ricardo José DELGADO NOBLAT

Gender: Male

Profession: Journalist and author

Date of birth: 7 August 1949

Date of harassment: 15 June 2020

Perpetrator: State

Details of harassment: According to media reports, Renato Aroeira published a cartoon on 14 June 2020 in [Brazil 247](#) media that showed President Bolsonaro painting over a red cross and changing it into a swastika. The journalist Ricardo Noblat shared the cartoon on his social media. On 15 June, André Mendonça, Attorney General of Brazil, said on [Twitter](#) that he had asked the Federal Police and the Attorney General's Office to investigate Renato Aroeira for publishing the cartoon and journalist Ricardo Noblat for sharing it on the internet. The government requested an investigation under the Article 26 of the National Security Law [Human Rights Watch](#) and [media](#) reported. The article penalises 'slander' or 'defamation' of the President of the Republic, the Senate, the Chamber of

Deputies or the Supreme Federal Court. The cartoonist and the journalist could face one to four years in prison.

Professional Background: Renato Aroeira is a well-known Brazilian cartoonist. He has published cartoons since the 1970s and has worked for the main Brazilian newspapers such as *O Blogo*, *O dia*, and the magazine *IstoÉ*, among others. In 2019, the government requested a [criminal investigation](#) against him (also due to his cartoons). Ricardo José Delgado Noblat is a journalist and author. He was the Editor in chief for *Correio Braziliense* and *Jornal do Brasil*. Books: *O que é ser jornalista: memórias profissionais* (What it means to be a journalist: professional memories), *A Arte de fazer um jornal diário* (The art of making a daily newspaper).

Patrícia CAMPOS MELLO

Gender: Female

Profession: Writer and journalist

Date of birth: 6 April 1974

Date of harassment: 11 February 2020

Perpetrator: State / Non-state

Details of harassment: According to [press](#) reports, [videos](#) and the [Committee to Protect Journalists \(CPJ\)](#), during a congressional hearing on fake news in Brasília, Hans River Rio do Nascimento, a former employee of a marketing company, gave a statement attacking Patrícia Campos Mello, suggesting she lied in her journalistic work and accusing her of being willing to trade sex for information. Following this she received hundreds of messages harassing her on social media, including from politicians such as Eduardo [Bolsonaro](#), a congressman and son of the President of Brazil, who shared and repeated the accusations on [Twitter](#). Two other congressmen, [Carlos Jordy](#) and [Filipe Barros](#), also repeated and supported the accusations against the journalist. On 18 February 2020, President Bolsonaro, [told the press](#) that the journalist had offered sex in exchange for information ([see video](#)).

Details of investigation: In response to the harassment of Patrícia Campos Mello, the newspaper *Folha de S. Paulo* published an [article](#) denying Nascimento's accusations against her. On 15 February, the Twitter office in Brazil [condemned](#) the harassment. On 19 February, the [Supreme Court announced](#) an investigation into another [video](#) that compares magistrates and the journalist to prostitutes. Campos has been receiving threats since 2018, when she [investigated](#) a WhatsApp campaign in support of President Bolsonaro. More than 770 women

journalists signed a manifesto in support of Campos Mello. The group “Journalists Against Harassment” called on Twitter to take action to curb the abuse. On 9 March 2020, days after President Bolsonaro’s attacks against her, Campos Mello announced that she filed a civil complaint against him for moral damages and for misogyny. The Inter-American Commission on Human Rights (IACHR) rapporteur for freedom of expression, Edison Lanza, condemned the attacks against the journalist and described Campos’ action as an “unprecedented demand”. On 21 January 2021, the Court of Justice of the State of Sao Paulo, ruled that Eduardo Bolsonaro must pay compensation to Campos Mello.

Background: Patrícia Campos Mello is a Brazilian journalist and writer. She works at *Folha de S. Paulo*, Brazil’s largest daily newspaper as a news reporter. From 2006 to 2010, she was the Washington correspondent for the *Estado de S. Paulo (Estadão)* newspaper. Campos Mello received the King of Spain Journalism Prize and the Petrobras Prize in 2018, and the Red Cross International Committee Prize for humanitarian journalism in 2017. In 2019, she received the Committee to Protect Journalists’ International Press Freedom Award, among others.

Publications: *A máquina do ódio* and *Lua de Mel en Kobane*.

João Paulo CUENCA (Pen name: JP Cuenca)

Gender: Male

Profession: Writer and journalist

Date of birth: 4 August 1978

Date of harassment: 16 June 2020

Perpetrator: Non-State

Details of harassment: On 16 June 2020, João Paulo Cuenca wrote on his personal social media, “The Brazilian will only be free when the last Bolsonaro is hanged with the guts of the last pastor of the Universal Church,” a spin on an oft-cited quote attributed to the Enlightenment-era French priest Jean Meslier. Church officials have been vocal in supporting the policies of the current administration. Following the tweet, Cuenca’s social networks were reportedly flooded with threats of physical violence and he was dismissed by Deutsche Welle Brazil, where he worked as a columnist. According to reports, pastors of the Universal Church from 19 states filed at least 111 lawsuits requesting compensation for

moral damage in different cities in Brazil. Moreover, three state and federal criminal investigations have reportedly been launched against him.

Details of investigation: Cuenca is an internationally recognized writer who has been a vocal opponent of the current administration for years. Shortly before the attacks, he had published a column linking the Brazilian government and its discourse with European fascism, reprinted in Der Tagesspiegel, giving it international visibility. After he was dismissed by *DW Brazil*, the son of the president of Brazil, Eduardo Bolsonaro, also a federal legislator, welcomed the media outlet’s decision, and, in a tweet, declared his intentions to sue him. However, the prosecutor refused to charge Cuenca, stating that the journalist had a constitutional right to criticize the president, even in “rude and offensive” terms. Some pastors appealed to the authorities, demanding that Cuenca eliminate his Twitter account as part of the compensation measures. However, a judge decided that such legal action was unfounded, indicating that it could be described as “almost an abuse of the legal process” (see *The New York Times*).

Background: JP Cuenca is a well-known writer, poet, journalist and filmmaker. He has written plays, film and television scripts. *The Death of J.P. Cuenca* (2015) is his first feature film as a writer/director and was premiered at the Rio and São Paulo International Film Festivals. As journalist, he has worked for *O Globo* and *Folha de São Paulo*, among other media.

Publications: *Body present* (2003), *The Mastroianni Day* (2007), *The only happy ending for a love story is an accident* (2010) and *The day I found out I was dead* (2015).

PEN Action: Statement – 26 October 2020

Bianca María SANTANA DE BRITO

Gender: Female

Profession: Writer, researcher, journalist, lecturer, activist

Date of Birth: 1984

Date of attack: 28 May 2020

Perpetrator: State

Details of attack: According to Bianca Santana, on 28 May 2020, President Bolsonaro accused her of publishing fake news two days after she published an article claiming connections between relatives and close friends of Bolsonaro with suspects in the murder of the Rio de Janeiro city

council member Marielle Franco and her driver.

Details of investigation: On 26 May 2020, Bianca Santana published an article on the 2018 murder of Franco, published in *UOL*, the largest Brazilian Portuguese language website. It claimed connections between the Bolsonaro family and the leaders of a paramilitary group that allegedly carried out Franco's killing. Publicly, Bolsonaro declared that Bianca Santana had published fake news during a weekly online broadcast. On 7 July, in a statement to the United Nations Human Rights Council, Santana raised a complaint about President Jair Bolsonaro's attacks against women and journalists. 19 non-governmental organizations, independent media and black and feminist movements supported her complaint. The statement noted that since the beginning of the current government, female journalists had been attacked by the President or his ministers on at least 54 occasions. On 31 of July, President Jair Bolsonaro apologized for his comments. According to media reports, Cesar Augusto Vieira Macedo, judge of the 31st Central Civil Court of São Paulo, ordered President Bolsonaro to pay compensation of \$10,000 BRL (c. US \$1,800) to Bianca Santana for accusing her of spreading false news. The decision was announced on 10 December 2020.

Background: Bianca Santana is a writer, researcher, journalist and teacher. She graduated in journalism at Faculdade Cásper Líbero, where she was a lecturer from 2014 to 2016. She got her master's degree from University of São Paulo in 2011, where she became a Ph.D. candidate in Information Sciences. She is a columnist for various magazines and media in Brazil. She coordinated the book collections *Inovação Ancestral de Mulheres Negras: táticas e políticas do cotidiano* (*Ancestral Innovation of Black Women: everyday tactics and policies*) (Oralituras, 2019), *Vozes Insurgentes de Mulheres Negras: do século XVIII à primeira década do século XXI* (*Insurgent Voices of Black Women: from the 18th century to the first decade of the 21st century*) (Mazza Edições/ Fundação Rosa Luxemburgo, 2019), and *Recursos Educacionais Abertos: práticas colaborativas e políticas públicas* (*Open Educational Resources : collaborative practices and public policies*) (Edufba/Casa de Cultura Digital, 2012). She founded the feminist organisation Casa de Lua and has worked on the Black Coalition for Rights, and for other organisations.

Publications: *Quando me descobri negra* (*When I Discovered I was Black*) (2016), a book awarded the Prêmio Jabuti and made available in public schools across Brazil.

CANADA

Acquitted

Yvan GODBOUT

Arrest: Writer arrested in March 2019 then released to face trial on charges of making child pornography under section 163.1(2) of the Canadian Criminal Code relating to several passages in his novel *Hansel & Gretel*, which features, in particular, a passage in which a father sexually assaults his daughter. The arrest was prompted by a complaint lodged by a professor in January 2018 that a page from the novel describes a scene of a sexual assault on a child.

Background: The author was accused based on a specific passage in the book which describes a scene of the rape of a teenager. The passage focuses on the abuse by the perpetrator and the consequences within the family environment. The fictional story is reported not to have been marketed for young readers, not to contain explicitly visual images and to have carried a content warning on its back cover (see 2019 Case List).

Acquittal: On 24 September 2020 Yvan Godbout was acquitted of child pornography. The Quebec Superior Court Justice ruled that two of the articles of the Criminal Code violate sectors of the Charter of Rights and Freedoms that guarantee the right to freedom of expression.

Publications: Godbout's first book was published in 2012 by Mon Petit Éditeur, titled *L'Ogre des Marées* (*The Ogre of the Tides*). His other books are: *Les Yeux Jaunes* (*The Yellow Eyes*), and a trilogy published by Éditions ADA, *Cobayes*, *Olivier*, *'Boucle d'or'* (*Goldilocks*).

PEN Action: Statement 28 January 2020.

CHILE

On trial (proceedings now closed)

Daffne VALDÉS

Gender: Female

Profession: Playwright, artist, writer, literary researcher

Lea CÁCERES

Gender: Female

Profession: Costume designer, artist

Paula COMETA STANGE

Gender: Female

Profession: designer, artist, historian

Sibila SOTOMAYOR

Gender: Female

Profession: PhD student, researcher, lecturer, actress, theatre studies, playwright

Type of legislation: Attack on authority and threats against the institution of the police

Date of release: 30 May 2020

Details of trial: On 16 June 2020, the newspaper *La Tercera* revealed a police complaint against the feminist collective LASTESIS of which Valdés, Cáceres, Cometa Stange and Sotomayor are members, for “attack on authority and threats against the institution of the police.” On 17 June, the Valparaíso Regional Prosecutor’s Office confirmed that there had been two complaints lodged against the artists. The first made on 30 May 2020, and the second on 12 June 2020. A criminal investigation was ordered and approved to be carried out by the same institution that made the complaints, thus raising concerns about conflict of interest. The first complaint was the result of [a video](#) and some phrases allegedly written by the group which were published on 28 May on LASTESIS’ social media. In the video, LASTESIS - in collaboration with the group *Pussy Riot* - denounces acts of police violence against women and also violence against women in the context of confinement due to COVID-19 across Chile. The Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) [expressed its concern about the criminal process against La Tesis](#), saying that it could lead to the criminalization of artistic expression and protest.

Update: On 4 January 2021, a Court in Valparaíso, Chile, issued the definitive dismissal of all charges issued against the members of LASTESIS.

Background: The feminist collective LASTESIS was created in 2017 to protest against sexual assault and violence against women. In 2019, after the social movements and protests in Chile, LASTESIS created the performance “A Rapist

in your path”, a performance piece protesting violence against women. The piece was created in Valparaíso, Chile, and it [was performed on 25 November 2019](#), for the International Day for the Elimination of Violence against Women. The video of the performance went viral and thousands of women around the world [performed](#) the piece. The name of the performance “A Rapist in your Path” paraphrases of “A friend in your path”, a critique of the carabineros dating from the 90s. When the group performed their second video “Manifesto Against Police Violence”, Chile was facing the COVID-19 pandemic and a rise in violence against women. The manifesto [was co-written](#) and co-performed by feminists from Mexico, Chile and Russia.

PEN Action: [Statement – 28 July](#)

Threatened

Carolina GUIOMAR TREJO VIDAL

Gender: Female

Profession: Journalist, writer and lecturer

Date of attack/threat: 16 October 2020

Perpetrator: Unknown

Details of threat: On 16 October 2020, Carolina Guiomar Trejo Vidal received a [message](#) in a leaflet delivered to her house accusing her of being a “traitor to the fatherland” and saying that the journalist was inciting violence through her journalism.

Details of investigation: The [Chilean Commission of Human Rights](#), [Chilean Association of Journalists](#) and the [University of Chile](#) condemned the threat. The pamphlet [appeared on the door](#) of Trejo Vidal’s house and bore the insignia of a Chilean far-right group, Patria y Libertad. Several other social commentators also received similar threats delivered to in their homes.

Background: Carolina Trejo Vidal is president of the Ethics and Discipline Court of the Metropolitan College of Journalists. She is a lecturer at the University of Chile and the University of Santiago, and also works for important Chilean media such as Televisión Nacional de Chile and Channel 13. She works as Chile correspondent for the Russian *Sputnik* news service. She was a Finalist for the Gabriel García Márquez Award for New Journalism.

Publications: *Baila, canta y borda: la educación artística femenina en el siglo XIX (Dance, sing and embroider: female artistic education in the 19th century).*

COLOMBIA

Harassed

Catalina RUIZ-NAVARRO

Gender: Female

Profession: Writer, activist and journalist

Date of birth: 1982

Date of harassment: 2 July 2020

Perpetrator: Non-State

Details of harassment: On 2 July 2020, a Colombian film director and screenwriter sued Catalina Ruiz Navarro and her colleague Matilde Lodoño after they published an investigation related to a sexual harassment allegation made against him by several women. He states that an article published in online news magazine *Volcánicas* on 24 June 2020 constituted defamation, according to the attorney general's office. If convicted of defamation, Ruiz-Navarro could face 16 to 54 months in prison and a substantial fine under Article 220 of Colombia's penal code.

Background: 'Ruiz-Nazarro is a leading Colombian feminist and writer. She is the founder of several Colombian feminist collectives, and has provided expert input to a number of regional and foreign institutions and NGOs, as well as to the Inter-American Institute for Human Rights. She has received many awards for her activism work.

Publications: *Las mujeres que luchan se encuentran: Manual de feminismo pop latinoamericano*.

Details of arrest: On 9 November 2020 Solís was detained and arrested as reported by the San Isidro Movement, a collective of artists and academics working towards political change. The following day, 10 November, the Movement delivered a *Habeas Corpus* appeal. Denis was held in an undisclosed place, and then denied contact with his family and colleagues for several more days.

Details of trial: On 11 November 2020, Denis Solís González was convicted in a summary trial, on charges of "Contempt of Court" and given an eight months prison sentence under Art. 16 of the Cuban Penal Code (see report of Prisoners Defenders). However, the San Isidro Movement and Solís's family were not informed of the decision until 4 days later. Between his arrest and the trial, less than 48 hours elapsed. Cuban human rights monitors report that the trial was held without formal written charges, that Solís was not provided with legal representation and that his family were not informed about the process (known as "Direct Attestation").

Current place of detention: Combinado del Este prison, La Habana (labour camp; previously: maximum security area).

Professional background: Denis Solís is a Cuban rapper and activist, he is part of the San Isidro Movement.

Other information: Solís was previously detained in 2011 and 2016 for his part in public protests, and writing and distributing anti-government messages. His November 2020 arrest led the San Isidro Movement to stage protests. From 16 to 26 November 2020, 14 activists, writers, artists and journalists gathered at the headquarters of the San Isidro Movement to protest Solís' detention, several of whom staged a hunger strike at the Movement's headquarters to demand his release. International organisations have protested the harassment of the Movement members including, Amnesty International who declared that "The ongoing harassment and intimidation of members of the San Isidro movement, at the forefront of challenging Decree 349, a dystopian law that stands to censor artists, shows Cuba's ongoing repression of human rights".

PEN action: Statement – 2 December 2020; Statement – 26 November 2020.

CUBA

Imprisoned: Main Case

Denis SOLÍS GONZÁLEZ

Gender: Male

Profession: Musician/Rapper

Date of Birth: c. 1989

Legislation: Criminal

Sentence: eight months in prison

Expiry of sentence: 11 July 2021

Date of arrest: 9 November 2020

Imprisoned: Investigation

Lázaro Leonardo RODRÍGUEZ BETANCOURT ('Pupito En Sy')

Gender: Male

Profession: Musician/rapper

Type of legislation: Criminal

Sentence: Total four years in prison

Date of arrest: 12 November 2018

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

Update: According to [media reports](#), on 19 March 2020 the musician was sentenced to three years in prison, to be added to the first conviction to one year in prison (November 2019), for the crimes of "attack and resistance". During the trial, the judge referred to the "slogans against the Government and its main leaders" that the musician uttered when refusing to fumigate his home.

Current place of detention: Forced Labour Camp San José de las Lajas, Mayabeque, Cuba ([see report of Centro Cubano de Derechos Humanos](#)) - previous place of detention: Valle Grande

Health concerns: Rodríguez Betancourt's sister reported that he was in ill-health following a beating he received during his arrest, mistreatment while in detention, and a hunger strike, (according to *Diario de Cuba*, 15 November 2018). According to media and his family, he began a hunger strike on 21 November 2019. In [April](#) and [August](#) 2020, the musician said that the prison does not have a proper level of hygiene, that it is overcrowded, and

that the prisoners cannot comply with the social distancing measures required during the pandemic.

Update: On February 2021, Pupyto en Sy was [hospitalized](#) for COVID-19.

PEN Action: Statement, [12 April 2019](#).

Brief Detention

Jorge Enrique RODRÍGUEZ CAMEJO

Gender: Male

Profession: Writer, cultural promoter and journalist

Date of Birth: 1973

Perpetrator: State

Legislation: Criminal

Date of detention: 28 June 2020

Date of release: 4 July 2020

Details of detention: On 28 June 2020 Jorge Enrique Rodríguez was arrested for "contempt of authority". According to [ABC newspaper](#), he was arrested hours after publishing a text about the murder of Hansel Ernesto Hernández, a black youth killed by police. [Jorge Enrique Rodríguez](#) declared that as he was documenting the protests that were triggered by the death, his phone was taken from him and he was detained.

Details of trial: The trial was scheduled for 7 July on charges of contempt, attack, resisting arrest and damage to a police vehicle. However, when he was transferred on 29 June to the Vivac Detention centre, south of Havana, he was reportedly told that he was accused of the crime of "disobedience".

Details of release: Jorge Enrique Rodríguez was released on 4 July, the same day that independent groups and media signed a letter to [international organizations](#) demanding his release

Other information: On 18 April 2020, [political police](#) interrogated Rodríguez for more than two hours and warned him that he would be prosecuted for the crime of spreading fake news, according to [local media](#).

Professional background: Rodríguez works for *Diario de Cuba* and *ABC newspaper*.

Publications: *Límites (Limits)* and *Apropiaciones indebidas (Misappropriations)*, both poetry books.

PEN action: Statement [2 July 2020](#)

Harassed

Gorki ÁGUILA

Gender: Male**Profession:** Musician**Date of harassment:** January and March 2020**Perpetrator:** State

Details of harassment: According to [media reports](#), Águila has faced ongoing harassment (see [Case List 2018](#) and [Case List 2019](#) for previous attacks and threats). On 7 March 2020, he was [interrogated and fined](#); according to Águila, he does not know the reason for his punishment. On 4 January 2020, police [approached](#) Águila while he was sitting in a park. He was searched, and medication was seized despite his claims that it was treatment for his epilepsy; he was arrested for drug possession and trafficking. However, he was subsequently released after a prescription for the medication was procured.

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

Carlos Manuel ÁLVAREZ

Gender: Male**Profession:** Writer and Journalist**Date of Birth:** 1989**Perpetrator:** State

Date of attack/threat: On 24 November 2020, Álvarez [arrived](#) at Movement San Isidro's headquarters to support the strike and call for the release of Denis Solís (see above). On [26 November](#), police evacuated the headquarters of the San Isidro Movement, and arrested more than 15 people, among them Carlos Manuel Álvarez, who wrote about the experience in *El País*. On 1 December 2020, the writer was detained and interrogated for three hours. [According to Álvarez](#), he was questioned about whether he was funded by the United States. On 14 December 2020, he was [detained](#) for six hours in the city of Cárdenas, Matanzas, by two plain clothed policemen without an arrest warrant. On 21 December 2020, state security agents summoned Álvarez to a police station, where he was interrogated for more than two hours and then transferred forcibly to his family's house, [CPJ reported](#).

Background: Carlos Manuel Álvarez is a Cuban writer and journalist. His articles and chronicles have appeared in *The New York Times*, *El País*, *Letras Libres*, *Gatopardo*, *La Nación*, *Clarín*, *Huffington Post México*, *GQ*, and *Vice*. In 2017 he was named as one of the Bogotá39, a list of Latin America's 39 most promising writers under 40. He is cofounder of the online magazine *El Estornudo*. Prizes: Premio Calendario en Cuba, 2013.

Publications: *La tarde de los sucesos definitivos* (2014); *La tribu: retratos de Cuba* (2017); and, *Los caídos*. **PEN Action:** [Statement 2 December 2020](#)

Mónica BARÓ SÁNCHEZ

Gender: Female**Profession:** Poet, author and journalist**Date of Birth:** 1988 **Perpetrator:** State

Date of attack/threat: According to [media reports](#) and [CPJ](#), on 17 April 2020, Mónica Baró wrote on her social media that the police had summoned her for an interrogation in which she was questioned about the source of financing of *El Estornudo*, the online media for which she works. Ministry of Communications inspectors referred Baró to numerous posts on her personal Facebook account going back several months and fined her 3,000 Cuban pesos (c. US\$120); authorities declared that she had violated Article 168 of Decree 370. On 30 June 2020, Baró was held [under house arrest](#) and surveillance in order to stop her from covering [protests](#) in Cuba.

Background: Mónica Baró Sánchez is an independent journalist. She has worked for *Bohemia* and *Periodismo de Barrio*, among other media. She currently works for *El Estornudo* y *El Toque*. Since becoming an independent journalist, she no longer has formal State recognition as a journalist. She is the winner of the 2019 [García Márquez journalism award](#) in Colombia.

Publications: *La sangre nunca fue amarilla* (Blood was never yellow).

Katherine BISQUET

Gender: Female**Profession:** Poet and editor**Date of Birth:** 1992**Perpetrator:** State

Date of attack/threat: According to [press reports](#), Katherine Bisquet was detained by police on 10 October 2020, the anniversary of Cuban independence.

She was released hours later. The next day, the writer's grandfather was visited by State Security who attempted to coerce him to stop his granddaughter's activism. On 14 November 2020, according to media, she was again detained, this time with a group of artists and activists as they were protesting peacefully against the detention of Denis Solís, the imprisoned musician (see above). Bisquet was released hours later. On 15 December 2020, State Security removed a poster that Katherine Bisquet had placed outside her house, in which she denounced the fact that she had been under house arrest for 13 days.

Background: Bisquet has published poetry and articles in magazines and newspapers such as *OnCuba*, *Esquife*, *Puente de Letras* (USA), *Alba* (London), *Artishock* (Chile), *Hyperallergic* (USA), *Diario de Cuba* (Madrid), *Hypermedia Magazine* (Cuba), *ADN* (USA-Cuba), *Rialta Magazine* (Mex-Cuba), among others. She worked as editor for Editorial Unión.

Publications: *Algo aquí se descompone*
(*Something here breaks down*)

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

Gender: Male

Profession: Musician/rapper

Date of birth: c.1983

Date of harassment: numerous instances between January and September 2020

Details of harassment: On 19 January 2020, Maykel Castillo reported on his social media that he had been briefly detained to stop him from performing in a concert. He was released after the concert finished. He was again detained on 15 April and accused of aggravated contempt and spread of epidemics for his posts on social media. His phone was taken from him and authorities threatened to charge him under Decree 370, which requires anyone who opens a website/blog on a foreign server to pay a fine of up to 1,000 CUP (c. US\$ 40). He was released on April 18 without those charges being made. On 12 June 2020, the musician was once more detained and violently beaten when he attempted to make a complaint against police violence during pandemic, according to a statement of Movimiento San Isidro. He was later released. In yet another instance, he was detained for 24 hours on 17 of June, allegedly for being outside of his house bare chested. On June 30, he was detained for attempting to participate in a protest against police

and racial violence in Cuba, according to Cubalex. The Cuban authorities detained him two more times, on 3 August and 28 September 2020; 12 plain clothes policemen were involved in the latter violent detention.

Details of investigation: Castillo Pérez was arrested in 2018 after he had organised a concert in Havana for artists critical of the newly promulgated Decree 349, a law that partially came into force in December 2018 that demands all public performances, exhibitions, and events by artists be authorised by the Ministry of Culture, and imposes increased restrictions on dissemination of audio-visual works seen as ‘obscene’, ‘vulgar’ or ‘harmful to ethical and cultural values’. He was released on 24 October 2019 and faced subsequent attacks soon after (see 2019 PEN International Case List). As a protest against a new summons in August 2020, the musician sewed his mouth shut. Castillo Pérez is part of the San Isidro Movement, a group of artists demanding artistic freedom in Cuba (see above). For details of previous incidents, detentions and trials, see Case List 2018 and 2019.)

Professional background: Castillo Pérez reportedly began his career as a rapper in the mid-2000s when 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). In December 2020, he announced a new musical production with Cuban musicians in support of San Isidro Movement.

Reinaldo ESCOBAR CASAS

Gender: Male

Profession: Writer and journalist

Date of Birth: 1947

Date of attack/threat: 11 December 2020

Perpetrator: State

Details of attack/threat: Reinaldo Escobar was briefly detained on 11 December 2020 by state security agents, his wife, the journalist Yoani Sánchez reported. He was detained for four hours on the ground floor of the building where he lives. During this time, he was reportedly interrogated and threatened without a formal warrant. On the same day, his internet and phone services were blocked, and police were placed outside his house to prevent the couple from leaving.

Background: From 1973 to 1986, Escobar Casas worked as a journalist for *Cuba Internacional*

magazine, where he won several awards for his reports, chronicles and interviews. In December 2004, with his wife, Yoani Sánchez, he founded the digital magazine *Consenso*. Since 2014, he is the Editor-in-Chief of the digital newspaper 14ymedio.com. His first novel, *La grieta*, written in 1993, was confiscated by State Security and then rewritten as a memoir.

Publications: *La grieta* (2018)

Iliana HERNÁNDEZ CARDOSA

Gender: Female

Profession: Writer and Journalist

Date of Birth: 1973

Date of attack/threat: 8 January, 30 June and 15 December 2020

Perpetrator: State

Details of attack/threat: On 8 January 2020, Iliana Hernández was briefly detained while her house was raided by agents from the National Revolutionary Police and Cuban Intelligence Directorate. Documents, a computer, a telephone and other work equipment was confiscated. According to CPJ, following the raid, she was charged with receiving stolen property and ordered to appear before police on January 13, 2020. She was denied the right to have a lawyer. On 13 January she presented herself to police with documents certifying that she obtained the equipment legally. Later, the education ministry threatened that she could be charged under Decree 370, which penalizes the dissemination of information contrary to social interest. Between November and December 2020, Iliana Hernández was placed under police surveillance at home for at least three weeks. On 15 December, she was detained for a few hours as she left her house; she says that the arresting police officers did not have a warrant. On 17 December, the police surveillance was withdrawn, but she was arrested again on 19 December. The manuscript of her book (a biography) was also stolen during the January police raid. Some fragments of her book are available to read.

Background: Iliana Hernández is a journalist and writer. She created Lente Cubano. She writes for CiberCuba, Cubanet.org

Abraham JIMÉNEZ ENOA

Gender: Male

Profession: Journalist and author

Date of Birth: 1988

Date of attack/threat: 30 June and 30 September 2020

Perpetrator: State

Details of attack/threat: On 30 June 2020, Abraham Jiménez Enoa stated on social media that he was held under house arrest and surveillance to stop him from covering protests in Cuba. On 1 October 2020, he was again detained, threatened and interrogated for five hours by members of the State Security. He stated via his twitter account that he was threatened with jail if he continued his collaboration with the *Washington Post* newspaper. According to Jiménez Enoa's testimony and social media posts, he was stripped and ill-treated and threatened with charges of "usurpation of functions". The officers warned him that the news outlet for which he works is not accredited in Cuba and that they will start 'a war' against his family and those close to him. Jiménez Enoa was also accused of having links with the United States Government. In an article, published on 4 October 2020, and entitled "If this is my last column here, it's because I've been imprisoned in Cuba", Jiménez Enoa exposes the situation experienced by many journalists and reporters in Cuba. (For more about previous attacks or threats, see PEN International's Case List 2019.)

Background: Jiménez Ochoa is a well-known journalist and writer. He writes for *The Washington Post*, *Gatopardo*, *The New York Times*.

Publications: Co-author of *Cuba en la encrucijada* (*Cuba at the crossroads*).

PEN Action: PEN Statement July 2020 and October 2020.

María MATIENZO PUERTO

Gender: Female

Profession: Poet and journalist

Date of Birth: 1979

Date of attack/threat: 30 June 2020

Perpetrator: State

Details of attack/threat: María Matienzo was among a number of journalists placed under house arrest to stop them from covering public protests, as reported by independent media. "At 6.18 in the morning (...), they knocked on our window in a violent

way to tell us that we could not go out on pain of going to jail,” María Matienzo told the press.

Background: Matienzo Puerto is an author and journalist for CubaNet. Previously, she worked for *Diario de Cuba*.

Publications: *Apocalypses Habana*, *Americans are coming* and “*Hermanos Castro*” *Orchestra: the little school*.

PEN Action: PEN Statement on [1 July 2020](#) and [2 July 2020](#)

Jorge OLIVERA CASTILLO

Gender: Male

Profession: Writer and journalist

Date of Birth: 1961

Date of harassment: 14 August 2019

Perpetrator: State

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

Details of the investigation: The couple were detained for five hours after attending a cultural event organised by the Citizens Committee of Racial Integration and the Writers and Artists of Cuba Club, of which Olivera is president. The poet reported that the authorities imposed a fine of 100 pesos (c.US\$ 4). Castillo was arrested along with 35 other writers, journalists and librarians as part of a government offensive against alleged dissidents. Castillo has written to PEN International that, since 14 August 2019, he and Alfaya Hernández have been repeatedly fined and briefly detained for their peaceful human rights activities. On 18 November 2019, Cuban police surrounded their house once again. The couple was reportedly unable to leave the house for over 72 hours for fear of arrest. On 10 December 2019, they were detained during International Human Rights Day celebrations.

Update: On 9 January 2020, Olivera [reported](#) that he had been placed under house arrest as part of the ongoing harassment against him and his wife. In June 2020, Jorge Olivera told PEN International that the authorities of Cuba had been trying to censor his most recent album (they threatened the producer and photographer with confiscating their equipment if they continue working with Olivera). On 5 February 2020, the Inter-American Commission of Human Rights (IACHR) [granted precautionary measures](#) to Jorge

Olivera and rights activist Nancy Alfaya Hernández. IACHR considered that “they are in a serious and urgent situation of risk of irreparable damage to your rights”.

Background: Nancy Alfaya Hernández is an activist and human rights defender. Jorge Olivera Castillo worked as a journalist for the Cuban state-run television for 10 years. He founded the independent news agency, Havana Press, in 1995. Olivera was arrested on 18 March 2003 for writing articles criticising the Cuban government and spent more than 10 years in prison before being released on medical grounds. During his imprisonment he was a PEN International main case. He was briefly detained in 1992 when he was apprehended attempting to leave Cuba on a raft.

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

Honorary member: English PEN and PEN America

Amaury PACHECO

Gender: Male

Profession: Poet

Date of Birth: 1969

Date of harassment: 30 June 2020

Perpetrator: State

Details of harassment: Amaury Pacheco was detained to stop him from covering public protests against police violence, according to [press \(see above\)](#). He recorded a message before his [arrest](#). He was detained at 11 AM and [released](#) few hours later although he had been told that he would be detained for at least 3 days, according to [his report](#). On February 2021, the [IACHR granted](#) precautionary measures in favour of 20 identified members of the San Isidro Movement (MSI) with respect to Cuba, including Amaury Pacheco.

Background: Amaury Pacheco is part of the San Isidro Movement. He is a poet, performer, sculptor, visual artist and director of the Omni Zonafranca group (1997), a counterculture group in Cuba. He has worked with civil society groups and projects, providing poetry performances in support of their advocacy. Some of his literary works are published on [his website](#).

PEN Action: PEN Statement on [1 July 2020](#) and [2 July 2020](#)

Yoani María SÁNCHEZ CORDERO

Gender: Female

Profession: Blogger, Journalist

Date of Birth: 4 September 1975

Date of attack/threat: November 2019, December 2020

Perpetrator: State

Details of attack/threat: According to [international reports](#) and Cuban [media](#), on 15 November 2019, Yoani Sánchez was placed under house arrest with her husband, Reinaldo Escobar (see above). The couple were informed that if they left the house, they would be arrested. On 4 July 2020, Yoani Sánchez [stated](#) that the authorities violated her privacy when they opened correspondence sent to her home. On 11 December 2020, Sánchez and Escobar were again placed under house arrest, with Escobar being briefly [detained](#), threatened and questioned by police the same day and released hours later. The house arrest ended the same day.

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

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

Released

Roberto de Jesús Quiñones Haces

Gender: male

Profession: Poet, journalist and lawyer

Expiry of sentence: 7 August 2020

Date of arrest: 22 April 2019

Date of release: 4 September 2020

Details of arrest: According to the [Committee to Protect Journalists](#) (CPJ) and [IHRC](#), journalist and lawyer Roberto de Jesús Quiñones Haces was detained and beaten by state agents on 22 April 2019 while he was covering a trial for news website *CubaNet*. Quiñones Haces was released five days later and fined for conduct

during his detention, which they alleged, constituted 'disobedience' and 'resistance.'

Details of trial: Quiñones Haces was [reportedly sentenced](#) to one year in prison on 7 August 2019 after refusing to pay the fine. Although Quiñones Haces presented evidence in favour of his case and requested a new trial, his request was turned down. On 11 September 2019, Quiñones [was detained](#). On 22 November 2019, Roberto Quiñones requested revision of the sentence. His lawyer also pointed to articles of the Constitution of the Republic of Cuba that had been violated including being reportedly subjected to a beating and denial of access to his family.

Date of release: [4th September 2020](#).

Professional background: Roberto de Jesús Quiñones Haces is Cuban poet, lawyer, and independent journalist. As a lawyer, he was imprisoned from 1999 to 2001 reportedly for his human rights work after which he was prohibited from practising law. He works for *Cubanet* and he is writing his new poetry book.

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

Awards: International Vitral Poetry prize (2001), Nósside Internacional Poetry Prize (2006) and Sixth Patmos Prize for Religious Freedom (2019). **PEN action:** Statement on [12 September 2019](#), [2 September 2019](#), [11 June 2020](#), and [3 September 2020](#).

■ ECUADOR

Death Threat

Rodrigo Xavier Bonilla Zapata (pen name: Bonil)

Gender: Male

Profession: Cartoonist

Date of birth: 8 April 1964

Date of threat: 6 August 2020

Perpetrator: Non-State

Details of threat: On 6 August 2020, Bonil published a [cartoon](#) entitled "El Huyecaminos" about the former president of Ecuador, Adbadá Bucaram, and his son, Jacobo Bucaram Pulley. The cartoon was published in *El Universo* newspaper. The same day, he received a death threat from Jacobo Bucaram Pulley on [Twitter](#).

Background: Jacobo Bucarama Pulley is allegedly a fugitive from justice and is accused of involvement in acts of corruption. CPJ reported that the cartoonist said he did not report the threat to authorities, but police officers contacted him and monitored his home for security threats. On 11 August, the country's official human rights ombudsman issued a [statement](#) calling on the attorney general's office to investigate threats to the cartoonist.

Professional Background: Xavier Bonilla has been a cartoonist since 1985. His cartoons are published in *El Universo* newspaper and he is well known in Ecuador and Latin America for his work. He is a member of the international association Cartooning for Peace, CartonClub. He has received the 56 International Cartoon Contest Golden Hat (Belgium, 2017).

Publications: *Bonil Cartoons*, *Fue tu culpa (It was your fault)*, and *Historia del humor gráfico en Ecuador (History of graphic humor in Ecuador)*, among others.

HONDURAS

Sentenced

Cesario Alejandro Félix PADILLA FIGUEROA

Gender: Male

Profession: Journalist, 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 was also subjected to threats and harassment in the same period. PEN International believes that Padilla Figueroa and his colleagues 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 (to read the full report of the trial, see Case Lists [2019](#), [2018](#), [2017](#) and [2016](#)). According to PEN Honduras, on

15 November 2019, a planned hearing of Cesario Félix Padilla Figueroa's case was cancelled, and no new date was given for when it would be held.

Sentence: On 1 September 2020, the Pasos de Animal Grande website [reported](#) that Cesario Padilla and his lawyer were notified in writing of his sentence. He is unable to appeal against his sentence for three years. The [sentence](#) against Cesario Padilla for the crime of "illegal detention of public property" includes three years in prison, forced labour while in prison, suspension of his rights and payment for alleged damages that the authorities of the National Autonomous University of Honduras (UNAH) claim.

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 were reportedly members of a student committee where they documented alleged human rights abuses within the UNAH, the Comité Pro Defensa de los Derechos Humanos. On 15 August 2015, Padilla reported he had been threatened by armed men in his neighbourhood who had also been keeping watch over his home and that he feared for his safety. In 2016, Padilla and Cáceres were subject to surveillance by agents from the Technical Agency for Criminal Investigations (ATIC), according to a complaint made by defence lawyers. The complaint also states that ATIC agents have been attempting to prevent Padilla and his fellow students from entering the university campus, among other irregularities.

Other information: During June and July 2020, Cesario Padilla reported to PEN International that he has been suffering continuous harassment and surveillance at his home. On 2 November 2020, the International Day to End Impunity for Crimes against Journalists, Cesario Padilla and Miriam Elvir were arbitrarily detained, according to an [IFEX](#) report. They were released eight hours later, after signing a document conceding that they had committed an offense and agreeing not to publicise information about what had taken place.

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](#); [RAN 24 Sept 2020](#), Social Media Statement [4 November 2020](#).

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. She regularly finds herself under surveillance – her home, office and movements – and reports being followed by persons unknown. For details of previous incidents, see Case List [2017](#). PEN International believes that she is targeted for exercising her right to free expression and that her physical security is at risk.

Update: Dina Meza told PEN International that on 1 December 2020, she filed an appeal before the Constitutional Chamber of the Supreme Court of Justice of Honduras concerning attempts (dating from November 2020) to obstruct her work as a councillor for the National Protection Council of Honduras. This followed Dina Meza's attendance at a police station to support journalists Cesario Alejandro Félix Padilla Figueroa and Miriam Elvir, both arbitrarily detained (See above). Since November 2020, the members of the PEN Honduras Centre have reportedly suffered a new wave of harassment by the authorities for carrying out their work as journalists and human rights defenders.

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 then. In 2014, she was elected President of the newly established PEN Honduras Centre of which she is a founding member. She also runs and writes for the website [pasosdeanimalgrande.com](#), which reports on freedom of expression and human rights in Honduras.

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

Awards: 2007 Amnesty International UK's Special Award for Human Rights Journalism Under Threat; 2014 Oxfam Novib/PEN International Freedom of Expression Award; 2016 Premio Letras in Periodismo y Derechos Humanos at Festival de Cine y Derechos Humanos de Barcelona. [Sir Henry Brooke Awards](#) for Human Rights Defenders 2020.

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. Statement [February 2021](#).

MEXICO

Killed: Impunity

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 with more than 10 bullets from 2 guns. His assassination happened close to the *Río Doce* offices in Culiacán, Sinaloa State, north-western Mexico. Valdez had reported concerns for his safety in the weeks before his murder. According to [investigations and press reports](#), Javier Valdés was murdered due to his work as journalist. For previous information on his murder, see Case Lists [2019](#), [2018](#), and [2017](#).

Details of investigation: According to the follow-up and legal report of [Propuesta Cívica](#), in January 2018, the Special Prosecutor for Crimes Against Freedom of Expression (FEADLE) opened an investigation into Valdez Cárdenas's murder at the federal level and issued an arrest warrant for the suspected intellectual authors of the crime: Heriberto Picos Barraza, Juan Francisco Picos Barrueta and Luis Ildelfonso Sánchez Romero. According to [CPJ](#), Heriberto Picos Barraza (alias El Koala) was arrested on 23 April 2018 and on 22 November 2018 the federal authorities formally

charged him. Prosecutors are reportedly seeking the maximum penalty provided by Sinaloa's legal framework: 50 years in prison. On 25 January 2019, during the trial of Joaquín Loera Guzmán 'El Chapo' in the Court of New York, Dámaso López, drug trafficker and former leader of the Sinaloa Cartel, attributed the murder of the journalist to power struggles within the Cartel between López and the sons of 'El Chapo'. According to media, during the trial, López declared that Valdez had published an interview with him in the middle of the cartel dispute, 'disobeying' 'El Chapo's' sons' orders not to publish the article, and for this he was murdered. For previous details of the investigation, see Case Lists 2019, 2018, and 2017.

Update: On 24 January 2020, the Attorney General issued an arrest warrant against Dámaso López Serrano, aka "El Mini Lic", son of Dámaso López, for alleged responsibility as the intellectual author of the murder of Valdez. On 28 February 2020, Heriberto Picos Barraza "El Koala", was sentenced for 14 years and eight months in prison for being the co-author of the murder of Javier Valdez. During the hearing, he declared that the intellectual author of the murder was "El Mini Lic" (see media reports). On 29 September 2020, a judge accepted the evidence presented by the Office of the Attorney General of the Republic against Juan Francisco Picos Barrueta (alias "El Quillo"), indicated as a third material author of the murder. The trial was ongoing as of 31 December.

Professional background: Valdez Cárdenas was co-founder and reporter for the local weekly newspaper *RíoDoce* and correspondent for *La Jornada*. He wrote regularly on drug trafficking and crime, and wrote several books on the drugs trade, including his most recent, *Narcoperiodismo* (2016), which tells the experiences of journalists who have chosen to cover organised crime. His final book, published posthumously, entitled *Periodismo Escrito con Sangre* (Journalism Written in Blood), relates the stories of Mexican journalists killed for their work. Awards: In 2011, Valdez Cárdenas was the recipient of the Committee to Protect Journalists' International Press Freedom Award and in 2013 he was awarded the PEN Mexico Prize for Journalistic Excellence. PEN Action: 19 May 2017 Statement; Mexico Resolution 2018.

Death threat

Lydia CACHO RIBEIRO

Gender: Female

Profession: Journalist and author

Date of birth: 12 April 1963

Date of threat: 2005 to date

Perpetrator: Unknown

Details of threat: Lydia Cacho Ribeiro has worked as a journalist for over 30 years, serving as editor, presenter, and columnist for various national and international media outlets, where she has reported on people trafficking, organised crime, drug trafficking, gender violence and corruption, among other topics. She has also published multiple books on similar issues. As a result of her work, she has regularly been the target of attacks, threats and intimidation. In 2005, following the publication of *Los Demonios del Edén* (*The Demons of Eden*) in which she implicated a number of influential businessmen and politicians in child abuse networks operating across Quintana Roo and Puebla states, Cacho was illegally arrested, detained and ill-treated before being subjected to a year-long criminal defamation lawsuit. She was cleared of all charges in 2007. On 31 July 2018, the United Nation's Human Rights Committee held the State of Mexico responsible for the violation of Cacho's human rights in relation to the case, more specifically for the torture to which she was subjected and for its failure of due diligence in the investigation.

Interventions relating to 2005 arrest and

torture: On 11 April 2019, FEADLE issued arrest warrants for Puebla's former governor Mario Marín Torres, businessman José Kamel Nacif, and former undersecretary of Public Security of Puebla Hugo Adolfo Karam Beltrán for their alleged involvement as the masterminds of Cacho's torture in 2005. On 25 September 2019, Cacho asked Mexican State to comply with the precautionary measures ordered by the Inter-American Commission on Human Rights (IACHR) to return to Mexico with security measures. On 16 October 2019, Miguel Mora, one of those involved in arrest and torture of Cacho in 2005, was captured and sentenced, according to press and FEADLE. On 15 November 2019, María Irene 'N', one of the agents of the then Judicial Police who participated in the detention and torture of Cacho in 2005, was also arrested.

Update to trial of alleged attackers: On 17 January

2020, the Special Prosecutor's Office for Human Rights sentenced Juan Sánchez Moreno, former commander in charge of judicial orders of the Attorney General's Office of the state Puebla, to five years and three months in prison. He was ordered to pay damages and suspended his political and civil rights, after he was found guilty of having committed acts of torture against the Cacho, according to the [Attorney General office](#). On March 2020, [Financial Intelligence Office suspended](#) bank accounts belonging to Mario Marín and Kamel Nacif, but on 21 September 2020, [judges unfroze the accounts](#). On 3 December 2020, arrest warrants were issued again for Kamel Nacif, Mario Marín and Adolfo Karam for the crime of torture against Lydia Cacho on December 16 and 17, 2005, reported [Article 19](#). These arrest warrants had been cancelled in [2019](#).

New Information: On 6 February 2021, a judge formally imprisoned the former governor of Puebla, Mario Marín, accused of ordering the torture and illegal detention of journalist Lydia Cacho in 2005. Marín was arrested on 3 February 2021 in Acapulco (Guerrero) and was later transferred to a prison in Cancun Quintana Roo, according to [press reports](#).

Previous attacks: Lydia Cacho has been threatened many times in the last two decades for her writing and journalistic investigations. For details of previous incidents, see [Case List 2010](#), [Case List 2011](#), [Case List 2012](#), [Case List 2017](#), [Case List 2019](#).

Background: Lydia Cacho has worked as a journalist for over 30 years, serving as editor, presenter, and columnist for various national and international media outlets. She is the co-founder of the Network of Journalists from Mexico, Central America and the Caribbean. Cacho has won numerous awards, including the 2009 One Humanity Award from Canadian PEN, the 2008 Tucholsky prize from Swedish PEN and the 2007 Oxfam/Novib PEN Award for Free Expression. On 29 April 2010, Cacho was named a World Press Freedom Hero by the International Press Institute. She is Goodwill Ambassador for the UN Office on Drugs and Crime. Lydia Cacho has been in exile and, during 2020, she requested temporary asylum in different countries while her case is investigated by the Mexican authorities.

Publications: *Los Demonios del Edén* (*The Demons of Eden*), *Muérdete el corazón* (*Bite the Heart*), *Esta boca es mía y tuya también* (*This Mouth is Mine and Yours Too*), *Memorias de una Infamia* (*Memoirs of a Scandal*), *Con mi hij@ no* (*Not with my daughter/son*), *Esclavas de poder: un viaje al*

corazón de la trata sexual de mujeres y niñas en el mundo (*Slavery Inc. the Untold Story of International Sex Trafficking*), *En busca de Kayla* (*In Search of Kayla*), *Sexo y Amor en tiempos de crisis* (*Sex and Love in Times of Crisis*), among others.

Honorary Member: Scottish PEN and English PEN

PEN Action: Statement 5 August 2019, Day of the Imprisoned Writer 2019.

Héctor DE MAULEÓN

Gender: Male

Profession: journalist and author

Date of Birth: 1963

Date of threat: July 2019 to January 2020

Perpetrator: Unknown

Details of Threat: According to [news reports](#), De Mauléon received threats via email which he disclosed on [Twitter on 12 July 2019](#): 'After a while of relative hugs and no bullets, I received a friendly email, anonymous of course, in which I am informed that I have already spoken 'too much', that I am 'a damn liar', and that 'it is over'.' On 17 January 2020, Mauleón received a new threat in a letter delivered to his home, which stated: 'Mauleón we know where you hide, unhappy rat, you're going to check on Joan' [Joan Sebastian, a Mexican Singer who died in 2015]. The journalist said this is in relation to an article published in [2017](#). For details of previous incidents, see [Case List 2017](#) and [Case List 2016](#).

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

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

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

NICARAGUA

Harassed

Gioconda BELLI

Gender: Female

Date of birth: 1948

Profession: Writer, poet, President of PEN Nicaragua

Perpetrator: State / Non-state

Date of harassment: 6 March 2020

Details of harassment: On 3 March 2020, there was a memorial mass and homage to radical priest and poet, Ernesto Cardenal, who died on 1 March 2020, and was lying in state in the cathedral of Managua. Supporters of President Daniel Ortega's government arrived in buses early in the day to occupy the cathedral, intending to disrupt the funeral ceremony, accusing Ernesto Cardenal of being a traitor. At the end of the ceremony, Ortega's supporters blocked mourners from carrying out the casket and attacked at least four journalists as well as the writer and President of the Nicaraguan PEN Centre, Gioconda Belli. She was pursued and insulted and references were made to her critical statements against the government. (For previous attacks, see [Case List 2018](#)).

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.

Awards: Gioconda Belli was the 2019 recipient of the Oxfam Novib/ PEN International Freedom of Expression Award and German PEN's Hermann Kesten prize. In 2020, she was the recipient of 30 Poetry Prize "Jaime Gil de Biedma" in Spain.

PEN Action: Statement – [6 March 2020](#)

Elsa ESPINOZA OROZCO

Gender: Female

Profession: poet and journalist

Perpetrator: Non-State/State

Date of harassment: April and September 2020

Details of harassment: Elsa Espinosa Orozco and her mother, Ruth Ester Orozco, were harassed by neighbours

and supporters of Daniel Ortega, president of Nicaragua, on 17 April 2020. Her neighbours threatened and denounced her as "coup journalist" and took a legal suit against her, according to [media](#) reports. Elsa Espinosa and her family left their home for safety. In September 2020, the trial was held, and the suit was dismissed.

Background: Elsa Espinosa is a poet; she has worked for over eight years as journalist and cultural manager. She is part of the Executive Commission for Independent Journalists in Nicaragua (PCIN).

Publications: *Ecos y reflejos*

PEN Actions: [Statement - 14 October 2020](#)

PARAGUAY

Released

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. To see the full report of the trial, see [Case List 2019](#).

Background: The case relates to a lawsuit filed by writer Maria Eugenia Garay that began in 2010. Garay alleged that Aguilera plagiarised her 2005 adult fiction novel *El túnel del tiempo* (*The Tunnel of Time*), in the second novel in his series of children's novels *Karumbita: La patriota* (*Karumbita: The Patriot*) (2010). A number of independent experts and writers provided a detailed analysis of both works and found that the similarities in them cannot be described as plagiarism. 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.

Update: On 3 February 2020, after ten years on trial, the penal case was dismissed. Aguilera declared in a video that "it means the court case is over and I do not need to be sent to prison for something I have not done". He thanked PEN for its work on his case.

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

PERU

On trial

Paola UGAZ

Gender: Female

Profession: Writer and journalist

Date of birth: 1974

Type of legislation: Criminal Defamation

Details of trial: Paola Ugaz faces a campaign of legal harassment, threats, and defamation lawsuits due to her investigations into acts of corruption within the Peruvian religious organization Sodalicio de Vida Cristiana, which she has been investigating since 2010. Recently, Ugaz has faced at least five legal proceedings for the publication of her book and investigative journalism. During 2020, Paola still faced criminal investigations against her. On 21 September 2020, the Ninth Criminal Court of Lima held the first hearing, and on 27 October 2020 the judge initiated the trial against the journalist, in a hearing in which the presence of international observers was denied. If convicted, Paola Ugaz faces a three-year prison sentence and heavy fines under the Criminal Code. On 2 October 2020, she received a death threat on her Instagram account. On 12 November 2020, a judge opened a further lawsuit, filed by a 'Sodalicio' worker who accuses Ugaz of defamation following her participation in a 40-second statement, broadcast by Al Jazeera in a documentary titled «The Sodalitium Scandal». Ugaz has reportedly been the target of smear and disinformation campaigns for her work as a journalist where, without any evidence, she is linked to alleged criminal networks, money laundering, uranium and plutonium trading.

Other: Amnesty International states that the complaints against Ugaz have a wider effect that hampers the right to freedom of expression. The Inter-American Commission on Human Rights (CIDH) also expressed its concern over the multiple criminal defamation lawsuits filed against the journalist Ugaz. Peruvian personalities signed a letter in favour Ugaz.

Professional background: Ugaz is a correspondent for the *ABC* newspaper, a former correspondent for both the *EFE* and *Europa Press* news agencies, and she has been editor of various digital media. She has worked as an investigative journalist for *IDL Reporteros* and collaborates in newspapers and magazines in Latin America

such as *Etiqueta Negra* and *Etiqueta Verde*. In her work as an investigative journalist, Ugaz has researched issues such as corruption, abuses of power and violations of human rights.

Publications: *Punche Perú*, about the stevedores in Lima and *Chincaqkuna, los que se perdieron, sobre los desaparecidos de Perú, entre 1980 y 2000* (*Chincaqkuna, those that were lost on the disappeared ones of Peru, between 1980 and 2000*).

PEN Action: Day of the Imprisoned Writer Case 2020; open letter from Elena Poniatowska, Vice-president of PEN International. JM Coetzee and South African PEN issued a statement.

Death threat

Carlos Miguel TOVAR SAMANEZ (pen name: Carlin)

Profession: Cartoonist, writer, architect

Date of Birth: 1947

Date of threat: 21 April 2020

Perpetrator: Non-State

Details of Threat: On 21 April 2020, the cartoonist published a cartoon lampooning Alan García, a former Peruvian president. According to CPJ and IPYS, a few hours later, he received the following message by email: "This is the end of the line, Carlos Tovar," and, "We are going to look for you and find you and we will make you eat dust." Carlin published the message on Twitter.

Professional background: Carlin is a popular cartoonist known for his caricatures criticising political figures. Since 2008, he has published his cartoons in *La República* newspaper. Prizes: Biennial of Humor Perú Ríe (1984), Journalism and Human Rights Prize (2009)

Publications: *Técnicas del dibujo y la caricatura* (*Techniques of drawing and caricature*), *Habla el viejo* (*The old man speaks*), *Manifiesto del siglo XXI* (*Manifesto of the XXI century*).

USA

Judicial concern

Mumia ABU-JAMAL

Gender: Male

Profession: Journalist and author

Sentence: Life imprisonment without parole

Type of legislation: Criminal

Details of trial: Abu-Jamal was sentenced to death for the murder of police officer Daniel Faulkner in 1982. Amid serious concerns about the fairness of his trial, which did not meet international fair trial standards or those guaranteed by the Constitution of the United States, his death sentence was commuted to life imprisonment without parole in 2011. Abu-Jamal has consistently denied any involvement in the murder, and the evidence presented at trial was reportedly contradictory and incomplete. However, his lawyers have never been successful in their request for him to be granted a retrial. Mumia Abu-Jamal continues to call for a fair trial, but since all options for appeal have been exhausted, any chance of a retrial is now unlikely. On 28 December 2018, it was reported that a judge in Philadelphia reinstated Abu-Jamal's rights to appeal his sentence. On 10 April 2019, Philadelphia District Attorney Larry Krasner dropped his opposition to the appeal, opening a potential avenue to freedom for Abu-Jamal, an outcome that had previously seemed impossible. According to media reports, the reasons for the defence's new appeal relates to a recusal issue: Abu Jamal's attorneys argued that the judge presiding over the appeal case from 1998 to 2012 should have recused himself because he had previously played the prosecutor's role.

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

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

PEN Action: PEN International Resolution 2014

VENEZUELA

On Trial

Eduardo GALINDO PEÑA

Gender: Male

Profession: author and journalist

Legislation: Defamation/Insult

Date of arrest: 15 April 2020

Date of release: 4 May 2020

Details of arrest: On 15 April 2020, Eduardo Galindo Peña was detained at his home by agents from the National Anti-Extortion and Kidnapping Command, and was brought to court 96 hours after his arrest, according to local [media](#) and [NGOs](#). According to [testimony](#) that the journalist [shared on Twitter](#), they detained him "with a summons to testify about a text published on *Senderos de Apure*" (his web portal). Hours later, his wife and his nephew were arrested for refusing to hand over the journalist's computer, phone and other equipment.

Details of release: Eduardo Galindo was released on 4 May 2020, on condition that he present himself to police every 15 days, reported [local media](#). The relatives of Galindo were detained for "resistance to authority" and released on 19 April with a precautionary measure.

Details of trial: Galindo was presented for trial with his relatives on 19 April, after they had served more than 95 hours in detention. Venezuelan law provides that any detainee must be brought to court within 48 hours of arrest (see [Ijays report](#)).

Professional background: Eduardo Galindo is a journalist and the secretary National Association of Journalists (CNP) in Apure city. He funded and writes for *Senderos de Apure* website.

Publications: *Yo Amo Apure (I love Apure)*.

PEN action: [Statement 23 July 2020](#)

Threatened

Milagros SOCORRO

Gender: Female

Profession: Writer

Date of threat: 8 March 2020

Perpetrator: State

Details of Threat: On 8 March 2020, Milagros Socorro published a message on her Twitter account, in which she questioned access to information about COVID-19 and the public health system in Venezuela. She received threats and harassment from Twitter accounts linked to the government of Nicolás Maduro. The messages included: “You should be imprisoned” (this tweet tagged @NicolásMaduro, the official account of the president of the Bolivarian Republic of Venezuela, and @dcabellor - Diosdado Cabello, president of the National Constituent Assembly from Venezuela); “Hey you! Miracles that you have not died! “; and “It may come to your family.” Hours later, the Deputy Minister of International Communication of the Venezuelan government, William Castillo, tweeted a sneering comment about Socorro, suggesting that COVID-19 had infected her brain.

Professional background: Milagros Socorro, president of PEN Venezuela, is a well-known writer and journalist in Venezuela. She won the 2018 Oxfam Novib/PEN International Freedom of Expression Award.

Publications: *Si alguien viene a quedarse (If someone comes to stay)*, *Palabras para Venezuela (Words for Venezuela)*, and *Un café con un dictador y otros relatos (A coffee with a dictator and other stories)*, and others.

Closed Cases – Americas

The following cases in the Americas region which featured in previous PEN International case lists have been closed as there has been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2019:

Bolivia

Alejandro SALAZAR RODRIGUEZ
(pen name: Al-Azar)

Brazil

Glenn Edward GREENWALD

Natalia MALLO

Renata CARVALHO

Jo CLIFFORD

Caetano VELOSO

Colombia

Juan Pablo BARRIENTOS

Cuba

Rafael Gabriel ALMANZA ALONSO

Mexico

Filiberto ÁLVAREZ LANDEROS

Guillermo FERNÁNDEZ GARCÍA

María Guadalupe LIZÁRRAGA HERNÁNDEZ

Guillermo SHERIDAN

Pedro FARO NAVARRO

USA

Jennine CAPÓ Crucet

Dolla ESTÉVEZ

Venezuela

Jorge RAMOS

PEN ACTIONS FOR JOURNALISTS AND OTHERS AT RISK IN THE AMERICAS REGION

In addition to its advocacy for the writers referred to in this list, PEN International also acted on behalf of journalists and others at risk in the Americas region, some in collaboration with other organisations, details of which can be found in the links provided below:

Honduras

Julio Ernesto ALVARADO: *Journalist sentenced in 2013 to 16 months in prison and a ban on practising journalism for the same period as a result of a criminal defamation lawsuit. The sentenced was suspended in 2015.*

Action:

September 2020 - Inter American Commission of Human Rights (IACHR): PEN International has ratified the admissibility of the case and requested the reparation of the damage.

México

Ezequiel FLORES: *Journalist attacked and threatened by criminal groups.*

Action:

April 2020 – Statement: Mexico: Threats to reporter Ezequiel Flores confirm the lack of effective protection measures for journalists

María Elena FERRAL: *Journalist assassinated by criminal groups*

Action:

March 2020 – Statement: PEN condemns the murder of journalist María Elena Ferral.

Jorge Miguel ARMENTA ÁVALOS: *Journalist killed.*

Action:

May 2020 – Statement: Mexico: government must protect journalists and eliminate discourse that stigmatises media

Pablo MORRUGARES: *Journalist killed.*

Action:

August 2020: Statement: Mexico: PEN condemns the murder of journalist and attacks on media

Miroslava BREACH: *Journalist assassinated*

Action:

August 2020: Statement: Mexico: The Case of Miroslava Breach must be completely clarified

Israel VÁZQUEZ RANGEL and Arturo ALBA MEDINA: *Journalist killed;* **Cecilia SOLIS, Roberto BECERRIL, Santiago HERNÁNDEZ, and Selene Huidobro: *journalists attacked by police.***

Action:

November 2020: Statement: México: Assassinations and attacks on journalists show growing impunity in the government

Nicaragua

Sergio LEÓN: *Journalist on trial.*

Action:

May 2020, Statement: Nicaragua: double censorship, COVID-19 and threats to journalists

Gerall CHÁVEZ: *Journalist threatened.*

Action:

July 2020: Statement: PEN condemns the threats to Gerall Chávez.

David QUINTANA and William ARAGÓN: *journalist prosecuted*

Action:

September 2020: Statement: RSF and PEN urge Nicaraguan legislators to reject “foreign agents” bill

Kalua SALAZAR: *journalist found guilty of slander for corruption report*

Action:

October 2020: Statement: PEN condemns the accusation against Kalúa Salazar for the crime of slander

Venezuela

Nicmer EVANS, Davirson ROJAS and Otilio RODRÍGUEZ: *Journalists detained.*

Action:

July 2020: Statement: Venezuela: Arrests of journalists show the climate of censorship

ASIA AND THE PACIFIC OVERVIEW 2020

Ross Holder Asia/Pacific Programme Coordinator

Charting the Impact of the COVID-19 pandemic on Free Expression in Asia

Around the world, the public health crisis caused by the COVID-19 pandemic has necessitated the unprecedented utilisation of emergency powers by governments to minimise the threat to human life. However, all too often free speech has become an avoidable casualty of the virus, with the pandemic cynically and opportunistically exploited as a justification to silence critical voices and implement disproportionate free speech restrictions that will remain a reality long after the pandemic has ended. This has been markedly so in the Asia region.

In **China**, authorities have continued to crackdown on civil society, limiting the space for free expression and controlling access to information. The government's efforts to silence Dr Li Wenliang, one of the first to raise the alarm about the threat posed by COVID-19, is a damning illustration of a regime that prioritises control over the welfare of its citizens. From the imprisonment of citizen journalists to the use of enforced quarantine to delay the release of imprisoned writers and activists such as Li Bifeng, the government's response to the pandemic has deepened already severe restrictions to free expression across China.

In **Xinjiang**, attempts by the Chinese government to limit the flow of information about the spread of the virus has been a source of grave concern in relation to the fate of the hundreds of thousands of Uyghurs and other minorities who have been extrajudicially detained in harrowing conditions, increasing their risk of exposure to the virus. Among them are many writers and artists. In **Hong Kong**, the government has selectively deployed public health restrictions to hamstringing the pro-democracy movement while using its recently promulgated national security

law to criminalise critical expression in the territory.

For imprisoned writers across the region, the pandemic has exacerbated their ongoing mistreatment by the authorities. In **India**, the appalling treatment of octogenarian poet and activist Varavara Rao by the Indian government has contributed to his contracting of COVID-19 while in prison. Despite ongoing concerns for his deteriorating health, authorities have repeatedly denied his applications for medical bail throughout 2020. The absence of compassion for those who have been unjustly detained is also evident in the ongoing detention of Sudha Bharadwaj and G.N. Saibaba, both of whom have requested release on medical grounds given the heightened risk of contracting the virus.

In **Bangladesh**, despite photographer and writer Shahidul Alam's release on bail in May 2020, his impending trial has been repeatedly delayed due to the pandemic, casting a shadow over his limited freedom. The resulting delays have also denied justice to the family of murdered Bangladeshi blogger Ananta Bijoy Dash, with the trial of his alleged murderers being postponed throughout 2020 due to the pandemic.

In **Myanmar**, the damaging impact of internet shutdowns in townships populated by the Rohingya people has been compounded by the pandemic, denying access to vital public health information necessary to mitigate the threat posed by COVID-19.

Governments have also sought to use the pandemic as a pretext to enact legislation to provide authorities with sweeping powers to stifle criticism and control the flow of information. In **Cambodia**, the government's promulgation of a state of emergency law imperils the country's already vulnerable space for free expression, further restricting media reporting and facilitating greater monitoring of private communications. Similarly, in **Thailand** authorities have enacted an emergency decree that includes vaguely defined restrictions on freedom of expression and media as part of the Thai government's wider crackdown on mass protests that have taken place throughout 2020. In **Singapore**, pre-existing 'fake news' legislation was used by government agencies in a way that threatened to undermine legitimate criticism of their handling of the pandemic.

Cultural genocide in Xinjiang

The severity of the crisis in Xinjiang remains of the utmost urgency. With reports of as many as 1.8 million Uyghur and other minorities being held in extra-judicial re-education camps, the Chinese government has shown no sign of relenting in the face of mounting international condemnation. By design, the intensity of the crackdown has had a devastating impact on the Uyghur identity in the region, with detainees forced to undergo intensive political indoctrination and coerced to renounce their deepest beliefs. Among those held in the camps are hundreds of Uyghur writers, poets, scholars, translators, and other public figures, who together represent the living embodiment of the Uyghurs' cultural identity. Many have had no communication with the outside world since they were detained without trial. Those detained include world renowned scholar Rahile Dawut, a leading expert on Uyghur folklore at Xinjiang University, who disappeared without a trace while travelling from Xinjiang to Beijing in December 2017. Perhat Tursun, one of the world's greatest Uyghur writers, was seized by the security services in January 2018 and has been sentenced to sixteen years' imprisonment. The PEN community mourns the loss of Uyghur poet Haji Mirzahid Kerimi following reports of his death while serving a sentence of 11 years' imprisonment.

Weaponization of Social Media

Social media has played a vital role throughout the pandemic, allowing individuals and societies to access independent information and providing the ability to maintain contact during enforced lockdowns. However, malicious state and non-state actors have sought to weaponize social media, utilising online communication platforms to harass, threaten and intimidate those who express views they disagree with. The Chair of PEN International's Writers in Prison Committee, Salil Tripathi, experienced this first-hand when a collective of pro-Indian government supporters launched a coordinated de-platforming campaign that resulted in his brief suspension from Twitter. In the **Philippines**, celebrated journalist Maria Ressa has been the subject to several charges under a controversial cyber libel law for content that was shared on her news platform's social media before the law existed. In **China**, which Freedom House ranks as the worst country assessed for internet freedom, writers and bloggers are routinely detained for their social media posts. In April 2020, writer and Independent Chinese PEN Centre member, Liu Yanli was sentenced to four years' imprisonment for her online posts criticising the Chinese Communist Party.

EMBLEMATIC CASES



Photo credit: permission granted by 88 Project

Vietnam

Phạm Đoan Trang

Author and journalist facing 20 years' imprisonment for "propaganda against the State"

Phạm Đoan Trang is an award-winning author, publisher, journalist, and pro-democracy activist. Following her initial detention in 2009, Phạm Đoan Trang used her writing to promote democracy and highlight human rights issues in Vietnam. Despite suffering severe persecution from the authorities, including harassment, assault, and enforced homelessness, Phạm Đoan Trang has continued to strive for realisation of basic freedoms in Vietnam. In October 2020, Phạm Đoan Trang was arrested and charged for her defence of human rights. She faces up to 20 years' imprisonment.



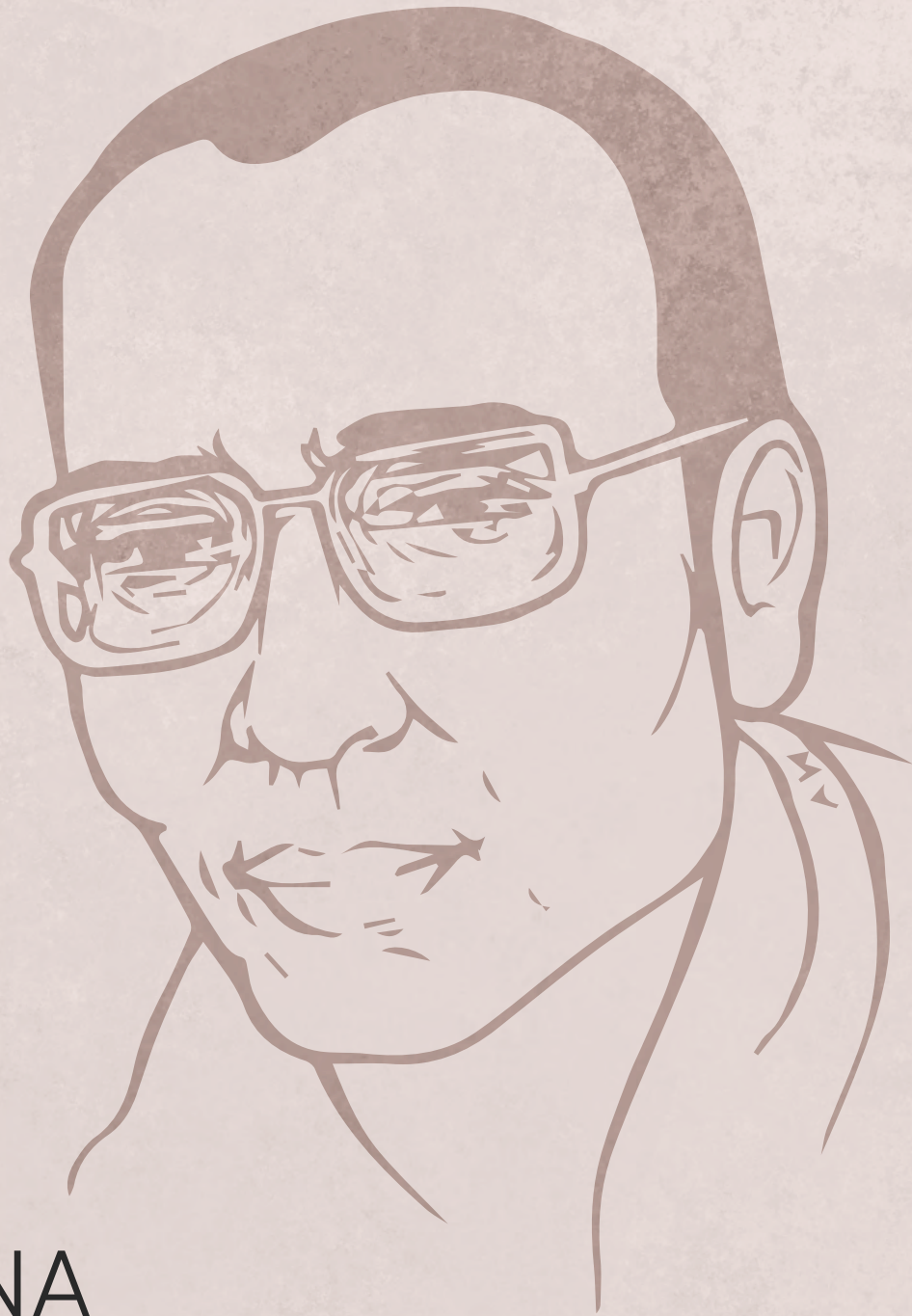
Photo credit: Wikipedia creative commons

India

Varavara Rao

Poet and political activist detained without trial as part of crackdown on activists by Indian government

Varavara Rao is a celebrated writer, poet and activist who has been detained without trial since 2018. Among five activists who were arrested for their alleged role in inciting violent unrest, Varavara Rao has rejected all charges, with many viewing his detention as politically motivated and part of a wider crackdown on activists across India. Despite falling gravely ill with COVID-19 and other health complications while detained in abhorrent conditions, Indian authorities have repeatedly denied his requests to be granted medical bail.



CHINA

Liu Xiaobo, writer and Nobel Peace Laureate who was initially detained in 2008 for his criticism of the government, and who died in hospital on medical parole while under state custody in 2017.

ASIA AND THE PACIFIC CASE LIST 2020

■ BANGLADESH

Killed: Impunity

Shahzahan BACHCHU

Gender: Male

Profession: Publisher, poet, and secular blogger

Date of birth: c. 1958

Date of death: 11 June 2018

Perpetrator: Non-state

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

Details of investigation: Bachchu's wife reportedly filed a murder case against four unknown assailants at Sirajdikhan police station on 12 June. The police's counter-terrorism unit is reported to be investigating the murder. Three of the four suspects have been killed in multiple gunfights with the police in 2018 and the fourth has yet to be identified. Media reports indicate that all three were members of Jamaat-ul-Mujahideen Bangladesh, a banned Islamist militant group. According to a media report, the final murder case file report was submitted to court in April 2019.

Update: The case remains ongoing as of 31 December 2020

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

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

PEN Action: Statement - 20 June 2018

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

Gender: Male

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

Date of death: 12 May 2015

Perpetrator: Non-state

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

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

Update: According to media reports, the trial against the six accused commenced in a Sylhet court on 7 May 2019 and was subsequently transferred to the Special Criminal Tribunal. The trial has reportedly suffered repeated delays throughout 2020 due to the country's COVID-19 restriction measures.

Background: Dash's works focused on rationalism, atheism, and science, with a particular emphasis on biological evolution. Dash is the author of *Soviet Unione Biggan O Biplab* (*Science and Revolution in*

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

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

Awards: Mukto-mona Rationalist Award in 2006

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

Faisal Arefin DEEPAN (also written Faisal Arefin Dipon)

Gender: Male

Profession: Publisher at Jagriti Prokashoni publishing house

Date of birth: c. 1972

Date of death: 31 October 2015

Perpetrator: Non-state

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

Details of investigation: According to news reports, a former army major is the alleged mastermind behind Deepan's murder. On 19 June 2016, police reportedly shot dead a member of the Ansarullah Bangla Team (ABT), a banned local Islamist group, who was alleged during a police news conference to

be linked to Deepan's murder, as well as several other attacks, including **Avijit Roy** (see below). [Reports also suggest](#) that Moinul Hasan Shamim (also known as Sifat) took part in the murder, as well as the killing of a university student blogger, while on bail for a separate case filed under the Anti-Terrorism Act. News reports indicate that Shamim belonged to the ABT. He was arrested on 23 August 2016 by the Counter Terrorism unit of the Dhaka Metropolitan Police. A bounty had been on his head since May 2016. The police are reportedly seeking five other militants in connection with Deepan's murder; it is alleged the six trained together for a month with the ABT prior to Deepan's killing. On 17 July 2018, members of a counter terrorism unit reportedly arrested another individual in connection with Deepan's murder. While the individual has confessed to involvement in the murder of several other killings of Bangladeshi free thinkers and writers, such as **Avijit Roy**, **Nazim Uddin Samad**, and **Xulhaz Mannan**, he denied involvement in Deepan's killing, according to the *Daily Star*. A Dhaka court reportedly accepted charges against eight members of Ansar Al Islam in March 2019. These same individuals were [indicted](#) by the court in October. Two of the accused were reported to be on the run. The six in custody are [now reportedly in jail](#). **Update:** The trial remains ongoing as of 31 December 2020.

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

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

Avijit ROY

Gender: Male

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

Date of birth: 12 September 1972

Date of death: 26 February 2015

Perpetrator: Non-state

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

Details of investigation: Roy was a dual Bangladesh and American national and as such, in March 2015, it was reported that the Federal Bureau of Investigation would aid the investigation into his death. The Islamist group Ansar al-Islam initially claimed responsibility for Roy's murder in a series of messages on its Twitter account. On 18 August 2015, three members of the Ansar al-Islam were arrested by security forces in connection with Roy's murder, as well as that of **Ananta Bijoy Dash** (see above). On 10 September 2015, three more individuals, including the head of the ABT, Mohammad Abul Bashar, were arrested in connection with the murders of both bloggers. Bashar is reportedly thought to be the mastermind of both killings. On 19 June 2016, police reportedly shot dead Sharif (also known as Hadi), a member of the Ansar al-Islam and considered to be one of the main suspects in Roy's murder. A police news conference disclosed that Sharif was allegedly also linked to attacks on several other publishers, bloggers, and activists, including the murders of bloggers Niloy Neel, Washiqur Rahman (see previous [Case List](#)), publisher **Faisal Abedin Deepan** (see above), law student Nazimuddin Samad, and editor of Bangladesh's only LGBT magazine *Roopbaan* and leading gay rights activist, Xulhaz Mannan. Three additional suspects were arrested in connection with Roy's murder in November 2017: Md Abu Siddiq Sohel, Mojammel Hossain, and Arafat Rahman. All three men are alleged to be members of the ABT. Members of a counter terrorism unit reportedly arrested another individual in connection with Roy's murder on 17 July 2018. According to *The Daily Star*, the Counter Terrorism and Transnational Crime unit of Dhaka Metropolitan Police pressed charges against six individuals, including the former mayor – who is suspected of being a coordinator for Ansar al-Islam – on 14 March 2019. According to [reports](#), the police decided not to press charges against five other individuals identified as having been involved in the crime in February 2019 as they could not establish any more details about them other than their names. The trial is reported to have commenced in September 2019.

Update: As of 31 December 2020, the case remains ongoing, but has [reportedly](#) been delayed due to the absence of witnesses who were scheduled to provide

testimony to the Anti-Terrorism Tribunal in Dhaka.

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](#)

Detained: Main Case

Mushtaq AHMED

Gender: Male

Profession: Writer and entrepreneur

Date of birth: 26 September 1985

Type of legislation: National security

Date of arrest: 4 May 2020

Details of arrest: In May 2020, Mushtaq Ahmed was arrested on suspicion of violating the [Digital Security Act \(DSA\)](#) in connection to several posts on his [personal Facebook page](#) and the satirical *I am Bangladeshi* Facebook page that he helped to run as administrator. Ahmed was one of eleven individuals named in a formal police complaint that accused them of “spreading rumours and misinformation on Facebook about the coronavirus situation”. Throughout 2020, Mushtaq Ahmed has been in pre-trial detention and has applied for bail on several occasions, all of which were denied by the authorities.

Place of Detention: Kashimpur High Security Prison

Professional background: Ahmed was a successful business entrepreneur, creating several businesses including Bangladesh's first commercial crocodile farm.

Other information: Ahmed published his first book, titled *Diary of a Crocodile Farmer*, in November 2018. Prior to his arrest, he was reportedly working on his second book.

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 2018, Alam was brought before a lower court in Dhaka and accused of ‘making provocative comments’, and ‘giving false information’ to the media under [Section 57](#) of Bangladesh’s draconian Information Communications Technology Act (ICT Act). On his way to the court, Alam shouted that he had been beaten while in custody. According to his lawyer, Alam stated before the Court that he had been subjected to torture.

Details of trial: On 25 May 2019, the High Court issued an order staying the police investigation until the conclusion of its proceedings. On 23 July 2019, Alam appeared in the Chief Metropolitan Magistrate’s (CMM) Court, Dhaka, to receive an order from the Court, staying the proceedings against him until the conclusion of his petition to the High Court. According to media reports, as Section 57 of the ICT Act has since been repealed, the Supreme Court gave the High Court bench until 18 December 2019 to determine whether it would continue to press charges. **Update:** The government appealed the court’s order suspending the investigation, and the court was then instructed to complete the hearing without further delay. However, throughout 2020 the courts have been closed for several months due to the COVID-19 pandemic, causing further delays in proceedings. The court has begun operating virtual hearings to help clear the backlog, but significant delays remain. It is expected that Alam’s hearing will take place in early 2021.

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. In 2020, the Committee to Protect Journalists awarded Alam its [International Press Freedom Award](#).

Publications: Over the course of his career he has published books such 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 2018.

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

Henry SAWPON

Gender: male

Profession: poet and journalist

Type of legislation: hurting religious sentiments

Date of arrest: 14 May 2019

Date of release: 15 May 2019

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

Details of trial: Sawpon was [released on bail](#) on 15 May 2019. His next court date was scheduled for 30 June 2019. No further information as of 31 December 2020; PEN is seeking further information.

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

Released/Under death threat

Shamsuzzoha MANIK**Gender:** Male**Profession:** Translator and publisher**Type of legislation:** Other**Date of arrest:** 15 February 2016**Date of release:** 23 January 2020

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 held before the Cyber Tribunal, despite the fact that Section 57 of the ICT Act has been repealed.

Details of release: On 23 January 2020, Manik and two others were acquitted of the charge by the Bangladesh Cyber Tribunal. According to reports, Manik is currently in hiding and cannot move freely due to ongoing threats to his safety from non-state actors.

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.

CHINA

Imprisoned: Main Case

CHEN Shuqing**Gender:** Male**Profession:** Dissident writer, activist, and member of the Independent Chinese PEN Centre (ICPC)**Date of birth:** 26 September 1965**Sentence:** Ten-and-a-half years in prison**Type of legislation:** National security**Date of arrest:** 11 September 2014**Expires:** 2025

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

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

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

Health concerns: According to the Committee to Protect Journalists, Chen suffers from high blood pressure and has lost four teeth while in prison. According to reports, Chen's family visited him in December 2020, with his wife noting that he appeared to be in good health, but she was unsure whether he had received a medical examination.

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 Xi (also known as CHEN Youcai)**Gender:** Male**Profession:** Freelance writer and prominent human rights activist**Date of birth:** 2 April 1954**Sentence:** 10 years in prison and three years' deprivation of political rights**Expiry of sentence:** 2021**Type of legislation:** National security**Date of arrest:** 29 November 2011

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

Current place of detention: Xingyi Prison, Guizhou province

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

Conditions in detention: Over the course of his incarceration, there have been reports that Chen had been ill-treated and held in solitary confinement on several occasions and had very limited access to his family. **Health concerns:** There have been concerns that Chen's health is poor and that he has been denied appropriate treatment.

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

Awards: Recipient of 2014 Hellman/Hammett Award; Recipient of Independent Chinese PEN Centre's Liu Xiaobo Courage to Write Award 2020.

Honorary Member: Independent Chinese PEN Centre

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

GUI Minhai (Swedish national)**Gender:** Male**Profession:** Writer, publisher, and former Independent Chinese PEN Centre 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 unknown until a statement on 6 February 2018 by a spokesperson from the Chinese foreign ministry who 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.

Current 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.

Details of Trial: On 24 February 2020, the Ningbo Intermediate People's Court sentenced [Gui Minhai to 10 years' imprisonment for illegally providing intelligence overseas](#). The statement of the court asserts that Gui applied for the "restoration of his Chinese nationality in 2018", implying that Gui is no longer a Swedish citizen as the PRC government does not recognise dual citizenship. [Sweden's Ministry of Foreign Affairs stated that Gui Minhai remains a Swedish citizen](#), and [leading scholars](#) have challenged the legality of any effort to revoke Gui's Swedish citizenship, noting that such actions would be in violation of international law.

Professional Background: Gui Minhai is a writer, publisher and former Board member of Independent Chinese PEN Centre. 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 sensationalist 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. 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). **Awards:** Recipient of Swedish PEN's 2019 Tucholsky Award.

PEN Action: 12 November 2015 statement; 6 January 2016 statement; Empty Chair at PEN's 82nd International Congress; Day of the Imprisoned Writer 2016; RAN 24/16 – 7 December 2016; World Press Freedom Day Action – 3 May 2017; Statement – 13 February 2018; Resolution 2018; Emblematic Case for the 2020 Liu Xiaobo Anniversary Campaign.

HU Shigen

Gender: Male

Profession: Writer, activist, former university lecturer, member of Independent Chinese PEN Centre

Date of birth: 14 November 1955

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

Expiry of sentence: c. June 2023

Type of legislation: National security

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

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

Current place of detention: Changtai Prison, Tianjin city

Details of trial: On 3 August 2016, Tianjin No. 2

Intermediate People's Court tried and convicted Hu of 'subversion of state power'. Hu's trial was reported to be brief and his family were barred from attending. The prosecution reportedly accused Hu of manipulating public opinion to overthrow the government. Hu was additionally accused of leading an 'underground organisation that masqueraded as a church'. Hu is reported to have pleaded guilty, saying he had taken the 'criminal path' to promote Western-style democracy since the 1989 Tiananmen Square massacre. He also confessed to trying to overthrow the Communist Party and pledged not to take part in any anti-government or anti-party activities in the future. His admission is believed to have been coerced.

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

Health concerns: Hu reportedly began suffering from coronary heart disease prior to his trial, in addition to pre-existing conditions including high blood pressure, chronic bronchitis, and fatty liver disease. Within a month of his imprisonment, his family had applied for him to be granted medical parole; he has been treated in hospital on several occasions. No further information as of 31 December 2020.

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 Independent Chinese PEN Centre's Liu Xiaobo Courage to Write Award 2016; National Endowment for Democracy's 2008 Democracy Award

Honorary Member: English PEN, Independent Chinese PEN Centre, PEN Canada.

LIU (pen name: Tianyi)

Gender: Female

Profession: Writer

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

Expiry of sentence: 2028

Type of legislation: Other

Details of trial: On 31 October 2018, Tianyi was reportedly sentenced to 10-and-a-half years in prison by the People's Court of Wuhu, Anhui province, for making and selling 'obscene material' for profit. Her self-published erotic novel, titled *Gongzhan (Occupy)*, is about a forbidden love affair between a teacher and a student, according to media reports. Tianyi appealed to the Intermediate People's Court of Wuhu, which was reportedly denied on 17 December 2018.

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

LIU Yanli

Gender: Female

Profession: Blogger, former banker and Independent Chinese PEN Centre member

Sentence: four years in prison

Expiry of sentence: 2022

Type of legislation: Other

Details of trial: Liu was initially detained 21 November 2018 following her social media posts criticising members of the CCP and PRC government. On 31 January 2019, Liu's trial opened at the Dongbao District Court in Hubei Province and on 24 April 2020, she was convicted of "picking quarrels and provoking trouble" and sentenced to four years' imprisonment.

Professional background: Previously employed as a bank clerk, Liu Yanli has been a human rights defender for several years, having campaigned on projects including China Human Rights Watch, led by the activist Qin Yongmin, who himself was arrested in 2015 and is now serving a 13-year sentence (see below). She is a prolific user of social media, such as on the Chinese Qzone and WeChat social networking sites, and on Weibo (the Chinese equivalent of Twitter) and her posts are said to be largely reposts and copies from other already published articles from inside and outside China.

Awards: Recipient of Independent Chinese PEN Centre's Lin Zhao Memorial Award 2018; Independent Chinese PEN Centre's Yu Zhijian Memorial Award 2019.

PEN Action: RAN 3/20 2 - June 2020.

LÜ Gengsong

Gender: Male

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

Date of birth: 7 January 1956

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

Expiry of sentence: July 2024

Type of legislation: National security

Date of arrest: 8 July 2014

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

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

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

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

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

had been denied despite his deteriorating health.

Update: According to CPJ, Lü was scheduled for gallbladder surgery and transferred to Zhejiang Qingchun Hospital on 26 October 2018; no further information as of 31 December 2020.

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

Awards: Recipient of 2008 Independent Chinese PEN Centre Writer in Prison Award

LU Jianhua (pen name: Wen Yu)

Gender: Male

Profession: Writer and academic

Date of birth: 3 July 1960 **Sentence:** 20 years in prison **Expiry of sentence:** April 2025

Type of legislation: National security

Date of arrest: April 2005

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

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

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

examining Chinese society and latterly produced much research focusing on official corruption.

Honorary Member: Independent Chinese PEN Centre

QIN Yongmin

Gender: Male

Profession: Dissident, activist, and co-founder of Democratic Party of China, member of Independent Chinese PEN Centre

Date of birth: 11 August 1953

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

Expiry of sentence: May 2028

Type of legislation: National security

Date of arrest: 6 May 2015

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

Current place of detention: No. 2 Detention Centre of Wuhan City, 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 writings about democracy and involvement in a 'series of activities with the aim to subvert state power,' including writing online essays and organising advocacy for the China Democracy Party (CDP), among other reasons. On 10 July 2018, Wuhan City Intermediate Court [found Qin guilty of 'subversion of state power'](#) sentencing him to 13 years in prison and three years' deprivation of his political rights. Qin reportedly refused to cooperate with the court and remained silent throughout the duration of the trial. According to Independent Chinese

PEN Centre, 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 Independent Chinese PEN Centre, Qin has published three novels and many short stories, as well as political essays.

PEN Action: 8 December 2020 Emblematic Case for the Liu Xiaobo Anniversary Campaign.

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 Independent Chinese PEN Centre, to publish books that have been banned in mainland China. His publications include an Independent Chinese PEN Centre 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 Independent Chinese PEN Centre

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

ZHOU Yuanzhi

Gender: Male

Profession: Writer, Independent Chinese PEN Centre member, former tax official

Date of birth: 22 February 1961

Type of legislation: Defamation and other

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

Expiry of sentence: May 2021

Date of arrest: 10 November 2017

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

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

Place of detention: Jingmen City Detention Centre, Hubei Province

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

Imprisoned: Investigation

GENG Xiaonan

Gender: Female

Profession: Writer, editor, publisher and filmmaker

Date of birth: 16 April 1974

Type of legislation: Other

Date of arrest: 9 September 2020 (detained); 14 October 2020 (arrested)

Details of arrest: Geng was criminally detained following her vocal defence of Xu Zhangrun, a professor of constitutional law at Tsinghua University who was detained for his criticism of Xi Jinping and the government’s handling of the COVID-19 pandemic.

Details of Trial: Geng, her husband, Qin Zhen, along with several employees of a publishing company she founded stood trial following an investigation for “illegal business operations”, which alleged that the publishing company illegally published over 200,000 publications, many of them children and cookery books. On 9 February 2021, Geng was reportedly sentenced to three years’ imprisonment.

Current Place of detention: Haidian District Detention Centre, Beijing.

Professional Background: Geng Xiaonan is a successful entrepreneur with a background in theatre in film. A well-known cultural critic and publisher, Geng is the editor-in-chief of *Ruiya Books* and a major stakeholder of the film production company, *Legend Tianhi Film and Television Culture Co.* Geng is an outspoken supporter of several high-profile Chinese HRDs including Ding Jiaxi, Xu Zhiyong and Wang Yi. Geng has also regularly promoted Xu Zhangrun’s essays, which included robust criticisms of Xi Jinping’s rule.

Honorary member: Independent Chinese PEN Centre

WANG Yi

Gender: Male

Profession: Christian pastor, writer, former university lecturer, and member of Independent Chinese PEN Centre

Date of birth: 1 June 1973

Type of legislation: other

Date of arrest: 9 December 2018

Details of arrest: According to Independent Chinese

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

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

Update: A poem written by Wang in January 2020 while he was in detention subsequently appeared online in November 2020.

Current place of detention: Wang was initially detained in the Chengdu City Detention Centre, Sichuan Province, but reports from May 2020 state that he has since been transferred from the detention centre to Jintang prison.

Background: Wang Yi previously served as Independent Chinese PEN Centre's Deputy Secretary-general, as well as a board member (2005-2009). In 2005, he converted to Christianity becoming one of the few Christian human-rights attorneys in China. In 2008, he founded the Chengdu Early Rain Reformed Church, later renamed as the Early Rain Covenant Church. In October 2011, he was ordained and became the senior pastor of the church. The church now has a membership of about 700. Wang has published nine collections of poetry, prose, thesis, review, contemporary and criticism.

Detained: Main Case

WANG Yuwen (pen name: Wang Zang)

Gender: Male

Profession: Poet and artist

Date of birth: 26 September 1985

Type of legislation: National security

Date of arrest: 30 May 2020 (detained); 3 July 2020 (arrested)

Details of arrest: According to reports, on 30 May 2020, 40-50 police officers arrived at Wang's building to detain him for overnight questioning before

releasing him the next day. On returning home, Wang's wife discovered that Wang's passport, bank cards and mobile phone had been seized by the police. Reportedly, police then stayed inside the family home for two days and were subsequently stationed outside the family's residence. When Wang's wife attempted to raise attention over their unjust treatment by the police, she herself was detained. Wang Yuwen was formally arrested on 3 July 2020 and charged with subversion, with the court reportedly citing his recent poetry, essays and interviews with international media since his release from detention in 2015.

Place of Detention: Chuxiong City Detention Centre, Yunnan Province.

Professional background: Wang began publishing his poetry and other writings in 2003. Much of his writing centred on criticism of totalitarianism and support of human rights in Tibet and Hong Kong's Umbrella Movement despite enduring extensive intimidation by the authorities.

Other information: Wang was detained in October 2014 for supporting Hong Kong's Umbrella Movement, he was subsequently charged with "picking quarrels and provoking trouble" before being released on bail on 9 July 2015.

XU Zhiyong

Gender: Male

Profession: Writer and legal activist

Date of Birth: 02 March 1973

Date of arrest: 15 February 2020 (initial detention); 19 June 2020 (formal arrest)

Type of legislation: National security

Details of arrest: Xu was detained shortly after he published an essay calling for Xi Jinping's resignation in the wake of the PRC government's initial handling of the pandemic, which Xu referred to as a "national disaster". He was first detained on 15 February 2020 at the home of a friend where he was reportedly in hiding since a crackdown on a private gathering of human rights lawyers and activists took place in December 2019, many of whom have since been detained on subversion charges. Xu was initially held under a form of detention referred to "residential surveillance at a designated location", or RSDL, which allows PRC authorities to hold individuals for up to six months in solitary confinement at a secret location before any trial takes place. This form of enforced disappearance exposes

detainees to heightened risk of torture and is frequently used by authorities against dissidents and human rights activists, with other examples including the detention of Gui Minhai, Yang Hengjun, and Liu Xiaobo. On 19 June, Xu was formally arrested on subversion charges according to a written notification sent to his family. Xu now faces up to 15 years imprisonment if convicted.

Professional background: Formally a lecturer at the Beijing University of Post and Telecommunications, Xu has been involved in human rights advocacy since 2003 when he was elected as an independent candidate to the Haidian District People's Congress. A co-founder of the New Citizens Movement, Xu used his legal expertise to peacefully advocate for the advancement rule of law and social justice in China. In 2013, Xu was detained as part of a crackdown on human rights activists and lawyers and was imprisoned on trumped up charges for four years until his release in 2017.

Awards: 2020 PEN/ Barbey Freedom to Write Award

Honorary member: Independent Chinese PEN Centre

ZHANG Guiqi (pen name LU Yang)

Gender: Male

Profession: Poet, former teacher, and member of Independent Chinese PEN Centre

Date of birth: 4 January 1971

Type of legislation: National security

Date of arrest: 1 May 2020 (detained);
19 June 2020 (formally arrested)

Details of arrest: Zhang was reportedly seized at his home by the authorities on 1 May 2020 and subjected to enforced disappearance for two weeks, with officials declining to provide any information on his location or wellbeing. On 13 May, the police notified his family that he was detained on suspicion of "subversion of state power". He was then held incommunicado before a secret hearing took place. Its outcome and Zhang's current status remain unknown. PEN is seeking further information.

Place of Detention: Liaocheng City
Detention Center, Shandong Province.

Professional background: A famous poet in China, Zhang founded the Chinese Contemporary Poetry Forum in 2003, which was banned by the PRC government two years later. He also worked as a teacher, but was forced to resign due to his writing, much of which was published in prominent Chinese poetry publications,

and later online on both domestic websites.

Other information: Zhang is a signatory of the Charter 08 manifesto, signed by over 300 Chinese dissidents in 2008 marking the 60th anniversary of the Universal Declaration on Human Rights, for which many suffered severe repercussions.

Detained: investigation

CHAI Xiaoming

Gender: Male

Profession: Editor and former lecturer

Type of legislation: National security

Date of arrest: 21 March 2019

Details of arrest: Chai was reportedly detained following involvement in the publication of a politically sensitive article on Red Reference, a Maoist website where he worked as an editor. He was held for six months under residential surveillance before being formally arrested in September 2019. PEN has received reports that a secret trial took place in August 2020, but the trial's outcome and Chai's current status and whereabouts are unknown. PEN is seeking further information.

Professional background: Chai studied business studies in the UK before returning to China on completion of his PhD in 2014. A former lecturer in the School of Marxism at China's prestigious Peking University, Chai left academia to focus on working as an editor, working for the Maoist Red Reference website and establishing his own culture and media company called the *Nanjing Lingsi Culture Communication Co.*

XIE Fengxia (pen name: XIE Wenfei)

Gender: Male

Profession: Internet writer, poet, and activist

Type of legislation: National security

Date of arrest: 29 April 2020

Details of arrest: Xie was reportedly arrested on 29 April 2020 and was subsequently detained on suspicion of "picking quarrels and provoking trouble". On the day of his arrest, which is also Xie's birthday, he tweeted a poem commemorating Lin Zhao, who was executed during the

Cultural Revolution for her criticism of Mao's policies.

Place of detention: Zixing City Detention Center, Hunan Province.

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

Honorary member: Independent Chinese PEN Centre

YANG Hengjun (Australian-Chinese national)

Gender: Male

Profession: writer and blogger

Date of birth: c. 1965

Type of legislation: Espionage

Date of detention: 19 January 2019

Details of detention: Yang was reportedly detained upon his arrival in Guangzhou Airport. According to media reports, at the time of his detention the Foreign Ministry in Beijing said Yang was being investigated for 'criminal activities endangering national security.' He was formally arrested on suspicion of espionage on 23 August 2019. While the precise nature of the allegations of espionage remains unclear, his lawyer has said they could relate to his promotion of democracy online.

Update: On 7 October 2020, Yang was formally charged with espionage and his case was to be transferred to the Beijing Second Intermediate People's Court where he will face trial. PEN is seeking further updates.

Place of detention: Beijing

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

Professional background: According to reports, after earning his first degree in politics from Fudan

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

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

PEN Action: 8 December 2020 Emblematic Case for the Liu Xiaobo Anniversary Campaign.

Harassed

CUI Haoxin (pen name: An Ran)

Gender: Male

Profession: Poet

Date of birth: c. 1979

Date of harassment: January 2019

Perpetrator: State

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

Update: According to Radio Free Asia, in January 2020 Cui was reportedly detained on suspicion of 'picking quarrels and stirring up trouble' in connection with posts he made on social media about the persecution

of Muslims in China. PEN is seeking further information.

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

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

ZHU Yufu

Gender: Male

Profession: Poet

Date of birth: 13 April 1953

Date of harassment: 29 December 2019

Perpetrator: State

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

Background: Zhu has been imprisoned on several occasions previously. Following his March 2018 release, having served a seven-year term following his conviction for 'inciting subversion of state power' through his writings, in particular his poem 'It's Time', Zhu was summoned for questioning on suspicion of 'subversion of state power'. 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. No further information as of 31 December 2020; PEN is seeking an update.

Awards: Recipient of the 2011 Hellman/Hammett Award and Independent Chinese PEN Centre'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.

Conditional Release

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.

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

Date of release: 7 April 2020

Details of Release: Li was released upon the completion of his sentence. On release he was reportedly transferred to another location for mandatory COVID-19 quarantine and his family were denied his contact details.

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

Awards: Recipient of the 2014 Hellman/Hammett Award

Honorary Member: German PEN and Independent Chinese PEN Centre

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

YANG Maodong (aka GUO Feixiong)

Gender: Male

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

Date of birth: 2 August 1966

Sentence: Six years in prison

Expiry of sentence: August 2019

Type of legislation: Other

Date of arrest: 8 August 2013

Date of release: 7 August 2019

Details of arrest: Yang's arrest followed his involvement in anti-censorship and anti-corruption protests.

Details of trial: On 31 December 2013, it was reported that Yang had been formally charged with 'incitement to disturb public order' and on 27 November 2015, Yang was sentenced to six years in prison by the Guangzhou Municipal Tianhe District People's Court on charges of 'gathering crowds to disrupt order in public places' and 'picking quarrels and provoking troubles'. On 16 January 2016, [reports indicated](#) that Yang's appeal was rejected and his conviction and six-year sentence upheld.

Date of release: 7 August 2019

Details of release: Yang was [released](#) upon the completion of his sentence. According to a report from [Radio Free Asia on 21 January 2021](#), Yang remains under a travel ban, which is preventing him from visiting his wife in the United States, who has been diagnosed with advanced cancer. On 28 January, Yang began an indefinite hunger strike at Shanghai Pudong International Airport in protest against the authority's refusal to lift his travel ban. Shortly afterwards, his sister and friends [reported that he had disappeared](#).

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

Honorary Member: Independent Chinese PEN Centre

Released

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: 20 February 2020

Type of legislation: National security

Date of arrest: 21 February 2011

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

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

Date of Release: **On 20 February 2020** Chen was released from Chuandong Prison in the Sichuan province upon the completion of his sentence.

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.

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

Honorary Member: Independent Chinese PEN Centre

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

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.

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.

Date of release: 9 March 2020, upon the completion of his sentence.

Honorary Member: Independent Chinese PEN Centre

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’.

Date of release: On 14 September 2020 Li was [reportedly released](#) upon the completion of his sentence.

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.

Honorary Member: Independent Chinese PEN Centre

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’ probation

Expiry of sentence: 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.

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.

Date of release: On 27 June 2020 Liu was [reportedly released](#) upon the completion sentence.

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.

Award: Recipient of the 2011 Hellman/Hammett Award and the Independent Chinese PEN Centre 2010 Liu Xiaobo Courage to Write Award

Honorary Member: Independent Chinese PEN Centre

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: Other

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.

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.

Date of release: In September 2020 Xu was reportedly released upon the completion of his sentence

Background: Xu Lin is reportedly a democracy activist who has written essays, poems, and songs about social injustices such as forced eviction, the 1989 Tiananmen Square massacre, 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. He has reportedly regularly faced harassment in connection with his activism.

HONG KONG AUTONOMOUS REGION

Detained: Investigation

Jimmy LAI

Gender: Male

Profession: Entrepreneur, publisher

Date of Birth: 8 December 1947

Legislation: National security

Date of arrest: 10 August 2020

Details of arrest: Jimmy Lai was initially arrested and detained along with eight others by the Hong Kong authorities using the recently promulgated national security law. His arrest coincided with raids on his company *Next Digital Media*, which publishes *Apple Daily*, Hong Kong's largest pro-democracy daily newspaper. Lai was released on bail the following day and required to make regular reporting appearances to the police as part of the bail terms. On 3 December 2020, Lai was denied bail on a separate fraud charge while making a scheduled appearance with the police. On 11 December, the authorities also charged him on suspicion of colluding with a foreign power under the national security law. Three weeks into his detention, on 23 December Lai was briefly granted bail on strict conditions. However, this decision was declared invalid by Hong Kong's highest court, which allowed government prosecutors to appeal against the High Court's decision to award bail, forcing Lai to return to jail on 31 December 2020. Lai is due to appear in court in February 2021 to appeal his ongoing detention while he awaits his trial in April 2021.

Current place of detention: Stanley Prison, Admiralty, Hong Kong.

Professional background: Jimmy Lai was born in southern China and fled to Hong Kong in 1960 when he was 12 years old. He quickly worked his way up from being a labourer on the factory floor of a clothing company to creating his own successful clothing company with outlets across Asia. Following the Tiananmen Square pro-democracy protests in 1989, Lai launched his first media business publishing *Next Magazine* and several other tabloid and special interest publications for the Chinese market. Several of these publications included columns that regularly

criticised the CCP leadership, leading to the ban of his publications in the mainland and forcing him to sell his stake in his clothing company in order to prevent its closure by the PRC government. In 1995, Lai established the daily paper, *Apple Daily*, which combined tabloid journalism with hard-hitting reporting of government corruption and pro-democracy features.

Other information: Jimmy Lai has developed a reputation as a prominent critic of the CCP and for his longstanding support of Hong Kong's pro-democracy movement. He was previously arrested in 2014 due to his participation in the Umbrella Movement and has been subjected to numerous threats and attacks from unknown individuals.

PEN action: 11 August 2020 statement.

On trial

Benny TAI Yiu-ting

Gender: Male

Profession: academic

Type of legislation: National security

Sentence: 16 months in prison

Date of sentence: 24 April 2019

Details of trial: On 9 April Tai was reportedly convicted of conspiracy to commit public nuisance by West Kowloon Court as well as inciting others to commit the same offence. On 24 April 2019, he was sentenced to two years in prison; 16 months for one charge and eight months for the other, to be served concurrently. On 15 August 2019, the Court of Appeal approved Tai's request for bail pending his appeal, which was due to be heard in February 2020 before being delayed due to the COVID-19 pandemic.

Update: On 28 July 2020, Tai was fired by Hong Kong University over his criminal convictions for his role in founding the Umbrella Movement. On 6 January 2021, Tai was among over 50 pro-democracy figures arrested as part of a crackdown by the Hong Kong government. Tai was released on bail without being charged after being held for questioning for over 30 hours.

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

Other information: Tai is among a group known as the 'Umbrella 9' who spearheaded the 2014 pro-

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

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

Released

CHAN Kin-man

Gender: Male

Profession: academic

Type of legislation: National security

Sentence: 16 months in prison, suspended for two years

Date of sentence: 24 April 2019

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

Date of release: On 14 March 2020 after serving 11 months of his 16-month sentence, Chan was granted early release from prison.

Other information: Chan is among a group known as the 'Umbrella 9' who spearheaded the 2014 pro-democracy Umbrella Movement in Hong Kong (see above). Chan, along with Benny Tai (see 'On trial' above) and Reverend Chu Yiu-ming – collectively referred to as the 'Occupy Three' – reportedly called for civil disobedience during the demonstrations.

Professional background: Chan is a sociology professor who has published articles on topics including social protest in Hong Kong.

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 PRC government

Date of birth: 1970

Sentence: 15 years in prison

Expiry of sentence: 2024

Date of arrest: 26 February 2009

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

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

Details of trial: On 12 November 2009, he was sentenced for 'disclosing state secrets'. His family was not told of his whereabouts until he was summoned to court to hear the verdict. The trial was held at the Intermediate People's Court of Kanlho in a closed hearing. No further update as of 31 December 2020.

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; Emblematic Case for the 2020 Liu Xiaobo Anniversary Campaign.

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

Gender: Male

Profession: Writer

Date of birth: c. 1988

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

Type of legislation: National security

Date of arrest: 17 April 2015

Expiry of sentence: October 2022

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

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

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

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

Imprisoned: Investigation

Trinley TSEKAR

Gender: Male

Profession: Singer and songwriter

Sentence: Nine years in prison

Expiry of sentence: November 2022

Type of legislation: Other

Date of arrest: 20 November 2013

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

Details of trial: Tsekar was reportedly accused of 'attacking the local public security organ, assaulting policemen, smashing offices, damaging properties and objects [and] gravely disturbing social order due to his participation in the protests'. According to a 13 January 2014 news report, Tsekar was convicted and sentenced to nine years in prison in late December 2013. No further information as of 31 December 2020.

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.

XINJIANG UYGHUR AUTONOMOUS REGION (XUAR)

Death in Detention

Haji Mirzahid KERIMI

Gender: Male

Profession: poet, author, and retired editor

Date of birth: c. 1939

Sentence: 11 years' imprisonment

Type of legislation: Other

Date of arrest: c.2017-2018

Details of arrest: Haji Mirzahid Kerimi was among at least 14 staff members of the Kashgar Publishing

House in Xinjiang who were detained for publishing books that were deemed "problematic". A former editor at the publishing company, Kerimi was 80 years old and reportedly in ill health at the time of his detention. According to Radio Free Asia, Kerimi was sentenced to 11 years' imprisonment for his writing and 'problematic' comments he may have made during an awards ceremony in 2015.

Date of death: 9 January 2021

Details of death: According to reports, Kerimi died after he was brought to hospital following an incident where he "jumped and fell".

Background Kerimi was a renowned poet and author who authored several biographical works that focused on individuals of central importance within Uyghur history, with novels including *Säidkhan*, *Sultan Abdureshkithan* and *Yüsüp Khas Hajip*. According to *Radio Free Asia*, in 1959 he was imprisoned for 13 years for his poem "a Baby in a Box", and subjected to further surveillance for an additional seven years.

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, Xinjiang Autonomous Region.

Details of trial: Imin was handed down a life imprisonment sentence for 'splittism, leaking state secrets and organising an illegal demonstration' by the Urumqi Intermediate Court on 1 April 2010. According to reports, this sentence relates to allegations that she used Salkin to disseminate information leading up to protests on 5 July 2009, and of leaking state secrets over the telephone to her husband, who lives in Norway.

Conditions in detention: According to reports, Imin was tortured and ill-treated in a police detention

centre. She was reportedly coerced into signing a document without knowing the content. She is allowed to receive family visits once every three months.

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

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

Awards: Recipient of 2012 Hellman/Hammett Award **Honorary Member:** ICPC, Danish PEN

Hailaite NIYAZI (aka Hairat or Gheyret Niyaz)

Gender: Male

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

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 2020.

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

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

Other information: A number of people associated with Uyghur Online, a website dedicated to the promotion of understanding between ethnic Uyghurs and Han Chinese, have faced similar harassment.

Hailaite Niyazi is serving a 15-year prison sentence for 'endangering national security' following his conviction on 23 July 2010 (see above). Tohti reportedly faced continued harassment on the part of the Chinese authorities over the course of 2013 (see 2013 Case List). Seven of his students, **Perhat Halmurat, Shohret Tursun, Abdukeyum Ablimit, Akbar Imin, Mutellip Imin, Atikem Rozi, and Luo Yuwei** were arrested around the same time as Tohti.

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

Honorary Member: PEN American Center, Danish PEN, ICPC, and Japanese PEN.

PEN Action: Press statement 23 September 2014; open letter 28 February 2014; RAN 03/14 – 31 January 2014; RAN 03/14 Update #1 – 27 February 2014; Empty Chair at PEN's 80th Congress in Bishkek, Kyrgyzstan; subject of PEN resolution adopted at the 80th Congress; 2015 International Mother Language Day case; statement 11 October 2016; Open petition to President Xi Jinping –

8 December 2016; RAN 24/16 – 7 December 2016; World Press Freedom Day – 3 May 2017; Mother Language Day – 21 February 2018

Imprisoned: Investigation

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

Gender: Male

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

Date of birth: February 1965

Sentence: 15 years' imprisonment

Expiry of sentence: 2031

Type of legislation: Unknown

Date of arrest: April 2016

Details of arrest: Hasan was reportedly arrested in April 2016. According to reports in Radio Free Asia dated June 2016, Aksu (Akesu) prefecture's Commission for Discipline Inspection announced on its website that Hasan had been expelled from the Communist Party and was under investigation. The Commission reportedly accused him of writing essays attacking the party and the government's ethnic or religious policies in Xinjiang, distorting the history of Xinjiang, instigating ethnic hatred, and opposing China's unity or territorial integrity. In September 2016, friends of Hasan reportedly contacted the World Uyghur Congress to say that neither they nor his family members had been informed of his whereabouts or any charges laid against him. **Details of trial:** According to the Uyghur Human Rights Project, Hasan, along with fellow web editor **Tursun Memet Marshal**, was reportedly sentenced to 15 years in prison in 2016. No further information as of 31 December 2020; PEN is seeking clarification on the charges.

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

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

Yalqun ROZI

Gender: Male

Profession: Writer

Sentence: 15 years

Type of legislation: Sedition

Date of arrest: 6 October 2016

Details of arrest: According to PEN's information, Rozi was arrested without charge on 6 October 2016 and held in an undisclosed location until, on 30 December 2016, he was formally arrested on charges of 'inciting splittism'.

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

Place of detention: Unknown

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

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

Tashpolat TIYIP (also written 'Teyip')

Gender: male

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

Sentence: Death, suspended for two years

Type of legislation: National security

Date of arrest: 2017

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

Details of trial: According to Amnesty International, Dr. Tiyp was convicted of separatism in closed and 'grossly unfair' proceedings.

Place of detention: unknown. **Sentence:** Dr. Tiyp was reportedly sentenced to death, suspended for two years, with the possibility of commutation thereafter if no other criminal offences had been committed. It remains unclear whether his sentence has been commuted. No further information as of 31 December 2020; PEN is seeking an update.

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

Detained: main case

Ablajan Awut AYUP (popularly known as Ablajan)

Gender: Male

Profession: Musician

Date of birth: 1984

Type of legislation: Unknown

Date of arrest: 15 February 2018

Details of arrest: Ablajan was reportedly taken into custody by state security agents on 15 February 2018 on his way home following a recording trip in Shanghai. No reason was given for his detention and his family are not thought to have been informed of any charges against him. No further information as of 31 December 2020.

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 China 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 seen since. She is thought to be held in a political re-education camp. No further information as of 31 December 2020.

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 PRC government ministries and praised by other scholars.

Abduqadir JALALIDIN

Gender: Male

Profession: Poet and academic

Type of legislation: Unknown

Date of arrest: 29 January 2018

Details of arrest: According to Radio Free Asia, Jalalidin 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: Jalalidin is thought to be being held in a political re-education camp. No further information as of 31 December 2020.

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

Qurban MAHMUT (Chinese name: Kuerban Mamuti)

Gender: Male

Date of birth: c.1950

Profession: journalist and poet

Type of legislation: unknown

Date of arrest: December 2017

Details of arrest: Mahmut has reportedly not been heard from since his return from a trip to the US in December 2017, where he visited family members. No reasons have been provided for his detention; his son is reported to believe that his detention is being used as leverage against the family living in the diaspora to prevent them from speaking out against the treatment of Uyghurs.

Place of detention: Mahmut is thought to be being held in a political re-education camp. No further information as of 31 December 2020.

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

Perhat TURSUN

Gender: Male

Profession: poet, writer, screen-writer

Date of birth: c.1969

Type of legislation: unknown

Date of arrest: 30 January 2018

Details of arrest: Owing to the Chinese authorities' restrictions on communications in and out of the XUAR, little is known about Tursun's arrest except that he was detained on 30 January 2018, according to *Uyghurvictims.org*. He is thought to have been taken to a re-education camp. No further information as of 31 December 2020.

Place of detention: unknown

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

Detained: Investigation

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](#). As of 31 December 2020, his 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.

Conditional Release

Gheyret ABDURAHMAN

Gender: Male

Profession: academic and translator

Date of birth: c.1966

Date of arrest: March 2018

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

Date of Release: Gheyret Abdurahman was reportedly released in mid-2019. However, due to the pervasive surveillance and repression remaining a feature of daily life throughout the region, the threat of re-detainment remains an ongoing concern for anyone released from the camps.

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

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

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.

Details of release: Chimengül was reportedly released in late 2020. However, due to the pervasive surveillance and repression remaining a feature of daily life throughout the region, the threat of re-detainment remains an ongoing concern for anyone released from the camps.

Professional background: Awut is a poet who, according to Uyghur PEN, gained fame through poems including 'Flower of Revenge', 'Stone Leaves', 'The Road of No Return', and her epic 'The Other Side of The Shor River', which won the 14th Hantengri Literature award. In recognition of her work, she was reportedly given an award for being one of the 10 most famous female writers in Xinjiang during the first Women's Literature Conference in 2004. Her poem, 'The Road of no Return', received the Tulpur 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.

Iminjan SEYDIN

Gender: Male

Profession: writer, academic, publisher

Date of birth: c.1966

Sentence: 15 years in prison

Type of legislation: National security

Date of arrest: May 2017

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

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

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

Details of release: According to his daughter, Iminjan was reportedly released in early 2020. However,

due to the pervasive surveillance and repression remaining a feature of daily life throughout the region, the threat of re-detainment remains an ongoing concern for anyone released from the camps.

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

Conditional Release (Since deceased)

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 sometime in January 2018 and sent to a political re-education camp.

Details of release: Rahman was reportedly released in May 2019. He died in August 2020, and his ill health could have been exacerbated by his period of detainment.

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

INDIA

Killed: Impunity

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. On 11 December 2018, the Karnataka police were [given permission to investigate](#) whether there is a link between Kalburgi's murder and that of journalist Gauri Lankesh. On 18 August 2019, police [filed charges](#) against six individuals, including the man accused of killing Lankesh.

Update: According [media reports](#), two of the accused absconded in January 2020. A subsequent news [report from September 2020](#) discusses the evidence linking Kalburgi's and Lankesh's murders, which reportedly includes a recording from an intercepted phone call between two relatives of a key suspect.

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

Awards: Recipient of 2006 Sahitya Akademi Award

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

Govind PANSARE

Gender: Male

Profession: Politician and author

Date of birth: 24 November 1933

Date of death: 20 February 2015

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

Details of investigation: On 28 February 2015, the police reportedly announced a financial reward for information on the killing; the amount was subsequently increased in March 2015. Similarities were highlighted between this case and that of the 2013 killing of rationalist and editor of the weekly Marathi-language magazine *Sadhana* (Spiritual Devotion), **Narendra Dabholkar** (see previous [Case Lists](#)). In September 2015, a member of the right-wing group Sanatan Sanstha and four associates were arrested. However, due to a lack of evidence, the investigative team did not pursue their enquiry. According to reports in early 2017, the investigation team began re-questioning the leader of Sanatan Sanstha. This is part of an ongoing search for two individuals who are believed to be connected with the group and the killings of Pansare and Dabholkar. In June 2017, Samir Gaikwad, alleged to be a member of Sanatan Sanstha, was reportedly accused of being a co-conspirator and actor in the death of Pansare along with other Sanatan Sanstha activists. He was granted bail. In July 2017, the local state government and Pansare's daughter-in-law [reportedly](#) filed applications in the high court challenging the lower court's decision to grant bail to Gaikwad. In December 2017, a [special search operation was reportedly set up](#) to apprehend two others suspected of involvement in Pansare's murder. In December 2018, police in Maharashtra reportedly [arrested two more individuals](#) in connection with Pansare's killing. One of the individuals has also been under investigation for the killing of journalist [Gauri Lankesh](#). In September 2019, three more suspects were reportedly [arrested](#) in relation with Pansare's murder, bringing the number of those arrested to twelve. In November 2019, Pansare's family reportedly [filed an application seeking change of investigating officer](#) due to their dissatisfaction with the manner in which he was handling the investigation.

Update: In August 2020, applications for bail made by two of the accused were rejected after the Special Public Prosecutor successfully argued that there was sufficient evidence proving their involvement in Pansare's murder.

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

Detained: Investigation

Sudha Bharadwaj

Gender: Female

Profession: Lawyer, writer and trade unionist

Date of birth: 1961

type of legislation: National security

Date of arrest: 28 August 2018

Date of release: 29 August 2018

Details of arrest: Sudha Bharadwaj 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. According to reports, several of Bharadwaj's personal items were seized, including a blank diary which she had expressed concern might be tampered with.

Details of trial: The Pune Sessions Court dismissed Bharadwaj's bail application on 26 October 2018 and remanded her and the co-arrestees into police custody. On 15 November 2018, the Pune police filed a 5,000-page charge sheet against Bharadwaj and her co-arrestees. Bharadwaj's legal representatives argued that no incriminating evidence had been found to support the charges against Bharadwaj, and that many of the documents included by the prosecution had been deemed inadmissible by the court. This includes several undated and typed documents that were not created from computers or other devices recovered as part

of the investigation. On 24 January 2020, the central government transferred the inquiry from the Pune police to the National Investigation Agency (NIA), an organ of India's central government. On 26 June 2020, the NIA court rejected Bharadwaj's application for medical bail, which was submitted due to her ill health and increased vulnerability to contracting COVID-19. Sudha subsequently filed an appeal of the NIA court's decision to the Bombay High Court. On 28 August 2020, the Bombay High Court rejected the appeal and observed that Bharadwaj would continue to receive medical care while in jail despite her increasingly ill health.

Conditions in detention: Sudha Bharadwaj reportedly suffers from several health conditions including high blood pressure. In a jail medical report from July 2020, Bharadwaj was reportedly diagnosed with heart disease. On 30 December 2020, Bharadwaj's legal representatives successfully petitioned the court to grant Bharadwaj access to five books per month in prison, pending each book's approval by the prison's Superintendent.

Professional background: Born in Massachusetts in the United States, Sudha Bharadwaj gave up her American citizenship on her return to India at the age of 18. While studying mathematics at university she became active in the Chhattisgarh Mukti Morcha political party after witnessing the exploitative working conditions that labourers were subjected to across several regions in Northern India. Bharadwaj spent decades working as a trade unionist and later as a lawyer focusing on workers' rights and illegal land acquisitions and cases of police misconduct.

Publications: Sudha Bharadwaj's writing has focused on the treatment of some of India's most exploited populations. Specific works include: *Gravest displacement, Bravest resistance: The struggle of adivasis of Bastar, Chhattisgarh against imperialist corporate landgrab (2009);*

Arun FERREIRA

Gender: Male

Profession: Writer, cartoonist, lawyer

Type of legislation: National security

Date of arrest: 28 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 was reportedly arrested at his home in Mumbai during a raid on 28 August 2018 in which his wife's laptop and other items were seized. The following day, Ferreira was placed under house arrest.

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. On 16 October 2019, the Bombay High Court denied Ferreira's application for bail.

Update: On 14 February 2020, the investigation was transferred to the National Investigation Agency court in Mumbai. In March 2020, Ferraria reported to the court that he was no longer allowed to keep his charge sheets in his cell since being transferred to a jail in Mumbai, which impeded his ability to mount a legal defence. On 23 December 2020, Ferraria was among several imprisoned activists who participated in a symbolic hunger strike in support of farmers protesting against controversial new agricultural laws.

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

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

'involvement in inciting violence' on 31 December 2017. Gonsalves was said to have been arrested at his home in Mumbai on 28 August 2018. The following day, he was detained under house arrest

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

Update: On 14 February 2020, the investigation was transferred to the National Investigation Agency court in Mumbai. In May 2020, Mumbai police reportedly questioned his wife at their family home about his whereabouts despite Gonsalves being imprisoned in Taloja Central Jail. On 23 December 2020, Gonsalves was among several activists who participated in a symbolic hunger strike in support of farmers protesting against controversial new agricultural laws.

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

Gautam NAVLAKHA

Gender: Male

Profession: Writer, journalist, and human rights activist
Type of legislation: National security

Date of arrest: 28 August 2018

Date of release: 1 October 2018

Details of arrest: Navlakha was reportedly one of several writers and activists arrested under the Unlawful Activities (Prevention) Act (UAPA) and several sections of the Indian Penal Code as part of a coordinated nationwide

raid led by the Pune police on charges arising from evidence of their ‘involvement in inciting violence’ on 31 December 2017. Navlakha was reportedly arrested at his home in New Delhi on 28 August 2018 and placed him under house arrest. 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. 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. In September 2019, the Bombay High Court reportedly rejected Navlakha’s appeal to have the charges against him quashed. The court however gave him until 4 October before he could be arrested. Navlakha appealed the decision to the Supreme Court on 30 September. By mid-October 2019 five Supreme Court justices had recused themselves from hearing Navlakha’s case without providing reasons for doing so. On 2 December 2019, the Bombay High Court reportedly extended Navlakha’s protection from arrest until 6 December.

Update: On 14 April 2020, Navlakha presented himself to the National Investigation Agency in Delhi following a court order calling for his surrender. As of December 2020, Navlakha remains detained while under investigation, and there are reports that he has been denied his glasses and access to books while in jail.

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.

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 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: Rao, who was initially placed under house arrest following his initial arrest on 28 August 2018, had his petition to remain under house arrest at his home in Hyderabad dismissed by the Hyderabad High Court on 16 November 2018. Rao was reportedly rearrested by Pune police on 17 November 2018. On 6 November 2019, a court in Pune rejected the bail applications of Rao and five others stating that there was sufficient evidence that they were active members and ‘doing everything to achieve the objectives of the banned organisation,’ according to the *Times of India*. Throughout 2019 and 2020, several requests for bail have been denied.

Conditions in detention: At over 80 years old, Varavara Rao’s health has significantly declined in the time since his wife publicly expressed concerns for his well-being in July 2019. In July 2020, Rao was sent to hospital to receive treatment after testing positive for COVID-19 while detained. While receiving medical care, doctors raised concerns that he may suffer from dementia or another neurological disorder. He was returned to jail in August 2020 where he was reportedly left bed-ridden without a medical attendant and forced to use a catheter which had not been changed for three months. In November 2020, Varavara Rao’s legal representatives successfully petitioned the Bombay High Court to grant him a transferral to hospital to receive medical treatment for 15 days. As of 31 December 2020, Varavara Rao remains in hospital receiving medical care while his legal team seek bail on medical grounds.

Professional background: An important figure in Telugu literature, Rao is a founder of the Virasam – the Revolutionary Writers Association – and 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), *Swetchcha* (*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 to which Rao's trial is being linked 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.

Anand TELTUMBDE

Gender: Male

Profession: Academic and writer

Type of legislation: National security

Details of trial: According to media reports, Teltumbde's home was raided on 28 August 2018 in his absence; the same time that several writers and activists (see **Vernon Gonsalves**, **Arun Ferreira**, **Gautam Navlakha**, **P Varavara Rao** above) were arrested. According to Teltumbde's account, the police had threatened a security guard to get the keys enabling them to enter the house, disconnect landlines and take away the mobile phones of security personnel. He was not arrested at the time of the incident. According to PEN Delhi, Teltumbde's name was added to a First Information Report implicating him in inciting violence during Bhima Koregaon meetings. On 14 January 2019, the Supreme Court reportedly rejected Teltumbde's appeal to have the case against him dropped and gave him four weeks to apply for anticipatory bail. On 2 February 2019, Dr Teltumbde was reportedly arrested at Bombay Airport; that same day a Pune sessions court ordered his release on the basis that the Supreme Court's dictate had given him protection from arrest until 11 February.

Update: On 14 April 2020, Teltumbde presented himself to the National Investigation Agency in Delhi following a court order calling for his surrender. On 23 December 2020, Teltumbde was among several activists imprisoned in Taloja Central Jail who participated in a symbolic hunger strike in support of farmers protesting against controversial new agricultural laws.

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).

On trial

G. BALAKRISHNAN (aka G. Bala)

Gender: Male

Profession: Cartoonist and journalist

Type of legislation: Defamation/insult

Date of arrest: 5 November 2017

Date of release: 6 November 2017

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

Details of trial: G. Bala was accused of 'obscene representation' and defamation under Sections 67 of the Information Technology Act and 501 of the Indian Penal Code in connection with a cartoon published on social media. On 6 November 2017, the Tirunelveli District Court granted bail to G. Bala. On 5 April 2018, the Madras High Court threw out what appears to be a separate defamation suit filed against G. Bala in relation to his political cartoons. In its observations, the court stated that a cartoonist must be able to work without any inhibition and he is entitled to greater latitude. As of 31 December 2020, the trial remains active; PEN is seeking an update.

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

Other information: The cartoon in question depicts the Chief Minister, the Police Commissioner and the District Collector of the city of Tirunelveli, who are

shown nude, covering their genitals with bundles of cash, watching as a child's body burns in the foreground. According to media reports, G. Bala sought to criticise the authorities for failing to prevent the death by self-immolation of a family facing large debts.

S. SIVIDAS (pen name: Kovan)

Gender: Male

Profession: Folk singer

Date of birth: c. 1963

Type of legislation: Other

Date of arrest: 13 April 2018

Date of release: 13 April 2018

Details of arrest: Kovan was reportedly arrested by the Tiruchi City Police on charges of promoting enmity between groups (153A of the Indian Penal Code) and criminal intimidation (506 of the IPC) for denigrating the prime minister through a song. Kovan's song – performed at a protest on 24 March 2018 – reportedly mocked a recent pilgrimage dedicated to supporting the construction of a temple on disputed land in Ayodhya. The song is reported to have gone viral on social media. No further details as of 31 December 2020; PEN is seeking an update.

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).

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. Despite multiple court hearings over the intervening period, as of 31 December 2020 the trial remains ongoing, with his next court hearing due to take place in March 2021.

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 VADLAMUDI

Gender: Female

Profession: Journalist and cartoonist

Type of legislation: Other

Date of arrest: Vadlamudi 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 Vadlamudi receiving threats, including death threats, on social media. According to an article published in Redlines on 5 March 2019, the case against Vadlamudi has remained open, although the police had yet to formally charge her. No further information as of

31 December 2020; PEN is seeking an update.

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

Harassed

Hafiz AHMED, gender: Male, **profession:** poet

Abdul Kalam AZAD, gender: Male, **profession:** poet, researcher

Forhad BHUYAN, gender: Male, **profession:** poet

Banamallika CHOUDHURY, gender: Female, **profession:** social worker

Karishma HAZARIKA, gender: Female, **profession:** poet

Ashraful HUSSAIN, gender: Male, **profession:** poet

Kazi Sharowar HUSSAIN (alias Kazi Neel), gender: Male, **profession:** poet and student

Shalim M HUSSAIN, gender: Male, **profession:** poet

Abdur RAHIM, gender: Male, **profession:** poet

Rehna SULTANA, gender: Female, **profession:** poet, activist

Profession: poets

Date of harassment: 11 July 2019

Details of harassment: On 11 July 2019, a First Information Report (FIR) was filed against the 'Miya' poets under Section 153A of the Indian Penal Code for promoting enmity between groups on religious and regional grounds in connection with a video of Ahmed's 'I am Miya' poem uploaded on social media. Within four days, at least three other police stations in Assam had reportedly received similar complaints. Additionally, public outcry reportedly led to the poets facing online threats; Sultana received several messages threatening rape and Kazi Hussain faced multiple death threats, according to *The Caravan*. In response, Ahmed released a public apology for any offense caused. On 17 July, the Gauhati high court granted anticipatory bail to nine of the ten persons named in the first FIR. No further information as of 31 December 2020; PEN is seeking an update. **Other information:** According to *Scroll.in*, Miya poetry - in which poets of Muslim Bengali origin describe the discrimination they face in the state in their native dialects - emerged as a new genre in Assam in 2016 after Ahmed published his poem 'I am Miya'. The poem went viral when it

was first circulated online, in 2016, and inspired other Bengal-origin Muslims to write poetry, according to *The Caravan*. The word 'miya' has been used by Muslims in south Asia to mean 'gentleman,' but in Assamese, it has become an ethnic slur to describe Muslims in Assam who migrated from Bengal. In his poem, Ahmed reclaimed the word 'miya'. The genre has reportedly generated anger among Assamese speakers not only because they draw attention to the oppression that Bengali-origin Muslims face in Assam, but also because they are not written in Assamese. According to *The Caravan*, Hazarika and Choudhury are neither members of the Bengal-origin Muslim community, nor have they written any poetry in the dialect; they are friends of the poets who had expressed support for them on social media, which included Hazarika sharing an Assamese poem that she had written.

Apoorvanand JHA (pen name Apoorvanand)

Gender: Male

Profession: writer, academic, activist and member of PEN Delhi

Date of harassment: 3 August 2020

Perpetrator: State

Details of harassment: On 3 August 2020, Apoorvanand was detained by the police in connection to a wider investigation into the north-east Delhi riots that took place in February 2020. When detained, Apoorvanand's phone was seized and he was questioned for five hours. The police ultimately found no evidence of any connection to the riots, and many have viewed Apoorvanand's detention as a form of harassment by the authorities in retaliation for his high-profile criticism of the Indian government's controversial 2019 Citizenship (Amendment) Act.

Background: Apoorvanand is a professor at the Hindi Department at the University of Delhi. He has developed a reputation for his political commentary and peaceful activism.

PEN Action: Joint Statement – 7 August 2020.

Neha DIXIT

Gender: Female

Profession: Author and journalist,

Date of harassment: 3 August 2020

Perpetrator: Non-state

Details of harassment: Since September 2020, Dixit has received numerous threatening phone calls from unknown individuals who have disclosed a knowledge of her exact location and threatened her with rape, acid attacks, and murder in retaliation for her work as a journalist. These threats have been made from over twenty phone numbers and Dixit has identified three to four different voices, raising concerns of a highly organised intimidation campaign against her. The callers have also threatened to kill her partner Nakul Singh Sawhney, who has been attacked previously for his work as a film maker. On 25 January 2021, an unknown intruder attempted to break into Dixit's house before fleeing the scene when confronted. Dixit has filed a complaint with the police who have reportedly begun an investigation.

Professional background: Neha Dixit is an award-winning journalist whose ground-breaking investigative reporting has shone an important light on political, social justice and gender issues in India. Dixit has also contributed to several books including the 2012 edition of the Global Casebook of Investigative Journalism.

Awards: Committee to Protect Journalists 2019 International Press Freedom Award; 2016 Chameli Devi Jain Award for Outstanding Woman Journalist; Kurt Schork Memorial Fund 2014 Local Reporter Award; European Commission 2011 Lorenzo Natali Media Prize

PEN Action: Joint statement – 4 February 2021

Priyanka PATHAK-NARAIN

Gender: Female

Profession: Writer

Date of harassment: 4 August 2017

Perpetrator: Non-state

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

and hearing the defendants', according to the book's publisher, Juggernaut. On 28 April 2018, a Delhi court lifted the ex-parte interim injunction on the publication and sale of *Godman to Tycoon: The Untold Story of Baba Ramdev*. However, the injunction was promptly restored by the Delhi High Court. Following an appeal by Juggernaut to the Supreme Court, the Supreme Court asked the Delhi High Court to decide on the plea. The Delhi High Court ruled to prohibit the publication on 29 September 2018, stating that portions of the book were defamatory, according to media reports. According to reports, on 23 October 2019, the Delhi High Court approved a far-reaching judgement that Indian courts can issue global take down orders to Internet intermediaries such as Facebook, Google and Twitter for illegal content published by users of their platforms. The judgement follows a petition made by Ramdev seeking the removal of videos about Pathak-Narain's book. All platforms reportedly agreed to take down the content in question from their India specific domains and use geo-blocking to ensure refusal of access to content published abroad.

Update: As of 31 December 2020, Pathak-Narain's case is currently pending at India's Supreme Court.

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

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

Arundhati ROY

Gender: female

profession: writer

Date of harassment: 7 August 2019

Perpetrator: state

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

Update: In November 2020, a university in the South Indian state of Tamil Nadu, reportedly removed Roy's book, *Walking with the Comrades*, from its English syllabus following complaints made by the student wing of the Rashtriya Swayamsevak Sangh, a Hindu nationalist organisation.

Professional background: Roy, who won the

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

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

Aatish TASEER

Gender: Male

Profession: writer and journalist

Date of harassment: 8 November 2019

Perpetrator: state

Details of harassment: According to Taseer, he received a letter from the Indian Ministry of Home Affairs on 3 September 2019 informing him that his Overseas Citizenship of India (OCI) would be revoked, and offering him 21 days to respond to their allegations that he had concealed his Pakistani parentage.

Update: On 27 July 2020, Taseer announced that he had obtained US citizenship following the revocation of his OCI card by the Indian government.

Other information: Taseer, a U.K. citizen who holds a U.S. Green Card, has had documentation registering his overseas Indian status since 2000, which allows foreign citizens of Indian heritage to live and work in India indefinitely. Although the OCI regulations stipulate that the status is not granted to an individual whose parent or grandparent is of Pakistani or Bangladeshi origin, Taseer grew up in India with his Indian mother and Indian grandparents, and his parents were estranged when Taseer moved as a child to India with his mother. In his application for the OCI status, Taseer listed his father's name and never tried to hide his identity; a number of his books and articles have extensively covered his heritage and past. Taseer believes that the revocation of his OCI status is politically motivated and in connection with a cover story that he wrote

for *TIME* magazine headlined 'India's Divider in Chief' which was critical of the Indian Prime Minister and ruling party (as well as of the opposition) in May 2019 in the midst of India's election season. The article reportedly provoked sustained online harassment and statements from the ruling party and the Prime Minister which sought to discredit Taseer.

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

PEN Action: Joint public statement
– 14 November 2019

MYANMAR

Imprisoned: main case

Zay Yar Lwin

Paing Pyo Min

Paing Ye Thu

Profession: poets

Sentence: various

Date of sentence: 18 November 2019

Date of arrest: April and May 2019

Type of legislation: national security

Details of arrest: All three were reportedly arrested as part of a group of poets following their performance of a *Thangyat*, a traditional performance akin to slam poetry (see Released below for details of others charged in this case.) During the performance they were reportedly wearing military uniforms while they criticised the army's influence over parliament, and showed the audience pictures of a dog wearing a military jacket. **Details of trial:** On 18 November 2019, Yangon's Botahtuang Township Court convicted six members of the group – excluding Nyein Chan So, who was acquitted and released – under Section 505(a) of the Penal Code that criminalises making, publishing or sharing 'any statement, rumour or report' that might induce any military service member 'to mutiny

or otherwise disregard or fail in his duty.’ On 30 October 2019, Zay Yar Lwin, Paing Pyo Min, Paing Ye Thu were sentenced to one year in prison on similar charges relating to an earlier performance in a different township in Yangon. On 11 December 2019, Zay Yar Lwin, Paing Pyo Min and Paing Ye Thu were sentenced to an additional six months in prison after they were found guilty of defamation under Section 66(d) of the Telecommunications Act.

Update: All three poets have been subject to a series of convictions for their performances in trials across several different townships. According to reports, Paing Phyo Min and Zay Yar Lwin have reportedly accumulated roughly six year’ imprisonment each from their multiple convictions, and Paing Ye Thu has accumulated four years and 6 months’ imprisonment. PEN is seeking further updates.

Other information: According to Amnesty International, *Thangyat* is a traditional art form that blends poetry, comedy, and music and is typically performed during Myanmar’s New Year water festival in April. Public performances of *Thangyat* were banned by the military between 1989 – 2013. In March 2019, authorities in Yangon reportedly required *Thangyat* lyrics to be submitted for prior approval.

Professional background: The poets are members of a satirical poetry performance troupe known as the *Daung Doh Myo Sat* (Peacock Generation).

On trial

Saw Win (pen name: Saw Wai)

Gender: male

profession: poet

Date of arrest: 31 October 2019

Type of legislation: defamation

Details of arrest: On 17 October 2019, a lieutenant colonel reportedly filed charges against Saw Wai and two others under Section 505(a) of the Penal Code, which prohibits the circulation of statements and reports with ‘intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty.’ According to PEN Myanmar, the charges followed Saw Wai delivering a speech in Kawthaung township, Tanintharyi region, southern Myanmar, in which

he advocated in support of the Union of Myanmar Constitutional Amendment Joint Committee, which was formed in February. The Kawthaung Township Court reportedly accepted the military’s case on 31 October 2019. **Update:** As of 31 December, the case against Saw Wai remains active, but due to COVID-19 restrictions his trial has been delayed. Saw Wai has been released on bail while he awaits the resumption of the trial.

Professional background: Saw Wai previously served two years in prison after publishing a poem in the popular weekly *Achit Journal* (*Love Journal*) in 2008; disguised as a love poem, Saw Wai described the then-head of the military government Senior General Than Shwe as power crazy.

Other information: According to Amnesty International, during the rally in Kawthaung township, the three accused made speeches in which they criticised the military and its role in politics and called for constitutional reforms. Saw Wai reportedly recited a poem, asking the audience to chant ‘reject evil laws’.

Harassed

Maung Saungkha (Si Thu Aung)

Gender: Male

Profession: poet and activist

Date of harassment: 7 July 2020

Perpetrator: State

Details of harassment: On 21 June 2020, Maung Saungkha unfurled a banner across an overpass that stated, “Is the internet being shut down to hide war crimes in Rakhine [State] and killing people?”. On 7 July 2020, authorities in Myanmar charged Saungkha under the Law relating to the Right of Peaceful Assembly and Peaceful Procession, which has a maximum penalty of three months’ imprisonment and a fine for those convicted. Following international condemnation of the charges against Saungkha, on 4 September 2020, authorities convicted him and provided a lesser sentence of either 15 days’ imprisonment or a fine of 30,000 MKK (c. US\$ 21). Saungkha chose the fine and avoided imprisonment.

Other information: Saungkha has repeatedly called on Myanmar authorities to end the ongoing internet shutdown imposed on townships within

Rakhine and Chin states in western Myanmar, which was enacted in the wake of widespread reports of systemic human rights abuses against the territory's Rohingya population. The shutdown has had a profound impact on the safety of those in the affected regions, severely curtailing the ability of conflict-affected communities to engage with the outside world, report food shortages or request medical aid. The COVID-19 pandemic compounds the impact of the internet blackout by denying access to vital public health information necessary to minimise the threat posed by exposure to the virus.

Professional background: Maung Saungkha is a poet and activist who was imprisoned for six months in 2015 for writing a poem that criticised the Myanmar government. He has continued to use his poetry to promote freedom of expression and interreligious dialogue, and in 2018 co-founded *Athan* (Voice in Burmese) an organisation dedicated to the promotion of freedom of expression in Myanmar.

Awards: 2018 Local Human Rights Tulip Award by the Netherlands Government

PEN Action: RAN 10/16 – 13 May 2016;
2 September 2020 statement

Released

Kay Khine Tun

Su Yadanar Myint

Zaw Lin Htut,

Profession: poets

Sentence: various

Date of sentence: 18 November 2019

Date of arrest: April and May 2019

Type of legislation: national security

Details of arrest: All three were reportedly arrested as part of a group of seven poets following their performance of a *Thangyat*, a traditional performance akin to slam poetry. During the performance they were reportedly wearing military uniforms while they criticised the army's influence over parliament, and showed the audience pictures of a dog wearing a military jacket.

Details of trial: On 18 November 2019, Yangon's Botahtuang Township Court convicted six members

of the group — under Section 505(a) of the Penal Code that criminalises making, publishing or sharing 'any statement, rumour or report' that might induce any military service member 'to mutiny or otherwise disregard or fail in his duty.' They were sentenced to one year in prison. On 30 October 2019, Kay Khine Tun, and Zaw Lin Htut and several others were sentenced to an additional one year in prison on similar charges relating to an earlier performance in a different township in Yangon. On 11 December 2019, Su Yadanar Myint and several others were sentenced to an additional six months in prison after they were found guilty of defamation under Section 66(d) of the Telecommunications Act.

Details of release: Su Yadanar Myint was reportedly released in August 2020 after 15 months' imprisonment, Kay Khine Tun was subsequently released in October after 17 months' imprisonment. PEN International is seeking further information on Zaw Lin Htut, but has received reports that he was also released in October 2020. (For further details see above.)

Min Htin Ko Ko Gyi

Gender: male

Profession: filmmaker

Date of arrest: 12 April 2019

Type of legislation: defamation

Sentence: one year's imprisonment with hard labour

Details of arrest: According to reports, Min Htin Ko Ko Gyi was arrested after a military officer filed charges against him under Section 66(d) of the Telecommunications Law and subsequently under section 505(a) of the Penal Code, which criminalises making, publishing or sharing 'any statement, rumour or report' that might induce any military service member 'to mutiny or otherwise disregard or fail in his duty.' The charges were reportedly brought by a military officer 15 February and 23 March 2019 for Facebook posts in which he expressed concern regarding the 2008 Constitution, which was drafted by the military.

Details of trial: Min Htin Ko Ko Gyi's trial commenced on 25 April 2019. The second hearing took place on 9 May. On 29 August 2019, Insein Township Court sentenced Min Htin Ko Ko Gyi to one year in prison with hard labour after finding him guilty of violations under section 505(a) of the Penal Code; his appeal was dismissed on 9 September. According to *Frontier Myanmar*, the court has yet to decide whether to

proceed with the case against Min Htin Ko Ko Gyi under Section 66(d); if the authorities do proceed with the case, he could face an additional two years in prison.

Date of release: 21 February 2020

Details of release: Min Htin Ko Ko Gyi was reportedly released on completion of his prison sentence.

Professional background: Min Htin Ko Ko Gyi is a prominent filmmaker and the co-founder of the Human Rights Human Dignity Film Festival in Yangon. He has directed at least eight feature films and two documentaries since 2003. His films explore human rights, indigenous life, and environmental justice in Myanmar, and he has garnered international acclaim for fostering a new generation of young Burmese filmmakers.

Other information: according to *Frontier*, Min Htin Ko Ko Gyi had posted criticism of the Tatmadaw in previous years but was never charged.

PAKISTAN

Harassed

Mohammed HANIF

Gender: male

Profession: writer and journalist

Date of harassment: 26 December 2019 **Perpetrator:** non-state

Details of harassment: On 26 December 2019, Hanif received a legal notice under Defamation Ordinance, 2002, filed by the son of the former president of Pakistan, General Muhammad Zia ul Haq, in which he was accused of defaming General Zia and his son in his book, *A Case of Exploding Mangoes*, the Urdu-language translation of which had recently been published in Pakistan. The notice also implicated the book's translator, editor and publishers. Under the ordinance, Hanif and his lawyers were given 14 days to respond to the complaint.

Update: On 6 January 2020, a group of men who claimed to be members of Pakistan's Inter-Services Intelligence agency (ISI) confiscated approximately 250 copies of Hanif's book from his publisher in Karachi. The alleged security officials returned the following day to obtain a distribution list of retailers, which led to subsequent seizures

at bookshops in Islamabad and Lahore.

Other information: Hanif's award-winning satirical novel *A Case of Exploding Mangoes* explores one of the many conspiracy theories surrounding the death of General Zia ul Haq in 1988. Published originally in English in 2008, it has been translated into more than 18 languages. It finally became available for sale in Urdu in 2019.

Professional background: Mohammed Hanif is the author of three novels, as well as plays and scripts. He has written for stage, film and BBC Radio. He has written for the *Guardian*, *Newsline*, *India Today*, *The Washington Post*, the *New York Times* and *Counter Punch*. He was the head of the BBC Urdu Service in London and now works as their special correspondent based in Karachi.

PHILIPPINES

On trial

Maria RESSA

Gender: female

Profession: journalist and writer

Date of arrest: 13 February 2019

Type of legislation: libel

Details of arrest: Ressa was arrested by four plainclothes officers on 13 February 2019 and taken to the National Bureau of Investigations, which is under the Department of Justice, where she was to be held overnight before being released on bail. She was charged under Section 4(c) (4) of the Cybercrime Prevention Act 2012.

Details of trial: On 26 February 2019, Ressa's lawyers filed a motion to quash the case; the motion was rejected by the court on 12 April. The trial commenced on 23 July. The case was filed against Ressa and the Philippines online news site, Rappler, in October 2017. On 18 October 2019, Ressa and her co-defendants petitioned the Manila Regional Trial Court Branch 46 to dismiss the cyber-libel charges against them.

Update: On 14 June 2020, Ressa and a co-defendant were found guilty of libel and were released on bail pending appeal. On 3 December 2020, Ressa was charged in a second libel case against her over an article published by Rappler in 2012.

Other information: The cyber-libel case was based on a story published in Rappler in 2012, which alleges corruption between a businessman and a judge. The case is widely believed to be politically motivated and part of a wider government campaign to stifle critical media outlets. Ressa and Rappler are facing charges under a law enacted four months prior to the publication of the article in question. Rappler has continued to fight the Securities and Exchange Commission's (SEC) order in January 2018 to revoke Rappler's license for alleged violation of the Constitutional ban on foreign ownership of Philippine media, as well as for alleged tax evasion.

Professional background: Writer and journalist Maria Ressa was named a *TIME* person of the year in 2018. She is the author of two books concerning the rise of terrorism in Southeast Asia: *Seeds of Terror: An Eyewitness Account of Al-Qaeda's Newest Center* (2011) and *From Bin Laden to Facebook: 10 Days of Abduction, 10 Years of Terrorism* (2013). She is the founder and CEO of Rappler, an online news platform.

PEN Action: Included in PEN's Philippines Report, *A Carnival of Mirrors* (2019).

■ SRI LANKA

Detained: Investigation

Ahnaf Jazeem

Gender: male **Profession:** Teacher and poet

Type of legislation: National security

Date of arrest: 16 May 2020

Details of arrest: Jazeem was arrested and detained under the Prevention of Terrorism Act (PTA) in connection to a Tamil-language poetry collection called *Navarasam* that he published in 2017. The Sri Lankan authorities allegedly found copies of Ahnaf's book at a school that was being investigated for its reported links to the Easter Sunday terror attacks. Allegedly arrested by investigating officers who could not read the language it was written in, the authorities have continued to assert that the poetry contained in the collection incites religious extremism, however this has been flatly rejected by the author and his legal representative, Sanjaya Wilson, who views Jazeem's detention as being "directed at entrenching anti-Muslim racism to divide the working people and the masses along racial lines". A Tamil language professor has also contested the authority's interpretation of Jazeem's

poetry, stating that "there are several poems against extremism, violence, and war in this collection".

Professional background: Jazeem works as a tuition teacher at the School of Excellence in Madurankuliya in Sri Lanka.

On Trial

Shakthika SATHKUMARA

Gender: male

Profession: writer and poet

Date of arrest: 1 April 2019

Date of release: 8 August 2019

Type of legislation: defamation of religion

Details of arrest: On 1 April 2019, Sathkumara was arrested on suspicion that he had committed offences under Section 291B of the Penal Code and Article 3(1) of Sri Lanka's ICCPR Act (2007), in connection with a short story that he had published on his Facebook page. According to media reports, a complaint filed by the Buddhist Information Centre claimed that the story was derogatory and defamatory to Buddhism.

Details of trial: Owing to the nature of the charges, Sathkumara was not granted bail until the Kurunegala High Court made its ruling on 5 August; he was released on 8 August. As of 31 December 2019, the Attorney General was yet to decide whether to press charges against Sathkumara, who has appeared regularly before the Polgahawela Magistrate Court. His next hearing before the Polgahawela Magistrate Court was scheduled for 19 May 2020. On 19 May 2020, the Polgahawela Magistrate Court delayed his hearing until 22 September 2020, which was then postponed a second time until 9 February 2021 as the police had yet to receive instructions from the Attorney General on whether to press charges.

Update: In a report by the Attorney General dated 25 January 2021, the Polgahawela Magistrate Court's proceedings have been concluded and no indictment will be filed against Sathkumara. The dropping of all charges against him confirms that he never should have been detained in the first place.

Other information: The short story, 'Ardha' ('Half'), has provoked hostility from Buddhist groups in Sri Lanka who allege that it is derogatory and defamatory to Buddhism owing to its indirect references to homosexuality within the Buddhist clergy and also due to a different rendering, told by the

characters of the short story, of the legendary story of 'Siddhartha' in Buddhist literature. Professional background: Sathkumara is the author of seven short story collections, four poetry anthologies, a novel and at least 17 non-fiction books on literary theory, theatre art and Buddhism. He has earned recognition at local and national levels for his short stories and poetry anthologies. Sathkumara is a regular contributor to the literary supplements of various Sinhala-language newspapers.

PEN Action: [RAN 02/19 – 20 June 2019; Update 1 to RAN 02/19 – 30 August 2019; Day of the Imprisoned Writer 2019 – 15 November 2019](#)

THAILAND

On Trial

Arnon NAMPHA

Gender: Male

Profession: poet and lawyer

Date of Birth: 18 August 1984

Date of arrest: 7 August 2020

Type of legislation: Sedition and criminal defamation

Details of arrest: On 7 August 2020, Nampa was arrested on multiple charges of sedition and obstruction for his participation in peaceful protests that took place in Thailand throughout much of 2020 calling for reform of the Thai monarchy and an end to the use of lèse-majesté laws. Nampa was granted conditional bail the following day but pledged to continue to participate at public rallies. Over the following weeks Nampa was re-arrested on [several occasions](#) for his public speeches and his role as a leader of the protest movement. On 15 October, [Nampa was re-arrested](#) during a demonstration for a speech he gave at a rally on 9 August. He was granted conditional bail [on 26 October](#) and was arrested again the following day on sedition charges, this time for a public speech he made on 19 September during [mass pro-democracy rally](#). Nampa was released on conditional bail on 3 November and was subsequently charged on [30 November](#) with violating Article 112 of Thailand's [lèse-majesté laws](#). Nampa is now one of several writers, including **Somyot Prueksakasemsuk** and **Patiwat Saraiyaem** (see below), who face up to 15 years' imprisonment if convicted in what is the first time

that the deeply problematic law has been used since 2017. Nampa currently faces 11 pending Article 112 charges, with his trial due to take place in early 2021.

Professional background: Arnon Nampa is a human rights lawyer and pro-democracy activist who has established a reputation for representing fellow human rights activists. He acts as legal advisor for the Thai Lawyers for Human Rights NGO.

Other information: Nampa is also a poet, with his first collection of poetry [published in 2011](#). Over the following years he has continued to publish his poetry on his [Facebook page](#), including poems about his time in detention. In September 2020, two books containing speeches that he gave during the 2020 protests were published but then seized by the authorities. They remain in circulation in digital form.

Awards: [2021 Gwangju Prize for Human Rights](#)

PEN Action: [PEN International Statement - 29 October 2020; Joint statement - 13 November 2020](#)

Somyot PRUEKSASEMSUK

Gender: Male

Profession: Activist and former journalist and magazine editor

Date of arrest: 16 October 2020

Type of legislation: Sedition and criminal defamation

Details of arrest: Prueksakasemsuk was arrested on [16 October 2020 on sedition charges](#) for his involvement in the mass pro-democracy demonstrations that took place in Bangkok on 19 September 2020. Prueksakasemsuk was released on conditional bail on 3 November and was subsequently charged on [30 November](#) with violating Article 112 of Thailand's [lèse-majesté laws](#). Prueksakasemsuk is now one of several writers, including **Arnon Nampa** (see above) and **Patiwat Saraiyaem** (see below), who face up to 15 years' imprisonment if convicted in what is the first time that the deeply problematic law has been used since 2017. Prueksakasemsuk currently faces one pending Article 112 charge, with his trial due to take place in early 2021.

Professional background: Prueksakasemsuk previously worked as the editor of *Voice of Taksin*, which means "Voice of the Oppressed" in English. The magazine, which published articles critical of the Thai government and monarchy, was closed down shortly before Prueksakasemsuk's previous imprisonment in 2011.

Other information: Prueksakasemsuk was previously detained on lèse-majesté charges on 30 April 2011 for publishing two articles in 2010 that were considered to have insulted the monarchy. On 23 January 2013, sentenced to eleven years' imprisonment, Prueksakasemsuk sought bail on 16 occasions, all of which were rejected. He was released on 30 April 2018 seven years after his initial detention.

PEN Action: RAN 04/13 – 24 January 2013;
Joint statement – 29 April 2016; RAN 04/13
Update #1 – 28 April 2016; PEN International
Statement – 29 October 2020

Patiwat SARAIYAEM

Gender: Male

Profession: Activist, theatre and folk-art performer

Date of arrest: 19 October 2020

Type of legislation: Sedition and criminal defamation

Details of arrest: Saraiyaem was arrested on 19 October 2020 on sedition charges for his involvement in the mass pro-democracy demonstrations that took place in Bangkok on 19 September 2020. Saraiyaem was released on conditional bail on 3 November and was subsequently charged on 30 November with violating Article 112 of Thailand's lèse-majesté laws. Saraiyaem is now one of several writers, including **Arnon Nampha** and **Somyot Prueksakasemsuk** (see above), who now face up to 15 years' imprisonment if convicted in what is the first time that the deeply problematic law has been used since 2017. Saraiyaem currently faces two pending Article 112 charges, with his trial due to take place in early 2021.

Professional background: Also known as "Bank", Saraiyaem is a performance artist and singer of *Mo Lam*, a form of traditional music associated with the Isan region in Northeast Thailand.

Other information: In August 2014, Saraiyaem was arrested along with fellow PEN case Pornthip Munkong for their performance of a play that authorities deemed to have insulted the monarchy, and charged with violating Thailand's lèse majesté law. Saraiyaem was initially sentenced to five years' imprisonment before having his sentence reduced to two-and-a-half years' imprisonment, due to a guilty plea.

PEN Action: 2015 Seasons' Greetings campaign; RAN -5/15 – 25 February 2015; Day of the Imprisoned Writer 2015; RAN 05/15 Update #1 – 5 September 2016; PEN International Statement – 29 October 2020;

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'. Siraphop refused and attempted to flee the country and claim asylum. He was arrested on 24 June 2014.

Details of trial: Siraphop was charged with violating the NCPO's order on 1 July 2014. The following day he was granted bail; however, he was immediately re-arrested by the Technology Crime Suspension Division office and interrogated for violating Article 112 of the Criminal Code (lèse majesté) and Section 14 of the Computer-related Crime Act. Siraphop pleaded not guilty. If convicted, he faced 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 request that was denied. Trial in a civilian court allows for the possibility of appeal; a military court's verdict is final. **First sentence:** On 25 November 2016, Bangkok Military Court found Siraphop guilty of breaching a junta order and delivered an eight-month jail sentence, a 12,000 baht (c. US\$ 343) fine, and suspended the jail term for two years. Siraphop continued to be detained and on trial for the lèse majesté charge. Siraphop was reportedly released on bail on 11 June 2019.

Update: On 18 January 2021, Siraphop was reportedly sentenced to six years' imprisonment by the Bangkok Criminal Court. On confessing to his actions, the court reduced his sentence to four years and six months. As he has already spent four years and 11 months in detention, the court views that his sentence has already been served and that he will not be taken to prison.

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

VIETNAM

Died in Detention

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, then aged 75, was placed under house arrest. Although he was not formally convicted of any charge, he remained under house arrest until his death. 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.

Details of death: Thich Quang Do reportedly died on 22 February 2020 aged 91 at Tu Hien pagoda in Ho Chi Minh City. The Vietnamese authorities reportedly deprived him of the ability to freely communicate in the year up to his death.

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. He was re-arrested three months later to serve the rest of his life under house arrest. 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

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

Details of arrest: Authorities are thought to have charged Tran under Article 79 of the 1999 Criminal Code (carrying out activities aimed at overthrowing the people's administration). Reports state that his laptop, mobile phone, and some files were taken from his residence.

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

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

Health concerns: In December 2017, Tran's wife reported her husband to be 'very thin and weak' due to severe prostatitis and chronic headaches. She stated that he was waiting for approval to be transferred to a hospital from prison. In May 2018, Amnesty International reported that Tran's health had deteriorated considerably. Although it was reported that he had received surgery to address his

prostate infection, his condition had not improved. In addition, his wife also reported that his ongoing headaches have worsened whilst imprisoned, he has lost almost all sight in one of his eyes, and lost most of his teeth, causing him difficulty when eating.

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

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

Awards: Recipient of the 2009 Hellman/Hammett Award

PEN Action RAN 49/09 - 15 September 2009.

Tran Duc Thach

Gender: Male

Profession: Writer, poet, activist and former army officer.

Date of birth: 1952

Sentence: 12 years in prison with three years' probation

Type of legislation: National security

Date of arrest: 23 April 2020

Expiry of sentence: 23 April 2032

Details of arrest: Authorities are thought to have charged Tran under Article 109 of the 2015 Criminal Code (carrying out activities aimed at overthrowing the people's administration). Reports state that his computer and other personal belongings were taken from his residence. Following his arrest, he was held in pre-trial detention for four months.

Details of trial: Tran's trial was originally scheduled for 30 November 2020, but was delayed due to his ill health. The rescheduled trial took place on 15 December, lasting just three hours before Tran was sentenced to 12 years' imprisonment and three years of probation for the crime of subversion.

Health concerns: During his trial, Tran was reportedly hospitalised for a week due to high blood pressure, causing a temporary suspension of the trial due to his poor health. Radio Free Asia has reported that Tran also suffers from gout and ulcerative colitis.

Background: Tran is a prolific poet, writer and internet blogger. A veteran of the Vietnam War, Tran has gained a reputation for his writing exposing government corruption, injustice, and human rights abuses. As a witness to war crimes carried out by the Vietnam military, Tran has been persecuted by the authorities for using his writing to speak out about the murder of civilians by North Vietnamese soldiers in 1975.

Other information: Tran is a member of the Brotherhood for Democracy, a collective of former political detainees who advocate for the promotion of human rights and the establishment of democratic norms in Vietnam. Tran's imprisonment makes him the tenth member of the group to have been arrested in recent years.

Awards: Recipient of the 2010 Hellman/Hammett Award

PEN Action Joint Letter – 11 June 2020;
RAN 53/11 – 29 September 2011

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, Thuc 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, Thuc was compelled to make a public 'confession'.

Current place of detention: On 7 May 2016, Thuc was reportedly moved from Xuyên Mộc Labour camp to another detention facility about 1,500 kilometres away, known as Camp No. 6 in central Nghe An province. No explanation was provided for the move.

Details of trial: On 17 January 2010, Thuc 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 Thuc’s relatives nor the press were allowed into the courtroom. He was reportedly convicted for his dissident activities and writings. In March 2016, Thuc, along with other inmates at Xuyen Moc prison, reportedly submitted written complaints and went on a 13-day hunger strike to protest misconduct by prison guards, including arbitrary restrictions on their rights to receive documents from and send documents to their family members, as well as the frequent use of solitary confinement. The hunger strike earned international coverage and reportedly ended after prison authorities acknowledged staff members had violated the rules of conduct and the authorities agreed to meet the prisoners’ demands. In May 2016, it was reported that Thuc had been offered and rejected his freedom in exchange for exile in the US.

Conditions in detention: In March 2017, Thuc’s family stated that he was being kept in a dark cell and had been denied reading materials. In April 2017, Thuc’s family were reportedly permitted to visit him in prison although they were monitored and under heavy supervision. On 13 January 2020, Thuc’s family reportedly received news from the US diplomatic mission in Vietnam that his health had deteriorated and that he had been transferred to a hospital to receive emergency treatment after having endured 50 days on hunger strike. On 24 November 2020, Thuc began another hunger strike to demand a review of his prison sentence in light of Vietnam’s new penal code, which carries a maximum of five years’ imprisonment, reducing his sentence to time served.

Background: Thuc began his career running several IT businesses and subsequently became involved in awareness raising of the corruption endemic in the country’s economic environment. He was involved in advocacy for democratic reform and respect for human rights in Vietnam. He is the founder of the Studies Group for Improving and Promoting Vietnam. Thuc also had various online blogs, the most prominent being ‘Change we need’, where he published 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, Thuc 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

Phạm Đoan Trang

Gender: female

Profession: Writer, journalist, activist

Date of arrest: 1978

Type of legislation: National security

Date of arrest: 6 October 2020

Details of arrest: Trang’s apartment in Ho Chi Minh city was raided as part of a joint operation by Hanoi Police and officials from the Ministry of Public Security. During the raid, Trang was arrested and detained without access to her family or legal representatives. She has been charged under Article 117 of Vietnam’s Penal Code, and now faces up to 20 years’ imprisonment if convicted

Other information: Trang’s arrest took place just hours after the 2020 U.S.-Vietnam Human Rights Dialogue concluded.

Professional background: Phạm Đoan Trang is an author, journalist, and democracy activist. Her works include Chính trị bình dân (Popular Politics), Cẩm nang nuôi tù (Handbook on Supporting Prisoners), Phản kháng phi bạo lực (Non-Violent Opposition), and numerous other works. Trang has sought to use her online presence, through her blog and social media, to overcome state censorship of traditional media and to raise awareness of human rights issues in Vietnam. More recently, she used her online platform to highlight a report that she co-wrote which sought to provide greater transparency on the circumstances surrounding the controversial land dispute in the Dong Tam village, which resulted in the deaths of three policemen and the trial of 29 local villagers.

Awards: 2020 Prix Voltaire winner; 2019 Reporters Without Borders International Freedom Awards’ Prize for Impact; 2017 Homo Homini Award

PEN Action: Ran 11/20 – 9 October 2020.

On Trial

Phạm Chi DUNG

Gender: Male

Profession: writer, journalist, activist

Date of arrest: 21 November 2019

Sentence: 15 years in prison

Type of legislation: other

Details of arrest: Dung was reportedly arrested at his home in Ho Chi Minh City on 21 November 2019 on charges of ‘producing, possessing and spreading anti-state information and documents’ under Article 117 of the Criminal Code. According to Radio Free Asia, Dung is accused of writing articles critical of the state and cooperating with foreign media to disseminate distorted information.

Details of Trial: On 5 January 2021, Pham Chi Dung was sentenced to 15 years’ in prison by a court in Ho Chi Minh City. On 18 January, he reportedly issued a statement saying that he “decided not to appeal” his sentence, but that this “did not mean accepting his unjust and very heavy judgment”.

Other information: According to the Committee to Protect Journalists (CPJ), his arrest came soon after he issued a 10 November 2019 petition calling on EU member states to postpone ratifying a bilateral trade agreement until Vietnam improves its press freedom and human rights situation.

Professional background: According to PEN Vietnamese Writers Abroad, Dung is a novelist and journalist, who co-founded and currently is President of the Association of Independent Journalists (Hội Nhà báo độc lập). His novels include ‘Những bông hoa hoang dã’ (1993), ‘Tự thú’ (1994), ‘Những chiếc bồn tắm định mệnh’ (2005), ‘Cuộc phiêu lưu của linh hồn cầm cố’ (2005), ‘Ngài nghị sĩ’ (2006), ‘Tự sự chứng khoán - Những gam màu ám ảnh’ (2007). He has published articles on the BBC, Voice of America and Radio Free Asia, as well as independent blogs including Dan Luan and Dan Lam Bao, exposing corruption in Vietnam. According to the International Federation for Human Rights (FidH), Dung was arrested on similar charges in 2012, and released six months later without being tried. He has also been frequently harassed by the authorities and was banned from traveling abroad in 2014.

Conditional release

NGUYEN Van Ly

Gender: Male

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

Date of birth: 1946

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

Date of arrest: 19 February 2007

Date of release: 20 May 2016

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

Details of release: Nguyen was released from the labour camp on 20 May 2016, one month early. He is currently under five years of probationary detention as part of the original sentence.

Update: According to a report by Radio Free Asia, Nguyen reportedly suffered a heart attack on 26 February 2020. Despite his poor health, he reportedly continues to write each week.

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

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

Background: Nguyen is a leading member of the pro-democracy movement ‘Bloc 8406’. He was previously detained from 1977-1978, and again from 1983-1992 for his activism in support of freedom of expression and religion. He was sentenced again in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Vietnam and was a Main Case of PEN International. The sentence was commuted several times and he was released under amnesty in February 2005.

Awards: Recipient of 2002 Homo Homini Award for human rights activism by the Czech group People in Need; 2008 Hellman/Hammett Award in recognition of his work in the face of persecution; nominated for the 2009 and 2010 Sakharov Prize for Freedom of Thought

Honorary Member: Sydney PEN

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

Closed Cases – Asia and Pacific

The following cases in the Asia and Pacific region which featured in previous PEN International case lists have been closed as there has been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2019:

Australia/ Papua New Guinea

Behrouz BOOCHANI

Cambodia

Kem LEY

China

JIN Andi

India

Nandini SUNDAR

Archana PRASAD

Thailand

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

PEN ACTIONS FOR JOURNALISTS AND OTHERS AT RISK IN THE ASIA/PACIFIC REGION 2020

In addition to its advocacy for the writers referred to in this list, PEN International also acted on behalf of journalists and others at risk in the Asia/Pacific region, some in collaboration with other organisations, details of which can be found in the links provided below:

Afghanistan

Malala MAIWAND: *Journalist assassinated alongside her driver on 10 December 2020 in a targeted attack by unidentified gunmen while she was on her way to work in Jalalabad. Alongside her work as a news reporter, Maiwand was a high-profile women's rights activist who spoke publicly about the challenges faced by female journalists in Afghanistan*

Action:

December 2020 – Statement: [Afghanistan: Campaign of targeted killings by militant groups imperils Afghanistan's already vulnerable civic space](#)

Yama SIWASH: *Former news presenter and PEN member assassinated by a 'sticky' car bomb on 7 November 2020.*

Action:

December 2020 – Statement: [Afghanistan: Campaign of targeted killings by militant groups imperils Afghanistan's already vulnerable civic space](#)

Cambodia

Keo HOUR: *Journalist arrested on 7 August 2020 following his reporting on a land dispute involving a military official. On 8 August Hour was charged under articles 494 & 495 of Cambodia's Penal Code and sent to pre-trial detention*

Action:

November 2020 – [Joint Statement: Cambodia's Government Should Stop Silencing Journalists, Media Outlets](#)

Sovann RITHY: *Journalist arrested under Cambodia's Penal Code after reporting a quote by the Cambodian prime minister about COVID-19*

Action:

November 2020 – Congress Resolution: [PEN Resolution on Freedom of Expression in the Time of COVID-19](#)

November 2020 – [Joint Statement: Cambodia's Government Should Stop Silencing Journalists, Media Outlets](#)

India

Supriya SHARMA: *Journalist subject to a First Information Report that was filed against her as a result of her reporting.*

Action:

June 2020 – Statement: [India: Scroll.in journalists under scrutiny for COVID-19 interview](#)

Shahid TANTRAY, Prabhjit SINGH and unnamed female journalist: *All three journalists were attacked by a group of unidentified individuals while carrying out their work.*

Action:

June 2020 – Statement: [PEN Delhi and PEN International condemn attacks on The Caravan journalists](#)

Salil TRIPATHI: *Journalist and Chair of PEN International's Writers in Prison Committee was subjected to a targeted de-platforming campaign by pro-government group that resulted in Tripathi's temporary suspension from Twitter.*

Action:

December 2020 – Statement: [Salil Tripathi's recent suspension on Twitter raises important questions for the protection of free speech on social media](#)

Malaysia

Tashny SUKUMARAN: *Journalist harassed by Malaysian authorities for her reporting on the government's handling of the COVID-19 pandemic.*

Action:

May 2020 – Statement: [Malaysia: cease harassment of journalist Tashny Sukumaran](#)

Singapore

PJ THUM: *Founder and director of a news organisation subjected to repeated police interrogations due to his organisation's reporting and use of advertisements on social media.*

Action:

July 2020 – Statement: [Singapore: Government uses fake news law to interfere with critical comments on handling of COVID-19 pandemic](#)

October 2020 – Statement: [Singapore: Selective use of government powers risks undermining right to freedom of expression](#)

Vietnam

Nguyen Tuong THUY: *Journalist and President of the Independent Journalists Association of Vietnam was arrested by Vietnamese authorities on 23 May 2020.*

Action:

June 2020 – Statement: [Vietnam: groups call for the release of arrested writers and bloggers](#)

Pham Doan TRANG: *Former journalist arrested on 6 October 2020 and now faces 20 years' imprisonment.*

Action:

October 2020 – RAN: [Vietnam: Drop all charges against author and journalist, Pham Doan Trang](#)

EUROPE AND CENTRAL ASIA OVERVIEW 2020

Sara Whyatt and Aurélia Dondo Europe and Central Asia Programme Coordinators

In 2020, the space for free expression in Europe and Central Asia remained under attack, as the previous years' negative trends continued while the COVID-19 pandemic accelerated old problems and added new ones. Hate speech, in particular online, increased in many countries, while the situation for media freedom deteriorated, including as a consequence of new laws and regulations hastily approved during the pandemic emergency.

The dramatic events in **Belarus** signalled a hardening of existing authoritarianism. From August to the end of 2020 and continuing into 2021, there were a series of demonstrations and protests, largely peaceful, against the outcome of the 9 August Presidential election that saw President Alexander Lukashenko return to a sixth term of office. Thousands of protestors were arrested, many receiving administrative detention orders, imprisoning them for up to two weeks. The Belarusian PEN Centre has been monitoring and reporting on the crisis. In January 2021 it co-published a report in which it chronicled more than 590 attacks on writers, artists and cultural workers, including over 200 arrests. Among those who were imprisoned under administrative detentions were staff members of the Belarusian PEN Centre, poet Hanna Komar, musician and poet, Uladzimir Liankievic and translator Siarzh Miadzvedzeu. Nobel literature laureate and President of the Belarusian PEN Centre, Svetlana Alexievich was threatened with arrest for her part in the Coordination Council that is campaigning for the resignation of President Lukashenko and has temporarily left the country.

The situation for freedom of expression in **Turkey** continued to be dire. Several writers remained behind bars, including Ahmet Altan and Selahattin Demirtaş. Kurdish reporter and poet Nedim Türfent spent his 1500th day in prison in June 2020. By the end of the year publisher and arts philanthropist, Osman Kavala had spent over 1,100 days in detention as his trial dragged on. A shocking sentence of more than 27 years was passed against journalist and writer, Can Dündar in December. Dündar has been living in exile since 2016. Anti-terror laws have been applied against these writers with no evidence of engagement in terrorism. In April 2020, over 90,000 prisoners

were released from Turkey's prisons in an effort to stem breakouts of COVID-19 in the country's overcrowded jails. However, people in pre-trial detention or accused of terrorism were excluded from the measure. This has greatest impact on those imprisoned on politically motivated grounds, who disproportionately are still before the courts, and where anti-terror laws are being misapplied.

The situation for media freedom in the **Russian Federation** remained equally problematic, including as a consequence of the amendments to the "fake news" law rushed into place in the first weeks of the pandemic, introducing heavy fines for media outlets that share misinformation on the virus. In autocratic countries, these hastily enacted laws have been used to suppress legitimate criticism of governments' handling of the crisis. The independent *Novaya Gazeta* was promptly censured for its reporting on the health crisis in Chechnya. Meanwhile the State maintained its complex web of censorship and control over the cultural sector. In June, theatre director Kirill Serebrennikov was given a three-year suspended sentence for fraud. Criminal charges are often used by the Russian authorities as a means to suppress dissenting voices, such as that of Serebrennikov whose theatre company is known for its productions tackling contentious political issues. Similarly, historian Yuri Dmitriev was handed a 13-year prison term following a convoluted trial process that saw him imprisoned under child protection laws. There was widespread concern in the Russian Federation and abroad that Dmitriev was being penalised for his research unearthing the human rights abuses of the Stalin era.

In **Azerbaijan**, old patterns of persecution continued. Dissident journalist Elchin Mammad was sentenced to four years in prison in October on trumped up charges of theft and illegal possession of weapons. Violent clashes between Azerbaijan and Armenia in the Nagorno-Karabakh region in September saw several journalists injured and a string of reporting restrictions on both sides, including lack of access to the territory and censorship.

In **Kyrgyzstan**, the PEN community mourned the death of journalist Azimjon Askarov who died in prison in July. He was serving a life sentence linked to his reporting on police brutality against the Uzbek minority.

In the **United Kingdom** online threats took a dangerous turn when journalist Amy Fenton was forced to flee her home and go into police protection after she received hundreds of death threats following her report on a woman accused of perverting the course of justice. Wikileaks founder, Julian Assange continued to be held in a high security prison while a US extradition request was considered by the UK court.

Journalists and academics remained the targets of abusive legal proceedings through criminal defamation laws and Strategic Lawsuits Against Public Participation (SLAPPs), with a view to stifling critical views. In **Malta**, the family of murdered journalist Daphne Caruana Galizia continued to defend posthumous cases against her while facing numerous cases themselves with the hallmarks of SLAPPs. Three years on from her killing, full justice had yet to be achieved.

In a welcome move, the **European Union** adopted a 'European Magnitsky Act' in December, allowing it to freeze assets and impose travel bans on individuals involved in serious human rights abuses.

EMBLEMATIC CASES



Photo credit: Wikipedia creative commons

Belarus

Dmitry STROTSEV

Poet and activist
detained for taking part
in pro-democracy protests

Dmitry Strotsev, a poet well known for his protest poems, was held for thirteen days in October and November 2020 under an administrative detention order. Accused of taking part in an 'unauthorized mass event', he had recently published a poetry series chronicling the campaign against the disputed August presidential elections. He is among hundreds of protestors similarly imprisoned for their part in the peaceful demonstrations, among them other writers and artists.



Photo credit: Wikipedia creative commons

Spain

Josep Miquel ARENAS BELTRÁN (stage name Valtònyc)

Rapper sentenced to three and a half years in prison and now in exile

In 2012, rapper Valtònyc was arrested on charges of 'insult to the Crown' and 'glorification of terrorism' in his lyrics. He was eventually sentenced to three years and six months in prison, upheld in 2018. In September that year he fled Spain for Belgium where he is seeking asylum. The Spanish authorities continue to call for his extradition. Valtònyc argues that while his work is provocative, his intention has not been to threaten violence or humiliate.



RUSSIA

Anna Politkovskaya, writer and journalist and staunch critic of the Russian government was murdered at her home in 2007.

EUROPE AND CENTRAL ASIA CASE LIST 2020

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, it is thought that it could be linked to Tağı's 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 but was reportedly suspended on 8 January 2014, owing to the 'non-establishment of the person subject to prosecution'. On 8 January 2015, Tağı's lawyer announced on Facebook that the Prosecutor-General's Office had informed him in writing that the probe into the death had ended. No further information was given.

Professional background: Tağı, 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 its publication, the then Grand Ayatollah Fazil Lankarani of Iran issued a fatwa calling for Tağı's death. Tağı 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, Tağı was granted amnesty on 28 December 2007.

Additional information: On 17 May 2017, the European

Court of Human Rights accepted an application from Tağı's widow alleging violations of Article 2 (right to life) and Article 10 (freedom of expression) of the European Convention on Human Rights. The Court had yet to rule on the case as of 31 December 2020. In August 2020, Tağı's family called on President Ilham Aliiev to resume the investigation into his death, saying that the initial investigation had been 'superficial' and had not identified any possible suspects.

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. The case was ongoing as of 31 December 2020.

Details of investigation: According to Aylisli's lawyer, the alleged incident qualifies as a minor offence and as such, the preliminary investigation should have been concluded within nine months, in line with Article 218.10.2 of Azerbaijan's Code of Criminal Procedure. Shortly after being detained, Aylisli signed a document compelling him to remain in Baku, thereby subjecting him to a local and international travel ban. Since then, he has been unable to attend scores of cultural and literary events and to promote his books, including his latest opus *Farewell, Aylis*, published in the USA on 21 November 2018. (He participated in an on-line event hosted by the Columbia Harriman Institute and PEN America in December 2020 to discuss his literary works).

Background: Aylisli is a popular writer in Azerbaijan. His 2013 novel, *Stone Dreams*, tackles the tense issue of Azeri-Armenian relations and included depictions of pogroms allegedly carried out by Azeris against Armenians in 1990. He had previously been awarded the official title of People's Writer, as well as two of the highest state awards in Azerbaijan, the Shokrat and Istiglal medals. After the novel was published, he was stripped of his titles and medals and the President signed a decree also stripping him of his presidential pension; his books were also burnt, and a politician from a pro-government party reportedly offered a US\$ 13,000 reward to anyone who cut off one of his ears. 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

BELARUS

From August to end of 2020 and continuing into 2021, there were a series of demonstrations and protests, largely peaceful, against the outcome of the 9 August Presidential election which saw President Alexander Lukashenko return to a sixth term of office. Accusations that there had been election irregularities and fraud, with the main opposition candidate contesting that she had received over 60% of the vote, led to the foundation of the Coordinating Council calling for President Lukashenko to step down. Thousands of protestors were arrested, many receiving administrative detention orders, imprisoning them for up to two weeks. Reports of police brutality and torture in the prison led to international condemnation, including from United Nations human rights experts who called for an end to the mass arrests of peaceful protestors and for those who carried out the abuses to be brought to account. Among those arrested were numerous writers, musicians, artists and cultural workers whose cases were monitored and reported on by the Belarus PEN Centre and the Belarus Culture Solidarity Foundation. Others were fined and dismissed from their posts for their engagement in the protests, and others have left the country to escape threat of arrest. Journalists were also targeted, as monitored by organisations such as the Belarus Association of Journalists. The numbers of individuals arrested are such that PEN International is unable to give full details. The following are just a few examples of the type of attack suffered by writers in retaliation for their part in peaceful protests. PEN International issued statements protesting the crackdown on 4 August 2020, 9 September 2020, 6 November 2020 and 10 December 2020.

Brief Detention

Hannah KOMAR

Gender: female

Profession: Poet, translator

Date of Birth: 1989

Legislation: Code of Administrative Offences

Sentence: nine days administrative detention

Details of arrest: Hannah Komar was arrested on 8 September 2020 for her part in a peaceful protest against the arrests of other activists protesting the re-election of President Lukashenko. She reports that she and others arrested alongside her were subject to rough handling by police.

Details of trial: Komar was given a nine-day administrative detention order for “participating in an unauthorized mass event” (art. 23.34 of the Code of Administrative Offences).

Professional background: Komar is a published poet working in collaboration with visual artists, producing her performance poetry on line. She is also a staff member of PEN Belarus.

Publications: Komar has published two collections of her poetry - *Fear of Heights* in Belarusian and a bilingual collection, *Recycled. Among her translation work is a collection of translations of the works of Charles Bukowski* into Belarusian. She has won several awards for her writings.

PEN action: [Joint Statement](#) 9 September 2020

Uladzimir LIANKEVIČ

Gender: male

Profession: Poet, musician, songwriter

Legislation: Code of Administrative Offences, Articles 23.34 “participating in an unauthorized mass event” and 23.4 “disobedience to lawful police demands” **Sentence:** six days and 15 days administrative detention.

Details of arrest: 1) Liankievič was arrested on 8 September 2020 for his part in a peaceful protest against the arrests of other activists protesting the re-election of President Lukashenko. Liankievič was given a six-day administrative detention order for “participating in an unauthorized mass event” (art. 23.34 of the Code of Administrative Offences). He was released on 14 September 2020. He was held at the Zhodzina Temporary Detention Facility 2) Liankievič was again arrested on his way back from a film shoot and sentenced to 15 days administrative detention on 6 December 2020 on similar grounds to his previous arrest.

Professional background: poet and musician. He is also a staff member of PEN Belarus.

Publications : His recent works include the song [Autazak](#) he recorded with his band Partyzanski Prasppekt (Guerrilla Avenue) on 9 August 2020, the eve of the Presidential election). On 14 November 2020 he and his band released the song [August](#), also on the theme of the August election.

PEN action: [Joint Statement](#) 9 September 2020

Dmitry STROTSAU (Dmitry STROTSEV)

Gender: male

Profession: Poet and activist

DATE OF BIRTH: 1963

Legislation: Code of Administrative Offences

Sentence: 13 days administrative detention

Details of arrest: Dmitry Strotsev was arrested on 21 October 2020 for his participation in protests on 4 October. He was sentenced the next day to 13 days administrative detention and taken to Akrestina Prison, then freed on 3 November. He had been charged with “participating in an unauthorized mass event” (art. 23.34 of the Code of Administrative Offences). He had published poetry critical of the government and about his participation in the protests on social media. After his release he told a Belarusian newspaper “I provided a lot of publications related to the election, way too many, and I freely shared my opinion on Facebook. They are obsessed with finding the puppeteers and organizers, but I had nothing new to tell them.”

Professional background: Strotsev is a poet, a member of the Belarusian Writers Union and Belarus PEN.

Publications : A well-known poet, Strotsev had most recently written a series of protest poems titled *The Fallen Belarus* chronicling the 2020 protest movement.

The following writers were recorded by Belarus PEN as receiving administrative detention orders of up to 15 days between September and December 2020. All were freed after serving their sentences although some received more than one term of detention. Many reported ill-treatment upon arrest and in detention.

Raman ABRAMCHUK: writer and musician. October 2020. Sentenced 10 days.

Eduard AKULIN: poet. October 2020. Briefly detained.

Daniil ARYIANAU: poet and literary critic. October 2020. Sentenced 15 days.

Natallia BORDAK: artist and poet. November 2020. Sentenced seven days.

Vital BYL: historian and writer. November 2020. Briefly detained.

Kanstantsin CHARUHIN: writer. November 2020. Briefly detained.

Kacia CHEKATŪSKAJA: playwright and actress.

December 2020. Sentenced 17 days.

Zmitsier DASHKEVICH: writer. October 2020. Sentenced to 15 days.

Aleś HARBUL: poet and local historian. November 2020. Briefly detained.

Paviel HORBACH: a poet and journalist. November 2020. 15 days sentence for performing his poetry.

Uładzimir JAHOUŬZIK: children's writer. December 2020. Briefly detained and fined.

Jaŭhien MALIKAŬ: writer and art critic. November 2020. Sentenced five days then fired from university post.

Olga SHPARAGA: poet. October 2020. Sentenced to 15 days. (female)

Dzmitry STROTSAU: poet, activist, and member of PEN Belarus. October 2020. Sentenced 13 days.

Andrus TAKINDANG: singer. November 2020. 15 days sentence.

Alyaksandr TYKUN and **Andrei KANOIKA:** screenwriters. October 2020. Sentenced to 12 and eight days imprisonment, respectively.

Judicial Harassment

Svetlana ALEXIEVICH

Gender: female

Profession: Writer

DATE OF BIRTH 31 May 1938

Legislation: Attempt to overthrow the constitutional order.

Charges: In August 2020, Alexievich became a member of the Coordination Council for the Transfer of Power that was calling for the resignation of President Lukashenko following the presidential elections earlier that month, widely considered as fraudulent. On 20 August, the Belarus Prosecutor General laid charges under [Article 361](#) of the Belarus Criminal Code - appeal to overthrow or change the constitutional order of the Republic of Belarus or to carry out crimes against the government - against members of the Coordination Council, including Alexievich. This carries a maximum three-year prison sentence, increased to five years if the act is carried out through 'mass communications'. On 26 August she was questioned at the investigative committee building in Minsk, [telling the press](#) as she left that she had refused to cooperate.

Threats: on 9 September 2020, Alexievich reported that unidentified men had attempted to enter her home. This led to [several diplomats](#) from European embassies in Minsk staging a 24-hour vigil at her home to protect her from attack.

Current situation: Alexievich left Belarus for Germany in late September, pledging to return once the political situation allows.

Professional background: Alexievich is a world-renowned author, translated into numerous languages, and winning numerous international awards, notably the 2015 Nobel Prize in Literature. She is President of Belarus PEN.

Publications: Much of Alexievich's work focuses on oral histories based on first-hand accounts of lives in war, including in Afghanistan and the Second World War, as well as in the Chernobyl nuclear disaster zone. Notable publications include: *Boys in Zinc* (1991), *Chernobyl Prayer* (1997 in Russian then in English as *Voices from Chernobyl: The Oral History of a Nuclear Disaster* in 2005), *Second Hand Time* (2013) and *The Unwomanly Face of War* (originally published in Russian in 1985 then in English in 2017). Since 1993 her books have not been published by state-owned Belarusian publishing houses, and have had limited circulation inside her home country while being extensively published in translation abroad.

DENMARK

Killed – case closed

Nedim YASAR

A radio host, writer and reformed gangster, Nedim Yasar was shot on 19 November 2018 while getting into his car after a book launch at the offices of the Danish Red Cross youth branch in Copenhagen, Denmark's capital. Yasar had been celebrating the release of a book about his life, *Rødter - En Gangsters Udvej (Roots: A Gangster's Way Out)*. He 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. He subsequently became a radio host on Radio24syv and spoke out against gang violence. Two men arrested in December 2018 were charged with his murder, both said to be associated with the Dutch motorcycle gang Satudarah, pleaded [guilty](#) to the murder. They were [sentenced](#) to life imprisonment on 25 February 2020.

ITALY

Judicial Harassment

Roberto SAVIANO

Gender: Male

Profession: Writer, journalist

Date of birth: 22 September 1979

Type of legislation: Defamation

Date of harassment: 19 July 2018

Perpetrator: State

Details of harassment: On 19 July 2018, Italy's then Deputy Prime Minister and Interior Minister Matteo Salvini declared on Twitter that he was suing anti-mafia writer Roberto Saviano for defamation over a speech that described him as 'il ministro della malavita' – minister of the underworld – a phrase borrowed from early 20th-century anti-fascist Gaetano Salvemini. In his speech, Saviano accused Salvini of ignoring the mafia stranglehold on Italy's south in favour of stirring up resentment against immigrants. Salvini is suing Saviano under Article 595 of the Italian Penal Code, which carries up to three years in prison. On 20 March 2019, Saviano announced that he had been summoned to stand trial; as of 31 December 2020, a date for his court hearing has yet to be set. Previously in June 2018, Salvini threatened to remove Saviano's police escort. Saviano has been living under constant police protection since October 2006, after receiving threats from the mafia following the publication of his bestseller *Gomorrah*.

Professional background: Saviano is the author of *Gomorrah*, an international best seller that has sold over 10 million copies worldwide. Other books include *Beauty and the inferno* (2009), *La parola contro la camorra* (2010); *Come away with me* (2011) and *ZeroZeroZero* (2013). He wrote several screenplays and theatre scripts and regularly contributes to newspapers and magazines such as *La Repubblica*, *L'Espresso*, the *New York Times*, *Newsweek*, *El Diario*, *Die Zeit*, the *Guardian*, and *Le Monde*.

Awards: Winner of the 2011 PEN/Pinter International Writer of Courage Award and of the 2019 Oxfam Novib/PEN International Award for Freedom of Expression

PEN Action: statement, April 2019, World Press Freedom Day, May 2019.

KAZAKHSTAN

Judicial Concern

Aron ATABEK (also known as Aron YEDIGHEEV)

Gender: Male

Profession: Poet, writer, newspaper publisher, and political activist

Date of birth: 31 January 1953

Type of legislation: Other (mass disorder, hostage taking, murder)

Sentence: 18 years in prison

Expiry of sentence: July 2024

Date of arrest: 17 July 2006

Details of arrest: Atabek was arrested following a July 2006 riot that broke out in the Shanyrak shantytown of Almaty, after local residents and activist groups clashed with security forces that had been brought in to clear the area for demolition.

Details of trial: Atabek was charged and convicted in 2007 of organising mass disorder, and of taking hostage and killing a police officer under disputed circumstances during those events, which he denied. After the conviction and shortly before a hearing of the case at the Supreme Court, the two main witnesses for the prosecution withdrew their testimony. They claimed that they had been tortured and blackmailed into testifying against Atabek. The Supreme Court declined their new testimony as unsubstantiated. In December 2015, a court in Astana dismissed Atabek's appeal against his sentence.

Current place of detention: AP 162/1 in Pavlodar, north-eastern Kazakhstan

Conditions in detention: Atabek was held in a high security jail in Arkalyk, over 1,600 km away from his family, until October 2013. He spent over two years in solidarity confinement, and was denied family visits from 2010 until the end of 2013. Atabek was transferred to another prison, AP 162/1 in Pavlodar, on 7 April 2014. In July, his son revealed that his father had suffered regular beatings to his head and neck. In August 2015, local media reported that Atabek had been moved out of solitary confinement and into a cell with three other inmates. In December 2015, there were reports that the conditions in the shared cell had become too

difficult for Atabek due to his health issues, and that he had personally requested to be returned to solitary confinement. In July 2019, Atabek reportedly told human rights activists that his conditions of detention had improved after moving cells; although his family added that he was routinely being denied access to correspondence. Concerns for his well-being were reiterated in 2020 when a rights activist visiting the prison reported that Atabek was in visibly poor health.

Professional background: Atabek has written several books of poetry and prose inspired by Tengri (a form of Central Asian shamanism), as well as a book about the Alash state that fought for autonomy between 1917 and 1920 and was eventually subsumed into the Kazakh Soviet Socialist Republic in 1936. In February 1992, he founded and organised the publication of the monthly newspaper *Khak (The Truth)*.

Other information: On 28 May 2014, Catherine Ashton, then High Representative for Foreign Affairs and Security Policy for the European Union responded on behalf of the European Commission to a question in the European Parliament about Aron Atabek. She said: 'No evidence linking him explicitly to the death of the police officer or to violence was presented in court... The EU is and will continue to follow the developments in this case very closely and to encourage the Kazakh authorities to ensure that Mr Aron's right to a fair trial has been respected, and that his treatment is in line with Kazakhstan's international commitments and obligations.'

Awards: Atabek was awarded the Almas Kylysh literary prize in 2004, as well as the Freedom to Create prize in 2010.

PEN Action: Call to action 5 August 2013; updates on 24 October, 29 October, 12 November 2013 and 6 January 2014. Shortly before PEN International's World Congress in Bishkek, Kyrgyzstan (September 2014), a PEN delegation travelled to Kazakhstan where they raised Atabek's ill treatment at a meeting with the Head of the Executive Office of the President of the Republic of Kazakhstan, the Chairman of the Committee of Criminal and the Executive System. World Poetry Day Action 2014, 2015, 2016 and 2018.

■ POLAND

Judicial Harassment

Wojciech SADURSKI

Gender: Male

Profession: Constitutional law scholar, academic and writer

Date of birth: 5 June 1950

Type of legislation: Criminal and civil defamation

Details of harassment: Professor Sadurski faces three defamation suits based on two tweets he sent criticising Poland's ruling Law and Justice party (PiS) and public broadcaster TVP. The first tweet, published on 10 November 2018, characterised the PiS as 'an organised criminal group' and called for the boycott a so-called 'Independence March' organised by radical right-wing groups every year in Warsaw. PiS is suing Sadurski 'for protection of personal rights' under Articles 23 and 24 par. 1 of the Polish Civil Code. Polish civil courts dismissed the suit against Sadurski twice, including in a final judgment of the court of second instance, but PiS has lodged "cassation" to the Supreme Court – an extraordinary appeal from a final judgment. The case is pending. In his second tweet published on 17 January 2019, Sadurski blamed TVP for an organised smear campaign that led to the assassination of the Mayor of Gdansk, Pawel Adamowicz, on 14 January 2019. TVP brought a criminal defamation suit and a civil defamation suit against Sadurski as a result, with the first-instance criminal judgment in Sadurski's favour appealed by PiS to the criminal appellate court while the civil case before the court of first instance still pending. If convicted under the Criminal Code, Sadurski faces jail time (up to one year) or a fine, while the plaintiffs' civil damages claims are clearly excessive and disproportionate. The case has the hallmarks of a Strategic Litigation Against Public Participation (SLAPP) lawsuit aimed at intimidating and silencing those engaged in public interest advocacy. Abuse of defamation law, including through SLAPP lawsuits, has become a significant threat to media freedom and advocacy rights in a number of countries, including Poland.

Professional background: Wojciech Sadurski is a professor of law at the universities of Sydney and Warsaw who frequently publishes political opinions on his personal blog and Twitter account. He is known as a vocal critic of the PiS, as well as the crackdown on human rights and judicial

independence in Poland. His most recent books include *Poland's Constitutional Breakdown* (2019), *Constitutionalism and the Enlargement of Europe* (2012), *Equality and Legitimacy* (2008), and *Rights before Courts* (2005 and 2014). He resides in Sydney.

PEN Action: [statement](#), November 2019.

RUSSIA

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, firearms possession)

Date of arrest: 13 December 2016.

Sentence: 13 years in prison.

Details of arrest: Dmitriev was initially accused of making pornographic images of his foster daughter and firearm possession. He was released on 5 April 2018 after being cleared of the child pornography charges. He was subsequently arrested by traffic police and placed in pre-trial detention on 27 June 2018 on additional charges of 'violent acts of a sexual nature in relation to a person who has not reached the age of fourteen' under Article 132.4 of the Criminal Code.

Details of trial: Yuri Dmitriev was arrested on 13 December 2016 and charged with making pornographic images of his foster daughter under Article 242.2 of the Criminal Code (use of a minor for the production of pornographic materials or objects) and possessing an illegal firearm. He denied the charges, saying that the purpose of the photographs was to monitor the health of his weakly child. He spent more than a year in pre-trial detention. On 5 April 2018, the Petrozavodsk City Court in northwest Russia [cleared](#) him of the child pornography charges but sentenced him to two years and six months of probation (three months after deducting time spent in custody) and community service for illegally possessing components of a firearm. On 14 June 2018, the Karelian Supreme Court [overturned](#) [his acquittal](#) in what human rights groups in Russia are calling a trumped-up case. He was charged under Article 132.4 of the Criminal Code and underwent

enforced psychiatric testing. Both criminal cases against him were merged in October 2018. On 22 July 2020, the Petrozavodsk [court acquitted](#) Dmitriev of the firearms charges and those of child pornography, but sentenced him to a 3.5 year term for sexual assault against an underage child (Criminal Code Art 132.4). This would have seen him released in November having served his term. However, on 29 September 2020, the Karelia Supreme Court overturned the July acquittal relating to possession of firearms, and sent the charges of child pornography for further expert 'consideration'. It increased his sentence by another 10 years.

Professional background: Dmitriev has devoted his life to locating the execution sites of Stalin's Purges and identifying its victims. As head of the Karelian branch of the human rights centre Memorial, he played an important role in the discovery and investigation of the killing fields of Sandarmokh and Krasny Bor and their transformation into memorial complexes. The Russian authorities have [repeatedly targeted](#) Memorial, which has been labelled a 'foreign agent' since 2014.

Current place of detention: Sledstvenny izolyator N1 Petrozavodsk, northern Russia

PEN Position: In light of the heinous nature of the charges, alongside concerns that they may be applied as a means of penalising Dmitriev for his work for Memorial, fair and transparent criminal proceedings before an independent and impartial tribunal are of the utmost importance to ensure a fair trial for Dmitriev. There should also be a full and proper judicial examination which can instil confidence that the alleged victim of assault has had their case fully and properly investigated and that due justice has been applied to all concerned. PEN International denounces serious flaws in judicial proceedings against Dmitriev, including his lengthy pre-trial detention, and the fact that he was denied a lawyer of his own choosing on appeal.

Other Information: In 2018, the European Union [expressed concern](#) that Dmitriev was being targeted for his work, and notably called on the Russian authorities to release him immediately and drop the case against him. In October 2019, over 200 Russian writers, journalists, historians and activists [signed](#) a public appeal in support of Dmitriev. In July 2020, the European Union called on the Russian authorities to release him immediately and unconditionally, on humanitarian grounds.

Honorary Member: St Petersburg PEN

PEN Action: [Report](#) October 2018, [statement](#) November 2019

Kirill SEREBRENNIKOV

Gender: Male

Profession: Theatre and film director

Date of birth: 7 September 1969

Type of legislation: Other (fraud)

Date of arrest: 22 August 2017

Date of release: 8 April 2019)

Sentence: three years suspended and a fine.

Details of arrest: Serebrennikov was detained on 22 August 2017 on allegations of fraud and was placed under house arrest the following day. A Moscow Court ordered his release on 8 April 2019.

Details of trial: One of Russia's most prominent theatre directors, Serebrennikov was placed under house arrest on 23 August 2017 on allegations of fraud regarding the use of state funds, which he denies. The Russian authorities accuse him of embezzling 133 million roubles (c. US\$ 2 million) awarded from 2011 to 2014 to the Seventh Studio theatre company for a project known as Platform, which aimed to make contemporary dance, music, and theatre popular. Investigators claimed that a part of this project, a production of Shakespeare's play *A Midsummer Night's Dream*, was never staged. Serebrennikov denies the accusation, claiming that the play has been performed several times. 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 were Yuri Itin (executive director of the Seventh Studio theatre company), Aleksei Malobrodsky (general producer at the initial stage of the project), Sophia Apfelbaum (general producer following Malobrodsky's departure), and Ekaterina Voronova (former Culture Ministry official in charge of the project on the Ministry's side and current director of the Russian Academic Youth Theatre), who deny any wrongdoing. On 8 April 2019, a Moscow Court ordered Serebrennikov's release from house arrest. In September 2019, the Court returned the case to prosecutors, a move said to be a key step toward the case being dismissed.

Sentence: On 26 June 2020, Serebrennikov was found guilty of fraud and given a three-year suspended sentence and banned from heading a cultural organisation. The defendants in the case (except

Apfelbaum) were ordered to repay the 133m roubles (c. \$1.5m) said to have been embezzled. Itin and Malobrodsky were also given suspended sentences and fined for conspiring to mislead the Culture Ministry for personal gain. Apfelbaum was convicted of 'negligence'.

Professional background: Serebrennikov is the artistic director of the Gogol Center, a progressive, experimental theatre known for contemporary productions that often deal with political or sexual themes. He has also espoused views critical of the Russian authorities, which – as many believe – have made him a target of repression.

Other information: On 4 September 2017, the European Union issued a statement raising concern about Serebrennikov's arrest and freedom of expression in the arts in Russia.

Awards: Serebrennikov was awarded the 2017 Europe Theatre Prize by the European Commission.

PEN Action: Report October 2018, statement October 2018

■ SPAIN

Sentenced

Josep Miquel ARENAS BELTRÁN (stage name Valtònyc)

Gender: Male

Profession: Musician

Date of birth: 18 December 1993

Sentence: Three years and six months in prison

Type of legislation: Anti-terror and insult

Details of trial: Valtònyc was first arrested on 23 August 2012 after Jorge Campos Asensi, President of the nationalist foundation Círculo Balear, complained that one of his songs, 'Circo Balear', incited violence against him and other members of the foundation. Valtònyc was released that same day. In the course of his investigation, the public prosecutor charged him with 'grave insults to the Crown', 'glorification of terrorism and humiliation of its victims', and 'threats'. Campos Asensi offered to drop the charges if Valtònyc issued a public apology, a proposition which the rapper declined as he pleaded not guilty. The charges brought by Campos Asensi were eventually dismissed in 2015, but the additional charges went to the National Court, which

on 22 February 2017 sentenced 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 (c. US\$ 3,300) 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 the Spanish government’s request for his extradition in September 2018. In November 2019, the general advocate of the Court of Justice of the European Union of Justice concluded that Spain did not apply adequate legislation to its request for Valtònc’s extradition. A hearing of the extradition request before the Ghent court of appeal was postponed on 15 September 2020 to 3 December when the judge requested advice from the Belgian Constitutional Court referring to the fact that Belgian law similarly makes insult to the Belgian king illegal.

Professional background: A rapper from Mallorca, Valtònc refers 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, UPR submission July 2019

On trial

Pablo RIVADULLA Duro (Pablo HASÉL)

Gender: male

Profession: singer/songwriter, writer, poet

DATE OF BIRTH: 9 August 1988

Legislation: Anti-terror, insult to the monarchy

Details of trial: In March 2018, was sentenced to two years and one day of imprisonment and a fine of 24,300 Euro (c. US\$, 29,000) for glorifying the terrorist groups ETA and GRAPO as well as insulting the Crown and state institutions. He was convicted under Article 578 of the Spanish Criminal Code, which prohibits ‘glorifying terrorism’. He was also found guilty of insulting the Crown and state institutions under Articles 491 and 504, respectively. The charges related to multiple Twitter posts published between 2014 and 2016 and a song posted on YouTube, in which he criticises the Spanish royal family. Hásel’s

sentence was reduced to nine months and one day of imprisonment on appeal in September 2018 and upheld by the Supreme Court in May 2020. As of 31 December 2020, he remained free pending further appeal.

Professional background: Pablo Hásel has produced numerous recordings as a rap artist, solo and in collaboration, since 2005. He is also the author of around 11 poetry collections and books.

Other information: On 5 March 2020, a court in Lleida sentenced Pablo Hásel to 2.5 years in prison for threatening a witness in a trial of a police officer accused of assault and who was subsequently acquitted. He states that he is innocent of the alleged threat and that it was he himself who was threatened by the witness. As of 31 December 2020, he was free on appeal. Hásel had previously received a two-year prison sentence in 2014 – suspended in 2019 – for ‘glorifying terrorism’ in his songs posted on YouTube.

PEN Action: Statement February 2021

Conditional release

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

Sentence: Nine years

Expiry of sentence: October 2026

Type of legislation: Other (sedition)

Date of arrest: 16 October 2017

Details of arrest: Sánchez and Cuixart were taken into custody on 16 October 2017 on charges of sedition. They were subsequently charged with rebellion in March 2018. They stood accused of calling on protestors to gather in front of governmental buildings in Barcelona on 20 and 21 September 2017 in order to obstruct searches for electoral materials, and for ‘encouraging, supporting and leading’ sedition through participation in Catalonia’s independence referendum on 1 October

2017, despite the Spanish Constitutional Court suspending the Catalan referendum law. Prosecutors sought 17 years in prison for rebellion under Articles 472.1, 472.5, 472.7, 473.1, and 478 of the Spanish Penal Code, and eight years in prison for sedition under Articles 544 and 545 of the Penal Code against both men (sentences are not cumulative). Despite filing several petitions for release, Sànchez and Cuixart were remanded in custody for two years. 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. Oral proceedings against Sànchez, Cuixart and 10 other Catalan politicians and activists opened on 12 February 2019 and lasted over four months. All asked for their acquittal, claiming that their actions were acts of civil disobedience and the exercise of fundamental rights. On 14 October 2019, Spain's Supreme Court found Sànchez and Cuixart guilty of sedition through participation in Catalonia's independence referendum held on 1 October 2017 and sentenced them to nine years in prison.

Current place of detention: Lledoners Prison, near Barcelona. They were granted [flexible prison terms](#) in July 2020, allowed day release and required to sleep in prison from Monday to Thursday.

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.

Other Information: In May 2019, the UN Working Group on Arbitrary Detention [condemned](#) the detention of Sànchez and Cuixart. It called on the Spanish authorities to release them immediately and to accord them an enforceable right to compensation and other reparations.

PEN Position: PEN International believes that sedition charges against 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 Action: [Statement](#) January 2018,

[statement](#) August 2018, [statement](#) January 2019, [statement](#) June 2019, [UPR submission](#) July 2019, [statement](#) October 2019

■ TURKEY

Killed: Impunity

Hrant DİNK

Gender: Male

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

Date of death: 19 January 2007

Perpetrators: Non-state – possible links to state officials

Details of killing: Killed outside his office in Istanbul by an assassin on 19 January 2007.

Details of investigation: In July 2011, 17-year-old Ogün Samast was sentenced to 22 years and 10 months in prison for Dink's murder. In January 2012 Yasin Hayal, a criminal with a previous conviction for a bomb attack on a McDonald's restaurant, was sentenced to life in prison in solitary confinement and with no possibility of parole, for 'soliciting another person to wilfully commit a murder'. Two others, Ersin Yolcu and Ahmet 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. They stand accused of running a criminal network, destroying evidence, dereliction of duty and official misconduct for their involvement in plotting Dink's murder, which the prosecution now alleges is linked to a Gülenist conspiracy aiming to incite chaos in Turkey. On 1 July 2019, the İstanbul 14th Heavy Penal Court issued its [ruling](#) on nine defendants (Yasin Hayal, Erhan Tuncel, Ogün Samast, Zeynel Abidin Yavuz, Ersin Yolcu, Tuncay Uzundal, Ahmet İskender, Salih Hacısalihoglu

and Osman Haya) whose files were separated from the main murder trial, on the grounds that the statute of limitation might expire. The court concluded that the murder 'was an organised crime' and sentenced seven defendants to prison, ranging from 99 years and six months to two years and nine months. The lawyers of Dink family have seized the Supreme Court of Appeals against the verdict, considering that defendants should be convicted of 'membership of an armed terrorist organisation', rather than 'membership of an illegal criminal organisation.' Two were defendants acquitted. On 22 December 2020 defence lawyers delivered their closing arguments in the final stages of the hearings. In September 2020 a prosecution request to allow testimony from a senior intelligence officer was denied leading Dink's lawyers to say that full investigation into a broader conspiracy behind Hrant Dink's murder and those who ordered his killing is being obstructed.

Professional background: Dink had been convicted under Article 301 of the Penal Code for 'insulting Turkishness' for his writings on Armenian Genocide. In October 2005, he was given a six-month suspended sentence for a 2004 article entitled 'The Armenian Identity'. Dink's murder sparked debate on revision or repeal of Article 301, which many believe marked Dink out as a target for ultranationalists.

Honorary Member: PEN Belgium/Flanders, English PEN and Norwegian PEN.

PEN Action: From 2004, PEN International campaigned for the dropping of charges against Hrant Dink, with PEN members attending his trials. In 2006 he was awarded the PEN International Oxfam NOVB prize for free expression, where he attended the award ceremony in The Hague on 18 November 2006, two months before his murder. Following his death, PEN continues to campaign for justice.

Imprisoned: Main case

Ahmet ALTAN

Gender: Male

Profession: Novelist, essayist and journalist

Date of birth: 2 March 1950

Type of legislation used: Anti-terror

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

Date of arrest: Ahmet Altan was arrested on 10 September 2016 with his brother, the economist and journalist **Mehmet Altan** (see below), on allegations

of spreading 'subliminal messages announcing a military coup'. Ahmet Altan was released on bail on 22 September, only to be rearrested later on the same day. He was subsequently released on 4 November 2019 but arrested again on 12 November 2019.

Detail of trial: (1) Ahmet Altan, Mehmet Altan and journalist Nazlı Ilıcak were charged with attempting to abolish the constitutional order under Article 309(1) of the Penal Code, attempting to overthrow the Turkish Grand National Assembly under Article 311(1) of the Penal Code and attempting to overthrow the government under Article 312(1) Penal Code, in relation to their appearance on television together on the evening before the coup attempt of 15 July 2016, and several articles and columns they wrote. They were tried alongside 14 journalists. The trial was held before the 26th High Criminal Court of Istanbul and consisted of five hearings that took place between 19 June 2017 and 16 February 2018. That day, Ahmet Altan, Mehmet Altan, Nazlı Ilıcak and three co-defendants were convicted of 'attempting to overthrow the Turkish constitutional order' and sentenced to aggravated life sentences, or life without parole. PEN International, together with PEN Centres and free expression organisations, conducted trial observations. Proceedings were marred by violations of the defendants' right to a fair trial, including extraordinary restrictions in their access to lawyers and in their ability to properly prepare for trial and defend themselves. Crucially, the lack of evidence showed the charges to be unfounded and amounting to arbitrary interference with the right to freedom of expression. On 5 July 2019, Turkey's Supreme Court overturned the 2018 verdict. It ruled that Mehmet Altan, who was released from pre-trial detention in June 2018 following judgments by the Turkish Constitutional Court and the European Court of Human Rights, should be acquitted, while Ahmet Altan and Nazlı Ilıcak should be retried on lesser charges of 'aiding a terrorist organisation without being its member.' At the opening hearing of the retrial on 8 October 2019, the judge refused to release Ahmet Altan and Nazlı Ilıcak on bail, despite the lower charges and amount of time already served. On 4 November 2019, Ahmet Altan and Nazlı Ilıcak were found guilty and sentenced to 10-and-a-half and 8 years and 9 months years in prison, respectively. They were released pending appeal and subject to a travel ban. On 6 November, the prosecutor appealed against the court decision to release Ahmet Altan on the grounds that he was a flight risk. The Istanbul Heavy Penal Court No. 27 granted the prosecutor's request on 12 November. Ahmet Altan was subsequently arrested at his home that evening and sent back to Silivri prison outside Istanbul, generating a global outcry. The case

was ongoing as of 31 December 2020. It has been prioritised by the European Court of Human Rights but is still pending nearly three years after being lodged. (2) Ahmet Altan is also on trial in a separate case together with others, related to his work as editor-in-chief of *Taraf* newspaper, in which he is accused of acquiring, destroying, and divulging documents concerning the security of the state and its political interests.

Current place of detention: Silivri Prison, Istanbul.

Professional background: Ahmet Altan is the author of several novels and essays. The English version of his new book *I Will Never See the World Again* was published in March 2019.

Honorary member: Danish PEN, PEN Belgium/Francophone, PEN Belgium/Flanders, German PEN, and Swedish PEN.

PEN Action: PEN International has been closely following the case since the initial arrest ([RAN 19/16](#)) and has been [monitoring](#) the criminal proceedings. With others, PEN International has submitted a [third-party intervention](#) before the European Court of Human Rights. [Statement](#) February 2018, [statement](#) October 2018, [UPR](#) July 2019, [statement](#) October 2019, [report](#) November 2019, [statement](#) November 2019, [statement](#) November 2019, [statement](#) November 2019, [RAN](#) November 2019.

Nedim TÜRFENT

Gender: Male

Profession: News editor, reporter and poet.

Date of birth: 8 February 1990

Type of legislation used: Anti-terror

Sentence: Eight years and nine months in prison

Expiry of sentence: 2026

Date of arrest: 12 May 2016

Details of arrest: Nedim Türfent was arrested on 12 May 2016 after covering clashes between the Turkish army and the outlawed Kurdistan Workers Party (PKK) in the predominantly Kurdish southeast of Turkey.

Details of trial: 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. Nedim Türfent was denied the right to appear physically in court seven times, and instead testified via the judicial conferencing system [SEGBİS](#), experiencing severe connection and [interpretation issues](#). Out of the 20 witnesses called, 19 retracted their statements, saying they had been extracted under [torture](#). Despite such clear evidence of fair trial violations, Nedim 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. The verdict was upheld by the Erzurum Regional Appeals Court on 19 June 2018 and by Turkey's Supreme Court of Cassation in October 2019. Nedim Türfent's lawyers [filed](#) an application before the Turkish Constitutional Court in July 2018, and the European Court of Human Rights on 4 February 2019; both have yet to rule on the case.

Current place of detention: Van high security prison, eastern Turkey

Conditions of detention: 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. While waiting for his appeal, Nedim Türfent spends his time studying Turkish, English and German and writing poetry.

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'.

Honorary Member: English PEN, PEN Norway

PEN action: [Statement](#) June 2017, [statement](#) August 2017, [statement](#) February 2018, [call to action](#) December 2018, [global appeal](#) February 2019, [World Poetry Day](#) March 2019, [UPR](#) July 2019, [statement](#) October 2019, [report](#) November 2019, [Day of the Imprisoned Writer](#) November 2019, [global appeal](#) June 2020.

Detained: Main case

Selahattin DEMIRTAŞ

Gender: Male

Profession: Writer, politician

Date of birth: 10 April 1973

Type of legislation used: Anti-terror

Date of arrest: 4 November 2016

(1) Details of arrest: Former co-chair of the pro-Kurdish Peoples' Democratic Party (HDP), Selahattin Demirtaş was arrested on 4 November 2016 on terrorism charges alongside other HDP MPs. He has been held in pre-trial detention since then. He is accused of being a leading member of a terrorist organisation, of spreading terrorist propaganda, of praising crimes and criminals and of incitement of violence. The evidence against him consists largely of his political speeches and press statements and lacks any compelling evidence of criminal activity. He faces up to a combined total of 142 years in prison if convicted. The case was ongoing as of 31 December 2020.

(2) Details of trial: In a separate case on 7 September 2018, Selahattin Demirtaş was sentenced to four years and eight months in prison for carrying out terrorist propaganda at a speech he gave in 2013. His sentence was upheld on appeal on 4 December 2018.

Current place of detention: Silivri Prison, Istanbul

Health concerns: On 26 November 2019, Demirtaş reportedly lost consciousness in prison after suffering chest tightness and breathing difficulties. His family complained he did not receive adequate medical care. Demirtaş was taken to hospital a week later for further examination before being sent back to prison.

Professional background: While in detention Demirtaş wrote a collection of short stories entitled *Seher* (Dawn), which instantly became a best-seller and was translated into many languages. He published *Devran* (Fate) in 2019; his third book *Leylan* was expected to be published in 2020.

Note: although as a politician Demirtaş was not a writer prior to his arrest, nor is his conviction related to his writings, which he took up in prison and which are published without restriction in Turkey and abroad, PEN International is making an exception in this case by campaigning on his behalf as a representative of the struggle for freedom of expression in general in Turkey.

Other information: On 20 November 2018, the

European Court of Human Rights (ECtHR) ruled that Turkey's repeated extensions of Demirtaş' pre-trial detention pursued the purpose of 'stifling pluralism and limiting freedom of political debate'. In December 2020, it ruled that his detention had the "ulterior purpose of stifling pluralism and limiting freedom of political debate" and that he should be freed. In December 2020, the Grand Chamber of the ECtHR confirmed the initial ruling and ordered Demirtaş' immediate release.

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: 2 October 1957

Type of legislation used: Other (attempting to overthrow the government)

Date of arrest: 18 October 2017

Details of arrest: Mehmet Osman Kavala was first detained on 18 October 2017 at Istanbul's Atatürk airport upon returning from the city of Gaziantep, south eastern Turkey. Gaziantep houses about 350,000 Syrian refugees and Kavala was reported to be setting up a cultural centre aiming at integrating refugees with the local community. He was interrogated on 31 October 2017 by the Istanbul Police Department Anti-Terrorism Unit. The next day, a court in Istanbul ruled that he be remanded in custody, allegedly on suspicion that he organised the Gezi Park protests in Istanbul in 2013 and was involved the July 2016 coup attempt. Kavala's lawyers submitted several applications for provisional release, to no avail. On 22 May 2019, Turkey's Constitutional Court rejected an application to end his lengthy pre-trial detention.

Detail of trial: Kavala was formally charged 16 months after his arrest. A 657-page long indictment, released on 19 February 2019 and accepted by Istanbul's 30th High Criminal Court on 4 March 2019, accuses him and 15 co-defendants of being responsible for crimes allegedly committed by protestors across Turkey during the Gezi Park protests and reframes the overwhelmingly peaceful protests as a conspiracy to overthrow the government.

All defendants face life imprisonment on the charge of 'attempting to overthrow the government or partially or wholly preventing its functions' (Article 312 of Turkey's Criminal Code). The first hearing took place on 24 June 2019; Istanbul 30th High Criminal Court ruled for Kavala's continuing detention in subsequent hearings.

Update: On 18 February 2020, the Istanbul 30th High Criminal Court acquitted Osman Kavala and eight co-defendants present in court of all charges. The cases of the seven defendants residing outside Turkey were separated from the case file. Hours after the verdict, the Public Prosecutor announced that they were appealing the acquittal and opening a new investigation against Osman Kavala for 'attempting to overthrow the constitutional order through violence and force' under Article 309 of the Turkish Penal Code in connection with the 2016 coup attempt.

Second Indictment: On 8 October 2020 an Istanbul Court accepted a second indictment accusing Kavala of espionage alongside a US academic, Henri Barkey, also indicted in absentia (Barkey is resident in the USA). They are accused of gathering confidential information with the aim of overthrowing the constitutional order during the 2016 attempted military coup. The first hearing was held on 18 December 2020 with the next hearing set for 5 February 2021. Kavala remained in pre-trial detention at the time of writing.

Current place of detention: Silivri prison, Istanbul

Professional background: Kavala has dedicated his life to promoting open dialogue and peace, human rights and democratic values in Turkey. He helped establish a number of civil society organisations, including Anadolu Kültür (Anatolian Culture), a cultural association that aims to foster a celebration of diversity through cultural and artistic exchange. He also helped found İletişim Publishing in 1983, which has since become one of Turkey's largest publishing houses.

Other information: On 10 December 2019, the ECtHR ruled that there had been a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights, Article 5 § 4 (right to a speedy decision on the lawfulness of detention) and Article 18 (limitation on use of restrictions on rights) in the case. The court found that Kavala's detention 'pursued an ulterior purpose...namely that of reducing [him] to silence' and called for his immediate release. On 4 May 2020, Kavala's legal counsel submitted an application to Turkey's Constitutional Court complaining that there is insufficient evidence to justify his detention and that the authorities had failed to comply with the ECtHR's ruling. On 4 September 2020, the Council of Europe

Committee Members demanded that Kavala be released pending the decision of the Constitutional Court. However on 29 December 2020, the Constitutional Court rejected the appeal, extending his pre-trial detention to the next hearing set for 5 February 2021.

Honorary member: Swedish PEN

PEN action: Resolution 2018, statement November 2018, statement June 2019, statement July 2019, statement October 2019, statement February 2020, statement February 2020, PEN International Day of the Imprisoned Writer, November 2020

On trial

Ayşe BERKTAY

Gender: Female

Profession: Scholar, author, translator and woman's activist

Type of legislation used: Anti-terror

Date of arrest: **1)** 3 October 2011 **2)** 9 August 2016

Date of Release: **1)** Freed pending trial on 20 December 2013 **2)** Acquitted 21 May 2019 – acquittal under appeal

Details of trial: 1) Berktaş had been working with the now defunct pro-Kurdish Peace and Democracy Party (BDP) of which she was a member. She was charged with 'propagandising for a terrorist organisation', with reference to her allegedly 'planning to stage demonstrations aimed at destabilising the state' and 'attending academic and human rights conferences outside Turkey on behalf of KCK' (for more information about KCK-related trials please see 2018 Case List).

2) Additionally, on 9 August 2016, she was one of several staff members of *Özgür Gündem* whose passports were ordered to be cancelled by Istanbul's 14th Court of Serious Crimes. On 21 May 2019, an Istanbul Court acquitted Berktaş along with other columnists. However, the prosecutor reportedly appealed the acquittal. PEN is seeking an update on this case.

Professional background: Publications include: *History and Society: New Perspectives*, 2008; *The Ottoman Empire and the World Around* – with Suraiya Faroqhi, 2007. Berktaş is editor of *Women and Men in the 75th Year of the Turkish Republic* 1998. Translations include: *The Imperial Harem: Gender and Power in the Ottoman Empire, 1520-1656* by Leslie Penn Pierce, Princeton University, 1988; *The Ottoman Empire, 1700-1922 (New Approaches to European History)*, by Donald

Quataert, Cambridge University Press, 2005. Berktaş, also writes numerous articles on feminism in Turkey.

Awards: Winner of the 2013 PEN/Barbara Goldsmith Freedom to Write Award.

Honorary member: PEN Turkey, PEN America, PEN Canada

PEN Actions: RAN 22/13 07/05/13 & RAN 23/13 23/05/13, Update 12/06/13, International Women's Day Action 2014, Interview with Ayşe Berktaş 8 March 2014.

Çayan DEMIREL

Gender: Male

Profession: Documentary filmmaker and director

Date of birth: 1977

Ertuğrul MAVIOĞLU

Gender: Male

Profession: Documentary filmmaker and director

Date of birth: 1961

Sentence: Both were sentenced to four years and six months in prison

Type of legislation: Anti-terrorism

Details of trial: On 20 December 2017, Demirel and Mavioğlu were charged with disseminating propaganda in favour of a terrorist organisation under Article 7/2 of Law no. 3713 on Counter-Terrorism for their documentary film *Bakur*, which shows the daily life of members of the outlawed Kurdistan Workers Party (PKK) in three different camps in southeast Turkey in 2013. *Bakur* was scheduled to premiere at the Istanbul Film Festival in May 2015 but the screening was cancelled at the behest of the Turkish Ministry of Culture, on the grounds that film did not have the required registration certificate. As Demirel gave his deposition in Istanbul on 28 December 2017, dozens of filmmakers came in solidarity to protest outside the courthouse, holding signs that read 'Sinema Yargılanamaz! Keep Films Out of Court!'. The first hearing on their case took place on 18 January 2018. The Batman 2nd High Criminal Court sentenced both directors to four years and six months in prison in absentia on 18 July 2019; the initial three-year sentence was increased by the court as required by Turkish law because the 'propaganda' was made 'through press and broadcast.' Demirel and Mavioğlu remain free pending appeal but are subject to a travel ban.

Health concerns: Çayan Demirel's lawyer reports that he suffers from difficult health conditions that arose after finishing *Bakur* in 2015 which has meant that he has been unable to attend hearings.

Background: *Bakur*, the Kurdish word for 'North', explores the conflict between the Turkish armed forces and the PKK, providing an insightful reflection on the lives of PKK guerrillas in three camps that are located in the mostly Kurdish-populated region within the Turkish border. The documentary focuses on the withdrawal of the PKK from Turkey during the peace process that started in 2013 and collapsed in July 2015. The film was shown in numerous international and national festivals.

Professional background: Çayan Demirel started working on historical documentaries in 2000, after he had received his degree from the Faculty of Economics. In 2006, Demirel completed his first ever documentary called 38, which reflects on the incidents of the Dersim Massacre. He then founded Surela Film Production in 2009 and directed his award-winning documentary *Prison Number 5: 1980-84* that same year. Ertuğrul Mavioğlu worked as a journalist for nearly 30 years at multiple newspapers and television stations. He spent eight years in prison during the period 1980-1991, following the September 1980 military coup. He was also granted two awards from the Progressive Journalists Association.

PEN Action: statement, May 2018

Gulgeç AKDENİZ (pen name Gulgeç DERYASPI)

Gender: female

Profession: writer, member of Kurdish PEN

Date of Birth: 1973

Legislation: Anti-terrorism

Date of arrest: 25 July 2019

Date of release: 30 March 2020

Details of release: Gulgeç Deryaspî was released from pre-trial detention in an effort by the Turkish authorities to stem COVID-19 breakouts in Turkey's overcrowded jails.

Details of trial: Gulgeç Deryaspî was taken into custody on 25 July 2019 following simultaneous raids across Bitlis province, eastern Turkey, during which eight other individuals were also detained. She was formally charged with 'membership of a terrorist organisation' under Article 314/2 of Turkey's Penal Code on 29 July

2019 and sent to Bitlis E Type Closed Prison. The first hearing was held on 4 February 2020; she was released from pre-trial detention on 30 March 2020. She was sentenced to six years and three months in prison on 3 December 2020. Her lawyers officially lodged an appeal on 28 February 2021. She denies any wrongdoing. PEN International believes that Deryaspî is being targeted for her writings promoting Kurdish language and culture and calls for her conviction to be overturned.

Professional background: Gulgeş Deryaspî is the author of three novels in Kurdish. *Tariya Bi Tav* (Darkness with Sunshine), published in 2010, *Xezal* (Gazelle), published in 2013 and *Ez Ne Ezim* (I am not who I am), published in 2018.

Can DÜNDAR

Gender: Male

Profession: Former editor of *Cumhuriyet*, writer, documentary filmmaker and member of PEN Turkey

Date of birth: 16 June 1961

Type of legislation: Anti-terror

Date of arrest: 26 November 2015

Details of arrest: On 26 November 2015, Dündar and his Ankara bureau chief **Erdem Gül** were detained on terrorism and espionage charges in relation to a news story published in June 2015.

Date of Release: 26 February 2016

Details of Release: Dündar and Gül were released by a Supreme Court decision that stated that their rights and that of the press have been violated. Following President Erdoğan's criticism of the Supreme Court, commenting 'he won't abide by the ruling', the lower court sentenced Dündar and Gül to five years in prison for revealing state secrets. The decision is on appeal whilst Dündar and Gül remain free with Dündar living in exile in Germany as of December 2016. Proceedings against him (see below) are taking place *in absentia*.

Details of trials: (1) In June 2015, President Erdoğan filed a criminal complaint against Dündar over a news story, alleging espionage and demanding an aggravated life sentence. The complaint accused Dündar of trying to manipulate justice with fabricated material and violating confidentiality by publishing the story. Dündar's paper, *Cumhuriyet*, had published photos of Turkish intelligence agency's trucks allegedly carrying arms to Syria. In April 2018, a court in Istanbul issued an arrest warrant against Dündar and asked that INTERPOL issue a red notice on espionage charges. On 17 September

2020, the 14th Istanbul Heavy Penal Court ordered that Dündar appear before the court within 15 days or be considered a "fugitive" and risk all his assets being seized. Dündar refused to return to Turkey and on 7 October his property was confiscated. On 23 December 2020 Dündar was sentenced to a combined total of 27 years and six months in prison. He received 18 years and 9 months on the charge of "obtaining information that must be kept confidential for reasons relating to the security or domestic or foreign political interests of the State, for the purpose of political or military espionage" under Article 328 of the Turkish Penal Code (TCK). He was given an additional eight years and nine months on the charge of "knowingly and willingly aiding a terrorist organization without being its member" (TCK 220/7). He is appealing against the verdict. At the trial hearing of 23 December 2020 where Dündar was sentenced to a total of 27 ½ years in prison, his legal team refused to attend stating "we do not want to be part of a practice to legitimise a previously decided, political verdict."

(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 2020. **(3)** Dündar stood trial alongside 16 colleagues of *Cumhuriyet*, Turkey's oldest newspaper, on charges of assisting an armed terrorist organisation. PEN International observed the proceedings, which have been marred by violations of the right to a fair trial. On 25 April 2018, the court ruled that the case against Dündar would continue separately. Proceedings are ongoing as of 31 December 2020. **(4)** Dündar is one of the defendants in the 'Gezi Park' trial case (see Mehmet Osman Kavala entry). He stands accused of 'attempting to overthrow the government'; an arrest warrant was issued against him on 5 December 2018. On 18 February 2020, his case and that of six other defendants residing outside Turkey were separated from the case file. Proceedings are ongoing as of 31 December 2020.

Professional background: Former editor of *Cumhuriyet*, Can Dündar is the author *We Are Arrested: A Journalist's Notes from a Turkish Prison*, which the Royal Shakespeare Company in Britain turned into a play in 2018. He writes a weekly column for *Die Zeit* and works closely with Correctiv, a non-profit center for investigative journalism.

PEN Actions: RAN 08/14; 04/15 and updates, statement 3 June 2015, press release 23 December

2015 and [call to action](#). Mentioned in PEN's 2015 report: [Surveillance, Secrecy and Self-Censorship: New Digital Freedom Challenges In Turkey](#)

Aslı ERDOĞAN

Gender: Female

Profession: Novelist, advisory position in *Özgür Gündem* daily

Date of birth: 8 March 1967

Type of legislation used: Anti-terror

Date of arrest: 17 August 2016

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 her arrest on charges of being a member of a terror organisation and disrupting the unity of the state; she denied the charges. She was charged and detained alongside Necmiye Alpa (see released below).

Details of release: Erdoğan was subsequently released on 29 December 2016 following 133 days in detention. On 7 September 2017, the Turkish authorities lifted travel restrictions imposed on Erdoğan.

Acquittal: On 13 January 2020, prosecutors [requested](#) that Aslı Erdoğan be sentenced to up to nine years in prison for 'making propaganda for a terrorist organisation'. She was acquitted on 14 February 2020.

Appeal against acquittal: In June 2020 the prosecutor [appealed against](#) the acquittal to a higher court. Erdoğan faces renewed charges of sedition, membership of and propaganda for a terrorist organisation.

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.

Awards: Aslı Erdoğan was awarded the 2018 Simone de Beauvoir Prize for Human Rights and the Vaclav Havel

Library Foundation's 2019 Disturbing the Peace Award.

PEN actions: [RAN 18/16](#), [RAN 19/16](#), [Call to Action 1 September 2017](#); [statement February 2020](#)

Büşra ERSANLI

Gender: Female

Profession: Academic, expert on political science and author

Date of birth: 1950

Type of legislation: Anti-terror

Sentence: Freed pending trial

Date of Arrest: 29 October 2011

Date of release: 13 July 2012

Details of release: Ersanlı was released pending trial on 13 July 2012 along with 15 other KCK defendants in the first hearing of her case (for more information about KCK-related trials please see [2018 Case List](#)).

Details of trial: Ersanlı was charged under an indictment issued on 19 March 2012 with 'leading an illegal organisation' under Article 314/1 of the Turkish Penal Code, 'leading a terrorist organisation' under the Anti-Terror Law in connection with her participation in the Political Academy of the now defunct pro-Kurdish Peace and Democracy Party (BDP). Ersanlı's involvement included providing advice on lessons to be held within the Academy and on proposals for a new constitution for Turkey, and her participation in peaceful demonstrations. If convicted, she faces between 15 and 22.5 years in prison. Hundreds of supporters protested outside the court at an appeal hearing against the arrest on 31 October 2011. Her trial is ongoing as of 31 December 2020.

Professional background: Professor Büşra Ersanlı is an expert on political science and at the time of her arrest was working with the BDP's Constitutional Commission. She is also the author of *Peace and History* and *Bulut Falı (Nephomancy)* in which she narrates her nine months-long experience in prison. She is primarily known for her work towards finding non-violent resolutions to conflict.

Honorary member: PEN Turkey **PEN Actions:** [RAN 23/13](#) 23/05/13, Update 12/06/13 [International Women's Day Action 2014](#)

Ahmet NESIN

Gender: Male

Date of birth: 1957

Profession: Journalist and writer

Type of legislation used: Anti-terror

Date of arrest: 20 June 2016

Date of release: Freed pending trial on 1 July 2016

Details of arrest: As part of a campaign launched on World Press Freedom Day 2016, Ahmet Nesin acted as editor-in-chief for a day for the pro-Kurdish newspaper *Özgür Gündem*, on 7 June. On 20 June 2016, he was detained alongside Reporters Without Borders' representative in Turkey Erol Önderoğlu and Turkey's Human Rights Foundation Chair Şebnem Korur on charges of 'terrorist propaganda' after testifying before the prosecutor for terror and organised crimes. He was released pending trial on 1 July 2016.

Details of trial: On 22 June 2016, prosecutors issued indictments accusing Nesin of 'openly provoking [the people] to commit crimes', 'praising a crime and a criminal' and 'making propaganda for a [terrorist] organisation', charges that carry up to 14 years and six months in prison. On 17 July 2019, an Istanbul Court acquitted Nesin, Önderoğlu and Korur of all charges but in September 2019 the prosecution announced it would appeal against the verdict. The acquittal was overturned on appeal on 3 November 2020 with the next trial hearing set for 3 February 2021.

PEN actions: Statement June 2016, statement August 2016, statement July 2019.

Ömer PORÇAY (Porçay)

Gender: Male

Profession: satirist and social media influencer

Date of birth: c.1997

Type of legislation used: drugs legislation

Details of trial: Porçay was charged in 2018 with 'encouraging the use of psychotic and psychotropic substances' for a parody video broadcast that year. Entitled 'I am Smoking Weed (Ezhel Parody)', the video, available here, features Porçay performing the song, a satirical take on the popular Turkish rapper, Ezhel. Ezhel had been charged in June 2018 also for encouraging the use of marijuana in his lyrics and was subsequently acquitted on the first hearing of his trial after an international campaign against

the legal action. Porçay faces up to ten years in prison if convicted. Porçay's lawyer has underlined that the video was intended as a joke, making fun of young people who use marijuana, and that as a person who does not use drugs himself, Porçay was criticising those who encourage others to do so.

Professional background: Porçay is a popular Youtube satirist, with a large following in Turkey. His site can be found here. He had previously been charged with insult to religion for another video in which he refers to himself as a 'Caricatheist' (conflation of the words caricaturist and atheist.)

Update: In February 2021, Porçay was served a four year and two months sentence against which he has launched an appeal.

Ahmet ŞIK

Gender: Male

Profession: Journalist and writer, reporter for *Cumhuriyet* Daily, politician

Date of birth: 1970

Type of legislation used: Anti-terror

Date of arrest: 29 December 2016

Date of release: Freed pending trial on 9 March 2018

Details of arrest: Arrested at his home in Istanbul

Details of trial: Şık stood trial alongside 16 colleagues of *Cumhuriyet*, Turkey's oldest newspaper, on charges of assisting an armed terrorist organisation. He spent 435 days in solidarity confinement and was eventually released from pre-trial detention on 9 March 2018. PEN International observed the *Cumhuriyet* proceedings, which have been marred by violations of the right to a fair trial. On 25 April 2018, Ahmet Şık was found guilty of aiding a terrorist organisation without being a member, and sentenced to seven years and six months' imprisonment. The verdict attracted widespread criticism, both within and outside Turkey. In September 2019, Turkey's Court of Cassation ordered Şık to be retried on new and more severe charges of 'legitimising the acts of a terrorist group' and 'denigrating the bodies and organs of the state of the Turkish Republic' relating to alleged incidents since 2014. He faces up to 37 years in prison if convicted. PEN is seeking an update of the trial process. On 24 November 2020, the European Court on Human Rights ruled that his rights to freedom of expression had been violated.

Professional background: Şık is a graduate of the Communications Faculty Department of Journalists,

Istanbul University. Reporter for *Milliyet*, *Cumhuriyet*, *Evrensel*, *Yeni Yüzyıl*, and *Radikal* over the period 1991 – 2005. Police are said to have seized his draft manuscript *İmamın Ordusu* (*Imam's Army*), an investigation into the alleged affiliation of police to the Gülen movement. The book was subsequently published in November 2011 as an anti-censorship defiance with 125 writers, journalists and academics acting as co-authors and editors under the title *OOO Kitap* (*OOO Book*). Previously, in March 2011 he was acquitted of charges of breaching the confidentiality surrounding the trial of people alleged to be part of a 'deep state' conspiracy, known as 'Ergenekon' in a two-volume book published in 2010, before his arrest, entitled *Kırk katır, kırk satır* (*40 mules, 40 cleavers*). The first volume is entitled *Ergenekon'da Kim Kimdir?* (*Who's Who in Ergenekon*), and the second *Kontrgerilla ve Ergenekon'u Anlama Kılavuzu* (*Guide to Understanding Contra-guerrilla and Ergenekon*). In 2015 Şık was charged with defamation against former transport minister Binali Yıldırım in his book titled *Paralel Yürüdük Biz Bu Yollarda* (*We Walked Parallel on this Road*). The trial began in March 2015; on 15 December 2015, Şık was convicted of defamation and sentenced to pay a fine of 4,000 Turkish Lira (c. US\$ 5,118). On 12 April 2017, Şık was acquitted in the *OdaTV case* where a number of journalists were tried on accusation of being Ergenekon members. In 2018, he was elected deputy for the Democratic People's Party (HDP) Istanbul's second electoral district. He resigned from this post in May 2020 but continues to be an independent MP.

Awards: Awarded a number of prizes for his journalism in Turkey, including UNESCO's 2014 Guillermo Cano World Press Freedom Prize.

Honorary member: PEN Turkey, Danish PEN, PEN Belgium/Flanders

PEN Actions: PEN International closely followed Şık's case since his arrest. With others, PEN International has intervened before the European Court of Human Rights in his case. PEN International also issued a RAN (and updates 1, 2, 3) at the time of the ODATV case. Statement April 2018, statement February 2019, statement May 2019, report November 2019.

Deniz ZARAKOLU

Profession: Author and translator.

Date of Birth: 15 July 1975. Son of leading freedom of expression activist **Ragıp Zarakolu** (see below).

Type of legislation: Anti-terror

Date of arrest: 7 October 2011

Date of release: Freed pending trial on 27 March 2014

Details of arrest: Arrested at his home in Tarlabasi, Istanbul.

Details of trial: Charged with 'membership of an illegal organisation'. He faces 6-12 years in prison if found guilty. The indictment against him references a series of lectures that he gave at a Peace and Democracy Party (BDP) event. The lectures concerned political philosophy and the Kurdish movement in Turkey. First held in a prison in Edirne, and then transferred to Kocaeli Prison to be with his father, Ragıp Zarakolu (see below) who was later released. The trial continues as of 31 December 2020.

Professional details: Civil Engineer and PhD student at Bilgi University, Istanbul. Author of a book on Thomas Hobbes and translated Hobbes' *De Cive*, among other works. Also translated a book on the Turkish justice system in 1999, *The Independence of Judges and Lawyers in the Republic of Turkey: Report of a Mission 1999*, published by the Centre for the Independence of Judges and Lawyers, Geneva.

Honorary Member: German PEN, Danish PEN, Swiss Italian PEN.

PEN Action: RAN 23/13 23/05/13, Update 12/06/13

Ragıp ZARAKOLU

Gender: Male

Profession: publisher, freedom of expression and minority rights activist, member of PEN Turkey

Date of birth: 1948

Type of legislation used: Anti-terror

Date of Arrest: 29 October 2011

Date of release: Freed pending trial on 10 April 2012

Details of release: Zarakolu was released pending trial. The 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 2,000 books. In July 2018, the Istanbul 3rd High Criminal Court submitted a request for an Interpol Red Notice, a mechanism used to locate and provisionally arrest an individual pending extradition. In December 2019, Sweden's Hight Court rejected an extradition request from Turkey on the grounds that the allegations against Zarakolu would not be considered a crime under Swedish law, and that an extradition would breach Article 3 (prohibition of torture) and Article 6 (right to a fair trial) of the European Convention on Human Rights. The Turkish authorities subsequently confiscated all of Zarakolu's assets in Turkey and froze his pension. The trial continues as of 31 December 2020.

(2) Details of trial: Zarakolu is on trial under anti-terror legislation for articles he wrote in the now banned *Özgür Gündem* newspaper. Specifically, Zarakolu is charged for two articles: 'A Letter to Ocalan' [the leader of the banned PKK] published on the newspaper's website on 24 March 2016, and 'Cry, my Beloved Country', published in the print edition on 26 July 2016, shortly before the newspaper was shut down. PEN is seeking an update on the trial hearings.

European Court on Human Rights: On 15 September 2020, the European Court on Human Rights announced its ruling that Zarakolu had been denied his rights to liberty and security, as well to freedom of expression. The Turkish authorities were ordered to pay him 6,500 Euros (c. US\$ 7,800) in damages.

Professional background: Zarakolu is a well-known political activist who has been fighting for freedom of expression in Turkey for over 30 years, publishing books on issues such as minority and human rights.

Awards: Zarakolu was awarded the Assyrian Cultural Award in March 2012 and was nominated as a candidate for the 2012 Nobel Peace Prize.

Honorary member: PEN Turkey, PEN Canada, Danish PEN, German PEN, Netherlands PEN, and San Miguel Allende PEN

PEN Actions: RAN 54/11 Update #5 10/04/12 & RAN 23/13 23/05/13, Update 12/06/13. Statement September 2018.

Released

Necmiye ALPAY

Gender: Female

Profession: linguist, advisory position *Özgür Gündem* daily

Type of legislation used: Anti-terror

Date of arrest: 31 August 2016

Date of release: 29 December 2016

Details of arrest: On 31 August 2016, Istanbul's Eighth Criminal Court of Peace ordered the arrest of Necmiye Alpay and writer, Aslı Erdoğan (above) on charges of being members of a terror organisation and disrupting the unity of the state; they denied all charges.

Details of release: Both Alpay and Erdoğan were subsequently released on 29 December 2016 following 133 days in detention.

Trial: On 13 January 2020, prosecutors requested that Aslı Erdoğan be sentenced to up to nine years in prison for 'making propaganda for a terrorist organisation' and that Necmiye Alpay be acquitted of all charges. Both were acquitted on 14 February 2020. (The acquittal of Erdoğan was appealed by the prosecutor in June 2020 – see above)

Professional background: 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.

PEN actions: RAN 18/16, RAN 19/16, Call to Action 1 September 2017; statement February 2020

UNITED KINGDOM

Killed: trial in process

Lyra MCKEE

Gender: Female

Profession: Journalist, writer and LGBTI campaigner

DATE OF BIRTH: 31 March 1990

Date of death: 18 April 2019

Perpetrator: non-state

Details of killing: Lyra McKee was shot dead by a masked gunman as she was observing a riot

on the Creggan estate in Derry, Northern Ireland. She was standing beside a police vehicle when a gunman fired on police officers and onlookers. She died in hospital soon afterwards.

Details of investigation: In February 2020, a man was arrested and charged with possession of a firearm with the intent of endangerment to life and of membership of a terrorist organisation. He was freed on bail.

Background: The first killing of a journalist in Northern Ireland since that of Martin O'Hagan 2001, Lyra McKee's death was met with outrage from political leaders and others in Ireland and worldwide. There were fears for a return to the violence of the Northern Ireland Troubles that between 1968 and its ending with the 1998 Good Friday Agreement, claimed over 3,500 lives. On 23 April 2019, the 'New IRA' paramilitary group issued a statement in which it issued 'sincere apologies' for McKee's death, adding that she was not the intended target. It accused the UK armed forces of 'provoking' the violence and called on its members to 'take more care' when engaging in demonstrations.

Publications : Lyra McKee was a young journalist who had by the time she died, aged 29, worked on numerous publications including *Buzzfeed*, *Private Eye*, *The Atlantic* and the *Belfast Telegraph*. In 2016, she was listed by *Forbes* magazine as one of '30 under 30 in Media' for her reporting. In 2006, when just 16, she was awarded the Sky News Young Journalists Award for her work encouraging young people to join the profession. Her hugely popular blog, 'Letters to my 14-year-old self', chronicled her experiences as a gay woman. In June 2019, her book *Angels with Blue Faces*, based on her four-year investigation into the killing of an MP, was published posthumously. At the time of her death she was working on a second, *The Lost Boys*, about the disappearance of children in Northern Ireland; it was scheduled to be published in 2020.

Detained: Main case

Julian ASSANGE

Gender: Male

Profession: Publisher

Date of birth: 3 July 1971

Type of legislation: Other (sedition)

Date of arrest: 11 April 2019

Details of arrest: WikiLeaks founder and publisher

Julian Assange was arrested on 11 April 2019 at the Ecuadorian embassy in London, where he had been given asylum for almost seven years. He was arrested for breaching his bail conditions in 2012, and further arrested on behalf of the US authorities under an extradition warrant after the Ecuadorian authorities withdrew asylum. In May 2019, Julian Assange was indicted by the US Justice Department on 17 counts of violating the US Espionage Act for his role in obtaining and publishing classified military and diplomatic documents in 2010. UN experts, free expression groups and scores of human rights lawyers have made it clear that this prosecution raises profound concerns about freedom of the press under the First Amendment to the US Constitution and sends a dangerous signal to journalists and publishers worldwide. US prosecutors had already charged Assange with one hacking-related count, which also includes a list of actions that fall under journalistic activities. In June 2019, the United Kingdom's home secretary signed a US extradition order for Assange. Charges carry up to 175 years in prison. An investigation into a rape allegation against Assange – made in 2010 – was dropped in November 2019 after Swedish prosecutors said witnesses' memories had faded.

Update: On 24 June 2020, the US Department of Justice issued a second superseding indictment against Assange, adding no new charges but expanding on the charge for conspiracy to commit computer intrusion.

Current place of detention:

Belmarsh high security prison

Professional background: Assange founded WikiLeaks in 2006, which came to international attention in 2009-2010 when it published classified US government documents leaked by whistle-blower Chelsea Manning, then a military analyst in the US army; the documents revealed that the US army, the CIA and Iraqi and Afghan forces had committed human rights violations.

Conditions of detention: In May 2019, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment visited Assange in prison and reported that he showed 'all the symptoms typical for prolonged exposure to psychological torture'. In November, the Special Rapporteur expressed alarm at the continued deterioration of Assange's health since his arrest and detention and reported that his access to legal counsel and documents had been severely obstructed.

Other Information: In April 2019, the UN Special Rapporteur on Torture argued that Assange's extradition to the United States would expose him to 'a real risk

of serious violations of his human rights, including his freedom of expression, his right to a fair trial, and the prohibition of cruel, inhuman or degrading treatment or punishment.' Several UN experts also warned that he would be at risk of serious human rights violations. In November, the UN Special Rapporteur on Torture further called for Assange's prompt release.

Extradition appeal: On 4 January 2021 the District Judge of the Westminster Magistrate's Court ruled against the request to extradite Assange on medical grounds relating to his poor mental health. However she ruled that there were otherwise grounds for the extradition request and he remained in prison. **PEN Position:** PEN International calls on the United States to drop charges against Assange. Espionage laws should not be used against journalists and publishers for disclosing information of public interest. PEN International further calls on the United Kingdom to reject extraditing Julian Assange to the United States and to release him from prison pending the outcome of the prosecution appeal. **PEN Action:** statement April 2019, resolution September 2019, July 2020 Open Letter, statement 4 January 2021 and update

Closed Cases – Europe and Central Asia

The following cases in the Europe and Central Asia region which featured in previous PEN International case lists have been closed as there has been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2019:

Azerbaijan

Arif YUNUS

Russia

Anna POLITKOVSKAYA

Natalia SHARINA

Turkey

Mehmet BARANSU

Naji JERF

PEN ACTIONS FOR JOURNALISTS IN EUROPE AND CENTRAL ASIA

In addition to its advocacy for the writers referred to in this list, PEN International also took action on behalf of journalists and others at risk in Europe and Central Asia, some in collaboration with other organisations, details of which can be found in the links provided below:

Azerbaijan

Elchin MAMMAD: *journalist and human rights defender arrested and detained*

Action:

May 2020: Take Action Immediately release reporter and human rights defender Elchin Mammad

France

CHARLIE HEBDO: *attack on offices and injuries to staff*

Action:

September 2020: Statement Attack on Journalists

Belarus

VARIOUS: *arrests and attacks against political opponents of President Lukashenko in run up to the Presidential election*

Action:

August 2020: Joint Statement PEN calls for the immediate release of political prisoners

VARIOUS: *detentions and other attacks on writers, artists and other cultural workers involved in the protests against the outcome of the August presidential elections*

Action:

November 2020: Centre Action As the crisis in Belarus continues, Belarus PEN calls for international support

November 2020: Statement Writers, artists and cultural workers targeted in repression against the democracy movement

European Union

Press Freedom Concerns: *throughout 2020 a series of initiatives were launched by EU bodies that could have negative impact on freedom of expression within its member States.*

Action:

April 2020: Joint Statement Joint recommendations for an ambitious European Rule of Law Mechanism

May 2020: Joint Statement PEN joins open letter to European Commission regarding SLAPPs

June 2020: Joint Statement Concerns about legal threats against EUobserver

Malta

Daphne CARUANA GALIZIA (f): *murdered journalist*

Action:

May 2020: Joint Statement PEN International joins call to Attorney General asking for Europol support for murdered journalist Daphne Caruana Galizia

July 2020: Joint Statement Renewed call for justice, 1000 days after assassination of Daphne Caruana Galizia

December 2020: Statement First anniversary of the public inquiry: learning lessons is uncomfortable

Nello SCAVO: *journalist under threat*

Action:

August 2020: Joint Statement PEN International joins call for a robust and transparent investigation into threats made against Nello Scavo

Serbia

VARIOUS: *journalists attacked by demonstrators and police at protests*

Action:

July 2020: Joint Statement PEN International joins call for protection of journalists and media workers

Turkey

VARIOUS

Action:

April 2020: Joint Statement 24 groups call on authorities to release those detained and at risk of COVID-19

June 2020: Joint Statement PEN joins call for greater transparency from Turkey's public advertising agency

June 2020: Joint Statement Immediately release political prisoners

September 2020: Statement HRC45: Repression of free speech in Turkey amid UPR adoption

United Kingdom

Amy FENTON: *journalist forced to flee home under threats*

Action:

June 2020: Joint Statement Journalist Amy Fenton forced to flee family home

UK gravestone controversy: *UK refuses family gravestone to be inscribed in with Irish language epitaph*

Action:

June 2020: Statement PEN urges Church of England court to overturn Irish-language epitaph judgement

MIDDLE EAST AND NORTH AFRICA OVERVIEW 2020

Sara Whyatt and Mina Thabet MENA Programmes Coordinators

Year of the Pandemic: emergency regulations, internet shutdowns and arrests

In 2020, the Coronavirus pandemic had a devastating impact on freedom of expression in the MENA region. Many countries used the pandemic as a pretext to further crackdown on freedom of expression, intensifying online censorship and enforcing tighter restrictions on free speech. Among them were **Morocco** where at the very early stages of the pandemic several people were arrested soon after the Prime Minister warned in February against the spreading of false news about the Coronavirus outbreak. In **Bahrain**, in March, the government expanded its censorship of online activity to include anyone who circulates “false news” and “malicious rumours”. This came in the context of an investigation into online allegations that the government planned to impose a state of emergency. Sentences applied in such cases could be heavy, such as in **Saudi Arabia**, where publishing images of curfew violations or which incited people to break curfews could be punished with up to five years in prison. In **Egypt**, two news websites were blocked for six months, and six other social media pages were referred for prosecution for publishing ‘fake news’ about the virus. In **Oman**, the powers of the Internal Security Service (ISS), which is known for targeting activists and critics for views they express on social media platforms, were extended in March soon after the coronavirus outbreak, raising fears of even further restrictions. In the **United Arab Emirates**, it was reported in November that two men had been sentenced, including a journalist, to two years in prison for publishing an allegedly false story on the death of five people from the same family.

In some countries, criticism of emergency health legislation was interpreted as ‘insult’ to heads of state or even to the state itself. In **Kuwait**, legal action would be taken not only against people who publish ‘rumours’ about the pandemic, but also against commentary that weakens “the prestige of the state or prejudice[es] public order and morals”. In April, an editor and an administrator of **Iran**’s semi-official ILNA news agency were arrested for a cartoon deemed insulting to Supreme Leader Ali Khamenei (the cartoon mocked his promotion of alleged “Islamic medicine” to ward off Coronavirus). This came amidst a reported surge in summons and arrests of internet users, including journalists, for criticizing the government’s handling of the virus, or writing views contradicting the official narrative.

Prisoners under the shadow of coronavirus

The risk of contracting coronavirus is especially acute inside prisons where close confinement and poor health facilities have exacerbated the threat. In **Iran** alarm was such that around 85,000 prisoners were temporarily freed. However, only half of the political prisoners were reportedly freed, many of whom are serving long sentences and include writers. Three more entered Evin Prison in Tehran in September: Reza Khandan Mahabadi, Baktash Abtin, and Keyvan Bajan had been sentenced to 3 ½ and 6 years in prison for their writings criticising the government. Sedigeh Vasmaghi, a theologian, academic and rights activist is herself waiting for the call to enter prison after a sentence totalling six years for signing a petition protesting police brutality was upheld in October. Two female human rights defenders serving prison terms contracted Covid while in prison: Nasrin Sotoudeh, who was freed temporarily in September but who was ordered to return to prison in December,

and Narges Mohammadi, who was released in October after five years in prison.

In **Egypt**, the tragic death of film maker Shady Habash in Tora prison, Cairo, in May, said to be a result of ingesting hand sanitiser, is a stark example of the dangers of the lack of medical care in Egyptian prisons, especially during the pandemic. He had been held without trial for two years. Habash was arrested alongside poet Galal el-Behairy, and Mustafa Gamal, a social media administrator, both of whom were still in prison at the end of the year. All had been accused of producing and distributing a music video by Ramy Essam who has been living in forced exile since 2014. Health concerns and poor prison conditions under which rights activist and blogger, Alaa Abd El Fattah, has been held since September 2019 led his mother and two sisters to stage a protest outside his prison. One sister, film-maker Sanaa Seif, was arrested in June and later sentenced to 18 months in prison for ‘terrorism’ and publishing ‘false news’.

PEN was among rights groups that called for the release of opposition figures and human rights defenders in **Bahrain** who had been excluded from the almost 1,500 prisoners pardoned in March, amidst alarm at the presence of COVID-19 in the country’s prisons. Writers are also serving long prison terms in **Saudi Arabia**, where four writers arrested between 2014 and 2018 remain imprisoned for their criticism of the authorities. Two writers arrested in 2012 and in 2015 for their human rights activism are still detained in the **United Arab Emirates**.

Pre COVID-19 threats: an execution, civil society under threat

The execution of **Iranian** journalist Ruholla Zam in December is shocking proof of the extent that the country’s government will go to suppress dissent. In exile since 2009, Zam had visited Iraq in October 2019 where he was abducted and convicted for allegedly fuelling anti-government unrest. PEN was also among over 150 NGOs who condemned death sentences served against four journalists in **Yemen** who are accused of espionage.

Protests that broke out in 2019 in **Lebanon** against government corruption and economic failures abated to some extent during the pandemic. However, in June the public prosecutor ordered that those who posted online content deemed insulting to the President be investigated. This adds to the already disturbing pattern of activists, journalists and critics being summoned for interrogation because of their social media posts. Between October 2019 and June 2020, more than 75 people, including 20 journalists, had reportedly been arrested or summoned for interrogation in relation to defamation charges.

In November PEN was among 28 rights organisations calling for the release of five imprisoned women’s rights activists in **Saudi Arabia**. Earlier in the year, in January, key international rights organisations, including PEN, demonstrated their solidarity with Saudi CSOs in a public statement explaining why they were refusing to participate in the civil society engagement process at the G20 summit being hosted in Saudi Arabia. They referred to the 2018 murder of journalist Jamal Kashoggi, persistent repression of civil society (including gender rights activism) and other rights abuses as among the acute issues that must be addressed.

EMBLEMATIC CASES



Photo credit: Roger Anis (www.rogeranis.photo)

Egypt

Ismail al-Iskandrani

An investigative journalist and researcher held since 2015, he is serving a ten year sentence passed by a military court for 'leaking military secrets' and 'membership of a terrorist group.' It is believed that his detention and conviction is linked to his research on militant groups in Sinai.



Photo credit: Baktash Abrin. CC BY shared by Frontline Defenders.

Iran

Baktash Abrin, Reza Khandan-Mahabadi & Keyvan Bazhan

Writers in prison for defending freedom of expression

Abrin, Khandan-Mahabadi and Bazhan are writers imprisoned in September to serve sentences of between 3 ½ to 6 years for their writings and advocacy on censorship, and for commemorating writers murdered in the 1980s-1990s.



ALGERIA

Tahar Djaout – writer, poet and journalist murdered 1993 by Islamic extremists.

MIDDLE EAST AND NORTH AFRICA CASE LIST 2020

■ ALGERIA

Detained – Main Case

Mohamed TAJADIT

Gender: male

profession: Poet and activist

Date of Birth: c. 1995

Date of arrest: 23 August 2020

Details of arrest: Tadjadit was arrested on 23 August 2020 following his participation in a peaceful protest in Algiers. He was accused under a list of charges including undermining national unity, insulting the president, and spreading discrimination and hate speech through communication technology.

Current place of detention: Harash prison.

Health concerns: Media outlets reported that he was sent to the prison hospital due to a hunger strike in protest at his imprisonment.

Update: on 14 January 2021, the public prosecutor pushed for a two-year sentence against Tadjadit and others prosecuted alongside him. However, on 21 January 2021 the court sentenced him to six months in jail, with only four to be served and he was freed.

Professional background: Mohamed Tadjadit is an Algerian poet and activist. He participated in the Algerian anti-government protests in February 2019 known as the ‘Hirak’ movement - sparked by the election to a fifth term in office of President Boutafliqa - where he performed his slam poetry critical of the authorities. For this he was given the nickname “the poet of the Hirak”, becoming a well-known figure of the protest movement.

Other information: Tadjadit was arrested on 14 November 2019 following his participation in a protest before the Sidi M’hamed Court to demand the release

of Hirak detainees, accused on charges including undermining national unity. In December 2019, he was sentenced to 18 months in jail and handed a 100,000 dinars (c. US\$ 750) fine. The sentence was later commuted in January 2020 to a one-year suspended sentence with a ban on public speaking.

Publications: Videos of Tadjadit’s street performance can be found here and here. <https://www.youtube.com/watch?v=Cnx72jX2MgQ> ; <https://www.youtube.com/watch?v=NxgYULuuHsk>

■ EGYPT

Imprisoned – Main Case

Alaa Abd EL-FATTAH

Gender: Male

Profession: Blogger, activist, and writer. Writes a popular blog *Manalaa*, established with his wife, Manal.

Date of birth: 18 November 1981

Sentence: Five years in prison

Details of sentence: On 8 November 2017 his sentence was upheld, ratifying that he had to serve the last year and a half remaining of his original sentence. During a hearing on 30 December 2017, he also received a fine of around US\$ 1,700 for ‘insulting the judiciary’.

Expiry of sentence: 17 March 2019 – however he remains detained as of 31 December 2020

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 that they be placed under police observation for five years in addition to serving their time in prison. In August 2014, Abd el-Fattah was granted a retrial and later released on bail along with two co-defendants on 15 September 2014. On 23 February 2015, Abd el-Fattah was again sentenced to five years in prison for violating the Protest Law. He was not included in a Presidential Pardon of political prisoners in September 2015. Among the charges he faces are organizing a demonstration without a license, provoking riots, assaulting police officers, blocking roads, gathering public property, and insulting the judiciary (see below).

Current place of detention: El-Fattah was held at Tora Prison, Egypt's notorious maximum-security detention centre until late March 2019, when he was released under strict conditions, subject to a five-year parole period, and requiring him to stay at Dokki police station in Cairo for 12 hours daily, from evening until morning.

Conditions of detention: El-Fattah reported that he was required to be at the police station at 6pm every day and released the following morning at 6 am.

Arrest September 2019: On 29 September 2019, El-Fattah's family reported that he had not been released from the police station in the morning. It was later found that he had been re-arrested for his part in anti-President el-Sisi protests that had broken out in previous days during which around 2,800 were arrested. El-Fattah's lawyer reports that he faces charges of joining an illegal organization', 'receiving foreign funding', 'spreading false news', and 'misusing social media.'

Current place of detention: El-Fattah has been returned to Tora Prison.

Treatment in Prison: Amnesty International reports that El-Fattah has been subjected to torture on his return to prison including beatings and threats. He went on a hunger strike between April and May 2020 after he was prevented from attending detention renewal hearings due to coronavirus restrictions. In May 2020, his family received a letter from him informing them that he decided to end his strike after a judge extended his detention.

Update: in June 2020, Abd el-Fatah's mother and sister were beaten by women presumed to be plainclothes police as they were holding a vigil outside his prison in

protest at being denied access to him. His sister, Sanaa el-Seif, a film maker, was subsequently arrested and detained on charges of 'terrorism' and 'spreading false news'. She remains detained as of 31 December 2020.

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

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 al-ISKANDRANI

Gender: Male

Profession: Freelance investigative journalist and researcher **Sentence:** 10 years in prison.

Date of sentence: May 2018

Expiry of sentence: 29 November 2025

Type of legislation: Anti-terror

Date of arrest: 29 November 2015

Details of arrest: al-Iskandrani 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. al-Iskandrani'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, al-Iskandrani'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 al-Iskandrani to 10 years in prison. On 24 December 2018, an Egyptian military court upheld a 10-year prison sentence against Ismail Alexandrani.

Professional background: al-Iskandrani 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, al-Iskandrani had allegedly attended a conference in Berlin about counterterrorism, and he was considered an expert in ‘Sinai and Egypt’s extremities, Islamism, and post-Islamism’. He is reported to have been critical of the Egyptian government and its policies aiming to defeat extremists in the Sinai. His wife also suggested that he had been critical of the Muslim Brotherhood.

Publications: Among his papers, one entitled ‘The War in Sinai: A battle against terrorism or cultivating terrorism for the future?’

Awards: At the time of his arrest, al-Iskandrani was a Visiting Arab Journalist Fellowship, Middle East Program, Woodrow Wilson International Center for Scholars; Open Eye - Hany Darweesh Award for Exceptional Essay 2014; Global Winner in Youth Essay Contest on Democracy 2009 (World Youth Movement for Democracy); 2009 winner of the National Contest for Spreading Understanding and Mutual Respect of the Cairo Institute for Human Rights Studies.

Detained: Main Case

Galal EL-BEHAIRY

Gender: Male

Profession: Poet

Sentence: Three years’ imprisonment and a fine of 10 000 Egyptian pounds (c. US\$ 560)

Type of legislation: Activism and religious defamation **Date of arrest:** 3 March 2018

Details of trial: On 6 May 2018, Galal el-Behairy attended a trial in the Military Court with the understanding that the verdict would be given just three days later on May 9, although the verdict was

then postponed until May 16. On 31 July 2018, the sentence of three years’ imprisonment was handed down to el-Behairy for ‘insulting the military’ and ‘spreading false news’ on charges related to his book of poetry, *The Finest Women on Earth*. At the same time, el-Behairy is being investigated by the High State Security Prosecution for both this book and the lyrics he wrote for the song *Balaha* by the exiled singer, Ramy Essam, released on 28 February 2018. The High State Security charges against him include joining a terrorist organization, spreading false news, abuse of social media networks, blasphemy, contempt of religion, and insulting the military. An arrest warrant in the same case has been issued *in absentia* against Ramy Essam.

Current place of detention: Tora Prison

Conditions of detention: Upon the release of the above-mentioned song, el-Behairy was arrested 5 days later on 3 March. His whereabouts were not disclosed to his family or lawyers until he appeared before the High State Security Prosecution one week later, on March 10, 2018. He reportedly showed signs of severe torture and beating, and the High State Security Prosecution ordered him to undergo forensic medical examination.

Other information: Ramy Essam’s song and music video *Balaha* was released on February 26, 2018. Soon after the release of the song, which criticises the government and policies of Egypt, various pro-state TV hosts launched a smear campaign against Essam and el-Behairy. On 3 May 2018, el-Behairy wrote from his prison a statement in which he gave more details about his book *The Finest Women on Earth*, and his current situation. On 26 July 2018, UN human rights experts urged that he be released.

Associated case – death in custody: On 2 May 2020, Shadi Habash, 22, Egyptian photographer, film maker, and Gala’s colleague who participated in directing the video ‘*Balaha*,’ was declared dead in custody. The Egyptian Public Prosecutor issued a statement saying that Habash’s death was due to ‘methyl alcohol intoxication’. It stated that Habash drank from a bottle containing alcohol used as a sanitizer for prisoners by mistake. Local human rights groups consider his death due to medical negligence, as the prison authorities failed to provide vital medical care for a life-threatening medical emergency. Shadi had been held since 1 March 2018 along with six others, including Galal al-Behairy who wrote the lyrics to Ramy Essam’s song and Mostafa Gamal who managed the musician’s Facebook page. Shadi had been held for 26 months, in a violation of the Egyptian law that stated a two-year maximum limit on pre-trial detention.

PEN Action: Joint letter on 8 May 2018, PEN shared and translated el-Behairy's poem written in prison on 9 June 2018,

RAN Action on 2 August 2018, PEN publishes a new piece of poetry by the poet on 13 August 2018.

Conditional release

Hesham (or Hisham) GAAFAR

Gender: Male

Profession: Political researcher

Type of legislation: Illegally receiving funds

Date of arrest: 21 October 2015

Released: Conditionally released 27 March 2019.

Details of arrest: Agents of the Egyptian security forces raided the Foundation for Media Development's (MADA) offices and arrested Gaafar, its CEO. They confiscated all his electronic devices as well as work and personal documents. They also detained the Foundation's employees, including researchers and writers, for a period up to 12 hours and confiscated hundreds of computers and other electronic devices owned by the Foundation's staff, as well as papers and publications that were used for research and media-related work. Security forces agents then raided Gaafar's house while he was waiting in the police car and seized documents and electronic devices, including those belonging to his family.

Details of trial: On 24 October 2015, Gaafar appeared before the Supreme State Security Prosecution in Cairo, where the Public Prosecutor accused him of membership of the Muslim Brotherhood and of illegally receiving funds from foreign donors to support his Foundation's activities. A judicial case was opened against him and he was placed in pre-trial detention. Since then and up to his release his detention was regularly renewed for 45-day periods.

Conditions in detention: Gaafar spent most of his detention in the heavily guarded Tora (al-Aqrab) Prison under poor conditions and denied access to necessary medical care required for pre-existing medical conditions.

Release: On 27 March 2019, the Cairo Criminal Court ordered the release of Gaafar, and he was freed on 6 April after being held for almost four and a half years in pre-trial detention. He however is required to visit a police station twice a week and is banned from travel.

Professional background: Hesham Gaafar is a well-known writer, journalist, and political researcher. He is a leading political expert and founder of several regional NGOs including the Centre for Mediation and Dialogue and the Mada Foundation for Media Development (MADA), which is a local, private media company promoting, among others, dialogue among Egyptian society. He is also a member of Egypt's press syndicate. Gaafar has consulted for many international and national organisations such as the Centre for Humanitarian Dialogue (HD), UNICEF, and the Egyptian National Population Council. He also worked as an editor-in-chief for many Arabic magazines and scientific journals, including IslamOnline and *Thought Harvest*, a monthly cultural publication. Gaafar has also chaired several consultations focusing on interreligious and women's issues within Egyptian society, one of which led to the adoption of the al-Azhar declaration for women's' rights from an Islamic perspective in 2012.

Publications: Gaafar is the author of many books and articles about political issues, Islam, women, and governance in Egypt. For instance, in one of his books on the political dimensions of the concept of Governorship in Islam, he presents an in-depth study into this concept in Islam from both a historical and contemporary perspective. He has also contributed to many publications, such as *The Crises of Muslim Brotherhood*, in which he describes and critiques the Muslim Brotherhood's role in Egypt's professional syndicates.

Other information: On 17 December 2018, in its opinion No. 47/2018 the UN Working Group on Arbitrary Detention found Gaafar's detention to be arbitrary.

PEN Action: RAN on 7 October 2017

Statement: 8 April 2019.

Ibrahim AL-HUSSEINI

Gender: Male

Profession: Writer

Date of Birth: c. 1955

Type of legislation: Political activism

Date of arrest: 9 December 2018

Conditional Release: 14 February 2019.

Details of arrest: Al-Husseini was arrested at his home in Cairo by several security agents, who confiscated a number of his books and electronic devices. According to his family, the arrest was related to his social media posts, in which he commented on events in Egypt

and France. After his arrest in the early morning of 9 December 2018, al-Husseini was taken to the *Shubra al-Kheima* Police Station before being transferred to an unknown location and subsequently held at different locations. He was reportedly interrogated for 18 hours and denied access to a lawyer or to his family. His family were only allowed to deliver him medicine four days after his arrest. On 23 December 2018, the State Security Prosecution ordered al-Husseini's pre-trial detention for 15 days on a charge of 'inciting a demonstration'. Al-Husseini's pre-trial detention was renewed on 5 January 2019 for another 15 days and continued until his release in February 2019.

Details of conditional release: On 7 February 2019, an Egyptian court ordered **al-Husseini's** release on bail. However, the public prosecutor appealed this decision, and on 9 February, the court refused the appeal and confirmed **al-Husseini's** release on bail of five thousand Egyptian pounds (c. US\$ 285). It took several days to complete the security procedures before **al-Husseini** was released on 14 February 2019.

Health concerns: Al-Husseini suffers from diabetes, high blood pressure, and heart disease for which he needs regular medical care.

Professional background: Through his writing, al-Husseini has been defending social justice since the 1970s, and for this and his peaceful activism, he has previously been subjected to arrests and detentions.

Publications: Al-Husseini is the author of short stories including his latest collection entitled *Leil*, which is published by the Supreme Council for Culture in Egypt. In his articles, al-Husseini criticised both dictatorships and religious extremism in Egypt.

PEN Action: RAN on 7 January 2019.

IRAN

Imprisoned: Main Case

Baktash ABRIN, Reza KHANDAN-MAHABADI, and Keyvan BAZHAN

Gender: Male

Profession: Khandan-Mahabadi, Abrin and Bazhan are members of the Iranian Writers' Association. They have published numerous books, which focus mainly on Iran and its literature

Sentence: Each sentenced to six years in prison,

consisting of one year for 'spreading propaganda against the system' and five years for 'assembly and collusion against national security'. The sentences against **Baktash ABRIN** and **Reza KHANDAN-MAHABADI** were upheld on appeal, with that of **Keyvan BAZHAN's** reduced to three and a half years.

Expiry: Abrin and Khandan-Mahabadi – January 2025, Bazhan – June 2022

Details of trial: The case against the three men was opened by the Ministry of Intelligence in 2015 and the trial started on 22 January 2019, when the three writers attended a hearing before Branch 28 of the Revolutionary Court during which they received a briefing about their indictment. Among the charges brought against the writers are 'spreading propaganda against the regime' as well as 'assembly and collusion against national security'. According to an online report, the charges are politically motivated and relate to the writers' publications critical to the censorship of art and literature in Iran, as well as their membership of the Iranian Writers' Association (IWA), which is an unauthorised organisation. Evidence submitted against them included the publication of the IWA's internal newsletter and statements, the compilation of a book on IWA history, and attending the annual commemoration of Mohammad Mokhtari and Mohammad-Jafar Pouyandeh, two victims of what is known as the Serial Murders, where at least 14 dissidents were killed or disappeared between 1988 and 1998, as well as the memorial ceremony of the renowned Iranian poet, Ahmad Shamlu who had died in 2000. At the first hearing, the judge denied them the right to be represented by lawyers. Consequently, all of them refused to defend themselves. The judge ordered their release on bail of one billion Rial (c. US\$ 240,000) each. The writers could not afford this and consequently were sent, on 22 January 2019, to Evin prison in Tehran, then released on bail on 27 and 28 January 2019, after the bail amount was posted. During the trial, the writers were interrogated about their publications, peaceful activities, and their membership of the IWA. According to a statement by the IWA, verdicts against the three writers were issued on 15 May 2019 by the 28th Branch of the Revolutionary Court in Tehran. According to another statement issued by the Association on 31 December 2019, the case was referred to Division 36 of the appeal court, where the verdicts issued by the trial court were upheld. On 28 December 2019, it was announced that the verdict for Keyvan Bajan had been commuted to three and half years, and the verdicts for Reza Khandan and Baktash Abtin, each sentenced to six years in prison, had been

upheld **Imprisonment**: On 26 September 2020 the three men entered Evin Prison to serve their sentences

Place of detention: Evin Prison

PEN Action: [PEN Statement 3 May 2019](#), [Action 22 May 2020](#), [Action 30 September 2020](#), [Action 30 October 2020](#)

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 has been repeatedly shuffled between numerous detention centres and prisons, including the central prison of Bandar Abbas, Gohardasht (Rajai-Shahr) prison in Karaj, and Evin prison. In September 2020 he was reportedly held in Zabul Prison where his health was said to remain critical.

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 has undertaken prison hunger strikes in 2016, 2017 and 2018 in protest at prison conditions.

Health concerns: According to reports, Davoodi has suffered broken legs resulting from torture, and also suffers from renal failure, diabetes, and heart disease. He is reported to be denied medical attention. In one of his messages posted online, Davoodi said that his sight was becoming dim and he was deprived of the most basic rights including visits, phone calls, communication with other prisoners, reading books, and medication.

Professional background: In 2002, Davoodi co-founded the Confederation of Iranian Students, an organization which promotes human rights and democracy in Iran.

Other information: The TV documentary *Forbidden Iran* was filmed in secret, and widely broadcast in northern Europe in December 2003 and in North America in January 2004. Davoodi assisted in the making of the documentary and was interviewed in the film, where he spoke about political prisoners and the death in custody of Canadian Iranian photojournalist Zahra Kazemi in 2003.

Golrokh EBRAHIMI IRAEE

Gender: Female

Profession: Writer and activist

Date of birth: 1980

Sentence: Initially six years in prison (reduced to 30 months). According to reports, her six-year sentence was reduced to five years (by consolidating her sentences), then again to 30 months' imprisonment under a Nowruz (Iranian New Year) amnesty. She was released on bail on 8 April 2019, but new charges were brought against her. On 18 July 2019 the Revolutionary Court in Tehran found her guilty of 'insulting the supreme leader' and 'promoting propaganda against the state'. She was sentenced to three years and seven months, extended by the Tehran Appeal Court to an additional two years and one month on 5 September 2019, bringing the total to 5 years and 8 months. She was re-arrested in November 2019 by the Revolutionary Guards.

Expiry of sentence: June 2024

Type of legislation: Opposition and human rights activities, defamation/insult.

Date of arrest: 24 October 2016

Details of arrest: Ebrahimi Iraee was reportedly arrested from her home on 24 October 2016.

Details of trial: According to reports, Ebrahimi Iraee was tried and sentenced at two brief sessions by the Revolutionary Court in Tehran. She was convicted of 'insulting Islamic sanctities' and 'spreading propaganda against the ruling system'. The conviction relates to an unpublished fictional story that she had written, focusing on the country's practice of stoning to death. A lawyer was reportedly not present at her trials; the first lawyer she was appointed was reportedly put under pressure by security officials to withdraw from the case and a second lawyer was barred from representing her. Ebrahimi Iraee reportedly was unable to speak in her own defence; the first court session focused on the activism of her husband, Arash Sadeghi – who is currently serving a 15-year sentence in connection with his human rights activism – and she was unable to attend the second session as she was in hospital recovering from surgery. She was sentenced to six years in prison. According to reports, Ebrahimi Iraee received a phone call from judicial officials on 4 October 2016 ordering her to report to Evin prison by noon on 5 October; however, as she did not receive a written summons, as required by law, she did not comply with the order.

Current place of detention: Women's Ward of Evin Prison, Tehran

Conditions of detention: According to reports, on 24 January 2018, Ebrahimi Iraee, along with human rights defender Atena Daemi, was transferred from Evin prison in Tehran to Qarchak prison in the city of Varamin. To protest their transfer to a poor conditions prison, both started a hunger strike on 3 February 2018. Ebrahimi Iraee continued her hunger strike until her hospitalization (see below) on 3 April 2018. Her family was allowed to visit her on 9 April 2018, and she was then returned to Evin prison.

Health concerns: According to Human Rights Watch, Ebrahimi Iraee's health conditions deteriorated as a result of the above-mentioned hunger strike.

Update: On 7 December 2020, Golrokh Iraee was summoned to the notorious Ward 2A of Evin prison. The Iranian Revolutionary Guards Corps intelligence service said that she had been summoned for investigation without providing clarification. She refused to go stating that the summons was illegal as she is serving her sentence at Qarchak prison. According to Front Line Defenders, The IRGC have a history of filing cases against prisoners on the verge of release. On 13 December 2020, prison guards forcibly removed her from Qarchak Prison and transferred her to the IRGC Intelligence Ward 2A in Evin Prison. She was reportedly assaulted with stun guns and batons and dragged along the ground by her hair. After 43 days on Ward 2A in Evin prison, Iraee was transferred back to Qarchak prison on 24 January 2021. Hours later, she was transferred once again to Amol Prison in Mazandaran Province in northern Iran.

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

Type of legislation: Religion and insult.

Date of arrest: 21 November 2013

Details of arrest: Farzizadeh was reportedly arrested in a raid on his house by plainclothes Ministry of Intelligence (MOI) agents and held incommunicado at the MOI facility for several days before being transferred to Meshgin Shahr Prison in Ardabil Province, north-western Iran.

Details of trial: Following a ruling from the Criminal Court of Meshgin Shahr in May 2015, Farzizadeh was reportedly convicted of apostasy and insulting the Prophet Muhammad, the Shi'a Imams, and Ayatollah Khomeini, the founder of the Islamic Republic of Iran. These charges stem from a book Farzizadeh wrote entitled *From Islam to Islam*, which reportedly examines the history of Shi'a Islam and raises questions about Shi'a Islam. In the book, Farzizadeh supposedly questions the existence of the Twelfth Imam, a messianic figure in Shi'a ideology who is supposed to reappear in the future as the saviour of humanity. The charge of apostasy carries the death sentence in Iran, while the additional sentences of imprisonment and lashing were related to the content of the book.

Current place of detention: Meshgin Shahr prison

Conditions in detention: A source for Iran Human Rights Documentation Center (IHRDC) has claimed that Farzizadeh has been threatened and assaulted in prison. Farzizadeh's brother also raised concerns about his safety in Meshgin Shahr prison, where Farzizadeh was beaten and stabbed, according to Oyan News.

Health concerns: The writer reportedly suffers from depression and obsessive-compulsive disorder. According to an Iranian news report, Farzizadeh's brother contested Farzizadeh's death sentence on account of his mental condition, though the court has not lifted the charge. No further news as of December 2020. 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. In November 2020, it was reported that Rahnavard and her husband had been diagnosed with [COVID-19](#).

Professional background: Rahnavard is a leading Iranian academic, writer, artist, and politician. She served as the Chancellor of Alzahra University from 1998–2006, becoming the first female chancellor of a university since the Islamic Revolution in 1979. During this time, she also served as political adviser to the then President Khatami.

Other information: Rahnavard is a member of the reformist opposition group, the Green Path of Hope, headed by her husband, Mir-Hossein Mousavi. Born in 1945, Zahra Rahnavard is a committed women's rights activist. She broke convention by campaigning on behalf of her husband Mir-Hossein Mousavi's 2009

presidential campaign, becoming the first woman to do so in Iran. Her mantra on the campaign trail – that ‘getting rid of discrimination and demanding equal rights with men is the number one priority for women in Tehran’ – is credited with galvanising young women to vote. She is also a devout Muslim and vocal supporter of the hijab, arguing that it liberates women, though she has said it should be a woman’s choice to wear it. On 30 March 2012, in its opinion 30/2012 the UN Working Group on Arbitrary Detention found the house arrest of the three to be arbitrary and requested that they be released and afforded compensation. According to reports, in May 2018 Rahnavard ‘declined an unofficial offer for some of the restrictions on her to be lifted, demanding that she and fellow opposition leaders under house arrest – Mir Hossein Mousavi and Mehdi Karroubi – be freed together and unconditionally’. In June 2019 she was reportedly granted access to a mobile phone and satellite TV in her home. Rahnavard remains under house arrest as of December 2019.

Publications: Dr Rahnavard is also the author of more than 15 books including *Beautiful Hidden Secrets of Beauty* in 2017 and *Beauty of Concealment and Concealment of Beauty*.

PEN Action: Day of the Imprisoned Writer case 2013

Sentenced – awaiting imprisonment

Sedigeh VASMAGHI

Gender: Female

Profession: University lecturer

Type of legislation: Human rights activities

Date of arrest: 22 October 2017

Date of release: 4 November 2017, on bail

Details of arrest: On 14 October 2017, Vasmaghi, along with her husband, arrived from Sweden in Iran where she was detained for several hours at Tehran’s International Airport. Vasmaghi was then released and ordered to reappear for interrogation on 22 October 2017.

Details of trial: On 22 October, Vasmaghi introduced herself before Branch 28 of the Tehran Revolutionary Court, which oversees political trials. The hearing took only around ten minutes, giving no opportunity for Vasmaghi to speak in her defence, and during which the judge mentioned a previous court ruling pronounced against the writer before her departure abroad, as well as her opposition to the practice of

stoning women found guilty of adultery. Vasmaghi was then immediately transferred to Evin prison, then released on bail on 4 November 2017. Vasmaghi’s appeal was held on 16 May 2018 and she was given a suspended sentence. In September 2019, she was banned from leaving the country.

Update to trial: On 24 June 2020, Vasmaghi was summoned to the Revolutionary Court as a result of a complaint filed by the Ministry of Intelligence and the Revolutionary Guards’ Legal Division after she signed a petition titled ‘Respect the People’s Demands’ with seventy-six other signatories (the petition condemned the crackdown against protestors who had participated in demonstrations in November 2019). She refused to attend the hearing session at the Revolutionary Court, expressing her concerns over the lack of impartiality of the court. Instead, Vasmaghi shared her statement of defence online, clarifying why she would not attend the hearing on 4 August 2020. Later in August, she was sentenced to one year in prison for “propaganda against the state.” She appealed the verdict; however, the court upheld the sentence against her in October 2020. The confirmation of the verdict sparks concerns that Vasmaghi would have to serve the one-year-sentence alongside her previously suspended sentence of five years in 2017, bringing the total to six years’ imprisonment. As of 31 December 2020, she had not been detained.

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 ; Update #2- 10 September 2020; Update #3 – 9 November 2020
Emblematic Case Day of the Imprisoned Writer 2020

Internal exile

Saeed MADANI

Gender: Male

Profession: Sociologist and former editorial board member of the banned magazine *Iran-e Farda* and former editor-in-chief of the quarterly *Refah-e Ejtemaee (Journal of Social Welfare)*

Sentence: Six years in prison

Date of arrest: 7 January 2012

Date of release into internal exile: 16 March 2016

Details of trial: Madani was tried in January 2013 and sentenced to six years' imprisonment, to be spent in exile in prison in Bandar Abbas, a port city on the southern coast of Iran, and ten years of enforced residency in Bandar Abbas city after a conviction of 'spreading propaganda against the system' and gathering and colluding with intent to harm national security. These accusations are believed to relate to his activities in the National Religious Alliance and in the opposition Green Movement.

Details of release: Madani was reportedly released into internal exile on 16 March 2016, according to the Centre for Human Rights in Iran. He is required to reside in the port city of Bandar Abbas.

Background: Madani is a well-known researcher and sociologist and member of the National Religious Alliance (Melli-Mazhabi). (For more details see previous Case Lists.)

MOROCCO

On Trial

Maati MONJIB

Gender: Male

Profession: Journalist, academic, and historian

Type of legislation: State security

Perpetrator: State

Date of trial: 19 November 2015 and ongoing

Details of trial: Monjib was charged alongside six other journalists and human rights defenders with 'undermining state security' and 'failing to report foreign funding' for participating in a foreign-funded project to train people in citizen journalism. They are being tried under article 206 of the Penal Code, which states that 'a person is guilty of harming internal state security [...] if he, directly or indirectly, receives [support from abroad intended, or used, to finance] an activity or propaganda capable of harming the integrity, sovereignty, or independence of the kingdom.' The Court of First Instance in Rabat is currently considering their case. Front Line Defenders, [reporting](#) in May 2019, noted that the trial had been postponed 15 times. According to Amnesty International, Monjib was thought to be the main target of the prosecution.

Update: On 29 December 2020, Monjib was arrested while having lunch at a restaurant in Rabat. According to [Amnesty International](#) on 7 October 2020, the prosecutor's office at the Rabat Court of First Instance, following a referral from the Financial Information Processing Unit, opened a new investigation against Monjib for alleged embezzlement and money laundering. The new allegation apparently stemmed from Monjib's receipt of foreign funds to conduct training workshops for citizen journalists. However, [media sources](#) reported Maati Monjib's statement which said that this was another way to intimidate and punish him because of a recent radio interview where he criticised the

General Directorate of Territorial Surveillance for their role in suppressing political opponents. In November 2020, he said in a post on Facebook that he had been summoned by the National Brigade of the Judicial Police for investigation while he was still recovering from COVID-19. He announced that he received another summons order on 4 December 2020.

Update: On 27 January 2021, the Court of First Instance in Rabat sentenced him to one year in prison and a fine of 10,000 dinars, over charges including “undermining the internal integrity of the state and fraud.”

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.

Judicial Concern

Omar RADI

Gender: male

Date of Birth: c. 1987

Profession: Journalist

Legislation: Criminal and other (espionage)

Date of arrest: 29 July 2020

Details of arrest: On 29 July 2020, the National Brigade of Judicial Police (BNPJ) summoned Radi for investigation over alleged accusations of assault with violence and rape, and of undermining state security by receiving foreign funding and collaborating with foreign intelligence. This was the 10th time he had been called for investigation. The BNPJ referred him to the Casablanca Court of Appeal, where an investigative judge ordered his detention pending further investigations.

Details of trial: On 29 July, the investigating judge at Casablanca Court of Appeal ordered Omar Radi's detention, pending an investigation into two charges of “assault with violence and rape” and the “receipt of

foreign funds to undermine state's domestic security and initiation of contacts with agents of foreign countries to harm the diplomatic situation of Morocco.” The charges came pursuant to articles 191, 206, 485 and 486 of the Criminal Code. He is facing up to 10 years' imprisonment if convicted. On 24 December 2020, Radi appeared before the investigating judge in Casablanca. The hearing lasted for about 15 minutes and Radi “remained in good spirits especially after he had the chance to see his mother for the first time in five months”, according to his father's statement to AP. The next hearing was set for April 2021.

Current place of detention: Prison Oukacha, Casablanca.

Professional background: Omar Radi has been a journalist since 2008. He is known for his work on issues related to injustice, corruption, relations between power and business, human rights and social movements. He worked for several media outlets including, TelQuel, Media 24, and Le Desk.

Other information: Omar Radi has been a target of the Moroccan government for some time. According to HRW, since June 2020, Radi was summoned for several interrogation sessions of six to nine hours each about multiple accusations, including allegedly providing “espionage services” to foreign governments, firms, and organizations. He was previously detained in 2019 over a tweet in which he criticized a judge who imposed heavy penalties on protesters from the Rif region. In March 2020, a Moroccan judge handed Radi a four-month suspended prison sentence and a fine of 500 Dirham. In June 2020, Amnesty revealed that its Security Lab identified evidence suggesting that Omar Radi had been targeted by the Moroccan authorities using Pegasus spyware produced by Israeli company NSO Group. The Moroccan authorities have used the same spyware against prominent writer and human rights defender Maati Monjib, and human rights lawyer Abdessadak El Bouchattaoui. Hafsa Boutahar, a journalist and a former colleague of Radi, accused him of rape and blamed the Moroccan Association of Human Rights for lack of support.

Publications : <https://www.medias24.com/SOCIETE/151237-Guich-L-Oudaya.-La-predation-fonciere-dans-toute-sa-splendeur.html>, <https://www.middleeasteye.net/fr/users/omar-radi>, <https://lakome2.com/politique/53557/>, <https://www.medias24.com/ECONOMIE/ECONOMIE/11941-Imider.-Trois-ans-plus-tard...-rien-n-a-change.html>, <https://ledesk.ma/enoff/la-boite-de-com-del-himma-traine-des-ardoises-fiscales/>

PEN Position: While there are suggestions that the prosecution against Radi may be in retaliation for his long standing criticism of the government, the accusations of rape and assault against him are extremely serious. Radi's accuser needs to be heard, respected and given the opportunity to voice her grievances; if the charges against him are founded, he should be penalised accordingly. Both his accuser and Radi have the right to fair and impartial judicial proceedings. PEN International is monitoring his case and calling for a fair trial for all parties concerned.

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 misguiding 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 for Human Rights released a statement urging his release.

Publications: Fayadh co-authored *Rhizoma*, a book exploring the transformation of the arts scene in Saudi Arabia. English translations of the poetry used in evidence against him are available.

Awards: 2017 Oxfam Novib/PEN Award for Freedom of Expression

Honorary member: German PEN, English PEN, Swedish PEN, Scottish PEN, Danish and PEN Belgique

PEN Action: RAN 13/15 press statement 27 November 2015, joint letter by writers worldwide, participation in global poetry reading of Fayadh's work on 14 January 2016; 17 June 2016 Action_

Nadhir AL-MAJID

Gender: Male

Profession: School teacher and writer

Date of birth: 30 April 1977

Sentence: Seven years in prison as well as a seven-year travel ban and a fine of 100,000 riyals (c. US\$ 26,000).

Expiry of sentence: January 2024 for the imprisonment and January 2031 for the travel ban.

Type of legislation: Political opposition

Date of arrest: 18 January 2017

Details of arrest: On 18 January 2017, he was arrested at the hall of the Court of Appeal of the Specialised Criminal Court in Riyadh, after the judicial arrest decision.

Details of trial: He was accused of 'writing articles supporting protests', 'failing to obey the ruler', 'contact with foreign news agencies', and 'participating in demonstrations'. On 4 June 2017, al-Majid's sentence of seven years in prison and a seven-year travel ban as well as the fine was upheld by the Riyadh Court of Appeal. The judgment is final and cannot be subject to further appeal.

Current place of detention: Dammam Investigations prison

Conditions in detention: He was taken to the al-Ha'ir high-security prison, where he was held in solitary confinement for over a month. Al-Majid was then transferred to the al-Dammam Investigations prison on 24 February, where he spent the first two days in solitary confinement.

Professional background: Al-Majid is a prominent Saudi writer and schoolteacher.

Other information: Al-Majid was previously arrested on 13 April 2011 and detained until 27 June 2012, without charge or trial during which time he claims to have been tortured and ill-treated and placed in solitary confinement for five months. His detention then was related to his writings and publications, in particular his article, 'I protest, I am a human being', in which he supports the right to protest and freedom of assembly. This article, along with his other articles, were published in 2015 in a book entitled *I protest*.

Publications: He has published many books and articles in several Arabic newspapers and electronic websites, including *Modern Discussion* and *Droub*. Al-Majid is also the author of *Procrustes shades: the text, the intellectual, the confession*, published in 2015, in which he promotes liberal and uncensored writings.

PEN Action: statement on 21 June 2017

Detained: Main Case

Marwan ALMURAISSY (Yemeni citizen)

Gender: Male

Profession: Journalist and TV presenter.

Date of birth: c. 1982

Date of arrest: 1 June 2018

Details of arrest: Almuraissy was arrested at his home in Riyadh by Saudi National Security agents.

Current place of detention: after a year of undisclosed detention, in May 2019 he was finally able to contact his family and as of 31 December 2020 he was held at Al-Ha'ir Prison, in Riyadh

Conditions of detention: In January 2020 there were media reports that he was unable to attend his young son's funeral. It was reported that in April 2020 Almuraissy was once again denied contact with his family due to the COVID-19 pandemic.

Health concerns: There is acute concern about his safety and physical well-being.

Professional background: Almuraissy 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. Almuraissy specialises in digital media, and he was regularly invited to give talks about his work.

Other information: Almuraissy is a Yemeni citizen who has been living in Saudi Arabia since 2003.

Publications: In January 2014, Almuraissy 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

On trial

Hatoon AL-FASSI

Gender: Female

Profession: Associate university professor.

Date of birth: 1964

Type of legislation: Political opposition

Date of arrest: 27 June 2018

Details of arrest: Al-Fassi is one of many women activists who were arrested in May and June 2018 for their peaceful support of women's rights or other human rights.

Release pending trial: On 1 May 2019 Hatoon al-Fassi was temporarily released from prison pending trial along with Amal Al-Harbi, Maysaa al-Manea, and Abeer Namankani

Conditions of detention: Reports have emerged that some of the women activists were subjected to electric shocks, flogging, sexual threats and violence, and other forms of torture while in detention. Testimonies recount that this abuse left some of the women unable to walk or stand properly, with uncontrolled shaking and marks on their bodies. Some were detained incommunicado with no access to their families or lawyers during the first three months of their detention.

Professional background: Al-Fassi is an associate professor of women's history at King Saud University in Saudi Arabia. She also taught at the International Affairs Department at Qatar University. She is a leading figure in fighting for women's rights in the region, mainly the right to drive in Saudi, a ban which was lifted on female drivers.

Publications: Among her publications is the book *Women in Pre-Islamic Arabia: Nabataea*. She is a columnist for al-Riyadh newspaper.

Awards: the MESA Academic Freedom Award for 2018

UNITED ARAB EMIRATES (UAE)

Imprisoned – Main Case

Nasser BIN GHAITH

Gender: Male

Profession: Academic and human rights defender

Sentence: Ten years' imprisonment

Expiry of sentence: August 2025

Type of legislation: National security

Date of arrest: 18 August 2015

Details of arrest: Security forces reportedly searched both bin Ghaith's home and office on 18 August 2015 before arresting him that evening and taking him to an undisclosed location. He

was allegedly arrested because of tweets he had posted which were critical of the UAE and Egypt.

Details of trial: According to Amnesty International, bin Ghaith appeared before the State Security Chamber of the Federal Supreme Court in Abu Dhabi on 4 April 2016. He was charged with: 'committing a hostile act against a foreign state' for his Tweets criticising the Egyptian Government; 'posting false information in order to harm the reputation and stature of the State and one of its institutions' (in relation to tweets stating that he had not been given a fair trial in the 'UAE 5' case); 'posting false information' regarding UAE leader's arrest, UAE, and their policies; and 'offensively criticising the construction of a Hindu temple in Abu Dhabi and inciting UAE citizens against their leaders and government'. This charge brought against bin Ghaith related to a tweet, which he told the court, had been misinterpreted and had been intended to promote tolerance. His final charges are of 'communicating and cooperating with members of the banned al-Islah organization' because of meetings he had with individuals who were tried in the 'UAE 94' case, and 'communicating and cooperating with the banned Emirates Ummah Party'. The judge allegedly turned off bin Ghaith's microphone in response to his claims of torture. The hearing is reported to have taken place behind closed doors, in breach of international law. Bin Ghaith was only allowed to see his lawyer for the first time while in court. On 29 March 2017, the Federal Appeal Court in Abu Dhabi sentenced bin Ghaith to ten years' imprisonment. According to reports, he has appealed this sentence before Federal Supreme Court.

Place of detention: Al-Razeen prison in Abu Dhabi

Conditions in detention: Bin Ghaith was held in secret detention in conditions amounting to an enforced disappearance for around eight months after his arrest in August 2015 until his first trial hearing on 8 April 2016. Bin Ghaith reportedly told the court how he had been beaten and deprived of sleep for up to a week while being held in detention. He is also said to have been kept in solitary confinement since his transfer to the maximum-security block in al-Sadr prison on 18 May 2016. According to human rights monitors, he was also detained at al-Razeen prison, from where he was temporarily transferred to an undisclosed location after a hunger strike he began on 2 April 2017 in protest against the lack of family visits. He has also been on hunger strike several other times, the last occasion being in October 2019, in a protest against medical neglect and irregular family visits in al-Razeen prison (he had been deprived of the medications he took pre-imprisonment

for high blood pressure and other ailments).

Health concerns: Bin Ghaith reportedly suffers from high blood pressure and he has not always been provided with the appropriate medication during his imprisonment. His health is said to be poor due to ongoing mistreatment. Other reported ill treatment includes being denied winter clothing, having his glasses removed for several weeks, and not receiving prompt treatment for tooth pain. His health has been getting worse as a result of his latest hunger strike and the conditions of detention. According to a 2018 human rights report, 'Bin Ghaith is very tired and has chronic symptoms of fatigue and can't even walk or use his feet. He also has difficulties breathing and he has lost a lot of weight'. The report also says that 'the administration of al-Razeen prison continues its ill-treatment of Dr. bin Ghaith, including by not providing him with his medications'.

Professional background: Bin Ghaith is an economist and researcher. He taught at the Abu Dhabi branch of Paris-Sorbonne University.

Other information: Bin Ghaith was one of five Emirati men (known as the 'UAE 5') who were arrested and detained in April 2011, accused of 'publicly insulting' United Arab Emirates officials in comments posted on an online discussion forum. All five men were convicted on 27 November 2011, with Bin Ghaith receiving a two-year prison sentence, before being released under a presidential pardon a day later following international outcry. The United Nations Working Group on Arbitrary Detention in its opinion delivered 15 January 2018 found that he was arbitrarily detained as a result of his exercising his right to freedom of opinion.

Publications: He has mainly published on economic devolvement in the UAE.

PEN Action: Mentioned in a joint letter on 20 March 2018 and a joint letter on 19 November 2018.

Mohammed AL-ROKEN

Gender: Male

Profession: Lawyer and author

Date of birth: 26 September 1962

Sentence: Ten years in prison followed by three years of probation

Expiry of sentence: July 2025

Type of legislation: National security

Date of arrest: 17 July 2012

Details of trial: Tried as part of the 'UAE 94' trial. Ninety-four defendants, including eight tried *in absentia* were charged with **(1)** Creating a secret organisational structure 'whose initial aim was to turn public opinion against the Government and the leadership of the State'; **(2)** Communicating with 'individuals and international and foreign entities and establishments based outside the State in order to distort the image of the State'; **(3)** Communicating with the international Muslim Brotherhood organisation and other similar organisations based outside the State, and seeking from such organisations 'help, expertise and financial support to serve [the group's] undeclared goal of seizing power'; **(4)** Investing 'the funds raised from... subscriptions, alms money, Zakat and contributions in the establishment of commercial and real estate companies, the selling and buying of residential and industrial property and agricultural land and shares registered in [the] names [of group members], with the aim of hiding the same from the authorities of the State'. The trial before the State Security Chamber of the Federal Supreme Court began on 4 March 2013. Al-Roken was convicted on 2 July 2013 and sentenced to ten years in prison. The trial failed to meet international fair trial standards, including the acceptance of evidence alleged to have been extracted as a result of torture, and was widely condemned by human rights organisations. There is no right of appeal. No further news as of 31 December 2019.

Current place of detention: Al-Razin prison

Conditions of detention: Upon his arrest on 17 July 2012 and for the next three months, al-Roken was held in solitary confinement at an undisclosed location. His fate and whereabouts were unknown in what amounted to enforced disappearance. Many of the 'UAE 94' defendants and others standing trial before the State Security Chamber of the Federal Supreme Court have alleged in court that they were tortured or otherwise ill-treated in pre-trial detention, where they were often held incommunicado for months in secret State Security detention facilities. The State Security Chamber of the Federal Supreme Court has not adequately investigated these allegations, despite mounting evidence that State Security is abusing detainees. While in prison Dr Mohamed Al-Roken has been denied basic rights including access to his lawyer. In addition to this it has been reported that the authorities have subjected him to psychological intimidation.

Professional background: Mohamed Abdullah al-Roken is a well-known human rights lawyer representing some members of the 'UAE 5', five individuals sentenced to two to three years'

imprisonment in 2012 for having expressed criticism of government policies. He also represented the 'UAE 7', a group of seven individuals whose United Arab Emirates citizenship the authorities attempted to revoke in 2011, owing to their membership of the Reform and Social Guidance Association (Al-Islah).

Other information: The UN Working Group on Arbitrary Detention in its opinion 60/2013 found al-Roken's detention and that of 60 others of the UAE 94 to be arbitrary.

Publications: Al-Roken has written a number of books and articles on human rights, freedom of expression, and counter terror laws.

Awards: 2012 Alkarama Award for Human Rights Defenders and Ludovic Trarieux Award **PEN**

Action: Mentioned in a joint letter on 4 March 2016, and a joint letter on 19 November 2018

Closed Cases – Middle East and North Africa

The following cases in the Middle East and North Africa region which featured in previous PEN International case lists have been closed as there have been no further reported attacks or because PEN has received new information on their present situations. For details of these cases, please refer to the PEN International Case List 2019:

Egypt

Wael ABBAS

Iran

Mohammad BAMM

Syria

Abduhadi KASHEET

PEN ACTIONS FOR JOURNALISTS AND OTHERS AT RISK IN THE MIDDLE EAST AND NORTH AFRICA REGION

In addition to its advocacy for the writers referred to in this list, PEN International also took action on behalf of journalists and others at risk in the Middle East and North Africa region, some in collaboration with other organisations, details of which can be found in the links provided below:

Bahrain

VARIOUS: *imprisoned human rights defenders, journalists and activists at risk from COVID-19*

Action:

April 2020: Joint Letter Free imprisoned rights defenders and activists facing COVID-19 threat

Egypt

Mustafa GAMAL: *social media administrator imprisoned since 2018*

Action:

May 2020: Joint Letter Human rights and cultural groups call for release of Mustafa Gamal

Shady HABASH: *film-maker died in prison*

Action:

May 2020: Open Letter to Egyptian authorities on jailing and death of Shady Habash

Sanaa SEIF: *film-maker arrested and beaten*

Action:

August 2020: Open Letter PEN International joins call for the release of film-maker and writer Sanaa Seif

Ahdaf SOUEIF and others: *writer and other activists briefly arrested*

Action:

March 2020: Joint Statement Arrest of author and activists disregards health and rights

Iran

Narges MOHAMMADI: *human rights defender imprisoned since 2018*

Action:

July 2020: Take Action COVID-19 fears for detained human rights defender and writer Narges Mohammadi

Nasrin SOTOUDEH: *human rights defender in prison*

Action:

September 2020: Take Action Call for immediate release of Nasrin Sotoudeh, human rights lawyer and activist, who is gravely ill while on hunger strike

October 2020: Take Action Concerns for Nasrin Sotoudeh's health amidst high prevalence of COVID-19 in Iran's prisons

November 2020: Statement Temporary release of Nasrin Sotoudeh welcomed while calls for her unconditional release continue

Ruholla ZAM: *journalist executed December 2020*

Action:

December 2020: Statement Execution of Ruhollah Zam - Iranians should not trade their lives for their freedom of expression

VARIOUS: *Suspension of newspapers under COVID-19*

Action:

April 2020: Statement Deep concerns over COVID-19 suspension of newspapers

VARIOUS: *Civil society organisations protest state of human rights in Saudi Arabia as it hosts the G20 Summit*

Action:

January 2020: Joint Statement Why we are not engaging with the G20

VARIOUS: *Imprisoned women's rights defenders*

Action:

November 2020: Joint letter Women's rights defenders must be immediately and unconditionally released

United Arab Emirates

Hay Festival: *Concerns for freedom of expression during Hay Festival*

Action:

February 2020: Statement Appeal for free expression to be tolerated as Hay Festival begins

Yemen

Four journalists: *sentenced to death*

Action:

May 2020: Joint Statement Over 150 NGOs appeal for death sentences of four journalists to be overturned

100 YEARS OF CELEBRATING LITERATURE AND
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