



**pen**  
INTERNATIONAL

# Impunity reigns – Writers resist

PEN INTERNATIONAL CASE LIST 2022



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PEN International is a non-political organisation which holds Observer Status with the African Commission on Human and Peoples' Rights, Special Consultative Status at the United Nations and Associate Status at UNESCO. PEN International is a registered charity in England and Wales with registration number 1117088.

## 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 147 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 members 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.

[pen-international.org](http://pen-international.org)





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



A portrait of Ma Thida, a woman with dark hair and glasses, wearing a dark blue traditional garment with gold buttons. The background is a vibrant, abstract composition of red, purple, and blue geometric shapes and textures.

# FOREWORD

MA THIDA

CHAIR OF PEN INTERNATIONAL'S  
WRITERS IN PRISON COMMITTEE

With this year's instalment of the Case List, we bring to light the values of PEN International: protecting freedom of expression, upholding equality, promoting languages and ideas across borders, and elevating women's voices.

The writers featured in this report have put their lives on the frontline and made enormous sacrifices – risking their safety and liberty – to hold the powerful to account. They have inspired us to keep fighting to safeguard the right to freedom of expression. They have dared us to visualize a different world, a better one. They have empowered us and new generations of writers and readers, as we reflect on the past 101 years of our work, to protect writers globally and consider how our voices and actions have the power to shape a future where human rights are a reality for all.

This year's Case List is an homage to all the writers who have disappeared, lost their lives, or had to flee to survive. Those who were harassed, threatened, intimidated, sued, physically attacked, or tortured. Those who were silenced and those who refused to be silenced, even from behind bars: persecuted author and founder of PEN Zimbabwe **Tsitsi Dangarembga**;

imprisoned Nobel Peace Prize winner and PEN member **Ales Bialiatski**; journalist and Nobel Peace laureate **Maria Ressa**, subjected to an ongoing campaign of harassment and intimidation; imprisoned pro-democracy activist and blogger **Alaa Abd El-Fattah**; and our friend and founding member of the PEN International Writers Circle, novelist **Salman Rushdie**, brutally attacked in August last year, just to name a few.

2022 was a year riddled with war, conflict, instability and violence. Afghanistan, Egypt, Eritrea, Haiti, Mexico, Palestine, Ukraine, and my own country, Myanmar, were amongst the most dangerous places for writers and those who dared to speak out. We repeatedly called for an end to the violence and for justice and accountability, and stood with PEN colleagues in fragile situations who continue to show extraordinary strength and resolve in the face of adversity.

Worrying trends can be identified across the world. Restrictive legislation is being used to criminalize free speech and muzzle writers and journalists – from criminal defamation to so-called anti 'fake-news' legislation. The use of surveillance technology has a particularly



chilling effect on writers, journalists, and human rights defenders – increasing their vulnerability and threatening the confidentiality of sources. The space in which civil society operates is continuously shrinking, with rights groups and members of the political opposition being attacked, harassed, threatened, and killed for their legitimate expression of dissent, criticism of government actions and calls for accountability. Justice systems are being abused to crack down on dissenting voices, resulting in state-sponsored impunity. Meanwhile, restrictions on the opportunities available to learn and receive education in minority languages and forced assimilation – particularly in countries in the Asia/Pacific region – have devastating consequences on education and language rights. Women writers continue to be disproportionately silenced, both online and offline, whether through censorship, harassment, or violence.

Impunity emboldens perpetrators. Unchecked abuses and authoritarian rule only lead to greater violations and suffering. Our message to the international community is clear: states must do everything in their power to push back against these abuses, by developing and implementing bolder and better coordinated responses and ensuring respect for human rights as foundational for peaceful, open, and just societies.

Solidarity is one of our biggest strengths. Scores of writers have been released or have seen their situation improved in recent years in part due to our work. The dedication of the PEN membership is a continuous source of inspiration and motivation for us all. I would like to end this piece with the words of Orhan Pamuk, PEN International Vice President and winner of the 2006 Nobel Prize in Literature:

When another writer in another house is not free, no writer is free. This, indeed, is the spirit that informs the solidarity felt by PEN, by writers all over the world.

## 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 2022, 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 International. At the end of each regional overview is a summary of the actions that PEN International took for journalists and others, such as human rights defenders, including 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 2022 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 on PEN International's [website](#), and PEN International's [Facebook](#), [Twitter](#) and [Instagram](#) pages.





# GLOBAL OVERVIEW

In 2022, as the world continued to emerge from the COVID-19 pandemic and witnessed the launch of the biggest ground war in Europe since the Second World War in the form of the unjustified assault on Ukraine by the Russian Federation, old and new threats to freedom of expression were witnessed.

Conflicts around the world continued to pose extreme risks for those reporting or commenting on them, especially in **Ukraine, Syria, Yemen, and Ethiopia**. Repressive governments and non-state actors acting with impunity in weak states marred by corruption and often with territory controlled by armed gangs continued to smear, threaten and attack, and sometimes kill, writers and journalists, seeking to expose these issues, with at least 68 writers and journalists killed or threatened, mostly in the Americas, Europe, Asia Pacific and the Middle East. The ongoing political vacuum in **Haiti** has seen a proliferation in armed gangs and a humanitarian crisis. States in the Americas continued to see high levels of violence which also translated into high numbers of killings of journalists and writers, with **Mexico** leading the way as in previous years. British writer **Dom Phillips** was found dead in **Brazil** after he had disappeared while on a trip to investigate the situation of a local Indigenous community.

In **Myanmar**, a chilling return to the use of the death penalty saw writer **Ko Jimmy**, who had been subject to an arrest warrant following his criticism of the February 2021 coup on social media, among four activists who were executed by the military junta following a sham trial.

Some countries saw writers forced to flee persecution and seek pathways to safety, often cruelly denied, such as in **Myanmar** and **Afghanistan** where many Afghan writers, poets, media workers and others who are already vulnerable due to their identity or chosen profession found themselves unable to financially support themselves due to the country's economic collapse, leaving them with no choice but to flee the country. PEN International has supported numerous requests for assistance from at-risk Afghan writers, poets, journalists and others who now live precariously in neighbouring countries, with many facing risk of refoulement or exploitation due to their illegal residency status. PEN International has campaigned for more effective pathways to safety.

As highlighted by PEN International in its resolution passed at its 88<sup>th</sup> Congress in Uppsala, Sweden, civic space, which has been under threat and



shrinking for years, came under renewed pressure, with repressive new laws passed and existing civil society organizations closed down, including several PEN Centres, now forced to continue their work in support of the promotion of literature, peaceful debate, education for all and freedom of expression in exile. Other Centres, such as the Montenegrin PEN Centre, came under attack from officials during the year. Writers and journalists also faced reprisals for their work in civil society organizations, including in **India**.

Across all regions, including in **Bahrain, Bangladesh, Belarus, China, India, Iraq, Iran, Kuwait, Morocco, Myanmar, Oman, Saudi Arabia, Spain, Sri Lanka, Türkiye, the United Arab Emirates (UAE), the United Kingdom, and Vietnam**, writers, journalists, and publishers have continued to be arrested, detained and often imprisoned for vaguely worded offences relating to national security, including ‘giving false information’ and espionage, as well as counterterrorism. Others in **Belarus, Guatemala and in the Russian Federation**, have faced trumped-up criminal charges, with smear campaigns and spurious sexual assault charges a notable pattern in **Morocco**. Criminal defamation and *lèse-majesté* laws, which are inherently incompatible with international free expression standards, were also used in many countries to harass or silence writers such as Roberto Saviano in **Italy**, as well as in **Egypt, Malaysia, Peru** (where criminal defamation provisions were expanded), and **Türkiye**. Others were judicially harassed with multiple or repeated lawsuits or onerous restrictions brought by private individuals or government officials for their investigative reporting or commentary on social issues, a phenomenon seen in **Azerbaijan, Bangladesh, Belarus, Peru, the Philippines, Türkiye, and Venezuela**. French-Turkish sociologist, feminist, writer, and PEN member **Pınar Selek** continued to face charges of which she had been acquitted four times, an apparent judicial vendetta against her.

At the start of the year, as the Omicron COVID-19 variant spread like wild-fire across the world, writers in prison once again risked death and ill-health, particularly in countries where denial of adequate medical treatment to prisoners is common. Sadly, prominent writer **Baktash Abtin** died in Iranian custody due to medical negligence, after authorities denied him urgent medical

care for 10 days following his second infection with COVID-19. Denial of adequate medical care was also a feature of the treatment of imprisoned writers in **Morocco**. In Latin America, mainly **Cuba, Nicaragua and Venezuela**, writers continued to suffer violations from their commentary and participation in protests relating to their governments’ responses to COVID-19.

While most countries had lifted most restrictions on movement in 2022, **China** continued to operate a ‘zero-COVID’ policy until public discontent at the ongoing restrictions boiled over towards the end of the year. In the wake of rare and widespread demonstrations, dozens were reportedly detained for their participation and the government moved to censor references to demonstrations on social media, including with new regulations.

The continued rise of authoritarian sentiment saw censorship of books and content, including online, where the internet and social media continued to be a battle ground for freedom of expression. Book bans – which have happened in the past – are on the rise once more in the **USA**.

Discrimination against minorities, always an easy target when governments wish to create distractions from ongoing political and economic turmoil, reached levels of persecution amounting to crimes against humanity in some countries, with Uyghur writers and journalists among the thousands of victims of state repression in **China’s** Xinjiang region. The fate of Uyghur academic **Rahile Dawut** held in secret detention since 2017 remains unknown. In **Tibet** too, similar methods of cultural assimilation risked eroding mother tongue education, with a number of writers serving long prison terms for their defence of their cultural rights. In **Türkiye**, since the breakdown of the peace process between the Turkish authorities and the Kurdistan Workers’ Party (PKK) in July 2015 authorities have repeatedly cracked down on Kurdish literary and cultural symbols, language, and media outlets. Many Kurdish writers and journalists are languishing behind bars on trumped-up terrorism charges, including writer and former co-chair of the pro-Kurdish Peoples’ Democratic Party (HDP), **Selahattin Demirtaş**, despite the European Court of Human Rights twice ruling for his immediate release, as documented by PEN International’s resolution on the repression of Kurdish language and culture in Türkiye.



In **Belarus**, writer and journalist **Andrzej Poczobut**, remained held in connection with his work and statements he made in support of the Polish minority in Belarus, while in **Iran**, authorities continued their relentless persecution of minority ethnic and religious communities. Widespread protests at the death in custody of **Mahsa Amini**, a member of the Kurdish minority, which expanded to wider demands of ‘Women, life, freedom,’ were brutally repressed, with hundreds killed, thousands arrested with some executed after sham trials. Earlier, in July, a renewed vicious crackdown on Iran’s Baha’i community began, in which authorities arrested dozens of Baha’i activists, including prominent poet and Baha’i community leader Mahvash Sabet, closed down dozens of Baha’i businesses, and demolished their houses. **Sabet** was later sentenced to 10 years in prison following an unfair trial.

In **Myanmar**, amendments to the education system demonstrate the military junta’s efforts to undermine the country’s rich linguistic diversity in areas under its control by seeking to promote the use of Burmese to the detriment of other languages. Anti-caste activists in **India**, advocating for the rights of Dalits and other marginalised communities, are detained pending trial, in poor conditions that give rise to fears for their health.

LGBTQI rights were also under attack and writers defending them threatened. In the **Russian Federation**, a pre-existing law prohibiting ‘promotion of non-traditional family values’ to minors was extended, with increased penalties, to include all public information or activities deemed to be promoting LGBTQI rights. In **Honduras**, a journalist was repeatedly threatened for writing about violence against women and the LGBTQI community.

A new form of repression, in the form of forced expulsion and exile of writers, was seen in several countries, including **Cuba** and **Nicaragua**, in addition to the age-old response of writers choosing to flee persecution for a place of safety where they can continue their work. At least three writers were forced to leave their countries by their governments.

The low percentage of women writers featured in this year’s Case List is in many ways a

reflection of the structural barriers that women face in pursuing a writing career. These barriers for women in **Ecuador, Guatemala, Honduras, Mexico** and **Nicaragua** were explored in PEN International and UNESCO’s joint report [Women Seizing the Word](#), which found that only 30 per cent of authors in these countries are women. These barriers must be identified and broken down for women to have equal representation in the literary field.

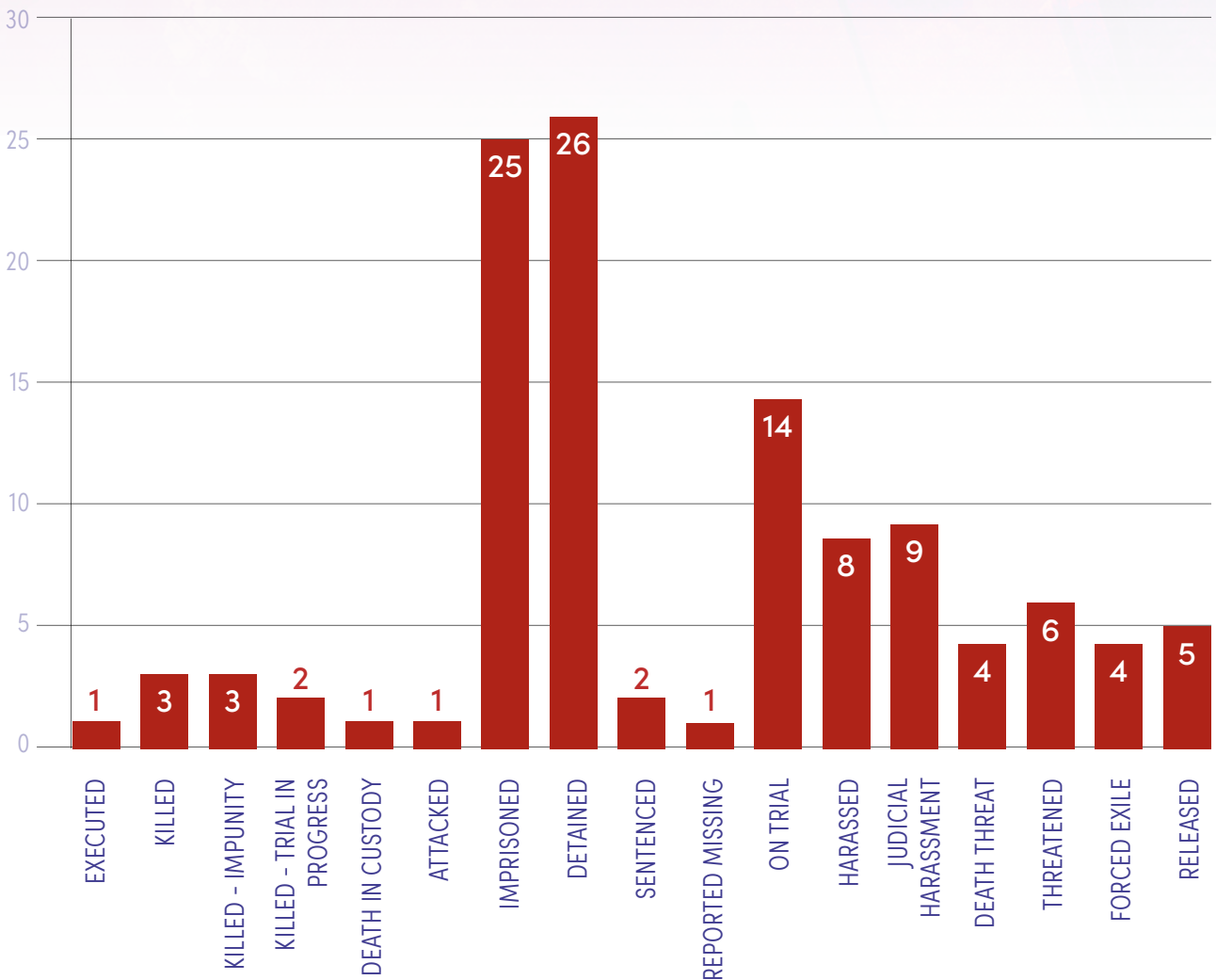
Nonetheless, when women do achieve their goals of becoming writers, they often face apparently similar forms of persecution as men, whether being killed in relation to their work, in countries including **Chile, the Occupied Palestinian Territories** and **Mexico**; or prison sentences such as those imposed on novelist **Tsitsi Dangarembga** in Zimbabwe, and others in **Türkiye, Myanmar** and **Vietnam**. Activists such as **Nargess Mohammadi**, imprisoned in **Iran**, saw increased sentences imposed for their writings to document treatment of prisoners.

At the same time, women writers also disproportionately faced specific violations relating to their gender, such as hate and smear campaigns, as demonstrated by the threats received by writers in **Puerto Rico** and **Honduras**, or those placed under particular pressure to comply with governmental demands such as threats to arrest and prosecute other women activists in **Cuba**. The different and disproportionate impact of types of persecution meted out against women writers would be a fruitful area of research for the future.



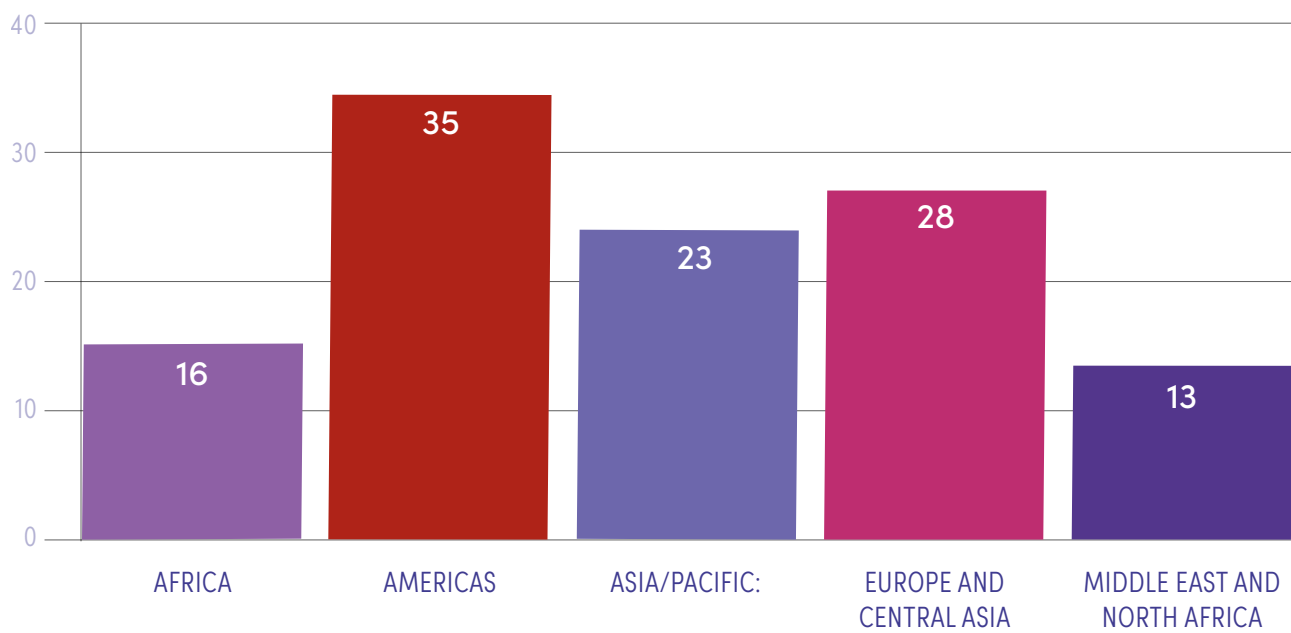
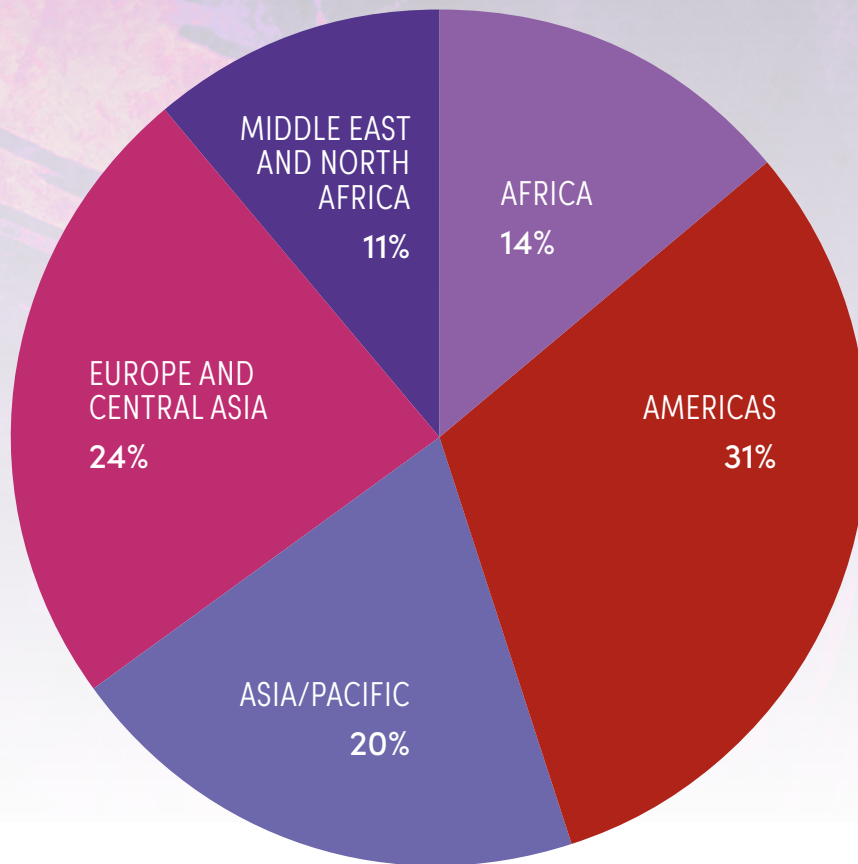
The PEN Case List records 115 attacks on writers that were reported in 2022. However, these figures reflect only those instances where the information is proven, and where there are no restrictions on making the details public. It should also be noted that in countries where freedom of expression is 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 2022





# ATTACKS ON WRITERS BY REGION 2022





# EXPLANATION OF TERMS

## **EXECUTED**

(Put to death by the state after a final conviction by a court)

## **KILLED**

(Killed in the period of this Case List and PEN is certain the individual was a writer targeted for their writing)

## **KILLED: IMPUNITY**

(There is ongoing impunity for the killing i.e. there has been no conclusion of the case or no investigation has taken place)

## **KILLED: TRIAL IN PROGRESS**

## **ENFORCED DISAPPEARANCE**

(PEN International is certain the individual was a writer and that their disappearance was carried out by the authorities or with their acquiescence)

## **ABDUCTION**

(PEN International is certain the individual was a writer and that non-state actors are responsible for their disappearance)

## **REPORTED MISSING**

(Individual 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**

(PEN International is certain he/she is a writer 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.)

## **DETAINED**

(PEN International is certain he/she is a writer 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)

## **ON TRIAL**

(Including individuals facing charges, appealing sentence, but not currently detained or imprisoned)

## **JUDICIAL CONCERN**

(PEN International has no position on the criminal charges against the writer in question but is concerned about reported irregularities in the trial or legal process or about torture allegations or the death penalty)

## **BRIEF DETENTION**

(There is no definite time limit, but it could be up to a couple of months, depending on the region and context. Will be recorded as a brief detention where they were held for over 48 hours, but the individual is released without charge. If less than 48 hours, and there is information suggesting it is intended to intimidate the writer or prevent them from continuing to write, it should be recorded as harassment.)

## **DEATH THREAT**

## **ATTACKED**

(Indicates a use of force or violence causing physical damage to the individual or destruction of personal property e.g. arson)

## **THREATENED**

(Including 'in hiding' where individuals have received threats intended to make them desist from writing)

## **HARASSED**

(Including intimidation, brief detentions of fewer than 48 hours, dismissal from employment where it is linked to their work, etc.)

## **JUDICIAL HARASSMENT**

(e.g. repeated arrests or summons for questioning where the period of detention is less than 48 hours or investigations suspended which can be reopened at any time, acting as a form of deterrence on the writer)

## **FORCED EXILE**

(Cases of writers who have been forcibly expelled by their governments or prevented from returning)

## **SENTENCED**

(Has reached the end of the judicial process, has been sentenced, but has not yet been imprisoned)

## **CONDITIONAL RELEASE**

(Including suspended sentence)

**RELEASED** (Including acquitted, end of sentence)

# DAY OF THE IMPRISONED WRITER

## 2022

PERSECUTED  
FOR THE  
WRITTEN WORD



#ImprisonedWriter

pen

## DAY OF THE IMPRISONED WRITER 2022

**José Rubén Zamora Marroquín (Guatemala), Narges Mohammadi (Iran), Server Mustafayev (Ukraine), and Tsitsi Dangarembga (Zimbabwe) were the faces of the Day of the Imprisoned Writer 2022, PEN International's annual campaign on behalf of writers who are imprisoned or facing persecution.**

Started in 1981 by PEN International's Writers in Prison Committee, observed every year **on 15 November**, the Day of the Imprisoned Writer campaign highlights **cases that are emblematic of the type of threats and attacks writers and journalists around the world are often subjected to, for peacefully exercising their right to freedom of expression.**

From 15 to 30 November 2022, the entire PEN movement called for urgent international action to release and protect José Rubén Zamora Marroquín, Narges Mohammadi, Server Mustafayev, and Tsitsi Dangarembga, and ensured that they and their families felt solidarity. PEN Centres, members and supporters worldwide campaigned for these

writers, including by sending advocacy letters to governments and taking part in demonstrations, coordinating social media storms and press conferences, and organising panel discussions and exhibitions.

Internationally renowned writers sent letters of support to their colleagues in prison or under threat:

Novelist and essayist **Siri Hustvedt**, and novelist and commentator **Ahdaf Souief** wrote to Narges Mohammadi;

Journalist and historian **Anne Applebaum**, historian **Margaret MacMillan**, and journalist and author **Peter Pomerantsev** wrote to Server Mustafayev.

For more information about the four focus cases, see the regional overviews below. To read the letters by Anne Applebaum, Siri Hustvedt, Margaret MacMillan, Peter Pomerantsev and Ahdaf Souief, visit PEN International [Day of the Imprisoned Writer 2022](#).





# AFRICA REGIONAL OVERVIEW 2022

## NDUKO O'MATIGERE, HEAD OF AFRICA REGION

Freedom of expression continued to be under immense systemic pressure across African countries in 2022, with authorities instrumentalizing government and state authority to punish dissent. Critical writers, journalists, human rights defenders, anti-corruption protesters, artists, academics, and filmmakers were targeted for reprisals by authorities for simply doing their work or for expressing divergent views about their societies. As in previous years, common forms of attacks included threats and violence against dissenting voices; use of restrictive legislation and administrative measures to curtail free speech both online and offline; arbitrary arrests and detention; torture in custody; enforced disappearances; and misuse of rule of law to harass dissenting voices and government critics.



At the centre of attacks on freedom of expression in Africa is a continent-wide ecosystem of declining democratic governance. According to the 2022 [Ibrahim Index of African Governance \(IIAG\) Report](#), 30 African countries have shown a deterioration of media freedom, digital rights and freedom of expression and belief over the last decade. There is a noticeable slide towards authoritarianism – often under the guise of regular elections and the paradox of democratic constitutions with proclamations for separation of powers, oversight, human rights including the right to freedom of expression, rule of law and public accountability.

Electoral authoritarianism in countries like **Cameroon, Rwanda, Tanzania, Uganda, Togo, Zimbabwe, Equatorial Guinea**, among others is increasingly becoming the norm while a resurgence of military takeovers in the region further paints a dim picture on the progress in democratic consolidation across nations. There were five attempted coup d'états (**Burkina Faso, Gambia, Guinea Bissau, and Sao Tome and Principe**) with two in Burkina Faso succeeding during the year. Moreover, [persistent civil strife and armed conflict](#), notably the inter-state conflict in the **Democratic Republic of Congo (DRC)** and internal armed conflicts in the **Central Africa Republic (CAR), Sudan, South Sudan, Ethiopia, Somalia, Nigeria, Mozambique, Cameroon, Chad, Mali, Burkina Faso, Uganda** and **Niger** continued to present complex challenges for peace, security and protection of human rights for citizens. Combined, these trends have resulted in overall shrinking of civic space manifested in the ubiquity of hostile operating environments for civil society groups and the free press; systematic weakening of the political opposition; intolerance of the powerful to any form of criticism, ridicule, censure or demands for accountability; abuse of rule of law systems to punish critics and opponents; and systemic impunity.

The **internet freedom** landscape remained precarious in several countries through measures such as draconian cybersecurity laws; unlawful digital surveillance; online censorship through network disruptions and shutdowns; and, as illustrated in selected cases, criminalisation of critical online expression. At least 13 censorship activities of governments using network disruption in the context of heightened political activity like public debates, protests and elections

were reported. **Sudan** accounted for four of the incidents during the year - **Burkina Faso** (3), **Zimbabwe** (3), **Sierra Leone** (2), and **Somalia** (1). In **Ethiopia**, network restrictions and the internet shutdown imposed on the Tigray region since the outbreak of war in the region entered their second year.

Adoption of aggressive cybersurveillance technologies against opponents and dissenting voices is a growing trend that further imperils free speech across the continent. According to the investigative non-profit [Pegasus Project](#), **Burundi, DRC, Djibouti, Ghana, Nigeria, Rwanda, South Africa, Togo, and Uganda** are among African countries where authorities have either acquired or attempted to acquire the Israeli NSO Group's Pegasus spyware to target government critical voices, including critical journalists and regime opponents.

With patterns of rising digital repression, in **Uganda**, novelist **Kakwenza Rukirabashaija** (see under Uganda section below), a PEN case since 2020 was forced to flee into [exile](#) in late January after his almost two-week-long incommunicado detention and torture by security forces after his violent arrest in December 2021. In March, author and journalist, **Norman Tumuhimbise** and his colleague **Farida Bikobere** were [arrested and detained](#) by security forces on the eve of the launch of Tumuhimbise's new book that covers themes critical of the government. They were later charged with 'offensive communication' and released on bail while the hearing of their case progresses. In September, TikToker **Teddy Nalubowa** was [arrested and charged in court](#) after her remarks about the death of a former security minister went viral on TikTok and other social media platforms.

In all these cases, authorities used offences under the Computer Misuse Act (2011), passed ostensibly for the purpose of enhancing safety and security in the digital sphere by preventing unlawful access, abuse, or misuse of information systems, including computers, and securing the conduct of electronic transactions. The repressive Section 25 covering 'offensive communications' has been extensively used to punish dissent. Since 2016, this section has been a subject of a petition challenging its constitutionality before Uganda's Constitutional Court, with a ruling expected in early 2023.



Predictably, in October, President Museveni signed the Computer Misuse (Amendment) Act 2022, which makes the Computer Misuse Act even more repressive through introduction of far too broad and vague new offences. For example, in the name of combating online harassment, the statute prohibits Ugandans from ‘writing, sending or sharing information which is likely to ridicule, degrade or demean another person, tribe, religion, or gender.’ The amendments also make it an offence to ‘share any information about or that relates to another person’ without authorization without defining the kind of information that cannot be shared. These new requirements risk criminalising any criticism of powerful individuals and could deepen self-censorship and a surge of malicious prosecutions.

In **Rwanda**, digital dissenters continued to face repression, including arbitrary arrest and detention, prosecution on trumped up charges, and enforced disappearances. PEN International continued to campaign on behalf of poet **Innocent Bahati** (see under Rwanda section below) whose fate has remained unknown since his disappearance on 7 February 2020, believed to be related to his poetry. With a heavily stifled and censored press and civil society, YouTube has emerged as an alternative platform for discussing and debating social issues, making the platform a highly contested space. Bloggers and YouTubers are often detained or disappeared for criticizing the rule of President Paul Kagame.

Among those convicted or on trial for using digital platforms to express their critical views are journalist **Theoniste Nsengimana** (on trial); bloggers **Dieudonné Nyonsenga** (convicted), **Yvonne Idamange** (convicted); and academic **Aimable Karasira** whose trial on politically instigated charges of ‘genocide denial, justifying genocide and instigating divisionism’ has been ongoing since 2021. What is common in all these cases is authorities’ use of overly broad and vague national security and genocide denial laws as tools to curtail freedom of expression, particularly on charges like ‘inciting violence and public uprising’; ‘genocide denial’; ‘justifying the genocide’; and ‘instigating divisions.’ For example, Nsengimana faces trumped-up charges of ‘membership in a criminal group’; ‘dissemination of propaganda aimed at harming the Rwandan government abroad’; ‘spreading rumours’; and ‘inciting unrest’ – all because prior to his arrest

in 2021 he had announced on his YouTube channel plans to air programming to highlight the plight of political prisoners in Rwanda.

In **Zimbabwe**, writer, playwright and filmmaker **Tsitsi Dangarembga**, winner of the 2021 PEN International Award for Freedom of Expression and of English PEN’s 2021 PEN Pinter Prize was sentenced by a Harare Magistrate Court to a six-month jail term, suspended for the next five years, on condition that she does not repeat the spurious ‘offence’ she was charged with. This followed a long drawn-out trial after her arrest in August 2020 while peacefully protesting against government corruption with a friend on a Harare street. However, the authorities charged her for the offence of ‘inciting violence’ making her case emblematic of authorities’ tactics of criminalizing dissent and non-violent protest.

Approval in November of a much-criticized proposed law aimed at punishing ‘unpatriotic acts’ by Zimbabweans further illustrates the government’s relentless clampdown on free speech. Modelled after the USA’s Logan Act, Zimbabwe’s new law, to be known as the ‘Patriotic Act’, outlaws citizens’ unauthorised communications, advocacy or engagement with foreign governments or officials on matters that the proposed law vaguely describes as harmful to the country’s positive image, integrity or reputation.

Press freedom continued to be in peril. According to CPJ and IFJ data, four journalists were killed in relation to their work in **Chad** (2) and **Somalia** (2). Further, in **Somalia**, authorities arbitrarily arrested and detained journalist **Abdalle Ahmed Mumin** in October after he published CCTV footage of attempts by security forces to break into the premises of the Somali Journalists Syndicate (SJS) at which he is a co-founder and Secretary General. He now faces prosecution on trumped-up charges, framed by the authorities as violations of the country’s criminal code. PEN International joined other civil society organizations to condemn the persecution of Mumin and to demand that all charges to be dropped.

For more than two decades, the authorities in **Eritrea** have continued to ignore regional and international pressure to account for the plight of over a dozen detained writers and journalists arbitrarily arrested and detained incommunicado since 2001 (see under Eritrea section below).

The authoritarian regime continued to violate the human rights of Eritreans with impunity, including elimination of a free press.

2022 also marked a rise in repression of free speech in countries that have for a considerable period been considered comparatively free, particularly **Senegal, Ghana, and Botswana**. In **Senegal** authorities arrested and illegitimately prosecuted a journalist under a law that uses vague concepts of national security to make an offence of virtually any reportage on state security forces. In **Ghana**, journalists were subjected to violence and spurious prosecution for simply doing their work. In **Botswana**, authorities attempted to introduce a draconian new law, the Criminal Procedure and Evidence (Controlled Investigation) Bill, aimed at granting investigators broad powers by allowing them to intercept private communications without warrant. In October, a joint letter by freedom of expression and press organizations including PEN International protested to the president of Botswana against government undue interference in the work of civil society organizations, including attempts by members of his administration to infiltrate the governance structures of the Botswana Chapter of the Media Institute of South Africa (MISA). Although local and international pressure resulted in positive amendments to the proposed law, the two attempts signal the willingness by the authorities to restrict free speech.

For many countries in Africa, the paradox of the state as protector by legal obligation and violator of human rights in practice has made self-censorship for writers, journalists, and other critical voices all too common. In countries where administration of justice systems, particularly the police, prosecution and judiciary are co-opted and reconfigured into agents of repression by autocratic governments, recourse to the nominally available legal protections and avenues for redress has ceased to be an option for targeted individuals. This happens to be the case for a vast number of countries where either resignation to silence; or risking it all at home; or the relative safety of exile are the narrow options for critical writers, journalists, human rights defenders, and pro-reform opposition activists. **Rwanda, Burundi, Uganda, Ethiopia, South Sudan, Sudan, Eswatini, Togo, Cameroon, Democratic Republic of Congo, and Eritrea** are examples of countries that continue to feature these trends.

## GOOD NEWS

After local and regional pressure, on 13 January, **Nigeria** lifted its ban on Twitter, close to eight months after the ban's imposition following the social media platform's deletion of a post by the president of Nigeria on account of violating community rules. The ban had denied Nigerian Twitter users the right to access and disseminate information and opinion online as well as negatively impacting the digital economy of the country. A declaration by the Economic Community of West African States (ECOWAS) Court of Justice that the ban was unlawful gave hope that despite limitations in national judicial systems, regional mechanisms like the ECOWAS court are a viable option for justice-seeking.

In **Eswatini**, the High Court gave a rare but significant boost to freedom of expression when a ruling affirmed the country's constitutional protections for free speech in a dispute between an employee of the Eswatini National Airlines and his employer over a Facebook post critical of the government. In the post, the employee had termed government expenditure decisions as amounting to dictatorship.

After three decades of state repression and interference with the operations of media associations, journalists in **Sudan** voted for their first independent journalists union in a significant step towards expanding a free and professional press in the country.

African Union mediation efforts between the Government of **Ethiopia** and the Tigray Peoples' Liberation Front (TPLF) over the two-year war in the Tigray region resulted in the signing of an agreement by both parties to cease hostilities and return to constitutional order, with further agreements in December on implementation modalities to end the conflict. This development held hope for an end to the brutal war, resumption of humanitarian access and an end to the telecommunications and media blackout imposed on the Tigray region since the war started in 2020.



# EMBLEMATIC CASES



## RWANDA

### Innocent BAHATI

Poet mysteriously disappears in what is suspected to be an enforced disappearance.

Innocent Bahati (30 years old), a popular Rwandan poet known for his open and critical expression on social issues, has been missing since 7 February 2021. He published his poetry on YouTube and Facebook and regularly performed at poetry events in Rwanda. His poems include ‘Mfungurira’ (Open) ‘Rubebe’; and ‘Uwenda Ngomba u Rwanda’ (*The Debt I Need for Rwanda*) among others. His whereabouts remain unknown and Rwanda authorities continued to be evasive and non-committal about investigations they claim to have conducted.

*Innocent Bahati – Photo credit: permission granted by Andrea Grieder*

## ZIMBABWE

### Tsitsi DANGAREMBGA

Novelist, playwright, and filmmaker convicted of trumped-up charges.

Tsitsi Dangarembga, born on 4 February 1959, is an award-winning novelist, playwright, and filmmaker. Her books include *This Mournable Body*, shortlisted for the 2020 Booker Prize; *Nervous Conditions*; *The Book of Not* and *Black and Female*. Dangarembga was unlawfully arrested by security forces in July 2020 while peacefully protesting government corruption. Authorities charged her with the odd offence of ‘participating in a gathering with the intention to incite violence’. On 29 September, she was sentenced to a six-month suspended jail sentence.

*Tsitsi Dangarembga. Photo credit: courtesy of CC BY-SA 4.0 (Rudolf H. Boettcher)*

## ERITREA

### DETAINED

## Collective case of writers and journalists detained incommunicado since September 2001

Journalists and writers **Dawit ISAAK**; **Amanuel ASRAT**; **Said Idris 'ABU ARE'**; **Temesegen GHEBREYESUY**; **Methanie HAILE**; **Fessehaye 'Joshua' YOHANNES**; **Yousif Mohammed ALI**; **Seyoum TSEHAYE**; **Dawit HABTEMICHAEL**; **Said ABDELKADIR**; **Sahle 'Wedi-Itay' TSEFEZAB**; and **Matheos HABTEAB** have been detained incommunicado for over two decades.

In September 2001, Eritrean authorities launched a massive crackdown on regime critics in which security forces arrested and detained dissenting members (known as the G-15) of the ruling People's Front for Democracy and Justice (PDFJ). The G-15 had earlier published an open letter in which they denounced the president's abuse of power and called his actions 'illegal and unconstitutional'. Authorities also shut down all independent newspapers, including the weeklies *Meqaleh*, *Setit*, *Tsigenay*, *Zemen*, *Wintana* and *Admas*, for publishing the G-15 statement and conducting related interviews.

Between September and October that year, more than 10 journalists associated with the banned media outlets were rounded up and detained and, along with the politicians, have been detained incommunicado and without trial since 2001. There have been unverified reports that several of them died in custody due to ill-treatment and neglect.

Eritrean authorities have ignored calls for justice for the detainees made by human rights organizations as well as African Union and UN human rights mechanisms. Officials have publicly denied that a clampdown happened in 2001, saying the detainees had merely been sent to carry out their national service duties.

PEN International has campaigned on behalf of the detained writers – who are all now

aged over 52 years - including through public statements, Universal Periodic Review joint submissions, public statements and solidarity appeals, and featuring the writers during key PEN events. In December, PEN Eritrea in Exile in collaboration with the All-Party Parliamentary Group (APPG) on Eritrea organized an exhibition to mark the 21<sup>st</sup> anniversary of the detention of the writers and journalists.

## RWANDA

### REPORTED MISSING

## Innocent BAHATI

Poet Innocent Bahati remains missing since his disappearance on 7 February 2021 after he reportedly went for a dinner meeting with an unnamed person at a hotel in Nyanza district in the Southern Province of Rwanda. He did not return to Kigali as expected. His associates tried to reach him on phone that evening but found Bahati's phone was off. After two days of trying to establish his whereabouts, his disappearance was reported to the Rwanda Investigations Bureau (RIB). The RIB spokesperson denied that the agency was holding him; that investigations were ongoing and that no information would be revealed at the time. PEN International believes that his disappearance is in relation to his critical poetry.

In 2017, Bahati had similarly disappeared for several days after he posted a critical comment on Facebook, only to reappear in police custody. Although he was not charged with any offence, he was detained without trial and freed after three months.

Whenever PEN International has spotlighted the case of Bahati through statements and campaigns, Rwandan authorities responded with unsubstantiated remarks, mostly reported by government affiliated news outlets. These include claims of an ongoing investigation and promises to publish a full report 'soon' and claims attributed to the Rwanda Investigations Bureau (RIB) that Bahati had left Rwanda to join an armed group in Uganda. PEN International believes that these responses are typical of



Rwanda's frequent use of disinformation, denial and silence to avoid accountability.

Bahati published his poetry on YouTube and Facebook and regularly performed at poetry events in Rwanda. His poems include 'Mfungurira' (Open) 'Rubebe'; and 'Uwenda Ngomba u Rwanda' (*The Debt I Need for Rwanda*) among others.

## UGANDA

### ON TRIAL

Kakwenza

## RUKIRABASHAIJA

Released from a secretive military facility on 13 January 2022 after sustained local and international pressure, including from PEN International, novelist and journalist Kakwenza Rukirabashaija left the country for his own safety. He continues to face a charge of 'offensive communications' in Uganda.

Since 2020, security forces have arbitrarily arrested and detained Rukirabashaija three times for his writing. He was violently arrested in December 2021 by security forces, and detained incommunicado for close to three weeks and tortured over unflattering remarks he had posted on Twitter about President Yoweri Museveni and his son who was at the time the commander of Uganda's Land Forces. On 11 January, Rukirabashaija was secretly arraigned before a Kampala Magistrates Court without access to a lawyer. Charged for offensive communications and committed to remand custody, he was released two days later on stringent bail terms, including depositing his passport with the authorities.

Fearing for his life; without a chance for a fair trial and in urgent need for specialised medical attention for injuries inflicted by torture, Kakwenza fled into exile in late January where he is supported by PEN Germany.

Kakwenza Rukirabashaija is a Ugandan novelist and journalist. He is the author of *The Greedy Barbarian*, a satirical

novel covering themes of corruption and patronage; and *Banana Republic: Where Writing is Treasonous* in which he recounts his detention experience, including torture, during his arrest and detention in April 2020.

## ZIMBABWE

### ON TRIAL

Tsitsi DANGAREMBGA

On 29 September 2022, novelist Tsitsi Dangarembga was convicted by a Harare Court of 'incitement to violence' and sentenced to a six-month jail term, suspended for a period of five years on condition that she does not repeat the offence, and a fine of ZWD70,000 (around USD190). She has filed an appeal against the conviction.

Dangarembga was arrested on 1 August 2020 by security forces while protesting against government corruption with a friend in Harare. That day, anticorruption demonstrations had been called by opposition, civil society, and professional association activists. Although Dangarembga and her friend were peacefully protesting on a deserted street, they were charged and prosecuted for the vague offence of 'participating in a gathering with the intention to incite public violence.'

Throughout Dangarembga's trial, Zimbabwean authorities subjected her to various types of persecution. These included the confiscation of her passport as part of her stringent bail; prolongation of her trial through unjustified delays; and an unsuccessful attempt by the authorities to transfer her trial to the Anti-Corruption Court, putting her at risk of bail cancellation and potential prolonged pre-trial detention, as is typical for targeted government critics. She successfully challenged these attempts in court as her arrest and prosecution was not corruption related.

Her conviction and sentence - which could be reimposed should she exercise her right to freedom of expression and assembly - amount to censorship. PEN International continues to monitor Dangarembga's trial

and is campaigning for her conviction to be overturned and the unconditional withdrawal of charges by the Zimbabwe authorities.

Tsitsi Dangarembga is an award-winning novelist, playwright, and filmmaker. Her books include, *This Mournable Body*, shortlisted for the 2020 Booker Prize; *Nervous Conditions*; *The Book of Not* and *Black and Female*.

## PEN ACTIONS FOR JOURNALISTS IN AFRICA

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

### Somalia

**Abdalle Ahmed Mumin:** *journalist unlawfully arrested and charged with trumped up charges.*

**Action:**

**December 2022:** PEN International joins other human rights organisations condemning the persecution of Somali journalist, Abdalle Ahmed Mumin





# AMERICAS OVERVIEW 2022

ALICIA QUIÑONES,  
HEAD OF THE AMERICAS REGION

2022 was the deadliest year for the press in the Americas in the last 24 years, and one of the worst in terms of freedom of expression violations against writers and artists, with a high number of forced exiles and imprisonments.

The 2022 Americas Case List reflects the types of censorship faced by artists and writers in the region this year: imprisonment; unfair trials, often on bogus charges; house arrest; arbitrary detention; and reports of torture or other ill-treatment in order to force them to stop their work.



Hatred, intolerance and violence continue to take the stage, as we witnessed in the attack on writer Salman Rushdie in the **USA**, while **Cuban** authors and our colleagues at PEN Nicaragua, who have long faced persistent persecution and harassment at various levels for their literature and journalism, have been forced into exile by their governments. Governments such as **Nicaragua** have also resorted to reprisals against relatives when writers sought for arrest have not been found, as a way to pressure them to hand themselves in.

Increasingly, political leaders and powerful elites are using official channels to bury the reputations of academics, researchers, intellectuals, authors, reporters, and columnists, in order to reduce the impact of their critical words.

In our region, there are clear strategies to censor books in schools, eliminate publishing contracts and a systematic attack on relatives of PEN members or independent writers and artists. Spaces for public dialogue have been reduced in countries such as **Cuba**, **Venezuela** and **Nicaragua**, while areas of natural debate for writers are judged and labelled as ‘conservative’, meaning against the current government and its supporters, thus reducing the impact of critical, literary and artistic thought in their societies, as is the case in **Mexico**. At the same time, these countries, among others, criticise the functioning of key bodies for strengthening democracies such as the Inter-American Commission on Human Rights, and evade obligations such as fully guaranteeing the exercise of the right to freedom of expression.

Women writers in countries such as **Ecuador**, **Guatemala**, **Honduras**, **Mexico** and **Nicaragua**, as PEN International revealed in its report *Women Seizing the Word* (issued jointly with UNESCO), face structural barriers leading to censorship that must be addressed. The report shows that only 30 per cent of authors in these countries are women. Such unequal representation has a detrimental impact on the careers of women writers, limiting their access to professional spaces and opportunities to develop their professions. Hate campaigns against women writers because of their gender continue, as demonstrated by our case in **Puerto Rico**.

Censorship is never isolated. It is usually accompanied by signs of a social or cultural

crisis. In the region, in countries where PEN International has documented cases, there is a significant increase in social repression and outbreaks of protests.

## JOURNALISM: SILENCED IN COLD-BLOOD

Almost half of the at least 68 journalists reported murdered worldwide in 2022 were killed in the Americas, with the following numbers per country: **Mexico**: 13 journalists murdered; **Haiti**: 7, **Brazil**: 2, **Colombia**: 2, **Honduras**: 2, **Chile**: 1, **Ecuador**: 1, **United States**: 1, **Guatemala**: 1, **Paraguay**: 1. According to the Committee to Protect Journalists, CPJ, ‘although countries in Latin America are nominally at peace (...), the region surpassed the high number of journalists killed in the war in Ukraine’.

The escalation of violence against the press nevertheless has some constants, with journalists killed in relation to their work covering issues such as indigenous or marginalised communities, criminal networks, political corruption and the environment. In November, the Inter-American Court of Human Rights has held that ‘in contexts of democratic erosion such as those facing much of the region today, the press is not only a crucial means of keeping the public informed on matters of public relevance and of oxygenating public debate, but also plays a role in defending and promoting freedom of expression and human rights’.

Due to this deadly situation, and the increasing number of murders of journalists in the region, PEN International and PEN Centres in Latin America carry out the campaign ‘PEN Protest | Day of the Dead’ every 2 November, which is also the International Day to End Impunity for Crimes against Journalists, to call for urgent action to end impunity for killings of journalists.

In 2022, the campaign highlighted the stories of **Dom Phillips** (Brazil), a British author who disappeared on 5 June 2022 and was later found killed (see below under Brazil entry), while investigating indigenous communities in the Brazilian Amazon; **Pablo Isabel Hernández Rivera** (Honduras), journalist, human rights defender and leader in the Lenca indigenous community, killed on 9



January 2022; **Francisca Sandoval** (Chile), who died on 12 May 2022 after being shot in the face by an armed civilian while covering protests on 1 May; and **Humberto Coronel** (Paraguay), killed on 6 September 2022 with eight bullet wounds in broad daylight in the town of Pedro Juan Caballero, near the border with Brazil. In Paraguay, crimes against journalists are on the rise. **Maximilien Lazard**, killed on 23 February 2022, in Haiti, was also remembered. He was shot by Haitian National Police officers while reporting on a protest.

From Mexico, where at least 157 journalists have been murdered since 2000 and more than 90 per cent of the cases remain unpunished, we remember Mexican journalist **Antonio de la Cruz**, murdered on 29 June 2022, shot with a gun in front of his house, and **Lourdes Maldonado López**, shot in the face while in her car and in front of her house on 23 January 2022, in Tijuana, Baja California. The two journalists covered corruption and local politics.

## THE CARIBBEAN

**Cuba** is one of the Latin American countries with the highest rates of repression and cases documented by PEN. The Cuban government has escalated repression to unexpected levels, offering the bitter choice of forced exile as a way out of detention for writers, independent journalists and critical artists. [Artists At Risk Connection](#) and [PEN International](#) conducted several [campaigns](#) in defence of imprisoned and persecuted artists and writers in Cuba. The Assembly of PEN International, at its 88th Congress, approved a [resolution on Cuba](#) on attacks on freedom of expression and artistic freedom.

According to [Cubalex](#), at least nine artists were detained and 15 were forced into exile in 2022, while two of the most prominent artists of the Cuban independent art movement, **Luis Manuel Otero Alcántara** and **Maykel Osorbo**, were unjustly sentenced to five and nine years in prison on 24 June 2022. Swedish PEN included [Otero Alcántara](#) as part of its 'Twelve Imprisoned Voices' campaign in 2022.

The imprisoned Cuban journalist and columnist **Lázaro Yuri Valle Roca** is another example of the repression in Cuba against independent

journalism: [arrested](#) on 15 June 2021, he remained in pre-trial detention until 28 July 2022 when he was sentenced to five years in prison for 'enemy propaganda and resistance.

In May, the National Assembly approved a [penal code](#) that, among many vague restrictions, includes a provision that punishes with up to 10 years in prison anyone who provides, receives or holds funds 'for the purpose of defraying activities against the state and its constitutional order'. The law [came into force](#) in December.

Meanwhile in **Haiti**, insecurity and violence are on the rise in the midst of an ongoing political, social and humanitarian crisis. Violence against [journalists](#) continues to be one of the main challenges facing Haiti in terms of freedom of expression, and in the midst of this social maelstrom, the Haiti PEN Centre has bravely maintained its activities in favour of literature and in defence of murdered journalists.

## CENTRAL AMERICA

During 2022, Central America not only saw an increase in the number of imprisoned writers and journalists, but also the imposition of new legislative measures and actions to reduce civic space at the physical and digital level. In April, the Legislative Assembly of **El Salvador** [approved](#) a [reform](#) to the Penal Code that [punishes](#) anyone involved in the production of content related to criminal groups or transmits threats with prison sentences of 10 to 15 years; the sanctions cover radio, television, print and digital media. At least 10 journalists were reported to have [left the country](#) as a result.

In **Guatemala**, [criminalisation of journalists](#) investigating political corruption persists. The [IACHR](#) highlights reports of judicial proceedings against journalists and media outlets, along with a growing exile of media collaborators such as **Ernesto Choc**, a community journalist criminalised for his work, and the murder of journalist **Orlando Villanueva**.

In December 2022, PEN International [visited Honduras](#) to [document](#) the stories of journalists and writers at risk in Honduras. PEN met with **Emy Padilla** of [Criterio.hn](#), **Dunia Orellana** of [Reportar Sin Miedo](#), **Lourdes Ramírez** of

Enaltavoz.com and **Dina Meza** of Pasos de Animal Grande and also President of the Honduras PEN Centre, who described the harassment they face for their work. We found that, in addition to constant persecution of reporters by the authorities and the murder of two journalists, specific actions are being taken with the aim of silencing the press. Orellana said she has been repeatedly threatened for writing about violence against women and the LGBTIQ+ community.

In **Nicaragua**, during 2022, at least 703 cases of press freedom violations were documented, according to regional reports. Abusive use of state power (498 cases), assaults and attacks (159) and stigmatising discourse (15) were the main violations against journalists and media. State authorities and political operators of the regime are the main issuers of stigmatising discourse through official media channels and public pronouncements. There is also a 'marked trend of attacks on women' journalists and the continued exile of journalists. At least 178 journalists have left the country since 2018.

On 15 February 2022, the Nicaraguan Parliament approved the closure of the PEN Nicaragua Centre, on the grounds that it did not comply with the presentation of financial support or updating of directives. On 31 May, the Academia Nicaragüense de la Lengua, a 94-year-old cultural entity which had among its leading figures renowned writers, PEN members, poets and academics of the country, was also closed down. Currently, 14 journalists or media workers are imprisoned. On 16 February 2022, journalist **Miguel Mendoza** was sentenced to nine years in prison for the crimes of conspiracy to undermine national integrity and disseminating false news. During 2022, PEN International, together with the organisation Fundamedios and Argentinian PEN, San Miguel PEN San Miguel, and Quebec PEN Centres, with the support of Artists At Risk Connection, continued to document violations of freedom of expression through the 'Eye on Nicaragua' Observatory. The deteriorating situation was also addressed by the international community when in March, the UN Human Rights Council expressed concern at the situation, including restrictions on freedom of expression and created a group of experts to investigate all human rights violations in the country since 2018.

## NORTH AMERICA

In addition to the murder of **Jeff German**, a journalist from the *Las Vegas Review-Journal* in September 2022, and the attack on **Salman Rushdie**, public schools in the **United States of America** have been a battle ground for a campaign against children's access to some books. Book bans in public schools have recurred throughout American history. Recently, the scope of such censorship has expanded rapidly. In response, in September 2022, PEN America released Banned in the USA: The Growing Movement to Censor Books in Schools, reporting that from July 2021 to June 2022, PEN America's Index of School Book Bans lists 2,532 instances of individual books being banned, affecting 1,648 unique book titles. The 1,648 titles are by 1,261 different authors, 290 illustrators, and 18 translators, impacting access to the literary, scholarly, and creative work of 1,553 people altogether.

**Mexico** remains the deadliest country in the Americas in which to practise journalism. Many of the crimes are still under investigation and the motive for the murders remains unclear. The cycle of impunity continued in 2022 with kidnappings and attacks on reporters, such as the armed attack on **Ciro Gómez Leyva**, a prominent Mexican journalist, columnist and author who was shot very close to his home.

Although the investigations into the attack on Gómez Leyva have advanced, the climate for journalists in Mexico is difficult. Mexican President Andrés Manuel López Obrador, during some of his morning press conferences, criticised journalists and writers such as **Guillermo Sheridan**, contributing to the climate of hostility towards journalists or organisations such as ARTICLE 19, which he falsely accuses of being funded by conservative companies, eroding their work in defence of journalists.

## SOUTH AMERICA

The political crises in some South American countries have had an impact on violations of freedom of expression in 2022. This year, **Peru** experienced strong social and political protests which led to the removal of President Pedro Castillo in December. At least 303



attacks on the press were recorded. Many journalists in Peru face criminal prosecution for their work and civil reparations lawsuits are being used to intimidate journalists and punish them for carrying out investigative reporting that is in the public interest. Peru's penal code punishes defamation with up to two years in prison, violating international standards, with a provision that if the alleged offence is committed by means of a book, press or other media, the penalty shall be imprisonment of one to three years and a fine of 120 to 365 days' income. In August, then-President Castillo's allies in Congress introduced a bill to increase the sentence to up to four years, or five years if the defamation is published, which remained under consideration by the Justice and Human Rights Committee at the end of the year.

**Venezuela** continues to harass and threaten journalists and writers; it also persecutes them with criminal prosecutions for their writing and sends them into a judicial limbo that does not allow them to exercise their human rights or to have full freedom, without them having committed any crime.

In **Brazil**, Lula Inácio Lula da Silva was elected in October 2022, replacing Jair Bolsonaro at the start of 2023. RSF identified at least 2.8 billion messages on social networks with insults and threats against journalists during the election period. A court in São Paulo, in June, ordered Bolsonaro to pay BRL00,000 (approximately USD18,760), in collective damages to Brazilian media for harassing him. The former president routinely blocked critics on social media accounts he used to discuss matters of public interest, violating their free speech rights. As of August, he had blocked 95 journalists and 10 media outlets, the Brazilian Association of Investigative Journalism reported. The new government in Brazil must swiftly investigate all murders of journalists to address ongoing impunity.

## GOOD NEWS

On 26 January 2022, the Superior Court of Lima acquitted Peruvian journalist **Paola Ugaz** (see under Peru section below) of the defamation lawsuit brought against her. Ugaz still faces two lawsuits: one for having contributed to the documentary *The Sodalitium Scandal*, and another for alleged money laundering. Also in Peru, on 16 June, the lawsuit against the author of the book *Plata como cancha*, **Christopher Acosta** and his publisher, **Jerónimo Pimentel**, director of Penguin Random House, was dismissed.

# EMBLEMATIC CASES



## USA

### Salman RUSHDIE

Writer attacked before giving a lecture

Renowned writer Salman Rushdie was attacked on 12 August 2022 just before giving a lecture in New York. Rushdie was stabbed after an assailant rushed to the stage and lunged at the 75-year-old writer just as he was being introduced to the audience. Rushdie suffered serious wounds to his eye, neck and torso. One man was charged with the attempted murder of the author. Rushdie has faced death threats for years over the publication of his 1989 book *The Satanic Verses*. Rushdie is a former president of PEN America.

*Salman Rushdie. Photo credit: permission granted by Rachel Eliza Griffiths*



## NICARAGUA

### Gabriela SELSER

Journalist and writer harassed because of her writing

Since 2018, Nicaraguan-Argentinian journalist Gabriela Selser has been threatened many times by the authorities due to her journalism and work as a member of PEN Nicaragua. She also received threats by phone, social media, and by paramilitaries who came to her home. On 13 January 2022, her Nicaraguan passport was confiscated as she was boarding a flight out of the country. At risk of detention, she later managed to leave Nicaragua and is working in exile.

*Gabriela Selser. Photo credit: permission granted by Oscar Navarrete.*



## ARGENTINA

### THREATENED

#### José VIÑUELA

Journalist, broadcaster and writer José Viñuela, from the province of Chaco, and head of *Ciberperiodismo*, received several death threats. The last message, sent from an unidentified person via WhatsApp from a Costa Rica number, was sent on 8 September 2022. 'Keep defending the leftists and you will end up lying under a bus, you have been warned', said the message. 'Maybe the bullet that didn't go out for the mare (Cristina Fernández de Kirchner), will go out for you, so you stop proclaiming socialism in your networks and on YouTube.' Viñuela filed a complaint at the 8th Police Station in the city of Resistencia (Chaco).

After Viñuela wrote about Javier Milei's candidacy for the 2023 Argentine presidential election, Bolsonaro's re-election in Brazil, the return of Donald Trump, the ultra-conservative Vox party in Spain and 'the death of progressives', the anonymous threatener insisted: 'If you ignore the warnings, beware of the consequences. You have no idea who you are messing with'.

Viñuela, born in 1965 and author of the book *El Pacto (The Pact)*, received expressions of support from his many followers, as well as from journalists and communicators, who condemned the incident.

Viñuela is a winner of the Martín Fierro Awards (1996, 1997 and 1998) and the Fund-TV Award.

## BOLIVIA

### DEATH THREAT

#### Abel BELLIDO CÓRDOVA

Since April 2020, the cartoonist Abel Bellido Córdova, better known as by his pen name 'Abecor', and his relatives have been threatened with death and harassed at least five times in response to cartoons published in *Página*

*Siete*, a Bolivian newspaper. 'I'm going to kill your family, you bastard, take care of yourself', says one of the messages, which came from a Facebook profile. *Página Siete* denounced the campaign of intimidation against its cartoonist in a letter addressed to the Public Prosecutor Office in Bolivia. They did not receive any response, according to the newspaper. (For details of previous incidents, see Case List 2020).

Media executives contacted the authorities in Bolivia, but received no response from the police or the government.

Abel Bellido Córdova, born on 31 October 1972, is well known for his cartoons criticising the authorities over almost two decades. He co-founded *Página Siete* newspaper. He is the author of *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)*. He received the National Prize for Journalism in 2018.

## BRAZIL

### KILLED

#### Dom PHILLIPS

On 17 June 2022, two bodies found two days earlier were confirmed as those of British journalist Dom Phillips and Indigenous issues expert Bruno Pereira, who went missing on 5 June during a fact-finding trip in the Indigenous territory of the Javari Valley in the Brazilian Amazon. Phillips was working on a book about sustainable development entitled *How to Save the Amazon*, and Pereira, who had close contacts with local Indigenous groups, was providing support with interviews. Both men had been shot several times.

On 22 July 2022, public prosecutors charged three individuals, outlining that two of the men had confessed to the crime, while witness testimony confirmed the involvement of the third man. On 23 January 2023, the Brazilian police named the alleged mastermind behind the murders of Phillips and Pereira, as Rubens

Villar Coelho (nicknamed Colômbia), who has been accused of running an illegal fishing racket in the remote border region.

Brazilian's Former President Jair Bolsonaro's public speeches claimed that the victims went to the Amazon region knowing the risks they would be facing. On 15 June, [Bolsonaro described](#) Phillips as 'frowned upon in the region' for 'reporting against miners'. He also attempted to minimize his investigative reporting project as an 'excursion'.

Dom Phillips, born on 23 July 1964, worked as a freelance journalist for many international media outlets including *The Guardian*, *Financial Times*, *The Washington Post*, *The New York Times* and *The Intercept*. Most of his investigations were about environmental issues. In 2018, Phillips [reported](#) on the threats posed by illegal mining and cattle ranchers to uncontacted indigenous peoples in the Brazil's Javari Valley. He is the author of the book *Superstar DJs Here We Go!: The Rise and Fall of the Superstar DJ*.

## DEATH THREAT

### Julián FUKS

On 27 August 2022, prize-winning Argentine-Brazilian writer Julián Fuks published [an article](#) in the Brazilian online media outlet UOL. A day after the publication, the writer received [death threats and verbal attacks](#) after two of Brazilian President Jair Bolsonaro's sons, Flávio and Carlos, their supporters and the Jovem Pan News radio network distorted the content of his article.

In a subsequent article, the writer [described an increase in](#) persecution and harassment on social media. He received photographs of military documents and weapons, and threats were made against him and his family. UOL initiated legal proceedings to protect the author.

During the presidency of Jair Bolsonaro, Brazil registered one of the highest rates in the Americas of attacks on freedom of [expression](#) and artistic freedom, with attacks on LGBTIQ+ creators, women writers, activists, artists, as well as the [murder](#) of artists in possible relation to their work.

Julián Fuks was born in São Paulo in 1981. He has worked as a reporter for the newspaper *Folha de S. Paulo* and as a reviewer for the magazine *Cult*. Fuks is the author of *Histórias de literatura e cegueira* (2007) and *Procura do romance* (2011), both shortlisted for the Oceanos Award as well as for the Jabuti Award. His book *Resistance* [won](#) the 2016 Jabuti Award for Book of the Year, the 2016 Oceanos Prize, the 2017 José Saramago Literary Prize and the 2018 Anna Seghers Prize.

### Jeferson TENÓRIO

Brazilian writer Jeferson Tenório [received death threats](#) on 16 and 22 March 2022 via [social media](#). [According to the author](#), the anonymous messages said he would have his 'CPF cancelled' (expression used to refer to the death of someone) and 'would have to flee the country' to avoid being machine-gunned if he were to give a lecture scheduled to take place at the Land School in Salvador, Bahia, Brazil to promote his award-winning book *O avesso da pele* (*The Flipside of Skin*). The novel is about identity, complex racial relations, and violence.

Tenório informed Companhia das Letras (his publishing house) and the educational centre where the event was to be held about the threats and filed a complaint with the Bahia Civil Police. After the conference, on 22 March 2022, he received new threats.

Jeferson Tenório was born in Rio de Janeiro in 1977. Author of the 2013 novel *O beijo na parede* (*The Kiss on the Wall*), elected book of the year by the Rio Grande do Sul Writers' Association, his writing has been adapted for the theatre and translated into English and Spanish. He is also the author of *Estela sem Deus* (*Estela without God*) (2018) and *O avesso da pele* (*The Flipside of Skin*) which won the prestigious [2021 Jabuti award](#).



## COLOMBIA

### THREATENED

#### Julián Fernando MARTINEZ VALLEJO

On 22 February 2022, at around 11 p.m., a group of armed men attacked the car of journalist and author Julián Martínez Vallejo in Bogotá, according to the author's Twitter account. The car was parked in front of a flat where he was conducting an interview. Martínez, an award-winning reporter for the independent Bogotá-based La Nueva Prensa news website, frequently investigates allegations of government corruption and illegal spying.

Due to numerous threats against him, the Colombian government's National Protection Unit has provided Martínez with an armoured vehicle, protective vest, and armed escorts since April 2021. On 11 June 2022, Julián F. Martínez received temporary asylum in Argentina.

Investigative journalist Martínez Vallejo was born in Bogotá in 1988. He was a reporter for *Contravía* between 2008 and 2011, and for the bulletin *Noticias Uno* from 2007-2011. He founded the investigative group *La Nueva Prensa* with Gonzalo Guillén, in which they uncovered some of the biggest political scandals of 2020 in Colombia. He has been awarded the Simón Bolívar National Journalism Prize three times: Best Television Reporting (2010), Best Investigative Reporting Work on Television (2014), and Best Literary Journalism Book (2017) for *Chuzadas: ocho años de espionaje y barbarie (Chuzadas: eight years of espionage and barbarism)*.

#### Robert POSADA ROSERO

Since December 2021, journalist and writer Robert Posada Rosero has received three death threats and harassment from contractors of the Mayor's Office of Tulúa, Valle del Cauca, Colombia. Two of the threats referred to his family.

Despite the threats, Colombia's National Protection Unit (UNP) decided not to provide protection measures for Posada. According to local human rights organisations, the measures taken by the authorities were negligent and put

the writer's life at risk, especially since journalist Marcos Efraín Montalvo, who investigated and publicised similar issues of corruption, armed groups and local politics, was murdered in the same place in September 2021.

In addition to his journalism over more than two decades, Posada Rosero is the author of four short novels: *El infierno según Lucas (Hell According to Luke)*, *Danza de la Muerte (Dance of Death)*, *La familia real (The Royal Family)* *Las aventuras sexuales de los ángeles (The Sexual Adventures of Angels)*; and *Opinar bajo amenaza (Speak Out Under Threat)*. In July 2022, due to threats to his life in connection with his investigative journalism and writing, he left Colombia for his personal safety. Posada Rosero is continuing to write in exile, with the publication of a new book *El crimen del Comandante (The Commander's Crime)*, in which he gives details of the murder of Marcos Efraín Montalvo and the threats against him.

## CUBA

### IMPRISONED

#### Didier ALMAGRO TOLEDO

On 13 November 2021, musician Didier Eduardo Almagro Toledo, born in 1997, was sentenced to three years in prison on charges of contempt of court and public disorder after an unfair trial in which he was reportedly denied access to court documents and a lawyer. He was accused of participating in an anti-government demonstration protesting power cuts in his neighbourhood on 4 August 2021, when he was violently arrested and his home was raided and ransacked by a massive political police operation.

He is currently jailed in a maximum-security prison where he has been threatened over the political ideas he expressed through his music and for raising his voice asking better conditions in prison.

Almagro Toledo is a prominent protest artist who, through his music, denounces the Cuban government. He has reportedly been denied medical attention despite being subject to beatings by prison officers. Since January 2021, he has also been prevented from speaking with his family and a lawyer.

## Randy ARTEAGA RIVERA

Randy Arteaga Rivera, a musician and rapper, is serving a five-year sentence after being arrested while participating in peaceful protests against restrictions on rights, scarcity of food and medicines, and the government's response to the COVID-19 pandemic, on 11 July 2021 in Santa Clara province. He was violently dragged into a police bus in the street. In April 2022, he was sentenced to five years' imprisonment for the alleged crimes of 'contempt' and 'public disorder'. His family deny that he was a ringleader of the demonstration.

Randy Arteaga, born on 3 December 1990 and better known as Randy AR, is currently in a prison camp where he can earn a minimum income through work in the fields or camp, but this leaves his mother and daughter in a precarious economic situation. He was fired from his job as a security guard after his arrest.

Randy Arteaga's music is critical of the Cuban government. In his songs he criticises the repression and the situation of Cuban society. He has complained about poor prison conditions.

## Maykel CASTILLO PÉREZ

On 24 June 2022, Cuban authorities sentenced the Cuban musician and rapper Maykel Castillo Pérez, widely known by the name 'Maykel Osorbo', to nine years in prison after conviction of charges believed to include 'assault', 'resistance', 'evasion of prisoners and detainees' and 'public disorder.'

Osorbo, born on 1983, was detained on 18 May 2021 while at home in relation to his refusal to be arrested on 4 April 2021 as he was trying to reach the headquarters of the Movimiento San Isidro (MSI), a group of Cuban artists and intellectuals he co-founded in 2018 to protest state censorship of artistic, literary or journalistic works and defend freedom of expression in Cuba. Subjected to enforced disappearance for 14 days, on 31 May 2021, he was transferred to the high security 5 y Medio prison in Pinar del Río, where he remains. His provisional detention did not comply with international legal requirements or the Cuban Criminal Code. Osorbo has suffered no less than 121 acts of police harassment, including multiple arrests.

Osorbo was granted precautionary measures on 11 February 2021 by the Inter-American Commission on Human Rights and the UN Working Group on Arbitrary Detention has concluded that Osorbo is detained arbitrarily solely for his pro-democracy activism and has urged his immediate release.

Osorbo is co-author, alongside other Cuban musicians, of 'Patria y Vida' ('Homeland and Life'), a song that, since its release in February 2021, has served as an anthem during anti-government demonstrations across the island. The song received two Latin Grammy Awards.

## María Cristina GARRIDO RODRÍGUEZ

On 10 March 2022, Cuban poet and activist María Cristina Garrido Rodríguez was sentenced to seven years in prison on charges of 'public disorder,' 'contempt,' and 'resistance'. She was arrested with her sister on 12 July 2021 after participating in peaceful protests.

Garrido is held in poor conditions in detention, including solitary confinement and lack of food and water and unhygienic sanitary conditions. She has also been beaten. In a letter from prison, Rodríguez said that State Security 'punishes me for every letter I write, but I cannot stop breathing. It suffocates me to swallow the hard impulse of expression that sustains me and I cannot remain unchanged in the face of my own problems'.

Together with her sister Angélica Garrido, she went on hunger strike for five days on 20 September 2022 in protest at their sentence and continued detention.

María Cristina Garrido Rodríguez was born in Quivicán, Mayaquebé in 1982. In 2008 she won the First National Prize in the Carlos Baliño Tobacco Competition. Her poetry and artistic vision have led her to reflect and write about her daily life, while her career as an activist has led her to join the Cuban Women's Network, where she supports the visibility of women in various spaces. María Cristina is a member of the Vuelta abajo por Cuba Foundation and a member of the Latin Federation of Rural Women (FLAMUR). She is the author of *Examen de tiempo* (*Time examination*), published in 2022. The publisher



has waived the profits from the sale of the book which they will give to the poet.

### DETAINED

## Abel GONZÁLEZ LESCAY

Musician Abel González Lescay is serving a five-year ‘restriction of liberty’ sentence at his home in Bejucal, Mayabeque Province after conviction of ‘public disorder’ for his peaceful participation in the 11 July 2021 protests. His original six-year prison sentence, imposed on 30 March 2022, was reduced on appeal on 15 June 2022.

Lescay was arrested at home by State Security agents on 12 July 2021. He was taken naked from his home and transferred to the ‘El Técnico’ Unit in San José de Las Lajas, in the western province of Mayabeque where he was kept naked for a day, beaten and interrogated four times and held in a cell of 2x4 meters with three other people. After falling sick with COVID-19, he was transferred to another prison and was released on 18 July 2021 into house arrest.

On 20 October 2022, the musician was again arrested while singing a song in a park. During his arrest, the prosecutor threatened to commit him to a psychiatric hospital.

## Damián PÉREZ GUTIÉRREZ

Poet Damián Pérez Gutiérrez was detained in Arroyo Arenas, Havana during a protest on 1 October 2022 and was taken to the 6th station in Marianao where he remained held at the end of the year. He was released on 31 December 2022. He was under investigation for alleged charges of ‘public disorder’ and ‘assault’.

Cuban authorities detained at least five artists and writers, including Pérez Gutiérrez and rapper Alejandro Guilleuma Ibáñez (see below) in the aftermath of Hurricane Ian for their participation in peaceful protests that began on 29 September 2022. One of them reportedly suffered injuries during arrest.

## Alejandro GUILLEUMA IBÁÑEZ

Rapper Alejandro Guilleuma Ibáñez was arrested the same day as poet Damián Pérez Gutiérrez and taken to the notorious 100 and Aldabó Detention Centre run by the Technical Department of Investigations, where he is still being held, in pre-trial detention. Guilleuma’s physical condition is said to be deteriorating.

## Richard Adrián ZAMORA BRITO

Rapper and musician Richard Adrián Zamora Brito, better known as ‘El Radikal’, is serving an 18-month sentence of ‘restriction of liberty’. He was also sentenced to a fine of CUP30,000 (approximately USD1,200).

Arrested on 11 July 2021 by police officers in relation to his peaceful participation in the nationwide protests, he was detained in the unit known as ‘El Técnico de Bellotex’, Matanzas. He faced charges of ‘public disorder’ and ‘sabotage’ for allegedly destroying shops belonging to the armed forces. As a result, the investigation was conducted by the Military Prosecutor’s Office which meant he was not allowed access to a lawyer of his choice.

On 22 August 2021, the IACHR issued a precautionary measure in favour of Richard Zamora Brito.

He was released after 40 days in detention and was later sentenced by the Military Court #826 of Matanzas to 18 months of house arrest on charges of ‘public disorder’ (Article 200 of the Penal Code), allowing him only to leave the house for his work. The ‘sabotage’ charges were dismissed.

El Radikal is a member of the Council for Racial Integration and Demóngeles, a dissident group of artists, rappers, filmmakers, writers and artists. For years, Richard has suffered multiple forms of repression and harassment as a result of his music and *artivism*, such as police surveillance at his home, which has prevented him from attending hip-hop festivals such as Potaje Urbano in Matanzas.

## HARASSED

## Ángel SANTIESTEBAN PRATS

Award-winning writer Ángel Santiesteban Prats has been harassed by the Cuban state for many years. During the protests in Cuba on 11 July 2021, the writer reported to PEN International that he was in hiding to avoid arrest.

In December 2022, the writer went to renew his [passport](#) and was notified by the authorities that his departure from Cuba was regulated ‘for reasons of public interest’: in other words, he is restricted from leaving. In June 2022, upon returning to Cuba from an event in the United States, two State Security officers were waiting to question him and took him to a separate room, but Santiesteban refused to have a conversation with the officers and they threatened to start the repression against him from scratch.

Santiesteban, born on 2 August 1966, was previously sentenced to five years in prison on 8 December 2012 for alleged assault and trespassing. Conditionally released on 17 July 2015, in 2016, he was briefly detained (see previous detentions, arrests and harassment in [2019](#) and [2016](#) Case Lists).

Angel Santiesteban Prats is a renowned Cuban writer and blogger is an award-winning writer and author of the blog *Los Hijos que Nadie Quiso* (*The Children Whom Nobody Loved*). He has been published around the world and has received various literary prizes, including the Alejo Carpentier Award organized by the Cuban Book Institute in 2001 for his book *Los hijos que nadie quiso* (*The Children Nobody Wanted*) and the Casa de las Américas Award in 2006 for his book *Dichosos los que lloran* (*Blessed Are Those Who Mourn*). Ángel Santiesteban received the 2020 Václav Havel International Prize for Creative Dissent. He is the author of several other books, including *Sueño de un día de Verano* (*Summer Daydream*), and *Sur: latitud 13* (*South: Latitude 13*).

## FORCED EXILE

## Carlos Manuel ÁLVAREZ RODRÍGUEZ

On 20 November 2022, the Cuban government [banned](#) writer and journalist Carlos Manuel Alvarez from traveling to his country from Miami, Florida, USA. ‘Today at 3:32PM I should be boarding American Airlines flight 837 bound for Havana..., but the political regime of my country has just denied me entry to the island,’ denounced the journalist through his Facebook profile. Alvarez Rodriguez did not receive any explanation from the U.S. airport authorities about the Cuban regime’s refusal. ‘I am willing to return to my country by any other means and to organize with Cubans who also want to do so. The return of a full community is perhaps the way we have left,’ said the journalist.

Carlos Manuel Álvarez, born in 1989, has faced repression from the Cuban government at various times for his literature and journalism critical of Cuban authorities. For more details on previous attacks, see Case List [2020](#).

Carlos Manuel Álvarez’ articles and diaries 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. He is the author of several books, including *La tarde de los sucesos definitivos* (*The evening of the definitive events*) (2014), *La tribu: retratos de Cuba* (*The Tribe: Portraits of Cuba*) (2017), and *Los caídos* (*The Fallen*) (2018).

## Carolina BARRERO FERRER

In February 2022, historian, art curator and activist Carolina Barrero Ferrer was forced into exile, following [threats](#) that if she did not leave, the mothers of 12 other political prisoners would be prosecuted for public disorder.

On 28 January 2022, she was briefly [detained](#) by State Security agents in El Vedado, Havana. On 31 January 2022, Barrero was again [detained](#)



and also beaten together with activist Daniela Rojo and Camila Rodríguez, the coordinator of the civic platform Justicia 11J, when they went to the 10 October Municipal Court in solidarity with the relatives of political prisoners who were on trial. Barrero was released on 1 February and the officers who took her home warned her that she had 48 hours to leave the country, or else a group of women would be prosecuted. Held under house arrest, after 48 hours state security officials escorted Barrero to the airport and left her at the door of the plane.

She was previously briefly detained on 27 January 2021, along with several other artists and writers, for protesting in front of the Ministry of Culture. Since then, Barrero has been the victim of several arbitrary arrests, harassment, censorship, surveillance, and was placed under house arrest for over 150 days in 2021. She has also previously been arrested for reading José Martí's poetry and printing a drawing of the writer.

Carolina Barrero Ferrer, born in Havana in 1986, writes for *Art Newspaper*, *Rialta*, *El Estornudo* and *Hypermedia Magazine*.

## EL SALVADOR

### THREATENED

## Juan MARTÍNEZ D'AUBUISSON

On 11 April 2022, El Salvadorean President Nayib Bukele insulted Juan Martínez D'Aubuisson, anthropologist, *El Faro* columnist and investigator of gangs in El Salvador, on his social media, citing an interview that a European media outlet conducted with Martínez. The president's message was followed by dozens of comments, insults and harassment from congressmen, officials and opinion leaders sympathetic to the authorities.

According to the researcher, 'within 15 minutes of the hate message that President Bukele dedicated to me, the first death threats began to arrive (...) They quickly went from calling me a collaborator to branding me a gang member, and then to branding me a spokesperson and even a leader of the MS-13 better known as Mara Salvatrucha,

an international criminal gang organisation based in El Salvador and other countries.

Bukele launched the message against Martínez in the midst of a crisis of gang-related murders, to which his response was the approval of a state of emergency that nullified constitutional rights, and the reform of the Penal Code and the Law for the Prohibition of Gangs and Gangs, which prohibits the reproduction or transmission of messages or comunicués produced by gangs with penalties of 10 to 15 years in prison.

Juan Martínez d'Aubuisson, born in 1986, is an anthropologist and journalist. He writes for *InSight Crime*, the BBC, *Gatopardo*, *The Washington Post* and *El Faro*. Since 2008 he has studied Central American gangs and social violence. He is the author of the ethnographic chronicle *Ver, oír y callar: un año con la Mara Salvatrucha 13 (See, hear and shut up: A year with the Mara Salvatrucha 13)*, as well as *El niño de Hollywood (The Hollywood Kid)*. He is currently continuing his studies on gangs and prisons in Central America.

## GUATEMALA

### DETAINED

## José Rubén ZAMORA MARROQUÍN

On 29 July 2022, the renowned Guatemalan journalist José Rubén Zamora Marroquín was arrested at his home by the National Civil Police on trumped-up charges of money laundering, blackmailing, influence peddling and conspiracy to launder money. On the same day his bank accounts were frozen. On 30 July, the headquarters of *elPeriódico*, which he founded, were occupied by officers of the Public Prosecutor's Office and the National Civil Police.

Zamora's arrest came five days after strong accusations of corruption against several present and past government officials were published in *elPeriódico*, which focuses on investigating and exposing corruption in public administration and the private sector.

However, repression and threats against the journalist have been going on for years. In 2003, his home was raided following the

publication of the investigations *Ríos Montt investigations*, *La Mafia y el Ejército*, and some of his notes. Zamora has been the beneficiary of precautionary measures issued by the IACHR since 2003, in recognition of the risks he faces in relation to his work as journalist.

International, regional and local human rights and civil society organisations condemned Zamora's detention. In September 2022, Pedro Vaca Villarreal, the Inter America Commission on Human Rights (IACHR) Rapporteur for Freedom of Expression expressed concern about his arrest and the lack of guarantees for the exercise of freedom of expression and freedom of the press in Guatemala, and called on the government to fully and effectively guarantee these rights.

José Rubén Zamora Marroquín, born on 19 August 1956, is a renowned Guatemalan journalist and founder of three of the most widely-read newspapers in Guatemala and Central America: *Siglo Veintiuno*, *Nuestro Diario* and *elPeriódico*.

## HONDURAS

### THREATENED

#### Dina MEZA

Journalist, human rights defender, and founding member of PEN Honduras Dina Meza faced increasing harassment during the year. Meza's security situation remained a serious concern. She regularly finds herself under surveillance – her home, office and movements are surveilled and she reports being followed by unknown persons. (For details of previous harassment see Case List 2017 and 2020.)

On 18 August, a renewed smear campaign on social media and threats possibly linked to her work as a human rights defender began days after Meza denounced the Secretary of Human Rights, Natalia Roque, for actions and omissions in the National Protection Council and the Mechanism for the Protection of Journalists, Social Communicators, Human Rights Defenders and Justice Operators, in violation of the law and international human rights standards.

Meza, born in 1963, began her work as a human rights defender in 1989 and has worked for various human rights organisations and digital media outlets. In 2014, she was elected President of PEN Honduras. She also runs and writes for the website [pasosdeanimalgrande.com](http://pasosdeanimalgrande.com) which reports on freedom of expression and human rights in Honduras. 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) (2011) and *Kidnapped: Censorship in Honduras* (2015). She is the recipient of the 2007 Amnesty International UK's Special Award for Human Rights Journalism Under Threat; the 2014 Oxfam Novib/PEN International Freedom of Expression Award; the 2016 Premio Letras in Periodismo y Derechos Humanos at Festival de Cine y Derechos Humanos de Barcelona; and the 2020 Sir Henry Brooke Award for Human Rights Defenders. She is an Honorary Member of PEN Català.

### SENTENCED

#### Cesario Alejandro Félix PADILLA FIGUEROA

Journalist, student leader, and board member of PEN Honduras Cesario Alejandro Félix Padilla Figueroa, born on November 1992, is facing a sentence, imposed in 2020 for 'illegal detention of public property', of 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. He was tried on charges brought in July 2015 for his part in student protests at the Honduran National Autonomous University (UNAH) in the capital Tegucigalpa. He is unable to appeal against his sentence for three years. PEN International believes that Padilla Figueroa was targeted for exercising his rights to freedom of expression and assembly.

According to reports, the charge brought against Padilla Figueroa is alleged 'usurpation' of UNAH property (to read the full report of the trial, charges and background, see Case Lists 2020, 2019, 2018, 2017 and 2016).



In March 2022, PEN International, PEN Honduras and ASOPODEHU requested a meeting with the Rector of the university to make a formal request for the charges against Padilla Figueroa to be dropped. The rector and the university's lawyers agreed to support him in the criminal case and went to the Honduran Supreme Court to expedite the proceedings. ASOPODEHU and PEN Honduras are following the legal process.

## MEXICO

### KILLED

## Luis Enrique RAMÍREZ RAMOS

Luis Enrique Ramírez Ramos, a 59-year-old journalist and author, disappeared on the night of 3 May 2022. His body was found in Culiacán, Sinaloa on 5 May, and the cause of death was determined to be blows to the head. PEN International, together with a group of international organisations, condemned Ramírez's death and the rising numbers of murders of journalists in Mexico.

Earlier, in 2011, Ramírez had left Sinaloa because it was impossible to carry out his journalistic work: 'We preferred to keep quiet, to put distance between us, and to do what we could to live,' he reportedly wrote on his blog.

Local authorities opened an investigation into the killing and did not rule out any possible motive, including Ramírez's work as a journalist, but the crime remains unpunished. The only person arrested for the murder was released on 19 January 2022, after a supervisory judge decided not to prosecute her.

In his most recent publications for *El Debate*, Ramírez covered state and local politics in Sinaloa and Culiacán, including Governor Rubén Rocha, the mayors of Culiacán and Mazatlán, as well as all major political parties in the state congress. As a columnist, he wrote critically about the politicians and parties he covered, including infighting in an opposition party and spats between officials.

Ramírez had a 40-year career in journalism. He founded the website Fuentes Fidedignas and worked for the newspapers *El Diario*,

*El Debate* and *El Noreste*. He was a cultural reporter for *El Financiero*, *El Nacional*, *La Jornada*, and *Milenio*, among others.

### THREATENED

## Enrique MÁRQUEZ JARAMILLO

On 12 August 2022, political commentator Enrique Márquez Jaramillo received two threats to his personal phone, via phone call, after criticising the so-called 'Fourth Transformation' of the Mexican federal government in his columns - published in the newspaper *El Universal* - and decided to suspend the publication of his next article due to appear the next day. The article possibly related to the threats is entitled 'Las sirenas del Presidente' (The President's Sirens).

Márquez Jaramillo, born in March 1950, is a Mexican poet, historian and political scientist, writer, and academic and former Executive Director of Cultural Diplomacy at the Ministry of Foreign Affairs. He was part of the peace negotiation commission with the EZLN (Zapatista Army of National Liberation) in 1994. He has published 32 books on law, political science and history and literature. He was awarded the National Poetry Prize 1975 and the Bellas Artes Scholarship for Literature in 1976, as well the National Prize for Science and Cultural Dissemination Journalism 2010.

## NICARAGUA

### DETAINED

## Óscar René VARGAS ESCOBAR

On 22 November 2022, relatives of writer, sociologist and economist Oscar-René Vargas reported that hooded police officers had arrested him in Managua, while he was visiting his sister, and taken him to a punishment cell in El Chipote, where he remained held at the end of the year.

One day later, the prosecutor's office charged the 76-year-old sociologist one day after his arbitrary detention in Managua with the alleged

crimes of ‘conspiracy to undermine national integrity’ and ‘propagation of false news through information and communication technologies’.

The police report mentions four specific texts by the writer as the basis for his arrest: 1) ‘El poder o la muerte’, published on 12 June 2021; 2) ‘El reflujó social y la unidad’ of 15 June 2021; 3) a commentary on a publication by *The Economist* magazine and 4) another commentary entitled ‘Represión y negociación’ of 18 June 2021. Oscar René Vargas has chronic health problems.

On 28 December 2022, the Inter-American Commission on Human Rights granted him precautionary measures.

Vargas, aged 77, is a university professor, sociologist, economist, historian and author of at least 36 books. He was an advisor to the national leadership of the Sandinista National Liberation Front (FSLN) in the 1960s, but became a strong critic of Daniel Ortega’s government, especially after the social rebellion of April 2018. In his last article before his arrest, published on 20 November 2022, he put forward a strategy for the release of all political prisoners.

**Update:** The Nicaraguan authorities released more than 200 political prisoners, including Oscar René Vargas Escobar, and forced them into exile in February 2023.

## ON TRIAL

### Andrea M. DEL CARMEN

On 19 October 2022, Andrea Margarita del Carmen, born on 30 November 1959, a member of PEN Nicaragua, was charged with the alleged crime of ‘conspiracy’ – one of at least 17 people charged with similar ‘offences’. On 3 October 2022, the Public Prosecutor’s Office issued an arrest warrant for Andrea del Carmen. She is Director of Programmes at PEN Nicaragua, a researcher and co-author of the PEN International/ UNESCO report ‘Women Seizing the Word’.

On 14 September 2022, the police broke into her house to arrest her, but she was not in the house and her 34 -year-old son, Gabriel López Del Carmen, accused of the same crime, was taken hostage and detained in El Chipote prison in order to put pressure on her. Due to police

persecution, Andrea Margarita Del Carmen had to leave the country and is now living in exile, along with many other PEN Nicaragua members. PEN International and many PEN Centres strongly protested the attack on her and her son.

## HARASSED

### Gabriela SELSER

On 13 January 2022, Nicaraguan-Argentinian journalist and writer Gabriela Selser was banned from leaving the country when she tried to leave Nicaragua for fear of yet more reprisals due to her journalistic work. When she was boarding the flight, authorities confiscated her Nicaraguan passport to prevent her from travelling, with the risk of being detained. She later managed to leave the country and is now living abroad in exile.

Since 2018, Selser has been harassed and threatened many times by the authorities in retaliation for her journalism and work as a board member of PEN Nicaragua. In May 2020, the Foreign Ministry of Daniel Ortega’s government sent a formal protest to the German embassy in Nicaragua in relation to her articles for German outlets. Gabriela was also threatened by phone and social media and by hooded paramilitaries at her home (on three occasions in 2020 and 2021). The threats increased after the publication of articles on the COVID-19 pandemic.

Gabriela Ruth Selser, born in Buenos Aires in 1961, has worked as a journalist since 1981. She was a correspondent during the Sandinista revolution and a war correspondent for seven years. She has been a correspondent and reporter for news agencies such as AFP or DPA.

Since 2018, she has been a journalist and editor for the German television station Deutsche Welle (DW) and since 2019 for the Associated Press (AP). She has written articles for leading Latin American media outlets such as *Clarín* and *La Jornada*.

Selser has been a member of PEN Nicaragua since 2017 and its secretary since 2019. She is charge of the newsletter *Eye on Nicaragua* that documents freedom of expression violations. She is the author of the 2016 book *Banderas y harapos (Flags and rags)*.



## FORCED EXILE

## Carlos Luis MEJÍA

On 17 April 2022, as part of a campaign of raids and arrests of musicians and government opponents that began on 12 April, Nicaraguan immigration authorities prevented Nicaraguan musician Carlos Luis Mejía Rodríguez, son of exiled popular singer-songwriter Carlos Mejía Godoy, from entering the country when he was returning from the United States after a family visit.

According to press reports confirmed by the young artist, Mejía Rodríguez was not allowed to board a flight that had stopped in San Salvador, El Salvador, and was bound for Managua, forcing him into exile. Luis Godoy and his father, who have a long cultural career in Nicaragua, have been critical of the government and have been threatened and forced into exile since the 2018 protests.

## Josué MONROY

Musician Josué Monroy, member of the alternative rock-pop band Monroy & Surmenage, was forced into exile after being arrested by the police on 12 April 2022 along with three of his colleagues, allegedly for having sung a song alluding to the April 2018 protests. Musical instruments were also seized.

On 2 April 2022, Monroy gave a concert for the 15th anniversary of the band's founding at the Alliance Française. During the event, they sang the song *En el ojo del huracán* (*In the eye of the hurricane*), which pays tribute to the civic rebellion of 2018 and which contains phrases such as 'We will not be silent' and 'April is not forgotten'.

The musician was interrogated for 48 hours, demanding information about who financed them and the meaning of the lyrics of their songs. He was subjected to torture methods including sleep deprivation during interrogation. His house was raided a second time and his Nicaraguan identity papers were taken away. On 14 April 2022, Monroy was taken out of prison and driven to the Honduran border. He was released on the bridge across the Guasale River, wearing simply shorts and flip-flops. As he was taken to the

border, police filmed him and he was forced to sign a document stating that he could not return to Nicaragua, otherwise he would be imprisoned.

## PERÚ

## ON TRIAL

## Paola UGAZ

On 26 January 49-year-old Peruvian investigative journalist, editor and writer Paola Ugaz was acquitted by the Superior Court of Lima in relation to a defamation lawsuit brought against her by Luciano Revoredo Rojas in 2020.

For over a decade, Ugaz has faced a campaign of harassment, threats and at least five defamation lawsuits, including allegations of crimes, due to her investigations into corruption as well as into physical, psychological and sexual abuse within the Peruvian religious organization Sodalicio de Vida Cristiana, which she has conducted since 2010.

In 2015, Pedro Salinas and Paola Ugaz published the book *Mitad monjes, mitad soldados* (*Half Monks, Half Soldiers*) which uncovered a huge scandal within Sodalicio de Vida Cristiana. Ugaz began to receive complaints and lawsuits following the announcement she was publishing a new book about the group's financial management. In October 2020, she received a death threat on her Instagram account.

Ugaz still faces two lawsuits: one is an appeal of the dismissed lawsuit against Ugaz for defamation by the plaintiff, Luciano Reboledo which has resulted in the case being taken to a higher court, and another for alleged money laundering brought by Luciano Revoredo Rojas and José Edgardo Palomino Martínez. (See more details on Day of the Imprisoned Writer Campaign 2020 – Paola Ugaz)

On 10 November 2022, Pope Francis met Ugaz at the Vatican on 10 November, where he told her, 'It is time for the truth and to listen to the message and not punish the messenger, and if the messenger is a woman, the situation is even worse.' It is Pope Francis' first meeting with a journalist investigating abuse by clerics.

**JUDICIAL HARASSMENT**

## Christopher ACOSTA

## Jerónimo PIMENTEL

On 10 January, journalist Christopher Acosta, born in 1989, and Penguin Random House Peru director and editor Jerónimo Pimentel, born in 1978, were convicted of aggravated defamation for the publication in February 2021 of the book *Plata Como Cancha*, an unauthorised biography of three-time presidential candidate and businessman César Acuña. Both were sentenced to two years' suspended imprisonment and the payment of civil damages of PEN400 000, (almost USD100,000). Acuña later dropped the lawsuit, and the sentences were dismissed on 16 June 2022.

In March 2021, Acuña filed a complaint and, later, formalised the lawsuit against the author and publisher for containing 'at least 55 defamatory sentences', of which at least 20 were not attributed to the crime of defamation.

According to Penguin Random House Peru, through 'an exhaustive investigation that includes judicial and fiscal files, government resolutions, intelligence reports, confidential agreements, as well as extensive access to the inner circle of the politician and businessman, the author of *Plata como cancha* brings to light the pieces of a puzzle where power and money overlap each other, in the stories told here for the first time'.

## PUERTO RICO

**HARASSED**

## Sandra D. RODRÍGUEZ COTTO

Since 2017, Puerto Rican writer and journalist Sandra Rodríguez Cotto has been the target of multiple attacks, harassment, public harassment and campaigns that follow a pattern of hate speech on social and public media. The aim of these attacks is to undermine Rodríguez's work and that of other investigative journalists in Puerto Rico, particularly those working on issues of corruption, public resources and environmental

injustice. Between 21 June and 28 July 2022, in a new wave of harassment, the address of Rodríguez Cotto's residence was publicly revealed. The use of racist language and calls for violent actions were promoted against her and her family by public figures in Puerto Rico. These included calls to damage their property, potentially placing the journalist and her family at grave risk.

On 21 July 2022, as part of a series of public messages she received, Sandra Rodríguez was sent a warning of a lawsuit by a former public official in an attempt to intimidate her and silence her investigations. The alleged lawsuit turned out to be false.

Rodríguez Cotto is a journalist with decades of experience. She works as a news and policy analyst, radio commentator, television producer, columnist, and blogger. She is the author of several books on communication and journalism, most recently *Bitácora de una Transmisión Radial (Log of a Radio Transmission)*; Trbalis Editores, 2018). She received the Bolívar Pagán National Literature and Journalism Award.

## USA

**ATTACKED**

## Salman RUSHDIE

PEN International condemned the 12 August attack on renowned British writer Salman Rushdie just before giving a lecture at the Chautauqua Institution in New York, when an assailant rushed to the stage and lunged at the writer just as he was being introduced to the audience.

Rushdie suffered 'profound' wounds to his head, neck and torso in the attack and lost sight in one eye and the use of a hand.

Hadi Matar, 24, was arrested at the scene was charged with attempted murder. Matar is also accused of assault in connection with a facial injury suffered by a man on stage with Rushdie during the attack. His trial is expected in 2024.

Salman Rushdie, born on 19 June 1947, is the victim of an infamous attack on free speech over the 1988 publication of his



book *The Satanic Verses* when Iran's late leader Ayatollah Ruhollah Khomeini issued a fatwa calling for Rushdie's death, forcing him to remain in hiding for many years. At the time, PEN members world-wide campaigned against the fatwa until it was lifted.

In 2012, a semi-official Iranian religious foundation increased the amount on offer for the writer's killing from USD2.8m to USD3.3m. Rushdie dismissed that threat at the time, saying there was 'no evidence' of people being interested in the money and published *Joseph Anton: A memoir* about his ordeal. The title came from the pseudonym Rushdie had used while in hiding.

Indian-born Rushdie rose to prominence in 1981 when his second novel *Midnight's Children*, won the Booker Prize, but it was with the publication of *The Satanic Verses* that his name became known around the world. He has written 12 other books and several collections of short stories and essays. Rushdie is a former PEN America President.

## VENEZUELA

### JUDICIAL HARASSMENT

#### Milagros MATA-GIL

On 9 July, the Venezuelan Ministry of Justice summoned novelist, journalist and essayist Milagros Mata-Gil regarding a case against her dating from the previous year. After a lengthy legal defence, her lawyer reported to PEN International that she has not been granted the full freedom to which she rightfully aspires, and that this means that the writer cannot publish and work under normal conditions; receive a salary; lead a full life and exercise her human rights as any other citizen due to the criminal restrictions.

On 31 March 2021, Milagros Mata-Gil was detained in the state of Anzoátegui, El Tigre, for allegedly committing the crime of 'promotion and incitement to hatred', for writing an article that criticised the Attorney General and sharing it by WhatsApp. The article talks about a party for 800 guests, during the COVID-19 health crisis, where there were no health or safety measures for the attendees.

She was released the following day on condition she appears in court every 30 days, and is prohibited from speaking about the case. Her phone and other work tools were seized.

In 2021, the Inter-American Court of Human Rights admitted Milagros Mata-Gil's complaint and the Inter-American Commission on Human Rights has taken up her case.

Milagros Mata-Gil, born 17 April 1951, is a member of the Venezuelan Academy of Language and is the author of at least 19 books such as *Los manuscritos de Lyon* (*The Lyon manuscripts*), *Piar: del traidor y del héroe* (*Piar: the traitor and the hero*), and *Elipse sobre una ciudad sin nombres* (*Ellipse on a city with no names*).

## PEN ACTIONS FOR JOURNALISTS IN THE AMERICAS

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

### BOLIVIA

**Mario ROCABADO:** *journalist attacked*

Action:

November 2022: [PEN condemns attack on journalist Mario Rocabado](#)

### HAITI

**Roberson ALPHONSE:** *armed attack against journalist*

Action:

October 2022: [PEN condemns attack against prominent journalist Roberson Alphonse](#)

### MEXICO

**Ricardo RAVELO:** *journalist judicially harassed*

Action:

January 2022: Journalist Ricardo Ravelo Galó sued by Governor for his writing

**Heber LÓPEZ VELÁZQUEZ:** *journalist killed*

Action:

February 2022: Murder of journalist Heber López Vázquez, another failure of the Mexican State

March 2022: Danish, Swedish and Norwegian organisations write to Mexican president about crimes against journalists

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**José Luis GAMBOA ARENAS:** *journalist killed*

Action:

January 2022: México: PEN condena asesinatos a tres periodistas en menos de un mes

March 2022: Danish, Swedish and Norwegian organisations write to Mexican president about crimes against journalists

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Margarito MARTÍNEZ:** *journalist killed*

Action:

March 2022: Danish, Swedish and Norwegian organisations write to Mexican president about crimes against journalists

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Roberto TOLEDO:** *journalist killed*

Action:

March 2022: Danish, Swedish and Norwegian organisations write to Mexican president about crimes against journalists

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Margarito MARTÍNEZ ESQUIVEL:** *journalist killed*

Action:

January 2022: México: PEN condena asesinatos a tres periodistas en menos de un mes

March 2022: Danish, Swedish and Norwegian organisations write to Mexican president about crimes against journalists

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Lourdes MALDONADO LÓPEZ:** *journalist killed*

Action:

January 2022: México: PEN condena asesinatos a tres periodistas en menos de un mes

March 2022: Danish, Swedish and Norwegian organisations write to Mexican president about crimes against journalists

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Jorge Luis CAMERO ZAZUETA:** *journalist killed*

Action:

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Juan Carlos MUÑIZ:** *journalist killed*

Action:

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Armando LINARES LÓPEZ:** *journalist killed*

Action:

March 2022: Armando Linares, el séptimo periodista mexicano asesinado en menos de tres meses

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Yesenia MOLLINEDO FALCONI and Sheila Johana GARCÍA OLIVERA:** *journalists killed*

Action:

May 2022: Mexico: Call for investigation as number of journalists murdered rises

**Ciro Gómez LEYVA:** *armed attack on journalist*

Action:

December 2022: PEN condena los ataques contra el periodista Ciro Gómez Leyva



## NICARAGUA

**Juan Lorenzo HOLMANN:** *convicted journalist*

Action:

March 2022: International organisations condemn conviction of independent journalists

**Cristiana CHAMORRO:** *journalist imprisoned*

Action:

March 2022: International organisations condemn conviction of independent journalists

**Pedro Joaquín CHAMORRO:**

*sentenced journalist*

Action:

March 2022: International organisations condemn conviction of independent journalists

**Miguel MENDOZA:** *journalist arbitrarily detained*

Action:

January 2022: Organizations call for Nicaraguan government to immediately free detained journalists

**Jaime ARELLANO:** *political columnist arbitrarily detained*

Action:

January 2022: Organizations call for Nicaraguan government to immediately free detained journalists

**Miguel MORA:** *newspaper director arbitrarily detained*

Action:

January 2022: Organizations call for Nicaraguan government to immediately free detained journalists

## PARAGUAY

**Humberto CORONEL:** *Journalist killed*

Action:

September 2022: PEN International condemns the murder of journalist Humberto Coronel



# ASIA/PACIFIC REGIONAL OVERVIEW 2022

ROSS HOLDER, HEAD OF ASIA/PACIFIC REGION

In 2022, the right to freedom of expression was increasingly under threat in a growing number of countries across the Asia/ Pacific region. Despite the bravery of those willing to risk their lives and livelihoods to peacefully assert their right to freedom of expression, dictatorial regimes across the region have retaliated with ever-deepening levels of violent repression, emboldened by the apparent inability of the international community to hold those responsible to account for their actions.



In **China (PRC)**, numerous writers, journalists, scholars and other public intellectuals continue to endure long-term prison sentences for their peaceful expression. This includes the long-term imprisonment of several members of the Independent Chinese PEN Centre (ICPC), including **Gui Minhai**, **Yang Hengjun**, **Qin Yongmin** and **Zhang Guiqi**, among many others. In late November 2022, blank sheets of paper came to symbolise widespread discontent over the PRC government's COVID-19 restrictions, resulting in the largest demonstrations to have taken place across China since the 1989 Tiananmen Square protests. Referred to online as the "A4 Revolution", the blank sheets of paper used by demonstrators serve both as a striking illustration of popular dissent and an example of the limited space for peaceful expression in the country. In the wake of the demonstrations, dozens were reportedly detained for their participation and the government moved to censor references to demonstrations on social media, with new regulations coming into force in December that impose greater controls over media shared online.

In **Hong Kong**, which had previously seen the use of blank sheets by demonstrators in 2020 to highlight the extent to which the National Security Law (NSL) has eroded free expression in the territory, authorities there have continued to use the NSL to target government critics and quash any perceived form of dissent. The wide-ranging scope of the law has resulted in a profound chilling effect across the territory, resulting in the barring of several publishers from the Hong Kong's annual bookfair, the removal of books from public libraries and other forms of self-censorship. Writer and publisher **Jimmy Lai**, who has been detained continuously since December 2020, faces several further charges under the NSL, which could result in a maximum sentence of life imprisonment if convicted.

In **Tibet**, the PRC government has continued its policies of cultural assimilation, eroding the right to use and develop Tibetan languages and other key components of Tibetan culture by limiting the ability of Tibetan children to receive an education using their mother tongue. On 11 November 2022, multiple UN Special Rapporteurs submitted a joint letter to China to express their concern over the PRC government's "oppressive actions". Numerous writers, poets, and other Tibetan cultural figures, including writer **Go Sherab Gyatso**,

continue to be subjected to long-term prison sentences as a result of their peaceful expression.

In **Xinjiang**, similar policies of cultural assimilation continue to have an overwhelmingly destructive impact on Uyghur culture, including its language and literature. Included among the hundreds of thousands of Uyghurs who have been subjected to various forms of detention, ranging from forced job placement to long-term imprisonment as part of so-called "Strike Hard" campaign launched in 2014 to combat alleged terrorist threats are hundreds of writers, poets, scholars and other public intellectuals, including **Gulmira Imin**, **Ilham Tohti**, **Perhat Turson** and **Rahile Dawut**, who together represent the living embodiment of Uyghur culture. The long-awaited UN Office of the High Commissioner for Human Rights' (OHCHR) *Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region* was finally published in September, amid reports of pressure from the PRC government to prevent its publication. The UN report concluded that the extent of arbitrary detention of Uyghurs and other Muslim minorities, and the deprivation of other rights including cultural and linguistic expression and the right to privacy, 'may constitute international crimes, in particular crimes against humanity'.

In **Myanmar**, writer **Ko Jimmy**, arrested days after the February 2021 coup which he had criticised on social media, was among four activists who were executed by the military junta following a sham trial. The first executions carried out in Myanmar in over 30 years, their deaths are a damning indictment of the military junta's willingness to use every means available to terrorise the people of Myanmar.

Throughout 2022, the military junta has continued to unleash brutal acts of indiscriminate violence against the country's civilian population, including an airstrike against a village school, resulting in the deaths of at least 11 children. As of 31 December 2022, almost 2,700 people have reportedly been killed since the start of the coup, with over 16,700 arrested according to a local human rights group. Included among those detained are numerous journalists, writers, poets and other cultural actors, with an increasing number – such as journalist Myo San Soe – subjected to long-term prison sentences, including PEN Myanmar member, **Wai Moe Naing**.

The military junta has continued to target all forms of critical expression as part of its efforts to conceal evidence of its crimes. Journalists



have been routinely detained on bogus charges of incitement or spreading “false news” under the amended Penal Code. According to a report from [RSE](#), Myanmar is now second only to China in the number of journalists it has jailed.

The military junta has also sought to increase its attacks on freedom of expression online, with examples including the use of internet shutdowns and its circulation of a [revised draft Cybersecurity Law](#) on 28 January 2022. If brought into force, the law will enhance the junta’s ability to undermine online expression by enhancing its capacity to censor online information and block access to websites and social media platforms. The draft law would also criminalise the use of virtual private networks (VPN), which play a vital role in protecting freedom of expression by protecting against surveillance and censorship online. In response to the growing online restrictions, on 7 June 2022, UN human rights experts condemned the military junta’s efforts to establish a “[digital dictatorship](#)”.

The military’s violent coup has only increased the vulnerability of the country’s heavily persecuted Rohingya community and other ethnic minority groups. Recent [amendments to the education system](#) are an example of the military junta’s efforts to undermine the country’s rich linguistic diversity by seeking to promote the use of Burmese in classrooms to the detriment of other languages spoken by the country’s ethnic minority communities.

In response to the rapidly deteriorating human rights situation across Myanmar, on 21 December 2022, the United Nations Security Council adopted a resolution calling for an “[immediate end to all forms of violence](#)” in the country.

In **Afghanistan**, despite initial claims to the contrary, the Taliban continues to implement repressive restrictions at breakneck speed, resulting in the systematic erasure of women and girls from public life and ongoing efforts to silence independent media across the country.

The Taliban have continued to [relentlessly undermine](#) the rights of women and girls, condemning an entire generation to a life without agency or opportunity. Included among the breathless stream of edicts implemented by the Taliban leadership is the banning of women from attending secondary school as well as all public and private universities, prohibiting

their employment by NGOs and restrictions on their movement and appearance in public.

The Taliban has also escalated its restrictions on the country’s independent media, further decimating the country’s once-vibrant civic space, which had greatly expanded in the years before the Taliban’s takeover. Despite [assurances](#) from the Taliban spokesperson Zabiullah Mujahid that the country’s 2015 Law on Mass Media, which ensures the right to freedom of expression for journalists, remains in force, the Taliban has routinely undermined these protections by targeting journalists and other media workers. PEN International has received numerous reports of journalists who have been subjected to harassment, arbitrary arrest, assault, and other forms of persecution in retaliation for their journalistic work.

The first [human rights report](#) published by the United Nations Assistance Mission in Afghanistan (UNAMA) since the Taliban’s return to power noted how the Taliban’s detention of journalists, activists and protestors has had a chilling effect on freedom of the media in the country.

Afghanistan’s protracted humanitarian crisis has exacerbated the situation, with many Afghan writers, poets, media workers and others who are already vulnerable due to their identity or chosen profession now unable to financially support themselves due to the country’s economic collapse.

The severity of the situation has led to a steady stream of at-risk Afghans crossing the border into neighbouring countries, joining the thousands who fled the country in 2021 in the hope of reaching a country of refuge. PEN International continues to receive numerous requests for assistance from at-risk Afghan writers, poets, journalists and others who now live precariously in neighbouring countries, with many facing risk of refoulement or exploitation due to their illegal residency status. PEN International has campaigned for [more effective pathways](#) to safety.

In **India**, authorities have continued to use the country’s legal system to crack down on dissent, punitively targeting government critics with grinding legal cases that frequently result in years of indefinite detention. Many of those detained have been [denied adequate medical treatment](#) while imprisoned, exacerbating the suffering of detainees. On 10 August 2022, poet **Varavara Rao** was eventually granted regular bail on medical grounds after being hospitalised due to his worsening

health in detention. Scholar and co-accused **Hany Babu** continually struggled to receive adequate medical care after he contracted COVID-19 and a severe eye infection in 2021. In December 2022, the Indian authorities belatedly granted Babu just four days of interim bail to undergo eye surgery at a private hospital at his own personal cost.

The Indian authorities have also intensified their efforts to imprison and harass journalists, including the arrest of journalist and founder of *The Kashmir Walla*, **Fahad Shah**, and the subsequent raid of the Kashmiri news outlet's offices.

Other examples include the imposition of travel restrictions against writers and journalists **Aakar Patel** and **Rana Ayyub**, and the disproportionate use of police powers against independent news website The Wire and its staff in October 2022.

In **Vietnam**, PEN International continues its call for the immediate and unconditional release of writer and activist, **Pham Doan Trang**, who is currently serving a nine-year prison sentence for violating Article 117 of Vietnam's penal code, a charge frequently used by the authorities to target critics of the government. On 25 August 2022, Pham Doan Trang's appeal against the sentence was rejected by the Hanoi People's High Court. The severe prison sentence is emblematic of the level of intolerance that Vietnamese authorities hold towards any perceived dissent, which has led to bloggers, journalists and others frequently being sentenced to long-term imprisonment for their online writing. On 5 May 2022, Facebook user **Tran Hoang Huan** was sentenced to eight years in prison and a further three years of home surveillance for posting comments on his personal account that were critical of the Vietnamese government.

In the **Philippines**, the 2022 election of Ferdinand "Bongbong" Marcos Jr. has yet to result in any marked improvement in the country's freedom of expression environment. Writer, journalist, and Nobel laureate **Maria Ressa** continues to face cyber-libel charges after the Court of Appeals upheld her conviction for cyber libel and increased her maximum prison sentence to over six years' imprisonment. The PEN movement mourns the death of poet and activist, **Ericson Acosta**, who was allegedly killed following an "encounter" with the Philippine Army.

The deeply problematic 2018 Digital Security Act (DSA) continues to be used in **Bangladesh** against

those who criticise the government online, resulting in significant levels of self-censorship among independent journalists and bloggers operating inside the country. More recently, the growth of expatriate media has seen the Bangladeshi government increasingly target journalists and critics beyond the country's borders. In September 2022, the brothers of two London-based Bangladeshi journalists working for the *Weekly Surma* were arrested in retaliation for their critical reporting. More recently, Bangladeshi authorities have filed a case under the NSA against France-based Bangladeshi writer and blogger, **Pinaki Bhattacharya**, for engaging in anti-government propaganda. According to media reports, the Bangladeshi authorities have publicly stated their intention to seek his extradition through Interpol.

## GOOD NEWS

Over 2022, several writers, poets and other PEN cases have been released, including **Tibetan** writer, language teacher and activist, **Kunchok Tsephel Gopey Tsang** who was released from prison in March 2022. Imprisoned since 2009 on a 15-year sentence, Kunchok was released almost two years early after saving the life of a fellow inmate. In **India**, poet and activist **Varavara Rao** (see under India section below) was granted regular bail on 10 August 2022. However, he remains subject to strict bail conditions, which include restrictions on his movement and ability to make any public statements regarding his case.

Another poet, **Maung Yu Py** (see under Myanmar section below) was released in September 2022 on completion of his sentence in **Myanmar**. He was arrested on 9 March 2021 while attending an anti-coup protest and later sentenced to two years' imprisonment. Two months later, writer, poet and editor **Maung Thar Cho** and Japanese journalist and documentary filmmaker **Toru Kubota** were both released as part of a prisoner amnesty in November 2022. Maung Thar Cho was among the first to be detained following the military coup on 1 February 2021 and was sentenced to two years' imprisonment while Kubota was detained in August 2022 after filming an anti-government rally and was later sentenced to 10 years' imprisonment.

# EMBLEMATIC CASES



## CHINA – XINJIANG

Rahile DAWUT

Uyghur scholar held incommunicado for over five years in China

A prominent anthropologist and leading expert on the study of Uyghur folklore and cultural traditions, Rahile Dawut (see under China section below) disappeared in late 2017 shortly after making plans to travel from Xinjiang to Beijing to participate in an academic conference. Over five years later, the PRC government has yet to confirm where she has been detained. Dawut's incommunicado detention is emblematic of the Chinese government's efforts to dislocate the Uyghur population from their cultural identity and heritage through overwhelming levels of censorship and repression that may amount to crimes against humanity according to a report published by the [UN OHCHR](#).

*Rahile Dawut. Photo credit: permission granted by studiolaross.com*

## MYANMAR

KYAW MIN YU

(also known as Ko Jimmy)

Writer and activist executed by the military junta following a show trial

Kyaw Min Yu (see under Myanmar section below) lived as a writer and activist. On 25 July 2022, Kyaw Min Yu was among four pro-democracy activists who were executed by the military junta, marking the first judicial executions to take place in the country in over three decades. Kyaw Min Yu's death is emblematic of the atrocious levels of violence that the military junta continues to carry out against Myanmar's civilian population on a daily basis.

*Kyaw Min Yu. Photo credit: private*



## BANGLADESH

### JUDICIAL HARASSMENT

#### Shahidul ALAM

Photojournalist and social activist Shahidul Alam continues to face investigation into allegations of ‘giving false information’, ‘hurting the image of the nation’, and ‘causing deterioration of law and order’ by ‘making provocative comments’ from his Facebook ID under Section 57 of Bangladesh’s Information Communications Technology Act 2006.

Alam was picked up by men in plainclothes on 5 August 2018, who raided his home just hours after his [interview with Aljazeera](#) where he recounted his experience documenting street protests on road safety. On 6 August 2018, Alam was brought before a court in Dhaka where he first learned of the accusations against him. Section 57 of the ICT Act was subsequently repealed in October 2018 by the Digital Security Act 2018, raising questions over the legality of continuing the investigations against him. Alam was granted bail in November 2018.

In March 2019, Alam challenged the legality of the continued investigations through a judicial review in the High Court of Bangladesh. The High Court stayed (paused) the investigations, asking the government to explain the legality of continuing the investigations. The government sought permission to appeal before the Appellate Division (highest court in Bangladesh) which the Court turned down, directing a High Court Bench to hear the matter. In [December 2021](#), a High Court Bench passed a judgment lifting the bar on the investigations, stating judicial review was not the appropriate forum to decide this matter. The Appellate Division dismissed his petition for permission to appeal against this judgment in November 2022, clearing the way for the authorities to continue the probe against him.

Alam, born in 1955, is the founder and managing director of the Drik Picture Library and the founder 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](#) by the President of Bangladesh for

his significant contribution to Bangladeshi culture in the field of photography. In 2018, he received the prestigious, US-based [Lucie Award](#) in acknowledgement of his exceptional contribution to photography and society as well as the London-based Frontline Club’s Tribute Award and was 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](#).

## CHINA

### IMPRISONED

#### Rahile DAWUT

A renowned anthropologist and leading expert on the study of Uyghur folklore. In late 2017, Dawut disappeared shortly after she had made plans to travel from Xinjiang to Beijing for an academic conference. Dawut was then held in secret by the PRC government without any confirmation of her detention for over five years, despite international media attention and a campaign led by her daughter [calling for her release](#). In July 2021, [investigative reporting](#) by Radio Free Asia’s Uyghur Service confirmed her imprisonment according to sources within Xinjiang University.

Rahile Dawut, born on 20 May 1966, is an associate professor at Xinjiang University and founder of the university’s research centre on minority folklore. She is recognised around the world for her peerless contributions to the study and cataloguing of Uyghur cultural heritage. Her work was also recognised and supported by the PRC government. In 2016, just a year before she was initially detained, Dawut received a research grant from the Ministry of Culture, reportedly the largest ever given to a [Uyghur research project](#).

#### Jimmy LAI

A writer, publisher and activist with UK citizenship, Jimmy Lai has been continuously imprisoned since December 2020 following his initial detention in [August 2020](#) on multiple charges for his journalism and pro-democracy activism. Jimmy Lai has already received four convictions of unauthorised assembly, including a 14-month

sentence for briefly appearing at a vigil on 4 June 2020 to commemorate the 1989 Tiananmen Square massacre. Outdoor vigils commemorating the violent crackdown have taken place at Hong Kong's Victoria Park for three decades, until the authorities enforced a ban under the pretext of COVID-19 public health restrictions in 2020. The ban continues to remain in place.

On 10 December 2022, Lai was sentenced to a total of five years and nine months' imprisonment for violating the terms of a commercial lease. Jimmy Lai faces further charges under the National Security Law (NSL), which could result in a maximum sentence of life imprisonment.

On 13 December 2022, the High Court adjourned Lai's NSL trial until September 2023 as it waits for an interpretation by the PRC government's top legislative body on whether Jimmy Lai can be represented by his overseas barrister, who has been prevented from representing Lai after his request for a working visa extension was denied by Hong Kong immigration authorities.

Jimmy Lai, born on 8 December 1947, is a veteran human rights activist and owner of the now-defunct *Apple Daily* newspaper, which was once regarded as Hong Kong's most prolific pro-democracy news outlet before it was forced to close on 24 June 2021. Lai is also the author of over 20 books ranging from autobiographies to essays on entrepreneurship and his love of food.

## Go Sherab Gyatso (known as Gosher)

A prominent Tibetan writer, educator and public intellectual, Gosher is serving a 10-year prison sentence reportedly imposed following a secret trial held in December 2021. He was detained by PRC security services on 26 October 2020, in the Sichuan province's city of Chengdu on suspicion of inciting secession. He was subsequently transferred to the Tibetan Autonomous Region where he was formally charged on 3 February 2021.

There are ongoing concerns over Gosher's health and access to adequate medical care, following reports that he was detained while seeking medical treatment for a chronic lung condition.

Gosher, born on 9 September 1976, is the author of over 10 books, including *Wake Up* (2007), *General Knowledge & the Path* (2011) and *Insights of a Thinker* (2013). Much of his writing centres on Tibetan Buddhism, language, and culture. An outspoken intellectual and advocate for Tibetan monastic education, this is the fourth time that the PRC authorities have imprisoned Gosher, who was previously detained in 1998, 2008 and 2011 for his criticism of government restrictions on Tibetan religious and cultural practices.

## Gui Minhai

A poet, publisher, bookseller and member of the Independent Chinese PEN Centre (ICPC), Gui Minhai is a Swedish citizen sentenced to 10 years' imprisonment on national security charges on 24 February 2020.

Gui is one of five Hong Kong booksellers who were forcibly disappeared in October 2015. He was taken from his vacation home in Thailand by the PRC security services and was not seen in public until three months later, when PRC state media aired a forced confession video where Gui claimed he had voluntarily returned to China to turn himself for a 2003 traffic offence. Briefly released while under continued surveillance in late 2017, Gui was subsequently detained by plain clothes police officers on 20 January 2018 whilst in the company of two Swedish diplomats on his way to Beijing for medical testing, after showing symptoms of a neurodegenerative disease.

Gui Minhai, born on 5 May 1964, was the owner of Mighty Current Media and joint owner of its retail arm, Causeway Bay Books. Mighty Current Media was a Hong Kong-based publishing company best known for its sensationalist books about private lives of China's political leadership. Causeway Bay Books had a similar reputation before its closure following the forced disappearance of its staff and was a popular destination for those seeking to buy books that were banned or otherwise unavailable in China's mainland. In 2020, several poems written by Gui during his initial detention were published as a poetry collection titled, *I draw a door on the wall with my finger* (2020).

## ZHANG Guiqi (Pen name, Lu Yang)

A poet, teacher and member of the ICPC, on 26 July 2022, Zhang Guiqi was sentenced behind closed-doors to six years' imprisonment and a further three years' deprivation of his political rights after conviction of a charge of 'inciting subversion of state power'. He has been detained since May 2020, just hours after he posted a video on social media where he called for President Xi Jinping to step down and for an end to the 'CCP's regime'.

Zhang Guiqi, born on 4 January 1971, is a poet and former teacher from the Shandong province in eastern China. He has acted as founder, editor and publisher for several online poetry platforms, including the Chinese Contemporary Poetry Platform, which was forced to shut down in 2007 following a directive issued by PRC government censors. In 2008, he became a signatory to the seminal Charter 08 document, which called for greater human rights protections and political reform in China.

Following the detention of one of Charter 08's authors, writer, Nobel Peace Prize Winner and former president of the ICPC, Liu Xiaobo, Zhang joined the PEN Centre as a member. Over the following years, he was an outspoken activist in support of free expression in China, supporting public intellectuals who have been persecuted for their peaceful expression.

### DETAINED

## YANG Hengjun (legal name, Yang Jun)

A writer, scholar and political commentator with Australian citizenship, Yang Hengjun has been in various forms of detention since January 2019, after he returned to China from the US with his family. Yang was initially held at a secret location for six months in a notorious form of incommunicado detention called Residential Surveillance at a Designated Location, where he was reportedly tortured. In August 2019, Yang was formally arrested on suspicion of 'espionage' without any evidence supporting the charge disclosed to his family or consular representatives.

Throughout his more than two years of pre-trial detention, Yang was denied family visits and was granted limited access to legal counsel and consular visits. He was reportedly subjected to over 300 interrogations and his request for the dismissal of testimony he gave under torture was denied by the PRC government. On 27 May 2021, Yang's trial was held behind closed doors and reportedly lasted less than seven hours, with his consular representatives denied the ability to attend, a breach of both the Vienna Convention and the Australia-China bilateral consular agreement. By the end of 2022, the court had postponed the sentencing of his case on six separate occasions, raising serious questions concerning the fairness of his trial.

Yang Hengjun, born on 18 April 1965, is a novelist, scholar and political commentator, said to be an ex-employee of the Foreign Affairs Ministry, who is committed to the advancement of human rights and greater freedoms in China. Yang is the author of the *Fatal Weakness* spy trilogy, which was reportedly banned in the PRC but has been shared widely online among Chinese diasporas. He also has a significant following on Chinese social media for his online blog posts, which frequently highlight democratic values, earning him the nickname 'Democracy Peddler' among his followers.

## INDIA

### DETAINED

## Hany BABU

Scholar and anti-caste activist Hany Babu remained detained. He is one of 16 writers, scholars and activists, including poet Varavara Rao (see below in On trial section), who have been targeted under India's counterterrorism law, the Unlawful Activities (Prevention) Act (UAPA). The charges against the group, referred to as the BK-16, reportedly arose from their alleged 'involvement in inciting violence' at a public event held on 31 December 2017 by activists advocating for the rights of Dalits and other marginalised communities. One day after the event, riots erupted between Dalits and Hindu nationalists during a celebratory gathering to mark the 200<sup>th</sup> anniversary of the Battle of Bhima Koregaon, a significant cultural event among India's Dalit community.



On 10 September 2019, Hany Babu's home was raided by police who seized his laptop, mobile phone and books on caste and social formations. He was subsequently arrested by India's National Investigation Agency (NIA) on 28 July 2020 and sent to India's notorious Taloja Central Jail where he has since been held in grossly inadequate conditions. In May 2021, Babu was repeatedly denied adequate medical treatment after contracting a severe eye infection, eventually resulting in his temporary hospitalisation before he was forced to return to prison. On 15 December 2022, Hany Babu was permitted to undergo an operation at a private hospital at his own expense following loss of vision in his left eye. His request for extended medical bail, which would allow him to also receive treatment for other healthcare issues, continues to be denied.

Hanu Babu, born on 16 August 1966, is an associate professor of language and linguistics at Delhi University and an anti-caste activist and advocate for greater protections of marginalised languages, who has regularly used his writing to highlight the relationship between human rights and linguistic plurality.

## ON TRIAL

### Teesta SETALVAD

A writer and activist, on 25 June 2022, Gujarat anti-terror police detained Teesta Setalvad at her home in Mumbai, the capital of the neighbouring state of Maharashtra, on allegations of 'criminal conspiracy' and 'forging evidence' as part of her efforts to seek government accountability for the 2002 Gujarat Riots, a period of inter-communal violence that led to the deaths of hundreds of Indian citizens. Setalvad has alleged that she was assaulted by two members of the anti-terror police when she requested permission to speak with her lawyer. Just one day prior to Setalvad's detention, on 24 June the Supreme Court rejected a plea submitted by Setalvad and co-petitioner Zakia Jafri, whose husband, the former parliamentarian Ehsan Jafri, was killed during the riots. The plea sought to reopen an investigation into the potential involvement of local government officials in the violence.

On 2 September 2022, Setalvad was granted interim bail by the Supreme Court while she awaits a ruling from the Gujarat High Court on her application for regular bail.

Teesta Setalvad, born on 9 February 1962 is a writer, journalist and one of India's most high-profile human rights defenders. From 1983, Setalvad wrote for a decade for news outlets including *The Daily*, *The Indian Express* and *Business India*. In response to the 1992 demolition of the Babri Masjid by Hindu nationalists, Setalvad left mainstream journalism, to establish a monthly magazine called *Communalism Combat*, which sought to address issues of religious intolerance and the role of certain political parties which stoke inter-religious hostilities within Indian society. Over the following years, Setalvad mounted numerous campaigns for the rights of women and marginalised groups across India. In 2017, Teesta Setalvad published her memoir, entitled *Foot Soldier of the Constitution*, charting her career from journalist to civil rights activist and human rights defender.

### Varavara Rao

Varavara Rao is a writer, poet, and activist and one of 16 writers, scholars and activists, including scholar **Hany Babu** (see above under Detained section), who have been targeted under India's counterterrorism law, the Unlawful Activities (Prevention) Act (UAPA). The charges against the group, referred to as the BK-16, reportedly arose from their alleged 'involvement in inciting violence' at a public event held on 31 December 2017 by activists advocating for the rights of Dalits and other marginalised communities. On 1 January 2018, one day after the event, riots erupted between Dalits and Hindu nationalists during a celebratory gathering to mark the 200<sup>th</sup> anniversary of the Battle of Bhima Koregaon, a significant cultural event among India's Dalit community. Rao has completely rejected all charges, with many viewing his detention as being politically motivated and part of a wider crackdown on activists across India.

Imprisoned for over two years in abhorrent conditions, Rao fell gravely ill with COVID-19 and other health complications but was repeatedly denied adequate medical treatment in jail until he was granted interim bail on medical grounds

in February 2021, releasing him from prison and allowing him to receive much needed medical treatment. On 10 August 2022, the Supreme Court granted regular bail to Varavara Rao. However, he remains subject to strict bail conditions, which include restrictions on his movement and ability to make any public statements regarding his case.

Born on 3 November 1940, Varavara Rao is a poet and activist. An important figure in Telugu literature, Rao is a founder of the Virasam – the Revolutionary Writers Association. The author of numerous poetry collections, from 1966-1992, Rao ran *Srujana (Creation)*, a monthly journal focussing on modern Telugu literature.

### HARASSED

## Aakar PATEL

A writer, journalist and activist, on 6 April 2022, Aakar Patel was due to fly from India to the US where he was due to speak at several academic conferences on topics including attacks on civil society in India and the use of social media as a tool for social and political change. However, when he attempted to board his flight at Bangalore airport, immigration authorities prevented his travel, citing a look-out circular (LOC) issued by the government's Central Bureau of Investigation (CBI). Despite a Delhi court order directing the CBI to rescind the LOC against Patel, when he returned to the airport on 7 April 2022, he was again blocked from leaving the country. On 8 April 2022, a judge directed Patel not to leave the country without prior permission.

While the CBI initially refused to publicly comment further on the reason why it initially attempted to restrict Patel's travel outside of India, he was informed by the CBI that the LOC emanates from ongoing litigation against him in relation to his former role as former head and Chair of the Board of Amnesty International India. The human rights organisation was forced to cease its operations in September 2020 following a campaign of intimidation orchestrated by the Indian government that included multiple raids, a smear campaign, and the freezing of Amnesty International India's bank accounts.

Aakar Patel, born on 15 December 1969, is an activist, journalist and writer. His most recent book, *Price of the Modi Years*, was published

in 2021 and provides a critical examination of the performance of the Indian government since Narendra Modi's election as prime minister in 2014. In 2020, he published *Our Hindu Rashtra*, which charts the rise of Hindu majoritarian nationalism in India and how it has accelerated under Modi's government.

## MALAYSIA

### HARASSED

## Uthaya SANKAR SB

On 11 April 2022, writer Uthaya Sankar SB was arrested at his home by investigators who also seized his digital devices. The arrest stems from a complaint made to the police regarding a comment that Sankar posted on his Facebook account on 6 April that was considered to potentially insult the Prophet Mohammad, which is illegal under Malaysian law. In the post, Sankar referenced a prominent hadith collection within Sunni Islam when mocking Malaysian actor Iman Zulkarnain's comments regarding polygamy.

The police initially sought to detain Sankar for four days. On 12 April, the Magistrate's Court dismissed the police application and permitted Sankar's release after a night in detention. Sankar is currently free on police bail while he is being actively investigated under Section 298A of Malaysia's Penal Code for 'causing disharmony, disunity, or feelings of enmity, hatred or ill will, or prejudicing the maintenance of harmony or unity, on grounds of religion', and Section 233 of the Multimedia and Communications Act for 'improper use of network facilities or network service'.

Sankar flatly rejects any claim that he criticised Islam or the Prophet Mohammad in his social media post, noting that he has a track record of writing numerous books and articles about Islam and other religions without issue. He is the author of over 20 books and has written extensively on topics including language, culture and religion in Malaysian society.

Born on 10 June 1972, Sankar has published numerous books in Bahasa Malaysia, including several retellings of revered Indian texts, including *Ramayana dan Mahabharata* (2019) and *Bhagavad Gita* (2021)

## MYANMAR

### EXECUTED

#### KYAW MIN YU (also known as Ko Jimmy)

A writer and activist, on 23 July 2022 Kyaw Min Yu was among four pro-democracy activists who were executed by the military junta following a show trial that denied their ability to establish their innocence according to international fair trial norms.

Kyaw Min Yu was initially arrested by the military junta on 24 October 2021 following a raid on a housing complex in Yangon. The military junta had previously issued a warrant for his arrest on 13 February 2021 over his posts on social media, which were critical of the junta's military coup that took place just days prior. On 21 January 2022, Kyaw Min Yu was sentenced to death under the country's 2014 Counter-Terrorism law, which was amended by the military junta in August 2021 to impose longer prison sentences for a range of anti-coup activities. The execution of Kyaw Min Yu and three other activists mark the first time in over 30 years that the death penalty has been carried out in Myanmar.

Kyaw Min Yu, born on 13 February 1969, lived as a writer and activist. He was sentenced to 15 year's imprisonment for his role in the 1988 Uprising, a series of mass pro-democracy protests that were crushed following a military coup, resulting in thousands of deaths.

While in prison, Kyaw Min Yu worked on Burmese translations of Dan Brown's *The Da Vinci Code* and *Angels and Demons*, which were reportedly left unpublished due to censors' concerns over the controversial nature of the books. Following his release in July 2005, Kyaw Min Yu published his first literary work, *Making Friends*, a self-help book that quickly became best-seller.

Just two years after his release, Kyaw Min Yu was arrested on 12 August 2007 and imprisoned for five years for his role in leading peaceful protests against fuel price increases. While imprisoned for the second time, Kyaw Min Yu wrote a fiction novel titled *The Moon in Inle Lake*, which was published following his release in 2012.

### IMPRISONED

#### WAI MOE NAING

A writer and member of PEN Myanmar, on 12 August 2022 Wai Moe Naing was sentenced to 10 years' imprisonment on multiple counts of incitement, a charge routinely used against critics of the regime. On 20 October 2022, Wai Moe Naing was sentenced to a further four years in jail, and is currently awaiting trial on charge of high treason, which could result in a death sentence if convicted. The charges are reported to relate to the killings of two police officers in the Monywa region, but no evidence has emerged that links Wai Moe Naing to the crime. Wai Moe Naing's friends and family have rejected the accusation of murder on the strongest possible terms.

He was arrested on 15 April 2021 by junta forces that reportedly used an unmarked vehicle to ram Wai Moe Naing while he was driving on a moped as part of a protest rally in the Monywa region. When he tried to escape on foot, a group of armed men disembarked and attacked him and a female protestor before detaining them both.

Wai Moe Naing, born on 26 September 1995, is a youth activist, writer, and member of PEN Myanmar. He began writing as a student, with his first short story being published in Teen Magazine at the age of 13. His writing has since been published in several literary outlets, including *Khit Yananthit Magazine* and *Pae Tin Tharn Journal*. In the immediate aftermath of the military coup, Wai Moe Naing rose to prominence as a leader of the anti-coup protest movement and was among those who popularised the idea of banging pots and pans as a non-violent act of resistance to the military junta's rule.

#### HTIN LIN OO

A well-known writer and political activist, Htin Lin Oo was among the first of those detained as part of the military's initial wave of arrests after seizing power from Myanmar's democratically elected government on 1 February 2021. On 22 February 2022, Htin Lin Oo was sentenced to three years' imprisonment under Section 505A of Myanmar's Penal Code after he reportedly condemned the military coup during a live broadcast posted on his social media account on 1 February 2021.



Htin Lin Oo, born on 21 January 1967, was a frequent contributor to Myanmar's current affairs magazines and has also published several books. He was also a member of the Myanmar Writers Club and an editor of Myanmar's *D. Wave Journal*. He was previously arrested on 4 December 2014 by the then military-led government after giving a speech criticising the use of religion by some political groups to stoke inter-ethnic hostility in Myanmar. Charged with committing blasphemy, he was detained for 16 months and later acquitted and released on 16 April 2016 as part of a prisoner amnesty, following the establishment of Myanmar's first non-military government in over 50 years.

**Update:** On 4 January 2023, Htin Lin Oo was released as part of a prisoner amnesty.

## THAN MYINT AUNG

On 1 February 2021, writer and philanthropist Than Myint Aung was taken from her home by junta forces on the morning of the first day of the military coup and was held at an interrogation centre in Yangon for a month before being transferred to Insein Prison. On 27 December 2021, she was sentenced to three years' imprisonment under newly amended provisions to Myanmar's Penal Code, reportedly in connection with speeches she gave at literary events in 2019.

Than Myint Aung, born on 25 September 1953, is a writer and philanthropist who has been celebrated for her charity work in support of disadvantaged children and the vulnerable elderly in Myanmar, resulting in her awarding of the Citizen of Burma award in 2014. She is also an established writer who used fiction as a medium to highlight many of the social issues that she addresses. She has published several literary works including *Many lives with me*, *His sky*, and *The colours are moving slightly*. In 2002, Than Myint Aung was awarded Myanmar's National Literature Award for a collection of short stories.

**Update:** Than Myint Aung was released as part of a prisoner amnesty on 4 January 2023.

### RELEASED

## MAUNG THAR CHO

A writer, poet, editor and member of PEN Myanmar, Maung Thar Cho was among the

first of those detained as part of the military's initial wave of arrests after seizing power from Myanmar's democratically elected government on 1 February 2021. On 22 February 2022, Maung Thar Cho was sentenced to two years' imprisonment with hard labour under Section 505A of Myanmar's Penal Code, a charge frequently used by the military junta to punish those who have criticised the coup or the military's conduct. The charge reportedly stems from two of Maung Thar Cho's literary works that were published a year before the coup took place.

Maung Thar Cho, born on 11 March 1958, has authored over 70 literary works crossing multiple literary genres, including poetry, essays and short stories. A professor of Myanmar literature at the Yangon Training College, Maung Thar Cho is also a gifted educator and communicator who gained a reputation for his use of satire as a way to address contentious political and social issues affecting Myanmar society.

On 17 November 2022, Maung Thar Cho was released as part of a prisoner amnesty.

## MAUNG YU PY

A poet, Maung Yu Py was arrested on 9 March 2021 while attending an anti-coup protest in his hometown of Myeik, located in southern Myanmar. Charged with unlawful assembly and for spreading false news under the amended Penal Code, in June 2021 he was sentenced to two years' imprisonment.

Considered to be one of Myanmar's most well-known poets, Maung Yu Py, born on 18 November 1981, published his first collection of poetry, *The Bird that was Killed when the Sky Capsized* (2000), at the age of 20, and has since published several poetry collections, including *There is a New Map for that Little Island Town Too* (2007) and *With the Big Television Turned On* (2009). His poetry has also been featured by Poetry International and was included in *Bones Will Crow: Fifteen Contemporary Burmese Poets* (2011), an anthology edited by Ko Ko Thett and James Byrne. In 2015, Maung Yu Py participated in University of Iowa's prestigious International Writing Program as a visiting fellow.

Maung Yu Py was released from prison in September 2022 on completion of his sentence.

## PHILIPPINES

### KILLED

#### Ericson ACOSTA

A poet, musician, journalist and activist, on 30 November 2022, Ericson Acosta was reportedly killed during a military operation in Kabankalan, located in the province of Negros Occidental in the Philippines. The Philippine Army claimed that two bodies were found following a clash with armed communist rebels. While the military did not initially identify those deceased, the National Democratic Front Negros (NDF-N), a political umbrella group, identified one of the deceased as Ericson Acosta, claiming that he was their consultant.

Born in 1972, Acosta was a former entertainment editor for the *Manila Times* and was also heavily involved in theatre, having directed several plays, including *Monumento*, which he also wrote. He was also a dedicated environmental activist who carried out research in support of farmers facing land seizures and other issues affecting their livelihoods. Imprisoned in 2011 for almost two years on trumped-up charges of illegal possession of explosives, Acosta maintained a prison diary called the Jailhouse Blog containing poems, essays and sketches detailing his time in detention. Following his release, Acosta published a collection of his poetry, titled *Mula Tarima Hanggang at iba pang mga Tula at Awit*, which focuses on the struggle for social justice in the Philippines. In 2016, his poetry collection won the Best Book of Poetry in Filipino Award at the 35<sup>th</sup> Philippine National Book Awards.

### JUDICIAL HARASSMENT

#### Maria RESSA

A journalist and writer, Maria Ressa continues to be the target of a campaign of legal harassment and intimidation since her initial arrest on 13 February 2019. In July 2022, the Philippines Court of Appeal upheld a 2020 conviction for cyber libel against her and a colleague. Maria Ressa is currently on post-conviction bail with further charges pending. She has faced numerous bogus charges, including libel and tax evasion, for carrying out her journalistic

work - work which includes ground-breaking journalism that exposes government corruption and the horrific human cost of former president Rodrigo Duterte's 'war on drugs', which has resulted in thousands of extra-judicial killings.

Maria Ressa, born on 2 October 1963, was awarded the Nobel Peace Prize in 2021 in recognition of her efforts to 'safeguard freedom of expression, which is a precondition for democracy and lasting peace'. She is the author of two books on 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.

## SRI LANKA

### ON TRIAL

#### Ahnaf JAZEEM

A poet and former teacher, Ahnaf Jazeem is facing trial while free on bail, facing charges under Sri Lanka's draconian Prevention of Terrorism Act. Jazeem was arrested on 16 May 2020 in connection to a Tamil-language poetry anthology called *Navarasam*, which he wrote and published in July 2017, as well as other unsubstantiated claims of exposing his students to 'extremist' content with the intention of turning them into followers of 'extremist ideology'. His arrest comes against a backdrop of increased marginalisation and discrimination targeting Sri Lanka's Muslim community.

The Sri Lankan authorities reportedly found copies of *Navarasam* at a school that was being investigated for its alleged links to bombings which took place on Easter Sunday 2019. Despite the fact the book is currently listed in Sri Lanka's national library, having never been banned, the authorities decided to detain Ahnaf Jazeem for its content, among other reasons. After 18 months of detention without trial, where he was detained in squalid conditions on the basis of a case marred by numerous due process violations, Jazeem was released on bail on 15 December 2021.

Jazeem remains subject to onerous bail conditions with his trial still looming ahead. Despite his case having never gone to trial, on 1 August 2022, Jazeem was included in the publication of an updated version of the Sri Lankan government's 'Designated Persons' blacklist, preventing him from finding employment or accessing any government services under Article 5.(2)(a) of the United Nations Regulation No. 1 of 2012.

## THAILAND

### ON TRIAL

## Arnon Nampha

A poet and human rights lawyer, Arnon Nampha was granted bail on 28 February 2022 subject to strict conditions. Arnon continues to face numerous charges of sedition and obstruction for his peaceful participation in demonstrations, including multiple *lèse majesté* charges, which can each result in a maximum sentence of 15 years' imprisonment, per count.

As an activist lawyer, Arnon has a reputation for taking on challenging cases involving the deprivation of human rights by the Thai government. In 2022, the Thai government stepped up its efforts to advance disbarment proceedings against Arnon, claiming that his behaviour would 'incite, intend to cause unrest, distort information and insult on the monarchy'. The outcome of the proceedings will be a significant test of Thailand's legal system and its commitment to the right to freedom of expression, which is explicitly extended to lawyers under Article 23 of the UN Basic Principles on the Role of Lawyers.

He was first arrested on 7 August 2020 for his participation in peaceful protests calling for reform of the Thai monarchy and an end to the use of *lèse-majesté* laws. Arnon continued to participate in public rallies and was frequently detained, ultimately spending 337 days in prison until his release on bail.

Arnon, born on 18 August 1984, has emerged as a leader of Thailand's protest movement, and also uses his poetry to shine a light on the struggles faced by those who have been marginalised

within Thailand. A collection of his poetry, entitled *People are Blind and Mute No Longer* (translated) was released to coincide with the fifth anniversary of the 2006 military coup. In 2021, PEN International published English translations of two booklets which contain speeches made by Arnon during the 2020 protests.

## VIETNAM

### IMPRISONED

## Pham Doan TRANG

An author, journalist, and democracy activist, Pham Doan Trang remains in prison after her appeal against her nine-year prison sentence for 'conducting propaganda against the State of the Socialist Republic of Vietnam' was rejected by the Hanoi People's High Court on 25 August 2022.

On 6 October 2020, Trang was detained during a raid on her apartment in Ho Chi Minh city as part of a joint operation by Hanoi Police and officials from the Ministry of Public Security.

While detained, Pham Doan Trang was denied access to legal counsel and medical care for over a year and was finally granted permission to meet with her lawyer on 19 October 2021. Her ill-treatment by the Vietnamese authorities raises serious concerns in relation to her pre-existing health conditions, such as low blood pressure and chronic pain, resulting from her legs being severely injured after she was assaulted by the police in 2015.

On 25 October 2021, the UN Working Group on Arbitrary Detention found her detention to be arbitrary and called for her immediate release.

On 14 December 2021, the Vietnamese authorities sentenced Trang to nine years' imprisonment under Article 88 of the 1999 Penal Code. On 1 October 2022, Pham Doan Trang was transferred to a prison located approximately 100km north of Ho Chi Minh City, further hampering visits from her family and legal representatives.

Born on 27 May 1978, Trang's published 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. She has also sought to publish her writing online, through her [blog](#) and [social media](#), in order to overcome state censorship of traditional media and to raise awareness of human rights issues in Vietnam.

## PEN ACTIONS FOR JOURNALISTS IN THE ASIA/PACIFIC REGION

PEN International continues to work intensively to provide protection to writers at risk across the Asia/ Pacific region. The ongoing crises in Afghanistan and Myanmar has demanded intensive support for writers, poets, journalists, and scholars facing the threat of persecution within both countries. Working closely with PEN Centres, the PEN Emergency Fund and partner NGOs, PEN International has provided a range of life saving supports, including emergency relocation, long-term resettlement and the provision of emergency financial aid. Since the Taliban take over, as of 31 December 2022, PEN International has worked closely with several PEN Centres in facilitating the emergency relocation and long-term resettlement of 117 at-risk Afghans, comprising PEN Afghanistan members and their families. PEN International has also provided bespoke support to numerous at-risk Myanmar writers and journalists.

### AFGHANISTAN

**Various:** *ongoing threat to at-risk Afghan journalists and media workers seeking emergency relocation*

**August 2022:** [Joint letter Afghanistan Joint letter to US Secretary of State Antony Blinken calling for expedition of emergency visas for at-risk Afghan journalists and media workers](#)

### INDIA

**Various:** *disproportionate use of police powers against independent news website*

**India:** [Statement Pursuit of criminal defamation charges against independent news outlet signals further decline of press freedom](#)

### MYANMAR

**Toru KUBOTA:** *Japanese video journalist and documentary film maker detained for several months*

**August 2022:** [Joint statement Myanmar: Call for release of Japanese journalist, Toru Kubota, and all those detained for peaceful expression in Myanmar](#)

# EUROPE AND CENTRAL ASIA REGIONAL OVERVIEW 2022

AURÉLIA DONDO, HEAD OF EUROPE  
AND CENTRAL ASIA REGION

2022 was a year defined by the Russian Federation's war against Ukraine, and the renewed threat of nuclear conflict. The silencing of dissenting views persisted across Europe and Central Asia through unfair prosecutions and detentions of writers and journalists, who also faced harassment and threats for their writings. Criminal defamation and anti-terror laws were used against those who dared to speak truth to power. On a positive note, the PEN community celebrated the release of honorary PEN member Nedim Türfent in Türkiye, after spending over 2400 days behind bars.



## THE RUSSIAN FEDERATION'S WAR AGAINST UKRAINE

On 24 February, the **Russian Federation** launched a full-scale military invasion of **Ukraine**, triggering a human rights and humanitarian crisis on an unimaginable scale. Thousands of civilians have been killed or injured in attacks by Russian forces who stand accused of war crimes, crimes against humanity or genocide, including summary executions of civilians and prisoners of war, arbitrary detention and forced mass deportations, kidnapping and disappearance, torture and ill-treatment, conflict-related sexual violence, and crimes against cultural heritage. The UN also documented instances of torture and ill-treatment of Russian prisoners of war held by Ukrainian forces.

The war was met with international condemnation, including by PEN International and numerous PEN Centres. With the UN Security Council paralysed by the Russian veto, the UN General Assembly condemned the invasion four times. The Russian Federation was expelled from the Council of Europe on 16 March, and suspended from the UN Human Rights Council on 7 April. PEN International repeatedly called on the Russian authorities to stop the war. On 27 February, the organisation released a letter signed by over 1000 writers worldwide – including Nobel laureates **Svetlana Alexievich, Orhan Pamuk, Maria Ressa, Olga Tokarczuk and Mario Vargas Llosa** – expressing solidarity with writers, journalists, artists, and the people of Ukraine, condemning the Russian invasion and calling for an immediate end to the bloodshed. On 24 May, to mark three months since the full-scale invasion, PEN International and PEN Ukraine published *Quotes on War* – 20 powerful quotes by Ukrainian writers and members of PEN Ukraine, reflecting on recent horrific events. In September, the Assembly of Delegates of PEN International adopted a resolution urging the Russian authorities to end the war in **Ukraine** immediately and unconditionally.

The safety of writers and journalists in **Ukraine** remained a grave concern, with reports of them being targeted, kidnapped, attacked, and

killed. According to the Committee to Protect Journalists (CPJ), at least 13 Ukrainian and foreign journalists and media workers have been killed while carrying out their professional duties as of 31 December: **Yevheniy Sakun, Brent Renaud, Pierre Zakrzewski, Oleksandra Kuvshynova, Oksana Baulina, Oksana Haidar, Maks Levin, Mantas Kvedaravičius, Zoreslav Zamoysky, Ihor Hudenko, Vira Hyrych, Viktor Dedov and Frédéric Leclerc-Imhoff**. On 28 November, after the Ukrainian army recaptured Izium from Russian forces in September, DNA analysis confirmed that the body found in grave N.319 in the woods of Izium was that of Ukrainian writer **Volodymyr Vakulenko** (see entry under Ukraine below).

The situation in territory controlled by Russian armed forces and affiliated armed groups remained of particular concern. The already limited civic space in occupied Crimea, Donetsk, and Luhansk – under Russian control since March 2014 – shrunk even further. Scores of Crimean residents were prosecuted merely for calling for peace, in flagrant violation of international law, which compels the Russian Federation to respect the penal laws of the occupied territory. ‘Russian standards’ were imposed in local schools, with the teaching of Ukrainian language, history and literature being phased out. Access to Ukrainian television channels was blocked and internet service providers replaced with Russian ones. Citizen journalists and human rights activists continued to be kept behind bars on politically motivated grounds, including **Server Mustafayev**, who featured in PEN International’s Day of the Imprisoned Writer campaign. Sham referenda in the occupied areas of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions constituted yet another breach of international law and a pretext for the Russian Federation to illegally annex Ukrainian land.

In the **Russian Federation**, independent voices came under sustained attack. Over 19,000 people were reportedly detained at anti-war protests across the country, with writers and journalists facing harassment and arbitrary detention. Scores of independent media outlets, as well as the social media platforms Twitter, Facebook, and Instagram, were blocked, as writers and journalists were required to refer to the war as a ‘special



military operation'. In March, President Putin signed new laws that effectively triggered war censorship, with anyone found guilty of spreading information about the conduct of the Russian armed forces that deviated from the official line risking up to 15 years in prison. Hundreds of independent journalists left the country and continued to report from abroad; Nobel Peace Prize winner **Dmitry Muratov** was notably forced to suspend the operations of leading news outlet *Novaya Gazeta*. The infamous 'Foreign Agents' law was used against individuals who dared to criticize the war, as a new law – signed in July and entered into force in December – dramatically broadened its scope by making it about 'foreign influence' instead of foreign funding. In December, a new law extended the existing ban on so-called 'propaganda of non-traditional sexual relations' to children to cover all public information or activities. PEN International condemned the move as yet another violation of the right to freedom of expression, which further reinforces stigma and encourages discrimination.

Meanwhile, in **Belarus**, the ongoing crackdown on peaceful protests intensified following the Russian Federation's full-fledged war against Ukraine, as the government allowed Russian forces to use the country's territory. Over 1,000 people were reportedly detained for expressing their anti-war views. PEN International celebrated the award of the 2022 Nobel Peace Prize to writer and PEN Belarus member **Ales Bialiatski** (see under Belarus section below), the Russian human rights organisation Memorial, and the Ukrainian human rights organisation Center for Civil Liberties, a fitting tribute to their fearless work.

## THE SHADOW OF IMPUNITY

16 October marked five years since the brutal assassination of **Malta's** leading investigative journalist and anti-corruption campaigner, **Daphne Caruana Galizia**. On 14 October, following unprecedented guilty pleas, Malta's Criminal Court sentenced brothers Alfred and George Degiorgio to 40 years each for their role as hitmen in her murder. Legal proceedings against the suspected bomb suppliers as well

as the suspected mastermind remained pending by the end of year. The lack of implementation of the recommendations made by the Public Inquiry into the assassination of Caruana Galizia remained a concern. PEN International continued to call for full justice for Daphne Caruana Galizia and for accountability for those involved in the corruption she exposed.

In addition to the 13 journalists killed while reporting on the war in **Ukraine**, one other journalist lost his life as a result of his work in Europe and Central Asia in 2022: **Güngör Arslan**, who died after being shot on 19 February in **Türkiye**. The murder trial opened in September and was ongoing by the end of the year. Justice for Turkish-Armenian author and editor **Hrant Dink** (see under Türkiye section below) remained incomplete 15 years after his murder. In July, the European Court of Human Rights found **Azerbaijan** in violation of Article 2 (failure to carry out an effective investigation) of the European Convention on Human Rights over the 2011 murder of writer **Rafiq Tağı** (see under Azerbaijan section below) and ordered the state to pay EUR14,000 (approximately USD14,300) in compensation.

## UNFAIR DETENTIONS AND PROSECUTIONS

According to CPJ, 40 journalists were behind bars in **Türkiye** and 26 in **Belarus** as of 1 December – with the countries holding the saddest accolades of the fourth and fifth worst jailers of journalists in the world, respectively.

In **Türkiye**, 15 journalists and one media worker were detained in June following one of the biggest operations conducted against journalists in the predominantly Kurdish south-east in recent years. An indictment had yet to be issued by the end of the year. A further nine Kurdish journalists were detained in October. In September, the Assembly of Delegates of PEN International adopted a resolution on the repression of Kurdish language and culture in Türkiye, which called on the authorities to end the

prosecution and detention of writers on the basis of the content of their writing – including in support of Kurdish language and culture. The authorities had yet to abide by binding rulings of the European Court of Human Rights urging the immediate release of publisher **Osman Kavala**, and writer and opposition politician **Selahattin Demirtaş** (see under Türkiye section below for more information on both). In February, the Council of Europe’s Committee of Ministers voted to begin infringement proceedings against Türkiye over its failure to release Kavala.

In **Belarus**, nine independent media outlets were unjustifiably designated as ‘extremist’ by the authorities, such as the leading online media outlet TUT.BY media. Three of its staff, including the editor-in-chief **Maryna Zolatava**, remained behind bars as of 31 December. Repression against the Belarusian language and literature continued, with independent publishing houses raided for promoting books by Belarusian writers and in the Belarusian language, and their activities suspended under far-fetched pretences. **PEN Belarus** documented 998 cultural and human rights violations against cultural figures between January and September alone.

In the **United Kingdom**, the Home Secretary approved the extradition of publisher and Wikileaks founder **Julian Assange** in June (see under United Kingdom section below). His appeal before the UK High Court was ongoing as of 31 December. In September, the Assembly of Delegates of PEN International adopted a resolution condemning Assange’s prosecution as sending a dangerous signal to journalists and publishers worldwide. It called on the UK authorities to refrain from extraditing Assange and to release him immediately, and urged the US authorities to drop the charges against him and withdraw their extradition request.

## HARASSMENT AND SMEAR CAMPAIGNS

Across the region, growing disinformation campaigns affected public’s perception of independent writers and journalists, who were regularly smeared and branded ‘traitors’ and ‘enemies’ by public officials and in pro-government media. In August, **Montenegro**’s Prime Minister publicly attacked the **Montenegrin PEN Centre** in parliament, accusing it of spreading ‘extremism and nationalism’ (see under Montenegro section below). The Centre and its members were vocal opponents of Russian and Serbian attempts to interfere in Montenegrin internal affairs. In **Serbia**, death threats against writer and journalist **Marko Vidojković** (see under Serbia section below), came in the wake of sustained attacks against writers and journalists, orchestrated by both state and non-state actors, who aimed to silence their work and critical reporting. PEN International urged the authorities across the region to do everything in their power to ensure the protection of writers and journalists and prevent further attacks, including by publicly condemning all threats, thoroughly investigating all cases, and creating an environment conducive to media pluralism.

## REPRESSIVE LAWS AND UNLAWFUL SURVEILLANCE

PEN International continued to campaign for the repeal of criminal defamation laws, which remained in place in **Italy, Poland, Spain** and **Türkiye**. Writer, journalist, and PEN award winner **Roberto Saviano** (see under Italy section below) stood trial in Rome in November on charges of defaming Giorgia Meloni, Italy’s Prime Minister, over a speech that criticized the far-right leader after she said that NGO boats attempting to rescue refugees in the central Mediterranean should be seized and sunk. He faces up to three years in prison if convicted.

In **Türkiye**, journalist **Sedef Kabaş** was found guilty of ‘insulting the president’ and handed a 28-month suspended prison sentence in March following critical comments she had made about President Erdoğan. In October, the parliament passed the so-called ‘disinformation law’ despite fierce criticism from across civil society and the journalistic community. The new legislation consisted of 40 articles amending several laws, including the Internet Law, the Press Law, and the Penal Code, with anyone found guilty of deliberately publishing ‘disinformation and fake news’ facing between one year and three years in prison.

In the **United Kingdom**, free expression groups including English PEN condemned the government’s proposal to abolish the Human Rights Act, stressing how the proposed new Bill of Rights would seriously undermine the universality of all human rights, including freedom of expression and continued to oppose the proposed Police, Crime, Sentencing and Courts Bill, which would empower the police to crack down on peaceful protests.

In January, the Hungarian Civil Liberties Union announced it would take legal action against the **Hungarian** authorities and the Israeli company NSO Group on behalf of six journalists and activists targeted with Pegasus spyware. New cases of unlawful surveillance emerged in **Spain**, where prominent Catalan journalists and politicians were also targeted with Pegasus, and in **Greece**, where the Predator spyware was reportedly used against journalists and opposition figures.

## GOOD NEWS

Abuse of defamation laws, including through Strategic Lawsuits against Public Participation (SLAPPs), has become a significant threat to media freedom in several countries across the region. PEN International and others welcomed the European Commission’s anti-SLAPP initiative unveiled in April, and called on European Union and national legislators to build on the Commission’s legislative proposal and work towards the strongest possible set of rules.

In November, PEN International welcomed the long-awaited release of news editor, reporter, and poet **Nedim Türfent**, who was arrested in **Türkiye** on 12 May 2016 and subsequently sentenced to eight years and nine months in prison on trumped-up terrorism charges. PEN International and PEN Centres across the world had actively campaigned for his release, by notably sending appeals to the authorities, taking part in solidarity actions, and translating and promoting his poetry. In a letter written to PEN members in September 2019, Türfent notably said:

*‘I want you to know that your letters, which have rendered iron curtains meaningless and ineffective, have filled my two-step-long cell with resistance, resolve and hope.’*



# EMBLEMATIC CASES



## ITALY

Roberto SAVIANO

Writer and journalist  
facing prison for  
defamation

Roberto Saviano stood trial in Rome on criminal defamation charges brought by Italy's Prime Minister, Giorgia Meloni, after Saviano called out her anti-immigration rhetoric. A second criminal defamation case against him by Deputy Prime Minister Matteo Salvini was scheduled to start in February 2023. Saviano faces up to three years in prison in each case if convicted.

*Roberto Saviano. Photo credit: permission granted by Roberto Saviano*

## TÜRKİYE

Pınar SELEK

PEN member  
judicially harassed  
for years

The decades-long harassment of sociologist, feminist, writer, and PEN Türkiye member Pınar Selek continued as Türkiye's state-run news agency announced in June that the Turkish Supreme Court had overturned her fourth acquittal. Selek, who resides in France, faced an international arrest warrant and life in prison without the possibility of parole if convicted.

*Pınar Selek. Photo credit: permission granted by Patxi Beltzaiz*

## AZERBAIJAN

### KILLED – IMPUNITY

#### Rafiq TAĞI

Rafiq Tağı, journalist and short story writer, died in hospital in Baku on 23 November 2011 after being attacked while returning home from work four days earlier. 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'.

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. 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 7 July 2022, the European Court of Human Rights found Azerbaijan in violation of Article 2 under its procedural limb (failure to carry out an effective investigation) of the European Convention on Human Rights and ordered it pay EUR14,000 (approximately USD14,300) in compensation.

Rafiq Tağı, born on 5 August 1950, 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'. He was granted amnesty on 28 December 2007 following significant international pressure.

### JUDICIAL HARASSMENT

#### Akram AYLISLI

Writer, poet, and playwright Akram Aylisli faced charges of resisting the authorities with violence under Article 315.1 of the Criminal Code, which carries up to three years in prison. The alleged incident took place on 30 March 2016. Akram Aylisli was detained at Heydar Aliyev airport in Baku, as he attempted to travel to Italy where he was due to speak at a literary festival. A young border official accused him of having punched him in the chest hard enough to bruise. Aylisli stated that the alleged punch was used as justification to deny him the right to leave the country.

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. As part of the investigation, the Prosecutor General's office confiscated Akram Aylisli's identity documents, which prevents him from accessing health care services. He is said to suffer from chronic bronchitis, heart and liver failure and is in need of medical care. The case was ongoing as of 31 December 2022.

Akram Aylisli, born on 6 December 1937, has for years faced harassment by the Azerbaijani authorities in connection with his writings. 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. 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. He was branded an apostate, expelled from the Union of Azerbaijani Writers while people organised rallies against him. His books were withdrawn from the school curriculum and his plays were banned.

## BELARUS

### IMPRISONED

#### Aliaksandr FIADUTA

PEN Belarus reported losing contact with member, writer, political analyst, literary critic Aliaksandr Fiaduta on 12 April 2021, after Fiaduta travelled to Moscow. A day later, it was confirmed that he had been detained in the Russian Federation, and returned to Belarus by the Belarusian KGB, under Article 108 of the Belarusian Criminal Code, which allows for detention on direct suspicion of committing a crime. Fiaduta was subsequently charged under Article 357.1 ('conspiracy or other acts committed to seize or hold state power in an unconstitutional manner'), standing accused of taking part in a US-planned 'coup' and 'assassination attempt' against President Lukashenko and his family. Fiaduta was diagnosed with acute heart failure in December 2021 and reportedly suffered an angina pectoris and arrhythmia attack that same month, after he stopped taking his heart medication in protest at restrictions on correspondence. In April 2022, Belarusian NGOs, including PEN Belarus, urged his release. On 5 September 2022, the Minsk Regional Court found him guilty and sentenced him to 10 years' imprisonment in a maximum security colony.

Once an active member of Lukashenko's campaign team and later the President's press secretary, Aliaksandr Fiaduta – born on 3 November 1964 – resigned from this post in the mid-1990s and joined the opposition. He has since become a vocal opponent of the current government, and notably worked as a journalist for Russian and Belarusian independent newspapers (*Belorusskaya Delovaya Gazeta*, *Moskovskie Novosti*, *Imia* and *Narodnaja Volia*). In December 2010, Fiaduta was arrested while working on an opposition campaign, and wrote *American Poems* while in pre-trial detention. He received a suspended two-year prison term in May 2011. *American Poems* won the Aleś Adamovič Award issued by PEN Belarus.

## Uladzimir MACKIEVIČ

PEN Belarus member and renowned philosopher Uladzimir Mackievič was sentenced to five years in prison on spurious grounds on 23 June 2022. His trial took place in Minsk behind closed doors. The Ministry of Internal Affairs of Belarus subsequently included him in the official list of alleged 'extremists', thereby prohibiting him from holding public office and other activities.

Detained on 4 August 2021 after the Belarusian KGB raided his house, Uladzimir Mackievič was transferred to a pre-trial detention centre on 15 August and charged with 'organising and preparing actions that grossly violate public order', under Article 342 (1) of the Criminal Code of Belarus. In February 2022, Mackievič went on hunger strike for 13 days in protest of his detention and demanding that a date for his court hearing be set. He was further charged with 'creation of an extremist group' under Article 361-1 (1) of the Criminal Code, and 'insulting the President' under Article 368 (1), after posting a video on YouTube.

Born on 14 May 1956, Uladzimir Mackievič is a prominent Belarusian philosopher, essayist, public figure, and broadcaster. He played a key role in launching Charter'97, a civic initiative working to restore democracy and human rights in Belarus. In 2011, after being stripped of the right to teach at Belarusian public universities for criticising President Alexander Lukashenko, he co-founded the Flying University, an independent platform that promotes critical thinking. Prior to his arrest, he had been hosting 'Talk of the Day', a show on Belsat TV channel since 2012. A prolific writer, Mackievič has penned numerous articles and about 50 research papers on philosophy, politics, culture, and transformation of education. He co-authored a series of books on civil society, dialogue, and values entitled *Belarus for Beginners* (2006-2009) and published video courses on philosophy and social change.

### DETAINED

#### Ales BIALIATSKI

Writer, PEN Belarus member, human rights activist and Nobel Peace Prize winner Ales Bialiatski is the founder of the Viasna Human Rights Centre, an organisation that campaigns



for opposition activists who are harassed and persecuted by the Belarusian authorities. On 14 July 2021, Bialiatski was detained alongside several Viasna colleagues following raids by Belarusian law enforcement officers on more than a dozen civil society and human rights organisations. He was transferred to pre-trial detention on 17 July on trumped-up charges of tax evasion. He was subsequently charged with smuggling (Article 228.4 of the Belarusian Criminal Code) and organising and financing actions that grossly violate public order (Article 342.2 of the Belarusian Criminal Code), which carry up to 12 years in prison. In December 2022, Bialiatski was awarded the Nobel Peace Prize alongside the Russian human rights organisation Memorial, and the Ukrainian human rights organisation Center for Civil Liberties. He remained in pre-trial detention as of 31 December 2022.

Bialiatski has been the target of the Belarusian authorities for years. On 4 August 2011, he was arrested on spurious charges of tax evasion – he used his personal bank accounts in Lithuania and Poland to fund Viasna, as the organisation could not hold a bank account in Belarus. On 24 November 2011, Bialiatski was sentenced to four-and-a-half years' imprisonment in a high security prison colony. PEN members actively campaigned for his release; he was amnestied in June 2014.

Ales Bialiatski, born on 25 September 1962, is a literary scholar, essayist, and human rights defender. He was a founding member of the Belarusian literary organisation Tutejshyja (The Locals) and formerly served as head of the Maxim Bahdanovich Literary Museum in Minsk. He founded Viasna in April 1996.

**Update:** Ales Bialiatski was sentenced to 10 years in prison on 3 March 2023.

## Andrzej POCZOBUT

At the end of the year, journalist and writer Andrzej Poczobut faced up to 12 years in prison on charges of inciting hatred and encouraging sanctions aimed at harming the national security of Belarus for his views and writings critical of the Belarusian authorities.

A board member of the Union of Poles in Belarus, Andrzej Poczobut was detained on 25 March 2021 in Hrodna, Western Belarus, after the Union's offices throughout the country were searched.

He was taken to a detention centre in Minsk and charged with inciting hatred in connection with his coverage of 2020 anti-government protests in Belarus, statements he made in support of the Polish minority in Belarus, and his labelling of the Soviet invasion of Poland in 1939 as 'an act of aggression'. Poczobut was subsequently charged with encouraging sanctions aimed at harming the national security of Belarus and added to the 'list of individuals involved in terrorist activities'. Transferred to a pre-trial detention centre in Hrodna in September 2022, Poczobut is said to have serious health problems and to be routinely denied access to correspondence, especially in Polish. Poczobut has been the target of the Belarusian authorities for years, notably receiving a three-year suspended prison sentence in July 2011 for 'libelling the President'.

Born on 16 April 1973, Andrzej Poczobut is an essayist, journalist, columnist, blogger, poet, and musician. He is a correspondent of *Gazeta Wyborcza* – a Polish daily newspaper – and works for several Belarusian media outlets. His book *System Białoruś* (System Belarus), published in 2013, explores President Lukashenko's grip on Belarus. Poczobut is a prominent Polish-Belarusian minority activist and holds dual citizenship. The Polish authorities have repeatedly called for his release.

**Update:** Andrzej Poczobut was sentenced to eight years in prison on 8 February 2023. His trial took place behind closed doors.

## JUDICIAL HARASSMENT

### Svetlana ALEXIEVICH

In August 2020, Svetlana Alexievich became a member of the Coordination Council for the Transfer of Power that was calling for the resignation of President Lukashenko following the disputed presidential elections held earlier that month. On 20 August, the Belarus Prosecutor General laid charges under Article 361 of the Belarussian 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 media'. 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. On 9 September, 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. Alexievich left Belarus for Germany later that month, pledging to return once the political situation allows. The case against her was still pending as of 31 December 2022. Her name and books were removed from the school curriculum in Belarus in August 2021.

Svetlana Alexievich, born on 31 May 1948, is a world-renowned author, translated into numerous languages, and has won numerous international awards, including the 2015 Nobel Prize in Literature. She is the former President of PEN Belarus.

## ITALY

### ON TRIAL

#### Roberto SAVIANO

Writer, journalist, and PEN award winner Roberto Saviano stands accused of defaming Giorgia Meloni, Italy's Prime Minister, over a speech that criticized the far-right leader after she said that NGO boats attempting to rescue refugees in the central Mediterranean should be seized and sunk, and the migrants on board repatriated. Saviano is being sued under Article 595 of the Italian Penal Code, which carries up to three years in prison. The trial opened on 15 November 2022 and was ongoing as of 31 December 2022.

This is not the first time Saviano has been targeted by the Italian authorities. In March 2019, he announced that he had been summoned to stand trial on charges of defaming Italy's then Deputy Prime Minister and Interior Minister Matteo Salvini over a speech in which Saviano accused Salvini of ignoring the mafia stranglehold on Italy in favour of stirring up resentment against immigrants. The first hearing has been set for 1 February 2023. Previously, in June 2018, Salvini threatened to remove Saviano's police escort. Saviano has been living under constant police protection since October 2006, after receiving threats from the mafia following the publication of his bestseller *Gomorra*.

Italy's Minister of Culture, Gennaro Sangiuliano, is also suing Saviano for a tweet in 2018 that criticized his appointment as head of news programme TG2, at the Italian state-owned television channel Rai 2. Sangiuliano is seeking hundreds of thousands of euros in compensation. The case is ongoing.

Roberto Saviano, born on 22 September 1979, is the author of *Gomorra*, an international best seller that has sold over 10 million copies worldwide. Other books include *Beauty and the inferno* (2009), *La parola contro la camorra* (2010); *Come away with me* (2011), *ZeroZeroZero* (2013), *La paranza dei bambini* (2016), *Bacio feroce* (2017), *In mare non esistono taxi* (2019), *Gridalo* (2020), *Solo è il coraggio* (2022). He has written several screenplays and theatre scripts and regularly contributes to newspapers and magazines.

## MONTENEGRO

### HARASSED

#### Milorad POPOVIĆ and Andrej NIKOLAIDIS

On 19 August 2022, Montenegro's Prime Minister, Dritan Abazović, publicly attacked the Montenegrin PEN Centre in Parliament, accusing it of spreading 'extremism and nationalism'. Abazović held up a picture of the award-winning Montenegrin writer and member of the Montenegrin PEN Centre, Milorad Popović, labelling him an agent of nationalist politics who 'serves the interests of crime'. This was not the first time Abazović has publicly targeted members of the Montenegrin PEN Centre, having repeatedly smeard prominent Montenegrin writer and member of the Montenegrin PEN Centre, Andrej Nikolaidis. Both Popović and Nikolaidis are vocal opponents of Russian and Serbian attempts to interfere in Montenegrin internal affairs. Alongside the Montenegrin PEN Centre, the writers were amongst the first in Montenegro to condemn the Russian Federation's war against Ukraine and openly support the people of Ukraine. PEN International and the Montenegrin PEN Centre urged the Montenegrin authorities to stop harassing the Montenegrin PEN Centre and its members and urgently uphold freedom of expression.

Parliamentary elections held in August 2020 saw a pro-Russian and pro-Serbian-led alliance rise to power in Montenegro, resulting in increased nationalism and deeper divisions within Montenegrin society. In the past two years, the Montenegrin PEN Centre has documented numerous threats by the Montenegrin authorities to shut down independent media, as well as harassment and smear campaigns against independent writers and journalists.

Milorad Popović, born on 2 January 1957, is an award-winning writer and poet, the founder of the Montenegrin PEN Centre and a renowned cultural figure in Montenegro. Andrej Nikolaidis, born in 1974, is an acclaimed Montenegrin-Bosnian novelist and columnist. His novel *Sin* (The Son) won the European Union Prize for literature in 2011.

## NETHERLANDS

### KILLED – TRIAL IN PROCESS

#### Peter R. DE VRIES

Dutch crime reporter Peter R. de Vries died on 15 July 2021 from injuries sustained in a shooting in Amsterdam nine days earlier. De Vries was shot five times, including in the head, while on his way to a car park after leaving the studio of RTL Boulevard, on which he appeared as a guest. Two suspects were arrested soon after the shooting; their trial opened in Amsterdam in June 2022. Four other suspects were detained as the judges were preparing to issue their verdict. The trial was ongoing as of 31 December 2022.

Peter R. de Vries, born on 14 November 1956, was a well-respected investigative journalist and crime reporter, who won critical acclaim for his reporting on the Dutch underworld. He notably worked for *De Telegraaf* and had his own television crime programme: Peter R. de Vries, misdaadverslaggever (Crime Reporter). Before he was killed, de Vries had acted as an adviser to the key prosecution witness against alleged drug kingpin Ridouan Taghi. Derk Wiersum, the lawyer of a state witness in the case, was shot dead in Amsterdam in 2019.

Peter R. de Vries's death came in the wake of several killings of journalists in the European

Union in recent years, including Daphne Caruana Galizia in Malta in 2017 and Ján Kuciak in Slovakia in 2018. Ursula von der Leyen, the European Commission President, condemned Peter R. de Vries's killing, stating on 15 July 2021 that '*Investigative journalists are vital to our democracies. We must do everything we can to protect them*'.

## RUSSIAN FEDERATION

### IMPRISONED

#### Yuri Alexeyevich DMITRIEV

Head of the Karelian branch of the human rights centre Memorial, North-Western Russia, and honorary member of St Petersburg PEN, Yuri Dmitriev, born on 28 January 1956, is serving a 15-year prison sentence on charges his supporters in Russia and abroad say are punishment for his research unearthing human rights abuses of the Stalin era. Dmitriev was arrested on 13 December 2016 and charged with making pornographic images of his adopted daughter and possessing an illegal firearm. He denied the charges, saying that the purpose of the photographs was to monitor the health of the child for social services. He spent more than a year in pre-trial detention.

On 5 April 2018, Dmitriev was cleared of the child pornography charges but was sentenced 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 and placed him under new charges of 'violent acts of a sexual nature in relation to a person who has not reached the age of fourteen' and underwent enforced psychiatric testing.

Both criminal cases against Dmitriev were merged in October 2018. On 22 July 2020, he was acquitted of the firearms charges and those of child pornography but sentenced to a three-and-a-half term for sexual assault against an underage child. 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. The appeal hearing took place behind closed doors, without the presence of Dmitriev or his lawyer. On 27 December 2021, a court in Petrozavodsk increased his jail sentence to a total of 15 years. The sentence was upheld by the Supreme Court of the Republic of Karelia on 22 March 2022.

## SERBIA

### DEATH THREAT

## Marko VIDOJKOVIĆ

Death threats against writer and journalist Marko Vidojković intensified in 2022 since the publication of best-selling novel *Djubre* (Trash), in September 2020. Vidojković reported receiving over 50 death threats in 2021 and 2022, resulting in only two prosecutions and convictions. An outspoken writer and journalist, Vidojković is known for his stance critical towards the Serbian authorities. Vidojković reported being publicly smeared on several occasions by politicians from Serbia's ruling party, including Serbian President Aleksandar Vučić and Prime Minister Ana Brnabić, and being routinely smeared by pro-government outlets. The continuing threats against Vidojković came in the wake of sustained attacks against writers and journalists in Serbia, orchestrated by both state and non-state actors, who aim to silence their work and critical reporting.

Marko Vidojković, born on 1 October 1975, is a writer, journalist, and TV host from Serbia, who regularly comments on political and societal issues, including in his podcast *Dobar, Los, Zao* (The Good, the Bad and the Evil). He contributes to the daily independent newspaper *Danas*, which in November 2022 received a threatening email drawing a comparison between *Danas'* staff and killed journalists of the French satirical paper *Charlie Hebdo*. Vidojković's dystopian novel *Djubre* (Trash) focuses on corruption and attracted the ire of pro-government media and members of the public. Anonymous threats depicted him being burned or beaten to death, hanged, decapitated, having his tongue cut out, and having his arms broken so he could no longer write. Vidojković further told PEN International he was facing at least two abusive lawsuits from public officials.

## SPAIN

### SENTENCED

## Josep Miquel ARENAS BELTRÁN (stage name Valtònc)

Valtònc was first arrested on 23 August 2012 after Jorge Campos Asensi, President of the nationalist foundation Círculo Balear, complained that one of his songs, 'Circo Balear', incited violence against him and other members of the foundation. Valtònc was released that same day. In the course of his investigation, the public prosecutor charged him with 'grave insults to the Crown', 'glorification of terrorism and humiliation of its victims', and 'threats'. Campos Asensi offered to drop the charges if Valtònc issued a public apology, a proposition that the rapper declined as he pleaded not guilty. The charges brought by Campos Asensi were eventually dismissed in 2015, but on 22 February 2017 the National Court sentenced Valtònc to three years and six months in prison after conviction of the additional charges. He was also ordered to pay a EUR3,000 (approximately USD3,300) 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 in Ghent ruled against the Spanish government's request for his extradition in September 2018. In November 2019, the Advocate General of the Court of Justice of the European Union of Justice concluded that Spain did not apply applicable legislation to its request for Valtònc's extradition. In December 2021, the Ghent Court of Appeal ruled that Valtònc should not be extradited to Spain. However, Belgium's Court of Cassation ordered a new trial as *Lèse-majesté* was a crime in Belgium until 2021, when it was declared unconstitutional. In May 2022, the Ghent Court of Appeal once again denied his extradition.

A rapper from Mallorca, born on 18 December 1993, Valtònc refers to himself as a poet and an artist, arguing that art should be provocative, and denied intending to threaten or humiliate anyone.

# TÜRKIYE

## KILLED – IMPUNITY

### Hrant DINK

Author and editor of the Armenian language magazine *Agos*, Hrant Dink was killed outside his office in Istanbul on 19 January 2007. 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 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 each sentenced to 12 years and six months in prison, for 'assisting in a felonious murder'.

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 stood 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 linked to a Gülenist conspiracy aiming to incite chaos in Türkiye (Fethullah Gülen is a former government ally whom the Turkish government accuses of masterminding the failed coup of July 2016). In July 2019, the Istanbul 14<sup>th</sup> Heavy Penal 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. In March 2021, 26 defendants were given prison terms in relation to the murder; four were sentenced to life in prison, including two without the possibility of parole. Dink's family appealed against the verdict, arguing that the court did not expose the full conspiracy behind his killing. PEN International continues to campaign for justice.

## IMPRISONED

### Selahattin DEMIRTAŞ

Selahattin Demirtaş, writer and former co-chair of the pro-Kurdish Peoples' Democratic Party (HDP), was arrested on 4 November 2016, alongside several HDP MPs, on charges of being a leading member of a terrorist organisation, spreading terrorist propaganda, praising crimes and criminals, and inciting public hatred and hostility. The Turkish authorities failed to implement a December 2020 ruling by the Grand Chamber of the European Court of Human Rights, which ordered Demirtaş' immediate release.

In a separate case, on 7 September 2018, Demirtaş was sentenced to four years and eight months in prison for allegedly carrying out terrorist propaganda during a speech he gave in 2013. Shortly before the Grand Chamber hearing, Demirtaş' release from pre-trial detention was ordered, but he remained in prison due to this separate case. His sentence was upheld by the Court of Cassation on 26 April 2021 and became final that day.

New terrorism charges were brought against Selahattin Demirtaş on 20 September 2019, as part of a probe into deadly protests that took place across Türkiye from 6 to 9 October 2014, which began over accusations that the Turkish army stood by as Islamic State militants besieged the Syrian Kurdish town of Kobane. Demirtaş stands accused of having organised those protests through his political statements and social media posts, and is being held responsible for all offences allegedly committed during the clashes. He faces life in prison without the possibility of parole.

Selahattin Demirtaş, born on 10 April 1973, wrote a collection of short stories while in prison entitled *Seher* (Dawn), which instantly became a best-seller and was translated into scores of languages, notably being awarded a PEN Translates award by English PEN. His latest book *Devran* was published in 2019.

## Mehmet Osman KAVALA

On 25 April 2022, publisher, civil society actor and human rights defender Osman Kavala was convicted of ‘attempting to overthrow the government’ under Article 312 of Turkey’s Penal Code and sentenced to aggravated life in prison. Seven co-defendants got 18 years’ imprisonment. Their appeal was ongoing as of 31 December 2022.

Detained on 18 October 2017, Kavala was officially charged 16 months after his arrest – accused of being responsible for crimes allegedly committed by protestors across Türkiye during the 2013 Gezi Park protests. On 18 February 2020, Kavala and eight co-defendants present in court were acquitted of all charges. The cases of the seven defendants residing outside Türkiye were separated from the case file. Hours after the verdict, the Public Prosecutor appealed against the acquittal and moved to reactivate investigation no: 2017/96115 against Kavala, claiming there was new evidence in relation to espionage (Kavala was acquitted of this charge in the verdict hearing).

In January 2021, the Istanbul regional appeals court overturned the acquittals, and a retrial began in May 2021. The court’s decision to merge the Gezi case with that of 35 football supporters (known as the *Çarşı* case) – a move that would have prolonged Kavala’s time behind bars – was overturned in February 2022 following a request from the prosecutor. That same month, the Council of Europe’s Committee of Ministers voted to begin infringement proceedings against Türkiye over its failure to abide by a December 2019 ruling from the European Court of Human Rights urging Kavala’s immediate release.

Osman Kavala, born on 2 October 1957, has dedicated his life to promoting open dialogue and peace, human rights, and democratic values in Türkiye. He is a prominent businessman who helped establish a number of civil society organisations, including Anadolu Kültür. He also helped found İletişim Publishing in 1983, which has since become one of Türkiye’s largest publishing houses.

## DETAINED

## Şebnem Korur FİNCANCI

Prominent academic, forensic scientist, and leading human rights defender Prof. Dr. Şebnem Korur Fincancı was taken into custody on 26 October 2022 in relation to comments made in a live interview on the Medya TV channel regarding the possible use of chemical weapons employed by the Turkish armed forces against members of the Kurdistan Workers’ Party (PKK) in the Kurdistan Region of Iraq. Fincancı was restrained in her comments to Kurdish media, asking for a full investigation to be carried out and declaring that she could not confirm the use of chemical gas unless she were to make a formal forensic examination.

Fincancı was arrested on charges of ‘disseminating propaganda for a terrorist organisation’ under Article 7/2 of Anti-Terror Law No. 3713 despite her comments clearly falling under the remit of freedom of expression.

President of the Union of Turkish Medical Associations (Türk Tabipler Birliği – TTB) and board member of the Human Rights Foundation of Türkiye (HRFT), Fincancı has been judicially harassed for years, of late in the *Özgür Gündem* case in which she and co-defendants Erol Önderoğlu and Ahmet Aziz Nesin are undergoing a retrial for acting as guest editors of the Kurdish daily during a country-wide solidarity campaign in 2016. This is despite the court ruling to acquit all three on 17 July 2019. Fincancı was also one of the ‘Academics for Peace’ where 2,212 academics were signatories of a petition calling for a restart to peace negotiations in the South-east of Türkiye. Fincancı was tried for her participation and acquitted of all charges.

**Update:** The Istanbul 24<sup>th</sup> Heavy Penal Court sentenced Şebnem Korur Fincancı to two years, eight months, and 15 days in prison on 11 January 2023. She was freed pending appeal.



## ON TRIAL

## Gulgeç AKDENİZ (pen name Gulgeç DERYASPÎ)

Writer and Kurdish PEN member Gulgeç Akdeniz – pen name Gulgeç Deryaspî – was arrested on 25 July 2019 following simultaneous raids across Bitlis province, eastern Türkiye, during which eight other individuals were also detained. She was charged with ‘membership of a terrorist organisation’ under Article 314/2 of Türkiye’s Penal Code on 29 July 2019 and sent to Bitlis E Type Closed Prison. She denies any wrongdoing. The first hearing was held on 4 February 2020; she was released from pre-trial detention on 30 March 2020 in an effort by the Turkish authorities to stem breakouts of COVID-19 in the country’s overcrowded jails. Deryaspî was sentenced to six years and three months in prison on 3 December 2020. Her appeal before the Court of Cassation, lodged on 28 February 2021, was pending as of 31 December 2022.

Born in 1978, Gulgeç Deryaspî studied Kurdish Language and Culture at Muş University, eastern Türkiye. She has published three novels in Kurdish. *Tariya Bi Tav* (Darkness with Sunshine), published in 2010, portrays life in Kurdish villages and explores the concept of alienation. *Xezal* (Gazelle), published in 2013, depicts the struggle of a woman standing against patriarchy and state oppression, while *Ez Ne Ezim* (I am not who I am), published in 2018, explores existential and philosophical questions. She has been a member of Kurdish PEN since 2013.

## Can DÜNDAR

Can Dündar, then editor of the daily newspaper *Cumhuriyet*, is appealing against a lengthy prison term and is on trial on other charges. He was detained on 26 November 2015 alongside his Ankara bureau chief Erdem Gül on terrorism and espionage charges, in connection with a May 2015 story published by *Cumhuriyet* featuring photos and videos of Turkish intelligence agency’s trucks allegedly carrying arms to Syria. President Erdoğan filed a criminal complaint accusing them of trying to manipulate justice with fabricated material and violating confidentiality by publishing the story. Dündar and Gül were released on 26 February 2016 by a Supreme Court decision that

stated that their rights and that of the press had been violated. On 23 December 2020, Dündar was sentenced *in absentia* to a combined total of 27 years and six months in prison. The appeal process was ongoing as of 31 December 2022.

Dündar is also 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 Türkiye were separated from the case file. Proceedings were ongoing as of 31 December 2022.

Dündar is also facing several years in prison in relation to the ‘Editors Watch’ solidarity action with *Özgür Gündem* daily and for posting a video about arms shipments to Islamist groups in Türkiye on his news website Özgürüz (We are free) on 1 March 2017.

Can Dündar is the author of *We Are Arrested: A Journalist’s Notes from a Turkish Prison*, which the Royal Shakespeare Company in Britain turned into a play in 2018. He currently resides in Germany, where he launched Özgürüz.

## Yavuz EKINCI

On 31 March 2022, the Istanbul 34<sup>th</sup> High Criminal Court found Yavuz Ekinci guilty of ‘making terrorist propaganda’ and handed him a suspended sentence of one year, six months and 22 days in prison. The court suspended the sentence on condition that he be on probation for the same length of time.

Ekinci was charged with ‘making terrorist propaganda’ under Article 7/1-2 of Anti-Terror Law No. 3713, for eight tweets published on his Twitter account in 2013 and 2014. The tweets, none of which promoted or incited violence, for the most part related to the Newroz (New Year) celebrations in Diyarbakır, south-eastern Türkiye, and to the 2014 battle of Kobane in Syria. The indictment came in the wake of a sustained social media crackdown in Türkiye that has seen tens of thousands of people investigated and prosecuted for their social media posts in recent years.

Yavuz Ekinci, born in 1979, has received multiple awards for his short stories, including the 2005 Haldun Taner Award and the 2007

Yunus Nadi Award. His work focuses on the plight of Kurdish people in Türkiye and has been translated into English, German, and Kurdish. His draft novel *Cennetin Kayıp Toprakları* (The Lost Lands of Paradise) was turned into a film. He currently works as a teacher in Istanbul.

## Meral ŞİMŞEK

On 9 December 2020, anti-terror police detained writer, poet, and Kurdish PEN member Meral Şimşek in Malatya province, Eastern Türkiye. She was released the following day pending trial and placed under a travel ban. In January 2021, she was charged with ‘membership of a terrorist organisation’ and ‘making terrorist propaganda’. The indictment mentions Şimşek’s short story *Arzela*, featured in the anthology *Kurdistan + 100*, in which 12 contemporary Kurdish writers imagine a country they could call their own by the year 2046. On 7 October 2021, the Malatya 2nd High Criminal Court found Meral Şimşek guilty of ‘making terrorist propaganda’ and sentenced her to one year and three months in prison. The court acquitted her of the charge of ‘membership of a terrorist organisation’ and lifted her travel ban. Her appeal was ongoing as of 31 December 2022.

Şimşek attempted to flee to Greece on 29 June 2021 but was apprehended by Greek police who reportedly stopped, strip-searched her then handed over to masked individuals who forced her to cross the border back into Türkiye. On 30 June, she was detained by Turkish police at the Ipsala border crossing, north-western Türkiye, and sent to Edirne Prison, where she spent seven days before appearing in court. She was released and asked to report to the police station three times a week. On 20 September 2022, a court in Ipsala found her guilty of ‘entering a restricted military area’ and sentenced her to one year and eight months in prison. Her appeal was ongoing as of 31 December 2022.

Meral Şimşek, born in 1980, is the prize-winning author of three poetry books – *Mülteci Düşler* (Refugee Dreams), *Ateşe Bulut Yağdıran* (Clouds on Fire) and *İncir Karası* (Black Fig). Her novel *Nar Lekesi* (Pomegranate Stain), published in 2017, tells the story of Şimşek’s family and sheds light on the plight of Kurdish people in Türkiye in the 1990s. Her latest collection of short stories, *Arzela*, was published in April 2022. She currently resides in Germany.

## JUDICIAL HARASSMENT

### Pınar SELEK

Sociologist, feminist, writer, and PEN member Pınar Selek has faced a decades-long trial over a 1998 explosion that killed seven and injured 100 in the Istanbul Spice Bazaar. Selek has been acquitted of all charges four times – in 2006, 2008, 2011 and 2014 – due to the testimony of expert witnesses that claimed that the cause of the explosion was a gas leak rather than a bomb, yet courts ordered retrials after each of these acquittals. Her fourth trial resulted in a conviction in January 2013 when Selek was handed an aggravated life sentence, although this conviction was overturned by Türkiye’s Supreme Court of Appeals on 11 June 2014 on procedural grounds. The 15<sup>th</sup> High Criminal Court in Istanbul subsequently acquitted her of all charges on 19 December 2014.

On 21 June 2022, Türkiye’s state-run news agency announced that the Turkish Supreme Court had overturned Selek’s fourth acquittal. A first hearing before the Istanbul Criminal Court has been set for 31 March 2023. She is the subject of an international arrest warrant. PEN International believes that her prosecution is linked to her work as a sociologist researching Kurdish communities in the mid-to-late 1990s, and that she is being pursued through the courts as a means of penalising her for her legitimate research and commentary. These concerns are intensified by the allegations that Selek, during her imprisonment from 1998-2000, suffered torture under investigation in an attempt to make her confess to the charges.

Pınar Selek, born on 8 October 1971, is a French-Turkish sociologist, feminist, writer, and member of PEN Türkiye. She is one of the founding editors of *Amargi*, a Turkish feminist journal. She currently resides in France.

### Ragıp ZARAKOLU

Publisher, human rights activist, and PEN member Ragıp Zarakolu, was arrested in October 2011 and is facing up to 15 years in prison in Türkiye on trumped-up terrorism charges in connection with a speech he made at an event by the now defunct pro-Kurdish Peace and Democracy (BDP) party. Freed pending trial on 10 April 2012

Zarakolu, who has been living in Sweden since 2013 and hold Swedish citizenship, continues to be harassed by the authorities of Türkiye.

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 Supreme Court rejected an extradition request from Türkiye 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 authorities of Türkiye subsequently confiscated all of Zarakolu's assets in Türkiye and froze his pension. In September 2020, the European Court of Human Rights found Türkiye in violation of Article 5 (right to liberty and security) and Article 10 (freedom of expression) of the European Convention on Human Rights regarding Zarakolu's arrest and ordered it to pay EUR6,500 (approximately USD7,700) in compensation. In May 2022, Zarakolu was named by Turkish state media as one of the individuals wanted for extradition by Türkiye in exchange for the country allowing Sweden to join NATO.

Zarakolu, born in 1948, is a well-known political activist who has been fighting for freedom of expression in Türkiye for over 30 years, publishing books on issues such as minority and human rights.

## RELEASED

### Nedim TÜRFENT

On 29 November 2022, PEN International welcomed the release of news editor, reporter, and poet Nedim Türfent, after spending over 2,400 days behind bars. Working at the now-closed pro-Kurdish Dicle News Agency (DİHA), Türfent was detained on 12 May 2016 in Van, South-eastern Türkiye, shortly after reporting on special police forces' ill-treatment of Kurdish workers. Soon after his video footage was released, Türfent began receiving death threats from the police and was the target of an online harassment campaign. He

was formally charged with 'membership of a terrorist organisation' one day after his arrest; the indictment was first produced 10 months later. He spent almost two years in solitary confinement in harrowing detention conditions.

Among the reasons listed in the indictment were Nedim Türfent's social media posts, his news reporting and 20 concealed witness testimonies. His first hearing was held in Hakkari on 14 June 2017, some 200 km away from Van where he was being detained. He was denied the right to appear physically in court seven times, and instead testified via the judicial conferencing system SEGBİS, experiencing severe connection and interpretation issues. Out of the 20 witnesses called, 19 retracted their statements, saying they had been extracted under torture. MLSA provided Türfent with legal counsel and notably brought his detention and conviction before the European Court of Human Rights.

While in prison Nedim Türfent wrote *Kuş Aynası*, a collection of poems published in September 2021 in Türkiye by Aram Publishing. PEN International and PEN Centres across the world have actively been campaigning for Türfent's release, by notably sending appeals to the authorities, taking part in solidarity actions, and translating and promoting his poetry, amongst other things. Born on 8 February 1990, Türfent is an honorary member of English PEN and PEN Melbourne.

## UNITED KINGDOM

### KILLED – TRIAL IN PROCESS

### Lyra MCKEE

Journalist, writer and LGBTQI campaigner Lyra McKee was shot dead on 18 April 2019 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. On 14 September 2022, Niall Sheerin, from Derry, was sentenced to seven years in prison for possessing the gun used to murder McKee. Three men have been charged with her killing and were awaiting trial as of 31 December 2022.



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. 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. By the time she died, aged 29, McKee worked on numerous print and online publications including Buzzfeed, *Private Eye*, *The Atlantic* and *the Belfast Telegraph*. 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

### Julian ASSANGE

Wikileaks founder and publisher Julian Assange was arrested in 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 for his role in obtaining and publishing classified military and diplomatic documents in 2010. In the US, Assange would face trial on 17 counts under the Espionage Act and one count under the Computer Fraud and Abuse Act, which combined could see him imprisoned for up to 175 years.

In March 2022, the UK Supreme Court denied Assange's request to appeal an earlier decision by the UK High Court that permitted his extradition to the US – which in turn had overturned a previous ruling by the District Court that found the extradition would endanger his life. On 17 June 2022, the UK Home Secretary approved his extradition. His legal team lodged an appeal at the UK High Court. The case was ongoing as of 31 December 2022.

PEN International has repeatedly stressed that Assange's prosecution raises profound concerns about freedom of the press and sends a dangerous signal to journalists and

publishers worldwide. PEN International calls on the US authorities to drop the charges against Assange and withdraw their extradition request. PEN International further calls on the UK authorities to refrain from extraditing Assange and to release him from prison immediately.

Assange, born on 3 July 1971, is the first publisher to be charged under the US Espionage Act. He is an honorary member of German PEN, PEN Melbourne, and PEN Slovenia.

## UKRAINE

### KILLED – IMPUNITY

### Volodymyr VAKULENKO

On 28 November 2022, DNA analysis carried out by Ukrainian forensic and war crimes investigators confirmed that the body found in grave N.319 in the woods of Iziurm, Eastern Ukraine, was that of Ukrainian writer Volodymyr Vakulenko. News that he had been abducted first emerged in April, but information about his fate was only made possible after the Ukrainian army recaptured Iziurm from Russian forces in September.

According to Volodymyr Vakulenko's family, members of the Russian forces raided his home on 22 March 2022, seizing phones, documents, and books in Ukrainian. A day later, they took Vakulenko and his son Vitalii, diagnosed with autism. They undressed the writer to inspect his tattoos and beat him. Both were allowed to return home the following day. Vakulenko subsequently decided to bury his war diary under a cherry tree in his garden. Around 11 am on 24 March, a bus with a Z-sign drove up to Vakulenko's house and took him towards Iziurm. His relatives never saw him again.

Award-winning writer Volodymyr Vakulenko – pen name Volodymyr Vakulenko-K – was born on 1 July 1972. He had published 13 books by the time of his death, including *Monoliteracy* (2008), *You Are... Not* (2011), *The Sun's Family* (2011), and *We, the Province!* (2013). Vakulenko defined his own genre, with elements of postmodernism, modernism, neo-classicism, and logical absurdism, as 'counterliterature'.

# 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:

## BELARUS

**VARIOUS:** *persisting attacks against the rights to freedom of expression, association, and peaceful assembly*

### Action:

**August 2022:** Statement [Belarus: continued crackdown two years on from disputed presidential elections](#)

## MALTA

**Daphne CARUANA GALIZIA (f):** *journalist and anti-corruption campaigner killed in 2017*

### Action:

**January 2022:** Joint statement [Malta: Implementation of Public Inquiry recommendations must meet international standards](#)

**July 2022:** Joint statement [Malta: On anniversary of Public Inquiry report, implementation remains crucial](#)

**September 2022:** Event [The Power of the Pen: The Creative Legacy of Daphne Caruana Galizia](#)

**October 2022:** Joint statement [Malta: Civil society renews calls for full justice for Daphne Caruana Galizia](#)

**The Shift News:** *judicial harassment of online platform to prevent access to information*

### Action:

**August 2022:** Joint statement [Malta: Joint statement in support of The Shift News](#)

## TÜRKIYE

**Sedef KABAŞ (f):** *journalist given a suspended prison sentence for insulting the president*

### Action:

**January 2022:** Joint statement [Türkiye: 27 groups call for the release of journalist Sedef Kabaş](#)

**VARIOUS:** *Kurdish journalists detained*

### Action:

**June 2022:** Statement [Türkiye: 15 journalists and one media worker held in pre-trial detention in Diyarbakır must be immediately released](#)

**September 2022:** [Resolution on the repression of Kurdish language and culture in Türkiye](#)

**VARIOUS:** *press freedom concerns*

### Action:

**February 2022:** Joint statement [Türkiye: First Presidential Decree of the Year – a warning shot at Freedom of Expression](#)

**June 2022:** Joint statement [Türkiye: International groups call on parliament to reject the “disinformation” bill as a tool of digital censorship](#)

**October 2022:** Joint statement [Türkiye: International Press Freedom Groups Condemn Disinformation Bill Placed before Parliament](#)

## UNITED KINGDOM

**VARIOUS:** *Strategic Lawsuits against Public Participation (SLAPPs)*

### Action:

**January 2022:** Joint statement [UK: Support for Carole Cadwalladr as she faces SLAPP trial](#)

**October 2022:** Joint statement [UK: Anti-SLAPP measures cannot come fast enough](#)

**November 2022:** Joint statement [UK: Meaningful anti-SLAPP protections needed to defend media freedom](#)

**UKRAINE AND THE RUSSIAN FEDERATION**

**VARIOUS:** *condemnation of the Russian Federation's war on Ukraine*

**Action:**

**February 2022:** Statement Ukraine/Russia: PEN urges peaceful solution to deteriorating situation

**February 2022:** Statement Nobel Laureates, writers and artists worldwide condemn Russia's invasion of Ukraine in unprecedented letter signed by over a thousand

**March 2022:** Joint statement Ukraine: CoE platform partners demand protection of journalist safety

**March 2022:** Statement Ukraine/Russia: Renewed call for peace as human rights crisis intensifies

**May 2022:** Quotes on War 20 Ukrainian Writers Reflect on the War

**September 2022:** Resolution on the War in Ukraine

**VARIOUS:** *law extending anti-LGBTQI bill*

**Action:**

**December 2022:** Joint Statement Russian Federation: PEN International joins PEN Moscow and St Petersburg PEN in condemning anti-LGBTI bill



# MIDDLE EAST AND NORTH AFRICA REGIONAL OVERVIEW 2022

MINA THABET, HEAD OF MIDDLE EAST  
AND NORTH AFRICA REGION

Governments across the Middle East and North Africa have continued eradicating freedom of expression and open civic spaces through draconian laws, censorship, crushing peaceful protests, executions, and arbitrary detention of critical voices, including writers and journalists. Denial of adequate medical care in countries such as Iran, Egypt, and Morocco, has increased pressure on some detained writers and journalists.



In **Iran**, authorities' persecution of writers continued to worsen as medical negligence in prisons and detention facilities became a central concern during the COVID-19 pandemic. In January, prominent Iranian writer **Baktash Abtin** (see under Iran section below) died in custody due to medical negligence, as authorities denied him urgent medical care for 10 days following his second infection with COVID-19. His fellow writer **Reza Khandan-Mahabadi** (see under Iran section below) also contracted COVID-19 in prison. He was released on medical furlough in December 2021 before being summoned back to prison in April 2022. On 14 April, PEN International raised concerns over the health and well-being of **Khandan Mahabadi** and **Nargess Mohammadi** (see under Iran section below) as the Iranian authorities decided to end their medical furlough before their full recovery.

Authorities sustained their relentless persecution of Iranian minority communities, such as the Kurdish and Baha'i communities. In July, Iranian security forces arrested leading members of the Baha'i community in Iran, including prominent poet **Mahvash Sabet** (see under Iran section below), and charged them with bogus charges. In December, Sabet and her fellow prominent Baha'i **Fariba Kamalabadi** were sentenced to 10 years in prison following an unfair trial. Their arrest came at the start of a renewed vicious crackdown on Iran's Baha'i community, in which authorities arrested dozens of Baha'i activists, closed down dozens of Baha'i businesses, and demolished their houses.

Following the tragic death in custody of 22-year-old **Mahsa Amini**, a member of the Kurdish minority, in September, Iranian authorities escalated their crackdown on freedom of expression. Iranian security agencies have brutally cracked down on protests that swept the country following her death, with hundreds killed or injured and thousands arrested. Also, media reports raised concerns over widespread internet outages and restricted internet services, severely affecting access to information regarding the government's brutal response. Authorities have also escalated their use of the death penalty to crush protests, with at least 14 individuals sentenced to death, and four have been executed between December 2022 and January 2023 in relation to the protests. In November, a Special Session of the UN Human Rights Council

established an independent international fact-finding mission into the alleged violations.

Despite President El-Sisi's call for a national dialogue in April 2022, which raised hopes for political openness in **Egypt**, security agencies showed no signs of easing their assault on freedom of expression. Several writers and poets remain in arbitrary detention because of their writings. Authorities have maintained their crackdown on freedom of expression and critical voices by utilising a series of draconian laws, including the notorious 2015 counter-terrorism law and its 2020 amendments and repressive tactics, to erode freedom of expression and impose suffocating restrictions on media outlets. The Supreme State Security Prosecution (SSSP) continued to function as a tool of repression by misusing repressive legislation to detain individuals for acts that should not be criminalised, including criticising the government or challenging official narratives. Unfair trials, torture, ill-treatment, medical negligence, and poor detention conditions remain significant concerns. PEN International documented several cases of imprisoned writers who were subjected to torture and ill-treatment and faced heavy jail sentences following unfair trials, including British-Egyptian writer **Alaa Abd El-Fattah**, and Egyptian poets, **Galal El-Behiry** and **Ahmed Douma** (see below under Egypt section). In all three cases, authorities failed to adequately investigate claims of torture and ill-treatment, denied them the right to a fair trial, and kept them in extra-punitive and poor detention conditions.

Authorities in Egypt continued to tighten their grip on mainstream media outlets, which have been employed in service of the regime's propaganda, and imposing censorship on online expression, including on social media, while hundreds of independent websites remain blocked. In July, authorities blocked access links to the *Al-Manassa* website, one of the few independent news sites operating inside Egypt. The ban followed the site's publication of several stories criticising the government and publishing opinion articles by a number of journalists and dissident politicians. In August, Egyptian prosecutors summoned *Mada Masr's* Editor-in-Chief **Lina Attalah** and journalists **Rana Mamdouh**, **Sara Seif Eddin** and **Beesan Kassab** for interrogation in relation to their reporting, which revealed plans for several senior officials in the pro-

government Nation's Future Party to be removed from their posts due to their alleged involvement in instances of corruption. The three journalists faced multiple charges, including 'publishing false news intended to disturb the public peace and cause damage to the public interest.'

Similarly, **Moroccan** authorities escalated their crackdown on freedom of expression, subjecting imprisoned journalists to extra-punitive measures and imprisoning human rights activists over their critical views on social media while denying them the right to a fair trial. On 23 March, Moroccan authorities arrested human rights defender **Saida El Alami** over social media posts critical of the authorities. In April, she was sentenced to two years in prison and a fine of MAD5,000 (approximately USD500) for 'insulting a body regulated by law' and 'insulting public officials while carrying out their duties', increased to three years on appeal in September.

Her arrest was followed by others and summons of activists over social media posts critical to the government or calls for protests over high gas prices. Another activist, **Rabie Al Ablaq**, was sentenced in April to four years in prison for 'offending' the king on social media. In November, security forces arrested an outspoken critic of Moroccan security and the former human rights minister **Mohammed Ziane** after an appeals court upheld an initial three-year sentence against him. He faced 11 charges, including insulting the judiciary, using social media to instigate the violation of COVID-19 measures, adultery, sexual harassment, and contempt of institutions. Earlier in September, **Ziane** had harshly criticised the security apparatus in Morocco in a video statement to a local media outlet. Human rights defender **Rida Benotmane** was also arrested in September and later sentenced to three years in prison and a fine of MAD20,000 (approximately USD1950) in relation to social media posts and YouTube videos in which he criticised authorities. Family members of imprisoned journalists told PEN International that they are facing online harassment and smear campaigns by pro-government media over their activism on behalf of their relatives. They also reported significant challenges in securing a job, as many employers are afraid to hire them.

The continued rise of the extreme right in **Israel** increased concerns over the country's grim

human rights record, as a far-right coalition came to power in November. The new government brought many highly controversial far-right politicians to the forefront, including Israel's national security minister, **Itamar Ben-Gvir**. The new minister, whose responsibilities include some police activity in the occupied West Bank, is known for his extreme anti-Arab views and was previously convicted of hate speech, inciting racism and supporting a terror group.

Authorities sustained strict online  censorship of Palestinian content on social media amid an escalation of Israeli attacks on Palestinians. According to UN experts, 2022 was the deadliest year in the occupied West Bank since the United Nations started systematically documenting fatalities in 2005, with at least 150 Palestinians killed, including 33 children. Israeli human rights groups reported that six Israeli civilians and four members of the Israeli forces were killed by Palestinians in the West Bank, while 11 civilians and a police officer were killed inside Israel. Also, 2022 has witnessed a rise in settlers' violence, where armed Israeli civilians assaulted Palestinians and Palestinian properties with complete impunity and the support of Israeli security forces. In addition, the Israeli crackdown on independent civil society organisations intensified in 2022. In August, the Israeli military raided the offices of seven leading independent Palestinian organisations, confiscated documents and equipment and ordered the closure of the offices.

Israeli security continued to crack down on Palestinian protestors and escalated their arrest campaigns in the occupied West Bank, including East Jerusalem. In May, the brutal killing of Palestinian journalist **Shireen Abu Akleh**, a US national, revealed the extent of impunity in Israeli authorities' killings of Palestinian journalists. Israeli police also attacked mourners at Abu Akleh's funeral and cracked down on protests that followed her death. Press freedom organisations reported mounting violations of journalists' rights by Israeli authorities and settlers, including physical assault, detention, and prevention from covering. In December, Tel Aviv police arrested and briefly detained ultra-Orthodox journalist **Israel Frey** on suspicion of inciting terrorism on social media. In his tweets, Frey praised a Palestinian man, who was arrested in Jaffa and accused of planning to carry out an attack in the city, for not targeting civilians.



Other authorities across the region, mainly in **Bahrain, Iraq, Kuwait, United Arab Emirates (UAE), Oman, and Saudi Arabia**, continue to expand online censorship and use vague charges, such as ‘dissemination of fake news’ or ‘spreading rumours’ to silence critics, including writers, activists, and journalists. In January 2022, the **UAE’s Federal Law no. (34) of 2021** on combatting rumours and cybercrime came into force, criminalising acts protected under international law. The law imposes heavy financial penalties and lengthy jail sentences on individuals for practising their right to freedom of expression. It replaces Federal law no. (5) of 2012 on combating cybercrimes, which the government has utilised to silence critics and impose lengthy prison sentences on activists and human rights defenders, including prominent blogger and human rights defender **Ahmed Mansoor**. In 2018, he was sentenced to 10 years in prison and handed a fine of AED1 million (approximately USD273,000) for criticising the authorities on social media. Several human rights organisations expressed grave concerns over enacting the new law, referring to the government’s record of cracking down on freedom of expression.

Despite repeated calls for their release, the **UAE** continued to arbitrarily imprison critics, including writers and bloggers. In July 2022, PEN International joined dozens of human rights organisations in calling on allies of the UAE to press the Emirati authorities to immediately and unconditionally release all those convicted following the notorious ‘UAE94’ mass trial. The unfair trial, held in 2013, resulted in lengthy prison sentences on trumped-up charges against the defendants over their practice of the right to freedom of expression. Although some defendants in the ‘UAE94’ case have served their sentences in full, including prominent Emirati writer and human rights defender **Dr Mohammed Al-Roken** (see under UAE section below), authorities continue to arbitrarily detain them in so-called ‘counselling centres’.

Press freedom and censorship remain significant concerns in the **UAE**. The mass layoffs and the closure of Dubai-based *Al Roeya* newspaper in September highlighted the extent to which censorship has been deeply rooted in the country. *Al Roeya*’s publisher, owned by the brother of the UAE’s president, dissolved the newspaper after a story featuring the impact of high gas prices in

the country went viral. Dozens of journalists were questioned intensively and forced to resign, and the newspaper was permanently closed due to a story that was considered ‘safe’ even within the UAE’s restrictive press laws, highlighting the dire situation of media freedom in the country.

In **Saudi Arabia**, authorities also continued their repression of freedom of expression in 2022, utilising repressive laws, including the anti-cybercrime and anti-terrorism laws, to eradicate any forms of online criticism of authorities. In August, at the request of the Public Prosecutor, the Specialised Criminal Court of Appeal increased women’s rights activist and academic **Salma al-Shehab**’s prison sentence from three to 34 years in prison after a grossly unfair trial, followed by a travel ban of the same length, in relation to her writings on social media. The court convicted her on multiple counts, including ‘supporting those who seek to disrupt the public order’ and publishing tweets ‘that disrupt the public order’, in connection with posts on her account where she expressed support for prisoners of conscience, such as women’s rights activist **Loujain al-Hathloul**. Similarly, just weeks later, the Specialized Criminal Court sentenced **Nourah bint Saeed al-Qahtani** for ‘using the Internet to tear the [country’s] social fabric’ and ‘violating public order by using social media’ to 45 years’ imprisonment under the Counter-Terrorism and Anti-Cyber Crime Laws, highlighting the authorities’ intent to crush any dissent.

## GOOD NEWS

In August, scholar **Ahmed Samir Santawy** was released from prison in **Egypt**, following a presidential pardon; however, he was placed under a travel ban. In December, PEN International also welcomed the release of Egyptian investigative journalist **Ismail Al-Alexandrani** after serving his sentence. In **Saudi Arabia**, Palestinian poet **Ashraf Fayadh** was released in August, after eight years and eight months in prison.

# EMBLEMATIC CASES



## EGYPT

### Galal EL-BEHIRY

Poet imprisoned  
in relation to his  
poetry collection

Galal El-Behiry is a young poet and lyricist known for his criticism of the authorities. He has been imprisoned since 2018 for his poetry critical of the government. He was sentenced to three years in prison on charges of 'disseminating false news and rumours' and 'insulting the Egyptian army' in his poetry collection, *The Finest Women on Earth*. In July 2022, he completed his sentence; however, authorities brought further bogus charges and placed him under pre-trial detention. El-Behiry suffers from severe physical and mental health issues.

*Galal El-Behairy. Photo credit: permission granted by El-Behairy's family*

## IRAN

### Nargess MOHAMMADI

Writer and human  
rights defender  
imprisoned because of  
her activism, including  
a book of interviews  
with women prisoners

Nargess Mohammadi is a writer and a prominent human rights defender known for her writings and campaigns on human rights in Iran. She has been arrested several times over the last decade; she is currently imprisoned and now facing a total of 11 years and 11 months' imprisonment, 150 lashes, and an IRR12 million fine (about USD300). Mohammadi suffers from critical physical and mental health issues.

*Narges Mohammadi. Photo credit: permission granted by Mohammadi's family*

## EGYPT

### IMPRISONED

## Ahmed DOUMA

Ahmed Douma, born on 11 September 1985, is an Egyptian poet, writer and activist targeted for his political activism and leading role in the 25 January 2011 revolution, as well as his vocal criticism of successive Egyptian governments. Held since 3 December 2013, following the enactment of draconian protest law, he was later convicted and sentenced to three years imprisonment followed by three years of parole and a fine of EGP50,000 (about USD1600). The UN Working Group on Arbitrary Detention has recognised his detention as arbitrary and called for his immediate release and access to remedy.

Further charges brought in 2015, including 'illegal assembly' and 'assaulting security forces' over his participation in protests known as 'Cabinet events' in 2011, resulted in a 15-year prison term and an EGP6 million fine (about USD195,000), reduced on appeal from life imprisonment and EGP17 million (about USD553,000), following a grossly unfair trial.

Douma's health has significantly deteriorated due to his poor detention conditions, including a prolonged period in solitary confinement between December 2013 and January 2019 which has had a devastating impact on his mental health. He has knee and back pain resulting from his lack of movement and the absence of a bed, and sometimes even a mattress, in his solitary confinement cell. He also has high blood pressure, insomnia, constant headaches, severe depression, and panic attacks.

During his prolonged imprisonment, Douma has kept writing about his experiences, dreams, and aspirations in his 2012 poetry collection Soutak Talee (*Your voice is Heard*). Security officials demanded Dar El Maraya, his publishers, to remove copies of his 2021 collection Curly at the 2021 Cairo International Book Fair.

## Alaa ABD EL-FATTAH

Arrested in September 2019, award-winning writer and Honorary Member of English PEN, Alaa Abd El-Fattah is serving a five-year prison term, imposed in December 2021 after a grossly unfair trial before the Emergency State Security Court, on trumped-up charges including 'joining an illegal organisation', 'spreading false news,' and 'misusing social media'. Prominent human rights lawyer Mohamed al-Baqer and blogger Mohamed 'Oxygen' Ibrahim each received four-year terms in the same case.

Abd El-Fattah has been subjected to torture and other ill-treatment and held in extremely poor prison conditions, as well as prohibited from accessing books and newspapers, which have all impacted his health. The UN Working Group on Arbitrary Detention has recognised his detention as arbitrary and called for his immediate release and for access to remedy.

On 2 April 2022, Abd El-Fattah began a hunger strike to protest the conditions in which he was being held. On 12 May 2022, his family reported that he had been physically assaulted by a senior prison officer while trying to exercise outside his prison cell.

Abd El-Fattah escalated his hunger strike on 1 November 2022 in protest at his and others' ongoing arbitrary imprisonment, and to draw attention to the human rights situation in Egypt as the UN Climate Conference (COP27) began in Sharm El Sheikh. He refrained from drinking water until 12 November when he stopped his strike due to his deteriorating health, which remains of grave concern.

Born on 18 November 1981, dual British-Egyptian national Abd El-Fattah was a crucial voice of the 2011-2012 Arab Spring uprisings, during which he documented human rights abuses and advocated for democracy. His book, *You Have Not Yet Been Defeated*, which compiles some of his deeply influential writings, has received widespread acclaim. He won the 2022 Electronic Frontier Foundation Award for Democratic Reform Advocacy.



## DETAINED

## Galal EL-BEHAIRY

Galal El-Beairy, born on 27 June 1990, is an Egyptian poet and lyricist known for his criticism of the authorities. He has been held since March 2018 and has reportedly been beaten in detention.

In July 2021, following the expiration of a three-year sentence for allegedly ‘disseminating false news and rumours’ and ‘insulting the Egyptian army’ in his unpublished poetry collection, *The Finest Women on Earth*, he was subjected to enforced disappearance for three weeks before being freshly charged with ‘disseminating false news’ and ‘joining a terrorist group’ by the Supreme State Security Prosecution. Along with other detainees, he joined a collective hunger strike for several weeks in February 2022 to protest against their arbitrary detention.

El-Beairy was arrested in March 2018 at Cairo International Airport on his return from travels abroad. He initially faced charges of ‘joining a terrorist group’, ‘disseminating false news’, and ‘insulting the President’ for lyrics he had written for the song *Balaha*, performed, and disseminated online by exiled Egyptian singer Ramy Essam. The song heavily criticises President Sisi and was deemed insulting to the president. This case was eventually dropped, but he remained imprisoned for his poetry.

El-Beairy’s family has informed PEN International that his health has significantly deteriorated due to his imprisonment, poor prison conditions, and lack of adequate medical care. He suffers from high blood pressure, joint pain and heart problems.

## RELEASED

## Ismail ALEXANDRANI

Writer, journalist and researcher Ismail Alexandrani was released in December 2022 after completing a seven-year prison term. He was arrested on 29 November 2015 at Hurghada Airport upon his return from Berlin, Germany. Authorities seized his laptop, mobile phone and personal belongings, and later presented

them as evidence against him. He was held in arbitrary pre-trial detention for over two years before being referred to a military court under the pretext of revealing military secrets. In May 2018, Alexandrani was sentenced to 10 years’ imprisonment for ‘leaking military secrets’ and ‘membership of a terrorist group’ following a grossly unfair trial. On 24 December 2018, a military court upheld the 10-year prison sentence against him. In October 2022, the Military Court of Cassation reduced his sentence to seven years.

PEN International believes that Alexandrani’s detention and conviction are linked to his work, which challenges the government’s narrative on its counter-terrorism operations in the Sinai Peninsula.

Alexandrani, an award-winning writer, investigative journalist and socio-political researcher, has worked with several research centres, including the Egyptian Center for Economic and Social Rights and the Arab Reform Initiative, and is best known for his research and writings on militant groups operating in Egypt’s Sinai Peninsula. His work has been published in various regional and international media, as well as academic journals, including the independent Lebanese newspapers *Assafir* and *al-Modon*, and the American Arab Studies Journal *Jadaliyya*.

He was awarded the 2015 Visiting Arab Journalist Fellowship at the Woodrow Wilson International Center for Scholars. In 2014, he won the Open Eye - Hany Darweesh Award for Exceptional Essay. In 2009, he was one of the Global Winners in Youth Essay Contest on Democracy (World Youth Movement for Democracy), and the winner of the National Contest for Spreading Understanding and Mutual Respect at the Cairo Institute for Human Rights Studies.

## IRAN

## DEATH IN CUSTODY

## Baktash ABTIN

Iranian Writers’ Association (IWA) member Baktash Abtin died from COVID-19 complications on 8 January 2022. Along with fellow IWA members **Reza Khandan-Mahabadi** (see below under Imprisoned) and **Keyvan Bazhan**

(see below under Released), he had been sentenced in May 2019 by Branch 28 of the Revolutionary Court to six years in prison, upheld on appeal in December 2019, for ‘spreading propaganda against the system’ and ‘assembly and collusion against national security’. Their conviction stemmed from a 2015 case brought in relation to their joint authorship of a book about the history of the IWA, which has for decades been critical of successive Iranian governments and whose members have faced long-standing persecution, including murders ordered by state officials (the ‘chain murders’).

Evidence submitted against them included IWA internal newsletter and statements, and the book on IWA history. During the trial, the writers were interrogated about their publications, peaceful activities, and their membership of the IWA.

Abtin, born on 16 December 1974, is believed to have contracted COVID-19 in Evin prison in Tehran for the second time in November 2021. He developed pneumonia but authorities denied him urgent medical care for 10 days. Eventually transferred to Taleghani Hospital, his condition continued to deteriorate, and he passed away on 8 January 2022 in Sasan Hospital.

In August 2022, the UN Working Group on Arbitrary Detention concluded that the three men were subjected to arbitrary detention.

Abtin was a poet, writer, and film-maker. He had published three books of poetry, produced seven films and wrote extensively on history, sociology, and literary criticism. He was a recipient of PEN America’s 2021 PEN/Barbey Freedom to Write Award.

## IMPRISONED

### Reza KHANDAN-MAHABADI

Iranian Writers’ Association board member Reza Khandan-Mahabadi returned to Evin prison in April 2022 to continue serving a six-year prison term imposed in May 2019 by Branch 28 of the Revolutionary Court, for ‘spreading propaganda against the system’ and ‘assembly and collusion against national security’. Sentenced alongside **Baktash Abtin**

(see above under Death in Custody) and **Keyvan Bazan** (see below under Released) in connection with their joint authorship of a book about IWA history, his sentence was upheld on appeal in December 2019.

Khandan-Mahabadi, aged around 63, also fell sick, most likely with COVID-19, in December 2021. Authorities transferred him to Taleghani Hospital, but his family and lawyers were able to transfer him to a private hospital for better medical care. On 21 December 2021, Khandan-Mahabadi was released on medical furlough before being summoned back to prison in April 2022.

In August 2022, the UN Working Group on Arbitrary Detention concluded the three men were subjected to arbitrary detention.

Khandan-Mahabadi is an author, literary critic, and popular culture researcher who has also written collections of short stories for children and adults. He is the editor of a 19-volume encyclopaedia of Iranian fiction, and of a multi-volume book of selected Iranian short stories from the past 80 years.

**Update:** Reza Khandan-Mahabadi was released in February 2023.

### Nargess MOHAMMADI

Nargess Mohammadi, born on 21 April 1972 is a writer, journalist, human rights defender serving an 11-year and 11-month sentence.

Mohammadi was re-arrested at her home by security officials and returned to prison in April 2022 after a medical furlough for heart surgery. Already serving a 30-month sentence with 80 lashes, imposed following her release in October 2020 after serving a five-and-a-half-year prison term, she received a further eight years and two-month sentence with 74 lashes. In October 2022, Mohammadi was sentenced to another 15 months in prison, followed by a two-year ban on travel and on joining political movements or parties, and three months of community service totalling 11 years and 11 months in prison, imposed after unfair trials. The charges against her include ‘propaganda against the system’, ‘defamation’ and ‘rebellious conduct while incarcerated.’

Her family believes that her recent sentences are retaliation for her book, *White Torture*, in which she documents the experienced of imprisoned Iranian women.

Mohammadi suffers from a neurological disorder that can result in seizures, temporary partial paralysis, and a pulmonary embolism for which she is said to be denied essential medication that could prevent further blood clots from forming.

Mohammadi is an Honorary Member of the Danish, Belgian, Norwegian and Swedish PEN Centres. She is the former Vice-President and spokesperson of the Defenders of Human Rights Center (DHRC), co-winner of the 2013 Oxfam Novib / PEN Award and winner of the 2011 Per Anger Prize and the 2009 Alexander Langer Award. In December 2022, Mohammadi was awarded the RSF Prize for Courage for her tireless fight for press freedom and human rights.

## Mahvash SABET

Mahvash Sabet, born on 4 February 1953, is a teacher and prominent poet serving a 10-year prison sentence. She had already spent a decade in arbitrary imprisonment due to her religious beliefs.

On 31 July 2022, Iranian authorities arrested Mahvash Sabet and two other members of the long-disbanded 'Yaran-i-Iran' (or 'Friends of Iran'), **Fariba Kamalabadi** and **Afif Naemi**, who helped to administer the Baha'i community's affairs in Iran until 2008, over unfounded 'spying' charges. The authorities have sent Sabet to Evin prison in Tehran, where she was previously imprisoned. According to media sources, Iran's Intelligence Ministry alleged they were linked to the Baha'i Centre in Israel and had collected and transferred information there.

On 21 November 2022, following an unfair trial that lasted only one hour, the Revolutionary Court's Branch 26 in Tehran sentenced Sabet and Kamalabadi to 10 years in prison. The judge rebuked the defendants for 'not learning their lesson' before handing down his harsh sentence.

Sabet began her professional career as a

teacher and worked as a principal at several schools. She also collaborated with the National Literacy Committee of Iran. Following the Islamic Revolution in 1979, Sabet was fired from her job and blocked from working in public education, like thousands of other Iranian Baha'i educators. She served for 15 years as director of the Baha'i Institute for Higher Education, which provides alternative higher education for Baha'i youth.

Sabet began writing poetry in prison, and a collection of her prison poems was translated into English and published in 2013. She is an honorary member of the Austrian PEN and Danish PEN and was awarded English PEN's 2017 International Writer of Courage. PEN International has campaigned for her release and featured her case in its 2014 Day of the Imprisoned Writer campaign.

### RELEASED

## Keyvan BAZHAN

On 9 March 2022, Iranian Writers Association member Keyvan Bazhan, born on 21 April 1972, was released from Evin Prison on furlough. By the end of the furlough period he had served his sentence, imposed in the same case as **Baktin Abtash** (see above under Death in Custody) and **Reza Khandan Mahabadi** (see above under Imprisoned), and hence did not return to prison.

In August 2022, the UN Working Group on Arbitrary Detention concluded the three men were subjected to arbitrary detention.

## MOROCCO

### IMPRISONED

## Omar RADI

Investigative online journalist Omar Radi, born on 18 July 1986, exposes injustice, corruption and nepotism between political powers and business elites, and writes about human rights, and social movements, including for Le Desk. Detained in July 2020, his July 2021 sentence of six years' imprisonment for 'sexual assault with violence,' 'rape,' 'undermining internal state security by



receiving foreign funding,’ and ‘undermining external state security through collaborating with foreign intelligence’, was upheld in March 2022.

PEN International’s research has documented clear irregularities in Radi’s trial process. Also, trial monitors have highlighted clear breaches of fair trial standards. At the time of his arrest in 2020, Radi had already been under surveillance for more than two years by the Moroccan authorities using the notorious Pegasus spyware. Shortly before his arrest, a sustained smear campaign by the Chouftv news website known to have ties to security agencies accused Radi of receiving foreign funds to provide espionage services to foreign companies, allegations for which he was subsequently charged.

Radi’s alleged sexual assault and rape charges followed a complaint filed in July 2020 by a work colleague. He maintains that the relationship was consensual. PEN International’s examination of the case documents revealed that the evidence on both counts is highly flawed, leading it to conclude that Radi is being targeted for his criticism of the governments and to deter others. Although the two offences of espionage and rape were unrelated, they were tied together. His case is part of a pattern of government critics, including journalists, bloggers, human rights defenders, and academics being arrested and prosecuted on dubious charges of sexual offences, financial misdemeanours, or working for foreign governments.

On 10 December 2022, Radi joined other prisoners of conscience in a collective symbolic hunger strike in protest against their arbitrary imprisonment. On 12 December, he was awarded the RSF Press Freedom Prize for Independence.

## Soulaiman RAISSOUNI

Prominent Moroccan journalist and editor-in-chief of the now-closed opposition newspaper *Akhbar al-Youm* Soulaiman Raissouni is serving a five-year sentence. He has been held since May 2020, when he was arrested on charges of ‘sexual assault’ and ‘enforced confinement’, part of a pattern of the Moroccan authorities’ intimidation of dissenting voices through the use of sexual assault charges. Raissouni, known for his editorials critical of the Moroccan authorities, denies the allegations. Prior to his arrest, he

was targeted for surveillance by Pegasus spyware over a two-year period, starting in 2017.

Raissouni’s July 2021 sentence of five years’ imprisonment and MAD100,000 (approximately USD11,000) was upheld on appeal in February 2022. The trial was unfair, as he was prevented from attending several hearings, including the sentencing session from which his defence team was also barred. Throughout his pre-trial detention, Raissouni was denied access to his family and legal counsel on several occasions, and he underwent a 122-day hunger strike in 2021 to protest against his detention. His health is poor, exacerbated by the lack of adequate medical care.

In May 2022, Raissouni was transferred to Aïn Borja Prison in Casablanca where he is refusing family visits until prison authorities return his diaries and a draft novel, which they deny having confiscated. On Human Rights Day, 10 December, Raissouni joined several other prisoners of conscience in a one-day symbolic hunger strike to protest his arbitrary imprisonment.

In July 2022, the UN Working Group on Arbitrary Detention ruled that Raissouni is arbitrarily detained.

## HARASSED

### Maati MONJIB

Maati Monjib, born in 1962, is a writer, academic, historian and 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. He has been a target of Moroccan authorities due to his critical writings and views of the government. He is unable to leave the country after a ban imposed on him in October 2021, which he has protested against.

Detained in December 2020, Monjib was provisionally released from prison in August 2021, after he went on hunger strike, as he was serving a one-year prison sentence with a fine of MAD 10,000 (about USD960) on charges including ‘undermining the internal integrity of the state’ and fraud in connection with alleged embezzlement and money laundering. These charges apparently stemmed from Monjib’s

receipt of foreign funds to conduct training workshops for citizen journalists. Monjib believes the charges were brought to punish him because of a radio interview where he criticised the General Directorate of Territorial Surveillance for their role in suppressing political opponents. In October 2021, he was refused permission to leave to seek medical treatment in France.

Previously, in November 2015, Monjib had been 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 citizen journalists. He has also been a victim of an ongoing defamation campaign through online articles, and the Ministry of High Education has stopped paying his salary as an academic in retaliation for his critical writings against the government.

## UNITED ARAB EMIRATES

### DETAINED

## Mohamed Abdullah AL-ROKEN

Dr Mohammad Abdullah Al-Roken remains in detention since 17 July 2012. He was not released on expiry of his sentence in July 2022, despite having served a 10-year prison sentence imposed in July 2013 after conviction of vague charges in the notorious ‘UAE 94’ case. He is believed to be held under the vaguely-worded Federal Law No. (7) of 2014 on Combating Terrorism Offences. This law allows the authorities to detain individuals indefinitely in Munasaha centres, also known as ‘counselling’ centres, aimed at ‘enlightening and reforming’ prisoners on the grounds that they allegedly pose a threat to state security and are in need of rehabilitation. Numerous political prisoners in the UAE are currently arbitrarily detained beyond their sentence under this law, including individuals among the ‘UAE 94’.

In June 2013, human rights organisations revealed that the state security officers had subjected Dr Al-Roken and the other ‘UAE 94’ defendants to systematic mistreatment, including torture, while in pre-trial detention. In April 2014,

the UN Working Group on Arbitrary Detention (WGAD) concluded that the ‘UAE 94’ defendants, including Al-Roken, were held arbitrarily, raising concerns over grave violations of the right to a fair trial, including forced confessions and reports of torture and other ill-treatment, and prolonged solitary confinement. The WGAD concluded that the charges brought against them related to acts that fall under the rights to freedom of expression and peaceful assembly, and urged the UAE government to release them and provide them with adequate reparation.

Dr Abdullah Al-Roken, born 26 September 1962, is a prominent Emirati writer, academic and human rights lawyer specialising in freedom of expression and counter-terrorism. He was a member of the International Association of Lawyers (UIA), the International Bar Association, and is the former president of the dissolved UAE Jurists Association.

## PEN ACTIONS IN THE MIDDLE EAST AND NORTH AFRICA

In addition to its advocacy for the writers referred to in this Case List, PEN International also took action on behalf of journalists and others at risk in the Middle East and North Africa, some in collaboration with other organisations, details of which can be found in the links provided below:

### BAHRAIN

**Dr Abduljalil AlSingace:** *imprisoned writer*

#### Action:

**July 2022:** Joint statement [Bahrain: Request for support to free imprisoned human rights defender Dr Abduljalil AlSingace, on hunger strike since July 2021](#)

### EGYPT

**VARIOUS:** *persisting attacks against the rights to freedom of expression, association, and peaceful assembly*

**Actions:**

**January 2022:** Joint statement: [Egypt: Quash Verdicts and Stop Unfair Trials by Emergency Courts](#)

**March 2022:** Joint statement: [Egypt: End arbitrary detention, Free them all](#)

**June 2022:** Joint statement: [Egypt: Mohamed El-Baquer: 1000 days of arbitrary detention](#)

**July 2022:** Joint statement: [Egypt: Statements on COP27 Imply Restricting Activism](#)

**August 2022:** Joint statement: [Egypt: 28 Civil society organisations condemn the continued blocking of Al-Manassa's website and call on the Egyptian authorities to lift the blocking of dozens of news websites](#)

**September 2022:** Joint statement: [Egypt: authorities should immediately end judicial intimidation of independent journalists and ensure press freedom](#)

**IRAN**

**Anisha Asadollahi (f) and Keyvan Mohtadi:** *imprisoned interpreters*

**Action:**

**July 2022:** Joint statement: [PEN International joins leading organisations calling on Iran to release interpreters Anisha Asadollahi and Keyvan Mohtadi](#)

**PALESTINE**

**VARIOUS:** *persisting attacks against the rights to freedom of expression, association, and peaceful assembly*

**Action:**

**August 2022:** Joint statement: [PEN International and over 190 Organizations Demand International Community Stand Against Raids and Closures of 7 Palestinian Organisations](#)

**Shireen Abu Akleh (f):** *journalist killed*

**Action:**

**May 2022:** Joint statement: [PEN International joins 33 rights groups demanding](#)

[independent investigation into the killing of Al Jazeera journalist Shireen Abu Akleh](#)

**SAUDI ARABIA**

**Salma al-Shehab (f):** *imprisoned academic*

**Action:**

**August 2022:** Joint statement: [Saudi authorities must release women's rights activist Salma al-Shehab](#)

**UNITED ARAB EMIRATES**

**VARIOUS:** *persisting attacks against the rights to freedom of expression, association, and peaceful assembly*

**Action:**

**July 2022:** Joint statement: [United Arab Emirates: Free members of UAE94 and other prisoners of conscience](#)





# CONCLUSION AND RECOMMENDATIONS

As PEN International entered its second century in 2022, the sad reality is that its function to speak truth to power, to advocate for peace and freedom of expression, to oppose lies and propaganda by both states and individuals for political and personal ends, and to protect the rights of all to write, read, speak, and protest remains as necessary as ever, as the declining civic space around the world is demonstrated through this Case List.

PEN members and their fellow writers across the world continue to speak out, often at great personal risk to themselves as we can see from the closure of PEN Centres, despite the risk of being forced into exile or detained, imprisoned, or threatened, or even killed for their peaceful expression. PEN International's advocacy and campaigning will continue through 2023 and beyond to draw attention to these human rights violations, provide and support protection and systems of refuge, and to seek redress for harms suffered.

## **PEN International makes the following recommendations to the international community:**

- Do all within their power to bring about an immediate end all conflicts, including the war in Ukraine;
- End all human rights violations, including torture and other ill-treatment, enforced disappearances, extrajudicial executions, sexual violence, and enforced exile; investigate any allegations of these crimes and bring anyone suspected of perpetrating them to justice in fair trials, and provide remedy to victims;
- Immediately and unconditionally release all writers, journalists, activists, artists, bloggers and other cultural workers imprisoned or detained without trial, simply for exercising their legitimate right to freedom of expression, including all detained and imprisoned writers listed in this Case List, and drop charges against any writer facing trial solely on account of their work or the peaceful expression of their opinions;

- Ensure a comprehensive, fair and systematic response to all writers fleeing persecution, including the provision of humanitarian pathways to refuge;
  - Repeal all laws and desist from introducing new ones that unduly restrict the right to freedom of expression, including online, and ensure adequate protections for a free press in all countries, in line with states' international human rights obligations;
  - Recognise and celebrate the role of minority communities in the advancing the culture of all states, including by:
    - Facilitating mother tongue education, which enables members of minorities to celebrate their life, language, culture and heritage;
    - Promoting translation of literature to and from minority languages;
    - Protecting the cultural heritage of minority communities;
    - Ending the persecution of any writer solely on the grounds of their background and protecting the right of writers from minority communities to advocate for their community's rights without fear of reprisals;
  - Promote and protect women writers by implementing the calls of PEN International's Women's Manifesto, specifically by
    - Ending all forms of violence against women and girls;
    - Protecting women writers and journalists and combatting impunity for attacks against them, including online;
    - Eliminating gender disparity at all levels of education;
    - Ensuring full equality of women in both law and practice, including by addressing structural barriers to women writers and ensuring parity for them in employment and remuneration as writers;
  - Reaffirm the importance of civic space as a foundation for an authentic democracy that respects, protects and facilitates the human rights of citizens and civil society organizations to safely speak out, organize, associate, participate and claim their rights, including the right to express their opinion, views and criticism of the political, social, economic and cultural structures around them and put in place adequate measures to nurture and protect it;
  - Develop and implement bolder and better coordinated responses to the global rise in authoritarianism and the widespread emergency of shrinking civic space that imperil and significantly threaten to erode gains won in many countries over decades of struggle, solidarity and emerging global consensus on democratic governance and respect for human rights as foundational for peaceful, open, and just societies.
- PEN International further calls on Belarus and Nicaragua to:**
- immediately and unconditionally rescind their hostile legislative, administrative, judicial or political practice leading to banning or shutting down of PEN Centres and to institute measures to re-open these Centres in country, guarantee their safety and that of all other civil society organizations to operate; and for the authorities to desist from all acts of persecution targeting writers, cultural workers, journalists, human rights defenders, and other civil society organizations for simply doing their legitimate work.



# THANK YOU

We are grateful to many people and organisations for their solidarity and support, which is crucial in helping us to protect persecuted writers, to respond quickly in emergencies, and to challenge alarming threats to freedom of expression.

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