



FREEDOM TO WRITE INDEX 2019



INTRODUCTION

Amid global retrenchment on human rights and fundamental freedoms—deepening authoritarianism in Russia, China, and much of the Middle East; democratic retreat in parts of Eastern Europe, Latin America, and Asia; and new threats in established democracies in North America and Western Europe—the brave individuals who speak out, challenge tyranny, and make the intellectual case for freedom are on the front line of the battle to keep societies open, defend the truth, and resist repression. Writers and intellectuals are often among the canaries in the coal mine who, alongside journalists and human rights activists, are first targeted when a country takes a more authoritarian turn. The unjust detention and imprisonment of writers and intellectuals impacts both the individuals themselves and the broader public, who are deprived of innovative and influential voices of dissent, criticism, creativity, and conscience. For this reason, the targeting of writers and public intellectuals for exercising their freedom of expression should be a source of grave concern to all.

Although the imprisonment of writers is a global phenomenon, regional disparities are also apparent.

During 2019, at least **238** writers and public intellectuals were in prison or held in detention unjustly in connection with their writing.

Just three countries—China, Saudi Arabia, and Turkey—held **141** of the **238** cases in the 2019 Index.

In 2019, countries in the Asia-Pacific region imprisoned or detained **100 writers**, or **42 percent** of the total number captured in the Index, while countries in the Middle East and North Africa imprisoned or detained **73 writers**, or **31 percent**. Together these two regions accounted for **almost three-quarters (73 percent)** of the cases in the 2019 Index. Europe and Central Asia was the third highest region, with **41 imprisoned/detained writers**, or **17 percent** of the 2019 Index; Turkey alone accounted for **30** of those cases. By contrast, incarceration of writers is relatively less prevalent in sub-Saharan Africa, with **20 writers**, or roughly **eight percent** of the count, and the Americas, with **four writers**, just under **two percent** of the count. The vast majority of imprisoned writers, intellectuals, and public commentators are men, but women comprised **16 percent** of all cases counted in the 2019 Index. And while many individuals included in the Index hold multiple professional designations and are, for example, both literary writers and scholars, the most prevalent professions of those incarcerated are: **94 literary writers, 51 scholars, 43 poets, 21 singer/songwriters, 12 publishers, 8 editors, 3 dramatists, and 6 translators.**¹ Out of the **238** writers and public

*During 2019, according to data collected for the inaugural edition of **PEN America's Freedom to Write Index**, at least **238** writers, academics, and public intellectuals were in prison or held in detention unjustly in connection with their writing, their work, or related activism. Many of these individuals have faced long-term detentions without charge, lengthy drawn-out trials, and in some cases severe prison sentences. While a total of **34** countries, ranging from democracies to authoritarian states, held writers behind bars, the majority were in just **three** countries: **China, Saudi Arabia, and Turkey**. Among them, those three held **141** of the total of **238** cases in the Index. In recent years, these three countries have engaged in systematic crackdowns on free expression, including coordinated, mass arrests of literary writers, academics, publishers, columnists, journalists, and others. Of the myriad threats faced by the writers and intellectuals whose cases PEN America tracks, being held in detention or prison is by far the most common.*

¹ Writers and intellectuals in PEN America's Freedom to Write Index and Writers at Risk Database are categorized by multiple professional designations. The numbers of professional designations in a given group of writers are, therefore, not mutually exclusive or collectively exhaustive.

intellectuals counted in the 2019 Index, over **two-thirds** remain in state custody at the time of this report's publication. In part to distinguish the Index from existing counts of journalists in prison and maximize its usefulness as a resource, professional journalists are not counted in the Index except where they are also literary writers, academics, or public intellectuals; PEN America does track and advocate for cases of journalists under threat, however, and many journalists can be found in our Writers at Risk Database.

When they are able to express themselves freely, writers and intellectuals can be influential voices that bear witness to inhumanity, unleash empathy, spark the imagination, and accelerate political reform and social progress. Particularly when writing in local languages, they can explore community concerns and give voice to perspectives that are harder for those in power to dismiss. Literature, in particular, can nurture individual inquiry and challenge orthodoxies in ways both subtle and overt. Through their creative work, authors allow citizens in repressive societies to envision a different future. Authoritarian leaders know this, which is why it should come as no surprise that oppressors frequently turn on those with the creative capacity to offer a vision of a better world. Today, freedom of expression has reached an alarming nadir globally.² Alongside the targeting of journalists and human rights defenders, the detention, imprisonment, and harassment of writers, academics, and creative thinkers form a core element of that larger backsliding, as governments attempt to quash criticism, clamp down on independent voices, and gain control of cultural and historical narratives.

In looking at the cases of writers and academics imprisoned for their work, several patterns emerge. For one, in countries where certain ethnic groups are more broadly discriminated against or subject to repression, we see efforts to silence those writing in

the associated ethno-linguistic minority language, or advocating for linguistic rights, for example with regard to Uyghur in China or Kurdish in Iran and Turkey. We also see efforts to discredit and stop the work of historians whose research counters efforts at historical revisionism. This is particularly true where research is delving into the truths of painful periods in a country's history, such as the Cultural Revolution in China and the Stalinist era in Russia. We also note that, while relatively few of the cases in the Index are women, many of those are targeted in relation to their writing and advocacy on women's rights, and those cases are primarily in Iran and Saudi Arabia. These patterns, explored further below, demonstrate some of the particular ways that writers and public intellectuals may be vulnerable, specifically because of how their work can challenge efforts by governments to advance certain narratives or to maintain or extend restrictions over certain groups.

The Freedom to Write Index represents a new element of PEN America's year-round advocacy on behalf of writers, journalists, artists, intellectuals, and others who are under threat as a result of their writing and creative expression. Another flagship component of PEN America's own advocacy is the PEN/Barbey Freedom to Write Award, given annually to an imprisoned writer targeted for exercising their freedom of expression. Of the **47** jailed writers who have received the Freedom to Write Award from 1987 to 2019, **41** have been released due in part to the global attention and pressure it generates, including **three** in 2019 itself. In all of our advocacy, PEN America works closely with the PEN International Secretariat and Writers in Prison Committee (WiPC), as well as the other members of the global PEN network. The Index and this report draw significantly from PEN International's own 2019 Case List, which in turn reflects input from PEN centers around the world.

² "Global Expression Report 2018-19: Global Freedom of Expression at a Ten-Year Low," *Article 19*, December 2, 2019.

ILHAM TOHTI

ONLINE COMMENTATOR, SCHOLAR

Imprisoned in China

Ilham Tohti is a writer and professor from Artush city, Xinjiang Uyghur Autonomous Region (XUAR). In 2006, Tohti co-founded the website Uyghur Online to promote social interaction between Uyghurs and Han Chinese and to examine the oppression of Uyghurs by the Chinese state. Tohti's powerful defense of human rights has made him a longtime target of the Chinese state.

Authorities first detained Tohti in July 2009 for an article he wrote on political unrest in Urumqi, the capital of XUAR. He was held incommunicado for a month and, for three years after his release, Chinese authorities harassed Tohti, restricted his travel, and threatened his family with violence.

Tohti continued to write. In response to China's December 2013 "grand strategic plan" for XUAR, Tohti publicly expressed fears that Beijing's policies would further oppress Uyghurs. A month later, police arrested him in Beijing and charged him with "separatism." On September 23, 2014 Tohti was sentenced to life in prison, where he has been held since under inhumane conditions. His family has not had contact with him for the past several years.

Jewher Ilham, one of Tohti's three children, now lives in self-imposed exile and has not seen her father since 2013, but she continues to fight tirelessly for his release and to extend the message of his writing: "His work is not simply something for the Uyghurs, it is for China too, and for everyone in our common world society."



"I worry about my homeland and my country falling into turmoil and division. I hope that China, having endured many misfortunes, will become a great nation of harmonious interethnic coexistence and develop a splendid civilization." – Ilham Tohti, My Ideals and the Career Path I Have Chosen

In this report, PEN America will explore trends related to the imprisonment of writers and intellectuals, including an examination of the countries that detain and imprison the largest numbers of writers and intellectuals, the types of legal charges most frequently used to target them, and the additional tactics used to suppress writers' voices.

ABOUT THE FREEDOM TO WRITE INDEX

The 2019 Freedom to Write Index provides a count of the writers, academics, and public intellectuals who were held in prison or detention during 2019 in relation to their writing or for otherwise exercising their freedom of expression. For almost a century, PEN America and the global PEN network have defended the rights of writers and intellectuals to express themselves freely, and advocated on behalf of those who have faced threats as a result of their writing or other forms of expression. The criteria for inclusion in the Freedom to Write Index thus adhere closely to [PEN International's](#) standards for selection for their annual Case List.

The Index is a count of individuals who primarily write literature, poetry, or other creative writing; essays or other nonfiction or academic writing; or online commentary. The Index includes journalists only in cases where they also fall into one of the former categories, or are opinion writers or columnists. To be included in the count, individuals must have spent at least 48 hours behind bars in a single instance of detention between January 1 and December 31, 2019. For the purposes of the Index and the status designations used to classify cases, imprisonment is considered to be when an individual is serving a sentence following a conviction, while detention accounts for individuals held in custody pending charges or those who have been charged and are being held prior to conviction. Writers are, of course, also subject to other types of threats, including censorship, harassment, legal charges without detention, or physical attacks, and these are also analyzed to a lesser degree in this report. The cases included in the Index are based on PEN America's own internal case list, PEN America's Artists at Risk Connection (ARC) case list, and the 2019 PEN International Case List. Additionally, PEN America draws from press reports; information provided by PEN Centers around the world; reports from the families, lawyers, and friends of those in prison; and data from other international human rights, press freedom, academic freedom, and free expression organizations. The methodology behind the Index is explained in greater detail at docs.google.com/document/d/1pkWT_H9jpcwj9MWroh48Jr6ZfHg44h6Kgl_owj_kDUA

Alongside the Index, PEN America is launching a new, searchable database of Writers at Risk, containing details of the writers in our 2019 Index along with hundreds of other cases of writers, journalists, artists, and intellectuals under threat around the world. This database offers researchers, rights advocates, and the public a wealth of actionable evidence of ongoing global threats to free expression. By highlighting the threats experienced by a broad range of writers, the Freedom to Write Index and database complement existing datasets that focus on journalists or scholars, helping paint a more holistic picture of attacks on freedom of expression globally, and shining a light on the impact when individual creative voices are silenced.

CONTROLLING THE NARRATIVE: WRITERS & INTELLECTUALS UNDER THREAT

“You can imprison me but you cannot keep me here.

Because like all writers, I have magic.”

– Ahmet Altan, in his most recent book,

*I Will Never See the World Again*³

The importance of controlling the public narrative has always been evident to those who seek power, and it is part of what puts writers, academics, and intellectuals at particular risk. Through the written word, these individuals hold the power to imagine, to inspire, to question, to pierce through falsehoods and illuminate universal truths. For any regime that seeks to exert absolute power and to shape a single collective narrative, such individuals pose a grave threat. In examining the cases of writers and intellectuals subject to detention and imprisonment, we see several patterns emerge related to this desire to shape the narrative, control language and history, and silence those who call the dominant narrative into question.

The power of books and writing have always been recognized by oppressive regimes. Consider the Nazis carrying out book burnings to rid society of writings deemed to be “subversive.” Recall that enslaved people in the United States were prohibited from learning to read, since that could give them “dangerous” ideas—including that another reality was possible. And consider today the crackdowns on writers and intellectuals in Russia, Turkey, and the Xinjiang region of China; all countries where despotic rulers are trying desperately to control the narrative, and to ensure their own version of both history and

current reality is the one that wins out as “truth.” In each of those countries and many more, governments have done that in part by putting writers and academics behind bars.

Today, we increasingly see disinformation wielded as a weapon of disruption, and the COVID-19 pandemic has spawned a parallel “infodemic” of both accidental misinformation and deliberate disinformation. While this report focuses on writers and intellectuals imprisoned during 2019, the spread of the pandemic has led to new attacks on free expression and on those who have criticized their governments’ response to the crisis. The Chinese government in particular has taken steps to advance its own narrative of a prompt and successful fight against the virus and cracked down on those who have critiqued the government response or questioned the state-sanctioned version of events. Targets have included whistleblower doctors (most notably Dr. Li Wenliang, who died of the virus in February)⁴ and citizen journalists attempting to document the virus’s spread in China (Chen Qiushi, one such reporter, has not been seen since he was detained on February 6),⁵ but also writers, academics, and public commentators. Professor Xu Zhangrun was placed under house arrest in early February after he published an essay criticizing President Xi Jinping’s handling of the crisis;⁶

³ Ahmet Altan, *I Will Never See the World Again: The Memoir of An Imprisoned Writer*, trans. Yasemin Congar (New York: Other Press, 2019).

⁴ Yong Xiong, “Wuhan Hospital Announces Death of Whistleblower Doctor Li Wenliang,” *CNN*, February 7, 2020.

⁵ Vivian Wang, “They Documented the Coronavirus Crisis in Wuhan. Then They Disappeared,” *The New York Times*, February 14, 2020.

⁶ Emma Graham-Harrison and Verna Yu, “‘This may be the last piece I write’: prominent Xi critic has internet cut after house arrest,” *The Guardian*, February 16, 2020; see also Xu Zhangrun’s essay, Xu Zhangrun, “Viral Alarm: When Fury Overcomes Fear,” trans. Geremie R. Barmé, *ChinaFile*, February 10, 2020.



Artist Kacey Wong is bound by red rope bearing the Chinese characters for "abduction" while holding a sign that reads "hostage is well" in protest of the disappearances of Gui and others associated with Causeway Bay Books in February 2016. Photo by Kacey Wong/Wikimedia Commons

the writer Fang Fang has faced online abuse and been attacked in state media for her online diary of life in Wuhan during the lockdown,⁷ and author, academic, and activist Xu Zhiyong has been held incommunicado since mid-February after publishing an essay calling for President Xi to resign and criticizing, among other things, Xi's efforts to hide the truth of the outbreak.⁸ The Chinese government even went after Nobel Prize winning author Mario Vargas Llosa, describing as "irresponsible" a column in the Spanish newspaper *El País* in which Vargas Llosa stated that the virus had originated in China and criticized government attempts to silence those who raised the alarm about the outbreak.⁹ In an interview with *The New York Times* about her decision to document the lockdown, Fang Fang said, "If authors have any responsibilities in the face of disaster, the greatest of them is to bear witness."¹⁰



The exterior of Causeway Bay Books in Hong Kong, owned by publisher Gui Minhai, stands humbly in between stores selling vitamins and clothing. Photo by Prosperity Horizons/Wikimedia Commons



Protesters in Hong Kong hold signs in support of academic and activist Xu Zhiyong's release from prison following his 2013 arrest. Photo by Voice of America Chinese

⁷ "She Kept a Diary of China's Epidemic. Now She Faces a Political Storm," *The New York Times*, April 17, 2020; see also, Helen Davidson, "Chinese writer faces online backlash over Wuhan lockdown diary," *The Guardian*, April 10, 2020.

⁸ Emily Feng, "Rights Activist Xu Zhiyong Arrested In China Amid Crackdown On Dissent," *National Public Radio*, February 17, 2020; Verna Yu, "China activist who called Xi clueless on coronavirus faces years in jail for 'subversion'," *The Guardian*, March 7, 2020.

⁹ Isabella Steger, "China is coming after author Mario Vargas Llosa for saying the coronavirus originated there," *Quartz*, March 16, 2020; see also *Mario Vargas Llosa's* essay, "¿Regreso al Medioevo?" *El País*, March 15, 2020.

¹⁰ "She Kept a Diary of China's Epidemic. Now She Faces a Political Storm," *The New York Times*, April 17, 2020.

REWRITING HISTORY

Governments do not only seek to control the narrative of current events, of course. They also look to control how history is told. And that often requires thwarting the work of historians whose research undermines efforts at historical revisionism. Take, for example, the efforts of the Russian government under President Vladimir Putin to rewrite and rehabilitate the history of the Soviet era, in particular the crimes of Josef Stalin.¹¹ As part of those efforts, historian Yury Dmitriev, who has worked to uncover and document mass graves from the era of Stalinist purges, has been arrested and charged with sexual misconduct involving children. Dmitriev, a historian and head of the Karelia branch of the Russian human rights center Memorial, was first arrested in 2016 and acquitted in 2018, but that acquittal was overturned just two months later, and new charges were brought against him for which he faces up to 20 years in prison; he remains in pre-trial detention, and his attorney

worries for his health in the face of COVID-19.¹² Such charges have been wielded against others in cases where the government has an interest in silencing the accused,¹³ raising questions as to whether they are using such radioactive charges to silence historians and ensure that few will come to their defense. Yet prominent writers, historians, and activists have risen to Dmitriev's defense,¹⁴ and the OSCE has expressed concern that Dmitriev's arrest is "in response to...his work as a historian...investigating crimes committed during the Stalinist era."¹⁵

A fifth of the writers and public intellectuals in the 2019 Index are scholars held in detention or imprisoned by governments for their work.

In China, there have been similar attempts to silence those who are documenting the country's contentious past. Lhamjab Borjigin is an ethnic Mongolian writer and scholar who spent decades



Left: Historian Yury Dmitriev speaks at Sandarmokh, the site of Stalin-era mass graves in August 2013. Photo by Visem/Wikimedia Commons
Right: In 2018, visitors commemorate the memorial site in Krasny Bor, established based on imprisoned writer and academic Yury Dmitriev's historical research. Photo by Natalia Shkurenok/Wikimedia Commons

¹¹ Aryeh Neier, "How Putin's Russia is erasing the memory of Stalin's crimes," *The Washington Post*, September 9, 2015; see also, Irina Sherbakova, "Vladimir Putin's Russia is rehabilitating Stalin. We must not let it happen," *The Guardian*, July 10, 2019.

¹² Marc Bennetts, "Yury Dmitriev, historian of Stalin's purges, charged with sexual abuse," *The Times*, June 28, 2019; see also, Viktor Anufriyev, "It's a threat to his life," interview by Katerina Gordeeva, *Meduza*, April 9, 2020.

¹³ Andrew Higgins, "He Found One of Stalin's Mass Graves. Now He's in Jail," *The New York Times*, April 27, 2020.

¹⁴ "Statement in the case of Yury Dmitriev, "Для достижения несправедливых целей ломается судьба ребенка...," *Novaya Gazeta*, October 27, 2019.

¹⁵ "EU Statement on the Rule of Law and Human Rights Defenders in the Russian Federation," Organization for Security and Co-operation in Europe, July 5, 2018.

collecting oral histories of survivors of the violence of the Cultural Revolution in the Inner Mongolia Autonomous Region (IMAR) for his 2006 book, *China's Cultural Revolution*.¹⁶ He came under threat recently after a new audio version of the book, which describes torture and other brutality doled out by the Chinese Communist Party against ethnic Mongolians during the Cultural Revolution, went viral among ethnic Mongolians—both in the IMAR and in neighboring Mongolia—on social media. In 2018, Lhamjab was placed under house arrest and authorities began confiscating copies of his book; in September 2019 he was convicted of “national separatism” and “sabotaging national unity,” after a trial that lasted just three hours and during which Lhamjab said he was denied a lawyer.¹⁷ He was sentenced to a one-year suspended prison term and currently remains under a strictly-monitored form of house arrest in which his movements and personal communications are severely restricted, and he must report daily to police.¹⁸

Historical memory is a complex and contentious notion in every country, but wrestling meaningfully with difficult questions about the past requires factual historical documentation, open public discussion, and robust academic debate. Writers, academics, and public intellectuals have a critical role to play in such conversations, which is precisely one of the reasons they are under threat.

LANGUAGE AS SUBVERSION

Language is, of course, inextricably connected to narrative, in both the literary and political sense. When governments try to marginalize or silence a population on the basis of their ethnicity, race, or cultural identity, quashing their language is often a key piece of that effort. The very use of a language, therefore, with its connection to individual and collective identity and culture, can be a political act. This is especially true for writers, as keepers and wielders of language.

In countries where certain ethnic or cultural groups are more widely discriminated against or subject to a broader campaign of subjugation or repression, or where language is part of a larger political project, authorities often engage in efforts to silence those writing in the associated language(s), and those who call for the protection of linguistic rights. Since the annexation of Crimea in Ukraine by Russia in 2014, the occupying authorities have made a concerted effort to suppress both the Crimean Tatar and Ukrainian languages in the region, with Russian taking their place.¹⁹ In China we see attempts to limit the use of and target those writing in Tibetan and Uyghur; Tibetan language learning is limited in the Tibet Autonomous Region (TAR),²⁰ and a systematic attack on the Uyghur language is part of the Chinese Communist Party's broader assault on Uyghur culture and identity.²¹ Prominent Uyghur poets, writers, and those contributing to Uyghur-language websites have been targeted for arrest, detention, and prosecution. Tashi Wangchuk, from a predominantly-Tibetan area of China outside the Tibet Autonomous Region (TAR), who documented his support for Tibetan

¹⁶ Wu Jing, “China Tries Ethnic Mongolian Historian For Genocide Book, in Secret,” *Radio Free Asia*, April 12, 2019.

¹⁷ “Southern Mongolia: Historian Tried in Closed-Door Hearing for Publishing on Mongolian Culture,” Unrepresented Nations and Peoples Organization, April 15, 2019.

¹⁸ He Ping, “Ethnic Mongolian Author Sentenced, Placed Under ‘Community Correction’ Order,” *Radio Free Asia*, September 16, 2019.

¹⁹ Lily Hyde, “Crimea’s native tongues,” *New Eastern Europe*, April 12, 2019.

²⁰ Huizhong Wu, “Tibetan language learning eroded under China’s ‘bilingual education’ rights group,” *Reuters*, March 5, 2020.

²¹ Rustem Shir, “A language under attack: China’s campaign to sever the Uighur tongue,” *Hong Kong Free Press*, June 18, 2019.

language rights in a microblog, was detained in 2016 after he appeared in an article and short video feature published by *The New York Times* in late 2015.²² He was sentenced to five years in prison on charges of “separatism” in 2018, and remains behind bars.²³

The Kurdish language is under pressure in Turkey, as part of a broader crackdown on the Kurdish community,²⁴ and in Iran, Zahra Mohammadi, a Kurdish language and literature teacher, head of a cultural association, and linguistic rights activist, was arrested in May 2019 in relation to her work and charged with ‘national security offenses.’²⁵ Mohammadi spent six months in detention before receiving a conditional release in November.²⁶ In India, tensions around ethno-linguistic rights in a political environment of heightened nationalism have led to increased sensitivities around the use of language. A number of Bengali-language Muslim poets faced charges in the state of Assam in India in 2019, in relation to the publication of a poem that criticized the controversial effort to update the National Register of Citizens in Assam.²⁷ These so-called “Miya” poets have been publicly called out for not writing in Assamese, a particularly potent issue in the midst of a debate about who belongs and who is a “foreigner” in India.²⁸

When the very use of a language is politicized and essentially an act of subversion, that compromises the ability of writers to express themselves in their own language. The added burden of political risk that could be involved in merely writing a poem, essay, or novel can force people into self-censorship or leave them with difficult calculations of risk. This is why the protection of linguistic rights is a critical component of ensuring the freedom to write.

WOMEN’S VOICES

Women comprise a relatively small proportion—around **16 percent** globally—of the total number of writers who spent time behind bars in 2019. However, in several countries, namely **Iran, Turkey, and Saudi Arabia**, they make up a much larger proportion of incarcerated writers. Of the **39** women who spent time behind bars in 2019, **24** were held in one of those three countries. **Eleven** of the **39** women were detained or imprisoned specifically in connection with writing and activism on women’s rights. This was particularly common among the women detained or imprisoned in Iran and Saudi Arabia, two countries where extreme restrictions on women’s personal freedoms are wrapped up in the religious and patriarchal narratives of the regimes. The independent voices, the powerful words of these women are themselves a threat to the narrative their governments have set forth. Of the **six** women behind bars in Iran in 2019, **three** were singled out for reprisal because of their writing and advocacy in favor of expanding political and legal rights for women and lessening the social restrictions they face in the country. Of the **eight** women in the 2019 Index detained or imprisoned in Saudi Arabia, **six** were targeted for their writing and outspoken advocacy to advance women’s rights in the country, and largely as part of a 2018 crackdown on writers, bloggers, academics, and activists who had called for an end to the country’s ban on women driving, which was, perversely, accompanied by a government decision to reverse the ban. That the Saudi government would reform the driving law and simultaneously put those who had called for such reforms in prison made clear their actual mo-

²² Jonah M. Kessel, “Tashi Wangchuk: A Tibetan’s Journey for Justice,” *The New York Times*, November 28, 2015.

²³ Chris Buckley, “A Tibetan Tried to Save His Language. China Handed Him 5 Years in Prison.” *The New York Times*, May 22, 2018.

²⁴ Constanze Letsch, “In Turkey, Repression of the Kurdish Language Is Back, With No End in Sight,” *The Nation*, December 21, 2017.

²⁵ “Iran: Kurdish Activist Arbitrarily Detained: Zahra Mohammadi,” Campaigns, Amnesty International, November 13, 2019.

²⁶ Wladimir van Wilgenburg, “Iran releases Kurdish activist, language teacher after 6 month detention,” *Kurdistan24*, December 5, 2019.

²⁷ Scroll staff, “Full text: Academics and writers condemn FIRs against Assam’s Miya poets and their online harassment,” *Scroll.in*, July 22, 2019.

²⁸ Ibid.

LOUJAIN AL-HATHLOUL

ACTIVIST, ONLINE COMMENTATOR

Detained in Saudi Arabia

Loujain Al-Hathloul is a Saudi blogger and women's rights activist. Since May 2018, she has been detained in connection with her writing and activism; the unofficial charges against her include contacting "enemy groups" (e.g. human rights organizations, foreign media), promoting women's rights on social media, and advocating for an end to Saudi Arabia's draconian male guardianship system.

While her current detention is the most aggressive measure that the Saudi government has taken against Al-Hathloul, it is not the first time they have sought to silence her. Over the last decade, Al-Hathloul has become an outspoken voice on women's issues, advocating for reform online and driving publicly before doing so became legal for women. Al-Hathloul had previously been detained in 2014, after attempting to drive into Saudi Arabia from the United Arab Emirates

But Al-Hathloul has remained steadfast in the face of harassment. Despite being subject to inhumane treatment including waterboarding, electrocution, and sexual assault, Al-Hathloul's family claims that in August, she rejected a deal that would have ensured her release in exchange for denying that she was tortured during her detention.

The ongoing legal process against Al-Hathloul and her colleagues has been marked by restricted access to legal representation and unspecified charges due to "privacy concerns," raising questions about due process. While six women's rights activists arrested during the same crack-down were released by the Saudi government in spring 2019, the future is uncertain for Loujain Al-Hathloul.



"Any Saudi citizen might be upset by some incidents that occur in the Kingdom, but that is only a direct sign of one's interest in the betterment of one's own country."

- Loujain Al-Hathloul, A Clarification

tive: to prevent these women’s powerful voices from being heard and to send a clear message to others who might think of raising their voices in dissent.

When governments like those of Xi Jinping, Vladimir Putin, and Mohamed bin Salman insult, imprison, and attempt to discredit writers and intellectuals, they are inadvertently admitting that those individuals’ work is a direct threat to their regimes’ attempts to control the narrative. And in the process, they make the case for why defense of the freedom to write is so critical. Historians and academics probe theories, question assumptions, document truth, and compile the facts and stories that make up a collective history. And through their ability to imagine, create, and inspire, writers, poets, dramatists, and other creative artists can speak truth to power and provide people with hope, and the chance to envision a different world. This is why they are a threat to any regime that seeks to control the hearts and minds of its people.

In his memoir, entitled *I Will Never See the World Again*, Turkish novelist and journalist Ahmet Altan, facing a life sentence, wrote from prison of everything that had been taken from him, but also of all that remained his, saying to his captors: “You can imprison me, but at you cannot keep me here. Because, like all writers, I have magic. I can pass through your walls with ease.”²⁹ Altan’s life sentence was overturned in July 2019, but charges against him were not dropped and in November he received a new sentence of 10.5 years. He was given conditional release, but then re-arrested a week later and remains in prison while the prosecutor appeals the decision to release him.³⁰ His lawyer has noted that at age 70, Altan is at high risk should he acquire COVID-19 while in prison, and has called for his release; while Turkey has started releasing tens of thousands of people

from prison in a bid to stop the virus’s spread, Altan and other political prisoners remain behind bars.³¹

As Altan’s words make clear, storytelling is a form of freedom; so is speaking the truth. Through their words, writers can transcend the bars of prisons, but they should not have to. The **238** writers, academics, and public intellectuals included in PEN America’s 2019 Freedom to Write Index were detained or imprisoned because, through their writing and their work, they shed light on the truth. And in doing so, they threatened the narrative of the powerful. In this moment, when truth is vulnerable, and when the world faces a time of reckoning in which a new future waits to be written, it is imperative that we defend the freedom to write, and work to free those who remain behind bars for daring to exercise that power.



Harvard University’s Kokkalis Program at the Kennedy School hosts Ahmet Altan in January 2012 for a seminar entitled “Turkey and the Obscure Object of Violence.” Photo by Kokkalis Program/Flickr

²⁹ Ahmet Altan, *I Will Never See the World Again: The Memoir of An Imprisoned Writer*, trans. Yasemin Congar (New York: Other Press, 2019).

³⁰ “Turkey arrests journalist Ahmet Altan a week after his release,” *Al Jazeera*, November 13, 2019.

³¹ Kareem Fahim, “Turkish Dissidents Remain Jailed as Thousands of Inmates are Released to Avoid Prison Epidemic,” *The Washington Post*, April 22, 2020.

A CONCENTRATED CRACKDOWN

Countries that held five or more writers and public intellectuals in prison or detention during 2019:

- | | | |
|----------------------|-----------------|----------------|
| 1. China (73) | 4. Iran (14) | 7. Eritrea (8) |
| 2. Saudi Arabia (38) | 5. Egypt (11) | 8. Vietnam (8) |
| 3. Turkey (30) | 6. Myanmar (10) | 9. India (5) |

While a total of 34 countries held writers or intellectuals in prison for their free expression during 2019, cases were most concentrated in a small number of states: just five countries—**China, Saudi Arabia, Turkey, Iran, and Egypt**—account for about **70 percent** of the cases in the 2019 Freedom to Write Index. Not surprisingly, there is a high level of correlation between the countries that held a significant number of writers behind bars and countries that score poorly on the World Justice Project’s Rule of Law Index,³² which measures procedural and criminal justice and the politicization and corruption of the judiciary, suggesting that pliant court systems are a key tool exploited to target writers and intellectuals. The top three violators—**China (73 cases), Saudi Arabia (38), and Turkey (30)**—held **141** of the **238** writers and public intellectuals counted in the 2019 Index, reflective of broad crackdowns against dissident voices in recent years in each country. Perhaps unsurprisingly, the Committee to Protect Journalists also found China, Saudi Arabia, and Turkey to have the largest numbers of journalists imprisoned as of December 1, 2019.³³

The high number of detained or imprisoned writers and intellectuals in China reflects an ongoing crackdown on dissent under President Xi Jinping, but is largely attributable to the Chinese Communist Party’s ramped-up oppression of the country’s Uyghur population. In early 2017, China, which PEN International had already documented as holding the most writers behind bars,³⁴ began to implement “de-extremification” measures that institutionalized the criminalization of Uyghur identity and culture as a matter of purported national security.³⁵ Arrests in the Xinjiang Uyghur Autonomous Region (XUAR), a mere **1.5 percent** of China’s population, accounted for **21 percent** of all arrests in China during 2017,³⁶ and the PEN network has documented increasing cases of detained Uyghur writers since then.³⁷ A total of **73** writers and intellectuals were detained or imprisoned in China in 2019, the vast majority of whom were either in mainland **China (31)** or the **XUAR (32)**; though some were also held in **Hong Kong (6), Tibet (3), and Inner Mongolia (1)**. Among the writers and intellectuals held in detention and prison in China in 2019 were some **34** literary writers, **23** scholars, and **17** poets.

³² “WJP Rule of Law Index 2020,” World Justice Project.

³³ See Elana Beiser, “China, Turkey, Saudi Arabia, and Egypt are world’s worst jailers of journalists,” Committee to Protect Journalists, 2019.

³⁴ PEN International Case List 2016, PEN International, at 10: “China holds the most writers in prison – 23 in 2016.”; see also PEN International Case List 2017, PEN International, at 5: writers, as they have for many decades...China holds 34 writers in prison, including in the Tibet and Xinjiang Uyghur Autonomous Regions.” See also “Writers in Prison List,” Independent Chinese PEN Center.

³⁵ Nick Cumming-Bruce, “U.N. Panel Confronts China Over Reports That It Holds a Million Uighurs in Camps,” *The New York Times*, August 10, 2018.

³⁶ “Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017,” *Chinese Human Rights Defenders*, July 25, 2018.

³⁷ “Writers in Prison List,” Independent Chinese PEN Center; see also PEN International Case List 2018, PEN International, at 39: “One of the most significant developments of 2018 has been the intensification of China’s crackdown on Turkic Muslims, largely Uyghurs from the Xinjiang Uyghur Autonomous Region (XUAR), who have been detained en masse and without charge in political re-education camps under the pretext of countering religious extremism.”



A sparse audience watches a projection of President Xi Jinping beside Etigan Mosque in Kashgar, Xinjiang, in China. Photo by Michael Wong/Flickr

In Xinjiang specifically, scholars, literary writers, publishers, and poets are under considerable threat for sharing or discussing Uyghur culture and language. Many prominent writers, historians, publishers, and poets who disappeared during the initial crackdown in 2017 were finally confirmed to be in detention in 2019, among them Iminjan Seydin, a Uyghur historian and publisher who has since been sentenced to 15 years' imprisonment on purported national security charges.³⁸ Limited public information exists about the situation on the ground in Xinjiang, however, with international journalists facing close monitoring and restrictions on movement, the government completely controlling domestic reporting there, and many people reluctant to speak to the press for fear of detention.³⁹ In the fall of 2019, after internal Chinese Communist Party cables were leaked that revealed details of the detention camps and broader repression in Xinjiang, a coal-

tion of countries called on China to give the UN and other independent international observers “meaningful access” to the region—a call that has so far not been met.⁴⁰ Given

these restrictions, it is a near-certainty that the real number of detained and imprisoned writers and intellectuals in Xinjiang is much higher than independent organizations or media have been able to document.

Saudi Arabia has long been one of the most restrictive countries in the world for human rights and for freedom of expression in particular. But as Crown Prince Mohammed bin Salman has consolidated his power in recent years, the country has seen an even more intense crackdown on dissent. This largely began in mid-2018, with the arrest in May and June of a number of writer-activists who were advocates for women's rights.⁴¹ This was followed by the brutal, state-sanctioned murder of exiled journalist and Washington Post columnist Jamal Khashoggi inside the Saudi consulate in Istanbul in October.⁴² In further waves of arrests in April and November 2019, Saudi authorities detained prominent writers and activists in a series of home raids,⁴³ a move widely viewed as an attempt to further shut down domestic criticism of the Saudi regime and a demonstration of disregard for the international condemnation that followed Khashoggi's murder.⁴⁴

32 of China's 73 cases of imprisoned writers and intellectuals were held in the Xinjiang Uyghur Autonomous Region in 2019, although that number is likely an underestimate.

³⁸ Jilil Kashgary, “Prominent Uyghur Historian Confirmed Jailed in Xinjiang Over Published Book,” *Radio Free Asia*, December 11, 2019.

³⁹ Andrew McCormick, “How extensive restrictions have shaped the story in Xinjiang, China,” *Columbia Journalism Review*, October 16, 2018; AFP, “Fake tourists and car crashes: How China blocks reporters in Xinjiang,” *France24*, June 27, 2019; Matt Schiavenza, “Why It's So Difficult for Journalists To Report From Xinjiang,” *Asia Society*, May 23, 2019.

⁴⁰ Juliette Garside and Emma Graham-Harrison, “UK calls for UN access to Chinese detention camps in Xinjiang,” *The Guardian*, November 25, 2019.

⁴¹ “Saudi Arabia: Unrelenting Crackdown on Activists,” *Human Rights Watch*, June 20, 2018.

⁴² Bethan McKernan, “Jamal Khashoggi Murder: Timeline of Key Events,” *The Guardian*, December 23, 2019.

⁴³ “Saudi Arabia: New Wave of Arrests of Activists Reflects Authorities' Obliviousness to International Scrutiny and Human Rights,” *ALQST*, April 8, 2019; “Crackdown Continues with More Arrests and Further Measures Against Existing Detainees,” *ALQST*, November 25, 2019.

⁴⁴ Vivian Yee and David D. Kirkpatrick, “Saudis Escalate Crackdown on Dissent, Arresting Nine and Risking U.S. Ire,” *The New York Times*, April 5, 2019.



Lina Al-Hathloul (left), sister of imprisoned writer-activist Loujain Al-Hathloul (right), advocates for Loujain's release at a public event co-sponsored by PEN America in September 2019 on Capitol Hill to commemorate the life of Jamal Khashoggi and advocate for those still under threat in Saudi Arabia. (Left image: Wikimedia Commons; right image: POMED/Flickr)

The 2019 Index identifies 38 writers and intellectuals held in prison or detention in **Saudi Arabia** during 2019, many of whom had engaged in independent commentary online—one of the few spaces that remained for some independent speech in the Kingdom. In April 2019, Saudi feminist writer and online commentator Khadija Al-Harbi was arrested while in the late stages of pregnancy, alongside her journalist and blogger husband, Thumar Al-Mazouqi. With the couple still in detention on unknown charges, many believe their public support of feminist activists, including writer and social media commentator Loujain Al-Hathloul, made them a target of the state. The targeted imprisonment of independent opinion writers and bloggers, some of whom had essentially retired from writing or who were no longer producing large amounts of written work at the time of their detention, reflects the Crown Prince's ongoing effort to send a clear message about the dangers of expressing independent criticism or dissenting views in the Kingdom.⁴⁵

Arrests in **Turkey**, which held at least 30 writers and intellectuals during 2019, skyrocketed in the wake of the failed July 2016 coup against President Recep Tayyip Erdoğan, after which hundreds of academics,

writers, journalists and human rights activists faced prosecution.⁴⁶ Erdoğan placed the blame for the coup on U.S.-based cleric Fethullah Gülen, a one-time ally and now adversary, and as a result association with the Gülenist movement has become a catch-all for putting critics behind bars.⁴⁷ While some of those detained in the wake of the failed coup have since been released, others remain in prison as protracted legal cases wind their way through the courts, and more have continued to be detained in the years since 2016.

Rounding out the worst offenders worldwide are **Iran**, which held 14 of the writers and intellectuals identified in the 2019 Index, and **Egypt**, which held 11. In 2013, President Hassan Rouhani assumed office in Iran after campaigning on the promise of liberal reform, including the expansion of individual freedoms and free speech policies. President Rouhani's government, however, remains notorious for opaque judicial processes, arbitrary detentions, and extreme penalties for writers, including novelists, short story writers, and academics. Iranian writer and activist Golrokh Ebrahimi Iraee has been in and out of several prisons, including the notorious Evin prison, since September 2014 when she was first arrested.

⁴⁵ Andrew Roche, "Saudi Economist Who Criticized Aramco IPO: Charged with Terrorism: Activists," *Reuters*, October 1, 2018.

⁴⁶ Elizabeth Redden, "Peace Petition Signatories Face Continued Prosecutions," *Inside Higher Ed.*, July 1, 2019.

⁴⁷ Fethullah Gülen, "Cleric Accused Of Plotting Turkish Coup Attempt: 'I Have Stood Against All Coups'," interview by Robert Siegel, *All Things Considered*, National Public Radio, July 11, 2017.

AHMET ALTAN

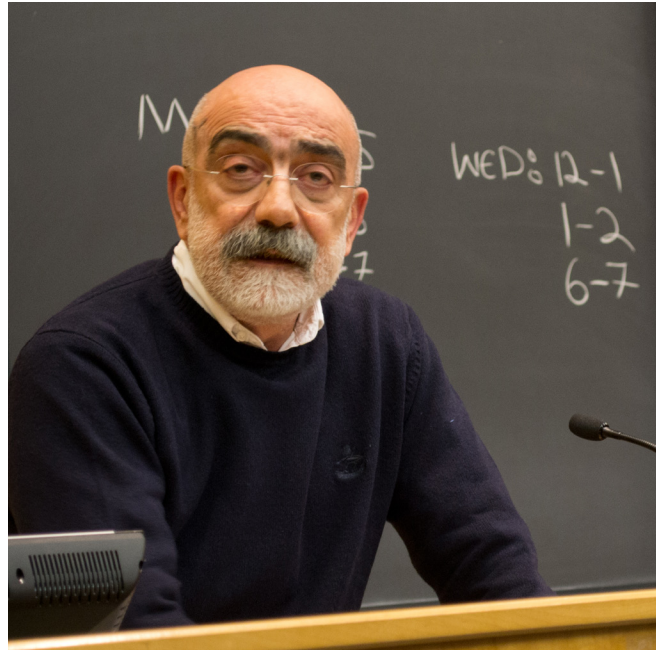
LITERARY WRITER, JOURNALIST

Imprisoned in Turkey

Ahmet Altan is a best-selling novelist, journalist, and founder of Taraf, a now defunct Turkish daily newspaper. In his role as editor-in-chief, Altan used Taraf to spotlight government corruption and the outsized role of the military in political affairs. In 2013, he was found guilty of defamation for an editorial criticizing President Erdoğan's role in the Uludere Massacre of 34 Kurds crossing the border from Iraq, though his sentence was commuted in favor of a fine. Altan is also the author of ten novels, all bestsellers in Turkey, and seven books of essays.

On September 10, 2016, Ahmet Altan was arrested again, along with his brother Mehmet, for allegedly spreading subliminal messages on a television appearance the night before the July 16 attempted coup against Erdoğan. This was part of a widespread media purge in Turkey in which 131 media outlets were shuttered and 117 journalists were arrested, in an astonishing crackdown on free expression. Mehmet Altan was ultimately acquitted and released from detention in July 2019, but Ahmet Altan remains in prison, having now spent nearly three and a half years in Turkish custody. He was conditionally released last November, but the Turkish state swiftly sought to silence Altan, filing an appeal of the judge's order and re-arresting him only eight days later.

In prison, Altan has become an advocate for the rights of the incarcerated. In October 2019, he published his memoir *I Will Never See the World Again*, a book intended to humanize those with him in prison, and he also has published his story in *The Guardian*. True to his fearless roots, Altan continues to use his words to advocate for the freedom of others—no matter his own circumstance.



"You can imprison me but you cannot keep me here. Because like all writers, I have magic."

– Ahmet Altan, in his most recent book *I Will Never See the World Again*.

She was sentenced to six years in prison in 2015 on propaganda charges for an unpublished fictional story concerning the practice of stoning as a criminal punishment.⁴⁸ Released in April 2019, when she had served over half her sentence, Iraee was rearrested in November 2019.⁴⁹ In recent years, Iran has also stepped up its arrests of writers of Iranian origin but based overseas. In June 2019, Dr. Fariba Adelkhah, a French-Iranian anthropologist conducting research in Iran, and Dr. Roland Marchal, a French sociologist visiting Dr. Adelkhah, were both arrested and detained on propaganda and national security charges.⁵⁰ Dr. Marchal was released in a prisoner swap between Iran and France in March 2020, but Dr. Adelkhah remains in poor health at Evin Prison,⁵¹ where detainees are subjected to considerable health risks and dangerous conditions. The concern for incarcerated political prisoners in Iran has only intensified with the outbreak of COVID-19 in early 2020. Prominent lawyer, writer, and activist Nasrin Sotoudeh, who was re-arrested in June 2018 and is currently serving a combined 38-year prison sentence on trumped-up national security charges after being convicted in absentia, announced in mid-March that she would begin a hunger strike to advocate for the release of political prisoners while Iran battles COVID-19.⁵²

The situation for freedom of expression has deteriorated significantly in **Egypt** over the past seven years under President Abdel Fattah El-Sisi's rule, with novelists, songwriters, poets, and scholars among those targeted by his regime. Ibrahim Al-Husseini, an elderly short story writer, poet, and activist with multiple health concerns, was arrested in December 2018; according to Al-Husseini's family, police told



Protesters organize in front of Dutch Parliament at The Hague in December 2012 to call for the release of Nasrin Sotoudeh from prison in Iran. Photo by PersianDutchNetwork/Wikimedia Commons

them his arrest was connected to things he had said on social media.⁵³ In addition to seizing his computer and other devices, police confiscated numerous books in Al-Husseini's possession. After three months in detention on charges of 'inciting a demonstration,' Al-Husseini was conditionally released in February 2019, pending a possible trial. Researcher and freelance journalist Ismail Alexandrani was arrested at an Egyptian airport upon his return from an international policy conference in 2015.⁵⁴ Alexandrani's work included writing about the Egyptian government's controversial—and highly opaque—counterterrorism operations in the Sinai Peninsula, making him a prime target for a regime bent on maintaining a lock on information about the Sinai operations. Over four years later, Alexandrani remains in custody, serving

⁴⁸ "Golrokh Ebrahimi Iraee," United States Commission on International Religious Freedom.

⁴⁹ "Iran: Stoning writer rearrested as Revolutionary Guards block review of her conviction," Amnesty International, January 27, 2017; "Golrokh Ebrahimi Iraee," United States Commission on International Religious Freedom.

⁵⁰ "The Facts About Fariba Adelkhah and Roland Marchal: What We Know," Information and FAQs, SciencesPo.

⁵¹ Agence France-Presse, "Iran 'frees French researcher under prisoner exchange deal,'" *The Guardian*, March 21, 2020.

⁵² Joseph Hincks, "Jailed Iranian Activist Begins Hunger Strike to Demand Release of Political Prisoners Amid Country's Coronavirus Crisis," *Time*, March 17, 2020.

⁵³ "Writer Ibrahim al-Husseini Arrested, Detained in Unknown Location," *Mada Masr*, December 10, 2018.

⁵⁴ "Egypt Arrests Prominent Journalist Over 'False Information,'" *Yahoo News*, December 1, 2015.

NASRIN SOTOUDEH

ACTIVIST, JOURNALIST

Imprisoned in Iran

Nasrin Sotoudeh is a human rights lawyer and public intellectual who has represented Iranian opposition activists and politicians, women who protested Iran's forced hijab laws, and prisoners sentenced to death for crimes they committed as minors. A fearless advocate, Sotoudeh has faced harassment and intimidation for years and spent time in and out of prison since 2010.

On June 13, 2018, Nasrin was arrested and taken to the notorious Evin prison, where she is currently being held. Upon her arrest, she was informed that she had been sentenced in absentia to five years in prison for her work as an attorney. After two unfair trials and months of being denied the right to choose her own lawyer, seven more charges were added to her sentence, which totals 38 years and 148 lashes.

Although Sotoudeh has been banned from practicing law and has faced psychological mistreatment throughout her time in prison, she has never compromised her values. Even behind bars, Sotoudeh has kept fighting, refusing to appear at unfair trials and undertaking hunger strikes. It is clear that in fighting for her own freedom, she is also fighting for the freedom of others, especially her fellow political prisoners in Evin. Writing about her own captivity, she uses the word "we" instead of "I" to describe her abuse, never forgetting the community for which she advocates.

In a letter written from prison on International Women's Day, Sotoudeh implored the Iranian government to "end their animosity" toward the world and its own citizens, and asked human rights defenders around the world for support.



"My dear Reza, everyone ponders about their freedom while in prison. . . .

Although my freedom is also important to me, it is not more important than the justice that has been ignored and denied Nothing is more important than those hundreds of years of sentences that were rendered to my clients and other freedom-seeking individuals, accused of crimes they had not committed."

- Sotoudeh in a letter to her husband, which he shared on Facebook in 2014.

a ten year prison sentence on national security charges of obtaining and publishing military secrets, as well as joining a banned group and spreading false news.⁵⁵ From informal opinions posted online to thoroughly researched political criticism to artistic expression, the Egyptian state provides little space for dissent in the public sphere.

At least **ten** writers and intellectuals were in prison during 2019 in **Myanmar**. Seven of those individuals were put in prison during 2019, and six of them are members of the Peacock Generation, a satirical poetry troupe that specializes in the traditional art form of Thangyat, a type of slam poetry. The group's members were arrested in April and May, and in October were sentenced to a year in prison with hard labor for mocking the military in a performance that was also streamed online; additional sentences were handed down in November and December.⁵⁶ The group's members were found guilty under a law that criminalizes information that could "demoralize" the military.⁵⁷ Filmmaker and screenwriter Min Htin Ko Ko Gyi was arrested in April 2019 and sentenced under the penal code to one year in prison with hard labor in September for criticism of the military (he was released in February 2020 partly due to ill-health, but other charges against him remain pending).⁵⁸ Both local and international rights groups have documented a deteriorating environment for free expression in Myanmar in recent years, despite hopes it would improve after the country's first

democratic elections in 2016 after decades under a military junta.⁵⁹ A range of restrictive laws, many held over from either colonial- or military-era rule, are still being used to constrain expression, particularly of those who expose or criticize the military, which still maintains significant political power, despite the election of a civilian-led government.⁶⁰

Eritrea and **Vietnam** each held **eight** writers in prison in 2019. In Eritrea, many of these writers have been detained for nearly two decades, having initially been arrested as part of a crackdown on dissent in the country in the week after the attacks of September 11, 2001.⁶¹ Information about these cases is extremely limited, and explicit charges remain unknown. Among these cases is Amanual Asrat, a writer and poet against whom authorities have yet to bring disputable charges. In **Vietnam**, **seven** of the **eight** writers who spent time in jail in 2019 had published their writing online. The lengthy imprisonments of bloggers Truong Duy Nhat, serving a ten-year sentence for charges of fraud thought to be connected to his critical exposés of the Communist Party,⁶² and Ho Van Hai, serving a four-year sentence for posting "anti-state propaganda" by rallying support for protests following Vietnam's 2016 Formosa environmental disaster,⁶³ demonstrate the longstanding risks associated with online expression in the country. Yet many Vietnamese writers and artists still viewed Facebook and other online platforms as a last bastion for creativity and open dialogue in the country;

⁵⁵ "Military Court Sentences Journalist Ismail Alexandrani to 10 Years in Prison," *Mada Masr*, May 22, 2018.

⁵⁶ Amnesty International, "Satire performers who mocked Myanmar military face prison in 'appalling' conviction," press release, October 29, 2019; "Myanmar: Further information: New convictions for 'peacock generation' members," Campaigns, Amnesty International, December 17, 2019.

⁵⁷ Associated Press, "Myanmar actors jailed with hard labour for show poking fun at military," *The Guardian*, October 30, 2019.

⁵⁸ Naw Betty Han, "Filmmaker Min Htin Ko Ko Gyi sentenced to one year's hard labour," August 29, 2019, *Frontier Myanmar*.

⁵⁹ "2019 Mid-year Report on Status of Freedom of Expression in Myanmar," *Athan*, November 4, 2019; "Dashed Hopes: The Criminalization of Peaceful Expression in Myanmar," *Human Rights Watch*, January 31, 2019.

⁶⁰ "Dashed Hopes: The Criminalization of Peaceful Expression in Myanmar," *Human Rights Watch*, January 31, 2019.

⁶¹ "PEN International Case List 2018," PEN International, 17.

⁶² "Vietnamese blogger Truong Duy Nhat, who disappeared in Thailand, imprisoned in Vietnam," *Committee to Protect Journalists*, March 21, 2019.

⁶³ Joshua Lipos, "Vietnam Hands Blogger Ho Van Hai Four-Year Jail Term for 'Anti-State Propaganda,'" *Radio Free Asia*, February 1, 2018.

thus, they were alarmed when a new cybersecurity law also went into effect at the beginning of 2019.⁶⁴ The bill has indeed been used to prosecute those who criticize the government online.⁶⁵

India stands out as the only relatively open and democratic country to fall among the top 10 countries imprisoning writers and public intellectuals in 2019, with five cases documented (in addition to several dozen cases of writers facing other types of active threats). While India is still rated as 'Free' in Freedom House's annual Freedom in the World report, its numerical scores and relative democracy ranking have declined in recent years, in part due to the worsening

situation for free expression.⁶⁶ Those in prison or detention in 2019 include the poet and leftist intellectual P. Varavara Rao, writer and artist Arun Ferreira, and writer and scholar Vernon Gonsalves, who were all detained in August 2018 alongside a number of other activists in relation to inter-caste violence that broke out during a protest in 2017.⁶⁷ Notably, many of those arrested had a long history of work on behalf of minority and marginalized groups in India.⁶⁸ Other Indian writers have been vocal in calling for the release of Rao, Ferreira, and Gonsalves, and with the case continuing to drag on, some 40 prominent writers issued a plea for Rao's release, given the risks from COVID-19 that the 80-year-old faces in prison.⁶⁹



Police in Hyderabad, India detain a protester demonstrating against the arrest of writer P. Varavara Rao in August 2019. Photo by AP Photo/Mahesh Kumar A.

⁶⁴ Adam Bemma, "The singer raising her voice against Vietnam's new cyber-law," *Al Jazeera*, December 31, 2018.

⁶⁵ See e.g., "Vietnam: Crackdown on Rights," *Human Rights Watch*, January 14, 2020: Human Rights Watch reported that Vietnam's new cybersecurity law was used to convict at least 25 people for expressing opinions critical of the government on social media platforms in 2019, the law's first year. See also Rina Chandran, "Deadly land dispute in Vietnam sparks crackdown on 'critical' social media," *Reuters*, January 16, 2020.

⁶⁶ "India," "Freedom in the World 2020," *Freedom House*, last modified 2020.

⁶⁷ Vishwas Kothari and Gitesh Shelke, "Elgar Parishad: Raids in 7 cities, 5 activists arrested; more could be raided in coming days, say police," *The Times of India*, August 29, 2018.

⁶⁸ Scroll staff, "Bhima Koregaon violence: Activists arrested in Delhi, Mumbai, Hyderabad," *Scroll.in*, August 29, 2018.

⁶⁹ Kuwar Singh, "Bhima Koregaon arrests: Who are Bhardwaj, Rao, Navlakha," *Quartz India*, August 29, 2018; Suvojit Bagchi, "Activists' arrests: Situation potentially more dangerous than Emergency, says Arundhati Roy," *The Hindu*, August 28, 2018; Express News Service, "40 writers request PM Modi to release Varavara Rao," *The New Indian Express*, April 17, 2020.

CASE STUDY INDIA, ASIA-PACIFIC

P. VARAVARA RAO

ACTIVIST, LITERARY WRITER, POET

Detained in India

P. Varavara Rao is a renowned Indian poet, literary critic, and political activist. Regarded as one of the finest Marxist critics in Telugu literature, Rao has been frequently targeted by government authorities for his political opinions and has spent most of his adult life in and out of prison.

Rao was first jailed amid the 'Emergency' in 1975, during which the government of Indira Gandhi arrested political dissidents en masse to curb unrest. Over the course of the next decade, Rao was subject to public harassment, police beatings, and repeated attacks by government mercenaries, so much so that in 1985, fearing for his life, he elected to cancel his bail and return to prison, where he remained for the next three years.

During his time in prison, Rao developed a powerful political identity, allying himself with the leftist Naxalite movement to speak out against the country's shift towards economic liberalization during the 1990s. Most recently, in August 2018, he and four other human rights activists were arrested and charged with conspiring to assassinate Prime Minister Narendra Modi in what has been seen as an attempt to silence their political speech. He remains in custody and faces ongoing legal action.

Over the past five decades, successive governments have attempted to deprive Rao of his right to free expression. He has been charged in over 30 separate court cases and survived countless attempts on his life. Frequently barred from reading or writing in his native Telugu, he has seen his poetry burned before him and his correspondence from prison seized by government authorities. Yet, Rao continues to write, refusing to allow the Indian government to define his literary legacy. His wife and family ask free expression advocates around the world for support in securing his release from arbitrary detention.



In **Cuba**, the Index documents **four** writers held in prison or detention during 2019. Cuba has also seen a further closing of space for creative expression in the wake of the passage of Decree 349 in December 2018, which establishes a framework for official regulation of independent creative work.⁷⁰ Many writers and artists in Cuba face ongoing harassment, including brief, repeated detentions and official censorship of their work. Luis Manuel Otero Alcántara, a performance artist and activist whose work often directly targets the Cuban government, has been detained a remarkable 21 times since 2017.⁷¹ Rapper Lázaro Leonardo Rodríguez Betancourt, known as Pupito En Sy, has faced harassment, and spent much of 2019 behind bars. After spending nine months in detention on spurious assault and bribery charges in relation to his public opposition—including through his music—to Decree 349, he was acquitted in August 2019.⁷² Only four months later, in November 2019, he was arrested again; in this case, on charges of ‘spreading epidemics’ following his refusal of an unauthorized home search by a public health

inspector.⁷³ Rodríguez Betancourt currently remains in detention on the alleged ‘epidemics’ charge.

A total of **34** countries held writers and public intellectuals in prison or detention during 2019.

Twenty-four other countries held between one and three writers or intellectuals in prison in connection with their writing or expression during 2019. Unsurprisingly, repression of free expression tracks strongly with the general level of freedom in a country. In total, just four of the 34 countries with writers imprisoned were rated as ‘Free’ in Freedom House’s “Freedom in the World 2020” report, and only two of those, India and Spain, held more than one writer behind bars during the year;⁷⁴ the vast majority of countries included in the Index were rated as ‘Not Free.’⁷⁵ However, the inclusion of democratic states in the list demonstrates that targeting writers is not solely the purview of highly repressive dictatorships or authoritarian states, but is a tactic employed more broadly to clamp down on prominent voices of dissent.

⁷⁰ “Art Under Pressure,” Artists at Risk Connection at PEN America, March 2019.

⁷¹ “Profile: Luis Manuel Otero Alcántara,” Artists at Risk Connection at PEN America.

⁷² María Matienzo Puerto, “Rapero cubano Pupito En Sy ahora solo quiere rap,” *Cubonet*, August 26, 2019; “En libertad el rapero Pupito en Sy,” *Radio Televisión Martí*, August 25, 2019.

⁷³ Alberto de la Cruz, “Reports from Cuba: Rapper ‘Pupito en Sy’ sentenced to one year in prison for ‘spreading epidemic,’” *Babalú Blog*, December 1, 2019.

⁷⁴ India, Spain, Israel, and the United Kingdom are included in the 2019 Freedom to Write Index and are rated ‘Free’ in Freedom House’s “Freedom in the World 2020” report.

⁷⁵ “Freedom in the World 2020,” *Freedom House*, 16 and 17; see also “Global Freedom Status,” *Freedom House*.

AN ARRAY OF SPURIOUS CHARGES USED TO TARGET WRITERS

For each writer or intellectual included in this Index, there is broad agreement among human rights organizations and other observers that the allegations against them are spurious and that they are facing reprisal for their written work, related activism, or other forms of expression. Yet even in the most authoritarian states, it is rare for criminal charges to explicitly reflect that fact; instead, most of those targeted for their freedom of expression are spuriously charged under the cover of other legal statutes, for example laws related to national security, defamation, disinformation, hate speech, or threats to religious authority. Some of these, such as criminal defamation or laws regarding threats to religious authority, have been relied upon for decades to suppress speech. The use of national security-related charges saw a global uptick after September 11th, and in recent years have been increasingly utilized in countries like Egypt or Turkey as part of broader government crackdowns on particular groups, specifically the Gülenists in Turkey or the Muslim Brotherhood in Egypt. Charges of spreading “false information” or “fake news” are not entirely new, but such laws have become more common globally both in response to widespread concerns about actual disinformation and as a means of exploiting those concerns to restrict dissenting views.⁷⁶ President Trump’s use of the term “fake news” to describe press coverage he dislikes has likely helped give cover to autocrats who use such claims more broadly and take their retribution farther. Indeed, the COVID-19 crisis has spurred another uptick in the passage of anti-disinformation laws that could pose long-term threats to free expression.⁷⁷

Writers and public intellectuals held behind bars in 2019 were most commonly detained on the basis of national security-related charges. Of the **238** individuals included in the 2019 Freedom to Write Index,

Over half of the writers and intellectuals in the 2019 Freedom to Write Index have been detained on the basis of national security-related charges.

126, or over half, were prosecuted under such laws. While the specifics vary from country to country, national security laws are often vague and broadly-worded, giving authorities the leeway to apply them liberally. They also often carry grave penalties in the event of a conviction. The Chinese government’s persecution of Uyghur writers and academics, and Turkish President Erdoğan’s campaigns against his political critics demonstrate that ‘security’ is often synonymous with adherence to the government’s policies and narrative.



*A mural by artist Banksy in the Bowery depicting the days Zehra Doğan had spent in prison for her painting of the destruction in the Turkish city of Nusaybin.
Photo by Victoria Pickering/Flickr*

⁷⁶ “Factbox: ‘Fake News’ laws around the world,” *Reuters*, April 2, 2019.

⁷⁷ Sophie Armour, “Hastily introduced ‘fake news’ laws could damage efforts to counter disinformation, UNESCO reports warn,” *Tech Xplore*, May 6, 2020.

In Turkey, the state has wielded national security charges with abandon against a wide array of critical voices, a trend that dramatically escalated after the 2016 attempted coup. A striking 30 out of 30 writers and intellectuals in Turkish jails and prisons during 2019 were held on national security charges. Writers and public intellectuals who are critical of President Erdoğan's leadership and governance; who are claimed to have connections to the Gülenist movement; or sympathies with Kurdish or other ethnic minority concerns are kept in custody on charges of 'glorifying terrorism' or participating in a 'parallel state.' Given the long history of Kurdish separatism in the southeast of the country, led by the Kurdistan Workers' Party (PKK), a militant and political group, writing on Kurdish issues or the conflict itself is frequently conflated with support for or glorification of terrorism. Zehra Doğan, a Turkish writer, artist and journalist, was arrested in July 2016 after painting the city of Nusaybin bombarded by the Turkish military during a period of intense fighting with the PKK; Doğan's painting, which heavily referenced a photograph of the undisputed destruction in the aftermath of the bombardment, was presented as evidence of her involvement with the PKK.⁷⁸ She was released in February 2019 after spending 600 days in prison.⁷⁹

In China, the central importance of state-defined national unity is commonly used against writers and public intellectuals who advocate for political reforms. Legal charges portray these writers and intellectuals as scandalous instigators, treasonous actors, or separatists—rather than citizens engaging in legitimate political debate or criticism. In 2019, over half of the writers and intellectuals who served time in Chinese prisons were detained or imprisoned under national security charges. Chinese authorities even reach beyond their own borders to pursue

critical voices, as has been the case with publisher, writer, and bookseller Gui Minhai. In late 2015, Gui, a Swedish citizen based in Hong Kong, disappeared from his vacation home in Thailand and appeared months later in Chinese custody.⁸⁰ On February 25, 2020, after years in detention or house arrest, forced public confessions, and a lengthy, opaque trial throughout which he had difficulty accessing Swedish consular services, Gui was sentenced to ten years imprisonment and five years' deprivation of political rights for "illegally providing intelligence overseas,"⁸¹ a charge likely levied in retribution for his cooperation with Swedish officials attempting to secure his release.



Writer and publisher Gui Minhai was sentenced to ten years' imprisonment in China. Photo by GUE/NGL/Wikimedia Commons

Charges against Uyghur scholars, poets, publishers, and journalists in the XUAR commonly accuse them of 'inciting ethnic separatism' in response to these writers and public intellectuals' discussion or promotion of Uyghur language, culture, and history. Perhaps most well-known is Ilham Tohti, a Uyghur writer, professor, and co-founder of Uyghur Online (also known as Uighurbiz), a website intended to build understanding between Uyghurs and Han Chinese. He was arrested and found guilty of separatism in 2014, and is serving a life sentence.⁸² Since 2017, he has been held incommunicado, with no access to his

⁷⁸ Perwana Nazif, "Turkish Artist Zehra Doğan Sentenced to Jail for Painting," *artnet news*, March 24, 2017.

⁷⁹ Dorian Batycka, "Artist and Journalist Zehra Doğan Released from Turkish Jail After Nearly Three Years," *Hyperallergic*, February 25, 2019.

⁸⁰ Austin Ramzy, "China Sentences Hong Kong Bookseller Gui Minhai to 10 Years in Prison," *The New York Times*, February 25, 2020.

⁸¹ "Gui Minhai: Hong Kong bookseller gets 10 years jail," *BBC News*, February 25, 2020.

⁸² Edward Wong, "China Sentences Uighur Scholar to Life," *The New York Times*, September 23, 2014.



In August 2019, protesters occupy the streets of Hong Kong in opposition to new legislation introduced earlier in the year, in April, allowing the extradition of criminal suspects to mainland China. Photo by Studio Incendo/Flickr

family or his lawyers.⁸³ A number of his Tohti's students and colleagues have also been detained.⁸⁴

Twenty-nine writers and intellectuals detained or imprisoned in 2019 faced some form of **retaliatory criminal charge**, levied in apparent reprisal for their writing or other forms of expression. Tax evasion, "obstructing official business," criminal conspiracy, and assault are just a few examples of the spurious retaliatory charges that have been wielded against writers and intellectuals in cases where the clear target is actually their work or their advocacy. While such charges offer some recourse in that the accused and their lawyer can mount a legal challenge to what are often clearly trumped-up charges with no evidentiary basis, they nonetheless deplete the resources and occupy the time of those accused; in the most severe cases, individuals may spend years behind bars fighting to overturn the charges. Yuli Riswati, an Indonesian writer, citizen journalist, and activist for migrant workers' rights, was detained on November 4, 2019 and held for 29 days by Hong Kong immigration authorities⁸⁵ in apparent retaliation for her coverage of the Hong Kong pro-democracy protests, but officially she was held on grounds that she overstayed her visa and had no

local residence. Despite numerous letters of support from employers testifying to her proof of employment and residency and a campaign on her behalf by Hong Kong-based writers, Hong Kong authorities deported

"I use my writing to speak truth to power because I have variously tested and tasted the power of writing." - PEN International interview with Dr. Stella Nyanzi, December 14, 2017

Riswati to Indonesia on December 2, 2019.⁸⁶

Criminal defamation laws, "fake news," laws, and laws around insulting institutions of authority are all too often used to target writers, often for their

critiques of those in power. And while non-criminal defamation laws can be used fairly within the context of the rule of law, legislation banning "insults" is inherently a violation of the fundamental freedom of expression. During 2019, at least 26 writers and intellectuals were detained on charges related to insulting or defamatory statements. Nearly all of them also face additional charges, most commonly related to national security or organizing and assembly. Dr. Stella Nyanzi, a Ugandan writer, academic, and vocal critic of President Yoweri Museveni, spent approximately 16 months in prison on charges of "cyber harassment



Police lead writer and academic Dr. Stella Nyanzi to Buganda Road Court in Kampala, Uganda in April 2017, following the online publication of her poetry about President Museveni and his mother. AP Photo

⁸³ "Ilham Tohti: Uighur activist's daughter fears for his life," *BBC News*, December 18, 2019.

⁸⁴ "China jails students of Uighur scholar Ilham Tohti," *BBC News*, December 9, 2014.

⁸⁵ Kris Cheng, "Indonesian woman who covered Hong Kong protests as a citizen journalist deported over visa issue," *Hong Kong Free Press*, December 2, 2019.

⁸⁶ Max Walden, "Hong Kong protest reporter, Indonesian citizen journalist Yuli Riswati, deported after detention," *ABC News*, December 8, 2019.

and offensive communication,” after posting a poem to Facebook in which she wrote critically about President Museveni and his mother.⁸⁷ Although she was released in February 2020 on successful appeal of her conviction, Dr. Nyanzi continues to face charges on similar claims from 2017, again related to poems she posted online.⁸⁸

Egyptian poet and songwriter Galal El-Behairy is serving a three-year sentence on charges of spreading false news and insulting the military, in relation to both his lyrics to the song “Balaha,” which criticized the state of the Egyptian economy and government corruption, and to his unreleased book of poetry. In the United Arab Emirates, poet and activist Ahmed Mansoor is serving a 10 year prison sentence for criticizing the government on social media.⁸⁹ The official charges against him include insulting the “status and prestige of the UAE and its symbols” and seeking to damage the UAE’s relationship with neighboring countries by publishing false reports and information on social media.⁹⁰ Mansoor had been previously arrested in 2011 after calling for democratic reforms in the country during the early days of the Arab Spring.⁹¹ Initially detained in 2017, Mansoor’s 10-year sentence began in May 2018; since then, he has gone on multiple hunger strikes to protest the poor treatment and torture he has endured during his incarceration, including extended periods in solitary confinement.⁹²

While many countries seek unrelated pretextual charges to cover their attempts to crack down on free expression, in some cases governments simply do not bother, and rely on laws that are themselves

violations of basic human rights, including those that excessively restrict **assembly, organizing, and activism**. Anti-protest laws are not only used to restrict the democratic right of petitioning one’s government, but writers and online commentators in particular can be targeted for inciting protest; at least 30 of those included in the 2019 Index were prosecuted under such laws. Abdullah Benaoum, an Algerian labor rights activist and online commentator, was arrested and tried on several charges in 2018, including “inciting an illegal gathering,” in connection to his posts on Facebook. He spent nearly 10 months in prison, where he was beaten, until he was conditionally released in June 2019.⁹³ Just six months later, Benaoum was arrested again for attending a peaceful protest in Ghilizan, and was sentenced to two months’ imprisonment and a fine.⁹⁴

In addition to the categories of charges described here, at least 53 writers and intellectuals were detained in 2019 under unknown or undisclosed charges. Three countries dominated this category: Saudi Arabia, China (particularly cases in the Xinjiang Uyghur Autonomous Region (XUAR)), and Eritrea. Saudi Arabia detained at least 26 individuals without charge, including authors, political commentators, academics, and activists. Such cases not only lack transparency and leave those arrested and their families in a state of

About 22 percent of writers and intellectuals in the 2019 Index were held without explicit legal charges. That was true of 68 percent of the cases in Saudi Arabia.

⁸⁷ Abu-Bakarr Jalloh, “Stella Nyanzi, critic of Uganda’s President Yoweri Museveni, released from jail,” *Deutsche Welle*, February 20, 2020.

⁸⁸ Ibid.

⁸⁹ Aziz El Yaakoubi, “UAE court upholds 10-year jail sentence of rights activist Mansoor,” *Reuters*, December 31, 2018.

⁹⁰ Haneen Dajani, “Emirati convicted for second time of insulting country and leaders,” *The National*, May 30, 2018.

⁹¹ “UAE: Government Detains Human Rights Defender,” *Human Rights Watch*, April 9, 2011.

⁹² Gulf Centre for Human Rights, “United Arab Emirates: Ahmed Mansoor on hunger strike again after being beaten in prison,” media release, September 30, 2019.

⁹³ Khelifa Litamine, “Condamné pour outrage à Bouteflika, le blogueur Abdellah Benaoum libéré,” *Algerie Eco*, June 3, 2019.

⁹⁴ Front Line Defenders, “Algeria: Human rights defender Abdullah Benaoum sentenced for peacefully protesting,” press release, February 5, 2020.

GALAL EL-BEHAIRY

POET, SINGER/SONGWRITER

Imprisoned in Egypt

Galal El-Beairy is an Egyptian poet and songwriter. In March 2018, he was arrested and sentenced to three years in prison for his criticism of the government expressed in his lyrics for the song “Balaha,” which criticized the state of the Egyptian economy and government corruption, and for his unreleased book of poetry *The Finest Women on Earth*, which El-Beairy has described as “a testament to the value of women and their good deeds in the world.”



El-Beairy has long used his writing to advocate for political change, both through his songwriting partnership with exiled Egyptian singer and activist Ramy Essam and in his own poetry. The first sign of trouble for El-Beairy came on February 28, 2018, when Egypt’s Minister of Culture publicly denounced him on television and specifically referenced the as-yet-unpublished *The Finest Women on Earth*. On March 3, El-Beairy was arrested and disappeared for a week. When he reappeared at his hearing before Egypt’s Military Court, he exhibited signs of torture. On July 28, he was sentenced to three years imprisonment and a fine of 10,000 LE on charges of insulting the military and spreading false news.

“Each one of us loves their country and each one of us fears for their country. However, each one of us has a personal vision that does not contradict the country’s interest.” –Galal El-Beairy

Today, Galal El-Beairy remains imprisoned. In addition to the torture that is believed to have taken place during his pretrial detention, El-Beairy undertook a hunger strike for two and a half weeks in 2019 in commemoration of the Egyptian Revolution, and in protest of the injustices that persist in his country. He is scheduled to be released on March 3, 2021, although many Egyptian political prisoners have continued to be subject to harassment and arbitrary detention even after their release from prison.

distressing limbo – they also smack of a government simply flaunting its disregard for the rule of law and the arbitrariness of its power. In Saudi Arabia, several writers and intellectuals who were detained in the April 2019 wave of arrests had not spoken or written publicly in several years. These included columnist and scholar Redha Al-Boori and writer and scholar Bader Al-Ibrahim. One year later, almost all of those writers remain in detention without charges.⁹⁵ In China, all those writers and intellectuals who were arbitrarily detained without charge were held in the XUAR. Chimengül Awut, a poet and editor at Kashgar Publishing House, was arrested in 2018, reportedly

for editing the novel *Golden Shoes* by Uyghur writer Halide Isra'il. Authorities have since confirmed her editing as the reason for her detention, but explicit legal charges are undisclosed.⁹⁶ At least four other writers and public intellectuals involved with Kashgar Publishing House were also in detention during 2019. The eight writers who remain in detention on undisclosed charges in Eritrea were part of the crackdown on writers and journalists that followed the attacks of September 11, 2001.⁹⁷ These arbitrary detentions enforce ad hoc restrictions on free expression, without opportunity for appeal or legal challenge.

⁹⁵ "One year since the mass arrest of April 2019, more than a dozen writers and activists remain arbitrarily detained without charge," *ALQST*, April 6, 2020.

⁹⁶ Shohret Hoshur, "Investigation: Uyghur Poet Detained for Editing Problematic Book," *Radio Free Asia*, November 13, 2018.

⁹⁷ PEN International Case List 2018, PEN International, 17.

A GROWING RANGE OF TACTICS DEPLOYED TO SILENCE WRITERS

In addition to the Freedom to Write Index, which counts those writers and intellectuals imprisoned or detained in 2019, PEN America's complete Writers at Risk Database contains hundreds of active cases of writers, academics, journalists, and artists facing a wide array of threats around the world.

A number of tactics used to restrict writers' freedom and silence their writing relate to the legal charges against them, even if an individual is not being held in detention. Often, ongoing legal charges or appeals processes in a spurious case can pose ongoing disruption and potentially be accompanied by restrictions on an individual's movement (either within or outside a country) or ability to work. The prospect of pending charges alone can serve to induce self-censorship, as a writer in such circumstances may understandably hesitate before returning to penning critical material or voicing their opinions via social media. A number of writers, academics, and activists in Saudi Arabia who were arrested in the crackdown in 2018, including Eman Al-Nafjan and Hatoon Al-Fassi, were released from detention in 2019 but continue to face drawn-out and opaque legal processes.⁹⁸ As a result, Al-Nafjan remains largely confined to her house, has not been able to fully resume work as a professor, and has not been active either in writing columns or on social media, where she traditionally conducted much of her commentary and activism.

Even in the absence of trial proceedings or pending charges, governments around the world have developed a range of other tactics to try and keep critical voices on a tight leash. A particularly pernicious form of limbo is when an individual has been released from prison or detention, but is subject to some formal type of restriction, for example a

"My possible arrest will be just one of the more than hundred politically motivated arrest and government of Azerbaijan has managed to use revolving doors of prisons for getting positive feedback from the West: releasing one prisoner, getting praised, arresting two." – Khadija Ismayilova in a 2014 published note titled, "If I Get Arrested."



Investigative journalist Khadija Ismayilova inspects the trove of financial documents leaked in early May 2016, dubbed the 'Panama Papers,' at her computer soon after her conditional release from prison on May 25, 2016. Photo by Aziz Karimov/Wikimedia Commons

suspended sentence, house arrest, travel ban, limitations on work or political activity, or regular and onerous reporting to police. 33 of the writers whose cases are included in the Writers at Risk Database are currently in an uncertain state of "conditional release." Azerbaijani investigative journalist and translator Khadija Ismayilova was sentenced for embezzlement, tax evasion, and other politically-motivated retaliatory charges in 2015. Despite being released early from prison in May 2016, she has since lived under court-mandated conditions that have subjected her to a travel ban, frozen bank accounts, and ongoing harassment from authorities while on probation, making it challenging for her to continue her work.⁹⁹ In Ismayilova's case, a ban on travel was

⁹⁸ AFP News Agency, "Four Saudi women activists freed pending trial, say campaigners," *Al Jazeera*, May 2, 2019; see also, Aya Batrawy, "3 Saudi women's rights activists temporarily released," *Associated Press*, March 28, 2019.

⁹⁹ Shaun Walker, "Investigative journalist Khadija Ismayilova freed in Azerbaijan," *The Guardian*, May 25, 2016.

explicitly stated in the terms of her release, while in other cases a ban may not be formal, but can be imposed ad hoc, often when a writer is at the airport preparing to leave the country.

The Egyptian government employs an even more extreme form of conditional release in the cases of some political prisoners, requiring those released from prison to spend 12 hours of each day in police custody. Blogger and activist Alaa Abd El Fattah, who was released from prison on probation in March 2019 after serving a reduced five-year sentence for violating Egypt's draconian anti-protest law, was arbitrarily required as part of his probation to spend 12 hours every night, from 6pm until 6am at Dokki Police Station. On the morning of September 29, 2019, as he left the station, Abd El Fattah was re-arrested and has been in detention since.¹⁰⁰ Such methods are clearly intended to keep those targeted under government control, while also allowing the government to claim the person has been “released,” potentially relieving international pressure. The effect on writers' and intellectuals' ability to work, write, advocate, and merely return to a normal life, however, remains dire.

Of course, writers and intellectuals are frequently targeted in non-legal or carceral ways as well. These types of threats—which have affected at least 100 writers and public intellectuals included in the Writers at Risk Database—may include physical attacks, online harassment campaigns, intimidation, surveillance and monitoring, and efforts to force individuals out of employment or cut off outlets for their writing and work. Police in Cuba frequently monitor the movement of activists, writers, and artists, and subject them to unwarranted police interrogations and beatings, as well as surveillance, to deter “counterrevolutionary” expression. In Decem-



Alaa Abd El-Fattah, a key voice in the Arab Spring, gives an interview to media outlet Al Jazeera in June 2011. Photo by Gigi Ibrahim/Flickr



Protesters in San Francisco, California demonstrate international support for blogger Alaa Abd El Fattah's following his initial arrest in 2011 related to his participation in the Tahrir Square protests. Photo by Steve Rhodes/Flickr

ber 2019, Cuban rapper Maykel Castillo Pérez, who is monitored closely by authorities, was approached by police without cause, and the interaction ended with Castillo Pérez being briefly held and beaten after he disavowed the Cuban President, Miguel Díaz-Canel.¹⁰²

¹⁰⁰ “Egyptian activist Alaa Abdel Fattah rearrested amid crackdown,” *Al Jazeera*, September 28, 2019.

¹⁰¹ See e.g., “Imprisonment of Cuban ‘art-ivist’ sparks charges of censorship,” *Reuters*, March 10, 2020; “Detienen al rapero contestario ‘Pupito En Sy’ por presunta propagación de epidemias,” *CiberCuba*, November 24, 2019; Maykel González, “Policía cubana detiene a Gorki Águila, director de Porno para Ricardo,” *CiberCuba*, January 5, 2020.

¹⁰² “Agreden y multan al rapero Maykel Osorbo por decir ‘Díaz-Canel no es mi presidente,’” *ADN Cuba*, December 26, 2019.

Similar harassing tactics, questioning, and surveillance have been deployed against dissident poet, writer, and journalist Jorge Olivera Castillo and his wife, the activist and writer Nancy Alfaya, who faced police intimidation nearly 17 times in the last six months of 2019.¹⁰³

In the United States, President Donald Trump has multiple times threatened legal action against authors and publishing houses in an attempt to block the publication of books by authors who provided an inside, critical look at his administration.¹⁰⁴ While those efforts were unsuccessful, the attempt to block a writer's work from gaining an audience is a clear silencing tactic.

During 2019, the largest concentration of cases of ongoing harassment by state or non-state actors was in India, which accounts for 25 documented cases of "continued harassment" in PEN America's Writers at Risk Database—more than a third of the number in that category globally. Indian writers and public intellectuals have faced increasing pressure to toe the government's Hindu nationalist line since the election of Prime Minister Narendra Modi in 2014,¹⁰⁵ with an intensification of this trend after his re-election in May 2019.¹⁰⁶ Authorities have attempted to purge all manifestations of "anti-national" thought from the national discourse and academia,¹⁰⁷ and have weaponized government bureaucracy¹⁰⁸ and pro-government media and social media trolls to attack critical writers, intellectuals, journalists and commentators,

and activists¹⁰⁹. Increasingly, this harassment has originated from non-state actors as well. In Assam, authors who call themselves Miya poets use their writing to explore their experiences of discrimination and the increased dangers their community of Bengali-origin

Muslims is facing, particularly since the passing of the Citizenship Amendment Act in December 2019.¹¹⁰ The word "miya" has historically been used as an ethnic slur against Bengali-origin Muslims; although it literally means "gentleman," it is commonly used in an anti-immigration context. Miya poets have reclaimed the term, but face widespread backlash for writing boldly about their oppression. Abdur Rahim and Forhad Bhuyan have experienced online harassment,¹¹¹ and eventually, police reports were filed against 10 Miya poets after members of the general public complained that the poets depict Assamese of non-Bengali origin as xenophobic. Under Indian law, Miya poets have every right to express themselves through their writing, but growing Hindu nationalism is emboldening members of the general public to take matters into their own hands. In January 2019, noted novelist Nayantara Sahgal was dis-invited

In 2019, over 100 writers and public intellectuals were targeted by non-legal or carceral means of harassment for their writing. India accounts for 25 documented cases of continued harassment—the largest concentration by country in the world.

¹⁰³ See e.g., "Detienen en Cuba al periodista Jorge Olivera y a la activista Nancy Alfaya," *ADN Cuba*, August 14, 2019; "Seguridad del Estado propuso a Nancy Alfaya convertirse en informante," *ADN Cuba*, October 2, 2019; "Arrestan en La Habana al escritor y prisionero político Jorge Olivera Castillo," *ADN Cuba*, December 11, 2019.

¹⁰⁴ See e.g., Peter Barker, "After Trump Seeks to Block Book, Publisher Hastens Release," *The New York Times*, January 4, 2018; John Maher, "Omarosa's 'Unhinged' Moves 33,483 Print Copies In First Week," *Publishers Weekly*, August 24, 2018.

¹⁰⁵ Jeffrey Gettleman et al., "Under Modi, a Hindu Nationalist Surge Has Further Divided India," *The New York Times*, April 11, 2019.

¹⁰⁶ Samanth Subramanian, "How Hindu supremacists are tearing India apart," *The Guardian*, February 20, 2020.

¹⁰⁷ "Police storm campuses, crack down on protests against Indian citizenship law," *France24*, December 16, 2019.

¹⁰⁸ See e.g., Spokesperson, Ministry of Home Affairs (@PIBHomeAffairs), "Mr. Aatish Ali Taseer, while submitting his PIO application, concealed the fact that his late father was of Pakistani origin," Twitter, November 7, 2019, 11:18 am; Aatish Taseer, "Aatish Taseer: Why Is India Sending Me Into Exile?," *TIME*, November 7, 2019.

¹⁰⁹ Samanth Subramanian, "How Hindu supremacists are tearing India apart," *The Guardian*, February 20, 2020. See e.g., Rohan Venkataramakrishnan, "Modi claims his government never brought up NRC – after a year of Amit Shah promising one," *Scroll.in*, December 22, 2019.

¹¹⁰ Aletta Andre and Abhimanyu Kumar, "Protest poetry: Assam's Bengali Muslims take a stand," *Al Jazeera*, December 23, 2016.

¹¹¹ Kavita Gusain and Pratik Sharma, "Amid De-Citizenship Fears, Writers Rise to Defend Miyas and Poetry," *The Citizen*, July 19, 2019.

from inaugurating a prestigious Marathi-language literary convening, the Akhil Bharatiya Marathi Sahitya Sammelan, reportedly amid threats from protesters promising to obstruct Sahgal's speech.¹¹² Although the letter canceling Sahgal's invitation did not specify reasons, two officials involved in organizing the convening explained that the decision was due primarily to fear of losing key funding from a Minister of State who is a member of Modi's Bharatiya Janata Party; one official said the Minister had overtly threatened to withdraw the funding if Sahgal participated.¹¹³ While only a handful of writers spent time behind bars in India in 2019, the broader pattern is one of a growing range of intimidatory tactics being deployed to limit free expression, induce self-censorship, and reduce the diversity of voices heard in public discourse.

Threats against writers' physical safety or lives occur less frequently but are, of course, devastating, and often particularly so because those responsible for such crimes are so rarely held to account. Masterminds and perpetrators seldom face justice, and the severity of these crimes has a widespread



*Nayantara Sahgal presents the launch of her work of fiction *Mistaken Identity* in November 2007. Photo by Ramesh Lalwani/Wikimedia Commons*

“Writing, like all forms of creative art, is a powerful form of political activism, and it is a means of revolt. That is why dictators are so afraid of it and take steps to control it.” – Nayantara Sahgal, from her canceled inauguration speech prepared for the 92nd Marathi Sahitya Sammelan in January 2019.

chilling effect on other writers, academics, and activists, potentially leading to self-censorship and a broad silencing of voices and ideas.

Cases of disappearances are especially disquieting, as they leave an individual's family, friends, and followers entirely in the dark. At least 11 writers in PEN America's database are considered “disappeared,” with seven of those cases occurring in Syria, in the context of that country's long-running and brutal civil war. Bangladesh has seen a number of temporary disappearances of writers and academics in recent years, with those targeted typically released by security services after several months. The ultimate silencing of a writer's voice is murder. Two writers and public commentators included in the Writers at Risk Database were murdered in 2019, under circumstances that led observers to suspect the killings were carried out in retribution for their free expression. In February 2019, Iraqi novelist Alaa Mashzoub, a vocal critic of corruption, foreign interference, and militias, was shot by unknown gunmen while riding his bike home in the city of Karbala. Although official motives remain unknown, some speculated that a recent online post of Mashzoub's about the late Ayatollah Khomeini, former supreme leader of Iran, may have angered Iran-backed militias in Iraq.¹¹⁴ Mashzoub's killing was protested by Iraqi writers and intellectuals, and his brother stated, “They killed us by killing Alaa but we'll keep him alive through his pen.”¹¹⁵ In July, Allinda Michael, the Ugandan musician and activist known as Ziggy Wine,

¹¹² Scroll staff, “Author Nayantara Sahgal's invitation to Marathi literary meet withdrawn after threats,” *Scroll.in*, January 7, 2020.

¹¹³ Harsimran Gill, “Nayantara Sahgal invitation was withdrawn for fear of losing BJP minister as patron, says organiser,” *Scroll.in*, January 13, 2020.

¹¹⁴ Qassam Abdul-Zahra, “Slain Iraqi novelist criticized foreign meddling, militias,” *Associated Press*, February 6, 2019.

¹¹⁵ *Ibid.*

was kidnapped en route to his recording studio in Kampala. A week later, Michael was found severely injured—reports say he was missing two fingers and his left eye—and he died in the hospital days later.¹¹⁶ Ugandan authorities have claimed that Michael’s family has not cooperated with their investigation, but the family believes the state may have been involved in Michael’s murder.¹¹⁷ Michael was a strong supporter of the musician and politician Bobi Wine, an opposition leader whose creative work is often critical of President Yoweri Museveni. Both killings occurred against a backdrop of additional attacks on free expression in Iraq and Uganda, and seemed clearly intended to frighten others into keeping silent as well. Of course, as Mashzoub’s brother noted, the power of a writer is that their work and their words live on. In the last two decades, at least 35 writers and intellectuals have



A funeral procession to Takeo Province honors Dr. Kem Ley two weeks following his assassination on July 10, 2016. Photo by Pisethinfo/Wikimedia Commons

been murdered in connection with their work, in cases where masterminds and/or perpetrators of the killing have not yet been fully brought to justice.¹¹⁸ In over half of these cases, there is suspicion that the government has played a role, but no one has been held to account. Even in cases where the crime is investigated, examinations often lack thoroughness, impartiality, and integrity. Dr. Kem Ley, prominent Cambodian political commentator and human rights activist, was shot and killed in July 2016 in Phnom Penh while having a morning coffee; a frequent commentator on Cambodia’s politics, he had recently given an interview commenting on a report on the financial holdings of Prime Minister Hun Sen and his family.¹¹⁹ Although Kem Ley’s alleged murderer did face trial, the hearing lasted just over four hours, and the International Commission of Jurists documented significant deficiencies in the process, including a failure to investigate obvious gaps in the defendant’s story.¹²⁰ Kem Ley’s family fled Cambodia out of fear,¹²¹ and individuals who allege government involvement in or commemorate the murder continue to face retaliation.¹²² In other countries, the primary threat of fatal violence comes from non-state actors, including criminal gangs, religious extremists, or separatist groups. In recent years, Bangladesh has been a particularly dangerous country for writers and intellectuals, with attacks coming primarily from extremist Islamist groups.¹²³ In early 2015, prominent secular writer and intellectual Avijit Roy was murdered at a book fair in the capital of Dhaka, in a machete attack in which his wife was also severely injured.¹²⁴

¹¹⁶ BBC News, “Ugandan musician dies after abduction and torture,” *The Star*, August 6, 2019.

¹¹⁷ Ibid.

¹¹⁸ See PEN America’s Writers at Risk database to learn more about these late writers and intellectuals.

¹¹⁹ Khuon Narim and Ouch Sony, “Popular Political Analyst Kem Ley Shot Dead,” *The Cambodia Daily*, July 10, 2016.

¹²⁰ International Commission of Jurists, “Cambodia: Significant Questions Remain After Guilty Verdict in Kem Ley Trial,” media release, March 23, 2017.

¹²¹ Prak Chan Thul, “Family of murdered government critic Kem Ley flee Cambodia,” *Reuters*, August 31, 2016.

¹²² Lay Samean and Shaun Turton, “Kem Ley funeral committee dogged by ‘threats,’” *The Phnom Penh Post*, August 1, 2016; International Commission of Jurists, “Cambodia: Three years and still no effective investigation into Dr. Kem Ley’s killing,” press release, July 9, 2019.

¹²³ Virginia Villa, “Religiously unaffiliated people face harassment in a growing number of countries,” *Pew Research Center*, August 12, 2019.

¹²⁴ Kamran Reza Chowdhury, “Bangladesh: Trial in Killing of Blogger Avijit Roy to Begin this Month,” *BenarNews*, April 11, 2019.

Since then, at least five other Bangladeshi writers and bloggers have been murdered in a similar fashion by extremist groups, while widespread threats have forced dozens more into exile.¹²⁵ The array of tactics used to silence writers' and intellectuals' voices is considerable, and governments are constantly fine-tuning their approach, from employing trumped-up charges to enlisting proxies such as troll armies to harass a writer online. To escape the most serious of the legal and non-legal threats against them, individuals are often forced into exile as the best option to ensure their safety and allow them to continue their work. Over 30 writers, artists, journalists, and intellectuals in PEN America's database currently live in exile, many after having served time in prison or having been subject to severe threats against their lives or safety. These writers are forced to leave their families, homes, and are sometimes unable to ever return. A number of writers flee into self-imposed exile to escape ongoing legal cases, including a number of Turkish writers, publishers, and intellectuals, who have continued to be tried *in absentia*.¹²⁶ Ahmed Naji, an Egyptian writer and journalist prosecuted and jailed in 2016 for content in his novel, *The Use of Life*, was finally cleared of the charges against

him on appeal and was able to leave the country in 2018. Knowing that he would be unable to resume his writing amidst the current, severely repressive environment for free expression in Egypt, he has remained in exile so that he can continue to pursue his creative work freely. Dozens of secular Bangladeshi writers and bloggers fled into exile starting in 2015, and remain under threat, at serious risk of physical harm if they were to return home, and subject to continuing online abuse and sometimes harassing phone calls or text messages in connection with their work.¹²⁷ Several very repressive governments have forcibly exiled writers; China and Vietnam have released political prisoners directly into exile, literally sending them from detention directly onto an airplane, as in the cases of dissident blogger Mother Mushroom in Vietnam and poet and artist Liu Xia in China. Although some exiled writers and intellectuals are able to remain partially engaged in public debate through their writing or online commentary, for others, being in an unstable economic situation or unfamiliar socio-cultural context takes a toll, leading to a withering of their creative output. Continued threats against family members still in the country can also force those in exile into a state of self-censorship, even when they are themselves ostensibly safe.

¹²⁵ Charbak*, "In Bangladesh, blogging can get you killed," *Amnesty International*, November 9, 2015. *Name changed to protect the blogger's identity; Arifur Rahman Rabbi, "What is the status of freethinker murder cases?," *Dhaka Tribune*, February 25, 2020.

¹²⁶ See e.g. continued trial and ultimate acquittal of Asli Erdoğan "Turkish writer Asli Erdogan acquitted of terrorism charges," *Deutsche Welle*, February 14, 2020; see also continued trial against Ragıp Zarakolu "Turkey issues red notice for publisher and human rights activist," *Ahval News*, September 5, 2018.

¹²⁷ Charbak*, "In Bangladesh, blogging can get you killed," *Amnesty International*, November 9, 2015. *Name changed to protect the blogger's identity.

CONCLUSION



Rep. Alcee Hastings (D-FL) exchanges with Oleg Sentsov at the Helsinki Commission's hearing, "Life Under Occupation: The State of Human Rights in Crimea" Photo by Commission on Security and Cooperation in Europe

The voices of writers, academics, and public intellectuals who challenge authority, introduce new ideas, interrogate assumptions, and unearth truths are a bulwark against efforts to foreclose discourse, suppress expression, and define a single social and political narrative. The power writers and intellectuals wield makes them targets of persecution in many forms. PEN America has documented growing threats to writers globally, including in countries where such dangers were once rare, such as India and Turkey, and in increasingly restrictive authoritarian states such as Egypt, Russia, Saudi Arabia, and China. Those who attempt to research and document contentious periods of history, to pen commentary about ethno-linguistic issues in or defend the use of a minority language, or who advocate on behalf of women's rights in countries where these rights are circumscribed are all too often targeted for reprisals. Detention and imprisonment is the most widespread tactic, with writers vilified as enemies of the state, slapped with

legal charges, and often jailed, precisely because of their cultural and intellectual clout and their authentic voices of dissent. The silencing of individual voices reflects a deliberate effort to undermine the intellectual, cultural, and social underpinnings of independent thought, on which free and democratic societies depend.

When the conditions are especially brutal, prison can sometimes thwart a writer's ability to produce creative work altogether. However, the beauty of words and ideas is that it takes more than bars to hold them. Ukrainian filmmaker and writer Oleg Sentsov wrote a letter that was smuggled from the Russian prison where he was serving a 20-year sentence for his opposition to the Russian occupation of his native Crimea. In it, he described himself as a nail that "will not bend" in the face of tyranny.¹²⁸ Through his writings from prison and a months-long hunger strike, Sentsov provided an inspirational example of how words and personal courage can transcend

¹²⁸ Luke Harding, "Letter from Ukrainian film-maker Oleg Sentsov smuggled out of prison," *The Guardian*, September 12, 2016.

the oppression of an autocrat. When his friends decided to turn one of his plays into a film, *Numbers*, he helped direct it from prison via email.¹²⁹ After five years behind bars, during which time he undertook a grueling 145-day hunger strike in 2018, Sentsov was released as part of a prisoner swap in September 2019, following a prolonged and wide-ranging international advocacy campaign on his behalf. Now free, he has not hesitated to continue both his political advocacy and his creative work, to use his writing to shine a light on the dangerous cruelties of the Putin regime, and to try to free others still behind bars.¹³⁰ And in February 2020, he was able to attend the premiere of *Numbers* at the Berlin Film Festival.¹³¹

Sentsov is among a number of writers imprisoned in 2019 who have been freed—some 50 of the 238 writers and intellectuals counted in PEN America’s 2019 Freedom to Write Index. Journalists and writers Wa Lone and Kyaw Soe Oo—who were wrongfully prosecuted in 2018 under Myanmar’s Official Secrets Act following their investigative reporting for *Reuters*, which uncovered a massacre of Rohingya villagers in Rakhine State—were incarcerated for 17 months before being released as part of a mass presidential amnesty in May 2019, following concerted advocacy on their behalf by a wide range of organizations and advocates from within Myanmar and around the world.¹³² Wa Lone, author of a number of children’s books, wrote and published another, *Jay Jay the Journalist*, while in prison.¹³³ Rashad Ramazanov, an Azerbaijani writer, academic, and blogger known for his critiques of the government was released in an amnesty in March 2019 after nearly six years in prison on fabricated and politically-motivated drug possession charges.¹³⁴ Arrested in May 2013, Ramazanov was

sentenced to a nine-year prison term; while in prison, he underwent a hunger strike in late 2018 on behalf of another unjustly detained writer.¹³⁵



An image of Oleg Sentsov is projected onto the Russian consulate in New York on February 26, 2018, a Worldwide Day of Action to call for his release. His quote reads: “If we are supposed to become nails in the coffin of a tyrant, I’d like to be one of those nails. Just know that this particular nail won’t bend.” Photo by PEN America



Oleg Sentsov reunites with his daughter in Kyiv, Ukraine in September 2019 following a historic prisoner swap between Russia and Ukraine. Photo by (Адміністрація Президента України/Wikimedia Commons)

¹²⁹ Heike Mund, “Oleg Sentsov’s new film premieres in Berlin ahead of film festival,” *Deutsche Welle*, February 19, 2020.

¹³⁰ Oleg Sentsov, “Beware the Lion in the Kremlin,” *The American Interest*, April 17, 2020.

¹³¹ Internationale Filmfestspiele Berlin, “70th Berlinale - Partner Events in the Run-up to the Festival,” press release.

¹³² “Wa Lone and Kyaw Soe Oo: Reuters journalists freed in Myanmar,” *BBC News*, May 7, 2019.

¹³³ Teo Kermeliotis, “From Myanmar jail, Wa Lone pens children’s book on exposing truth,” *Al Jazeera*, December 11, 2018.

¹³⁴ PEN International, “Azerbaijan: imprisoned writer pardoned after almost six months in prison,” press release, March 19, 2019.

¹³⁵ PEN International, “Azerbaijan: Imprisoned writer ends hunger strike,” press release, January 25, 2019.

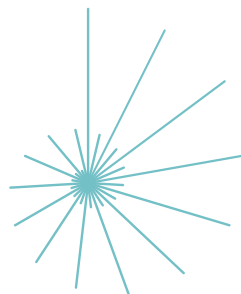
Advocacy campaigns often play a key role in keeping these writers' and intellectuals' stories in the news and raising the costs for governments that continue to hold individuals behind bars. This is cause for optimism, that despite the growing efforts to repress the voices of writers and public intellectuals, advocacy efforts on their behalf do bear fruit, and international pressure does work, even on the most recalcitrant of autocrats. And today, as the COVID-19 pandemic spreads globally and takes a particularly devastating toll in prisons and other detention centers, the importance of winning freedom for those

imprisoned for their writing or their speech is even more urgent.

Sentsov's inspiring example, and that of many others, serves as a reminder of the ability and determination of writers and intellectuals to continue speaking truth to power even when the personal and individual costs are incredibly high. But they must not stand alone. It is the responsibility of all those who value the role of literary writers and public intellectuals in a democratic society to raise our own voices to ensure that their freedom to speak and to write is protected.

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