



**PEN INTERNATIONAL  
CASELIST OF PERSECUTED WRITERS**

**January-June 2016**

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## **PEN INTERNATIONAL CHARTER**

The PEN Charter was approved at the 1948 PEN Congress in Copenhagen.

PEN affirms that:

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

Membership of PEN is open to all qualified writers, editors and translators who subscribe to these aims, without regard to nationality, ethnic origin, language, colour or religion.

## **PEN INTERNATIONAL's Freedom to Write Programme**

PEN International promotes literature and freedom of expression and is governed by the PEN Charter and the principles it embodies: unhampered transmission of thought within each nation and between all nations. Founded in London in 1921, PEN International – PEN's Secretariat – connects an international community of writers. It is a forum where writers meet freely to discuss their work; it is also a voice speaking out for writers silenced in their own countries. Through Centres in over 100 countries, PEN operates on five continents. PEN International is a non-political organisation which holds Special Consultative Status at the UN and Associate Status at UNESCO. PEN International is a registered charity in England and Wales with registration number 1117088. [www.pen-international.org](http://www.pen-international.org) .

The Writers in Prison Committee of PEN International was set up in 1960 as a result of mounting concern about attempts to silence critical voices around the world through the detention of writers. It works on behalf of all those who are detained or otherwise persecuted for their opinions expressed in writing and for writers who are under attack for their peaceful political activities or for the practice of their profession, provided that they did not use violence or advocate violence or racial hatred.

Member centres of PEN International are active in campaigning for an improvement in the conditions of persecuted writers, including journalists, novelists, poets, songwriters, essayists, translators, bloggers, social media users – in short, anyone persecuted for their use of the written word. They send letters to the governments concerned and lobby their own governments to campaign for the release of detained writers and for investigations in cases of torture and killings. Through writing to the families and, where possible, directly to prisoners, they provide encouragement and hope, as well as helping to obtain updated information which continues to shine a spotlight on egregious violations of the right to freedom of expression.

PEN also assists in the provision of emergency relief to persecuted writers, including small one-off grants through the PEN Emergency Fund, temporary relocation provided through a close relationship with the International Cities of Refuge Network (ICORN) and some Centres, as well as advice and support for asylum applications. For more information, contact Cathy. [McCann@pen-international.org](mailto:McCann@pen-international.org).

### *Information sources*

PEN International gathers its information for the Case List and campaigning action from a wide variety of sources. It seeks to confirm its information through two independent sources. Where its information is unconfirmed, it will either take no action, or send an appeal worded to reflect the fact that the information is as yet incomplete. Sources include press reports, reports from individuals in the region in question, reports from other human rights groups, PEN members themselves, embassy officials, academics, prisoners' families, lawyers and friends, and exile groups. It also partners with international NGOs, such as Article 19 and Index on Censorship. It is a founder member of IFEX – the International Freedom of Expression Exchange. IFEX is a collaborative, on-line service in which national, regional and international organisations involved in the campaign for free expression pool information and amplify each others' voices. For further details see the IFEX website [www.IFEX.org](http://www.IFEX.org).

*Our work would be impossible without our supporters who include: the Swedish International Development Foundation, the Norwegian Ministry for Foreign Affairs, the Fritt Ord Foundation, the Evan Cornish Foundation as well as individual donations and membership fees from PEN Centres and its Circles.*

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**PEN International records of persecuted writers are updated regularly. For up-to-date information on a particular country (or countries), contact the PEN International secretariat in London.**

**The details in this Case List are current up to 30 June 2016; in some cases more recent information is also included.**

**The last report was dated December 2015 and is available at <http://www.pen-international.org/wp-content/uploads/2016/05/CASE-LIST-January-December-2015.pdf>**

## EXPLANATION OF TERMS USED

### Important: Please Read

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

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

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

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

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

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

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

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

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

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

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

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

**ON TRIAL** – Including individuals facing charges, appealing sentence, but not currently detained or imprisoned

**JUDICIAL CONCERN** – PEN has no position on the criminal charges against the writer/journalist in question but is concerned about reported irregularities in the trial or legal process or about torture allegations or the death penalty

**BRIEF DETENTION** – Will be recorded as a brief detention where they were held for over 48 hours, but the individual is released without charge. There is no definite time limit, but it could up to a couple of months, depending on the region and context.

#### **DEATH THREAT**

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

**THREATENED** – where individuals have received threats intended to make them desist from writing (including 'in hiding')

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

**JUDICIAL HARASSMENT** – for example, repeated arrests or summons for questioning where the period of detention is less than 48 hours or investigations suspended which can be reopened at any time, acting as a form of deterrence on the writer

**SENTENCED** – where a writer/journalist has reached the end of the judicial process, has been sentenced, but has not yet been imprisoned

**CONDITIONAL RELEASE** - Including suspended sentence

**RELEASED** – including acquitted, end of sentence

**CASE CLOSED** – A case may be closed when PEN has no access to updated information for six to 12 months, or case dropped due to new information – e.g. case not linked to their writings, use of violence, civil proceedings, etc.

### **Further information on categories**

#### **Main Cases**

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

#### **Investigation case**

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

#### **Judicial concern**

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

## PEN International Global Case List by Region

Details current up to 30 June 2016; in some cases more recent information is also included

### AFRICA

#### ANGOLA

##### On trial

**Luaty BEIRÃO, profession:** rap musician and social activist

**Sedrick de CARVALHO, profession:** journalist at independent newspaper Folha 8

**Domingos da CRUZ, profession:** journalist and author

**\*Hitler Jessy CHICONDE, profession:** rapper and university student

**\*José HATA, profession:** rapper and teacher

**\*Nuno Alvaro DALA, profession:** university lecturer and author

**Date of arrest:** 20 June and 21 June 2015 **Details of arrest:** Thirteen activists, including Luaty Beirão and Sedrick de Carvalho, were arrested on 20 June 2015 at a meeting in Luanda of the Revolutionary Movement – a group of youth activists advocating for democracy, political change and human rights in Angola – where they had been due to read da Cruz’s manuscript *Tools to Destroy a Dictatorship and Avoiding a New Dictatorship – Political Philosophy for the Liberation of Angola* (inspired by US academic Gene Sharp’s book *From Dictatorship to Democracy: A Conceptual Framework for Liberation.*). Da Cruz had been due to attend the meeting but did not. He was arrested the following day. A military officer was also later arrested in connection with the case. On 22 June police forces searched their houses and confiscated computers, phones, photos, diaries, credit cards and copies of da Cruz’s book. **Sentences:** Beirão, five years and six months. Carvalho, four years and six months. Da Cruz, eight years and six months. Dala, Chiconde and Hata all received sentences of four and a half years. **Details of trial:** According to news reports, the trial of the 15 detained activists, along with two women who were not originally detained with the other activists on charges of ‘rebellion’, ‘attempted coup d’état’ and ‘crimes against national security’ started on 16 November 2015 and was held behind closed doors, under the Law of Crime against the State Security. Human rights organisations expressed concern about the fairness of the ongoing trial due to many breaches of [fair trial standards](#) under international law. Amnesty International also stated that during the trial, ‘the court spent days reading out almost 200 pages of an unpublished book written by one of the defendants, Domingos da Cruz. The book describes mechanisms of peaceful resistance.’ According to Frontline Defenders, Domingos da Cruz and three other defendants initiated a hunger strike on 10 December 2015 in protest against the ongoing delays of the trial. On 18 December 2015 following a court order, the activists were transferred to house arrest. The charge of ‘plotting against the president’ was dropped by the prosecution on 21 March 2016, but the charge of ‘criminal conspiracy’ was added. It was also reported that Beirão faced an additional charge of ‘falsification of documents’. On 28 March 2016 the members of the group were sentenced to between two to eight years in prison and ordered to pay a fine of 50,000 Kwanza (about 300USD). The final charges were ‘preparatory acts of rebellion’ and ‘criminal conspiracy’. On 29 June 2016 the activists were granted [conditional](#) release after the Supreme Court upheld a *habeas corpus* petition filed in April, requesting that the activists be released pending a decision on their appeal to the Constitutional Court. The appeal at the Constitutional Court was still pending as of 30 June 2016. **Conditions of detention:** On 14 December 2015 Carvalho published a letter where he exposed his conditions in detention and suggested that the trial held on 16 November 2015 was a sham. He said he had been held in solitary confinement for around 2,000 hours without the possibility of seeing sunlight. He went on hunger strike and on 15 December 2015 he attempted suicide, but was rescued by prison guards. The same day, the Luanda Provincial Tribunal approved the demand of the public

prosecutor to transfer the activists to house arrest. Beirão and da Cruz have been on hunger strike at various points during their detention and trial. **Other information:** The United Nations Working Group on Arbitrary Detention (WGAD) delivered an Opinion on the case of the activists on 31 May 2016 and concluded that the activists were ‘arrested and detained because of the exercise of their freedom of assembly, opinion and expression in violation of Articles 19 and 20 of the Universal Declaration of Human Rights and article 19 and 21 of the International Covenant on Civil and Political Rights’. The Working Group called for immediate steps to remedy the situation, namely to release the activists, compensate them accordingly and put an end to the unlawful criminal proceedings against them. While he was still in prison, Nuno Dala released his book ‘*The Political Thought of Young Revus: Speech and Action*’ (‘O Pensamento Político dos Jovens Revús – Discurso e Acção’) which he had been working on when he was arrested. **Background:** Angola has persecuted other journalists and activists over the years, including Domingos da Cruz who had previously been arrested in 2013 and put on trial accused of inciting civil disobedience because of a text he published that was critical of the President (see 2013 Case List) In 2013, Nito Alves was jailed for two months for printing t-shirts that carried a slogan calling President José Eduardo dos Santos a ‘disgusting dictator.’ **PEN Actions:** [RAN 07/16](#) and [update](#); **Honorary Member:** PEN Canada (da Cruz, Beirão, Sedrick de Carvalho) **[Stop press:** In line with a new Amnesty Law, the activists were granted [amnesty](#) in October 2016, however it was [reported](#) that some of the activists were appealing this decision, in an effort to clear their names.]

On trial

#### **Rafael MARQUES DE MORAIS:**

**Profession:** author, journalist and human rights activist **Date of birth:** 31 August 1971 **Sentence:** Six-month suspended prison sentence with a probationary period of two years **Details of trial:** Following publication of his book *Blood Diamonds: Corruption and Torture in Angola*, in November 2011 Morais made a criminal complaint against eight individuals – seven military officials and the head of a mining company, accusing them of crimes against humanity, including murder, torture and forced displacement of civilians. The Attorney General dismissed the complaint on 18 June 2012, on the grounds the events were not substantiated or had not occurred, ruling that Marques’ witnesses merely repeated what they had already told Marques. The individuals named in his complaint filed a criminal defamation lawsuit against Marques in Portugal in 2012, which the Portuguese Prosecution Service chose not to pursue in February 2013. They are reportedly now pursuing a private prosecution in Portugal for libel and defamation against Marques and his publisher, seeking a total of 300,000 Euros (approx. US\$400,000) in damages. The plaintiffs then lodged a complaint of criminal defamation in Angola. On 3 April 2013, Marques was summoned by telephone to the organised crime unit of the national police. During his interrogation he was informed that he had been indicted in January 2013 on charges of defamation, but was not allowed to see the evidence compiled against him. According to Angolan law, the nature and content of such an investigation do not need to be disclosed to the accused or their legal counsel. On 31 July 2013 Marques attended a hearing at the National Directorate on Criminal Investigation and Action in the Angolan capital Luanda, regarding 11 counts of defamation. Marques and his lawyers were still not allowed to review the full indictments and files or evidence related to the charges. The only information provided was that the 11 charges were based on eight individual complaints and three collective criminal complaints, filed by seven Angolan generals, a civilian, two mining companies and a private security company. All of the lawsuits were triggered by Marques’ book. According to a letter written by several human rights organisations, one of the charges is a re-filing of the criminal defamation case brought against him in Portugal – where it was dismissed. In respect of this charge, he is both the accused and a state witness, a violation of his right not to testify against himself. In July 2014, Marques was again summoned and was formally charged with eight counts of defamation, although the charge sheet dated March 2014 was not given to him and his lawyer. His trial commenced on 24

March 2015 during which Marques was accused of another 15 counts of defamation. On 21 May 2015 the plaintiffs withdrew their complaint against Marques and all charges were dropped after both parties reached an out-of-court settlement, which reportedly included a commitment by Marques not to republish his book. However, the charges were reinstated a week later, with the prosecution requesting a prison sentence. The prosecution reportedly held that Marques had admitted his guilt in a statement he gave at the hearing where the charges against him were dropped. On this basis, the prosecution asked for a one-month suspended sentence, but the court went further, sentencing him on 28 May 2015 to a six-month suspended prison sentence with a probationary period of two years. Marques was reportedly also ordered to withdraw his book from sale in any form, including online, and to not republish it or have it translated into any other language, on pain of imprisonment. His lawyers lodged an appeal with the Angolan Supreme Court, which is pending as of 30 June 2016. **Background:** In 2000, Marques was sentenced to six months in prison and ordered to pay damages for defamation against the president of Angola, however, the United Nations Human Rights Committee later found that the judgement had violated Marques' rights and ordered Angola to pay him damages. **Awards:** Recipient of Transparency International's 2013 Integrity Award, winner of Index On Censorship's 2015 Freedom of Expression Awards in the Journalism category. **PEN Action:** Joint appeal to international and regional human rights mechanisms [August 2014](#), press statement [December 2014](#), press statement [20 March 2015](#), press statement [28 May 2015](#).

## **BENIN**

### Conditional release

#### **John AKINTOLA:**

**Profession:** publisher of *L'Indépendant* **Date of sentence:** 25 June 2014 **Sentence:** Akintola was handed down a three-year suspended sentence and fine of 200,000 CFA (approx. US\$416). The newspaper was also suspended for three months effective 16 July 2014. **Details of trial:** Akintola was convicted alongside *L'Indépendant* reporter **Prudence Tessi** of 'insulting' President Thomas Boni Yayi in an article written by Tessi. The article reportedly alleged that trips abroad by President Yayi had been illegally financed by the Benin Electric Energy Company (SBEE). **Background:** The general director of SBEE was reported to have been dismissed as a result of the case and left the country. An earlier case, which he is reported to have brought against the newspaper, led to a three-month suspension of the newspaper which was due to have expired on 15 July 2014.

## **BOTSWANA**

### On trial

#### **Outsa MOKONE:**

**Profession:** editor of the Gaborone-based *Sunday Standard* **Date of arrest:** 8 September 2014 **Date of release:** 9 September 2014 **Details of arrest:** Mokone was reportedly arrested by police who raided the newspaper's offices on 8 September 2014. Only Mokone's computer was seized during the raid. **Details of release:** Mokone was released from detention on 9 September following an application by his lawyers. **Details of trial:** He was charged with 'seditious intention' contrary to section 50(1) as read with section 51(1) C of the Penal Code of Botswana over an article about an alleged car accident involving the president. The High Court judge reportedly ordered the police commissioner to 'not apply for any further warrants of arrest against the applicant based on facts similar in nature to those founding the warrants'. Mokone reportedly challenged the

constitutionality of the sedition charge; a hearing was due to be held on 28 November 2014. While there is no update on the status of his trial, on 19 May 2015 Mokone sued the Government by filing a draft order with the High Court to declare his detention in September 2014 was illegal. In court in June 2016, he [argued](#) that the correct procedure had not been followed in his case, including the fact a signed statement was not presented to the magistrate in support of the application of the warrant. Mokone has also requested that the Court declare that the provisions of Sections 50 and 51 of the penal code are contrary to Section 12 of the Constitution of Botswana as they infringe on the right to freedom of expression. The judge at Lobatse High court has [reportedly](#) set the date of judgement for the case as 26 August 2016. **Background:** The journalist who wrote the offending article, **Edgar Tsimane**, reportedly fled the country and has received provisional refugee status in South Africa. Mokone has also written articles critical of the Directorate of Intelligence and Security.

## BURKINA FASO

### Killed-impunity

#### **Norbert ZONGO:**

**Profession:** chief editor of newspaper *L'indépendant* **Date of killing:** 13 December 1998 **Details of killing:** See Case List July to December 1998. **Details of investigation:** Investigations into the murder were dropped in 2006 but were recently reopened by the new government. There had reportedly been little progress in the investigation until a [ruling](#) of the African Court on Human and Peoples' Rights on 5 June 2015 demanded that Burkina Faso resume the investigation. For more information, see Case List July to December 1998. According to news [reports](#) in December 2015 three former presidential guard members were charged with the assassination of Zongo. According to Zongo's family's lawyer, they are expecting to find who ordered his killings. **Background:** Before his murder Zongo had been investigating the death of the driver of ex-president Blaise Compaore's brother.

### On trial

#### **Boureima OUÉDRAOGO:**

**Profession:** managing editor of *Le Reporter*, private newspaper **Sentence:** three months' prison sentence and a fine of CFA Francs 300,000 (US\$ 500). **Details of trial:** Ouédraogo was charged with defamation. On 23 July 2015 he was sentenced by a county court in Ouagadougou to prison and a fine of CFA Francs 300,000 (US\$ 500). There is conflicting information as to the length of the sentence (3 months or 3 years) which PEN is trying to clarify. According to the Media Foundation for West Africa, the journalist has appealed for a stay of execution, which is a court order temporarily suspending other court judgements or orders. The stay of execution was granted. He remains free pending appeal. According to news reports, Ouédraogo was summoned alongside another journalist on 18 February 2016 at the military prosecutor's office, in relation to articles published on the case of Guillaume Soro, and his alleged involvement in the failed coup d'état of 16 September 2015. **Background:** Shortly before his sentence was passed, the government in Burkina Faso approved a bill decriminalizing media offences. [**Stop press:** A hearing in the case was scheduled for 30 July 2016; no further information.]

## BURUNDI

*Freedom of expression has been severely restricted in Burundi since protests erupted in late April 2015 in opposition to President Pierre Nkurunziza's decision to run for a third-term in elections scheduled for July 2015. Three popular radio stations were banned in April 2015 from live reporting on the protests, and had their broadcasts outside of the capital suspended. One of the stations, Radio Publique Africaine (RPA), had all of its broadcasts shut down.*

*After an attempted coup on 13 May 2015 the main independent radio stations were attacked, as well as a pro-government station. After this, perceived opponents of the government, including journalists, were targeted. The crackdown on perceived opponents of the government intensified after the elections took place in July 2015 and kept Nkurunziza in power.. Over the course of 2015 hundreds of thousands of people fled the country, including over [100 journalists](#), according to the Committee to Protect Journalists (CPJ).*

*The effect on freedom of expression in the country has been severe, with the crushing of independent voices and the media. The political situation in Burundi remains precarious and the freedom of expression climate is stifling.*

#### Threatened

##### **\*Esdras NDIKUMANA:**

**Profession:** Correspondent for AFP and RFI **Date of threat:** 30-31 May 2016 **Details of threat:** On 30 May, the Minister of public security, General Alain-Guillaume Bunyoni, accused Ndikumana in a statement of promoting violence. After the statement was released, Ndikumana was threatened by two pro-government civil society figures on Twitter. **Background:** On 3 August 2015, Ndikumana was arrested in Bujumbura while covering the assassination of a General. He was reportedly arrested while in the presence of high ranking officials from the police, the security services and the presidency. It was reported that he was held for two hours, and during that time was beaten on his back, legs and soles of his feet, accused of being a 'journalist enemy' and then released and sent to hospital to seek treatment. Local media reported that he was treated for microfractures and a suspected broken finger, and needed five bags of blood. The following day, he was accused of being an 'enemy collaborator' by government representatives at the airport.

## **CAMEROON**

#### Killed: impunity

##### **Eric Ohena LEMBEMBE:**

**Profession:** executive director of the Cameroonian Foundation for AIDS (CAMFAIDS), LGBT rights activist, author of several chapters in *From Wrongs to Gay Rights*, journalist and contributor to the '[Erasing 76 Crimes](#)' blog. **Date of birth:** 1980 **Details of killing:** Lembembe was found dead, his body mutilated, on 16 July 2013. It is thought that he was murdered between 12 and 13 July. Lembembe's neck and feet appeared to have been broken, while his face, hands and feet had been burned with an iron. His murder reportedly followed several attacks on the offices of human rights defenders, including those campaigning for equal rights for LGBT people. On 20 September 2013, Cameroon's ambassador to Geneva reportedly told the United Nations Human Rights Council that Lembembe had been killed because of his personal life, suggesting that the journalist might have been a criminal killed in a 'settling of scores'. The ambassador's claims came despite the authorities' failure to identify any suspects two months after Lembembe's murder; he reportedly dismissed all concerns that his murder was linked to his activism as 'fantasy'. The investigation into Lembembe's death remains at a standstill as of 30 June 2016; **Other information:** In May 2014, triggered by Lembembe's murder, the African Commission on Human and Peoples' Rights adopted a strong resolution condemning violence on the grounds of sexual orientation and gender identity, and calling on African countries to '[ensure] proper investigation and diligent prosecution of perpetrators.'

#### On trial

**Félix Cyriaque EBOLE BOLA, profession:** journalist with *Mutations*

**Rodrique NDEUTCHOUA TONGUE, profession:** journalist with *Le Messenger*

**Dr Baba WAMÉ, profession:** Former journalist and lecturer in journalism

**Details of trial:** During a military court hearing in Yaoundé held on 28 October 2014, all three were reportedly charged with failing to inform judicial, administrative and military authorities (non-denunciation) of facts potentially endangering state security under article 107 of Cameroon's Criminal Code. The journalists were reportedly freed under judicial supervision and were required to report to court once a week, not allowed to leave Yaoundé and were barred from commenting on the case. According to PEN's information, they were also barred from practising their profession. According to local reports, their trial was due to take place before the Yaoundé Military Court in January 2016 but was adjourned on several occasions and started again in April. It was reportedly adjourned again until 18 May for the prosecution witnesses to appear in court. As of 30 June 2016 there has been no more information. Each of the three journalists [faces a jail term](#) of between one to five years and a fine from 50,000 FCFA [around US\$86] to 5 million FCFA [around US\$8,590.40] if convicted. **Background:** The charges are reported to stem from events in 2013 and 2014 when the journalists learned of a Central African rebel chief stationed on the border of Cameroon claiming to be in possession of national security information. Ebole Bola reportedly wrote to a national security delegate informing him of this news and requesting confirmation. In response, the police asked the journalist to share the information and to provide any updates. After communications ceased, *Mutations* was reportedly ordered to court for not having responded to the police request.

**Zacharie NDIOMO:**

**Profession:** editor of the bi-monthly *Le Zénith* **Date of arrest:** 13 October 2014 **Date of release:** 6 February 2015 **Details of arrest:** According to PEN's information, Ndiomo was arrested as a result of a libel suit by the chief of staff of Cameroon's finance ministry relating to an article published in *Le Zénith*, which claimed that the official was about to be jailed for illicit enrichment. **Details of release:** According to reports, Ndiomo was released from Kondengui prison on 6 February 2015. **Details of trial:** Ndiomo was reportedly initially charged with defamation before the charges were altered to blackmail and issuing threats. He denies all charges. He was released following his appearance at a court hearing on 22 January 2015. According to reports by Reporters Without Borders dated 16 September 2015, Ndiomo is currently awaiting a second trial on the same charge because the plaintiff thinks the court was too lenient at the first trial. No further news as of 30 June 2016. **Awards:** 2015 CNN African Journalists Award for Press Freedom

## CENTRAL AFRICAN REPUBLIC

On trial

**Saint Régis ZOUMIRI, Profession:** editor of *Le Palmarès*

**Patrick Stéphane AKIBATA, Profession:** past editor of *Le Peuple* and also Director of Publications of the newspaper *Le Charpentier*

**Date of arrest:** 10 and 15 April 2014 respectively. **Date of release:** 22 April 2014. **Details of arrest:** The journalists were reportedly charged with 'insulting the president,' 'defamation,' 'public insult' and 'attacking internal state security.' Only the final charge is considered a criminal offence in the Central African Republic. They were [ordered to be released](#) pending trial at a court hearing on 22 April 2014. In August 2015, a [local news report](#) indicated that both sides had accepted a conciliation process, but it seems the case was not fully settled. No more information as of 30 June 2016.

**Background:** The charges are reported to relate to articles for which the newspapers *Le Peuple* and *Le Démocrate* were suspended for one and two weeks respectively by a court of their peers at a hearing on 8 April. An arrest warrant was also reported to have been issued for **Ferdinand Samba**, journalist with *Le Démocrate*. [Akibata](#) passed away in May 2016 from a short illness.

## CHAD

### On Trial

#### **\*Stéphane Mbaïrabé OUAYE:**

**Profession:** publisher of the independent newspaper *Haut Parleur* **Date of arrest: 1)** 12 June 2015 **2)** 2 October 2015 **Date of release: 1)** Unknown, but believed to be shortly afterwards **2)** 2 October 2015 **Details of arrest: 1)** According to a [local news report](#), he was arrested in the morning of 12 June 2015 after the President's brother, filed a libel suit against him. In October 2015 it was announced that the President's brother had been released from his post as Director General of Customs and arrested on charges of embezzling the state. **2)** According to Reporters [Without Borders](#), Ouaye was arrested on the night of 2 October 2015 and was held in N'Djamena police headquarters. The police allegedly arrested him with no warrant and beat him in order to obtain the sources of an article that he had recently published. He was released the same day. Reporters Without Borders reports that he now faces charges for defamation and he is waiting for the trial to be scheduled. No further news as 30 June 2016. **Background:** His arrests are related to an article, entitled 'Salay Deby, national thief' criticised the President Idriss Deby and his brother, director-general of the customs service.

### Brief Detention

#### **\*Madjissembaye NGARDINON:**

**Profession:** reporter and editorial secretary for the newspaper *Abba Garde* **Date of arrest:** 24 June 2016 **Details of arrest:** Madjissembaye Ngardinon was reportedly arrested whilst taking photos of a woman who was resisting the efforts of the police to make her leave an area. The woman had previously held a concessions stand on the street and but had recently been evicted. Ngardinon was taken first to the headquarters of the PSIG, a special gendarmerie unit, and then to the prosecutor's office, where he was reportedly stated that he had been arrested 'in the act of a crime'. He was scheduled to appear before a judge on 1 July 2016, and the charges against him were changed to 'contempt of court', punishable by up to six months in prison, and 'rebellion', punishable by three months to two years in prison and a fine of up to 500,000 CFA francs (about \$840). His newspaper editor alleged that he had been treated in this way because of an article dated 20 June 2016 that Ngardinon had written highlighting flaws in the handling of the aforementioned property dispute by the authorities. It was then reported that he had been released on the evening of 28 June and the charges against him had been dropped.

### Case Closed

#### **Jean Etienne LAOKOLÉ:**

**Profession:** activist, humanitarian worker, writer and blogger **Date of arrest:** 22 March 2013

**Sentence:** three-year suspended prison sentence **Date of release:** 19 August 2013 **Details of arrest:** Laokolé was arrested by a group of men in civilian clothes in the Chadian capital N'Djamena and spent almost five months in pre-trial detention. He was reportedly driving with family members when he was stopped and forced into another vehicle. Laokolé's arrest was thought to be in connection with a series of articles he wrote denouncing corruption, poor governance and nepotism in Chad and posted on a well-known Chadian , [Le Blog de Makaila](#) under the pseudonym Vourboubé Pierre in 2012. Laokolé was reportedly identified as the author by the intelligence services. According to reports, earlier on the day of his arrest Laokolé had been summoned for questioning by

the criminal investigation police as a result of a complaint about an article he had written. **Details of trial:** Laokolé appeared before a magistrate on 1 April 2013, where his lawyer stated that the procedure in the case of defamation had not been followed and that there was no reason why Laokolé should not be granted bail pending trial. On 19 August 2013 he was convicted of defamation and 'abortive conspiracy against public order' and handed down a three-year suspended prison sentence. **Conditions in detention:** Laokolé was held incommunicado for three days following his arrest before reportedly being sighted in a former military camp in N'Djamena on 25 March 2013. He was then transferred to the Am Sinene detention centre, 30 km outside the capital, where conditions amount to cruel, inhuman and degrading treatment or punishment, according to Amnesty International. He was reportedly later given access to a lawyer and his family. **Background:** On 6 May 2013, **Eric Topona**, broadcast journalist and secretary general of the Union of Chadian Journalists (Union des Journalistes Tchadiens), was arrested after he attended a summons to testify in Laokolé's case at the N'Djamena Magistrate's Court. Accused of working with Laokolé and contributing to Le Blog de Makaïla, he was reportedly charged with 'endangering constitutional order,' detained under warrant and transferred to Am Sinene detention centre where he remained in prison pending trial. Topona was also convicted on charges of defamation and 'abortive conspiracy against public order' and given a three year suspended sentence, and released, on 19 August 2013. Topona was reported to be appealing his sentence. No further information as of 30 June 2016; PEN is seeking an update. **PEN Actions:** and updates.

## CONGO

### Attacked

#### **\*Christophe CHÂTELOT (French national):**

**Profession:** correspondent for *Le Monde* **Date of attack:** 23 March 2016 **Details**

**of attack:** Châtelot was arrested along with two AFP reporters while covering the presidential elections in the Republic of Congo. The three journalists had just attended a press-conference held by an opposition candidate announcing he would challenge the election results. [They were reportedly](#) attacked as they left by men who identified themselves as police officers; the officers seized passports and equipment, such as notebooks and cameras, and punched the journalists. [It was reported](#) that whilst the passports and camera equipment were released later that day, memory cards containing images of the conference were not. All three men had press accreditation for the election.

## ERITREA

### Detained: main case

*Detained before 2001:*

#### **Gebrehiwot KELETA:**

**Profession:** reporter for the independent newspaper *Tsigenay (The Pollinator)* **Date of birth:** 1951 **Date of arrest:** June or July 2000 **Details of arrest:** He was reportedly arrested after he met a US embassy official along with other journalists. He has been detained incommunicado without charge ever since. Keleta, who is also a former Eritrean Liberation Front officer, was 49 at the time of his arrest. **Place of detention:** Eiraeiro prison, though he was not originally placed in Eiraeiro. No further information as of 31 December 2015. **Honorary Member:** PEN Eritrea.

*Detained in September 2001:*

**Update:** Leaked [information](#) from a source who has created a [Facebook page](#) publishing documents claiming to show new information about the political prisoners and journalists who have been incarcerated for more than 14 years in Eritrea's secret prisons alleges that some of the detainees are no longer alive. Out of the total 35 prisoners held in the most secured prison centre, Eirairo, only 15 were alive. The information, shared in early February 2016, also adds that the remaining 15 prisoners were recently transferred to undisclosed prison centre. These claims have not been confirmed by the Eritrean authorities.

**Mahmud AHMED SHERIFFO, Profession:** former Minister of Local Government **Update:** according to information leaked in February 2016, reported to have died 4 June 2002 in Embatkalla

**Haile WOLDETENSAE, Profession:** former Minister of Trade and Industry. **Update:** according to information leaked in February 2016, lost his eye-sight, but was last reported alive in poor health

**Petros SOLOMON, Profession:** former Minister of Fisheries. **Update:** according to information leaked in February 2016, was last reported as alive

**Saleh Idris KEKIA, Profession:** former Minister of Transportation and Communication. **Update:** according to information leaked in February 2016, was reported to have died 12 June 2003 in Eiraiero

**General Ogbe ABRAHA, Profession:** Chief of Staff of the Defence Force. **Update:** according to information leaked in February 2016, reported to have died 13 October 2002 in Embatkalla)

**Astier FESHATSION (Or Aster Fissahatsion) (f), Profession:** former director general at Ministry of Labour and Human Welfare. **Update:** according to information leaked in February 2016, reported to have died 8 June 2003 in Eirairo)

**Brig Gen Berhane GHEBRE EGHZABIHER, Profession:** Commander-in-Chief of the ground forces of the Minister of Defence **Update:** according to information leaked in February 2016, he has been alive in deteriorating health conditions

**Hamid HIMID, Profession:** Eritrean ambassador to the Kingdom of Saudi Arabia. **Update:** according to information leaked in February 2016, reported to have died 22 September 2003 in Eiraiero

**Brig Gen Estifanos SEYOUM, Profession:** Head of finance at the Ministry of Defence. **Update:** according to information leaked in February 2016, although alleged to suffer from depression, relative to others, he is in better physical condition and has been handcuffed from day 1 in Eiraiero

**Germano NATI, profession:** former administrator of Southern Red Sea Zone. **Update:** according to information leaked in February 2016, reported to have died January 2009 in Eiraiero

**Beraki GHEBRE SELASSIE, Profession:** Former Minister of Education and later Minister of Information, was serving as Ambassador to Germany at the time of his arrest. **Update:** According to information leaked in February 2016, reported to be alive albeit in deteriorating health condition.

**Date of arrest:** 18 or 19 September 2001 **Details of arrest:** they have been detained since the publication in May 2001 of an open letter critical of the government addressed to members of the ruling People's Front for Democracy and Justice (PFDJ) party. All 11 were members of the so-called G-15, a group of 15 PFDJ senior officials who signed the letter. They were arrested in Asmara on 18 and 19 September 2001 and accused of crimes against national security and sovereignty. A twelfth G15 member was also arrested but was released when he recanted. The three remaining members were abroad at the time of the arrests and have not returned to Eritrea. In February 2002, in the first parliamentary session since 2000, President Issayas Afewerki declared that the G-15 members had 'committed treason by abandoning the very values and principles the Eritrean people fought for'. The National Assembly therefore 'strongly condemned them for the crimes they committed against the people and their country'. After such statements it seems highly improbable that the 11 currently held will receive a fair trial. **Conditions in detention:** They have been held incommunicado

since their arrest and it is not known whether they have been formally charged. According to Amnesty International, their family and friends have faced persecution whenever they have tried to speak out against the detentions. In April 2009, Amnesty International stated that at least one of the G-15 members, General Ogbe Abraha, had reportedly died in custody due to the harsh conditions and lack of access to medical treatment. According to Amnesty International, in early 2009 there were unconfirmed reports that nine of the former government officials known as the G-15 had died in detention since 2002.

**Health concerns:** Astier Feshatsion was said in 2009 to be suffering from stomach ulcers. According to a May 2013 report by Amnesty International, in July 2012 it was reported that Petros Solomon had been admitted to a hospital in Asmara due to a serious illness. However, adequate medical care was not available in Eritrea and it is not known what has happened to him since. **Other information:** On 27 November 2007, the UN Working Group on Arbitrary Detention (WGAD) adopted its opinion (No. 23/2007 Eritrea) that the politicians' detention was arbitrary under both category I ('When it is impossible to invoke any legal basis justifying the deprivation of liberty') and category II ('When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by the Universal Declaration of Human Rights and, in so far as state parties are concerned, the International Covenant on Civil and Political Rights'). WGAD requested their immediate release. According to a report by the UN Special Rapporteur on the situation of human rights in Eritrea published in May 2013, the Eritrean government had still not provided any information on the fate of the G11 political leaders. In meetings with government representatives in early 2013, the Special Rapporteur asked them to confirm whether or not the political leaders were still alive, their whereabouts, state of health and access to medical treatment, and why they had not yet been brought before an independent court to be charged with a crime recognisable under international law. She had not received any response to these questions at the time the report was published. A 2013 report by Amnesty International states that the brother of Estifanos Seyoum, **Colonel Tesfaledet Seyoum**, was also arrested in 2001 and had been detained incommunicado since. He was reportedly arrested for expressing political views in opposition to the government. According to the report of the UN Commission of Inquiry on Human Rights in Eritrea published on 5 June 2015, the whereabouts of the 11 remain unknown. **Update:** The Foreign Minister of Eritrea claimed on 20 June 2016 in an [interview](#) with RFI that the journalists and politicians arrested in 2001 are alive, though no proof has been provided.

**Amanuel ASRAT, Profession:** editor-in-chief and co-founder of *Zemen (Times)*, popular art critic, award-winning poet and song-writer, also credited with establishing the literary clubs Saturday's Supper in 2001: **Date of birth:** c. 1971 **Update:** According to information leaked in February 2016, was alive until an alleged report in early February 2016 of a transfer to an undisclosed prison centre

**Temesken GHEBREYESUS, Profession:** member of editorial board and sports editor of *Keste Debena (Rainbow)*, comedian and actor **Date of birth** c. 1967 **Update:** According to information leaked in February 2016, was alive until an alleged report in early February 2016 of a transfer to an undisclosed prison centre)

**Mattewos HABTEAB, Profession:** co-founder, co-owner and chief editor of *Meqaleh (Echo)* **Date of birth:** c. 1974, (Died in Eirairo in 2005)

**Dawit HABTEMICHAEL, Profession:** co-founder and assistant chief editor of *Meqaleh*. In addition to editing, Habtemichael also wrote critical articles: his regular column 'Never too late' scrutinised key issues in society and government on which, he assumed, it was never too late to improve. Also a physics teacher at Asmara Comprehensive School **Date of birth:** c. 1974 **Update:** According to information leaked in February 2016, reported to have died in Eirairo towards the end of 2010)

**Seyoum TSEHAYE, Profession:** freelance contributor to *Setit* and freelance photo-journalist. Co-founder of the Eritrean People's Liberation Front (EPLF)'s photography department; co-founder and first director of state-owned Eri-TV. **Date of birth:** 1952 **Update:** According to information leaked in February 2016, attempted to escape from prison in 2007 but was caught and was beaten harshly

after; reported alive under deteriorating health conditions and psychological state until the alleged report in early February 2016 of a transfer to an undisclosed prison centre)

**Date of arrest:** In the days following 19 September 2001, **Details of arrest:** The detentions came in the wake of the closing down of all eight independent newspapers by the authorities on 18 September 2001; these include the weeklies *Meqaleh*, *Setit*, *Tsigenay*, *Zemen*, *Wintana* and *Admas*. **Details of trial:** They are believed to be held without charge or trial. Since then, only state-owned newspapers have been published. The authorities have either denied that a clampdown took place, claiming instead that the journalists have merely been sent to carry out their national service, or that the closures and mass arrests were necessary for the sake of national unity or were carried out because of the newspapers' failure to comply with laws covering media licences. However, a more likely explanation is that the crackdown was an attempt to stamp out criticism of the Eritrean government's treatment of students and political dissenters, and of its conflict with Ethiopia. In April 2003, President Isaias Afewerki told Radio France Internationale that the journalists listed as arrested or missing had been bribed by forces opposed to the government to cause division. He stated, 'You cannot say a spy is a journalist...In the middle of the war we had to check them. We had to say enough is enough.' In a 2004 interview, President Afewerki commented that there had never been any independent media in Eritrea, only journalists in the pay of the CIA. **Conditions in detention:** After the initial raid, the journalists were detained incommunicado at the First Police Station in the capital Asmara for several weeks. After finally receiving visits by family and friends, they went on hunger strike to demand that their cases be brought to court. In response they were soon transferred to unknown detention centers and later moved to Eirairo prison camp to join the former state officials (see above). There are serious concerns about severe ill treatment, possible torture. In 2007, reports emerged that four of the journalists who were arrested in September 2001 had died in custody between 2005 and early 2007: **Said Abdelkader** (*Admas* editor-in-chief and owner) (**Update:** according to information leaked in February 2016, committed suicide in March 2005 in Eirairo), **Medhanie Haile** (*Keste Debena* assistant editor-in-chief and co-founder, former sports journalist, and lawyer) (**Update:** According to information leaked in February 2016, died in Eirairo on February 8, 2006 in Eirairo), **Yusuf Mohamed Ali** (*Tsigenay* editor-in-chief and owner) (**Update:** according to information leaked in February 2016, died in Eirairo on June 7, 2003), **Fesshaye Yohannes 'Joshua'** (co-owner of *Setit*, poet, playwright, short story writer, co-founder of Shewit Children's Theatre and circus performer) (**Update:** according to information leaked in February 2016, committed suicide on October 13, 2002 in Embatkalla). Their deaths – which have not been officially confirmed – were attributed to harsh conditions and lack of medical attention. Some sources suggest that that Yohannes was tortured prior to his death, including by having his fingernails ripped out. According to Reporters Without Borders on 30 August 2012, **Dawit Habtemichael** and **Matthewos Habteab** died in Eirairo prison camp, Habtemichael in the second half of 2010; these deaths have also not been officially confirmed. **Health concerns:** The detainees are believed to be in poor health and lack access to medical care, as highlighted by the reported deaths in custody (see above). In September 2009, Reporters Without Borders reported that many of the imprisoned journalists were being held in metal containers or underground cells in Adi Abeito military prison (northwest of Asmara), Eirairo prison (near the locality of Gahtelay). **Other information:** In May 2007, the African Commission on Human and Peoples' Rights (ACPHR) of the African Union ruled that the detention of the journalists was arbitrary and unlawful and called on the Eritrean government to release and compensate the detainees. In September 2011, the European Parliament adopted a strongly worded resolution urging Eritrea to 'lift the ban on the country's independent press and to immediately release independent journalists and all others who have been jailed simply for exercising their right to freedom of expression.' For years despite calls from the Special Rapporteur on Eritrea for the government to confirm whether or not the journalists were still alive, and on their health and legal status, as well as a UN Resolution urging for the accounting of the G-15 and the journalists, the Eritrean government had not provided any information on the fate of the journalists detained in 2001. **Update:** On 20 June 2016 in an interview

with RFI, the Foreign Minister of Eritrea claimed that all of the journalists and politicians arrested in 2001 are alive, though no proof has been provided. In the same interview, the foreign minister said that these men would be tried 'when the government decides'. **Honorary Members (All):** PEN American Centre, PEN Canada and PEN Eritrea. **PEN Action:** (Asrat) 2016 [Day of the Imprisoned Writer](#); (Asrat)

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

**Profession:** co-owner of *Setit*, playwright and writer. Isaac, who spent a number of years in Sweden during the Eritrean war of independence and the border dispute between Eritrea and Ethiopia. **Date of birth:** 1964 **Date of arrest:** In the days following 23 September 2001, along with **Amanuel Asrat, Temesgen Ghebreyesus, Mattewos Habteab** and **Seyoum Tsehaye** (see above). **Sentence:** It is thought that Isaac, like his colleagues, has yet to be put on trial. **Details of arrest:** The detentions came in the wake of the closing down of all eight independent newspapers by the authorities on 18 September 2001 (these include the weeklies *Meqaleh, Setit, Tsigenay, Zemen, Wintana* and *Admas*). The authorities have either denied that a clampdown took place, claiming instead that the journalists have merely been sent to carry out their national service, or that the closures and mass arrests were necessary for the sake of national unity or were carried out because of the newspapers' failure to comply with laws covering media licenses. However, a more likely explanation is that the crackdown was an attempt to stamp out criticism of the Eritrean government's treatment of students and political dissenters, and of its conflict with Ethiopia. In April 2003, President Isaias Afewerki told Radio France Internationale that the journalists listed as arrested or missing had been bribed by forces opposed to the government to cause division. He stated, 'You cannot say a spy is a journalist...In the middle of the war we had to check them. We had to say enough is enough.' In a 2004 interview, President Afewerki commented that there had never been any independent media in Eritrea, only journalists in the pay of the CIA. In a TV interview in June 2009, President Afewerki said that he did not know what crime Isaac had committed but that he had made a 'big mistake'. He added that the Eritrean authorities would not release Isaac or put him on trial and that they have their 'own ways of dealing with that'. **Conditions of detention:** Reportedly tortured. As of January 2010, Isaac was reportedly being kept in solitary confinement, in a tiny cell with no windows and was in very poor physical and mental health. He and the other inmates are reportedly not allowed any contact with each other or the outside world, are routinely shackled and receive almost no medical care. In November 2001, the Swedish local consul held a brief meeting with Isaac in jail. In November 2005, Isaac was briefly released for a medical check-up and was allowed to call his family and friends in Sweden. This was due to pressure by groups in Sweden but did not lead to Isaac's release: he was returned to prison two days later with no explanation. Since then Isaac has reportedly been moved to various prisons around the country. According to Amnesty International in May 2011, he was reportedly in poor mental and physical health. However, in May 2012, Amnesty stated that it had received reports in October 2011 that Isaac may have died in detention, as he was no longer in the prison where he had been held. The Eritrean government did not confirm these reports. According to PEN Eritrea, he was held in Asmara's most secured prison until 2007 when he was transferred to the maximum security prison center, Eirairo. **Update:** According to the latest information leaked in February 2016, as of 30 June 2016 he is alive in deteriorating health. **Health concerns:** Isaac reportedly suffers from a diabetic condition that requires medical supervision. In April 2002, it was reported that Isaac had been hospitalized suffering from injuries sustained through his torture. In January 2009, he was reportedly transferred from prison to an Air Force hospital in Asmara as a result of serious illness but was later returned to prison. **Current place of detention:** In May 2011, Amnesty International reported that Isaac remained in detention, allegedly in Eirairo prison camp, north of the capital Asmara. **Other information:** In August 2009, he was among the [subjects of a communication](#) from the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the UN Special Rapporteur on the situation of human rights defenders to the Eritrean authorities, to which they had received no response by March 2011. In July

2011, Isaac's brother, Esayas Isaac, reportedly filed a writ of habeas corpus with Eritrea's Supreme Court calling for information on the journalist's location and a review of his imprisonment. The writ was not supported by the Swedish government; Foreign Minister Carl Bildt reportedly said the country's goal was to have Isaac released on humanitarian grounds rather than stand trial. The Supreme Court did not respond. As a result, three European jurists referred Isaac's case to the African Commission on Human and People's Rights (ACHPR), according to Reporters Without Borders on 27 October 2012. Isaac's case was due to be heard by the ACHPR during the Commission's extra-ordinary session from 18 to 25 February 2013 in Banjul, The Gambia. The ACHPR judged Isaac's case to be admissible in July 2014; the proceedings were ongoing as of June 2015. In late January 2014, the Eritrean ambassador to Israel Tesfamariam Tekeste Debbas reportedly told journalists in Tel Aviv that Isaac is still alive, commenting 'when he comes and doesn't follow the country's laws, he must be punished'. **Swedish diplomacy:** In September 2012, Swedish Foreign Minister Carl Bildt said that the Swedish government was working for Isaac's release, but that it could not reveal details of its diplomatic efforts. However, a few months earlier, in an interview with Swedish newspaper *Aftonbladet* in May 2012, President Afwerki reportedly denied that Sweden was using any form of silent diplomacy to get Isaac out of prison and refused to comment on suggestions that Isaac may be dead. It was reported that Isaac's lawyer would attend the session. For years despite calls from the Special Rapporteur on Eritrea for the government to confirm whether or not the journalists were still alive, and on their health and legal status, as well as a UN Resolution urging for the accounting of the G-15 and the journalists, the Eritrean government had not provided any information on the fate of the journalists detained in 2001. According to 23 September 2014 reports, the Swedish prosecutor has closed an investigation into the complaint accusing the authorities of crime against humanity, torture and abduction in the Isaac case. Lawyers acting for Isaac filed it with the Swedish judicial authorities in July. According to Reporters Without Borders, the prosecutor deemed that the investigation was a waste of resources as the Eritrean authorities were unlikely to cooperate. **Update:** On 20 June 2016 in an interview with RFI, the Foreign Minister of Eritrea claimed that Isaac was alive, though no proof has been provided. In the same interview, the foreign minister said that these men would be tried 'when the government decides.' **Honorary Member:** PEN American Centre, PEN Canada, PEN Eritrea, Finnish PEN and Swedish PEN. **Awards:** Isaac was awarded the 2009 Tucholsky Award by Swedish PEN, the 2009 Norwegian Authors' Union Freedom of Expression Prize and the 2011 Golden Pen of Freedom, the annual press freedom prize of the World Association of Newspapers and News Publishers (WAN-IFRA). An award in his name was established in 2007 by the Swedish National Press Club. **Background:** A collection of Isaac's writings, entitled *Hope- the Tale of Moses and Manna's Love*, was launched at Sweden's Gothenburg book fair in September 2010. **PEN Actions:** [RAN 51/05](#) and updates; Because Writers Speak Their Minds campaign in 2010, PEN resolutions [2013](#), [2014](#), statement [1 June 2015](#).

*Detained after September 2001:*

**\*Abubeker ABDELAWEL:**

**Profession:** author, theatre director and actor who also worked as a reporter for the Ministry of Information in different zones; at one time he was assistant chief-editor of the Tigrinya daily ብብ ብብ - ብብ ብብ (*Haddas Ertra*: 'The New Eritrea'). **Date of arrest:** February or March 2013 **Details of arrest:** Arrested in connection with the [January 2013 mutiny](#) **Details of detention:** he was taken to an undisclosed location and has apparently never been brought to court. **Background:** His publications include ብብ ብብ ብብ ብብ ብብ ብብ ብብ (1984) (roughly translates as *The Fruit of True Love is a Good Family*). **Honorary Member:** PEN Eritrea.

**Idris SAID 'Abu'Are':**

**Profession:** author of two books (including a collection of short stories in Arabic published in 1992); freelance journalist for independent newspaper *Tsigenay (The Pollinator)*, mainly on mother tongue education; regular contributor to state-run Arabic daily newspaper *Eritrea al-Haditha*; disabled Eritrean Liberation Front veteran. **Date of arrest:** October 2001 **Details of arrest:** Reportedly arrested after questioning the G-15 arrests (see above), according to a May 2013 report by Amnesty International. **Details of detention:** He has been detained incommunicado without charge since his arrest, in a secret location, rumoured to be Eiraeiro. According to PEN Eritrea, Abu'are remains detained. **Update:** According to alleged information leaked in February 2016, he was alive in deteriorating health condition until the final transfer from Eirairo to an undisclosed detention centre. **Background:** Abu'are was reportedly a branch head at the Ministry of Labour and Human Welfare at the time of his arrest. Months before his arrest he published his seminal work on mother-tongue education in which he criticised the government's post-independence language policy. **Other information:** He is married and has one daughter. **Honorary member:** PEN Eritrea. **PEN Action:** 2016 [Mother Language Day](#) Action

**\*Saleh IDRIS 'Aljazeera':**

**Profession:** journalist for the state-owned Arabic daily newspaper *Eritrea al-Haditha* who was also working for Eritrean State Radio Arabic desk at the time of his arrest. **Date of arrest:** February 2002. **Details of detention:** Since his arrest he has been detained in an undisclosed location with no official explanation from the authorities. According to PEN Eritrea, cell-mates who have been released mentioned in some of the interviews after leaving the country that he is being held in Karsheli, Asmara's most secure prison centre. **Honorary Member:** PEN Eritrea.

**\*Jim'ie KIMEIL:**

**Profession:** investigative reporter and editor of the sports section for the state-owned Arabic daily newspaper *Eritrea al-Haditha*, whose critical articles were the source of tensions with his employers at the Ministry of Information; veteran freedom fighter. **Date of arrest:** 24-25 November 2005 **Details of arrest:** Detained at his home as part of a wave of arrests that reportedly included other 13 prominent figures (including the famous singer-song writer Idris Mohammed Ali and Taha Mohammed Nur, one of the founders of the Eritrean Liberation Front, ELF, who died in detention in 2008). No reason was given for the arrests but it was reportedly rumoured that it was their support for democratic change. **Update:** According to alleged leaked online information from February 2016 and widely discussed and read in the Eritrean social media, Jim'ie was killed by the state security along with the singer Idris Mohammed Ali and other two colleagues on the 22nd of August 2007. **Details of detention:** None of the detainees were charged; their whereabouts remain unknown. **Honorary Member:** PEN Eritrea.

**Idris MOHAMED ALI:**

**Profession:** popular singer and songwriter in the Tigris language. **Date of arrest:** November 2005, according to a May 2013 report by Amnesty International. **Details of detention:** No reason was given for his arrest but according to Amnesty's sources he was suspected of opposition to the government. He has never been charged, brought before a court or been given access to a lawyer. **Place of detention:** His family do not know where he is being held and have had no news of him since his arrest. **Update:** According to alleged leaked online information from February 2016 and widely discussed and read in the Eritrean social media, Idris Mohammed Ali was killed along with Jim'ie and two colleagues on the 22nd of August 2007. **Honorary member:** PEN Eritrea.

**Sahle 'Wedi-itay' TSEGAZAB** (previously listed under nickname **Wedi ITAY**):

**Profession:** branch head at the Office of the Attorney General and freelance journalist for the state press and then for *Zemen*; former member of the Eritrean People's Liberation Front (EPLF). **Date of arrest:** October 2001. **Place of detention:** Thought to be held at Eiraeiro prison camp. **Conditions of detention:** Tsegazab was in his 40s at the time of his arrest and as of 2009 was said to be seriously ill. According to a Reporters Without Borders report dated 30 August 2012, Tsegazab had died in Eiraeiro prison camp from an unidentified illness and from the lack of medical treatment; his death has not been officially confirmed. **Other information:** According to PEN Eritrea, at the time of his arrest he was serving as director of the civilian affairs branch at the Attorney General's office and was finalizing his departure to South Africa to pursue his studies. He has two daughters. **Update:** **According to information leaked in February 2016,** died in January 2005 in Eirairo. **Honorary member:** PEN Eritrea.

#### Case Closed

#### **Sultanyesus TSIGHEYOHANNES:**

**Profession:** journalist for the state-owned English language newspaper *Eritrea Profile*. **Date of arrest:** December 2008 **Details of arrest:** Reportedly arrested in connection to his faith. According to the Committee to Protect Journalists, he was active in the Pentecostal Church, which is banned in Eritrea. **Details of detention:** He was neither charged nor his current location disclosed to his family.

**Honorary Member:** PEN Eritrea.

## ETHIOPIA

### Imprisoned: main case

#### **Asfaw BERHANU:**

**Profession:** former contributor to the private bilingual newspaper *The Reporter*. **Sentence:** Two years and nine months' imprisonment **Date of arrest:** Unclear, but in prison as of date of sentencing **Current place of detention:** Hawassa Prison **Details of trial:** Berhanu was reportedly convicted on 25 December 2013 of 'spreading false rumours' and thereby 'creating a danger of public disturbances' under Article 486/1 of Ethiopia's criminal code. He reportedly planned to appeal the sentence. Berhanu's conviction follows the 4 September 2013 publication of an article in which he claimed that three state government officials had been removed from their posts – allegations that later proved to be false, according to news reports. The newspaper issued a front-page retraction on 8 September and dismissed Berhanu. No further information as of 30 June 2016. **Other information:** On 9 October 2013, three policemen arrested *Reporter* Managing Editor **Melaku Demissie** in connection with the 4 September article. His release was ordered the same day (see 2013 Case List). **Background:** Together the English and Amharic-language versions of *The Reporter* constitute Ethiopia's leading independent newspaper. The Amharic-language website gets up to 30,000 visitors a day. The newspaper and its employees have reportedly been the target of intimidation in the past. In August 2008, editor-in-chief **Amare Aregawi** was illegally arrested and transferred outside Addis Ababa, and subsequently suffered a serious attack a few months after his release (see previous Case Lists).

#### **Temesgen DESALEGN:**

**Profession:** editor of the now defunct independent Amharic-language weekly newspaper *Feteh* and managing director of the bi-monthly magazine *Addis Times*, which was created after the authorities closed *Feteh* in August 2012. Was also an editor at the now defunct *Fact* magazine. **Sentence:** three years in prison **Date of arrest:** 13 October 2014 **Details of trial:** The Federal High Court in the capital Addis Ababa reportedly found Desalegn guilty of incitement, defamation, and false publication on 13

October and sentencing him to three years' imprisonment on 27 October 2014. He was reportedly taken into custody upon being convicted. **Place of detention:** Ziway Prison **Health concerns:** Desalegn reportedly suffers from stomach and back pain for which he used to receive weekly medical support before he was jailed. However, sources indicate that he has been denied medical access since his imprisonment and that his back pain has worsened to the point that walking is difficult for him. **Conditions in prison:** Desalegn was denied visitors for more than a month in February 2015, according to his mother, who suspects that the punishment was applied in response to the publication of an article that he wrote from prison. According to news reports, his lawyer suggested in an interview that in October 2015, the brothers of Desalegn were denied access to visit him in prison. No further news as of 30 June 2016. **Background:** Desalegn was originally jailed on 24 August 2012 in connection with articles published in *Feteh* which criticized the late Prime Minister Meles Zenawi. He was reportedly charged under three articles of Ethiopia's Criminal Code: Article 613, 'defamation and calumny'; Article 486, 'inciting the public through false rumours'; and Article 238, 'outrages against the Constitution or the Constitutional Order'. The company that publishes *Feteh* was also charged with inciting the public to violence. Four days later, on 27 August 2012, Desalegn was released and all charges against him and the publishing company were dropped. The authorities did not explain why the charges had been dropped. On 8 February 2013, it was reported that the charges faced by Desalegn in 2012 had been reinstated.

#### **Yusuf GETACHEW:**

**Profession:** editor of the now-defunct weekly newspaper *Ye Muslimoch Guday* (Muslim Affairs).

**Sentence:** seven years **Date of arrest:** 20 July 2012. **Details of arrest:** Arrested in the capital, Addis Ababa, following a raid on his house and taken to the Maekelawi Federal Detention Centre. The police reportedly confiscated four of Getachew's mobile telephones, his wife's digital camera, some books and 6,000 birr (US\$334). The editor spent weeks in pre-trial detention at Maekelawi, with no access to his family and only limited contact with his lawyer. He was held for more than three months before being charged. **Current place of detention:** Kality Prison, Addis Ababa. **Details of trial:** On 29 October 2012, Getachew appeared in court and was charged under the Anti-Terrorism Proclamation 2009 with plotting acts of 'terrorism, intending to advance a political, religious or ideological cause' by force; and the 'planning, preparation, conspiracy, incitement and attempt of terrorist acts.' Getachew's trial was part of a wider trial of at least 29 Muslim protest leaders and others charged under Ethiopia's Anti-Terrorism Proclamation. The trial was reportedly marred by serious due process violations, including undermining the defendants' presumption of innocence and was closed to the public. On 1 December 2013 it was reported that Getachew was being held at Kality Prison in Addis Ababa. During his trial, Getachew told the court that he had been beaten while in custody – a complaint that has not been adequately investigated as both the first instance court and the high court have claimed not to have the jurisdiction over such matters. According to the Committee to Protect Journalists, in August 2015 he was sentenced to seven years in prison by the Addis High Court but planned to appeal the sentence. No further news as of 30 June 2016.

**Background:** Local journalists believe that Muslim journalists and newspapers were being harassed as part of an attempt to quell media coverage of protests which began in 2011 by Ethiopian Muslims relating to government policies that they said interfered with their religious practices. *Ye Muslimoch Guday* provided extensive coverage of the protests. Other *Ye Muslimoch Guday* journalists have gone into hiding, and the publication ceased operations following Getachew's arrest. According to reports, many journalists attempting to cover or report on the protests were detained or intimidated. Despite these arrests, protests continued throughout the country in 2013. In February 2013, the managing editor of *Ye Muslimoch Guday*, **Solomon Kebede**, was detained by the authorities (see below). **Other information:** The US Commission on International Religious Freedom (USCIRF) condemned on 6 August 2015 the conditions under which 18 'Muslim leaders' – Getachew among them – were detained. The USCIRF called on the US Government to 'speak out publicly against these sentences'. **[Stop press:** It was announced on 10 September 2016 that Getachew had been released as part of a presidential pardon to mark both Ethiopia's New Year and Eid. It was

reported that he was one of 135 Muslims released who were serving jail sentences after being convicted on religious extremism and terrorism charges, mainly after the 2012 protests. The Prosecutor General said that the prisoners were released after they wrote a letter of remorse. It was not immediately clear if Getachew's pardon was unconditional.]

**Eskinder NEGA:**

**Profession:** journalist for now-defunct political magazine *Change* **Date of birth:** 1968 **Sentence:** 18 years **Date of arrest:** 9 September 2011 **Place of detention:** Kality Prison, Addis Ababa. **Details of trial:** Nega was arrested under Ethiopia's sweeping Anti-Terrorism Proclamation. He was officially charged under the same legislation on 11 November 2011. He was accused of having a relationship with the leaders of Ginbot 7, 'planning terrorist acts' (article 4) and inciting the public to overthrow the government encouragement of terrorism – article 6), passing such information to Ginbot 7 and the enemy state of Eritrea and calling, organising and leading a meeting that was summoned for the purpose of terrorist goals. Local journalists suspect that some of Nega's recent writings criticising the government's arrest of the famed Ethiopian actor Debebe Eshetu on terrorism charges triggered his arrest. Nega appeared before a court on 15 September 2011 where he was remanded in custody for 28 days. He was [charged](#) under the Criminal Code and the Anti-Terrorism Proclamation on 11 November 2011 although some of the initial charges were later dropped, according to the government. His trial began on 5 March 2012 on charges of 'committing a terrorist act' (article 3 [1,2,3,4, and 6] of the Anti-Terror Proclamation); 'serving as a leader in a terrorist organisation (article 7 [2] of the Anti-Terror Proclamation), 'treason' (articles 32[1a] and 248 [b] of the Criminal Code, and 'espionage' (articles 32[1a] and 252[1a] of the Criminal Code. He was convicted on 27 June 2012; the prosecutor asked for a life sentence. On 13 July 2012, Nega was sentenced to 18 years in jail. At the beginning of November 2012 he appeared briefly in court to appeal the charges of terrorism against him. According to reports, his appeal was cut short and he was not allowed to read his defence statement. His appeal hearing was then repeatedly rescheduled. On 2 May 2013, the Ethiopian Federal Supreme Court upheld Nega's conviction and sentence. One of the charges against him, 'serving as a leader of a terrorist organisation', was dropped, but his sentence was not reduced. Nega, representing himself, reportedly filed an appeal to the Court of Cassation in May 2013, as of 30 June 2016 it was not clear whether a hearing had been held. On 18 October 2013, it was reported that an appeal was lodged on behalf of Nega and **Reeyot Alemu** (f) (see 2015 Case List) with the African Commission on Human and Peoples' Rights. The Commission was expected to consider the appeal in a session beginning in October 2014. According to PEN's information, the ruling has been subject to delays owing to the Ebola crisis. No new information as of 30 June 2016. **Other information:** An opinion handed down by the UN Working Group on Arbitrary Detention (WGAD) in December 2012 found that the Ethiopian government's continued detention of Nega constituted a violation of international law, violating Nega's rights to free expression and due process, recognising 'several breaches of Mr. Nega's fair trial rights'. According to WGAD's panel of five independent experts, Nega's imprisonment came 'as a result of his peaceful exercise of the right to freedom of expression' and called for his immediate release. However, the WGAD's opinion is not binding. **Background:** Nega was previously briefly arrested and detained by the federal police on 11 February 2011 after leaving an internet café in Addis Ababa. He was accused of attempting to incite protests similar to those that took place in Egypt and Tunisia in early 2011 in articles he had recently posted online - in particular one posted a week earlier in which he defended the right to peaceful protest. He was warned that this article was viewed as an attempt to undermine the army and that he would be held responsible for any protests that took place in Ethiopia. Nega was jailed along with his wife, journalist **Serkalem Fasil**, between 2005 and 2007 on treason charges for their coverage of protests that followed the 2005 legislative elections. **Awards:** PEN American Centre named Eskinder Nega as its 2012 PEN/Barbara Goldsmith Freedom to Write Award Winner on 12 April 2012. In 2014, he was awarded WAN-IFRA's Golden Pen of Freedom award. In 2015, he won the PEN Canada One Humanity Award. **Honorary member:** PEN USA, PEN Canada. **PEN Action:** and updates, Call to action [19 December 2013](#)

**Woubshet TAYE:**

**Profession:** deputy editor of the independent weekly *Awramba Times* **Sentence:** 14 years in prison  
**Date of arrest:** 19 June 2011 **Details of arrest:** Teye was arrested at his home in Addis Ababa on 19 June 2011 by security agents who confiscated various documents, cameras, CDs and copies of *Awramba Times*, which provides in-depth political coverage. He was initially detained incommunicado without charge and later said that he had been denied access to a lawyer during his interrogation. The authorities did not disclose the reason for his arrest, but it was suspected that he was detained under Ethiopia's 2009 Anti-Terrorism Proclamation due to his alleged sympathy for the banned political party Ginbot 7, which the Ethiopian government had recently designated as a terrorist organisation. **Current place of detention:** Teye was held at the federal investigation centre at Maekelawi Prison in the capital Addis Ababa, before being transferred to Kality prison, on the outskirts of Addis Ababa. He was reportedly transferred to Ziway prison, about 83 miles southeast of the capital, on 19 April 2013. In October 2014, he was reportedly transferred back to Kality prison. **Details of trial:** On 6 September 2011, Teye appeared before Ethiopia's High Court along with **Reeyot Alemu** (see 2015 case list). Both were charged under the Anti-Terrorism Proclamation. Their lawyers said they did not have any details about the charges as they were not notified of the hearing and as a result could not attend. Terrorism charges were also filed in absentia against **Elias Kifle**, editor of the US-based anti-government website *Ethiopian Review*; Kifle lives in exile in the USA. On 19 January 2012, Teye and Alemu were convicted and sentenced to 14 years in prison for 'lending support to terrorist organisations' (article 5 of the Anti-Terror Proclamation). Kifle was sentenced in absentia to life imprisonment. In September 2013 Teye's application for a presidential pardon was rejected, according to news reports. **Conditions in detention:** During a court hearing in August 2011, Teye said that he had been tortured by state officials while he was being interrogated in prison; the court did not investigate his complaint. Teye is reported to have published a collection of essays in September 2014 entitled *The Voice of Freedom*, detailing his trial and the challenges Ethiopian journalists face. The police are reported to have restricted visits by friends and family after the book was released. On 1 December 2015, local news reports published Teye's [letter](#) sent from prison. No further news as of 30 June 2016. **Health concerns:** As of early September 2011 he was reportedly suffering from pain in his ear and stomach as a result of beatings, but had not been given any medical treatment. Teye is also said to have suffered from a kidney infection following his transfer to Ziway prison in April 2013 but was said to finally have received treatment for the infection upon his return to Kality prison in October 2014. **Awards:** Teye is a recipient of Human Rights Watch's Hellman-Hammett Award 2012 and CNN's Free Press Africa Award 2013. **PEN Action:** and updates

**Zelalem WORKAGEGNEHU:**

**Profession:** blogger for diaspora-based blog, *De Birhan* **Sentence:** Five years and two months' imprisonment **Date of arrest:** 8 July 2014 **Details of arrest:** Workagegnehu was reportedly held without charge until October 2014 when he was finally charged with having links to diaspora-based opposition movement Ginbot 7. Officials [claimed](#) that Workagegnehu had been co-facilitating what was a 'training camp to terrorise the country', but which he and others have said was a workshop on digital communication, social media and leadership. **Current place of detention:** Workagegnehu was originally held in Kilinto prison but has reportedly been transferred to Zeway Prison, 140 km South of Addis Ababa. **Details of trial:** According to reports dated 8 June 2015, the criminal bench of Lideta Federal High Court in Addis Ababa began hearing witnesses for the prosecution. Most of the charges were reportedly dropped against him except for charges for receiving money from abroad in order to recruit members for the opposition movement Ginbot 7, and facilitating media training. On 30 December 2015, a Court hearing was held and Abraha Desta, a social media activist and official of the opposition Arena Tigray, and Abraham Solomon who was also detained with Workagegnehu, appeared as witnesses. The trial was postponed to 27 January 2016 and Eskinder Nega (see Imprisoned – main case above) was due to appear as a witness. According to a news report, Abraha testified that he had advised Workagegnehu to confess as he was beaten daily and he feared that Workagegnehu could be severely injured after this torture. Abraha also suggested that

the witness used by the prosecutors was told that if he testified against Workagegnehu and colleagues he would later be released and if not, he himself would be held in prison. Workagegnehu was found guilty on 15 April 2016 of violating article 7(1) of the Anti-Terrorism Proclamation (ATP), and sentenced on 10 May 2016. Two of his co-defendants were acquitted in April, and two more were found guilty. An appeal has been lodged. **Conditions of imprisonment:** Workagegnehu and two of his co-defendants have [claimed](#) that they were tortured whilst imprisoned Workagegnehu has also said that he was forced to sign confession letters, and that he now suffers from eye pain as a result of the beatings. **PEN Action:** [RAN 12/16](#) [**Stop press:** An appeal was filed but the Supreme Court upheld the sentence in August. An appeal was being filed at the Court of Cassation.]

Detained: main case

**Getachew SHIFERAW:**

**Profession:** editor-in-chief of online newspaper *Negere Ethiopia* **Date of arrest:** 25 December 2015  
**Details of arrest:** He was reportedly arrested on 25 December 2015 by federal police while he was walking to his office in Addis Ababa and taken to Maekelawi, a federal police investigation centre. According to a 2013 Human Rights Watch report, detainees at this centre are frequently ill-treated or tortured. On 26 December 2015, a court ruled to allow the police to keep him in detention under investigation for 28 days, renewable four times. According to Amnesty International, in April 2016 the court ordered the Federal Police to close the investigation as time had run out to conduct investigations under the Anti-Terrorism Proclamation; however, he was kept in police custody and was charged on 23 May **Details of trial:** Shiferaw was charged in May 2016 under article 7(1) of the Anti-Terrorism Proclamation in relation to social media posts. **Current place of detention:** He has been moved to Kilinto detention centre. **Background:** The online newspaper *Negere Ethiopia* is reportedly affiliated with the Blue Party, an opposition party that has been campaigning for political openness in Ethiopia. Allegedly, for this reason about a year ago *Negere Ethiopia* was forced to suspend its print edition and is currently only available online. The newspaper had also been covering political trials such as the Zone 9 blogger case (See Released below).

**\*Yonatan TESFAYE:**

**Profession:** spokesperson for the opposition Semayawi Party **Date of arrest:** December 2015 **Details of arrest:** Yonatan Tesfaye was [reportedly](#) arrested in December 2015, after posting on his own Facebook page in November 2015 comments against the government's plans to extend the capital's authority to the Oromia region; the government considers these comments to be in pursuit of the goals of the Oromo Liberation Front (OLF), which it has designated a terrorist organisation. He was held until May 2016 without charge **Details of trial:** In May 2016, he was charged with 11 counts, including 'incitement, planning, preparation, conspiracy and attempt' to commit a terrorist act under article 4 of the Anti-Terrorism Proclamation in relation to 11 social media posts. His preliminary defence was rejected on 21 June 2016. [**Stop press:** On 4 August 2016, the court amended the charge to article 6 of the Anti-Terror proclamation which prohibits 'encouragement' of terrorism. The next trial session is due on 24 October 2016.] **Conditions of detention:** It has been [reported](#) that there have been claims that he may have been tortured or otherwise ill-treated whilst in detention at Maekelawi Federal Detention Centre; this prison is known for the use of torture.

Detained - investigation

**Elias GEBRU:**

**Profession:** editor-in-chief of the independent news magazine *Enku* **Date of arrest:** 11 November 2014 **Details of arrest:** According to a report by *Awramba Times*, Gebru was detained in connection with a column published in *Enku*. The Federal High Court ordered him to post bail of 20,000 Ethiopian birr (US\$1,000) or face detention until his trial, scheduled then for 5 January 2015. Unable to pay the bail, Gebru was detained. News report of April 2015 suggested that Gebru is still on trial.

It is unclear if he still in prison. No new information as of 30 June 2016. **Place of detention:** Kilinto Prison **Background** remains: On 26 May 2014 Gebru was reportedly detained after Ethiopia's federal police summoned him for questioning in connection with the same column published in *Enku* mentioned above. The column in question reportedly discussed a monument recently erected outside the capital, Addis Ababa, in honour of ethnic Oromos massacred in the 19<sup>th</sup> century by Emperor Menelik's forces. The monument has reportedly ignited divisions between some Oromos and supporters of the emperor's legacy. According to news reports, local journalists believe the authorities were attempting to link *Enku* to deadly clashes between Oromo student protesters and the security forces, which took place in April 2014.

On trial

**Befeqadu HAILU:**

**Profession:** Contributor to the Zone 9 blog **Date of arrest:** 25 April 2014 **Date of release:** 21 October 2015 **Details of arrest:** He was arrested with five other contributors to the Zone 9 blog and three journalists and accused of working with foreign human rights organisations and receiving finance to incite public violence through social media (See 2015 case list). Hailu was released on bail on 21 October 2015 but faces an additional charge of inciting violence. On 24 December 2015 he was summoned with four other members of the Zone 9 blogging group - Soleyana, Abel Wabella, Natnael Feleke, Atnaf Berhane- to appear in court on 30 December 2015 for a hearing into the appeal of the prosecution against the dropping of terrorism charges against them, but the hearing was delayed until February 2016. On 4 February 2016, the five members of the Zone 9 blogging group, including Hailu, appeared in court in relation to the appeal of the decision to drop charges against them. Hailu also faces charges of inciting violence, which is still pending as of 30 June 2016. **[Stop Press:** Hailu was reportedly detained on 11 November, though it was unclear under what charges. He had recently spoken to Aljazeera's English broadcast about the Irrechaaa massacre at the Oromo cultural festival on 2 October 2016] **Other information:** The OHCHR Working Group in Arbitrary Detention [adopted](#) a resolution stating that they believed the detention of Hailu and the other Zone 9 bloggers and journalists was in contravention of articles 5, 9, 10, 11, 19 of the UDHR and articles 7, 9, 14, 19 and 22 of the ICCPR (International Covenant on Civil and Political Rights).

**Atnaf BERHANE, Profession:** Contributor to the Zone 9 blog

**Natnael FELEKE, Profession:** Contributor to the Zone 9 blog

**Soleyana S Gerbremichael, Profession:** Contributor to the Zone 9 blog

**Befeqadu HAILU, Profession:** Contributor to the Zone 9 blog

**Abel WABELLA, Profession:** Contributor to the Zone 9 blog

**Details of trial:** After the release and acquittal of the Zone 9 bloggers in 2015, the Prosecutor appealed against the acquittal and bail of **Soleyana, Abel Wabella, Natnael Feleke, Atnaf Berhane, and Befekadu Hailu**, which is ongoing as of 30 June 2016. **Background:** In 2014 Berhane, Feleke, Gerbremichael, Hailu and Wabella were formally charged alongside two other Zone 9 bloggers and three journalists with intending to 'destabilise the nation,' connections to outlawed organisations including Ginbot7 and the Oromo Liberation Front (OLF), and planning to carry out terrorism under the Anti-Terrorism Act (**Gerbremichael in absentia**); they were held for more than 80 days without charge, beyond the maximum period allowed under the law. The Zone 9 bloggers were accused of working with foreign human rights organisations and receiving finance to incite public violence through social media. **Wabella, Berhane and Feleke** were released on 17 October 2015 and **Hailu** on 21 October 2015. Zone 9 is an independent collective of bloggers who campaign against political repression and human rights abuses in Ethiopia. **[Stop press:** Natnael Feleke was detained on 4 October on charges he had made "seditious remarks" in a restaurant while criticizing security forces. He was later released. In November CPJ [reported](#) that Ethiopia's Supreme Court on November 15 continued hearing the prosecutors' appeal the 2015 acquittal of the five bloggers.] **Awards:** 2015

Reporters Without Borders Prize for Press Freedom (to Zone 9 collective) **PEN Action:** World Press Freedom Day action 3 May 2014, Joint open letter [24 July 2014](#), press statement [24 April 2015](#)

### Harassed

**\*William DAVISON, Profession:** correspondent for Bloomberg

**\*Jacey FORTIN (f), Profession:** freelance journalist

**Date of harassment:** 3 March 2016 **Details of harassment:** Just after midday, Davison, Fortin and a translator they had hired were arrested near the eastern town of Awash, [it was reported](#). The police took their identification cards and phones and then escorted them back to Addis Ababa, where they were held overnight at a police station jail. All three were released the following day around noon, but were [reportedly](#) not given any reasons for their detention.

### Sentenced

**Endalkachew TEFAYE, profession:** publisher of *Addis Guday* magazine

**Gizaw TAYE HORDOFA, profession:** publisher of *Lomi* magazine

**Fatuma NURIYA, profession:** publisher of *Fact* magazine

**Sentence:** Three years and three months (Tefaye and Hordofa); three years and 11 months (Nuriya) in prison **Details of trial:** According to October 2014, the three publishers were sentenced in absentia for 'inciting violent revolts, printing and distributing unfounded rumours and conspiring to unlawfully abolish the constitutional system of the country.' They had reportedly fled the country before the trial began. According to [Amnesty International](#), Teye Hordofa was sentenced in absentia to 18 years in prison in October 2015 in a separate case. He is reportedly being charged for tax evasion. No further information as of 30 June 2016.

### **Solomon KEBEDE:**

**Profession:** managing editor of the now-defunct weekly newspaper *Ye Muslimoch Guday* (Muslim Affairs) **Date of arrest:** 17 January 2013 **Date of release:** April 2016 **Details of arrest:** Kebede was arrested by the Ethiopian security forces in Addis Ababa under the Anti-Terrorism Proclamation. Local journalists believe that his arrest was linked to his columns criticising perceived government intrusion in religious affairs. Kebede had recently covered demonstrations staged in 2012 by Muslims protesting alleged interference in Islamic Council elections. **Details of trial:** Kebede was arrested and reportedly held for over two months without charge, at least some of the time in solitary confinement. The Anti-Terrorism Proclamation permits pre-trial detention for up to four months without charge. A court date was set for 13 February 2013. On 15 March 2013, the first instance court reportedly granted the police an additional 28 days for further investigation. As of 2 April 2013 he reportedly still had no access to a lawyer. He was eventually charged with 'incitement to terrorism' along with 27 others. The authorities are reported not to have disclosed any evidence against him. According to the Committee to Protect Journalists, Kebede was sentenced to a prison term on 10 March 2016, more than three years after being jailed on anti-terrorism charges. Reports vary as to the length, citing between three years 11 months and four years and 10 months. He was released in April 2016 as he had already served three years of his jail term. **Health concerns:** Kebede's health was said to be poor when he was in detention. **Other information:** *Ye Muslimoch Guday* was reportedly forced to stop publishing in July 2012, following the arrest of its editor **Yusuf Getachew** (see above). Local journalists reportedly suspected that Kebede was held so that the authorities could question him on the whereabouts of two of his colleagues from the paper, senior editor **Akemel Negash** and copy editor **Isaac Eshetu**, who went into hiding in August 2012 after their homes were kept under surveillance for several weeks. **PEN Action:** RAN 15/11 and updates.

## GAMBIA

### Enforced disappearance

#### **'Chief' Ebrimah MANNEH:**

**Profession:** reporter and sub-editor with the pro-government *Daily Observer* **Date of arrest:** 7 July 2006 **Details of enforced disappearance:** Manneh was reportedly arrested by two National Intelligence Agency (NIA) officers and has been held in incommunicado detention by the NIA at various sites ever since, seemingly without having been charged with any offence. The NIA has repeatedly denied that they have the journalist in their custody; the government also denies any knowledge of his case. It is believed that the reason for Manneh's arrest is that he is alleged to have had contact with a foreign journalist before the July 2006 African Union Summit held in the Gambian capital Banjul. Manneh apparently gave this journalist information deemed by the Gambian government to have been damaging to the country's image. According to a former colleague, Ousman Darboe, Manneh reprinted a BBC story critical of President Yahya Jammeh's democratic credentials; his decision was later overruled by editors and the relevant issue of the *Observer* withdrawn. Manneh has reportedly been moved around the country throughout his detention and although the local media has reported seeing him on several occasions, the government remained silent on the subject until April 2009 (see below). Manneh was reportedly seen on 26 July 2007 at Gambia's main hospital where he was receiving treatment for high blood pressure. He was said to be very weak and was accompanied by members of the Police Intervention Unit (PIU), a paramilitary wing of the Gambian Police Force and Prison Service. Prior to the sighting Manneh had apparently been detained at Mile Two Central Prison on the outskirts of Banjul, before being briefly admitted to Gamtel Ward Hospital and then being transferred to a military clinic in Banjul. **Details of investigation:** On 6 April 2009, the Gambian authorities finally broke their silence with regards to Manneh's disappearance when the Attorney General and Minister of Justice publicly stated that the journalist was not in police custody and rejected the 2008 ECOWAS ruling (see below). According to the Committee to Protect Journalists (CPJ), in a 16 March 2011 meeting with the Gambian media that was broadcast on state television, President Jammeh suggested that Manneh may have died. 'Let me make it very clear that the government has nothing to do with the death of Chief Manneh or Deyda Hydera or the disappearances of so many people,' said the President. He also suggested that Manneh may have disappeared after attempting to illegally migrate to Europe or the United States. On 6 July 2011, a Gambian National Police spokesman told CPJ that the police had no information about Manneh. In an interview on 6 October 2011 with the *Daily News*, Gambia's justice minister, Edward Gomez, denied Manneh was in state custody and declared that he is alive. According to officials from the British Foreign and Commonwealth Office, there will be an investigation into the disappearance of Chief Ebrimah Manneh. On 28 September 2012 it was reported that President Jammeh had given the United Nations permission to investigate Manneh's disappearance. **Other information:** On 5 June 2008, the Community Court of Justice of the Economic Community of West African States (ECOWAS) in Nigeria declared Manneh's arrest and detention illegal and ordered the Gambian authorities to release him. The court also awarded Manneh US\$100,000 in compensation from the Gambian government. The government refused to cooperate throughout the court proceedings. According to a Human Rights Watch [report](#) published on 16 September 2015, the government of Gambia has failed to comply with the ECOWAS Community Court of Justice ruling, which in 2008 ordered the Gambian government to release Manneh immediately and pay his family \$100,000 in compensation. The Community Court of Justice found the detention to be in violation of international law, and despite the ruling being legally binding, Gambia continues to ignore it. In November 2009, the United Nations Working Group on Arbitrary Detention issued an opinion stating that the Gambian government's arrest and continued detention of Manneh are without legal justification and in violation of international law, and called for Manneh to be released immediately. On 10 June 2014, the ECOWAS court held that previous rulings against the Gambia, including Manneh's case, proved the Gambian government was fostering a climate of impunity which in itself

was a violation of freedom of expression. A 6 June 2016 from the Media Foundation of West Africa reported that the whereabouts of Manneh was still unknown, and that the Gambian government has still not complied with ECOWAS rulings.

## IVORY COAST

### Killed: impunity

#### **Désiré OUE:**

**Profession:** editor of the Christian publication *Tomorrow Magazine* **Date of death:** 14 November 2013 **Details of death:** Oué was reportedly killed in unclear circumstances on the night of 14 November 2013. According to reports, Oué was shot in the chest at his home in Abidjan by unidentified armed men. According to some media reports, the assailants then took computers and documents from the house. **Details of investigation:** On the basis of a preliminary investigation the authorities stated that the murder was the result of a burglary gone wrong. One press report said that Oué was known in his area for being an activist in support of former president Laurent Gbagbo in the 2010 presidential elections. The Ivory Coast Private Press Union (le Syndicat de la presse privée de Côte d'Ivoire -- Synapp-CI) has called for a full investigation. No further information as of 30 June 2016; PEN is seeking an update.

### Enforced disappearance

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

**Profession:** writer and independent reporter **Date of birth:** c 1950 **Date of disappearance:** 16 April 2004 **Details of disappearance:** According to Reporters Without Borders, he was 'abducted from the car park of an Abidjan supermarket on 16 April 2004 after falling into a trap set for him by a member of [former] President Laurent Gbagbo's entourage'. He is assumed to have been killed. For information on Kieffer's journalistic work, see previous case lists. **Details of investigation:** The investigation into Kieffer's disappearance has dragged on since 2004 with no conclusion. French judge Patrick Ramaël, who initially led the investigation, reportedly faced constant obstruction by the Ivorian authorities throughout his tenure as investigating judge in the case, although they have denied this. Key suspects have included Michel Legré – the brother-in-law of former President Gbagbo's wife, Simone Gbagbo – who was detained for 18 months in connection with the case before being granted provisional release in October 2005. Jean-Tony Oulaï, an Ivorian army captain who claims to have belonged to the Ivorian special services, was detained for two-and-a-half years from 2007 on suspicion of kidnapping and illegally detaining Kieffer before being provisionally released in April 2010. In October 2009, it was reported that a man claiming to be a soldier in the Ivorian army said that Kieffer had been killed by members of Simone Gbagbo's entourage, without her knowledge, during a botched interrogation within the presidential compound. However, in apparent response to the new testimony, the then Ivorian state prosecutor Raymond Tchimou stated that Kieffer had been taken out of the country and was still alive. Tchimou offered no other explanations or details on the journalist's purported whereabouts. On 14 April 2011, Kieffer's wife and daughter met with the Ivorian ambassador in Paris to ask what possibilities there were of further investigation into Kieffer's case following the departure of former president Laurent Gbagbo. After the meeting the ambassador reportedly stated that the 'whole truth' would be revealed about Kieffer's disappearance and that he would speak to the minister of justice about the matter the same day. He added that President Ouattara wanted to put an end to impunity and establish the rule of law in Côte d'Ivoire. Kieffer's wife noted that President Ouattara had backed the family from the time the journalist disappeared. In a letter sent in April 2013, Kieffer's family, along with the head of the Truth for Guy-André Kieffer Association and the secretary-general of Reporters Without Borders, asked French President François Hollande to raise Kieffer's abduction with his Ivorian

counterpart at their meeting on 11 April 2013. The letter reported that while positive developments have been seen with regards to the case – including the appointment of a new investigating judge and a prosecutor, as well as the facilitation of the work of the Judge Ramaël – the case has failed to advance adequately, with Kieffer’s fate still unknown. The family and civilian parties were scheduled to meet with French foreign ministry officials on 16 April 2013, the ninth anniversary of Kieffer’s abduction. In September 2013, Judge Ramaël was discharged from the case, owing to a statutory rule which decrees that no one may hold the same position for longer than 10 years. On the tenth anniversary of Kieffer’s disappearance in April 2014, reports suggested that neither his family or lawyers nor other interested parties had been contacted by the new judges put in charge of the investigation in September 2013, Cyril Paquaux and Nicolas Blot. In July 2014 Reporters Without Borders (RSF) asked French President François Hollande to request the creation of a special commission of enquiry or the formation a joint judicial investigative unit by the French and Ivorian judges in charge of the case. In a written reply on 20 October 2014, the Elysée Palace said solving the case continued to be a ‘priority for France’ and promised to monitor ‘the progress of this investigation being conducted by the judicial authorities of the two countries concerned, France and Côte d’Ivoire.’ The investigating judge who replaced Patrick Ramaël as judge in charge of the French investigation has reportedly complied with requests for continued legal actions made by the registered civil parties (the Kieffer family and RSF). He reportedly submitted letters rogatory to the Ivorian authorities in November 2014. They have yet to respond. French Minister of Justice, Christiane Taubire raised the case of Guy-André Kieffer with President Alassane Outtara during an official visit in June 2015. On 22 June 2016, it was [reported](#) that Simone Gbagbo denied any knowledge of him but expressed a desire for the investigation into his disappearance to progress, . **PEN Action:** [PEN 2014 World Cup Action: Ivory Coast](#) [**Stop press:** According to *Le Monde*, at a trial hearing on 20 July 2016 for former first lady Simone Gbagbo, who is facing trial for crimes against humanity, an ex-military chief claimed that Kieffer was executed and his body incinerated on the orders of the former first lady.]

#### Attacked

##### **\*Baudelaire MIEU:**

**Profession:** freelance journalist, correspondent for Reporters Without Borders (RSF), American Bloomberg and Jeune Afrique **Date of harassment:** 22 May 2016 **Details of attack:** On the evening of 22 May 2016, unknown assailants [reportedly](#) broke into the home of Baudelaire Mieu at gunpoint and forcibly took his laptop whilst leaving other valuables in the house untouched. Both the Media Foundation for West Africa (MFWA) and Reporters Without Borders (RSF) have indicated that they believe the robbery was in connection to his work.

#### Threatened

##### **\*Fofana Baba IDRIS (also known as FBI):**

**Profession:** journalist and blogger, deputy general treasurer of the national association of bloggers of Cote d’Ivoire (UNBCI) **Date of threats:** from March 2016 **Details of threats:** It has been [reported](#) that Fofana Baba Idriss began receiving death threats via text message, phone calls and comments on his blog beginning in March 2016. During the night of 20-21 April 2016, his house was broken into and a message telling him that he was ‘lucky to be out’ was left for him. In another message, an unknown person said that they had travelled from Liberia and were currently in the same town as his parents, although he was their target. Other messages [reportedly](#) suggested that if he did not pay attention, he would ‘create trouble for himself’. **Background:** Idriss is known to write articles

critical of social and political issues in Ivory Coast, and has written about both cyber-crime in the country and about presidential governance.

## KENYA

*In October 2015, the Kenyan parliament approved a press law that outlaws any publication of words deemed 'defamatory to parliament', and provides for fines of up to 500,000 shillings (4,850 dollars/ 4,245 euros) or a two-year jail term. The law still has to be approved by both the Senate and the President before entering into use.*

Killed: motive unknown

### John KITUYI:

**Profession:** founder of *The Mirror* newspaper **Date of death:** 30 April 2015 **Details of death:** Kituyi, aged 63, was reportedly attacked by unknown assailants who beat him with blunt objects after intercepting him on his return home in Eldoret. He is reported to have died of his injuries in hospital some hours later. His assailants reportedly took his mobile telephone but not his wallet. According to news reports, he had received death threats connected to his articles published in *The Mirror* in the months prior to his murder. One of his latest stories described how authorities had interfered with witnesses due to testify at Deputy President William Ruto's trial before the International Criminal Court in connection with post-election violence in 2007. On 22 July 22, 2015, a soldier was [charged](#) with robbing and killing Kituyi together with other three persons charged in absentia. The soldier and his accomplices reportedly used a metal bar to rob Kituyi of his mobile phone, identification card, a coat and bank cards and left him for dead. The suspect, who had been found in possession of Kituyi's phone, was granted bail and court hearings were scheduled for 6 August and 10 September 2015. At the hearing on 10 September, blood test results were not available and the trial was rescheduled to 14 January 2016. On 5 May 2016 it was [reported](#) that the case was still ongoing, with only one arrest. **Background:** Prior to founding *The Mirror* in 1995, Kituyi had served as correspondent for *The Standard*. His articles focused primarily on regional politics in Western Kenya, but he also covered national issues.

Reported missing

### Dickson BOGONKO BOSIRE:

**Profession:** editor of the *Jackal News* blog **Date of disappearance:** 18 September 2013 **Details of disappearance:** According to a 15 October 2013 report by Reporters Without Borders, Bogonko's family had not heard from him since 18 September 2013 while his mobile phone had remained on voicemail. The police were reportedly investigating his disappearance. There was speculation that Bogonko had gone into hiding after the website revealed the name of an International Criminal Court witness, but his family have [reportedly](#) ruled this out. Bogonko reportedly went missing two days before the start of the terrorist attack on the Westgate shopping Centre in the capital Nairobi, where he is based. In December 2015, his parents gave an [interview](#) in which they said they remained baffled by his disappearance. **Background:** Bogonko worked for Agence France-Presse before launching *Jackal News*, a website which covers a spectrum of stories from corruption to gossip and scandals. The content of the blog has reportedly led to confrontation and threats by the subjects of critical articles. Bogonko reportedly had to flee Nairobi and go into hiding on several occasions previously. The website was hacked and shut down twice before his disappearance.

On trial

### Kurgat MARINDANY:

**Profession:** reporter for *The Star* newspaper **Date of arrest:** 16 April 2015 **Date of release:** Released on bail on 16 April 2015 **Details of arrest:** Marindany was reportedly charged with criminal libel in April 2015 after he published [an article](#) where he mentioned that a county commissioner ‘cried for 20 minutes’ in front of a large crowd, when a governor called him a ‘land grabber’. **Details of trial:** Marindany was reportedly released on 30,000 shillings’ bail (Approx. US\$284). Marindany denies the charges. The case was expected to be heard on 18 June 2015. Marindany is said to be petitioning the constitutionality of sections 194 and 195 of the penal code, under which he is being prosecuted and is seeking a halt to the criminal trial against him pending the determination of his application. No further information as of 30 June 2016, although it appears that the case is still ongoing and that Marindany is still writing articles.

### Judicial Harassment

#### **\*Antony Njoroge MBURU (also known as Mburu Waime)**

**Profession:** blogger **Date of harassment:** 8 January 2016 **Details of harassment:** Antony Njoroge Mburu was [arrested](#) and charged for ‘publishing false information’ after publishing a Facebook post about the importation of ‘substandard eggs’ by a local governor. He was reportedly with three counts of ‘harmful publication’, contrary to section 66(1) of the Kenyan Penal code. He was reportedly due to lack of evidence, [local media reported](#) that he was held for three days without charge .

### Harassed

#### **\*Robert ALAI:**

**Profession:** blogger **Details of harassment:** Robert Alai is a well-known blogger who has reportedly been arrested several times over the past few years. 1) Alai was [reportedly](#) charged on 5 January 2016 for a tweet he posted on 18 November 2015. He is alleged to have questioned the university credentials of the head of the anti-corruption agency and he was released on a cash bail of sh30,000 (about \$296), pending the hearing of the case on 16 March 2016. He was [reportedly](#) arrested on a charge of ‘improper use of licensed telecommunication equipment’, [under section 29](#) of the Kenyan Information and Communication Act. He was [acquitted](#) of the charges in June 2016. The challenge was based on a [decision](#) by the High Court in April 2016 that Section 29 of the Kenya Information and Communication Act of 2009 was unconstitutional.

#### **\*Denis GALAVA:**

**Profession:** senior editor of *The Nation* **Date of harassment:** 20 January 2016 **Details of harassment:** On 2 January 2016 Denis Galava wrote an editorial that was critical of the Kenyan president in the Saturday Nation newspaper. He was suspended a few days after the publication, pending an investigation into what the newspaper alleged was a breach of procedure. He was fired on the 20 January 2016.

#### **\*Godfrey MWAMPEMBA (also known as Gado):**

**Profession:** cartoonist **Date of birth:** 6 August 1969 **Date of harassment:** 5 February 2016 **Details of harassment:** Godfrey Mwampembwa was reportedly convinced to take a sabbatical in 2015 after he published a cartoon about former Tanzanian President Kikwete. On his return, on the 5 February 2016, he received a letter from his employer stating that they would not be renewing his contract when his sabbatical finished, with no explanation given, according to news reports. It was [reported](#) that the editor-in-chief of his paper, the Daily Nation, denied that his sacking had anything to do with political pressure. **Background:** Mwampembwa is the most syndicated political cartoonist in East and Central Africa, and has worked for Kenya’s *Daily Nation* since 1992. His drawings have touched on politically sensitive issues, including a 2009 cartoon that mocked President Kenyatta

(finance minister at the time) for a \$100 million accounting error. Kenyatta tried to sue him over this cartoon. Gado's dismissal followed the dismissal of editor Denis Galava not long after he wrote an editorial critical of the President of Kenya in the Saturday Nation newspaper (see Harrassment above); the Saturday Nation is owned by the same company as Mwampembwa's Daily Nation, leading to serious concerns about the freedom of the press in Kenya. **Awards:** In May 2016, Gado was awarded the International Editorial Cartoons prize in Switzerland, alongside Malaysian cartoonist **Zunar**. It was awarded by the Cartoonists for Peace Swiss Foundation and the City of Geneva. **PEN Action:** [statement](#) 18 March 2016 [statement](#)

**\*David ODONGO:**

**Profession:** journalist for *Nairobi* weekly newspaper **Date of arrest:** 15 April 2016 **Details of arrest:** David Odongo was initially summoned to Embakasi police station in Nairobi for questioning on the evening of 15 April, but not long after his arrival he was arrested and held overnight, according to [reports](#). In a televised statement made shortly after his release on 16 April, Odongo stated that police had given him various different reasons for his arrest; he was asked by one officer about a story he had written about a dispute between a local businessman and a family member, whilst another policeman told him that he was arrested for 'misusing a telecommunications gadget', a charge which is often levelled at journalists and bloggers in Kenya. During his interrogation, Odongo was [reportedly](#) asked questions such as how he and his newspaper picked stories, and where they got their information from. **Date of release:** 16 April 2016 **Details of release:** Odongo was released at 10am the following day, following an outcry on social media over his arrest. **Background:** Kenya Union of Journalists Eric Oduor [stated](#) that 'powerful individuals' were using the police to harass reporters who published stories they did not like. He [suggested](#) that in cases such as this police should 'invoke Defamation Act and Section 34 of the Constitution that stipulate[s] legal process for any aggrieved persons in regard to journalists' work to seek redress', as he claimed that sending journalists to jail not only contravenes section 24 but also 'introduces criminal libel'.

**\*Odhiambo OTIENO (Brian):**

**Profession:** Journalist, *Kenya News Agency*, blogger **Date of arrest:** 12 January 2016 **Details of arrest:** Odhiambo Otieno was arrested and detained for several hours over a Facebook post he made criticising a candidate for government, media reports suggest. It was reported that Otieno was arrested and charged with 'Misuse of a communication gadget' [under section 29\(4\) of the telecommunication act 1998](#). According to local media, he was arrested at the Kenya News Agency; he was told that the candidate for governor wished to speak to him, and was then taken to the central police station, where he was held until 9pm that night.

**\*Patrick SAFARI:**

**Profession:** blogger **Date of harassment:** 21 January 2016 **Details of harassment:** Patrick Safari, more popularly known under his Twitter handle, @moderncorps, was arrested, questioned and held overnight over comments he made regarding an Al-Shabbab attack on a Kenyan Defence Force post in Somalia, according to [reports](#). He reportedly spent the night in jail being interrogated before being released the following day, although police retained his three phones and his laptop.

Threatened

**\*Augustina ARMSTRONG-OGBONNA (f):**

**Profession:** Freelance journalist **Date of threat:** 8 February 2016 **Details of threat:** Armstrong-Ogbonna was investigating reports that an energy company was working without government approval and without an environmental impact report when she was threatened by the head of the company. The businessman [reportedly](#) warned her not to publish the story or she would be put 'in

the firing line'. It was also [reported](#) that he threatened to visit her office. The businessman denies all the allegations. **Other details:** Armstrong-Ogbonna won the United Nations Foundation Prize for humanitarian coverage in 2015.

## MAURITANIA

Imprisoned: main case

### **Mohamed Cheikh ould MOHAMED:**

**Profession:** blogger **Date of arrest:** 2 January 2014 **Sentence:** Death sentence **Reason for arrest:** Mohamed was reportedly arrested in Nouadhibou shortly after he posted an article criticising the inequality of Mauritania's caste system, referencing the teachings of the Prophet Mohammed on Aqlame news website on 2 January 2014. The article was taken down a few minutes after posting. **Details of trial:** On 24 December 2014, a court in Nouadhibou reportedly imposed a death sentence upon Mohamed after convicting him of apostasy. In court, Mohamed said he had not intended to insult the Prophet Muhammad and repented. According to the Committee to Protect Journalists (CPJ), a fatwa was issued to kill Mohamed and nationwide demonstrations led his family to denounce him and his lawyer to drop his case. Mohamed's lawyers appealed against the sentence on 26 December 2014. He is reportedly eligible to be pardoned by the Supreme Court if his repentance is verified, according to article 306 of the Mauritanian penal code. It was reported that on 21 April 2016 the Nouadhibou appeals court upheld the death sentence against him. His case was referred to the Supreme Court, which has the power to repeal the sentence. He has apologised and said that he never meant to insult the Prophet in his writing. **Conditions in detention:** News reports indicate that Mohamed may have been subjected to torture or other ill-treatment and is held in solitary confinement. **[Stop press:** His case was expected to be reviewed at the Supreme Court on 15 November]

Brief Detention

\***Jedna Ould DEIDA, Profession:** editor of mauriweb.info website

\***Babarcar Baye NDIAYE, Profession:** webmaster of cridem.org website

**Details of trial:** Both Deida and Ndiaye were arrested on the 7 April 2016 after an accusation of defamation was filed by the son of the President of Mauritania after reports alleged that he fired a shot at a shepherd; the two men were both released on bail the next day. The prosecutor [alleged](#) that the two men were caught 'in the process of committing a crime', displayed 'intent to cause prejudice' and 'acted with premeditation', which are all crimes under the Mauritanian penal code. However, he also cited Mauritania's press law, which stipulates that journalists may only be fined. Both men [reportedly](#) faced between six months and five years in court. At their [trial](#) on 15 April 2016, the prosecution withdrew the charges.

## MOZAMBIQUE

Killed: motive unknown

### **Paulo MACHAVA**

**Profession:** publisher of the news website *Diario de Noticias* **Date of death:** 28 August 2015 **Details of killing:** Machava was shot while he was jogging in Maputo. According to Amnesty International, an investigation by the Mozambican police has been launched. The motive of the killing remains unknown. On 22 June 2016, it was [reported](#) that the investigation into his murder was still at the

preliminary investigation stage. **Other information:** Machava's was widely known for his denunciation against crime. He had previously worked in *Radio Moçambique* and had been editor-in-chief of weekly newspaper *Savana* which is known for being critical of the government. *Savana* published an important report about a corruption scandal in state-owned Banco Comercial de Moçambique, according to reports. He had also been campaigning for economist Nuno Castel-Branco (see Case list entry below) and journalists Fernando Veloso and Fernando Mbanze who were facing national security and defamation charges. The killing of Machava took place three days before their trial.

#### On Trial

**Carlos Nuno CASTEL-BRANCO, Profession:** Economist and social media user

**Fernando MBANZE, Profession:** editor of the daily independent newspaper *MediaFax*

**Details of trial:** Castel-Branco and Mbanze were charged with crimes against the security of the state in relation to a Facebook post from November 2013 on poor governance in Mozambique. Castel-Branco was accused of defaming the former Head of State of Mozambique and summoned to the prosecutor's office in May before being charged on 11 June 2015 under Article 22 of the State Security Law (Law 19/91) in relation to the Facebook post. In the post, an open letter to then-President Armando Guebuza entitled 'Only in Mozambique', he strongly criticises the way in which Guebuza was governing Mozambique, accusing him of wanting to make it a fascist state. The Facebook post was reportedly widely re-published and circulated on social media. Mbanze, who [reportedly](#) published Castel-Branco's post as an open letter in *MediaFax*, is charged with abusing freedom of the press under Article 42 of the Press Law (Law 18/91) in conjunction with the State Security Law. Another man, Fernando Veloso, was also charged with reprinting the letter but was not brought to trial as he was out of the country. The trial began on 31 August 2015. Castel-Branco and Mbanze were acquitted on 16 September 2015. On 16 October 2015, Amnesty International [stated](#) that the General Prosecutor appealed against the 16 September 2015 court decision to acquit Castel-Branco and Mbanze. According to [Amnesty International](#) on 18 February 2016, a date for the appeal hearing had yet to be decided. **Background:** Born in 1960, Castel-Branco specialises in political economy of economic growth, industrialization and public policy. He is a prolific author with a string of publications to his name, having edited and co-edited a dozen books, contributed chapters to a dozen others, and published numerous articles and papers. He holds a Doctorate in Economics from SOAS and a Master's degree in Economic Development from the University of Oxford, UK.

#### Case Closed

**Bartholomaeus GRILL: (German national)**

**Profession:** correspondent for the German weekly *Der Spiegel* **Date of arrest:** 16 February 2015 **Date of release:** 16 February 2015 **Details of arrest:** Grill and Swedish freelance photographer, **Torbjoern Selander**, were reportedly apprehended by residents as they were reporting in the village of Mavodze in southern Mozambique. The villagers accused the journalists of being spies and took them to the police station, where they were held for several hours. They were reportedly released after the German and Swedish embassies intervened on their behalf. **Details of trial:** Grill was reportedly charged with trespassing and invasion of privacy in connection with their investigation of rhino poaching. The trial was scheduled to take place in the same community where they were first apprehended. The case against them is thought to have been brought by the 'kingpin' in the illegal wildlife trade who was very influential in the village. It appears that Grill is writing again and is not in Mozambique. **Background:** The journalists were reportedly looking for an individual who is known as the kingpin of rhino poaching and is considered a 'godfather' in the village. The village borders South Africa's Kruger National Park and forms part of a vast trans-frontier conservation area.

## NIGER

### Brief Detention

**\*Ali SOUMANA, Profession:** owner of *Le Courier*

**\*Moussa DODO, Profession:** editor of *Le Courier*

**\*Soumana Idrissa MAIGA, Profession:** owner of the company which prints *Le Courier* (also see below under Harassed)

**Date of arrest:** 4 June 2016 **Date of release:** i) Maiga on 8 June ii) Soumana and Dodo on 16 June

**Details of arrest:** Soumana and Dodo were held arrested on 4 June 2016, and Maiga was arrested on evening of 7 June 2016. Their houses were also searched. The prosecutor questioned them while they were detained, and ordered Soumana and Dodo to be detained until trial, whilst Maiga was released on 8 June but charged with complicity. Reporters Without Borders [reported](#) that Soumana and Dodo were charged with 'divulging documents seized during a search and bringing discredit on a judicial decision', while Maiga was charged with 'complicity'. Soumana and Dodo were [released](#) on 16 June 2016 after being granted three month provisional sentences.

**Background:** *Le Courier* published two articles in May 2016 with documents detailing requests by leading members of Niger society to the Hiring Director at the public health ministry, asking him to ensure that their relatives or protégés were successful in the competitive entry exam. This information was publicly available as evidence in a fraud prosecution trial brought against the civil servants involved. Press law in Niger states that a printer can only have charges brought against them if the owner or editor is unavailable, but both the owner and the editor were held. The same law also prohibits detaining journalists for press offences.

**\*Abdoul Moumoune OUSMANE:**

**Profession:** social media user, president of the organisation *Cadre d'action pour la démocratie et les droits humains au Niger* (Framework for action for democracy and human rights in Niger)

**Sentence:** six-month suspended prison sentence and 50,000 West African CFA Franc fine (about \$100) **Date of arrest:** 14 June 2016 **Date of release:** 23 June 2016 **Details of arrest:** Abdoul

Moumoune Ousmane [reportedly](#) wrote on his Facebook page that the current president had been ineffective in regard to management of the war on terror and Boko Haram attacks. He was arrested on 14 June 2016 and was held in Niamey's remand prison. **Date of trial:** 19 June 2016 **Details of trial:** Ousmane appeared in court on 19 June 2016, [reportedly](#) charged with 'organising a conspiracy to overthrow the constitutional order', with prosecutors asking for a six-month jail term. On 23 June 2016 the court decided on a six-month suspended sentence and a 50,000 franc fine. His lawyer reportedly announced that they will appeal the decision.

## NIGERIA

### Killed: impunity

**Ikechukwu UDENDU:**

**Profession:** editor of *Anambra News*, a monthly newspaper in Anambra state **Date of death:** 12 January 2013 **Details of death:** he was shot dead by unknown assailants on the evening of 12 January 2013. Udendu's brother, publisher of the paper, reportedly received an anonymous telephone call in which he was told to retrieve the journalist's body from in front of a local restaurant. Local journalists reportedly suspect that Udendu was killed in connection with his reporting. **Details of Investigation:** According to reports, the state's police commissioner promised to investigate the murder personally. According to a 10 February 2013 report, Udendu's family suspect that the gunmen were hired assassins. No further information as of 30 June 2016; PEN is seeking an update.

## Abducted

### **\*Ado HALLIRU (also known as Ado DAUKAKA):**

**Profession:** singer, musician **Date of abduction:** 24 June 2016 **Date of release:** 29 June 2016 **Details of abduction:** Ado Halliru was contacted by unknown men who convinced him they wanted to 'strike a deal' with the musician over an album he had previously released for a state governor. He was accosted after morning prayer and entered the men's car after being told they wanted him to record a song for them. A gun was pointed at him and he was 'blinded', according to reports. Inside the car they played his new release, a song critical of some elected politicians, and asked him why he had recorded the track. Halliru [stated](#) he was threatened by the men, who said he would be killed if he did not stop criticising politicians. One of his wives said unknown men had visited his house on the day he was kidnapped. His family [stated](#) he was a political target, abducted as a warning to other critics. He was kept without food for two days before being released. He was found unconscious at the side of a road around 80km from the state capital. **Background:** Halliru is known for his praise songs for local politicians, but had recently released a new song alleging that some elected politicians are deceiving the public.

## On trial

### **Tukur MAMU:**

**Profession:** publisher of the *Desert Herald* newspaper and author of *FCT Administration: The Rot Within* **Date of arrest:** 4 September 2013 **Date of release:** 19 September 2013 **Details of arrest:** Mamu was arrested by plainclothes police and was taken to Kaduna's Criminal Investigation Department (CID), before being transferred to Abuja where he was held at the CID in Garki. He was reportedly held in the same cell as hardened criminals and suspected terrorists. **Details of release:** On 19 September 2013, the Wuse Magistrates' Court granted Mamu bail in the sum of N1million (approx. US\$6,000) with one surety. **Details of trial:** He is being sued for criminal defamation and attempted bribery in a case brought by the minister of the Federal Capital Territory (FCT), the subject of Mamu's book, as well as the FCT's Director of Treasury. The plaintiffs are reported to be seeking up to N7 billion (approx. US\$30.7 million) in damages and a permanent injunction preventing Mamu from releasing his book, *FCT Administration: The Rot Within*. A preliminary hearing was held at an Abuja court on 5 September 2013. Subsequent hearings in 2013 were postponed. According to news reports, Mamu's lawyers sought to establish that the Abuja High Court did not have jurisdiction in the case owing to the fact that the owners of *Desert Herald* and the offices of the paper are in Kaduna. On 21 January 2014, the judge reportedly ruled against the defence. The judge is also reported to have ordered that the entire case – including arguments, presentation of evidence and cross examination of witnesses – be heard over three days, between 11-13 March 2014. Mamu reportedly questioned the judge's fast-tracking of the case given the current long waiting time of what he judged to be more important cases, including those against Boko Haram. According to news reports the two cases in the Abuja High Court are still on appeal. Moreover, on 25 May 2015 he was accused of violating bail conditions and the ruling was adjourned to 8 June 2015. According to [news reports](#), on 24 April 2015 he fled to Dubai on the advice of the South Africa-based Protection Rights of Journalists of Africa (PRJA). According to Mamu, he had been receiving death threats via the telephone, visits to his office and residence by agents of the minister of the Federal Capital Territory (FCT). By June 2015 he had returned to Nigeria. In April 2015 while the two cases against Mamu were ongoing, he was also accused of forging his degree and master degree certificates. In November 2015, Mamu wrote an open letter to the Inspector General of the Police to complain that his university records had been disappeared along with the allegation of forgery. No further information as of 30 June 2016. **Health concerns:** Mamu was hospitalised following his collapse during the hearing in September 2013. He is believed to suffer from a health condition for which he is required to take prescribed medication daily but was reportedly deprived of this medication while detained. **Background:** According to reports, unknown men broke into the *Desert*

*Herald* offices on the night of 4 September 2013, following Mamu's arrest, stealing three laptops, one external hard drive, some CDs and official files. Mamu was reportedly arrested under similar circumstances in 2009 for writing articles deemed to 'harm the government's interests'.

#### Brief detention

##### **\*Jacob Onjewu DICKSON:**

**Profession:** journalist for the news website *Authentic News Daily* **Date of arrest:** 29 April 2016 **Details of arrest:** Jacob Onjewu Dickson was reportedly arrested on 29 April, one day after being summoned to Kaduna Police Station to discuss a news report he wrote, dated 27 April 2016. The article alleged that youths had thrown rocks at the state governor after he tried to broker a peace deal between two rival neighbourhoods. He was arrested after being questioned. He was taken to Kaduna magistrates court, charged with incitement, and then returned into custody. Local media reported that a secret trial was held in the judge's office on 29 April 2016. **Date of release:** 5 May 2016 **Details of release:** After five days in custody, Dickson was released on 5 May 2016. He commended the executive board of the Nigerian Union of Journalists on his release. **Background:** Dickson had allegedly tried to get into contact with the governor to confirm details of his story, but none of his calls were returned.

#### Released

##### **Nengi ILAGHA:**

**Profession:** Poet, journalist, cultural critic, author **Date of arrest:** 14 December 2015 **Details of arrest:** Nengi Ilagha was served a court summons and went to attend court on 14 December 2015. He was reportedly told that the court had issued a warrant for his arrest for contempt of court. It has been reported that he was taken from the police station to Yenegua prison, without being allowed to speak to his lawyer or his wife. Local news reports suggest that he was detained just before courts went on holiday. At a hearing in April 2016 he was granted bail and is no longer facing any charges. **Date of release:** Granted bail on 29 April 2016, Yenegua. **Background:** Ilagha had reportedly previously lost a libel case, in which he had no legal representation, brought by the Amayanabo of the Nembe Kingdom, King Edmund Daukoru in 2013, for a book he wrote called *Epistles to Maduabebe*. It was reported that the libel case was brought to court because his book was critical of the local ruler. The court ordered ₦30m damages and ₦80,000 costs against the author, along with an apology on the front pages of three national daily newspapers. According to news reports, Ilagha was unaware of the proceedings, which led him to be in contempt of court. **Other information:** He was formerly editor of *The Tide On Sunday* in Port Harcourt. *Mantids*, his first collection of poems, won the Association of Nigerian Authors, ANA, Poetry Prize in 1995. His poems have appeared in many Nigerian and international newspapers, journals and anthologies. **PEN Action:** Empty Chair at PEN Africa Network meeting Johannesburg 2016.

#### Case Closed

##### **Emmanuel FATEMAN:**

**Profession:** assistant editor of *National Waves* magazine **Date of arrest:** 16 December 2014 **Date of release:** March 2015 **Details of arrest:** Fateman was reportedly arrested along with the graphics editor of *National Waves* **Joseph Jolayemi** and held without charge for more than two months. The two were reportedly detained after the magazine published a story on 22 September 2014, called '*AA Oil Boss in N650million Scam*,' which alleged fraudulent dealings involving a contract of about US\$3,256,000 between an oil magnate and the Bauchi State government. The magazine's publisher is reported to have claimed that Fateman and Jolayemi were arrested at the behest of the oil magnate. According to reports, the oil magnate had written to the magazine demanding evidence

regarding the allegations made in the article and expressing discontent that he had not been contacted for comment prior to the article's publication. The magazine's publisher denies the latter claim. **Details of trial:** According to reports, Fateman and Jolayemi face criminal defamation charges in one court, while the magazine and its publisher faces a civil lawsuit in a different court. Proceedings were expected to resume in April 2015. According to PEN's information, Fateman no longer works for National Waves, and it seems likely that the case has been dropped. No further information as of 30 June 2016, case closed. **Background:** The magazine's publisher, **Jimmy Enyeh**, has reportedly received harassment and death threats against himself and his family since the publication of the article.

## RWANDA

### Judicial concern

#### **Francois Xavier BYUMA:**

**Profession:** playwright and human rights activist **Sentence:** 17 years in prison **Date of arrest:** May 2007 **Details of arrest:** Byuma was reportedly arrested on charges of being present at one of the barriers erected to prevent Tutsi fleeing the 1994 genocide, having a firearm, and participating in weapons training in May 2007. His arrest is believed by Frontline Defenders to be in retaliation for his group's investigation into the rape of a young girl that may have been committed by the *gacaca* judge who heard Byuma's case in court. **Details of trial:** Byuma was acquitted of the first two charges, but found guilty of participating in weapons training during the genocide. In addition, the court found him guilty of several counts not mentioned when the charges were first read, including assaulting and abducting a woman. PEN International is also concerned that he received an unfair trial, as the judge was not independent and the evidence given in court was reported to be largely contradictory, and such conflicting evidence was not reconciled or explained by the court in its decision. His sentence was upheld on appeal on 18 August 2007. Following domestic and international protests, the National Service of Gacaca Jurisdictions (SNJG) accepted his request for a revision of his case; the SNJG reluctantly agreed to allow a lawyer to assist Byuma in his defence (as long as he did not wear his robe). During the hearing, however, the lawyer provided by Avocats Sans Frontières was not permitted to sit next to his client and was repeatedly denied the opportunity to question witnesses. The court accepted what they considered new evidence from accusing witnesses, even though some of this information was inconsistent with earlier testimony given at trial and on appeal. His conviction was upheld, although his sentence was reduced to 17 years in prison. No further information as of 30 June 2016.

### Brief Detention

#### **\*John William Ntwali:**

**Profession:** Owner of *Ireme* news portal, investigative journalist **Date of arrest:** 28 January 2016 **Date of release:** 9 February 2016 **Details of arrest:** On 28 January John Williams Ntwali was arrested allegedly for raping a minor. The prosecutor later lowered the charge to indecent exposure when details emerged that the alleged rape victim, arrested at the same time as Ntwali, was 20 years old and showed no signs of violence. The charge of indecent exposure carries a two to five years sentence. While he was detained, it was reported that the police gained access to his social media profiles and sent messages on them. After being held for 13 days, Ntwali was provisionally released on 9 February. It is unclear whether he is still facing any charges. Ntwali claims that the charges were brought to intimidate him as he was investigating the death of a well-known Rwandan financier and businessman. **Background:** Ntwali is the owner and editor of news portal *Ireme*, which has often criticized the Rwandan government, and has reportedly been blocked

in Rwanda on several occasions. Media freedom is [restricted](#) in Rwanda and according to [reports](#), Ntwali is one of the few investigative journalists remaining in the country.

### Harassment

#### **\*Ivan MUGISHA:**

**Profession:** Reporter for *The East African* **Date of arrest:** 3 February 2016 **Date of release:** 4 February 2016 **Details of arrest:** According to media reports, Ivan Mugisha was arrested when armed police stormed the offices of The East African on a search warrant, not permitting anyone to leave or use the toilet, whilst searching the premises and confiscating the computers of two journalists. It was during this search that Mugisha was arrested without an arrest warrant, and taken in for questioning. He was released the next day without charge. He had recently written a story about allegations of tax evasion linked to a Rwandan stone quarry company, and reports have suggested his arrest was in relation to a police investigation into leaks relating to this story. **Background:** According to [reports](#), Mugisha is known for his reporting on sensitive issues rarely covered in the Rwandan press.

## **SENEGAL**

### Sentenced

**\*El Hadji Alioune Badara FALL Profession:** Editor of daily *l'Observateur*

**\*Alassane HANNE, Profession:** reporter at *l'Observateur*

**\*Vieux Père NDIAYE, Profession:** journalist at the *Grand Place*

**Sentence:** Suspended sentences of two months in prison and fines of 10 million CFA francs (about \$17,600) **Date of trial:** 21 April 2016. **Details of trial:** According to [Reporters without Borders](#), the three journalists were put on trial for reporting that a son of a musician had been charged with 'criminal association' after a police investigation into forged banknotes. The judge found all three men guilty of defamation, despite the reported fact being undisputed. The prosecutor himself produced evidence that the musician's son was indeed charged as reported. The judge reportedly did not read out his full decision in court and failed to provide their lawyer with a copy of the decision.

## **SIERRA LEONE**

### On trial

#### **Jonathan LEIGH:**

**Profession:** managing editor of the opposition daily newspaper *Independent Observer* **Date of arrest:** 17 December 2015 **Date of release:** 20 December 2015 **Details of arrest:** He was reportedly arrested on 17 December 2015 in the newspaper's offices in Freetown by police officers of the Criminal Investigations Department. He was allegedly informed that he was being summoned for clarification of a story. He was later arrested and threatened with a criminal prosecution against him for 'publishing false news' due to a front-page article published on 15 December 2015. The article, 'Panic in Kono: 3 dead', published reports about the political violence in advance of local elections. He also reportedly published information in regards to the different position of the political parties towards this violence. **Details of release:** He was released on bail on 20 December 2015. **Details of trial:** The president of Sierra Leone Association of Journalists informed the Committee to Protect Journalists that Leigh was due to be officially charged on 21 December under the 1965 Public Order Act. Under this act, anyone found to have published false information could face a prison sentence of two years. According to reports, his trial was due to start on 11 January 2016, although no information has come to light. No further information as of 30 June 2016. **Background:** Leigh

previously faced charges of seditious libel alongside **Bai Bai SESAY** editor of the *Independent Observer* in January 2014 (see 2014 case List for details).

## SOMALIA

Killed: impunity

### **Abdullahi Ali HUSSEIN:**

**Profession:** editor news website *Waagasucub* **Date of death:** 8 September 2015 **Details of death:** Ali Hussein was shot death in Mogadishu. It is not clear if an investigation is being held; PEN is looking for an update. No further information as of 30 June 2016. **Background:** According to news reports, Ali Hussein had previously received death threats in relation to the publication several critical reports on terrorism. **Other information:** The UNESCO director-general [condemned](#) the killing.

### **Abdirahman Mohamed ALI:**

**Profession:** reporter for the sports news website *Ciyaarahamaanta*. **Date of death:** 27 September 2012 **Details of death:** He was found murdered next to Suqa Holaha, a local livestock market, in the Huriwa district of the capital Mogadishu on 27 September 2012. According to local journalists, unknown gunmen abducted Ali on the evening of 26 September as he was visiting his mother's house. Ali was found with his hands tied behind his back and his severed head on his chest. The motive for the killing was not clear; no group initially claimed responsibility. According to The Journalists Memorial, the Islamist militant group Al-Shabaab claimed responsibility for Ali's murder, claiming that he did not live in Suqa Holaha and that he had gone there to spy on Al-Shabaab members. No further information as of 30 June 2016; PEN is calling for an investigation into the murder.

### **Warsame Shire AWALE:**

**Profession:** poet, playwright, radio actor and singer-songwriter. **Date of death:** 29 October 2012 **Details of death:** shot several times by unidentified armed men near his home in the capital Mogadishu on 29 October 2012. He was taken to hospital but was declared dead on arrival. According to the National Union of Somali Journalists (NUSOJ), he had recently received threats in connection with comments he had made about gunmen who targeted civilians. At the time of his death Warsame, who was in his 60s, was working at Radio Kulmiye where his plays were known for their criticism of the extremist Islamist group Al-Shabaab. According to NUSOJ and other sources, he was the 18th media worker to be killed in Somalia in 2012. No further information as of 30 June 2016; PEN is calling for an investigation into the murder.

Detained- investigation

### **Abdirisak Omar AHMED:**

**Profession:** freelance journalist who wrote for news website *Xogmaal* **Date of arrest:** 17 December 2015 **Details of arrest:** According to the National Union of Somali Journalists, he was arrested by Somalia's National Intelligence and Security Agency in Mogadishu on 17 December 2015 while walking to a coffee shop with Star FM journalist Abdulkar Mohamed Ali. Ali was arrested with Ahmed but was released without charges the day after. According to [CPJ](#), on 6 January 2016 Ahmed was still being held incommunicado and his family had not been informed of his whereabouts. The reason behind Ahmed's detention are unclear. He has reportedly not been brought to court and he has not been informed of any charges against him. It is unclear whether he has been released. No further information as of 30 June 2016. **Conditions of detention:** In an interview with Universal Television on 27 December, his wife expressed concern with regards to Ahmed's health, as he had recently suffered from malaria. He has reportedly not been granted access to his family or a lawyer.

On Trial

**\*Muuse JAAMBIIR:**

**Profession:** former chairman of *XogOgaal* newspaper **Details of trial:** Jaambiir's [trial](#) for publishing false news, defaming the president, and shaming the first lady was due to start on 23 April 2016. It was [postponed](#) due to the judge being in mourning and the prosecutor in ill health. It is unclear whether or not it has been rescheduled. The charges [reportedly](#) relate to two articles from August 2015 which criticised the way Somaliland's president and his family handled the privatisation of a government-owned company. **Other information:** The *XogOgaal* newspaper was ordered to cease publishing, but has appealed the decision and continues to publish pending the hearing, [according](#) to international media.

**\*Cabdirashiid Nuur WACAYS, profession:** chairman of the newspaper *Husbad*

**\*Siciid Khadar CABDILAAHI, profession:** editor-in-chief of newspaper *Husbad*

**Date of arrest:** 30 November 2015 **Date or release:** 3 December 2015 **Details of arrest:** It was [reported](#) that both men were arrested under charges of false publication and running an unlicensed newspaper on 30 November 2015. They were released on bail four days later but *Husbad* newspaper was suspended. Wacays and Cabdilaahi were due to stand trial in 23 April 2016, but the trial was [postponed](#) due to the judge being in mourning and the prosecutor in ill health. It is unclear whether or not it has been rescheduled. According to Human Rights Center Somalia (HRCS), the newspaper is reportedly registered, which ownership and leadership transferred from old to new leadership. Guleid Ahmed Jama, the chairperson of HRCS, [stated](#) that the newspaper was registered as required in 2010 under the Somaliland Press Laws, and that a change in management does not require reregistration. The two men are [reportedly](#) currently free pending the outcome of their trial, although *Husbad* has not recommenced publishing.

## **SOUTH SUDAN**

Killed: impunity

**Peter MOI JULIUS:**

**Profession:** journalist for business weekly *The Corporate* and the bimonthly *New Nation* **Date of killing:** 19 August 2015 **Details of death:** Moi was [shot](#) twice in his back in Juba at 8 pm while going home. The police is reportedly investigating the killing. No further information as of 30 June 2016. **Background:** There were concerns with regards to a recent article published by Moi where he mentioned that about 60% of the government's budget was spent on security. However, according to the Committee to Protect Journalists, the chief executive of *The Corporate* could not find a specific article that could have led to the killing. There are important concerns with regards to the situation of journalists in South Sudan as Moi was the seventh journalist to be killed in 2015; most of the other journalists worked for broadcast media.

**Isaiah Diing Abraham Chan AWUOL:**

**Profession:** contributor to news websites including *Sudan Tribune*, *Gurtong* and *SudaneseOnline* **Details of death:** was shot dead by unidentified men at his home in the capital Juba on 5 December 2012. The gunmen arrived at Awuol's house, asked him to step outside, then shot him dead and took his mobile telephone. Awuol had reportedly been threatened several times in the past and been warned to stop writing. Local journalists believe that he could have been targeted in connection with his online columns. Awuol was known for his opinion articles critical of the South Sudanese leadership and their relationship with the Sudanese authorities. In his most recent article, published on 27 November 2012 in the *Sudan Tribune*, Awuol had urged the authorities to foster a better relationship with Sudan and refrain from supporting Sudanese rebel groups. **Details of investigation:** The police said that they would investigate the murder. Relatives and colleagues of Awuol reportedly linked his death to an article published a few weeks before his death in which he called for President

Salva Kiir's resignation. Two suspects were reportedly arrested in late 2012 but as of 30 June 2016, no one is known to have been brought to trial, according to PEN's information.

#### Abducted

##### **\*Joseph AFANDI:**

**Profession:** Reporter for *Al-Tabeer* newspaper **Date of attack:** 4 March 2016 **Details of attack:** Joseph Afandi was reportedly abducted and tortured on 4 March 2016, two weeks after he had been released from a two-month detention by security services (see below). Afandi was abducted by an unknown group of men in a white car without number plates, before being tortured and dumped near a graveyard in the capital, Juba, it was [reported](#). Afandi was found beaten and suffering from burns on his legs and a broken arm. **Background:** Afandi had been released two weeks previously after being held in detention for two months by security services (see below), who were reportedly unhappy with an article he wrote criticising the government's role and actions in the civil war. Reporters Without Borders [reports](#) that local observers have noted an increase in attacks on journalists. In August 2015, President Salva Kiir [threatened](#) in a statement to kill reporters working 'against the country.'

##### **\*Joseph Chan AWER:**

**Profession:** Journalist for *Al-Maugif* **Date of abduction:** 4 March 2016 **Details of abduction:** According to [report](#), Awer was kidnapped by masked men on the evening of 4 March 2016. He said his kidnapper tortured him by melting plastic on his legs. **Date of release:** 8 March 2016. **Details of release:** He was found in a Hai Rock City's cemetery. He was reportedly taken to medical examination following the discovery of burn mark on his legs. **Other information:** It has been reported that Awer had previously received death threat in Arabic via email, telling him to stop writing if he 'appreciat[ed] his life in this world'. Awer had written opinion pieces criticising both the government and the armed forces, and had previously worked for Al-Rai newspaper.

#### Released

##### **\*Joseph AFANDI:**

**Profession:** Reporter for *Al-Tabeer* newspaper **Date of arrest:** 29 December 2015 **Date of release:** 19 February 2016 **Details of arrest:** Joseph Afandi was reportedly arrested on 29 December 2015 after the publication of an editorial he authored criticising the government's actions over the past two years of civil war, according to Amnesty International. According to news reports, Afandi was not allowed to contact either his family or his lawyer, nor was he made aware of what charges he was being held under when he was being held. During his arrest the paper was reportedly verbally instructed to cease printing, and has not been published since. **Details of release:** Afandi was released without charge on 19 February 2016, according to [local media](#). **Background:** *Al-Tabeer* newspaper began publication in November 2015. Its editor previously worked for *Al-Rai* newspaper which was closed down in August, reportedly after authorities claimed that a board member had joined rebel forces in Nairobi. The editor has previously been detained in August 2015 and October 2015, and has claimed to have previously been harassed, including having his passport confiscated in 2014. **Other information:** Amnesty International and Reporter Without Borders had [called](#) for Afandi to be released, stating that his arrest may have been in connection to the editorial he penned criticising the SPLM for failing to protect the lives of its citizens during the Civil War.

#### **SUDAN**

#### Detained: Investigation

**\*Ahmed Zuheir DAOUD:**

**Profession:** intern and reporter at *Al-Midan* **Date of arrest:** 13 April 2016 **Details of arrest:** Ahmed Zuheir Daoud was arrested as he was covering student protests at Khartoum university for *Al-Midan* newspaper, despite carrying a press card. Daoud had just graduated from Khartoum university and was working as an intern for the newspaper. Daoud is still being held by Sudanese authorities as of 30 June 2016. His family has been allowed to see him, and he is reportedly in good spirits. The majority of the students arrested during the protests have already been released. **Background:** The protests at Khartoum university began after plans announced by the Ministry of Tourism to convert some of the university buildings into tourist attractions, although government officials denied that the university would be moved. Scores of students have been arrested, and there have been clashes between students and government forces. There has also been increasing state repression against mainstream media, especially *Al-Midan*. The former editor-in-chief of *Al-Midan*, **Madiha Abdella** (see below - On trial), is reportedly currently facing charges including criminal conspiracy, undermining the constitutional system, encouraging violent or criminal opposition, publishing false news and defaming the government. Print runs of *Al-Midan* have repeatedly [been confiscated](#) by the government. Journalists and newspapers in Sudan regularly have to contend with guidelines on what can be reported on, set by the Sudanese Security Services (NISS).

**\*Ibrahim Bagal SIRAJ:**

**Profession:** journalist **Date of arrest:** 11 April 2016 **Details of arrest:** Siraj was reportedly arrested on 10 April 2016, six days after being released from a previous period of detention. His lawyers [said](#) they were surprised that Siraj was rearrested, as they were waiting for the final decision of the North Darfur prosecutors office, either to drop the case or to refer to a court for adjudication. No further information as of 30 June 2016; PEN is seeking an update. **Current place of detention:** Shala prison, El-Fasher **Health concerns:** Siraj suffers from diabetes and during his first period of detention, on 25 February 2016, he was transferred from prison to hospital in El-Fasher following either a diabetic attack or a heavy sugar imbalance. **Background:** Siraj was previously detained in Khartoum on 9 February 2016, allegedly on charges of ‘information crimes’, but was not formally charged or put on trial, according to reports. He was transferred from detention in Khartoum to prison in El-Fasher, but the charges against him were not officially made clear. Siraj was released on 4 April, following 55 days in detention. Speaking to Radio Dabanga, Siraj said that he had recently written several articles about the Governor of North Darfur, criticising his political, organisational and administrative performance, and claimed that these articles were the reason for his detention. He also said that all the charges against him were related to ‘committing crimes against the state, opposing the state, and inciting tribal sedition’, and that his release was based on a lack of evidence against him.

On trial

**Madeeha ABDELLA (f):**

**Profession:** editor-in-chief of the Sudan Communist Party newspaper *Al-Midan* **Date of release:** Released on bail on 14 January 2015 **Details of trial: 1)** On 13 January 2015, Abdella was reportedly charged with crimes against the state by the National Intelligence and Security Services (NISS). If convicted, she could face the death penalty. Abdella appeared in court on 21 January 2015 on four charges of conspiracy, undermining constitutional order, urging the opposition to use violence and force against the government, and publishing false information (under articles 21, 50, 60 and 66 of the criminal code respectively). The next hearing was expected to be held on 16 February 2015. According to Reporters Without Borders, the charges against her appear to have been prompted by an interview with one of the military commanders of the Sudan People’s Liberation Movement-North (SPLM-N), a separatist movement based in North Kurdufan state. **2)** Along with her colleagues

(see below) Abdella also reports facing a separate trial on charges of defaming the government, failing to uphold the responsibilities of an editor-in-chief, and violating licensing requirements. Their trials are ongoing despite condemnation from civil rights organisations. **3)** On 10 and 11 July 2015, Abdella was summoned for questioning over complaints filed by the NISS and the Ministry of Information in relation to an article about the persecution of Christians in Sudan. Abdella is facing charges under article (63) 'calling for opposition to public authority by use of violence or criminal force' and article (66) 'publication of false news' of the criminal code. She is also facing charges under article (24) 'responsibility of the chief editor' and article (26) 'not to provoke religious, ethnic, and racial sedition or incite violence or war' of the press code. The Committee to Protect Journalists (CPJ) [reported](#) on 12 May 2016 that she is currently still facing trial on charges including criminal conspiracy, undermining the constitutional system, encouraging violent or criminal opposition, the publication of false news and defaming the government. **Background:** The government has banned all media coverage of Sudan's rebel movements. *Al-Midan* is currently forbidden to publish a print edition although it continues to appear online. This is the sixth suspension of this kind in the past few years. Twenty of its issues were seized in 2012 before it was banned for a year, until June 2013, without a court order. The newspaper is well known for its outspoken criticism of the government and its constant refusal to submit to prior censorship by the NISS.

**Suleiman HAMED, profession:** reporter for the Sudan Communist Party newspaper *Al-Midan*

**Ibrahim MIRGHANI, profession:** political editor *Al-Midan*

**Details of trial:** Mirghani and Hamed have reportedly been charged with defaming the government by the National Intelligence and Security Services (NISS) along with Madeeha Abdella (see above). The journalists appeared in court on 21 January 2015 and were expected to appear before the court on 16 February 2015. No further information as of 30 June 2016.

**Osman MARGHANI, profession:** editor-in-chief of private newspaper *Al-Tayar*

**Ahmed Yousef AL-TAY, profession:** editor of private newspaper *Al-Saiha*

**Date of arrest:** 16 December 2015 **Details of arrest:** According to news reports, on 16 December 2015 they were arrested in their offices by plainclothes members of State Security. They were reportedly released on bail six hours after their detention. According to the Committee to Protect Journalists, they have been charged with 'abusing their positions as journalists', 'publishing false news' and 'undermining the constitutional system'. If they are found guilty they could reportedly face the death penalty. No further news on the details of their trials as of 30 June 2016. **Background:** Marghani suggested that the charges were brought because of their journalistic work. On 12 December 2015, Marghani published an article in *Al-Tayar* where he criticized the Finance Minister for blaming Sudanese citizens for frequent electricity cuts. The same day, Al-Tay published an article in *Al-Saiha* also criticising the Finance Minister for not being able to restrict the government's electricity consumption. In July 2014 *Al-Tayar* offices were reportedly raided by State security agents who seized laptops and cell phones and destroyed equipment. Marghani was also beaten up. The *Al-Saiha* offices were also raided by State security agents in May 2014 and up to 10 of its journalists were reportedly summoned by authorities in relation to coverage of corruption cases. In February 2015, both newspapers' print copies were confiscated by the authorities without any explanation. Prior to the arrest of Marghani, on 16 December 2015 *Al-Tayar* newspaper was closed by the Sudan National Intelligence and Security Service. The ban was [lifted](#) in March 2016, after the newspaper's journalists had undertaken a hunger strike. According to the Guardian, a few days before the arrests, President Omar al-Bashir vowed to take 'decisive measures' against journalists who criticised his finance minister.

## TANZANIA

*In 2015 Tanzania enacted a new cybercrime act, ostensibly aimed at crimes not covered by other legislation, such as spreading lies, sedition and pornographic material online. [Concern](#) was [raised](#) by freedom of expression groups that the scope of the act was too broad and the sentences too harsh; as of October 2016 12 individuals had been charged under this act for insulting the President.*

### Abduction

#### **\*Salma SAID (f):**

**Profession:** reporter for *Mwananchi* newspaper and correspondent for *Deutsche Welle* **Date of abduction:** 18 March 2016 **Details of abduction:** Salma Said was [reportedly](#) abducted by unknown assailants shortly after arriving at Julius Nyerere International Airport in Dar es Salaam. She had returned from Zanzibar where she was covering the March elections. She had flown back on the advice of the Tanzania Human Rights Defenders Coalition after receiving threatening anonymous calls and texts messages, many of which focused on her work reporting on militias. On leaving the airport, she was forced into a car by men in plain clothes and driven to a location where she was held for the next two days. Whilst being held, Said was kicked and beaten; her abductors were reported to have barely spoken, except to tell her that they did not want her reporting on the elections in Zanzibar. **Date of release:** 20 March 2016 **Details of release:** On 20 March 2016 she was released by her abductors, who did not let her see their faces nor the route back to where they had abducted her. **Background:** The October 2015 elections in Zanzibar were cancelled despite the opposition Civic United Front claiming to have won. As a result, the CUF urged their supporters to boycott the political process, and Zanzibar has been facing a political crisis, according to [reports](#). The elections were held again on 20 March 2016, still boycotted by the opposition, and a winner was declared. Said's husband is also an opposition member of parliament.

### On Trial

#### **\*Leonard MULOKOZI:**

**Profession:** social media user **Details of trial:** Leonard Mulokozi was charged on 21 June 2016 for publishing messages on social media app WhatsApp that were abusive to the President. He denied the charges and the case was adjourned until 18 July 2016. The text [reportedly](#) questioned whether the President had advisors and whether he considered laws already in place before speaking. The State Attorney [reportedly](#) contended that the accused didn't just write the 'defamatory' words, but went on to circulate them, with the intention of spreading the insults.

### Attacked

#### **\*Mwanahiba RICHARD (f):**

**Profession:** journalist for Mwananchi Communications Limited (MCL) **Date of attack:** 13 February 2016 **Details of attack:** While reporting from Kambarage Stadium, Richard was [reportedly](#) punched and slapped by a football player who complained that she had written about him in a bad light and decided to take revenge.

### Sentenced

#### **\*Isaac ABAKUKI:**

**Profession:** social media user **Sentence:** A fine of Tsh7million (around \$2287) **Details of trial:** Isaac Abakuki was convicted under new 2015 cybercrime legislation on 9 June 2016 for insulting the President on his Facebook page. He [reportedly](#) called the President an 'imbecile'. He pled guilty and was sentenced to either pay a fine of Tsh7million (around \$3200) or spend three years in jail. He is required to pay the Tsh7million fine in only two instalments. If Abakuki fails to

make scheduled payments, he will serve his jail term. The initial court judgement [reportedly](#) sentenced him to a fine of Tsh5million (around \$2287) alongside a three-year jail sentence, but this was changed after a plea by his lawyer.

## TOGO

### On trial

**Izotou ABI-ALFA, profession:** managing editor of *Le Rendez-vous*

**Zeus AZIADOUVO, profession:** managing editor of *Liberté*

**Carlos KETOHOU, profession:** managing editor of *L'Indépendant Express*

**Details of trial:** Abi-Alfa and Aziadouvo were interrogated on 25 September, while Ketehou was interrogated on 29 September 2015 by police. On 22 October, all three journalists were charged with false and defamatory information, following an article about a case of kick-back involving the ministers of Finance and Economy as well as the minister for Infrastructure and Transport. The three were accused of publishing a story about an asphalt road project in which the minister of Finance and Economy and his colleague, the minister of Infrastructure and Transport, were believed to have received a kick-back commission of 10 billion CFA francs out of the total project cost 26 billion CFA francs. No further information as of 30 June 2016.

## UGANDA

### Killed: impunity

**Thomas PERE:**

**Profession:** journalist for *New Vision* covering society stories for the entertainment and supplements sections. **Date of birth:** c.1975 **Details of death:** was killed by unknown assailants on 16 June 2013.

Pere reportedly left work to go home on the evening of 16 June; his body was found the following morning in a field in Masajja, where he lived. An interim post mortem established the cause of death to be blunt force trauma. Pere reportedly suffered two broken collar bones and a blow to the head.

**Details of investigation:** According to reports, the police do not believe he was killed at the place where the body was found due to the absence of signs of a struggle at the scene. Two commuter taxi operators arrested in July with a taxi in their possession that had blood stains in it were released on 17 September 2013 after three months' detention at Katwe Police Station after DNA results were negative. No further information as of 30 June 2016.

### On trial

**Norman TUMUHIMBISE:**

**Profession:** author **Date of arrest:** 19 August 2015 **Details of arrest:** According to reports, on 19 August 2015, Tumuhimbise was abducted by the authorities and illegally detained. **Date of release:** 26 August 2015

**Details of trial:** He faces charges of unlawful assembly, criminal trespass, and interrupting parliamentary business. **Further information:** Local news reports indicate that he was arrested in connection with his activism for Jobless Brotherhood. Tumuhimbise is reported to believe that the detention is also connected to his book *Sowing the Mustard Seed*. He was reportedly tortured by the Ugandan military. No further information as of 30 June 2016.

**Background:** Tumuhimbise is also the leader of pressure group Jobless Brotherhood, a non-partisan group which exposes and lobbies against exploitation, corruption and youth unemployment. He was also arrested in 2013 in connection with a book he had written but was released on bail (see 2013 Case List).

## Brief Detention

### **\*Francis OCITI:**

**Profession:** Journalist for *Red Pepper* newspaper **Date of arrest:** 27 February 2016 **Details of arrest:** Francis Ociti was [reportedly](#) covering the arrest of Forum for Democratic Change presidential candidate Kizza Besigye, alongside the release of piglets dressed in yellow t-shirts by supporters protesting Besigye's arrest at the State House. Abubaker Muwonge, a journalist for CCTV who was covering the same events, was also arrested. It was [reported](#) that they were arrested on charges of 'criminal trespass'. **Background:** Authorities in Uganda clamped down on media freedoms in the run-up to presidential elections, with television and print journalists being arrested or detained, and radio stations shut down according to reports. On the election day, several social media applications, including Facebook and Whatsapp, were taken down. During this period, there were also [reports](#) of journalists being pepper sprayed.

## Harassed

**\*Abubaker Muhamed ZIRABAMUZAALE, Profession:** journalist from the *Daily Monitor*

**\*Abubaker LUBOWA, Profession:** journalist from the *Daily Monitor*

**\*Mukiibi Eriasa SSERUNJOGI, Profession:** journalist from the *Daily Monitor*

**\*Nicholas BUMULANZIKI, Profession:** journalist from the *Observer*

**Date of detention:** 27 February 2016 **Details of detention:** These four journalists, along with Mugerwa Gerald of Delta TV and Suhair Boss Mugabi of NTV, were reportedly arrested outside opposition candidate Besigye's house before being placed into a police van. It was [reported](#) that all six journalists were beaten in the van. Two TV journalists who were recording this were apparently chased away. Local media [reported](#) that police cited security as a reason for their arrests. They were [reportedly](#) later released without charge. **Background:** Authorities in Uganda clamp down on media freedoms in the run-up to presidential elections, with television and print journalists being arrested or detained and radio stations shut down, according to reports. On the election day, several social media applications, including Facebook and Whatsapp, were taken down. During this period, there were also [reports](#) of journalists being pepper sprayed.

## ZAMBIA

### On trial

**\*Mukosha FUNGA (f), profession:** reporter for the independent daily newspaper *The Post*

**\*Joan CHIRWA-NGOMA (f), profession:** managing editor for the independent daily newspaper *The Post*

**Details of trial:** on 12 April 2016, the two journalists were cautioned over an article in which they alleged that the President drank and played pool on a taxpayer-funded holiday. The story was written in 2015, and quoted an opposition leader, who was also charged separately. The journalists were charged with defamation, but were freed on bail of 20,000 kwacha after a brief 40 minute detention. Police recorded warn and caution statements with both journalists, and they were told that the police were 'carrying out investigations in the case of defamation of the President contrary to section 69 Cap 87 of the Penal Code'. Their trial has been repeatedly pushed back; originally they were meant to appear in court on 18 April 2016, but the Director of Public Prosecutions was not ready, so their trial was adjourned to 17 May. At their next hearing, the state prosecutor said that they could not plead because the Director of Public Prosecution had not yet issued consent to prosecute them. The matter was then adjourned to 23 June. The opposition leader had previously been charged on a separate case file, but the prosecution asked for this to be changed so all three

would be charged, which the judge granted. No further information as of 30 June 2016 **Background:** In June 2016 *The Post* newspaper was ordered to [close](#), due to allegations of unpaid taxes, but vowed to keep publishing by printing a smaller print run. The closure comes in the wider context of judicial harassment of journalists and the newspaper in the run up to elections scheduled for August 2016. In 2015, the Minister of Information publicly criticised and [threatened](#) *The Post* with closure, and other high ranking officials have made similar [statements](#). Mukosha Funga and Editor-in-Chief of the Post newspaper, Fred M'membe are charged with publishing classified documents in another case. (See below, Mukosha Funga and **Fred M'membe 'Judicial harassment'**)

#### On trial

**\*Fred M'MEMBE: profession:** managing editor and Editor-in-Chief of the independent news daily newspaper *The Post*.

**Details of trial:** Fred M'Membe is facing charges of contempt of Court and publishing defamatory statements in a case that has been ongoing since [25 April 2014](#). Alongside with Rainbow Party leader Wynter Kabimba, he is being sued by former President Rupiah Banda for publishing an article that accused him of being corrupt. The article was published at a time when former President Banda was facing charges of corruption, for which he has then been cleared. The case was brought several times before the Lusaka Magistrate's Court and was constantly adjourned. As of 30 June 2016 the case is still pending. [**Stop press:** In July 2016, former President Banda [announced](#) he would not be pursuing the charges against M'Membe and the politician.] **Background:** M'Membe has been pursued on several cases of defamation over the past few years.

**Richard SAKALA, profession:** managing editor of the opposition newspaper *The Daily Nation*

**Simon MWANZA, profession:** production editor of the opposition newspaper *The Daily Nation*

**Date of arrest:** 10 December 2013 **Date of release:** 13 December 2013 **Details of arrest:** They were arrested in connection with the publication of an interview with former journalist and executive director of Foundation for Democratic Process (FODEP) **MacDonald Chipenzi**. **Details of trial:** Sakala and Mwanza, along with Chipenzi, were reportedly accused of 'publication of false information with intent to cause public alarm' under section 67 of the Zambian penal code on 12 December 2013. The journalists were released after they met bail conditions of 10,000 kwacha (approx. US\$1,300) and two guarantors who were employed by the government or a para-governmental organisation. Their trial was expected to commence on 26 January 2014. According to March 2014 reports, their case was referred to the Lusaka High Court for constitutional determination after defence lawyers argued that the application of section 67 in Sakala and Mwanza's case was arbitrary and excessively hampered freedom of expression as guaranteed by section 20 of the Zambian Constitution. On 4 December 2014, the Lusaka High Court ruled in Sakala and Mwanza's favour, holding that Zambia's so-called 'false news' law violates the right to freedom of expression and is therefore unconstitutional thereby halting their prosecution. As of 30 June 2016 it appears that Sakala, Chipenzi and Mwanda are still on trial despite the High Court ruling. According to reports, the Director of Public Prosecutions Mutembo Nchito decided to continue prosecuting Sakala, Chipenzi and Mwanza despite reportedly dropping proceedings of a similar matter against United Party for National Development (UPND) leader Hakainde Hichilema, who was arrested under the same law as Sakala. This has led to some criticism of Nchito for not applying the law equally in all cases.

**Background:** In the interview in question, Chipenzi questioned the reasons behind a change in the police recruitment process in Zambia after concerns were raised that a secret militia was being recruited within the police force that could be used for political purposes.

**Thomas ZGAMBO:**

**Profession:** contributor to news website *Zambian Watchdog* **Date of arrest:** 9 July 2013 **Date of release:** 11 July 2013, on bail **Details of arrest:** Zgambo was initially arrested and detained along

with journalist **Clayson Hamasaka**, who is also thought to be a contributor to *Zambian Watchdog*. Police reportedly raided the journalists' homes that same day in separate operations, claiming to be searching for drugs and seditious material and accusing them of publishing stories for the *Zambian Watchdog*. **Details of trial:** Zgambo was reportedly charged with 'sedition' in connection with documents found at Zgambo's home about how former President Sata started his Patriotic Front party. Zgambo was expected to appear in court again on 6 August 2013. According to reports on 2 August 2013, Zgambo was called back for further questioning at police headquarters, where he was asked to re-write a document that the police suspect was authored by him, but he refused. According to 3 October 2013 news reports, the sedition charge was dropped. However, on 14 November 2013, he was charged with 'possession of obscene material likely to corrupt morals of the public', to which he pled not guilty. A state witness has admitted lying in the case. For background on *Zambian Watchdog*. It is not clear if the trial is still ongoing as of 30 June 2016; PEN is seeking an update. **Other information:** According to reports, Zgambo filed an official complaint to the *Zambian Police* over recurring threats. According to a letter sent by Zgambo to the Inspector General dated 17 June 2015, he reported that individuals were threatening him for calling for responsible journalism. Zgambo and Hamasaka have also sued Airtel, a *Zambian* mobile service provider, for allowing unauthorised people to tap into their mobile phones. Zgambo and Hamasaka reportedly claim this activity breached various articles and rights in the *Zambian Constitution*. The two journalists are currently seeking an injunction to restrain Airtel and other individuals from breaching their rights to privacy and freedom of expression. According to [news reports](#), information published on 19 October 2015 suggested that the *Lusaka High Court* had ordered Airtel to produce the records of phone calls and SMS of the two journalists in order to ascertain whether any information was diverted from the Airtel network system.

#### Judicial Harassment

**Mukosha FUNGA (f), profession:** reporter of the independent daily newspaper *The Post*  
**Fred M'MEMBE, profession:** editor of the independent new daily newspaper *The Post*  
**Date of arrest:** 16 July 2015 **Date of release:** 17 July 2015 **Details of arrest:** Both journalists were reportedly detained after being summoned in the Woodlands Police Station in Lusaka. They had already been summoned previously in May 2015 in relation to this case but not detained. Their lawyers demanded their release on bail which was granted the next day at 30,000 *Zambian kwacha* (around US\$4,800) according to the International Press Institute. **Details of trial:** They have been accused of publishing classified information. The International Press Institute reported that the first hearing was scheduled for 17 August 2015. At the hearing the case was transferred to the High Court as lower courts did not have jurisdiction. According to local news reports, the journalists pleaded not guilty to the accusations and the trial was adjourned to 26 January 2016, with the journalists bail also being extended. The hearing was then adjourned to the 29 and 30 March 2016 at the state's request, as they were not ready to begin the case, according to news reports. On 5 May 2016 it was [reported](#) that the state prosecutor had entered a *nolle prosequi*, which allowed them to be discharged, although not acquitted, meaning that they could still be rearrested. **Background:** The accusations are based on a letter published in *The Post* which was allegedly written by Zambia's anti-corruption commission and forwarded to President Edgar Lungu. The letter in question claimed that one of the aides of the President had accepted bribes from a Chinese company.

## ZIMBABWE

### Reported missing

**Itai Peace Kadiki DZAMARA:**

**Profession:** political activist and former journalist **Date of disappearance:** 9 March 2015 **Details of disappearance:** Dzamara was reportedly abducted by five unidentified men at a barber shop in Harare. The men accused him of cattle theft, handcuffed him and bundled him into an unmarked van, according to news reports. The men had been spotted driving around Dzamara's local neighbourhood, according to a statement by his family. **Details of investigation:** In a press conference, Dzamara's family emphasised that they believe that he was abducted by state agents – claims that the government vehemently refute, denying any knowledge of his whereabouts. On 13 March the country's high court ordered the police and state intelligence agency to search for Dzamara and work closely with the family's lawyer. According to his brother, no progress has been made in the investigation since Dzamara's disappearance. According to news reports published on 17 July 2015, the efforts of the police had proven unsuccessful. The government is reportedly intensifying its efforts due to the pressure from civil society organizations and opposition. On 10 March 2016, it was [reported](#) that members of his family blamed Zanu PF and state security agents for his abduction. While the police still claimed that they had no leads on the case, the Zimbabwe lawyers for Human Rights group filed a successful *habeas corpus* application at the high court, ordering senior security officials to do everything necessary to find Dzamara, and a High Court Justice directed a team of police detectives to work closely with Dzamara's legal team. **Update:** In May 2016 his family provided a photo of a masked Dzamara to the media. The photo was allegedly provided to them by people close to Dzamara's disappearance. **Background:** Dzamara was the editor of the News Leader newspaper which he founded in 2008 prior to which he worked for various publications including the Zimbabwe Independent, the Standard and the Zimbabwean. In October 2014 he suspended its publication in order to focus on his political activism. The same month he submitted a petition to President Mugabe calling for his resignation. He spearheads pro-democracy movement Occupy Africa Unity Square, which calls for Mugabe's resignation. Two days before his abduction he delivered a speech at an opposition rally in Harare, offering solidarity with the Movement for Democratic Change (MDC) party for mass protests against the deteriorating political and economic situation in Zimbabwe. **Other information:** The US Harare Embassy and the EU Delegation in the country have both called for the authorities to mobilise greater efforts in finding Dzamara and bringing those who are responsible for his disappearance to justice. Reports state that both his lawyers and his family believe he is being held by Zimbabwe's security services and have called for his release. **PEN Action:** [RAN 07/15](#) and 20 March 2015 [statement](#).

#### On trial

**Brian CHITEMBA, profession:** investigations editor of the newspaper *Sunday Mail*

**Tinashe FARAWO, profession:** reporter of the newspaper *Sunday Mail*

**Mabasa SASA, profession:** editor of the newspaper *Sunday Mail*

**Date of arrest:** 2 November 2015 **Date of release:** 3 November 2015 **Details of arrest:** According to news reports, the three were detained in connection with an article that implicated police officers and authorities of Hwange National Park in the poisoning of at least 60 elephants and selling of their tusks. **Details of release:** They were released three days after on \$100 bail after appearing at Harare Magistrates' Court. They were also reportedly told that they would have to report once a week to a police office until the trial. **Details of trial:** All three were accused of 'publishing false information'. On 18 December 2015, news reports suggested that the trial was scheduled for 26 February 2016. No further information as of 30 June 2016. **[Stop press:** In September 2016 the journalists were [removed](#) from remand, after the High Court ordered the Magistrates' Court to stay proceedings of the matter.]

#### Judicial Harassment

\***Nqaba MATSHAZI, profession:** Deputy editor of *NEWSDAY*

\***Xolisani NCUBE, profession:** journalist at *NEWSDAY*

**Date of arrest:** 7 January 2016 **Details of arrest:** Nqaba Matshazi and Xolisani Ncube were both reportedly taken into custody along with Alpha Media Holdings' legal secretary Sifikile Thabete after writing an article alleging that the Central Intelligence Organisation received secret bonuses after other civil servants pay was postponed. According to [local media](#), they were charged under Section 31 (1) (ii) of the Criminal (Reform and Codification) Act (publishing falsehoods which may adversely affect the defence or economic interests of Zimbabwe). They appeared in court and were granted \$200 bail, and asked to return to court on 27 January 2016, although they were not asked to plead. They applied to have their case referred to the constitutional court on 28 January. They were reportedly asked to return on 15 February as the magistrate was not ready to make a ruling on the Constitutional Court ruling. **Background:** Matshazi was involved in a case challenging whether Section 31 (1) (iii) of the criminal code, which was used often used to prosecute journalists for defamation, was valid. It was ruled invalid in 2014 under the old Constitution. In February 2016 the Constitutional Court [ruled](#) that criminal defamation laws are invalid and unconstitutional, [upholding](#) the 2014 ruling in respect to the new constitution.

Released

**Patrick CHITONGO:**

**Profession:** freelance journalist **Sentence:** 12 months in prison (four months of which are suspended.) **Date of arrest:** last week of June 2015 **Date of release:** 2 July 2015 **Details of release:** Chitongo was reportedly released on bail on 2 July 2015, after his lawyer applied for bail pending his appeal. **Details of trial:** Chitongo was reportedly sentenced to 12 months in prison - four of which are suspended - on 23 June 2015 for publishing three issues of a newspaper called *The Southern Mirror* without a permit from the Zimbabwe Media Commission, thereby violating section 72 (1) of the Access to Information and Protection of Privacy Act (AIPPA). Chitongo said the three issues were produced as examples to be submitted to the commission along with a permit application. He is appealing against his sentence. According to [Columbia](#) Global Freedom of Expression, on 2 July 2015, Chitongo was granted \$200 bail pending his appeal against both his sentence and his conviction, although he was ordered to stay living at his current residence and report to the police once every two weeks. It was [reported](#) that his appeal was dismissed by the High Court, and he was then imprisoned on account of failure to pay fees required to process his appeal record in time. It [appears](#) that he was released at some point in May 2016.

## AMERICAS

### ARGENTINA

On trial

**Pablo KATCHADJIAN:**

**Profession:** novelist, poet and university lecturer. **Date of birth:** 1977 **Details of trial:** A criminal lawsuit was brought against Katchadjian in 2011 for alleged "intellectual property fraud" for his 2009 short experimental book *El Aleph Engordado* (The Fattened Aleph) by Maria Kodama, widow of the Argentine author Jorge Luis Borges and guardian of the Borgesian literary estate. The lawsuit was brought on the basis that Katchadjian's text – which takes Borges' well known short story *El Aleph* and "fattens" it by adding some 5,600 words of his own to Borges' original 4,000 – amounted to plagiarism. The charges are based on an archaic intellectual property law (Law 11.723 of 1933, Article 71), which along with the Argentine Penal Code (Article 172), provides for between one month and six years' imprisonment. The lawsuit was initially dismissed, but Kodama appealed the ruling which

resulted in a further review by a lower court. On 18 June 2015, Katchadjian was formally charged with “intellectual property fraud” by the same judge who had originally dismissed the case. The appeals court also froze his assets, imposing an 80,000 peso (c. US\$8,800) embargo on his property. Katchadjian’s lawyer appealed the decision. On 14 August 2015, a Court of Appeal overturned Katchadjian’s indictment, but did not acquit him. Instead, the court ordered that a literary expert should review the book and provide a report, thus delaying the final ruling. Each party is allowed to provide their own expert, who will work with the court-appointed expert. If found guilty, Katchadjian faces up to six years in prison. **Update:** According to Katchadjian as of early August 2016, the expert review of his book had only recently begun due to delays on the part of Kodama’s lawyer. **Background:** Katchadjian is the critically acclaimed author of 10 books, including the novels *Gracias* (Thanks), *La libertad total* (Total Freedom) and *Qué hacer* (What to do). His work has been translated into English, French and Hebrew. An opera adaptation of *La libertad total* was reportedly performed in Buenos Aires in 2014. *El Aleph Engordado* was published in 2009 by Imprenta Argentina de Poesía, a small independent press, in a print run of 200 copies, most of which were reportedly given away to friends. In a postscript to *El Aleph Engordado* dated 1 November 2008, Katchadjian makes it clear that the preceding text is his expansion of Borges’ *El Aleph*. He has reportedly withdrawn his text from his blog and other official channels. There was therefore no intention on his part to pass Borges’ text off as his own or, apparently, to make a profit. **Other information:** Almost 3,000 writers, intellectuals and other supporters from Argentina and beyond signed an open letter protesting the prosecution of Katchadjian, including César Aira and Carlos Gamerro. A public demonstration took place on 3 July 2015 at National Library in Buenos Aires, of which Borges was director from 1955-73. **PEN Action:** [3 July 2015 Call to action](#)

## BOLIVIA

### Judicial harassment

#### **\*Wilson GARCÍA MÉRIDA**

**Profession:** editor of the online news site [www.soldepando.com](http://www.soldepando.com)

**Date of harassment:** 10 May 2016 **Details of harassment:** García Merída has been accused of sedition by the Minister of Presidency Juan Ramón Quintana for unknown reasons. According to news reports, on 10 May García received a summons to report to the public prosecutor’s office in Cochabamba. Efforts by his lawyer to obtain more details about the accusations reportedly yielded no results. Shortly after, García Merída fled to Brazil as a precaution since the crime of sedition implies immediate jail time even in the initial phase of the process, according to a news [report](#) by the Knight Centre for Journalism in the Americas. However, later that month media reports indicated that García was seeking assistance to return to Bolivia, where his children and other family members remained. **Background:** García Merída had reportedly been critical about Quintana, linking him in a series of articles to the drug dealer Mauro Vásquez. According to a news report, García’s case will be dealt with by the Tribunal de Imprenta, a court for journalists’ cases.

## BRAZIL

Killed: impunity

**Orislândio Timóteo ARAUJO** (aka **Roberto Lano**):

**Profession:** political blogger at [blogdorobertolano](#), radio host and DJ **Date of death:** 21 November 2015 **Details of death:** Araujo (37) was [reportedly](#) shot in the head by an unknown assailant who fled the scene on a motorcycle. The murder reportedly occurred while he was with his wife on a motorcycle on their way to the city centre of Buriticupu, in Maranhão state, northeast Brazil. Araujo was also known for his work on political campaigns in the state and as an event promoter in the region. In his last blog [post](#), on 18 November 2015, he criticised the mayor of Buriticupu for building a bridge in the middle of nowhere.

**Details of investigation:** The authorities launched an investigation into what they believe was a contract killing, [reportedly](#) citing his journalistic activities as a possible line of investigation. On 29 November 2015, the police in Buriticupu reportedly located a gun which they believed to be the murder weapon. On 28 December 2015, the police reportedly arrested an unidentified primary suspect. No further information as of 30 June 2016.

**Background:** Araujo was the third journalist to be murdered in Brazil in two weeks, following the killing of political blogger **Ítalo Eduardo Diniz Barros**, also in Maranhão state, on 13 November (see below) 2015, and radio reporter **Israel Gonçalves Silva** in Pernambuco state, eastern Brazil, on 10 November 2015. Another political blogger and journalist, **Decio Sá**, was killed in Maranhão state on 23 April 2012, in direct retaliation for his work (see below). **PEN**

**Action:** [press release](#) 27 November 2015

**Paulo Roberto CARDOSO RODRIGUES** (known as **Paulo ROCARO**): **Profession:** editor of the local daily *Jornal Da Praça* and the news website *Mercosul News* **Date of death:** 12 February 2012 **Details of death:** Rocaro (51) was shot dead in Ponta Porã, in the south-western state of Mato Grosso do Sul. He had been driving home when he was attacked by two armed men riding a motorcycle, who fired at least five bullets into him. **Details of investigation:** Police were reportedly investigating the crime as a possible contract killing, and were looking into political motives, among others. On 4 October 2012, the owner of *Jornal Da Praça*, **Luis Henrique Georges**, and another of the newspaper's employees were reportedly shot dead by unknown individuals while another member of staff was injured as a result of the incident. *Jornal Da Praça* had recently published articles highly critical of candidates for the municipal elections held in Ponta Porã on 7 October 2012. On 7 May 2013, police in Mato Grosso do Sul state reportedly presented the results of the investigation into Rocaro's murder: they believed the motive to be political. Rocaro, a member of the Workers' Party, had a disagreement with another member of the party, Claudio Rodrigues de Souza, about who should run for Ponta Porã mayor two days before the shooting. During the argument, Rocaro reportedly threatened to publish stories on alleged irregularities involving Rodrigues' businesses. The police believed that Rodrigues hired two hit men to kill Rocaro. Rodrigues reportedly had a previous conviction for homicide in São Paulo state. Luis Henrique Georges' murder remained unsolved as of 30 June 2015 and no evidence had been produced indicating whether or not the two murders were related. Two years on from Rocaro's murder, the police had failed to gain sufficient evidence against those it believes to have ordered and carried out the crime. Rodrigues is reported to have given his statement to the police in Ponta Porã in which he claimed his innocence. The whereabouts of one of the alleged hit men remains unknown. On 18 September 2015, Claudio Rodrigues de Souza, the accused mastermind of Rocaro's murder, was shot dead in the city of Jandira. Police

reported more than 20 bullets were fired, two of which hit and pierced the vehicle he was in. Rocaro's murder remained unsolved as of 31 December 2015. No further information as of 30 June 2016. **Background:** Rocaro reported on politics. According to reports, he had been critical of the local mayor and had publicly lent his support to a rival mayoral candidate. On the night he was killed, the journalist had been returning home after a meeting with the opposition candidate. The killing took place near the Paraguayan border, a region of Brazil known for organized criminal activity and for political corruption. **PEN Action:** [RAN 09/12](#) 15 February 2012

**Eduardo CARVALHO:**

**Profession:** editor and owner of the website *Última Hora News* **Date of death:** 21 November 2012 **Details of death:** Carvalho (52) was arriving home with his wife in Campo Grande, capital of Mato Grosso do Sul state, when an unidentified man on a motorcycle shot him three times before fleeing. According to *Última Hora News*, Carvalho, a retired military police officer, often criticised the local police and politicians and denounced local corruption in his articles. He had reportedly been receiving threats in connection with his journalism since 2011 and had also survived an assassination attempt, as a result of which he was authorised to carry a gun. According to the police, Carvalho had been the subject of many libel lawsuits related to his reporting. His last article, published on the day of his murder, accused an unnamed military police official of abusing his authority to intimidate local citizens. **Details of investigation:** The police reportedly intend to focus their investigation on whether the murder was related to Carvalho's journalistic work. On 7 February 2013, it was reported that the investigations into his murder were on-going, with initial material evidence and telephone records under review. The police had reportedly received more than 30 formal complaints against the journalist alleging defamation and libel, but they added that the motive of the murder had not been proven. No further information as of 30 June 2016. **PEN Action:** [RAN 76/12](#) 29 November 2012

**Ítalo Eduardo DINIZ BARROS:**

**Profession:** blogger [[italodiniz.com](#)] and press officer for a local mayor **Date of death:** 13 November 2015 **Details of death:** According to reports, Diniz (30) was shot four times by two unidentified men on a motorcycle in the city of Governador Nunes Freire, Maranhão state, northeast Brazil. The gunmen fled the scene and Diniz later died in hospital. A friend who was with him at the time was also shot and injured. Diniz had reportedly received death threats relating to his work, including in the days before he was killed. **Details of investigation:** According to the Committee to Protect Journalists, the police officer in charge of the investigation [indicated](#) that the investigation would look at Diniz' blogs where he often criticised local authorities as a possible motivation for the murder. No further information as of 30 June 2016. **Background:** Diniz also worked as a press officer for Marcel Curió, the mayor of Governador Nunes Freire, and blogged about scandals and alleged wrongdoing by other local politicians. Diniz's [blog](#) featured content from other blogs and local publications in Maranhão as well as some original reporting. A few days before he was shot, Diniz had told colleagues on a [WhatsApp group](#) for bloggers that he had received a death threat. His murder came four days after that of radio reporter **Israel Gonçalves Silva** in Pernambuco state, eastern Brazil, on 10 November 2015. **PEN Action:** [press release](#) 27 November 2015

**Francisco GOMES DE MEDEIROS:**

**Profession:** contributor to newspaper *Tribuna do Norte*, internet writer and news director of a local radio station **Date of death:** 18 October 2010 **Details of death:** He was shot dead by a man on a motorbike in front of his house in Caicó, Rio Grande do Norte state. Gomes had reported on a variety of local topics, including government corruption, crime and drug trafficking. He had recently received death threats after publishing a piece on his blog accusing local politicians of being involved in buying votes in exchange for drugs during the first round of the Brazilian general elections on 3 October 2010. **Details of investigation:** On 19 October 2010 the police arrested João Francisco dos Santos and claimed that he had admitted killing Gomes in reprisal for his coverage of Santos' 2007 conviction on armed robbery charges. Despite this, state police said that they were still investigating the case and had not ruled out further leads. On 3 December 2010 the *Diário de Natal* reported that Gomes' killing was carried out on the orders of a jailed drug trafficker, according to local police. Valdir Souza do Nascimento, who was arrested in 2007 and was then serving a sentence for drug trafficking, allegedly ordered Santos to shoot Gomes because the journalist's reporting was affecting the criminal activities that Souza was continuing to run from prison. On 23 October 2012, *Globo* reported that the charges against Souza had been dropped. A trial began on 3 May 2011. A businessman, Lailson Lopes, was accused of having ordered the crime while João Francisco dos Santos was accused of carrying it out. On 6 August 2013, dos Santos was sentenced to 27 years in prison for the shooting and killing of Gomes, while Lopes was reportedly sentenced to 21 years in prison, reduced by one third to 14 years in April 2014. Four other men including a local army lieutenant colonel, a military police officer, a lawyer and a former pastor, were reportedly also facing charges and awaiting trial. All four men denied any involvement in the murder. According to 13 February 2014 reports, a judge ruled that there was insufficient evidence to prosecute either the lieutenant colonel or the military police officer. Gomes' family is believed to have appealed against this decision. The case against the lawyer and a former pastor was allowed to proceed. According to 9 June 2015 reports, the Criminal Chambers of the North Rio Grande State Court of Justice ruled that Lopes should be subject to a re-trial. According to 15 September 2015 reports, the case against the lawyer, Rivaldo Dantas de Farias, was ongoing; he is believed to be the mastermind behind Gomes's murder, and was initially jailed for eight months as required by the indictment. On 28 October 2015, it was reported that the ongoing trials would be postponed until 4 November 2015 after the involvement of another alleged suspect, former pastor Gilson Soares Neudo do Amaral, came to light. On 4 April 2016, it was reported that the trial against former pastor Gilson Soares Neudo do Amaral had been [postponed](#) and a new date had yet to be set; Soares is reportedly accused of having ordered Gomes' killing. No further information as of 30 June 2016.

**Marcos de Barros Leopoldo GUERRA:**

**Profession:** blogger ([Ubatuba Cobra](#)) and lawyer **Date of death:** 23 December 2014 **Details of death:** Guerra (51) was reportedly shot dead by unidentified gunmen on a motorcycle at his home in Ubatuba, Sao Paulo state. The attackers opened fire on Guerra from outside the house through a kitchen window; he died after receiving wounds to the face, back and abdomen. According to Guerra's father, he had received death threats in connection to articles published on his blog prior to his death. **Details of investigation:** Ubatuba Civil Police Chief Fausto Cardoso is reported to have confirmed that police were considering his blog as a possible motive for the crime. No further information as of 30 June 2016. **Background:**

Guerra was known to be critical of local government corruption in his blog. In one of his most recent articles he had questioned local authorities over the alleged diversion of public funds. **PEN Action:** featured in 2015 International Day to End Impunity [campaign](#)

**Mario Randolpho MARQUES LOPES:**

**Profession:** editor-in-chief of the news website *Vassouras na Net* **Date of death:** 8 February 2012 **Details of death:** Along with his companion, Marques (50) was abducted from his home in Barra do Piraí, Rio de Janeiro state. Both were found the following day, shot dead. Marques had frequently accused local officials of corruption in articles on his website, according to news reports. His most recent article on his website accused local judges and courts of being corrupt and too powerful. **Details of investigation:** An investigation is underway. Marques' body was reportedly exhumed on 25 February 2013 in order to extract DNA samples for use in testing against blood stains found in three vehicles seized at the time of his murder; one of the vehicles was reported to be that of a taxi driver who worked in the city centre. The exhumation of the body came in response to a request filed eight months previously by the principal delegate of the civil police of Barra do Piraí. No further information as of 30 June 2016. **Background:** Marques had been attacked before. In July 2011, an unidentified gunman entered the *Vassouras na Net* newsroom in Vassouras, and shot him five times in the head, which left him in a coma for three days.

**Evany José METZKER:**

**Profession:** blogger [['Coruja do Vale'](#) (The Owl of the Valley)] **Date of death:** 13 May 2015 **Details of death:** The half-naked, decapitated body of Metzker (67) was found near the town of Padre Paraíso, Minas Gerais state, on 18 May 2015, five days after he was reported missing. His hands were reportedly tied behind his back and his body showed signs of torture. His head was found 100 metres away. Metzker's wallet, ID card and credit card were found near his body. **Details of investigation:** Police were reportedly led to Metzker's body following an anonymous tip-off. Due to its state of decomposition, the Civil Police are said to have determined that Metzker was killed on 13 May 2015. According to press reports, a police spokesman confirmed that the authorities believe that he was targeted for his investigations into a child prostitution ring and drug trafficking. Police are also reported to be investigating a crime of passion as a line of enquiry. The investigations were reportedly ongoing as of 31 December 2015. No further information as of 30 June 2016. **Background:** Metzker had travelled to Padre Paraíso three months before he went missing. He was a recognised critic who published articles on politics, corruption, drug trafficking and child prostitution on his blog. **PEN Action:** [statement](#) on 22 May 2015

**Rodrigo NETO DE FARIA:**

**Profession:** host of the "Plantão Policial" ("Police Shift") show on Radio Vanguardia, press aide for the local mayor and reporter for the daily newspaper *Vale do Aço* **Date of death:** 8 March 2013 **Details of death:** Neto (38) was shot dead by two men on a motorcycle. He was reportedly getting into his car after leaving a local bar he often frequented with a colleague in Ipatinga, Minas Gerais, when he was shot twice; he died later in hospital. His attackers did not take any of the professional equipment he had with him. Neto had only started work for *Vale do Aço* the week before his murder. According to reports, the journalist had aggressively covered police corruption throughout his career and had frequently received threats, especially in relation to his coverage of cases in which police officers were suspected of being involved in local murders. At the time of his death he was reportedly working on a

book entitled *The Perfect Crimes*, which investigated several murders in which he suspected police involvement. Neto had recently reported being followed. His reporting had led to his giving testimony to the Minas Gerais state assembly's human rights committee in which he accused police officers of involvement in criminal activity. Local journalists believed that Neto's murder could be related to his work. A tweet by the human rights minister suggested that the federal authorities regarded Neto's murder as an execution-style killing probably linked to his work. **Details of investigation:** On 19 April 2013, the chief of police in Minas Gerais confirmed the participation of police officers in Neto's murder. Five police officers had been arrested and were under investigation for Neto's killing and that of his colleague, **Walgney Carvalho**, a *Vale do Aço* photojournalist who was shot dead on 14 April 2013. Investigations revealed that both men were killed by the same gun. The police officers are reportedly suspected of belonging to militia groups that operate in the region, whose activities Neto had been investigating; Carvalho is said to have taken the photographs that accompanied the investigation. In July 2013 it was reported that Carvalho's murder had been confirmed as a witness elimination; he had publicly claimed, including on social media, to know who was responsible for Neto's death. It was believed that the person behind both journalists' murders is Alessandro Neves Augusto, while policeman Lucio Lirio Leal was identified as a co-conspirator. It was also believed, but not yet confirmed, that four other policemen connected to Neves were arrested for alleged involvement with a death squad in the region and may have been responsible for carrying out the shootings. On 22 August 2013, Neves and Leal were charged with Neto's murder. Leal is considered an accomplice to the crime, having provided the assassin with information as to Neto's whereabouts. Neves was also charged with the murder of Carvalho. The trial began on 9 December 2013. An investigation was on-going into the motive behind Neto's murder and its mastermind. Leal was reportedly sentenced to 12 years in prison for his involvement in Neto's murder on 29 August 2014. On 19 June 2015, a court sentenced Alessandro Neves Augusto to 16 years in prison for Neto's murder. Neves was already in prison at the time of his sentencing. On 19 August 2015, Neves was sentenced to a further 14 years and three months in prison for the murder of Walgney Carvalho. As of 30 June 2016, it was unclear whether an investigation into an alleged mastermind of Neto's murder is still on-going.

**José Roberto ORNELAS DE LEMOS:**

**Profession:** director of the daily newspaper *Jornal Hora H* **Date of death:** 11 June 2013

**Details of death:** Ornelas (45) was reportedly gunned down by four masked men on 11 June 2013. According to reports, Ornelas was shot at least 40 times while he was at a bakery in Nova Iguaçu, Rio de Janeiro state. Ornelas had reportedly received constant threats related to the newspaper's reporting. **Details of investigation:** The police were reported to be considering all lines of enquiry and had not ruled out his work as a possible motive. On 4 November 2015, the authorities arrested four suspects in relation to Ornelas' murder. The suspects were reported as being extortionist-type gang-members (known as "militias" in Brazil) led by a police officer who was also arrested. The inspector in charge of the investigation states that the gang viewed De Lemos as an "obstacle" to their planned expansion into Nova Iguaçu. No further information as of 30 June 2016. **Background:** *Jornal Hora H* is known for its reporting on political and police corruption. Ornelas had reportedly been investigated for three murders committed in the 1990s, but was never formerly charged. In 2003, he was imprisoned for the murder of a local official; however, he was later

acquitted. In 2005, he reportedly survived an attempt on his life, which was suspected to be in retaliation for complaints that were published in the newspaper.

**Pedro PALMA:**

**Profession:** owner of the local weekly newspaper *Panorama Regional* **Date of death:** 13 February 2014 **Details of death:** Palma (47) was reportedly killed outside his home in Miguel Pereira city, Rio de Janeiro state. He was shot three times by two assailants riding a motorcycle. According to reports, the police believe the motive for the murder to be a witness elimination (“*queima de arquivo*”). **Details of investigation:** In June 2014, the police arrested a suspect in connection with Palma’s murder. No further information as of 30 June 2016. **Background:** According to a friend of Palma, the journalist had reported receiving threats. However, the delegate in charge of the case is reported to have said that there had been no known threats against him. *Panorama Regional* reportedly frequently denounced alleged corruption in the office of the mayor of Miguel Pereira. **PEN Action:** Mentioned in [statement](#) 22 May 2015

**Décio SÁ:**

**Profession:** reporter for local newspaper *O Estado do Maranhão* and blogger at *Blog do Décio* **Date of death:** 23 April 2012 **Details of death:** Sá (42) was shot dead in a bar in what police said was a contract killing. Sá, who reported on politics and crime, was shot six times in the head and back. According to colleagues at *O Estado do Maranhão*, Sá’s reporting, both for his newspaper and for his blog, had made him several enemies. His blog was one of the most popular in Maranhão. **Details of investigation:** The police arrested seven people in June 2012, including a businessman (a former local councillor) and a police officer. Jhonatan de Souza Silva, one of those arrested, reportedly confessed to the killing. Police believe that the motive for the killing was Sá’s reporting, especially his reports on the businessman’s alleged connection to loan-sharking and racketeering. The trial of 11 suspects began in late January 2013. The attorney general of Maranhão reportedly claimed that the defence for the accused in Sá’s murder trial was attempting to “delay the course of proceedings”. The accusation came in response to the defence’s request for an order to suspend the reading of the accusations on 29 January 2013, on the grounds that it had not been given access to the content of the wiretaps used by the prosecution, a claim which the attorney general has denied. The defence’s request was granted by the judge after only three of the 15 accusations scheduled for the day had been heard. On 20 February 2013 it was reported that the principal witness to Sá’s murder, Ricardo Santos Silva, had died after being shot seven times in a suspected targeted assassination in January 2013. He had reportedly been due to give evidence in court shortly before he was shot. Seven suspects were arrested in connection with the killing of the witness. Mayors and former mayors of the municipalities of Maranhão were expected to appear in court in May 2013 to aid in investigations into their alleged connection with the money lenders thought to be responsible for Sá’s murder. On 5 February 2014, a jury in Sao Luis convicted two of 11 people accused of Sá’s murder following a two-day trial. Jhonatan de Souza Silva, the confessed gunman, was reportedly sentenced to 25 years and three months in prison, while Marcos Bruno Oliveira, the alleged driver of the motorcycle, was sentenced to 18 years and three months in prison. According to reports, Souza Silva changed his testimony during the trial in which he had previously claimed that an entrepreneur, Raimundo Sales Alves Chaves Junior, was behind the hit. In court on 4 February 2014, Souza Silva reportedly told the jury that he was hired by a different man and that the police had coerced him to name Raimundo Sales Alves Chaves

Junior as the mastermind by threatening his family. Marcos Bruno Oliveira's defence is also reported to claim that he was tortured to force him to confess to the crime; Oliveira pleaded not guilty to the charges. The remaining nine suspects included the alleged mastermind of Sá's murder, members of a criminal gang, and police officers who are reported to have attended meetings in which the murder was planned. All the remaining suspects were awaiting trial. On 22 August 2014, one of the accused awaiting trial, José de Alencar Miranda Carvalho (74), was granted house arrest instead of preventative detention owing to his ill-health. According to 23 April 2015 reports, the remaining defendants have applied to be tried before a jury; their court dates will be set after a decision is reached. According to 2 December 2015 reports, the court decided to dismiss five of the accused suspects, including three police officers, from the trial due to lack of evidence. **Update:** On 13 April 2016, Marcos Bruno Oliveira, the motorcyclist, who had successfully appealed his first sentence and had it annulled, was sentenced to 18 years in prison following a second trial. The trial of the other suspects was on-going as of 30 June 2016. **PEN Action:** [RAN 21/12](#) 25 April 2012

### On trial

#### **\*Leonardo SAKAMOTO**

**Profession:** blogger, activist, founder of the NGO Repórter Brasil **Details of trial:** Sakamoto is being [prosecuted](#) for criminal defamation on the basis of a blog post from October 2015, in which he reveals the name of a company that is being prosecuted for slave labour. He included a link to a list of the Ministry of Labour and Employment containing companies that had been targeted for the rescue of workers in slave-like conditions. In November 2015, he was not [found guilty](#) on the grounds that he published public available information with the intention of informing society. However, the plaintiff, a company called Pinuscam – Indústria e Comércio de Madeira Ltda, appealed the ruling. The appeal was pending as of 30 June 2016. If convicted, Sakaoto could face a prison sentence. **Background:** Sakamoto also received death threats in January 2016 (see below)

### Death threats

#### **\*Leonardo SAKAMOTO**

**Profession:** blogger, activist, founder of the NGO Repórter Brasil **Date of harassment:** Sakamoto was the target of smear campaigns, threats and prosecution in 2015 and early 2016. **Details of threats/ harassment:** On 30 January 2016, the newspaper *Edição do Brasil* published an entirely fabricated article with a photo of Sakamoto asserting that he said that 'retired people are useless to society'. Following the article, Sakamoto reportedly received an avalanche of hate messages including 37 [death threats](#) on social media. He says that he never gave an interview to the newspaper and that someone may have twisted and made assumptions about one of his blog posts dated December 2015 on the minimum wage and social insurance. On 2 February 2016, *Edição do Brasil* [admitted](#) that the interview, which was based on email correspondence, was not real and assumed that the person who sent the answers intended to harm the newspaper as well as Sakamoto. However, as of May 2016, Sakamoto was still receiving threats, including threats of physical assault. He has reported the threats to the Federal Public Prosecutor's Office, which has passed the investigation on to the police. On 8 April 2016, *O Folha de São Paulo* published an [article](#) revealing that an internet smear campaign targeting Sakamoto in 2015 (see Background

below for details) had been [sponsored](#) by JBS, the world's largest meat processing company. According to *Folha*, 4Buzz, a digital marketing company which was contracted by JBS in 2015, was also involved in the campaign. **Background:** Sakamoto is also being [prosecuted](#) for criminal defamation on the basis of a blog post from October 2015, in which he reveals the name of a company that is being prosecuted for slave labour (see above). In 2015, paid-for advertisements on Google with the phrase 'Leonardo Sakamoto Lies' came up as the first result when searching for Sakamoto or his blog. The phrase was linked to a blog article on the site *FolhaPolítica.org* accusing him of corruption. According to *The Guardian*, this article claimed that Sakamoto had received R\$1 million (approx. US\$276,000) from the Workers Party (PT) – the party of President Dilma Rousseff, currently suspended and facing impeachment – in return for attacking the opposition and that "Repórter Brasil took the money 'to kiss Dilma [Rousseff]'s ass', and that the NGO 'did not carry out any physical activity' but 'burnt through over R\$1m a year from the ministry of human rights'". Sakamoto's lawyer reportedly requested a civil court in São Paulo to order Google to release information about the author of the adverts. Google revealed that JBS had ordered the adverts but refused to reveal who paid for them due to client confidentiality. Another judicial request showed that the majority of the IP addresses connected to the adverts belonged to 4Buzz, according to news reports. Both companies, JBS and 4Buzz, reportedly deny any links to the adverts. Repórter Brasil has reported on JBS several times in relation to alleged rights abuses: in March 2015 the NGO reported that JBS had bought cattle from a family accused of massive deforestation, and in August 2014 it reported on a fine that was imposed on the company for serving its employees maggot-infested meat. **Other information:** Repórter Brasil was founded in 2001 and is one of the most important sources of information about slave labour in Brazil. The organisation reportedly received funds of approx. US\$138,000 over a three-year period from the Brazilian Ministry of Human Rights, provided mostly by international agencies, including the International Labour Organisation (ILO). According to the *Guardian*, between 2003 and 2014 Repórter Brasil published the Labour Ministry's 'dirty lists' on its website, containing the names of Brazilian companies that had been fined for using slave labour. When the publication of the lists was suspended by a court order following a lawsuit filed by the Brazilian Real Estate Developers' Association (Associação Brasileira de Incorporadoras Imobiliárias - Abrainc), Repórter Brasil started publishing its own lists exposing companies which had been fined for using slave labour.

### Attacked

#### **\*Ivan PEREIRA COSTA**

**Profession:** director of the news website *Vejas Notícias* (<http://www.vejanoticias.com.br/>)

**Date of attack:** 4 April 2016 **Details of attack:** According to news reports, Pereira was shot several times by an individual on a motorbike in front of his house in Cujubim, Rondônia state. Pereira and his wife Ediléia Santos, who contributes to the website, were speaking to a neighbour when the assailant arrived and shot the journalist in the arm and in the stomach. Pereira reportedly managed to run away and hide before being found by policemen, who took him to hospital. **Background:** According to news reports, there are land conflicts between farmers and landless peasants in the area around Cujubim. Pereira reports about these conflicts as well as about organised crime in the region. Santos, who also writes for

*Vejas Notícias*, reportedly stated she and her husband had been receiving anonymous telephone threats since the beginning of the year.

### Threatened

#### **\*Kennedy SALOMÉ LENK**

**Profession:** correspondent for the newspaper *Montanhas Capixabas* **Date of birth:** c.1964  
**Date of threat:** 10 March 2016 **Details of threat:** On the night in question, two people on a motorcycle shot several times at a car parked in Lenk's garage at his home in Afonso Cláudio, Espírito Santo state, according to news reports. Lenk and his family were asleep inside the house. **Other information:** Lenk also works as a presenter at a local radio station. According to news reports, he had been warned by friends in the police to be careful with local drug dealers, and had also been warned by people in different neighbourhoods in Afonso Cláudio that he 'talked too much' on the radio programme. Lenk reportedly covers local corruption issues and violence and seeks social support for people.

### Judicial harassment

#### **\*Marcelo AULER**

**Profession:** blogger at [www.marceloauler.com.br](http://www.marceloauler.com.br) **Date of harassment:** 30 March and 5 May 2016 **Details of harassment:** According to news reports, two court orders imposed censorship on several of Auler's articles criticising federal police officials. A 30 March judgement that followed a request by federal investigator Erika Mialik Morena reportedly ordered Auler to take down two articles published earlier that month. In the articles, Auler had reportedly mentioned Mialik Morena's involvement in leaked information on the large scale corruption investigation known as 'Operation Car Wash'. The second judgement dated 5 May reportedly ordered Auler to remove eight articles published between November 2015 and April 2016 that criticised the investigator Maurício Moscardi Grillo, as well as an alleged illegal wiretapping and high renovation costs for one of the Federal Police Units. Auler was also subjected to prior censorship, via a prohibition on publishing any reports that could be interpreted as offensive by Moscardi in the future. According to news reports, the judgements were handed down on a preliminary basis, without hearing Auler's defense. On 13 June, Auler was reportedly permitted to republish the censored [articles](#) on Moscardi and is no longer subject to prior censorship with regards to the investigator. An error was reportedly detected and the original judge should not have heard the case, as the home address of the complainant belonged to an area served by a different court.

#### **\*Rogério GALINDO**

#### **\*Euclides LUCAS GARCIA**

#### **\*Chico MARÉS**

**Profession:** journalists for the newspaper *Gazeta do Povo* **Date of harassment:** Since March 2016 **Details of harassment:** According to news reports, Galindo, Garcia and Marés, as well as a computer graphics artist and a systems analyst, were accused of moral damages by members of the judiciary in the state of Paraná. Thirty-seven lawsuits seeking a total of R\$ 1.3 million (approx. USD 384,000) in damages have reportedly been filed against the journalists in different cities in Paraná. As of 9 June, they had had to travel around 3,700 miles to attend the different hearings. Galindo reportedly stated that the intention was to undermine their work by making them travel around the state and that the hearings had

become more strained since a petition to the Supreme Court filed by *Gazeta do Povo* in order to merge the lawsuits was rejected. **Background:** In February 2016 *Gazeta do Povo* published a series of [articles](#) disclosing the income of judges and prosecutors in Paraná. The reports showed that the average income of the judges exceeded the constitutional ceiling by 28 per cent while the average income of prosecutors was 23 per cent above the ceiling, as they added additional payments such as aid, compensation and back pay. Another [report](#) stated that the average gross salary of judges had increased by 77.5 per cent in the year between December 2014 to December 2015. An [audio file](#), published by the blogger Zé Beto, revealed that the president of the Association of Judges of Paraná (Associação dos Magistrados Paranaenses - Amapar), Frederico Mendes Júnior had suggested the filing of individual lawsuits using a model for the complaints. According to a news report, Amapar and the Paranense Association of Public Prosecution (Associação Paranense do Ministério Público - APMP) published a note saying that the salaries mentioned in the reports of *Gazeta do Povo* were not customary and the facts published in the article were distorted, as the amounts were not about a monthly salary, subject to the constitutional ceiling, but about compensations or non-timely payments of amounts due in the past. Information about the salaries of judges and prosecutors is made publicly available on the [Transparency Portal](#) by the federal government. According to news reports, the hearings were temporarily suspended on 30 June 2016 by a Federal Supreme Court judge, who considered that allowing the the legal processes to continue could result in personal and financial injury to the journalists. The hearings will be reportedly suspended until the court considers the merit of a complaint issued by *Gazeta do Povo* about the number of cases filed against it.

### Sentenced

#### **José Cristian GÓES:**

**Profession:** journalist and blogger **Sentence:** Seven months and 16 days in prison commuted to community service **Details of trial:** In December 2012, a high court judge in Sergipe state brought civil and criminal proceedings against the journalist for libel and defamation following the publication of a short fictional story on his blog on 29 May 2012. Góes was convicted of slander on 4 July 2013 and sentenced to seven months and 16 days in prison. His prison term was later commuted to community service for which he should serve one hour per day for the duration of the sentence, according to a 9 July 2013 report. In January 2013, a prosecutor for the Public Ministry reportedly filed additional criminal charges against Góes in relation to his story, proposing that Góes pay the equivalent of three minimum wages or do three months' community service. Góes refused to comply on the grounds that he did not believe that he had committed a crime; as a result, the prosecutor filed the criminal charges. According to December 2014 reports, Góes was ordered to pay 30,000 Reals (approx. US\$11,300) in compensation for moral damages to judge Edson Ulisses, vice president of the Sergipe Justice Tribunal in November 2014. The decision was reportedly pending appeal before the Federal Supreme Court as of April 2016. No further information as 30 June 2016. **Background:** Whilst Góes' fictional story mocking nepotism and corruption in local politics is written in the first person and no names or dates were mentioned, the judge concerned believed that the story defamed his brother-in-law, the governor of Sergipe; the governor himself has not filed charges. **Other information:** The Brazilian National Federation of Journalists (Federação Nacional dos Jornalistas, FENAJ) filed a complaint against the criminal proceedings.

## CANADA

### Judicial harassment

#### **\*Ben MAKUCH**

**Profession:** journalist for the magazine *Vice* **Date of harassment:** 29 March 2016 **Details of harassment:** According to a news report, Makuch was ordered by the Ontario Superior Court of Justice to hand over the communications he had had with Farah Shirdon, a Canadian citizen who allegedly traveled to Iraq and Syria to join the Islamic State group. **Background:** Between June and October 2014, Makuch had reportedly written several articles about Shirdon for *Vice*. On 13 February 2015, security officials obtained a production order, requiring Makuch to hand over all communications he had with Shirdon via the Kik messaging service and to reveal information about how he got in contact with him, according to a news report. In September 2015, Shirdon was charged in absentia with participation in a terrorist group and in terrorist activity. *Vice* and Makuch reportedly expressed concerns about the chilling effect the order might have on media freedom and stated that the order was an attempt to obtain information that the police could have got through other means. According to news reports, Judge Ian MacDonell claimed that the police had reason to believe the communications between Makuch and Shirdon would support their investigations and that the information was not off-the-record or obtained from a confidential source. On 29 April 2016, it was reported that *Vice* appealed against the legal order. No further information as of 30 June 2016.

## CHILE

### Sentenced

**Bruno SOMMER CATALÁN, profession:** journalist, poet and director of the weekly newspaper *El Ciudadano*

**Sebastián LARRAÍN SAA, profession:** director of the weekly newspaper *El Ciudadano*

**Sentence:** 18 months in prison, suspended (*remisión condicional*). **Details of trial:** On 11 June 2015, the Supreme Court of Chile rejected an appeal from *El Ciudadano's* directors to challenge the suspended sentence handed down to them in April 2015, according to the Association of Journalists of Chile. No more information as of 30 June 2016. **Background:** On 27 August 2013, *El Ciudadano* published an interview with a former employee of Miodrag Marinovic, a businessman and former representative from Punta Arenas. In the interview, titled "El Patrón del Mal" (The Evil Boss) Rodrigo Calixto said he was ordered by Marinovic to commit multiple illegal acts. Shortly after publication of the interview, the directors of *El Ciudadano* received a lawsuit from Marinovic accusing them of defamation (*injurias graves*). Accompanying the suit was a notarized document from Calixto 'noting that he retracted his words and did not authorize the publication, that he had given the interview in an altered psychological state, but that it was too late, the newspaper had been printed and distributed.'

## COLOMBIA

*According to the Bogotá-based Foundation of the Freedom of the Press (FLIP), 2015 saw 147 attacks on 232 journalists in the country – including the murder of two broadcasters – a 39 per cent increase on the previous year. Colombia’s state-run journalist protection programme, set up in 2000 and often cited as a model for such schemes in the region, is increasingly coming under criticism for overspending and failing to protect journalists effectively and equally, among others. A total of 115 journalists have been killed in Colombia since 1977, reports FLIP; in only four of these cases have the individuals who ordered the deaths been convicted.*

Killed: impunity

### **Dorance HERRERA:**

**Profession:** journalist for local monthly *Región al día* and journalism student **Date of death:** 23 November 2015 **Details of killing:** According to local press reports, two unidentified men shot Herrera (28) dead as he was leaving his sister’s home in the city of Cauca, Antioquia department, with a fellow university student, who was also killed in the attack. Herrera had reportedly posted on social media that he had received death threats prior to his murder.

**Details of investigation:** Local press reports stated that on 25 November 2015 the mayor of Cauca announced a reward of 30 million pesos (approx. US\$8,825) for anyone who provides information leading to the capture of those responsible for Herrera’s murder. An investigation into the killing was launched; no further information as of 30 June 2016.

**Background:** Herrera wrote for two media outlets in Cauca and is understood to have reported on criminal gangs operating in the area. He was also known for undertaking political and social projects.

### **Guillermo QUIROZ DELGADO:**

**Profession:** freelance journalist and contributor to the daily newspaper *El Meridiano* **Date of death:** 27 November 2012 **Details of death:** Quiroz (31) died of a heart attack in a hospital in Sincelejo, Sucre department; he had spent a week in intensive care after an altercation with police. Quiroz was arrested on 20 November 2012 while covering a protest against an energy company in San Pedro, on the grounds that his motorcycle documents were not in order. According to an interview with Quiroz on 21 November 2012, he was put into a police vehicle, then beaten and thrown from the moving vehicle. The police denied this account, stating instead that Quiroz had jumped from the vehicle in order to avoid arrest. He suffered severe injuries, particularly to the head, and subsequently lapsed into a coma, before dying of a heart attack on 27 November 2012. **Details of investigation:** Three officers present in the vehicle at the time of the incident were investigated. According to Quiroz’ colleagues, the journalist said that the police had told him he was targeted because of his news coverage. He had previously reported on cases of police brutality in San Pedro as well as on the theft of cattle that were later found on a farm owned by a former San Pedro politician. Quiroz had reportedly received a death threat on his mobile telephone in October 2012, which he reported to the police and the local office of the Attorney General. A disciplinary hearing of police officer Jorge David Pérez Contreras for ‘involuntary manslaughter’ took place on 4 February 2013. The officer could be charged with failing to take the necessary steps to guarantee the safety of the detained reporter during his transportation to the police

station. Pérez attempted to sue the Internal Affairs office in June 2013; however, his case was dismissed. No further information as of 30 June 2016.

### Abduction

#### **\*Salud HERNÁNDEZ-MORA (f)**

**Profession:** author, journalist for the Bogotá newspaper *El Tiempo* and correspondent for the Madrid newspaper *EL Mundo* **Date of disappearance:** 21 May 2016 **Date of release:** 27 May 2016 **Details of abduction:** According to news reports, Hernández-Mora disappeared from the village of El Tarra, Catatumbo region, Norte de Santander state, in northern Colombia, on 21 May, after following an unidentified man who had approached her in a motorcycle taxi. Hernández-Mora was reporting on human rights and illegal drug trafficking in northern Colombia when she went missing. According to the local freedom of expression organisation Fundación para la Libertad de la Prensa – FLIP), she had been covering the cocaine trade, the death of a guerrilla leader known as Megateo, the case of an army officer who had been imprisoned for killing a local farmer as well as a protest in El Tarra on 21 May over the disappearance of two local residents. **Details of release:** Six days later, on 27 May, individuals who identified themselves as members of the National Liberation Army (ELN) guerrilla group handed the journalist over to the parish priest of San Calixto en Ocaña, Norte de Santander department, and officials from the ombudsmen’s office. ELN had previously refused to confirm that it was holding the journalist. In an interview with *El Tiempo* on 29 May, the journalist confirmed that she was kidnapped after being approached and agreeing to meet ELN commanders for what she thought would be an interview. She said that although she had been frequently moved around to avoid detection she had been well treated. **Other information:** Two journalists for RCN TV who went missing while investigating Hernández-Mora’s disappearance, reporter Diego D’Pablos and cameraman Carlos Melo, were also released to a delegation led by Catholic priests a few hours after her release on 27 May. **Background:** The ELN, which reportedly has around 1,200 fighters, had been due to commence negotiations with the Colombian government as part of a wider ongoing peace process to end the country’s decades-long conflict. However, shortly before the kidnappings, the group’s leader rejected President Juan Manuel Santos’ demands that it release all its hostages as a pre-condition to the talks. Colombia has a long history of impunity for violence against journalists. **PEN Action:** [statement](#) on kidnapping 26 May 2016; [statement](#) on release 31 May 2016

### On trial

#### **Angye GAONA (f):**

**Profession:** poet, cultural worker and student **Date of arrest:** 13 January 2011 **Date of release:** 21 May 2011 **Details of arrest:** She was arrested in Cucuta, Norte de Santander department, near the border with Venezuela, and detained at Buen Pastor Prison in Cucuta for 93 days - three days after the maximum 90-day period during which she could be legally held without charge. Gaona’s supporters claimed the real reason for her arrest was her outspoken support for the demands of a labour union in the district where she lives. Her detention has been linked to that of three other student activists in the region, Julián Aldoni Domínguez, William Rivera Rueda and Aracely Cañaveral Vélez. The arrests reportedly took place in the context of a wave of attacks against human rights defenders in the Santander

region, including attempted assassinations and forced disappearances and death threats, and against informal economy workers affiliated to the Colombian Trades Union Congress (Central Unitaria de Trabajadores, CUT) in Bucaramanga. It is feared that the arrests were intended to silence their legitimate human rights activism. **Details of release:** released on bail without formal charge in May 2011 **Details of trial:** she was charged with “aggravated conspiracy for drug trafficking and rebellion” at a hearing in Cartagena on 23 May 2011, two days after her release; her lawyer attended but Gaona was not obliged to appear in court. The arrest warrant against her had not yet been revoked and the Attorney General had appealed her release order. Gaona denies the charges and maintains that the case against her is a set-up and is due to her left-wing political sympathies. She says she was not interrogated once during her three months’ detention, and also questions the fact that she was detained in Cucuta when the case has been brought in Cartagena, more than 400km away. Her trial began on 15 February 2012, in Cartagena. There are concerns around the fairness of her trial. Gaona maintains that she has been depicted as a terrorist by the press, that witnesses against her are former members of the armed forces, and that the prosecution is using false recordings of allegedly incriminating telephone conversations as evidence against her. Her defence deny that it is Gaona’s voice in the recordings and have complained that the Attorney General had not made public all the evidence against her, a violation of due process. In September 2015, Gaona reported that – after resorting to approaching the police directly – she finally managed to get the arrest warrant against her cancelled, three years after her conditional release. As a result she can now travel freely within the country. The legal case against her continued although with no progress reported due to the repeated postponement of hearings. Gaona believes that the delays are due in part to a lack of dedicated legal representation in her case. No further information as of 30 June 2016. **Background:** Born in Bucaramanga on 21 May 1980, Gaona’s poems have been published in anthologies and other print and internet publications in Colombia and abroad. In 2009 she published her first book, *Nacimiento Volátil (Volatile Birth)* (Editorial Rizoma). Until her detention a student of languages and literature at the Universidad Industrial de Santander, Bucaramanga, Gaona is a former organiser of the Medellín International Poetry Festival and in 2001 organised the International Exhibition of Experimental Poetry, also in Medellín. Prior to her arrest, she organised poetry events in Bucaramanga. She is also said to work as a journalist for community media. Gaona is the mother of a young child.

### **Juan Esteban MEJÍA:**

**Profession:** Correspondent for *Semana* magazine **Details of trial:** Mejia was reportedly charged with defamation (*injuria*) by the attorney general on 16 June 2015 in connection with an article published by *Semana* in October 2011, which detailed alleged medical negligence. If convicted, he could face between 16 and 54 months in prison. On 11 July 2015, *Semana* published an article stating that the 2011 article in question had suffered editing errors not attributable to Mejía, thus theoretically freeing him from any legal or journalistic responsibility for the article. Despite this, 30 September 2015 reports suggest that Mejía was awaiting formal charges by the prosecution and would soon appear in court for an initial hearing. It is unclear whether a formal trial had begun as of 30 June 2016. **Background:** According to news reports, Mejia claims that his report was wrongly edited to suggest that the plastic surgeon in question did not have a medical license.

### Threatened

**Yohir AKERMAN:**

**Profession:** former columnist for *El Colombiano* **Date of threat:** 29 March 2016 **Details of threat:** According to a local news report, on 29 March 2016 Senator Álvaro Uribe Vélez – former President of Colombia – accused Akerman on Twitter of being a ‘faded militant of the ELN [guerrilla group]’ and that he was ‘seeking fame’ through him. This attempt to associate Akerman with an illegal armed group – which could make him vulnerable to attack – followed a [column](#) that Akerman published in the newspaper *El Espectador* on 26 March entitled ‘Associate no. 82’ (El asociado No. 82). In the article, Akerman refers to 104 people who had been linked to the Medellín cartel by the US Defense Intelligence Agency (DIA) in 1991, noting that Uribe was number 82 on the list. **Previous harassment:** On 17 February 2015, Akerman was reportedly fired as a columnist for *El Colombiano* after he criticised God and the bible for rejecting homosexuality in one of his [columns](#), entitled ‘Enfermos’ (The Ill). The column in question came in response to a report by La Sabana University that classified homosexuality as an illness. In his column, Akerman criticised the university and the Constitutional Court for continuing to define homosexuality as an illness or treating the Lesbian, Gay, Bisexual, Transsexual, Queer and Intersex (LGBTQI) community as abnormal because of the teachings of the bible. Using citations from the bible, he demonstrates that public opinion has progressed beyond its teachings, such as demanding the stoning of women who lose their virginity before marriage or disobedient sons.

**\*Javier OSUNA**

**Profession:** freelance journalist, author, journalist for the portal [verdadabierta.com](#) **Date of threat:** April 2016 **Details of threat:** According to an 11 May 2016 news report by Reporters Without Borders, Osuna had been the target of information thefts, break-in attempts at his office and acts of intimidation by men on motorcycles while he was driving since the beginning of the year. A USB stick and a mobile phone that he received as protection precautionary measures from the National Protection Unit (Unidad Nacional de Protección - UNP) had reportedly been stolen and the locks to his office had been forced opened. Moreover, he alleged several irregularities involving the UNP, which is charged with protecting Osuna. In April 2016, the journalist requested that his bodyguard be replaced on the grounds of suspected links to paramilitary groups. According to a local news report, Osuna said that the bodyguard had taken photos of his activities and the places he went to, asked him questions about the paramilitary bosses he was investigating as part of his journalistic work, and claimed to know these bosses from his military service. The bodyguard reportedly found out about Osuna’s request to have him replaced by illicit means. The UNP reportedly rejected an alternative bodyguard proposed by Osuna as a trusted person, and provided him with another bodyguard without explaining the appointment process. According to news reports, on 2 May 2016 another police bodyguard of Osuna’s received threatening phone calls and emails summoning them to appear at a trial allegedly taking place at the same time as a UNP meeting that Osuna was due to attend. **Background:** Osuna has reportedly been the target of intimidation and phone tapping for years. He has been under UNP protection since August 2014 when his computer was set on fire inside his home. **Other information:** Osuna is the author of the book *Me hablarás del fuego*, published in September 2015, on the cremation of victims by the United Self Defense Forces (Autodefensas Unidas de Colombia – AUC) in the state of Norte de Santander. In 2009, he received the national Simón Bolívar journalism award for the investigative article ‘The silenced press’ (‘La prensa silenciada’), published on [verdadabierta.com](#), about the

murder of journalists by paramilitary forces. He also received the national journalism award of the journalists' circle of Bogotá for his work as a correspondent for *verdadabierta.com* in Bogotá covering the justice and peace process with the paramilitary forces.

#### Harassed

##### **\*Germán CORCHO:**

**Profession:** journalist for the newspaper *El Herald* **Date of harassment:** 13 April 2016  
**Details of harassment:** According to a report by the Colombian freedom of expression organisation Fundación para la Libertad de la Prensa (FLIP), Corcho was pressured and intimidated by the former mayor of Palmar de Varela, Atlántico state, Galdino Orozco, in an attempt to prevent him from publishing an article about him. Corcho had reportedly requested a copy of a sentence handed down to Orozco from the First Penal Court of the municipality of Soledad, which, according to FLIP, ordered an investigation against Orozco as a suspect in the murder of the lawyer of his predecessor, Rafael Ángel Fontalvo. After Corcho had received the copy of the sentence, he got in contact with Orozco to ask his point of view; Orozco reportedly stated that he expected the investigation against him due to his opponents' testimony in the case. According to FLIP, Orozco called Corcho one hour later and threatened to sue him and *El Herald* if they published information on the case. He also accused Corcho of having received money in exchange for publishing information on the sentence.

#### Judicial harassment

##### **\*Marco SCHWARTZ**

**Profession:** director of the newspaper *El Herald* **Date of harassment:** 10 June 2016  
**Details of harassment:** According to news reports, a judge in Barranquilla sentenced Schwartz to three day's detention and a fine for alleged contempt of a rectification order. **Background:** In June 2015, *El Herald* reportedly published an article about the opening of a preliminary inquiry by several judicial officers in a legal process that forced the mayor of Barranquilla to make extra payments to retirees. According to news reports, two judges of the High Court of Barranquilla who were mentioned in the article demanded a correction from the newspaper. *El Herald* reportedly published another article in which the judges explained their point of view and their role in the decision that led to the legal process. The judges reportedly filed a lawsuit demanding a correction that was much broader than the original article. According to the newspaper, despite it publishing the correction requested, one of the judges reportedly proceeded to file a motion for contempt.

## **CUBA**

#### Imprisoned: investigation

**Yoenís de Jesús GUERRA GARCÍA: Profession:** independent blogger with *Yaybo Press* agency.  
**Sentence:** seven years in prison **Date of arrest:** October 2013 **Details of trial:** Guerra was reportedly sentenced by a court in Sancti Spiritus on 13 March 2014 on charges unclear to PEN. Some media reports have suggested he was convicted of theft and killing of animals. According to news reports, Guerra claims that he has been targeted for his criticism of the

government in his writings and his defence of human rights. No further information as of 30 June 2016. **Place of detention:** Nieves Morejón Prison **Conditions of detention:** Guerra has reportedly been the repeated victim of treatment amounting to torture by prison staff. **Health concerns:** Guerra is reported to suffer from anxiety attacks related to his treatment in prison. **Background:** Guerra is reportedly also a member of the Council of Rapporteurs on Human Rights in Cuba (Consejo de Relatores de Derechos Humanos de Cuba – CRDHC) and a reporter for the Boletín Voz Avileña.

#### **José Antonio TORRES:**

**Profession:** correspondent for the government newspaper *Granma*. **Sentence:** 14 years in prison and the withdrawal of his university degree in journalism **Date of arrest:** February 2011. **Details of arrest:** Torres was arrested after writing articles about the mismanagement of an aqueduct project in Santiago de Cuba and the installation of fibre-optic cable between Venezuela and Cuba. **Current place of detention:** A detention centre in Santiago de Cuba **Details of trial:** In mid-June 2012, following a closed trial, Torres was reportedly convicted of espionage and sentenced to 14 years in prison and the withdrawal of his university degree in journalism. On 16 November 2012 it was reported that Torres had appealed against his conviction, but feared that his sentence could be increased as a result. According to 23 March 2015 reports, changes to the terms of Torres' imprisonment will now allow him to work and to visit his home. After being informed that he was to be placed under a "minimum severity regime" on 9 March 2015, Torres was transferred from Boniato prison to a detention centre in Santiago de Cuba. No further information as of 30 June 2016. **Background:** Torres' 5,000-word [article](#) on the mismanagement of the aqueduct project, published in July 2010, was reportedly praised by President Raúl Castro, who wrote in *Granma* that "this is the spirit that should characterise the (Communist) Party press: transparent, critical and self-critical." His report on the fibre-optic cable was published four months later. Torres noted in neutral terms that the Vice President Ramiro Valdés was responsible for supervising both projects. Cuba's state-run media has made only a few brief references to Torres' case. A [2015 article](#) based on letters and interviews with Torres has clarified that he had written to the US Interests section in Havana seeking a meeting in which he would offer 'sensitive information' on several issues. However, he has also said that he in fact had no such information and he had planned a ruse to get back at the authorities for an injustice to his wife. The article also says that among government circles there are persistent rumours that the real reason for Torres' arrest was his critical article and that the letter to the US Interests section was an excuse to put him behind bars. **PEN Position:** Torres has been moved to the category of investigation pending further investigation of the real reason behind his imprisonment. **PEN Actions:** [RAN 09/13](#)

#### Brief detention

#### **\*Raúl Luis RISCO PÉREZ**

**Profession:** independent journalist and executive director of the Cuban Institute for Freedom of Expression and the Press (Instituto Cubano por la Libertad de Expresión y Prensa - ICLEP). **Date of arrest:** 18 April 2016 **Date of release:** 21 April 2016 **Details of arrest:** Risco was arrested at his home in Pinar del Rio province **Details of release:** He was released three days later, on 21 April 2016. He was banned from leaving his home province for the duration of the criminal investigation against him expected to take 20 days. **Details of trial:** Risco's

arrest followed a complaint that he had verbally threatened another person. If convicted, he could be sentenced to up to one year in prison or a fine under Article 284.1 of the [Cuban Criminal Code](#). According to ICLEP, the authorities have refused to provide Risco with a charge sheet or written details about the crime of which he is accused. As a result, he does not know the identity of the person who has accused him, who is known as 'Yohenny', according to one police investigator. Risco denies the charges and four eye witnesses have reportedly also denied that he threatened anybody. On 21 April, Risco lodged an official [complaint](#) with the National Revolutionary Police that he had been falsely accused, under Articles 154 and 158 of the [Criminal Code](#). In the complaint, Risco says that all he had done was to ask why someone was photographing and videoing him while he was delivering the newspapers that ICLEP produces. According to his statement, Risco told this person that if they planned to hand the photos and videos over to state security agents he had nothing to fear as he had been doing this work for over four years. On 11 May 2016, Risco was officially informed that the complaint lodged against him had been withdrawn. He requested a copy of the resolution from the police but they refused, citing Interior Ministry Order No. 13. He filed a complaint with the Pinar del Río municipality prosecutor's office the same day.

**Background:** According to ICLEP, Risco has faced previous persecution in connection with his work for the organisation, including being arrested in August 2014 and January 2016, being prevented from travelling to testify before the UN Working Group on Arbitrary Detention in August 2014 and receiving death threats in June 2014. ICLEP is an NGO set up in 2012 to promote community and citizen journalism in Cuba with the aim of empowering citizens to improve their conditions. It was founded by Cuban independent journalist **Normando Hernández González**, a former PEN main case, Honorary Member of English PEN and PEN American Center, and recipient of the 2007 PEN/Barbara Goldsmith Freedom to Write Award from PEN American Center. Risco and Hernández reportedly got to know each other while in prison. As the executive director of ICLEP, Risco has helped to organize eight independent newspapers based on citizen journalism in eight different provinces in Cuba. ICLEP reports increased repression in recent months. In early April 2016, the organisation reported that its contributors had been subjected to arrests, threats and confiscation of their computers, printers, telephones and flash drives.

### **Ángel SANTIESTEBAN PRATS**

**Profession:** award-winning writer and author of the blog 'The Children Who Nobody Loved' (*Los Hijos que Nadie Quiso*) **Date of detention:** 13 June 2016 **Date of release:** 15 June 2016

**Details of detention:** According to a local news report, Santiesteban was held at the police station in Zapata and the authorities told him that an accusation had been against him originating from the Isle of Youth (Isla de la Juventud) but did not reveal further details. He was then released without any formal charges being brought against him. **Background:** Santiesteban was previously sentenced to five years in prison on 8 December 2012 for alleged assault and trespassing. Conditionally released on 17 July 2015, he is now on parole. (For full details of this case see 2015 Case List). Santiesteban was also detained overnight by state security forces in Havana on 4 November 2015 and was released without charge the next day. The motives for his arrest were unclear: some police sources reportedly claimed that he was suspected of armed robbery, while other sources stated that he was violating the terms of his parole. **Other information:** Santiesteban is a member of the official Union of Writers and Artists of Cuba (Unión de Escritores y Artistas de Cuba - UNEAC). On 20 July

2015, he published his latest book *Última Sinfonía*, a collection of short stories on violence in Cuba written while he was in prison. Santiesteban has won a number of awards for his writing. **PEN Actions:** [RAN 09/13](#) **Honorary member:** Swedish PEN

**\*Lazáro Yuri VALLE ROCA**

**Profession:** blogger (<http://yurielconteston.blogspot.co.uk/>) and activist **Date of arrest:** 20 March 2016 **Date of release:** 24 March 2016 **Details of arrest:** According to news reports, Valle was arrested when he was attempting to cover a protest by the protest group Ladies in White. Valle was asked by a man who claimed to be a plainclothes officer to show his identification, which Valle refused to do unless the officer would show his identification as well. He was then reportedly apprehended by a group of men, who beat him and took him in handcuffs to the police station. The reason given for his arrest was that he had allegedly attacked an official. Valle was not charged but was warned that he could face a prison sentence if he is arrested again, according to news reports. **Background:** Valle Roca also runs a YouTube channel ([https://www.youtube.com/channel/UCJHr0qm-9-LZ\\_SZjNkiEv4Q](https://www.youtube.com/channel/UCJHr0qm-9-LZ_SZjNkiEv4Q)).

## GUATEMALA

Killed: impunity

**Jaime Napoleón JARQUÍN DUARTE:**

**Profession:** journalist for *Nuevo Diario* newspaper **Date of death:** 20 March 2013. **Details of death:** Jarquín (63) was playing cards on the street with friends in Ciudad Pedro de Alvarado, Jutiapa, when unidentified gunmen got out of a farm vehicle and opened fire, killing the journalist and wounding two of his companions. Police indicated that the attackers remain unidentified and that the motive for the killing was still unknown. Colleagues of the journalist have suggested that Jarquín had not reported receiving any threats. On 30 June 2014, police reportedly arrested a 23-year-old man in connection with Jarquín's murder following the issuance of an arrest warrant on 19 June 2014. The man is thought to be a member of a gang of hit men known as Cristo Negro. He is also reportedly implicated in the murder of the ex-governor of Jutiapa, Luis Alberto Lemus Ruano. No further information as of 30 June 2016; PEN is seeking to confirm that an investigation into the killing is still on-going. **Background:** Jarquín was a former professor who joined the paper three years prior to his death. He was the founder of a committee to create a new municipality and a consultant for various political candidates vying for the local mayor's position. *Nuestro Diario* is known for its coverage of crime and violence in Guatemala. **PEN Actions:** [RAN 13/13](#)

**Danilo LÓPEZ:**

**Profession:** correspondent for *Prensa Libre* newspaper **Date of death:** 10 March 2015 **Details of death:** López was shot dead alongside Radio Nuevo Mundo correspondent **Federico Salazar** in Mazatenango, Suchitepéquez by two men on a motorbike. Marvin Túnchez, a reporter for cable TV station Óptimo 23, was reportedly injured during the shooting in the Central Park. López died at the scene. **Details of investigation:** The local police arrested one of two suspects hours after the crime, according to reports. However, according to news reports dated 17 March 2015, the prosecutor investigating the case received a telephone call warning him not to continue investigating López' death. He is reported to have asked that the case be passed on to Major Risk unit. On

26 June 2015, three more suspects were reportedly arrested, including two police officers. According to 19 October 2015 reports, the judge in charge of the case declared that the trials had established that López was the primary target and that his murder was a contract killing. The trial, as well as investigations into the mastermind of the killings, was believed to be on going as of 31 December 2015. **Update:** Another suspect was reportedly arrested on 18 January 2016, but was released due to a lack of evidence, and on 7 February 2016, it was reported that investigations against a further suspect were being initiated. On 6 March 2016, it was reported that the case had been transferred to the Office of the Special Prosecutor against Impunity (Fiscalía Especial contra la Impunidad – Feci). **Background:** López had worked for *Prensa Libre* for eight years, during which time he covered politics, current affairs and sports. The newspaper described him as being particularly noteworthy for his coverage of corruption and financial mismanagement on the part of local officials. He was the founder of the Suchitepéquez Journalists' Association (Asociación de Periodistas de Suchitepéquez). According to reports, López had been facing harassment at the hands of the local mayor, for which he had filed an official complaint with the Public Prosecutor. Cerigua reports that López had also been the victim of threats on the part of another mayor in Suchitepéquez department relating to the publication of an article published in July 2013. In addition, López had posted on social media denouncing corruption of local officials between 19 and 26 February 2015, according to *Prensa Libre*. **PEN Action:** [PEN Statement 12 March 2015](#)

#### On trial

##### **Juan Luis FONT:**

**Profession:** editor of the magazine *Contrapoder* **Details of trial:** Font stands accused of criminal libel and 'ideological and material falsehood' in connection with an article published on 21 March 2014. The complaint is reported to have been brought against him by six members of the Libertad Democrática Renovada (LIDER) political party. According to news reports, Font issued a public apology for the article's mistakes and corrected the online version immediately following the filing of the complaint. However, the plaintiffs reportedly chose to bring additional charges, extending them to all of *Contrapoder's* staff and demanding 30 million quetzals (US\$ 3.8 million). According to 13 January 2015 reports, in its August 2014 edition *La Nación* published an article in which it alleged that Font had been receiving bribes in return for manipulating information. Font reportedly responded by filing a lawsuit for defamation against the newspaper on 12 January 2015. According to news reports, Font may now be facing charges of money laundering filed by members of LIDER. No further information as of 30 June 2016. **Background:** In July 2014, Font and other colleagues working for Canal Antigua TV station were charged with plagiarism. The lawsuit claims that the name of a reality TV programme hosted on the channel was plagiarised from a regional newspaper. **Awards:** [Latin American Studies Association Media Award](#) 2016

## **GUYANA**

#### Threatened

##### **\*Glen LALL**

**Profession:** publisher of the daily newspaper *Kaieteur News* **Date of threat:** 4 June 2016  
**Details of threat:** According to news reports, a live grenade was found near Lall's car in front

of the *Kaieteur News* offices. The grenade was reportedly tossed from a car but failed to explode. Staff and publishers were in the offices at the time holding a wake for the death of one of their reporters. **Background:** *Kaieteur News* journalists have been the target of threats before. In October 2014 the newspaper reportedly published a transcript of a phone call made by the attorney general Anil Nandlall and then minister of legal affairs to a *Kaieteur News* reporter threatening him and warning him that the newspaper should stop attacking people. Following the publication of the recording, Nandlall reportedly filed a defamation lawsuit against Lall and *Kaieteur News* editor Adam Harris. In August 2013 year, after the newspaper reported on the workings of the national tax authority, Lall was targeted with a tax fraud probe and the then tax commissioner Khurshid Sattaur filed a libel lawsuit against him and Harris, according to news reports.

## HAITI

### Killed - impunity

#### **Georges Henry HONORAT:**

**Profession:** editor-in-chief for the weekly newspaper *Haiti Progrès*, aide to Haiti's prime minister and secretary general of the Popular National Party, an opposition party which opposed the Duvalier dictatorships **Date of death:** 23 March 2013 **Details of death:** Honorat was shot dead when two masked hit men reportedly opened fire on him while passing his house on a motorbike, shooting him twice. According to reports, the newspaper had received threats prior to the shooting. Employees of the paper reportedly suspect 'grassroots organisations' were responsible for the killing. **Details of investigation:** An investigation was opened but no motive was suggested. No further information on the murder investigation as of 30 June 2016. **Background:** In 2008 *Haiti Progrès* reportedly lost two of their journalists in a sudden outbreak of mob violence in northern Haiti while covering a national senate campaign.

## HONDURAS

*PEN is monitoring the cases of some 57 print, internet and broadcast journalists killed in Honduras since 2003. The following list gives details of killings since 2012 where impunity remains. A full list of names of journalists killed since 2003 is available on request.*

### Killed – impunity

#### **Erick MARTÍNEZ ÁVILA:**

**Profession:** journalist and gay rights activist **Date of birth:** c 1981 **Date of death:** 7 May 2012 **Details of death:** Martínez was found dead and dumped in a ditch in Guascalile, north of Tegucigalpa. He had been strangled. Martínez was a well-known spokesman for the lesbian and gay rights group Kuculnan and was politically active in the National Popular Resistance Front (Frente Nacional de Resistencia Popular - FNRP) and Freedom and Re-Foundation (Libertad y Refundación - LIBRE). LIBRE is the political wing of the FNRP, grassroots movement led by Xiomara de Castro Zelaya the wife of Manuel Zelaya, the former Honduran

president who was deposed in a coup in 2009. The motive for Martínez' murder was unknown. **Details of investigation:** On 12 September 2012, the police arrested Eduardo José López Gutierrez (18) on a bus in El Pedregal. López, thought to be a member of the '18' gang, was one of the main suspects in the investigation and was expected to be charged with murder and theft of a car. Testimony of protected witnesses reportedly placed López and two other accomplices at the scene. There were conflicting reports as to the status of López' alleged accomplices. While some reports claimed that one was in prison and the other dead, other reports suggested that the police were still looking for the accomplices. Police reportedly suspect that Martínez Ávila was picked up in a stolen car, strangled and left at the side of the road. The police had not yet confirmed the motive for Martínez Ávila's murder. According to the Office of the Public Prosecutor (Ministerio Público), as of 16 July 2013 two suspects had been charged, one of whose cases was at the preliminary hearing stage and the other at the preparatory hearing stage. According to reports, on 30 June 2014 one of the accused accomplices was absolved of Martínez' murder. The court deemed that the public prosecutor had failed to produce evidence to support the charge of murder (*asesinato*) – which implies a level of premeditation – allowing a charge of manslaughter (*homicidio simple*), ruling that the public prosecutor failed to prove the accused's involvement. The court ruled that the man should be released. The reading of the sentence was scheduled for 6 August 2014. According to news reports, witnesses' testimony was deemed unreliable as was evidence gathered at the scene, including DNA evidence. News reports indicate that the accused had already been arrested on charges of armed robbery at the time of Martínez' murder, making it impossible for him to have participated in the crime. On 28 January 2015, the main suspect in Martínez' murder, Eduardo José López Gutierrez, was reportedly abducted and killed after having escaped from a young offenders' detention centre in November 2014. No further information as of 30 June 2016.

**José Noel CANALES LAGOS:**

**Profession:** reporter for the news website Hondudiario **Date of birth:** c 1979 **Date of death:** 10 August 2012 **Details of death:** According to reports, Canales was driving to work in Comayagüela when a group of men opened fire on his vehicle, shooting him in the head. The motive for the attack was unknown. Canales had also worked for Sepoc news, a company dedicated to monitoring national news. According to news reports he had received frequent death threats since 2009. According to a letter from the Office of the Public Prosecutor (Ministerio Público) dated 16 July 2013, Lagos is not considered to be a journalist as he transcribed the news for *Hondudiario*. PEN is seeking to establish whether an investigation into his murder is taking place. No further information as of 30 June 2016. **Background:** On 16 October 2012, it was reported that a contributor to Hondudiario, **Aristedes Aceituno**, had been receiving anonymous telephone threats in relation to its investigations into excessive use of helicopters by the government and the debt it allegedly owed to the helicopter rental company. The website was reportedly also hacked. On Trial

**\*Elvin Francisco MOLINA**

**Profession:** activist, spokesperson for protests by former employees of the company Alimentos Continental **Details of trial:** According to news reports, Molina was accused of 'spreading false information' about financial institutions and threatening the national economic system in a post on his Facebook account. Molina was detained on 21 January 2016 by the Military Police (Policía Militar de Orden Público – PMOP) in San Pedro Sula, northern Honduras and released the same day. The initial hearing took place on 8 March

2016. Molina was reportedly acquitted on 14 March; however, the state prosecutor reportedly appealed the acquittal on 13 April. On 23 April, it was reported that Molina was facing intimidation, including being followed by unknown cars. No further information on the trial as of 30 June 2016. **Background:** Molina is the spokesperson in a protest by former employees of Alimentos Continental, who are demanding their social security benefits. Alimentos Continental is part of the Continental Group (owned by the Rosenthal family), which was forcibly liquidated in November 2015 due to alleged links to organized crime. In his post, Molina reportedly indicated that banks of the national finance system could be affected by the liquidation as well for being linked to organized crime. Molina's Facebook account is generally critical of the government of president Juan Orlando Hernández.

**\*Cesario Alejandro Félix PADILLA FIGUEROA:**

**Profession:** journalism graduate, student leader, and board member and founding member of PEN Honduras. **Details of trial:** Padilla is facing trial in two separate cases, brought in July 2015 and June 2016 respectively, for his part in student protests at the Honduran National Autonomous University (UNAH) in the capital Tegucigalpa. He has also been subjected to threats and harassment in the same period. PEN International believes that Padilla and his fellow students are being targeted for the exercise of their rights to freedom of expression and assembly. **(1)** On 14 July 2015, Padilla – along with fellow students Moisés David Cáceres, Sergio Luis Ulloa and Josué Armando Velásquez – were reportedly ordered not to leave the country and to report to the court on a weekly basis. According to reports, the charge brought against him on 17 July 2015 is alleged 'usurpation' of UNAH property, under Article 227 of the Honduran Penal Code, after Padilla allegedly took part in the occupation of a university building during a student protest. The charges were upheld at an initial hearing on 5 August 2015. If convicted, Padilla faces a prison sentence of between two and four years. On 28 June 2016, the prosecution presented its evidence and the Criminal Court is due to issue its sentence in writing. It will also consider the appeal made by Padilla, Cáceres and Ulloa against their suspension from the UNAH in 2014 (see Background below). **(2)** On 7 June 2016, an arrest warrant was issued against Padilla and five other students (Cáceres, Ulloa, Velásquez, Dayanara Elizabeth Castillo and Izhar Asael Alonzo Matamoros) after they were charged with 'usurpation' of public property for allegedly taking part in protests at the UNAH during a fresh outbreak of student protests that began in early June. If convicted, they face between three to five years under Article 231 of the Honduran Penal Code. They were reportedly also accused of 'sedition'. The Public Prosecutor's Office (Ministerio Público) has accused them of occupying UNAH buildings for 48 hours and acts of vandalism against university property. Padilla was reportedly the only one of the six accused who was actually present in the UNAH at the time of the occupation. At the initial hearing in the new case on 27 June 2016, Padilla was forbidden from attending protests in the UNAH and ordered to report to the court twice a month. The arrest warrant against him was revoked. **[Stop press:** At a hearing on 27 July, the prosecution dropped all charges against Padilla and Cáceres in the 2016 case.] **Background:** The charges stem from Padilla's role in widespread student protests against the privatisation of the university and calling for democratisation of the governing bodies of the UNAH. Padilla and five other UNAH students, including Cáceres, Castillo and Ulloa, were arbitrarily suspended from the university in December 2014 after taking part in previous protests. They were subsequently re-admitted to the university after a ruling by the Honduran Supreme Court of Justice in February 2015. They are reportedly members of a student committee where they document alleged human rights abuses within

the UNAH (*Comité Pro Defensa de los Derechos Humanos*). On 15 August 2015, Padilla reported that in the previous few days he had been tailed by two unknown armed men in his neighbourhood who had also been keeping watch over his home. The men had made it known to Padilla that they intended to harm him. He and PEN Honduras believe that this surveillance was in retaliation for his activities as a student leader. He feared for his safety. In 2016, Padilla and Cáceres have been subject to unlawful surveillance by agents from the Technical Agency for Criminal Investigations (ATIC), according to a complaint made by defence lawyers for the students in the second lawsuit. The complaint to the Public Prosecutor's Office, filed on 10 June 2016, also states that ATIC agents have been attempting to prevent Padilla, Cáceres, Velásquez and Ulloa from entering the university campus, among other irregularities. **PEN Actions:** [PEN Honduras statement 6 August 2015](#); [PEN statement 17 August 2015](#); [PEN statement 15 June 2016](#); [RAN 22 June 2016](#).

**Samuel Antonio VÁSQUEZ:**

**Profession:** journalist for [www.laviacampesina.hn](http://www.laviacampesina.hn) **Date and details of trial:** On 16 July 2015, Vásquez was reportedly arrested in the village of Plan de Santa María in the department of La Paz while covering a violent eviction of peasants and farmers which left many injured. Vásquez reportedly remained detained until 21 September 2015, along with 14 other peasants, under charges of illegal land occupation, environmental crimes, theft, sedition and terrorism. All were released with precautionary measures, told not to leave the country and made to present themselves before a court once a week. No further information as of 30 June 2016; it is unclear whether the charges against Vásquez have been dropped.

Harassed

**Dina MEZA (f):**

**Profession:** journalist and human rights defender. Meza has worked for a number of human rights organisations and digital media outlets since 1989. She is the author of the Honduras chapter in *Vamos a portarnos mal: protesta social y libertad de expresión en América Latina* (Let's misbehave: social protest and freedom of expression in Latin America) (Friedrich-Ebert Stiftung, Bogotá, 2011) and *Kidnapped: Censorship in Honduras* (Eva Tas Foundation, 2015). In 2014 she was elected President of the newly established PEN Honduras Centre of which she is a founding member. She also runs and writes for the website [pasosdeanimalgrande.com](http://pasosdeanimalgrande.com) which reports on freedom of expression and human rights in Honduras. **Date of threat:** Since 2006 **Details of harassment:** Meza's security situation remains a serious concern in 2016. Between 1 January and 31 July, she reported 20 security-related incidents to the non-governmental organisation Peace Brigades International (PBI), which provides her with protective accompaniment. Most involved surveillance of her home, office and movements, with an increase in surveillance of her home compared to the second half of 2015. There was also a significant increase in non-physical attacks, including suspected sabotage of her car, an incident where unknown men entered her house by pretending to be employees of a mobile phone company, and suspected cyber-attacks. For details of previous incidents, see Case List 2015. **Background:** Meza began her work as a human rights defender in 1989 after one of her brothers, a carpenter who was part of an agricultural collective with connections to the *campesino* (rural worker) movement, was abducted by security forces and detained incommunicado for a week, during which time he was tortured and accused of being a *guerilla*. She has been subjected to threats and harassment on a regular basis since 2006, when a lawyer who formed part of her team

supporting security guards whose labour rights were being violated was killed. Since then, she has reported being followed, watched and threatened, including receiving death threats and threats of sexual violence. She also reports that her communications have been intercepted and her vehicle sabotaged. None of these incidents have been properly investigated. Meza and her family have had to move house several times since 2012 for security reasons and she left Honduras temporarily in 2013 due to her security situation. PEN International believe that she is targeted for exercising her right to free expression and that her physical security is at risk. **Awards:** 2007 Amnesty International UK's Special Award for Human Rights Journalism Under Threat; 2014 Oxfam Novib/PEN International Freedom of Expression Award. **Honorary member:** PEN Català **PEN Actions:** [Day of the Imprisoned Writer Case 2013](#); appeared at [Free the Word! Event at Hay Cartagena 2014](#); [PEN press release 14 February 2014](#); [International Women's Day Case 2014](#); brought by PEN to testify at [Inter-American Commission on Human Rights May 2014](#).

## MEXICO

*PEN is monitoring the cases of some 78 print and internet journalists, bloggers and writers killed in Mexico since 2004. The following list gives details of deaths in the period January to June 2016 ('Killed' and 'Killed: motive unknown') as well as cases since 2012 where impunity continues). A full list of names of writers killed since 2004 is available upon request.*

### Killed

**\*Anabel FLORES SALAZAR (f) Profession:** journalist for *El Sol de Orizaba* **Date of birth:** c.1984 **Date of death:** 9 February 2016 **Details of death:** Flores Salazar was reportedly kidnapped from her home in Mariano Escobedo near Orizaba, Veracruz state, in the early hours of 8 February 2016. According to news reports, Flores' aunt, Sandra Luz Salazar, who was in the house at the time of the kidnapping, stated that about eight armed assailants in military uniforms forced their way into the house and went straight to Flores' room. The assailants reportedly claimed to have an arrest warrant for her, threatened family members with weapons and forced Flores into a car. Her dead body was found the following day next to the Cuacnopalan-Oaxaca highway in the direction of Tehuacán in the neighbouring state of Puebla. **Details of investigation:** According to news reports, state prosecutors claimed that Flores had links to a member of an organised crime group, as they were seen together when the suspected criminal in question was arrested. According to Flores' aunt, Sandra Luz Salazar, the journalist happened to be in the same restaurant as the suspected criminal at that time but was not linked with them. On 13 February 2016, Javier Duarte, governor of Veracruz state, tweeted about the transfer of the suspected head of the Zetas criminal organisation in Veracruz, Josele Márquez, to a federal prison and linked him to the planning of Flores' murder, according to news reports. On 6 May 2016, a man allegedly involved in the journalist's murder was detained by the police; the Attorney's General office reportedly stated in a press release that Flores' murder was motivated by her journalistic work. **Background:** Flores Salazar covered crime for the newspaper *El Sol de Orizaba*. **Other information:** According to news reports, Flores was also a former contributor for *El Buen Tono* and *El Mundo de Orizaba*. She left behind a baby and a four-year-old son. **PEN Action:** [PEN statement 10 February 2016](#)

**\*Marcos HERNÁNDEZ BAUTISTA**

**Profession:** journalist for the daily newspaper *Noticias, Voz e Imágen de Oaxaca* **Date of birth:** c.1978 **Date of death:** 21 January 2016 **Details of death:** According to news reports, Hernández Bautista (38) was shot in the head while he was getting into his car outside a bar in San Andrés Huaxpaltepec, Oaxaca state. **Details of investigation:** The office of the Oaxaca state public prosecutor opened an investigation. On 25 February, Jorge Armando Santiago Martínez, commander of the municipal police of Santiago Jamiltepec, was arrested as a suspect in Hernández' murder, according to news reports, while a second suspect had been identified by the state prosecutor. No further information as of 30 June 2016. **Background:** Hernández reportedly covered sensitive topics such as the relationship between local strongmen who rule parts of the region and their influence on local politics. He had reportedly collaborated in an investigation about the rearrangement of the district for electoral purposes and its impact on the elites, and had also recently reported on protests over the construction of a dam. According to the editorial director of *Noticias, Voz e Imágen de Oaxaca* he was often in fear because of the publication of these articles. **Other information:** According to news reports, Hernández also worked for several radio stations, such as La Ke Buena radio in the municipality of Pinotepa Nacional and a community station in Santiago Jamiltepec, covering the situation of community and indigenous radio stations in the region. According to news reports, he was also a public official for the local government and was affiliated with the left-wing opposition party, the Movement of National Regeneration (Movimiento Regeneración Nacional – MORENA). One of his last articles announced the visit of the MORENA chairman, Andrés Manuel López Obrador, to the region. **PEN Action:** [PEN statement 28 January 2016](#)

**\*Elidio RAMOS ZÁRATE**

**Profession:** journalist for the daily newspaper *El Sur* **Date of birth:** c.1971 **Date of death:** 19 June 2016 **Details of death:** According to news reports, Ramos was shot dead by unknown assailants on a motorcycle while he was at a restaurant in Juchitán, Oaxaca state. He was reportedly shot shortly after he had finished reporting on some blockades set up during teachers' street protests in the city that he had been covering. Ramos had been eating with Raúl Cano López, the brother of the owner of the newspaper *Punto Crítico* and who was also killed in the attack, according to the Committee to Protect Journalists. **Background:** According to news reports, the teachers' union Coordinadora Nacional de Trabajadores de la Educación (CNTE) was organising protest marches and set up various street blockades across Oaxaca to demonstrate against changes to educational policy. The day before Ramos was killed, he and other reporters of *El Sur* were reportedly threatened by masked men not to report on the protests. According to reports, *El Sur's* editor, Luciano Pacheco, stated that this was the first time Ramos had been threatened. The journalist covered crime for *El Sur*.

**\*Manuel TORRES GONZÁLEZ**

**Profession:** editor of the news website [mdna.noticiasmt.com](http://mdna.noticiasmt.com), former reporter for the TV channel TV Azteca and other media outlets **Date of birth:** c.1976 **Date of death:** 14 May 2016 **Details of death:** According to news reports, Torres was killed by unknown assailants as he was returning home in Poza Rica, Veracruz. That morning he had attended a meeting of local candidates for the Institutional Revolutionary Party (PRI). He died from a single gunshot to the head. **Details of investigation:** A statement by the office of the Veracruz state

attorney general on 14 May did not recognise Torres as a journalist, identifying him only as an assistant and driver for Carlos Ortiz Christfield, a town hall official in Poza Rica, work which Torres carried out alongside his journalism. However, the Veracruz State Commission for the Protection of Journalists (Comisión Estatal de Atención y Protección a Periodistas – CEAPP) issued a statement condemning the murder and calling for a swift investigation, which it said it would monitor. A CEAPP representative who reportedly came to Poza Rica in order to offer the family support and protection measures affirmed that Torres was indeed a journalist. The Special Public Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos contra la Libertad de Expresión - FEADLE) is [involved in the investigation](#) into Torres' killing, along with the Office of the General Public Prosecutor of the state of Veracruz (Fiscalía General del Estado de Veracruz) and the Public Prosecutor Specialized in electoral crimes and for crimes against journalists and/or media workers, north area (Fiscalía Especializada en delitos electorales y en la atención de denuncias contra periodistas y/o comunicadores zona norte). Torres' family reportedly rejected protection measures and psychological support offered by the General Public Prosecutor of the state of Veracruz. **Background:** Torres had been a reporter for over 20 years and had worked for TV Azteca, the daily newspaper *Noreste* and the online news portal Radiover.com among others, according to news reports. He was reportedly known for his coverage of law and order. Recently, he had set up his own local news website (<http://mdna.noticiasmt.com/>) which covered politics, crime and social issues. **PEN Action:** [PEN statement 17 May 2016](#).

Killed: motive unknown

**\*Zamira Esther BAUTISTA LUNA (f)**

**Profession:** freelance journalist **Date of birth:** c.1972 **Date of death:** 20 June 2016 **Details of death:** According to news reports, Bautista (44) was shot by a group of armed men after getting into her car outside her home in Ciudad Victoria, Tamaulipas state. . According to a report by the Inter American Press Association, the assailants left a notice with Bautista that was signed with the initials of the Cartel of the Northwest (Cartel del Noroeste) and linked the journalist to a rival criminal group in Ciudad Victoria. **Details of investigation:** The Tamaulipas state prosecutor's office is responsible for investigating the killing. **Other information:** Besides her freelance work, Bautista was also a secondary school teacher. Previously she had worked for the society sections of the newspapers *El Mercurio* and *La Verdad de Ciudad Victoria*.

**\*Francisco PACHECO BELTRÁN**

**Profession:** correspondent for the daily newspaper *El Sol de Acapulco*, online editor of the newspaper *El Foro de Taxco* **Date of birth:** approx. 1961 **Date of death:** 25 April 2016 **Details of death:** According to news reports, Pacheco was attacked by unidentified assailants in front of his house early in the morning as he was returning home from taking one of his daughters to a bus terminal. He was reportedly shot in the back of his head and found dead by another daughter and his wife, who heard the shots. **Other information:** Pacheco covered crime, local politics and tourism. He was critical of the current local administration of Taxco under mayor Omar Jalil Flores and posted on his own website about regional crime, drug trafficking and violence (<http://www.franciscopacheco.mx/>). He was also a correspondent for the radio station Capital Máxima. According to news reports, neither family members nor the editor of the radio show knew of any threats against him. **PEN**

**action:** PEN Mexico [Statement April 2016](#)

Killed: impunity

**Ismael DÍAZ LÓPEZ:**

**Profession:** reporter for *El Criollo* and *Tabasco Hoy* newspapers **Date of death:** 18 June 2015

**Details of death:** Díaz was reportedly killed at his home in the municipality of Teapa, Villahermosa, Tabasco State. According to the Inter American Press Association, unknown assailants broke into his home and attacked him with a knife. He received wounds to the chest and died on his way to hospital. **Details of investigation:** The state attorney general's office (Fiscalía General del Estado) reportedly tweeted that the strongest line of enquiry is that his murder was linked to a family conflict, which they have based on pre-existing legal evidence. According to another tweet by the state attorney general's office, they are working in coordination with the federal Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE). No further information as of 30 June 2016. **Background:** Díaz reportedly covered events in Teapa and Tlacotalpa for *Tabasco Hoy* and crime for *El Criollo*. According to news reports, Díaz was having problems with his ex-wife, who had recently denied him access to his children. According to an article published on *Tabasco Hoy*, his family suspects that Díaz was murdered by his step-son in complicity with Diaz' ex-wife. **PEN Action:** [PEN statement 8 July 2015](#)

**Guillermo FERNÁNDEZ GARCÍA:**

**Profession:** poet and translator **Date of birth:** 2 October 1932 **Date of death:** 31 March 2012

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

**Details of investigation:** According to official correspondence with the Mexican authorities, the case was referred to Mexico's attorney general. On 4 April 2013, it was reported that attorney general's office had failed to make headway in its investigation. According to PEN International's information, the case remains at a standstill as of 31 December 2014. No further information as of 30 June 2016. **PEN Action:** [RAN 16/12](#)

**María del Rosario FUENTES RUBIO (f):**

**Profession:** Doctor citizen journalist who tweeted about violence and organised crime under the pseudonym 'Felina' using the @Miut3 account **Date of death:** 15-16 October 2014

**Details of death:** Fuentes was reportedly kidnapped by armed men as she left the Tierra Santa clinic in Tamaulipas, where she worked as a doctor, on 15 October 2014. One day later, tweets were sent from her account deterring people from risking their lives by informing about organised crime, and warning them that the cartels were closing in on them.

Subsequent tweets exposed her true identity and posted two images of Fuentes – the first alive, the second apparently dead. **Details of investigation:** As Fuentes' body has not yet been found, the case officially remains open as a kidnapping. The case is thought to be being pursued by the anti-kidnapping squad, after family members filed a report on her abduction. According to a press statement by the Tamaulipas Attorney General, officials believe that Fuentes' abduction and probable murder are linked to her work as a doctor. According to information provided by the federal Special Prosecutor for Crimes against Freedom of

Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE) in March 2015, Fuentes was involved in an incident at the hospital involving the treatment of an assumed gang-member for a gunshot wound. Fuentes reportedly quit her job at the hospital three days later. The investigation into the case remained on-going. No further information as of 30 June 2016. **Background:** Fuentes had reportedly contributed to Valor por Tamaulipas (Courage for Tamaulipas), a website used by citizen journalists to report on criminal activity, until she felt forced to stop in 2013 for safety reasons. She is also reported to have regularly posted to a related Facebook page called Responsabilidad por Tamaulipas (Responsibility for Tamaulipas). In February 2013 an unidentified drug cartel offered a reward of US\$44,000 for the identities of Valor por Tamaulipas' administrators. **PEN Action:** [17 November 2014 Statement](#).

**Jesús Antonio GAMBOA URÍAS (“El Tony Gamboa”):**

**Profession:** editor of the magazine *Nueva Prensa* **Date of death:** 10 October 2014 **Details of death:** According to local news reports, Gamboa was reported missing on 10 October 2014 and was found semi-buried in Villa de Ahome, Sinaloa state, 12 days later. **Details of investigation:** The Sinaloa state attorney general reportedly ruled out Gamboa's journalism as a possible motive, indicating that the murder related to a confrontation in a bar with one of its employees. The authorities reportedly arrested the bar employee and her partner after one of the suspects used Gamboa's credit card. According to reports, Gamboa had a disagreement with the barmaid, who immediately called her partner, who went to the bar along with several men. Gamboa was reportedly dragged from the establishment and taken behind a local motel where he was shot multiple times. On 20 March 2015 it was reported that the Attorney General's office had arrested two further suspects in Gamboa's murder, one of whom is suspected of firing the shots. According to reports, the authorities suspect that Gamboa was mistaken for a member of a drug gang. No further information as of 30 June 2016. **PEN Action:** [17 November 2014 Statement](#)

**Gregorio JIMÉNEZ DE LA CRUZ (“Goyo”):**

**Profession:** Reporter covering the police beat for the newspaper *El Liberal del Sur* and the news agency *NotiSur*. **Date of death:** 6 February 2014; body found 11 February 2014. **Details of death:** Jiménez (42) was abducted by armed men from his home in Coatzacoalcos on 5 February and reportedly forced, handcuffed, into an unmarked pickup truck. His body was found in a clandestine grave in Las Choapas, Veracruz State, alongside the body of union leader Ernesto Ruiz Guillen and an unidentified taxi driver. Forensic reports indicate that it is likely that he was killed the day after he was kidnapped, on 6 February 2014. **Details of investigation:** The initial stages of the investigation into Jiménez' abduction were widely reported to be inadequate; however, a joint operation conducted by the army, navy and Veracruz state police was later instigated. The arrest of a man at Coatzacoalcos bus station by members of the Veracruz Investigation Agency (Agencia Veracruzana de Investigaciones – AVI) on 10 February 2014 led to the discovery of Jiménez' body and the apprehension of five other suspects. On interrogation, the man reportedly confessed to his role in Jiménez' murder and identified Teresa de Jesús Hernández – Jiménez' neighbour and owner of a local bar – as the mastermind of the crime. According to the Veracruz state prosecutor (Procurador General de Justicia de Veracruz), Felipe Amadeo Flores Espinosa, Hernández hired the group to kidnap and kill Jiménez for the sum of 20,000 pesos (approx. US\$1,500) following a series of personal differences. By the end of 2014, Hernández and the other five

suspects were all detained pending trial, with three further suspects sought for arrest. Jiménez' widow claims that the dispute in fact arose from articles that the journalist had written on homicides that allegedly took place in Hernández' bar, according to an interview with *Animal Político*. Some of Jiménez' colleagues have questioned the investigation's conclusions, urging that his journalism not be ruled out as a possible motive given the fact that he had written two articles on the disappearance of union leader Ernesto Ruiz Guillen, alongside whom he was found buried. According to a 17 February 2014 report, a number of NGOs including Reporters Without Borders and Article 19 raised concerns over the impartiality of the presiding judge in the case. Judge Uriel Domínguez Colío is the brother of the state government's spokesperson. Journalists and organisations alike called for a new judge to be assigned to the case. According to 28 May 2014 reports, new evidence against those held in connection with Jiménez' murder linked them to other violent crimes. At a press conference, the state prosecutor indicated that the investigation was following three lines of inquiry: the personal dispute with a local bar owner, his work as a journalist, and an additional theory where the two other lines of inquiry may be connected. According to reports, those held in connection with Jiménez' abduction and murder were granted an *amparo* (legal protection of their constitutional rights) on 2 September 2014 pending an investigation into the handling of the case after they alleged that they were tortured during their detention. According to 18 February 2015 reports, Jiménez' widow, Carmela Hernández Osorio, has reportedly faced repeated threats and harassment despite the protection provided by Veracruz state and as such has sought protection under the federal protection mechanism. **Update:** The online newspaper plumaslibres.com.mex reported that Jiménez' son, Luis Alberto Jiménez Hernández, was due to testify in court for the defence of Teresa de Jesús Hernández Cruz on 24 June 2016, but the hearing was postponed due to his failure to present official identification. **Background:** Jiménez had recently covered a wave of kidnapping reported in Villa Allende, including that of Ernesto Ruiz Guillen. He had reportedly received threats prior to his death, which had been reported to the authorities. **PEN Action:** [3 March 2014 statement](#)

#### **Alberto LÓPEZ BELLO:**

**Profession:** crime reporter for the daily newspaper *El Imparcial* and reporter for Radiorama's police news programme "Foro Político" **Date of death:** 17 July 2013 **Details of death:** López' body was found in the early hours of the morning on the outskirts of Oaxaca City, Oaxaca, next to that of Arturo Alejandro Franco, variously described in media reports as a police informant, police officer and city employee. Both bodies showed signs of gunshot wounds and blunt force trauma, although at the time the murders were reported the authorities were yet to specify the precise weapons used in the attack. López (28) and Franco had reportedly been drinking in a bar in Oaxaca the previous night. López was last heard from at three in the morning on 17 July 2013, when he spoke to a friend; there was no indication of a problem at that time. He had worked for *El Imparcial* for six years and had recently written several stories about drug dealing in Oaxaca. **Details of investigation:** The Oaxaca state governor reportedly instructed the attorney general to treat López' murder as a high-impact crime and to channel the case through a special unit for crimes against journalists. Organised crime was reportedly one of the lines of enquiry being pursued by state authorities. There was some suggestion that López himself might have had links with the drugs trade; however, his colleagues have asserted that he was killed because of his journalistic work. According to the Committee to Protect Journalists, an email circulated among state investigators on 23

July 2013 suggested that senior officials in the state police were responsible for López' murder because he knew of their connections to drug traffickers. On 27 July 2013, *Noticias* newspaper reportedly called for an investigation into two former heads of the State Investigations Agency (AEI) for alleged involvement in López' murder. By 30 September 2013, according to Reporters Without Borders, the investigation had stalled and López' family had felt forced to leave Oaxaca, having received no assistance from either the authorities or *El Imparcial*. According to press reports, on 6 November 2013, the state authorities and the Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE) confirmed that on the basis of a joint investigation they had ruled out López' journalism as a possible motive, favouring the theory that an argument broke out between López and a gang associated with organised crime in the bar where he and Franco had been drinking. Four men identified as the culprits were arrested on 6 May 2014: Julián Ramírez Benítez, Gerardo García Flores, Rafael Martínez González and Aldo Tenorio Benítez. The men reportedly confessed to the crime after being arrested in a separate murder enquiry. The Oaxaca prosecutor Manuel de Jesús López resigned the day after the FEADLE report was published, having left the case open. López Bello's family disputed the FEADLE conclusion, pointing to faults in the investigation, and claimed the government was protecting López's murderers. No further information as of 30 June 2016. **Background:** On 18 May 2013, López was reportedly arrested by state police along with his colleague, **Jacobo Robles**, while photographing a sign allegedly left on a footbridge by an organised crime group. Officials confiscated their equipment and telephones and detained them for four hours until the public prosecutor's office ordered their release on the grounds that their detention was illegal. In October 2007, three of *El Imparcial's* newspaper sellers were killed as they drove in a van marked with the newspaper's logo. The case remains unresolved.

**Regina MARTÍNEZ (f):**

**Profession:** journalist for investigative news magazine *Proceso*, **Date of death:** 28 April 2012

**Details of death:** Martínez was found beaten and strangled at her home in Veracruz state.

She had reported on drug trafficking and organised crime. **Details of investigation:**

According to communications with the federal Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE), the state attorney general of Veracruz was investigating the crime, including any possible link with her writing, with the participation of the federal attorney general. However, according to reports in July and August 2012, investigators had found that Martínez had almost solely been interviewing other journalists and concluded the murder was a crime of passion. This interpretation and approach was strongly criticized by journalists who demonstrated in the streets calling for justice for Martínez and for police to investigate links with organised crime. On 2 November 2012, it was reported that a man charged with Martínez' murder, Jorge Hernández Silva, had retracted his confession, claiming that he had been tortured and his mother threatened in order to force him to confess to the murder. The state attorney general had given the Hernández Silva's motive for murder as robbery, using his confession as the principal piece of evidence against him. DNA samples taken from the scene reportedly do not match anyone on the national criminal database and therefore rule out Hernández Silva, owing to his criminal record. Both *Proceso* and the FEADLE reported being excluded from the investigation, despite being entitled to participate fully alongside the state authorities according to the law. Neither *Proceso's*

appointed reporter nor FEADLE were party to the line of enquiry that led to Hernández Silva' arrest. *Proceso's* appointed reporter has noted that 'at no point did the state ever consider Regina's journalistic work as a possible motive for murder.' On 13 November 2012, it was reported that the authorities had confirmed the motive for Martínez' murder was robbery after her watch was recovered. The man in possession of the watch indicated that Jorge Hernández Silva and José Adrián Hernández Domínguez had sold it to him. According to reports, the authorities identified Hernández Domínguez as Martínez' boyfriend and named him as the principle suspect. He remains at large. On 10 April 2013, it was reported that a judge had sentenced Jorge Hernández Silva to 38 years and 60 days in prison for Martínez' murder. According to reports, Hernández Silva, who initially confessed to the murder, 'did not provide evidence of his innocence.' While the state case was considered closed with the conviction of Hernández Silva, a federal investigation reportedly remained open. According to the Committee to Protect Journalists, two federal investigators doubted Hernández Silva's guilt based on the evidence collected at the scene. On 8 August 2013, Hernández Silva's sentence was overturned by the Veracruz State Supreme Court, citing insufficient evidence, on the basis that the 'confession' was allegedly obtained under torture. According to 28 May 2014 reports, the Veracruz state prosecutor announced in a press conference that the investigation into Martínez' murder remains open, that it would re-start from the beginning in order to explore a number of avenues, and that an arrest warrant has been issued for José Adrián Hernández Domínguez, who remained at large. According to a statement by the Veracruz attorney general made on 22 October 2014, state police re-arrested Jorge Hernández Silva on charges of the aggravated robbery and murder of Martínez. According to the statement, his arrest warrant was secured after Martínez' family lodged an *amparo* appeal, in which the judge found that there was sufficient evidence to determine that Hernández Silva had committed the crime. He is expected to serve out the remainder of his 38-year prison sentence in Pacho Viejo prison. The authorities continue to search for José Adrián Hernández Domínguez. No further information as of 30 June 2016. **PEN Action:** [RAN 23/12](#)

**Juan MENDOZA DELGADO:**

**Profession:** editor of local news website *Escribiendo la verdad* ('Writing the truth') **Date of death:** 30 June or 1 July 2015 **Details of death:** Mendoza was reported missing on 30 July and his body was found the next day. According to news reports, the journalist left his home in Medellín de Bravo, Veracruz State, on 30 June to cover his shift as a taxi driver, but failed to return later that evening. Unofficial reports suggested that he had been run over and was found on the roadside between Santa Fe-San Julián de Veracruz. **Details of investigation:** According to news reports, the state attorney general confirmed that Mendoza was run over on the Santa Fe-San Julián de Veracruz motorway in the early hours of the morning. Mendoza's wife and local press reports questioned the official version of his death, pointing out that his body was found far from his usual work route and, according to some, his body showed signs of torture. Mendoza's wife was reportedly not aware of the journalist having received any threats prior to his death. It was unclear whether an official investigation is underway as of 31 December 2015. No further information as of 30 June 2016. **Background:** Mendoza reportedly covered the crime beat for *Escribiendo la verdad*. He had reportedly criticized local politicians and organised crime groups in his columns. Previously he covered the crime beat for the local daily newspaper *El Dictamen* for more than a decade, according to news reports. He also and worked part-time as a taxi driver. He

was the second journalist to be killed in Medellín de Bravo in 2015 (see **Moisés Sánchez Cerezo** below). **PEN Action:** [PEN statement 8 July 2015](#).

**Gerardo NIETO ÁLVAREZ:**

**Profession:** editor of the weekly newspaper *El Tábano, voces independientes del Río Laja*

**Date of death:** 26 June 2015 **Details of death:** Nieto was reportedly found dead by his daughter at his offices in Comonfort, Guanajuato state, on 26 June 2015. While there are conflicting reports surrounding exactly how he died, it is believed that his throat was slit.

**Details of investigation:** The state attorney general is said to have opened an investigation. According to the online newspaper Zona Franca, the state attorney general ruled out any connection to his work, claiming that the authorities had discovered many empty bottles of alcohol and a possible weapon, which they believe could have been used to kill him. Investigators reportedly believe from a preliminary analysis of the crime scene that he had been drinking with at least two individuals before he died and that an argument may have broken out. The authorities have reportedly summoned three separate people thought to have been with Nieto in the hours prior to his death for questioning. According to his son, Nieto's laptop, which contained information he was going to publish around the time of his murder, disappeared at the time of his death. In 28 June 2016, it was reported that the Guanajuato state public prosecutor, Carlos Zamarripa Aguirre, had stated that the authorities had solved Nieto's murder and that the suspect would be arrested 'in a matter of weeks'. He reportedly claimed that crime was not related to Nieto's journalistic work.

**Background:** *El Tábano* is reported to be a publication dedicated to the coverage of local politics in Guanajuato state. **PEN Action:** [PEN statement 8 July 2015](#)

**José Moisés SÁNCHEZ CERESO:**

**Profession:** owner and journalist for *La Unión*, a free weekly newspaper circulated in

communities surrounding Medellín de Bravo, Veracruz state **Date of death:** 2 January 2015; body discovered on 24 January 2015 **Details of death:** Sánchez was reportedly abducted from his home in Medellín, Veracruz state, by a group of heavily armed men on 2 January 2015. His abductors confiscated his camera, laptop and mobile phone before forcing him into one of three vehicles. According to his son, Sánchez had been warned against continuing his reporting on 30 December 2014 when a man approached his home. Sánchez had recently reported on – and participated in – protests against alleged abuses carried out by the mayor of Medellín. His family are reported to believe that he has been targeted for these articles. In a public statement, the mayor of Medellín denied any involvement and confirmed that he had been in direct contact with the family, according to news reports.

**Details of investigation:** The Veracruz state attorney general is reported to have led investigations into Sánchez' disappearance in coordination with the federal Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE). They reportedly interviewed at least 60 people in connection with his disappearance, including several public employees and the town's mayor. Thirteen members of the municipal police were arrested in connection with his disappearance on 5 January 2015, according to a statement by the attorney general's office. Sánchez' body was reportedly discovered in bin bags in the municipality of Manlio Fabio Altamirano on 25 January 2015 after a man arrested in the course of the investigation into the journalist's disappearance confessed. Sánchez was reportedly killed on the same day as his disappearance, 2 January. The arrested man, then

one of six suspects, is reported to be a former police officer with a disbanded inter-municipal police unit and connected to a local drug-dealing gang. He claims that the hit was ordered by the deputy chief of the municipal police – who also acts as chauffeur and security guard to the mayor of Medellín de Bravo – who was in turn acting on behalf of the mayor himself. The state attorney general’s office has reportedly requested the impeachment of the mayor so that they might then charge him for his role in Sánchez’ murder, however, the mayor is reported to have fled the state. According to the journalist’s son, there have been numerous irregularities in the investigation. The Veracruz state authorities were seeking the five other suspects with the assistance of the state police force (*Fuerza Civil*) and Navy (*Secretaria de Marina*). On 21 March 2015, FEADLE informed PEN International that five suspects were charged with Sánchez’ murder on 24 January, the day his body was found. Two of them were also charged with failure to follow orders, along with one other suspect. FEADLE says it had referred Sánchez’ family members to the Victims’ Commission and to the national journalists’ protection mechanism. However, FEADLE declined a request by Sánchez’ wife and son to assert jurisdiction over the case. The Veracruz state authorities are therefore in charge of the murder investigation. On 17 November 2015 the deputy chief of the municipal police of Medellín was released from prison after a federal judge accepted his appeal on the grounds that there was not enough evidence to keep him in jail. The charges against him were reportedly not dropped. No further information as of 30 June 2016. **Background:** Sánchez was an active member of his community, who regularly participated in protest marches and had denounced the increase in violent crime in the area. He was also a taxi driver and shop owner. **PEN Action:** [PEN Statement 27 January 2015](#)

**Filadelfo SÁNCHEZ SARMIENTO:**

**Profession:** contributor to local newspapers and host of news programme on Favorita 103.3 FM La Voz de la Sierra Sur radio station **Date of death:** 2 July 2015 **Details of death:** Sánchez was reportedly shot dead outside his offices in Miahuatlan, Oaxaca state, on the morning of 2 July 2015. He and his colleagues at the radio station had reportedly received death threats in the run-up to the June 2015 congressional elections; the radio station is reported to regularly receive threats. **Details of investigation:** On 13 May 2016, taxi driver Felipe Fabián Reyes was arrested for Sánchez’ alleged murderer, according to news reports. The same reports indicated that another suspect, known variously as Guzmán Eugenio Reyes Juárez, Epigmenio Reyes Juárez or Efigenio Reyes Juárez, had already been detained, accused of another murder. **PEN Action:** [PEN statement 8 July 2015](#)

**Víctor PÉREZ PÉREZ:**

**Profession:** journalist for crime *Sucesos* magazine **Date of death:** 3 September 2014 **Details of death:** Pérez (40) was reportedly shot dead at his home in Ciudad Juárez, Chihuahua State. His assailants reportedly forced entry to his home. He died upon his arrival at hospital. **Details of investigation:** According to reports, municipal police had arrested one of Pérez’ alleged killers by the end of the day. The other is thought to remain at large. No further information regarding the investigation has been released as of 30 June 2016. **Background:** Pérez’ relative and former editor of *Sucesos*, **Candelario Pérez Pérez**, was also shot dead in 2008 (see Jan-June 2008 Case List). **PEN Action:** [17 November 2014 Statement](#)

**Octavio ROJAS HERNÁNDEZ:**

**Profession:** crime correspondent for *El Buen Tono*, based in Veracruz state, and municipal press officer for Cosolapa, Oaxaca state **Date of death:** 11 August 2014 **Details of death:** Rojas (47) was reportedly shot four times by an as yet unidentified attacker at his home in San Jose Cosolapa, Oaxaca, on 11 August 2014. Rojas had recently returned home from an event in the community of Palma Sola, Oaxaca, when a man knocked on his door to enquire about the sale of a car parked outside. The man fired four shots after Rojas went outside to discuss the sale, hitting him twice in the head and once in the chest and shoulder. Rojas died at the scene while the killer fled on foot. **Details of investigation:** According to a statement by the state attorney general, the State Investigations Agency (Agencia Estatal de Investigaciones – AEI) responded to the call, sending out the prosecutor and various specialists to investigate the crime scene. Investigators recovered four bullet casings from the scene. The statement made no reference to Rojas’ work as a correspondent for *El Buen Tono*, giving rise to concern that they would not pursue his work as a journalist as a line of inquiry. His colleagues reportedly believe that his murder relates to his recent articles for the newspaper. The investigation was believed to be on-going at the end of 2014. No further information as of 30 June 2016. **Background:** Just two days prior to his murder, Rojas had published his latest article in a series on *Chupaductos* – a cartel-linked gang that reportedly siphons off fuel and oil from illegally tapped pipelines for sale on the black market. In the article, Rojas reported on a military operation against the *Chupaductos* and implicated Cosolapa chief of police as a member of the criminal gang. The police chief has reportedly since disappeared and is considered a fugitive from justice. Although the article did not include his by-line, Rojas was easily identifiable as the author as he was the only reporter in the Cosolapa area. *El Buen Tono* has been the subject of previous threats and harassment; in 2011, a few months after opening, the newspaper’s offices were set alight. In 2013, the federal Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE) reportedly announced that it was not competent to investigate the arson attack and transferred the case to the Veracruz state prosecutor’s office. **PEN Action:** [17 November 2014 Statement](#)

**Adrián SILVA MORENO:**

**Profession:** freelance journalist and crime reporter for local media outlets including the newspapers *Global México* and *Puntual Puebla* **Date of birth:** c1978 **Date of death:** 14 November 2012 **Details of death:** Silva (34) was shot dead along with a former policeman in Tehuacán, Puebla state. He had been covering an army investigation into the theft of gasoline from a government petroleum company in Tehuacán, an area said to be controlled by organised criminal groups. Silva reportedly called another journalist to tell him he had witnessed an armed stand-off between soldiers and gunmen and that he had found something important at the scene of the theft which he would explain later. However, his car was then apparently intercepted and he was shot dead; his body was found with multiple gunshot wounds. His passenger, former municipal policeman Misrael López González, was shot in the head after he fled from the car. On 19 November 2012, it was reported that family members and colleagues of Silva who had attempted to visit his body at the morgue where it had been taken had received threats from unidentified individuals. The police subsequently sent officers to protect the morgue. The motive for Silva’s murder was unknown, but colleagues suspected that it may have been related to his reporting on the gasoline theft. He is not known to have received threats from organised criminal groups

prior to his death. **Details of investigation:** On 20 November 2012, it was reported that investigators were pursuing organised crime as one of their main lines of enquiry. In addition, investigators found fingerprints, suspected to belong to those responsible, on a truck left 150 metres from the scene. On 29 November 2012, the federal Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE) reportedly commented that Silva's case may be passed on to local authorities because he was not active as a journalist at the time his murder. She also announced that the sheer number of avenues for investigation made it impractical for her office to investigate the case. No further information as of 30 June 2016. **PEN Action:** [RAN 74/12](#)

#### **Jorge TORRES PALACIOS:**

**Profession:** writer of political column 'Nothing Personal' for weekly newspaper *El Dictamen de Guerrero*, correspondent for the newspaper *Novedades*, former correspondent for Televisa, host of a nightly news programme on Radio y Televisión de Guerrero, and spokesman for the public health department of Acapulco **Date of death:** Between 29 May and 2 June 2014 **Details of death:** Torres was reportedly kidnapped on 29 May 2014 by 12 armed men driving three vehicles. His body, which reportedly bore marks of torture, was found inside a bag semi-buried in a clandestine grave on 2 June 2014. Early reports indicated the cause of death was asphyxia, however later reports suggest that he was decapitated and dismembered. **Details of investigation:** An anonymous tip-off led the authorities to the location of Torres' body in Plan de los Amantes, Acapulco, according to news reports. An investigation by Ministerial Police and agents of the public prosecutor's office was reported to be underway, with the team reportedly collecting evidence and witness statements. According to news reports, three suspects connected to Torres' murder were arrested by police in Acapulco on 13 February 2015. The men are also being investigated for attacks in several schools. **Update:** According to a local news report from 6 June 2016, the Attorney General had passed the case back to the Guerrero state prosecutor. No further news as of 30 June 2016. **Background:** According to news reports, Torres' column for *El Dictamen de Guerrero* often reported on the region's high level of violent crime. A recent article referred to public anger in Chilpancingo, the Guerrero state capital, and protests against the alleged involvement of public officials in crime, including arbitrary arrests, extortion and abduction. Both Torres' father and brother were shot dead in January 2001. As with the murder of **Gregorio Jimenez de la Cruz** (see above), journalists came out on the streets to protest Torres' abduction, demanding his safe return. **PEN Action:** PEN Mexico [5 June 2014 statement](#)

#### Judicial concern

#### **Enrique ARANDA OCHOA:**

**Profession:** university teacher and writer **Sentence:** 57 years in prison, reduced to 24 years and six months **Expiry:** 2022 **Date of arrest:** 25 June 1996. Aranda has been imprisoned along with his brother, Adrián Aranda Ochoa, since 1996 for allegedly kidnapping the daughter of a politician. **Place of detention:** Imprisoned in Reclusorio Sur prison in Mexico City as of October 2010 and believed still to be held there as of 31 December 2015. **Details of arrest:** Arrested together, the Aranda brothers were accused of several crimes, including kidnapping and carrying weapons. They were later charged with kidnapping Lorena Pérez-Jácome F., a television presenter and the daughter of an Institutional Revolutionary Party

(PRI) politician who has been a senator and presidential spokesman. They were also charged with robbery. The brothers were allegedly tortured while in the custody of the police and Public Ministry and forced to sign confessions. **Details of trial:** In August 1997, both brothers were sentenced to 57 years in prison, confirmed in December that year. The allegations of torture were not taken into account. Following a retrial, the brothers' sentence was reduced to 40 years in January 2005. This was further reduced to 32 years in March 2007 after the robbery charge was dropped, and in December 2008 to 24 years and six months. Enrique Aranda believes his arrest and conviction were due to his political activism and open criticism of the former PRI administration. When he was initially detained he was questioned about his political activities. He claims that the legal process has been marred by political pressure throughout. **Conditions in detention:** The brothers filed a complaint against the state for torture and abuse of authority. In May 1999, a medical certificate was issued showing that they had been tortured. In 2002, the Human Rights Commission of the Federal District (CDHDF) issued a recommendation calling for those responsible for torturing the Aranda brothers to be brought to justice and that the brothers should be awarded reparations. The recommendation was accepted by the Attorney General, however it has yet to be implemented. The brothers have requested released on parole. According to reports, Enrique Aranda was denied release on parole at a hearing on 9 August 2013. The presiding judge reportedly ruled that he had not fulfilled all the requirements of the law in order to be permitted parole. While he had met the provision of good conduct while in prison, it was determined that he had not sufficiently participated in work, educational, sporting or other activities organised by the prison. In April 2014, the Centro de Derechos Humanos Fray Francisco de Vitoria submitted the case of the Aranda brothers to the UN Special Rapporteur on Torture. No further information as of 30 June 2016. **PEN position:** PEN holds no position on Aranda's guilt or innocence. It is concerned by the allegations that he was tortured and calls on the Mexican authorities to implement CDHDF's recommendation. **Background:** Enrique Aranda lectured for several years in political psychology at the Iberoamerican University in Mexico and is a former president of the Mexican Association of Psychologists. Since his imprisonment, he has become a prolific writer, having produced six books of poems, short stories, plays, novels and non-fiction, all unpublished to date. His work has reportedly earned him some 11 national awards. Adrián Aranda Ochoa is an accountant.

### Death Threat

#### **\*Pedro CANCHÉ**

**Profession:** journalist, including for his website [www.noticiaspedrocanche.com](http://www.noticiaspedrocanche.com) **Date of threat:** 25 May – 1 June 2016 **Details of threat:** Canché reportedly received anonymous phone calls threatening him with death in run-up to the elections for state governors which were to take place on 5 June. Amongst other threats, the caller reportedly referred to the photographer Rubén Espinosa, who was murdered on 31 July 2015, asking Canché if he wanted the same to happen to him. Canché could not report the threats to the police, as he was unable to record the calls. He reportedly believes the threats were caused by his decision not to support any party or candidate ahead of the election. Canché is based in the state of Quintana Roo but relocated to Mexico City for security reasons during the election period. **Background:** Canché is reportedly a critic of the outgoing governor of Quintana Roo state, Roberto Borge, of the ruling Party of the Institutional Revolution (Partido Revolucionario Institucional – PRI). In 2015 Canché was imprisoned for nine months on charges of sabotage in relation to the alleged organisation of protests against high water bills

in the region south of Cancún, before the conviction was thrown out by a federal judge. In February 2016, Canché was reportedly targeted by a smear campaign accusing him of illegal trafficking of tropical lumber and of having a depraved lifestyle. The articles were published by, amongst others, *Repuesta*, a tabloid news website that reportedly had close ties to whoever is in government (see below under ‘harassed’).

### Attacked

#### **\*Jorge MARTÍNEZ CASTENADA**

**Profession:** journalist

**Date of attack:** 6 January 2016 **Details of attack:** According to news reports, Martínez was beaten by the son of a gas station owner while he was walking in the main square of Tacámbaro, Michoacán state. **Other information:** The attacker was arrested but was released shortly afterwards due to the influence of his father, according to news reports. The Office of the Attorney General of Michoacán reportedly stated on Twitter that there would be no impunity in this case.

#### **\*Pedro SALA GARCÍA:**

**Profession:** journalist for the daily newspapers *Tabasco Hoy* and *El Criollo* **Date of attack:** 10 February 2016 **Details of attack:** Sala was attacked in his home in Emiliano Zapata, Tabasco state. According to news reports, two armed men entered Sala’s house wearing motorcycle helmets covering their faces and told him that they had orders to kill him. They hit him in the face with a pistol, hit his legs and feet and also hit and threatened Sala’s wife, Odilia Arcos López, who was calling for help. When neighbours were alerted by her screams, the assailants left on a motorcycle, according to news reports. Sala was left unconscious and spent three days in hospital after the attack. **Details of investigation:** The federal Special Prosecutor’s Office for Crimes against Free Expression (FEADLE) opened an investigation into the attack. **Background:** Sala writes critically about local authorities and corruption. According to news reports, he had written a series of articles accusing local authorities of corruption, such as an article entitled ‘The cabinet in Zapata is recycled; Accusations that the ex-president controls town hall’, which was published in *Tabasco Hoy* on 13 January 2016. Sala had reportedly received death threats via Facebook and phone calls to his house before the attack. **Other information:** Sala also works as a freelance reporter for the local radio stations *La Z de Macuspana* and *Xezx Voz del Usumacinta*. He is the leader of the Tabasco Association of Journalists (ATP).

#### **Karla Janeth SILVA (f):**

**Profession:** reporter for *El Heraldo de León* newspaper **Date of attack:** 4 September 2014 **Details of attack:** Silva was reportedly beaten and kicked in the chest and head by three armed men who broke into the newspaper’s offices in Silao, Guanajuato state, on 4 September 2014. After the attack, her aggressors reportedly warned her to change the tone of her reporting and stole her computer and telephone. Silva was admitted to hospital as a result of her injuries. **Details of investigation:** According to *Sin Embargo*, the United Nation’s Mexico Office of the High Commissioner for Human Rights (OHCHR) has taken charge of the investigation into Silva’s attack. Representatives of the OHCHR are said to have visited the newspaper’s offices in order to meet with Silva in late September 2014. Four men were arrested in connection with the attack while government officials are implicated in its

instigation, including the former director of Public Security in Silao who is alleged to have ordered the attack. On 12 March 2015, it was reported that the federal Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE) would not be pursuing criminal action against Silva's assailants and that they had closed the case. FEADLE reportedly claimed that they had reached this decision as they wished to avoid violating the principle of *Ne bis in ídem*, which establishes that an accused may not be tried for the same crime twice. According to media reports, one of her confessed aggressors was released after paying a fine. **Update:** On 11 March 2016 the former mayor of Silao, Enrique Benjamín Solís Arzola, was reportedly arrested and taken into custody for two months following a local court ruling; he is accused of being the mastermind behind the attack on Silva. On 30 March 2016, the former director of the municipal police of Silao, Nicasio Aguirre Guerrero, was also arrested after being accused of having ordered the attack. According to news reports, the investigations by the Mexican authorities revealed that Guerrero received orders from Solís to coordinate the attack. Aguirre Guerrero spoke to the former operational coordinator of the Silao police, Jorge Alejandro Fonseca Durán, about the plan to attack Silva and they then hired the assailants. No further details as of 30 June 2016. **Background:** Silva covers local government stories for *El Heraldo de León* and had recently been critical of the municipal authorities and the escalating crime rate in the city of Silao. **PEN Action:** Mentioned in 2014 [resolution on Mexico](#)

#### Threatened

##### **\*Héctor DE MAULÉON**

**Profession:** journalist and author **Date of birth:** c.1963 **Date of threat:** May – June 2016  
**Details of threat:** According to news reports, De Mauléon received threats via Twitter after he published a series of articles about alleged drug and weapon dealing by the Asamblea de Barrios (Assembly of Neighbourhoods) group in Mexico City. The threats began after his first article appeared in May 2016 and increased after his third column was published in early June, in particular since 22 June when a raid was carried out by the Mexico City Attorney General's Office. **Other information:** De Mauléon a columnist for the daily newspaper *El Universal*, the subeditor of the magazine *Nexos*, director of the TV program *El Foco* and an author; his books include *La perfecta espiral* (The Perfect Spiral), *El secreto de la Noche Triste* and *La ciudad que nos inventa*. **PEN Action:** [RAN 13/16 - 24 June 2016](#)

##### **Anabel HERNÁNDEZ (f):**

**Profession:** award-winning journalist and author, currently a freelance contributor to the investigative newsweekly magazine *Proceso* and the daily newspaper *Reforma* (previously worked for *Milenio*, its investigative supplement *La Revista* (now *emeequis*) and newspaper and website *Reporte Índigo*). Hernández also writes books on corruption and the abuse of power in Mexican politics, including *La Familia Presidencial* (2005), *Fin de fiesta en Los Pinos* (2006), *Los Señores del Narco* (Grijalbo, Random House Mondadori, 2010) [translated in English as *Narcoland: The Mexican Drug Lords and their Godfathers*, Verso, September 2013] and *México en llamas* (2012). **Details of threats:** Hernández has received constant death threats since late 2010, following the publication of *Los Señores del Narco* (2010) which reveals alleged links between drug trafficking cartels and the Mexican state. In the book, she makes a number of controversial allegations against public figures, including accusing

Genaro García Luna – who at the time was Federal Secretary of Public Security – of illicit enrichment and complicity with organised crime while he was serving as former president Felipe’s Calderón’s chief of police. In December 2010, Hernández made public an alleged plot to have her killed involving officials working for García Luna and the federal police. Hernández’ sources have been subjected to harassment, intimidation and even murder. (See 2014 Case List for details of past threats). According to Hernández, who has been living in exile since 2014, a group of unknown people broke into her apartment in Mexico City on 4 November 2015 in suspicious circumstances. Three of the assailants forced entry to the block where her apartment is located with their faces uncovered, despite the visible presence of security cameras. Two of them then entered her apartment where they remained for 20 minutes, while the third stayed outside. None of them made any attempt to flee or hide when a resident came into the building during that time. They stole nothing of any value, but moved a personal object. **Details of investigations:** The journalist has filed numerous complaints with federal and local authorities but reports that the investigations have led nowhere. Meanwhile, she and her family continue to be subjected to threats and harassment despite police protection. As a result, Hernández left Mexico in September 2014. Hernández reported the 2015 break-in to the federal journalists’ protection mechanism, which reported the incident to the Special Prosecutor for Crimes against Freedom of Expression (Fiscalía Especial para la Atención de Delitos cometidos en contra de la Libertad de Expresión - FEADLE) and opened an investigation. However, according to Hernández, the Attorney General’s office (Procuraduría General de la República - PGR) has made no progress in its investigation, despite having access to security camera footage showing the assailants’ faces, car registration number and the time the incident occurred. In November 2015, Hernández reported that FEADLE was refusing to allow her to appoint a lawyer to access and review her legal file in order to ensure due diligence. She argued that this affects her ability to take appropriate security measures to protect herself and her family. **Update:** According to Hernández, as of 9 June 2016, there had still been no arrests in connection with the break-in to her apartment in November 2015. She remained concerned for her safety should she return to Mexico. **Background:** Hernández believes that the 2015 break-in was connected to her current journalistic investigations. Specifically, between December 2014 and October 2015 she authored a series of pieces alleging the involvement of Mexican security and intelligence services in the enforced disappearance and assumed death of 43 trainee teachers in Ayotzinapa, Guerrero state, in September 2014. She also published two articles alleging collusion by the federal, police and prison authorities in drug trafficker Joaquín Guzmán Loera’s July 2015 escape from prison (*Proceso* magazine, August 2015).

### Harassed

#### **\*Pedro CANCHÉ**

**Profession:** journalist, including for his website [www.noticiaspedrocanche.com](http://www.noticiaspedrocanche.com) **Date of harassment:** February 2016 **Details of harassment:** In February 2016, Canché was reportedly targeted by a smear campaign accusing him of illegal trafficking of tropical lumber and of having a depraved lifestyle. The articles were published by, amongst others, *Repuesta*, a tabloid news website that reportedly had close ties to whoever is in government.

**Background:** Canché is reportedly a critic of the outgoing governor of Quintana Roo state, Roberto Borge, of the ruling Party of the Institutional Revolution (Partido Revolucionario Institucional – PRI). In 2015, Canché was imprisoned for nine months on charges of sabotage in relation to the alleged organisation of protests against high water bills in the region south

of Cancún, before the conviction was thrown out by a federal judge. **Other information:** Canché has also received death threats in 2016 (see above).

**\*Roxana ROMERO (f)**

**Profession:** journalist for the newspaper *Vanguardia* **Date of harassment:** 4 and 6 May 2016

**Details of harassment:** On 4 May 2016, Romero was followed by two men in a car on her way home from work in Saltillo, Coahuila state, according to news reports. When she reached her house the car reportedly stopped at a street corner nearby, drove away and shortly afterwards passed by her house again. The men in the car that followed Romero had been seen near the newspaper's editorial offices the day before. As a result, Romero was given a temporary leave of absence from work and a security guard at her home. On 6 May, it was announced that the former governor of Coahuila, Humberto Moreira, filed a complaint against Romero and *Vanguardia* for 'moral damages'. The complaint relates to an [article](#) by Romero published in February 2016 that states that there were irregularities when the government granted Moreira a pension in December 2015. **Background:** According to *Vanguardia*, the harassment of Romero is part of a smear campaign against the newspaper, which it denounced in an [article](#) published on 5 May. According to news reports, there has been a wave of recent attacks against the newspaper. Since 27 January, *Vanguardia's* journalists have been insulted on several websites that seem to have been created only for this purpose. On 25 April, there was a Distributed Denial of Service (DDoS) attack originating from the states of Coahuila, Puebla and Nuevo León that aimed at making *Vanguardia's* website unavailable but that its staff were able to block. On 6 May, the ranch of the newspaper's owner, Armando Castilla Galindo, was raided by state police in order to evict him because of an unpaid mortgage debt from 2009. The raid was authorised by a court order and reportedly conducted with unusual force. **Other information:** *Vanguardia* has also been the target of attacks in previous years: in May 2011, a hand grenade was thrown at its offices in Saltillo and in April 2013 Daniel Alejandro Martínez Balzaldúa, a photographer for the newspaper, was murdered.

## PARAGUAY

Killed: impunity

**Pablo MEDINA VELÁZQUEZ:**

**Profession:** correspondent for daily newspaper *ABC Color* **Date of death:** 16 October 2014

**Details of death:** Medina (56) was reportedly shot dead by unknown assailants in the north-eastern department of Canindeyú as he was returning home after doing a report in the Ko'ê Porã indigenous community in Villa Ygatimí. His assailants, wearing camouflage, reportedly asked him to identify himself before they shot him several times in the head and chest. Medina died at the scene, while his assistant died on the way to hospital from injuries she sustained in the attack. **Details of investigation:** Police reportedly suspected local drug traffickers and had arrested four suspects by 17 October 2014, the day after Medina's murder. On 4 March 2015, Brazilian authorities reportedly captured Vilmar Acosta Marques, a Paraguayan national and former mayor of Ypejhu who is accused of being the mastermind of Medina's murder, in Naviraía, Mato Grosso do Sul state, Brazil. Medina had reportedly linked Acosta to drug trafficking and homicides in his reporting. According to July 2015 reports by *ABC Color*, the sister of Medina's assistant testified before a court identifying

Wilson Acosta Marques – brother of Vilmar Acosta Marques – as the person who pulled the trigger. Vilmar Acosta Acosta was extradited to Paraguay from Brazil on 17 November 2015. Acosta is currently detained in Paraguay where he is facing murder charges. The prosecution is also [seeking](#) five years' imprisonment for Acosta's driver for not having reported the crime. **Update:** On 9 January 2016, Flavio Acosta Riveros, Acosta's nephew was reportedly [arrested](#) by police in Paraná state, Brazil, on suspicion of carrying out the murder, after his Brazilian partner turned him in when she reported him for domestic violence; Paraguay has sought his extradition. Wilson Acosta Marques, Acosta's brother, is also sought for arrest but remains at large. On 14 June 2016, it was reported that a court of appeal had rejected an attempt by Vilmar Acosta Marques' defence to have the judge removed from the case for alleged partiality. **Background:** Canindeyú is known for the trafficking of marijuana and timber. Medina had regularly received threats related to his reporting. In previous years he had been afforded the protection of a police escort, however this was withdrawn in September 2013.

### On trial

#### **Nelson AGUILERA:**

**Profession:** writer and author of a series of children's stories, member of PEN Paraguay and teacher **Sentence:** 30 months in prison **Details of trial:** Aguilera was convicted of plagiarism on 4 November 2013. His lawyer filed an appeal on 25 November 2013 with the Chamber of Appeals. According to Aguilera, 40 witnesses were prevented from testifying in his defence as the judge ruled that they had been presented too late. These included a recognised legal expert in plagiarism employed by the court to investigate the case against Aguilera who argued that Aguilera did not have a case to answer. In June 2014, Aguilera's conviction and sentence was confirmed by the Chamber of Appeal in Asunción. In November 2015, the judges responsible for his trial allowed Aguilera to fly to the United States to attend his son's wedding. **Update:** According to Aguilera, his appeal to the constitutional section of the Supreme Court was at a standstill as of March 2016. No further information as of 30 June 2016. **Background:** The case relates to a lawsuit filed by writer Maria Eugenia Garay that began in 2010. Garay alleged that Aguilera had plagiarised her adult fiction novel *El túnel del tiempo* (The Tunnel of Time) (2005) in the second in his series of children's fiction novels *Karumbita: La patriota* (Karumbita: The Patriot) (Alfaguara Infantil, 2010). A number of independent experts and writers have provided a detailed analysis of both works and found that the similarities in them cannot be described as plagiarism. They argue that while they both feature similar thematic elements, such as time travel, and significant dates in Paraguayan history, the manner in which they are used is significantly different. The experts add that time travel has been used as a theme throughout literature and as such its use alone cannot constitute plagiarism. The analysis also showed that the literary styles, structure and argument of the works differ significantly and that Aguilera had not taken any sentences or paragraphs from Garay's work. There has been some suggestion that the sentence for plagiarism may have been influenced by the fact that Garay's brother, César Garay Zuccolillo, is minister of the Supreme Court of Justice. **PEN Action:** [Day of the Imprisoned Writer Case 2015](#); [open letter from Luisa Valenzuela](#)

### Harassed

**\*Aldo BENÍTEZ**

**Profession:** journalist for the daily newspaper *La Nación* **Date of harassment:** 26 April 2016  
**Details of harassment:** According to news reports, a series of articles that Benítez planned to publish on paedophilia among priests of the Paraguayan church was suspended by *La Nación* after the first article appeared on 22 April 2016. This reportedly followed a request by the Apostolic Nunciature to President Horacio Cartes to suspend publication of the articles as they would create 'great tensions' within the church. The order to censor the articles was reportedly issued by Sarah Cartes, sister of President Cartes and owner of *La Nación*. **Background:** The articles were to be published under the title of 'Iglesia Oscura' (Dark Church) and revealed information about complicity in the church hierarchy in the presence of priests who previously had been accused of paedophilia.

## PERU

Killed: impunity

### **Fernando RAYMONDI URIBE:**

**Profession:** reporter for *Caretas* magazine and final-year student of journalism. **Date of death:** 9 November 2014 **Details of death:** Raymondi (22) was reportedly shot dead at his father's grocery store in San Vicente de Cañete by two unknown assailants. He was standing outside the shop along with a friend when the men appeared on a motorcycle, according to local news reports. The assailants then reportedly ordered Raymondi into the shop and asked for money. As his father reached for money to give them, one of the assailants reportedly shot Raymondi in the chest. The men fled the scene empty-handed. Raymondi died en route to hospital. **Details of investigation:** According to *Caretas*, Cañete police arrived at the scene two hours after the shooting; eight hours later the Lima Homicide Division (División de Homicidios de Lima) took over the case. According to news reports, on 11 November 2014 head of the Peruvian Police, General Jorge Flores Goicochea, reportedly rejected any connection between Raymondi's death and his work as a journalist, arguing that police believed that Raymondi was a victim of circumstance, caught up in an attempted robbery gone wrong. Unidentified police officers reportedly disagreed with the general's statement, arguing that no hypothesis had been ruled out – assertions that were supported by the Minister for the Interior, according to media reports. The police had reportedly identified five individuals as suspects. According to reports by *Caretas* dated 4 June 2015, the allocated time for the investigation elapsed in March 2015, leading the prosecutor in charge of the case to ask for an extension. A new prosecutor had also been brought on to investigate the case. No further information as of 30 June 2016. **Background:** Raymondi began working for *Caretas* in March 2014, while in the final year of his journalism degree at Universidad San Martín de Porres, and had begun covering organised crime and corruption that July. He had recently begun investigating an alleged spate of murders in Cañete, including several in the construction industry. According to his editor, he had been working on a story about killing by gangs who had allegedly been extorting construction companies in the town. Raymondi had not reported receiving any threats.

Sentenced

**\*Rafael LEÓN RODRÍGUEZ (Rafo LEÓN):**

**Profession:** journalist, author, columnist for the Lima-based weekly newsmagazine *Caretas*, also known for his travel accounts and short stories. **Date of birth:** 1950 **Sentence:** A one-year suspended prison sentence and a fine of 6,000 Soles (approx. USD\$1,800) in damages payable to the plaintiff, the former editor of the daily newspaper *El Comercio* Martha Meier Miró Quesada **Details of trial:** On 3 May 2016, a judge in the 40<sup>th</sup> Criminal Court in Lima found León guilty of ‘aggravated defamation’. The suspension of the [sentence](#) is subject to León’s completion of one year of ‘good behaviour’, requiring him to report regularly to the authorities. According to media [reports](#), if León breaks any of these rules, he might face a prison sentence. León appealed the sentence immediately after the sentence was read, according to his lawyer. The sentence will not come into effect until it has been confirmed. **[Stop press:** In September it was announced that León was cleared of defaming a fellow journalist and will not serve a 12-month suspended sentence handed down in May nor pay the plaintiff damages. ] **Background:** The criminal defamation case was brought against León in 2014 by Martha Meier Miró Quesada, then general editor and columnist for *El Comercio*. The lawsuit stems from a satirical opinion piece León published in his regular column in *Caretas* in June 2014 in response to an earlier column by Meier in *El Comercio* criticising the then Mayor of Lima, Susana Villarán de la Puente. On 23 March 2016, León was summoned to appear in court on 3 May for the ruling to be read – more than nine months after the trial ended in July 2015. León’s defence called for the sentence to be annulled and a new trial to be held, alleging unjustified delays and irregularities in due process. This request, supported by the Peruvian free expression organisation Instituto de Prensa y Sociedad (IPYS), was denied by the court. **PEN Action:** [Call to Action – 27 April 2016](#)

**\*Fernando VALENCIA OSORIO**

**Profession:** former editor of the Lima-based daily newspaper *Diario 16* **Sentence:** 20-month suspended prison sentence and a fine of 100,000 sols (US\$30,595) in damages **Details of trial:** On 18 April 2016, Valencia was sentenced on appeal for charges of defamation of the former Peruvian president Alan García. Valencia is believed to have appealed the conviction. His lawyers are also expected to submit his case to the Inter-American Commission on Human Rights (IACHR) on the basis that the sentence violates his right to freedom of expression. **[Stop press:** On 9 August 2016, it was reported that Valencia’s conviction had been overturned.] **Background:** García, who served as president from 1985-90 and from 2006-11, filed a lawsuit in March 2013 accusing Valencia of damaging his reputation in a front-page story that year. In the article, current president Ollanta Humala reportedly criticised delays in completing infrastructure projects under previous administrations and alleged corruption. Although *Diario 16* did not name García in the story it used a photo of him in the layout. Valencia was reportedly acquitted in the first instance but was convicted on appeal. García has been investigated for corruption on numerous occasions since he left office in 2011 but has not been charged and denies any wrongdoing. *Diario 16* reportedly has a reputation for criticising García, and the lawsuit was intended to intimidate the newspaper, Valencia’s lawyer, Carlos Rivera Paz, has said. **PEN Action:** Mentioned in [Call to Action – 27 April 2016](#); [Call to Action 12 May 2016](#)

On trial

**\*Juan José GARRIDO**

**Profession:** director of the newspaper *Perú 21* **Details of trial:** According to news reports, Garrido has been accused of criminal defamation by the governor of Callao province, Félix

Moreno. Moreno also sued the newspaper for 700,000 Sols (approx. US\$ 207,000) in damages. The defamation suit was filed on 15 April 2016 but Garrido reportedly only found out about it on 16 May 2016. **Background:** The accusations were reportedly made in relation to a report published by *Perú 21* in October 2015 on irregularities in a land deal that Moreno was involved in. The article reveals an investigation by the attorney general into four prosecutors and a judge, who did not properly investigate an allegedly illegal eviction that was ordered by Moreno as part of a land deal.

## UNITED STATES OF AMERICA

### Killed

#### **\*Jacinto (Jay) TORRES HERNÁNDEZ**

**Profession:** freelance journalist for the newspaper *La Estrella* **Date of birth:** c. 1959 **Date of death:** 13 June 2016 **Details of death:** According to news reports, Torres went missing on 10 June. His body was reportedly found in the backyard of a house that was for sale in Garland, a suburb of Dallas, Texas. Torres also worked as a real estate agent and according to news reports he was considering investing in the house. The Garland Police Department stated in a [press release](#) that Torres had died from a gunshot wound and that he had been killed several days before he was found. The police are reportedly following various leads and the investigation is on-going. **Background:** Torres covered local social issues for *La Estrella*; his recent articles were about residents' opinions on the Mexican elections, a local meeting on the dangers of underage drinking, and the effect of US voter identification laws. His daughter, Aline Torres, reportedly stated at a press conference that he had been working on sensitive issues relating to illegal immigration and human trafficking. His son, Gibrán Torres, said that his father had been thinking about installing a security system on their house and that he had mentioned his investigations on sensitive topics as well as his concerns about dealing with angry tenants, according to Committee to Protect Journalists. **Other information:** Born in Monterrey, Mexico, Torres migrated to the USA in 1979. He had reportedly been contributing to *La Estrella*, the Spanish edition of the newspaper *Star Telegram*, , for about 20 years. He was a member of the National Association of Hispanic Journalists. **PEN Action:** [PEN International-PEN American Center statement 21 June 2016](#)

### On Trial

**Ryan REILLY, profession:** reporter with the *Huffington Post*

**Wesley LOWERY, profession:** reporter with *The Washington Post*

**Details of trial:** The journalists were reportedly arrested by police officers attempting to clear a McDonalds restaurant in Ferguson, Missouri in August 2014 Reilly and Lowery were covering events following the fatal shooting of unarmed black teenager Michael Brown by a police officer on 9 August 2014. According to reports, police reportedly slammed Lowery into a drinks machine after giving him conflicting instructions as to where to exit the restaurant. Both were released 45 minutes later without being charged. According to 11 August 2015 reports, Reilly and Lowery were facing prosecution for trespassing and interfering with a police officer. A court summons dated 6 August 2015 ordered Lowery to appear in court on 24 August. **Update:** On 19 April 2016, it was reported that the cases were

on-going. In October 2015, Reilly and Lowery had reportedly filed motions to dismiss the charges due to lack of jurisdiction. These were denied in January 2016 on the grounds that the lack of jurisdiction was irrelevant, as the county had emergency powers to charge people. The judge reportedly also refused the journalists' request to have the officers who had arrested them deposed as government witnesses. Reilly and Lowery then filed separate writs to challenge these rulings.

#### Judicial concern

##### **Mumia ABU-JAMAL:**

**Profession:** journalist and author **Sentence:** Life imprisonment without parole. **Details of trial:** Abu-Jamal was sentenced to death for the murder of police officer Daniel Faulkner in 1982. Amid serious concerns about the fairness of his trial, which did not meet international fair trial standards or those guaranteed by the Constitution of the United States, his death sentence was commuted to life imprisonment without parole in 2011. Abu-Jamal has consistently denied any involvement in the murder, and the evidence presented at trial was reportedly contradictory and incomplete. However, his lawyers have never been successful in their request for him to be granted a re-trial. Mumia Abu-Jamal continues to call for a fair trial, but since all options for appeal have been exhausted, any chance of a retrial is now unlikely. **Health concerns:** According to reports, Abu-Jamal was hospitalised on 31 March 2015 after going into diabetic shock. There are further reports that he has Hepatitis C, type-2 diabetes and suffers from severe skin rashes. According to December 2015 reports, Abu-Jamal was successful in securing a court hearing regarding his Hepatitis C condition. No further information as of 30 June 2016. **Background:** Despite the difficult conditions of his detainment in a death row cell in Waynesburg, Pennsylvania, Abu-Jamal continues to work as a writer and journalist. He has written seven books in prison, making him an internationally renowned activist against death penalty. **PEN Position:** PEN considers that life imprisonment without the possibility of parole may amount to torture or other ill-treatment. PEN is calling for the authorities to take the necessary steps to ensure that Mumia Abu-Jamal is given the opportunity to have his sentence of life imprisonment without parole reviewed. **PEN Actions:** [PEN International Resolution 2014](#) (see also previous Case Lists)

#### Harassed

##### **\*Julia IOFFE (f)**

**Profession:** freelance journalist for the magazine *The New Yorker*, the daily newspaper *New York Times* and recently for the magazine *GQ* **Date of harassment:** 28 April 2016 **Details of harassment:** Ioffe has reportedly been receiving threatening and anti-Semitic phone calls and online messages in response to a [profile](#) she wrote for *GQ* about Melania Trump, the wife of US-presidency candidate Donald Trump. According to *The Guardian*, the wave of threats and anti-Semitic messages included a phone call from an anonymous caller who played a Hitler speech, a call from the funeral casket company Overnight Caskets, Twitter posts that showed her face superimposed on photo of an Auschwitz detainee and a blogpost on the white supremacist online site The Daily Stormer entitled "Empress Melania Attacked by Filthy Russian Kike Julia Ioffe in GQ!". **Details of investigation:** Ioffe has reportedly filed a report with the Washington DC police department, which has launched an investigation into the threats. **Background:** According to news reports, Melania Trump blamed Ioffe for

covering her unfairly, accused her of having an agenda and called the article ‘yet another example of the dishonest media and their disingenuous reporting’ in a Facebook post.

## VENEZUELA

### Killed – impunity

#### **Jhonny GONZÁLEZ:**

**Profession:** journalist for the sports newspaper *Líder de Deportes* **Date of death:** 3 May 2013

**Details of death:** González (33) was shot dead as he was leaving the paper’s offices in the early hours. It is thought that the assailants, who intercepted González on two motorcycles and in a car, were attempting to steal his car; when the journalist resisted, he was shot three times and died instantly. González worked the night shift at *Líder*, covering boxing. **Details of investigation:** According to reports dated 3 March 2015, the authorities had detained a suspect reportedly responsible for acquiring the murder weapon. Four other suspects were being investigated. No further information as of 30 June 2016.

### Detained: investigation

#### **Leocenis GARCÍA:**

**Profession:** editor and director of *Sexto Poder* **Date of arrest:** 22 March 2015 **Details of arrest:** According to news reports, García was arrested by the National Guard on the orders of Court 11. His detention was ordered owing to his alleged repeated failure to appear in court. He remained under house arrest as of 30 June 2016. **Health concerns:** After spending 87 days on hunger strike in June-September 2015, García was hospitalised in early September 2015 and following his release was put under house arrest. **Background:** García’s arrest reportedly relates to charges of money laundering, tax evasion and financing terrorist acts which date back to July 2013 in connection with which he spent four months in detention (see 2014 Case List). Prior to that arrest, García had reportedly accused the government of carrying out a campaign against him. He was previously detained without trial for two years and two months between 3 May 2008 and 6 July 2010 for allegedly causing damage to property, carrying a gun without a permit and resisting arrest. In 2011, he was charged with ‘inciting hatred, insulting officials and offending women’ after the publication of a satirical photomontage on 20 August 2011 (see previous case lists). **[Stop press:** On 5 July 2016, García was reportedly arrested and transferred to the offices of the Bolivarian National Intelligence Service (Servicio Bolivariano de Inteligencia Nacional – SEBIN) in Caracas for not having appeared in court for the beginning of his trial. He was reportedly informed that his house arrest had been revoked.]

#### **Victor Manuel GARCÍA HIDALGO:**

**Profession:** director and editor of the news portal Informe Cifras, and former politician **Date of arrest:** 1 March 2013 **Current place of detention:** Previously held in Yare 3 prison, he was placed under house arrest after nine months in prison **Details of trial:** Accused of participating in the 2002 coup, García faces charges of ‘civil rebellion’. If convicted, he could face between 14 and 24 years in prison. The government is reportedly using as evidence García’s documented opinions of the 2002 coup – broadcast on 12 April 2012 on the programme ‘24 horas de Venevisión’ – and a photograph of García with a known opponent

of the late President Chávez taken inside the Army General's Command Headquarters. García's defence has reportedly argued that García was there in his capacity as a journalist. The journalist is reported to be subject to a gag order, which bans him from writing or speaking to the public. According to 15 July 2015 reports by Informe Cifras, García's trial had finally resumed. A public prosecutor reportedly filed for the application of a travel ban in order to allow García to seek medical treatment for back injuries sustained while held in Yare 3 prison and allow him to stand trial while on bail. The application was reportedly denied by the judge who offered a reduced sentence if García admitted the alleged offences. No further information as of 30 June 2016. **Health concerns:** García has longstanding problems with hypertension, which requires quarterly assessments. However, García has reportedly been denied access to a cardiologist on three separate occasions. **Background:** On 11 April 2002 a military coup d'état succeeded in ousting the late President Hugo Chávez for almost 48 hours.

### Sentenced

#### **\*David NATERA FEBRES**

**Profession:** president and editor of the newspaper *Correo del Caroní* **Sentence:** Four years' imprisonment and a fine of 201,249 bolívares (approx. US\$20,100 at the official rate, or about US\$201 at black market rates). The court also banned *Correo del Caroní* from publishing stories about the plaintiff, businessman Yamal Mustafá, and from disposing of its assets. **Details of trial:** Mustafá brought criminal defamation charges against Natera and *Correo del Caroní* in July 2013. On 11 March 2016, Natera was sentenced by the Sixth Criminal Trial Court of the State of Bolívar on charges of criminal defamation under Articles 442 and 444 (in relation to Article 99) of the Penal Code. He remained free pending appeal but was reportedly banned from leaving the country and is obliged to report to the court every 30 days until the conviction comes into effect. *Correo del Caroní* reportedly also faces civil penalties that could result in the confiscation of its offices and its printing press. Later that month, Natera lodged an appeal based on alleged irregularities in his trial, including the fact that the case should have been dropped on various grounds under Venezuelan law, Natera was not allowed to present evidence and the trial was not filmed despite this being mandated by law. The appeal was heard by a court in Ciudad Bolívar 30 June 2016. **[Stop press:** On 18 July, Natera was informed that his appeal had been rejected. He still has the option of taking his appeal to the Supreme Court (Tribunal Supremo de Justicia - Sala de Casación Penal).] **Background:** In July and September 2013, *Correo del Caroní* published a series of reports about corruption in the Venezuelan state mining company CVG Ferrominera Orinoco. The investigation reportedly disclosed a blackmail case in which a military officer from the Counterintelligence Bureau (Dirección General de Contra Inteligencia Militar – DIM) extorted senior management officials and contractors of the mining company in exchange for not revealing their corrupt actions. Following an official investigation into these allegations, the military officer was arrested and the mining company president was dismissed, as were three company managers, who were also given prison sentences. The contractor Yamal Mustafá was also indicted; shortly before he was arrested in July 2013 he filed a criminal defamation complaint against Natera and *Correo del Caroní*. Mustafá served about three years in pre-trial detention on charges of embezzlement in relation to the case. He reportedly denied the charges against him and was released in December 2015 after the case was dropped. The CVG Ferrominera Orinoco corruption case was also investigated by the attorney's general office and military intelligence. **Other information:** *Correo del Caroní*

is known for its critical reporting, in particular about the government. It has reportedly been facing difficulties for several years, including the severe newsprint shortages affecting all publications in Venezuela, loss of advertising revenue – reportedly due to being denied state advertising and government pressure on private companies not to place advertisements in the newspaper –, bribing of newsstand owners not to sell the paper and the threat of seizure of its headquarters. Under Venezuelan law, conviction for criminal defamation carries up to five years in prison, one of the most severe sentences for defamation in the Americas. Under President Nicolás Maduro, defamation laws have been used to counter government critics, according to research by the Committee to Protect Journalists. Yamal Mustafá reportedly owns the pro-government newspaper *Primica* in Ciudad Guayana, Bolívar state.

#### On trial

**Miguel Enrique OTERO, profession:** editor of *El Nacional*

**Teodoro PETKOFF MALEC, profession:** editor of *Tal Cual*

**Alberto Federico RAVELL, profession:** owner of *La Patilla*

**Details of trial:** According to news reports, the journalists are facing charges connected to a defamation lawsuit filed by the president of the National Assembly, Diosdado Cabello, on 23 April 2015. The lawsuit came after the three news outlets reproduced a report published by the Spanish newspaper *ABC* in January 2015 which was based on statements given to the US Justice Department by Leamsy Salazar, a former close collaborator of Cabello's. The information, attested to by *ABC*'s editors, declared that Cabello was one of the heads of the Soles drug cartel that engages in cocaine trafficking in Venezuela. On 12 May 2015, Judge María Eugenia Núñez issued a restriction preventing Otero, Petkoff and Ravell – along with 19 other media executives and representatives involved in the lawsuit – from leaving the country. Otero and others are reportedly required to report to the court once a week. According to reports, on 13 August 2015 the courts imposed a heavy fine on *La Patilla*. On 4 October 2015, Otero reported that there was an arrest warrant against him and that he would be taken to prison if he returned to Venezuela. On 6 October 2015, a tribunal is reported to have given an order for the Integrated Police Information System (Sistema Integrado de Información Policial - SIPOL) to use public force to arrest the editors of *El Nacional* and *La Patilla*. Two days later, the Scientific, Penal and Criminalistic Investigations Corp (Cuerpo de Investigaciones Científicas, Penales y Criminalísticas - CICPC) visited the offices of the two news outlets looking for Otero and Ravell. CICPC also reportedly went to the offices of *Tal Cual* looking for board member Francisco Layrisse. In the case of Petkoff the authorities will reportedly not use force due to his delicate health situation. It was unclear whether the journalists were detained. On 9 November 2015, the Inter-American Commission on Human Rights granted precautionary measures to the three journalists, calling on the Venezuelan state to prevent irreparable harm to them in connection with their pending cases and 'to ensure [their] legitimate exercise of freedom of expression.' No further information as of 30 June 2016. **Background:** The Inter-American Press Association have criticised the lawsuit owing to the fact that it violates the principles established by the Inter-American Court of Human Rights, which ruled that the media cannot be held responsible for faithfully publishing information that was originally disseminated by other media.

#### Attacked

**\*Deivis RAMÍREZ**

**Profession:** journalist for the newspaper *El Universal* **Date of attack:** 2 June 2016 **Details of harassment:** According to news reports, Ramírez' mobile phone was confiscated by the head of the government of the Capital District, Daniel Aponte, while the journalist was interviewing people at street protests against food shortage in Caracas. Ramírez was reportedly forcefully removed from the protests. **Background:** According to the freedom of expression organisation Espacio Público, 19 journalists and photographers from media outlets such as *Vivo Play, El Universal, El Pitazo, 2001, El Nacional, Crónica Uno, NTN24* and *Caroata Digital* were attacked or had equipment stolen by the National Guard.

Harassed

**\*Nelson BOCARANDA**

**Profession:** editor of the website runrun.es **Date of harassment:** 6 May 2016 **Details of harassment:** According to news reports, Bocaranda's Twitter account was hacked and messages aiming to discredit and intimidate him were published. The messages were critical of the government and linked Bocaranda to the CIA. On 7 May, he reportedly managed to recover his Twitter account. **Other information:** According to the freedom of expression organisation IPYS Venezuela, there had been several recent cyber-attacks against writers and journalists aimed at smearing them and aligning them with opponents of the government.

**\*Mariana DUQUE (f)**

**Profession:** journalist for the newspaper *El Pitazo* **Date of harassment:** 31 March 2016 **Details of harassment:** According to news reports, Duque was verbally attacked at a press conference by the governor of Táchira state, José Gregorio Vielma Mora. The governor was reading out an article in which Duque had covered a press conference held by police officers of Táchira following the death of two policemen in a student protest two days earlier. He then reportedly started to insult the journalist, calling her 'liar', said she should 'study' and 'get educated', accused her of being paid by the opposition and accused the media of inciting violence instead of rejecting it. Duque reportedly asked the public prosecutor's office for security measures after she received a series of accusations via Twitter related to her report. **Background:** In Duque's article entitled 'Police officials of Táchira denounce bad working conditions - civil servants fear reprisals by governor following denouncements' she covers a discussion of police officials about alleged irregularities within the police institution, including low salaries, long working hours and insufficient training, claiming that one of the officers who was killed had not been trained to police protests.

**\*Pedro Luis MONTILLA**

**Profession:** blogger **Date of harassment:** 18 March 2016 **Details of harassment:** According to news reports, Montilla was detained for three hours by the Bolivarian Intelligence Service (Servicio Bolivariano de Inteligencia (SEBIN) in Barquisimeto, Lara state, for publishing false information. He was reportedly arrested at his home, his computer was confiscated and he was then brought to the SEBIN offices, where he made to complete a questionnaire. **Background:** Montilla had reportedly published information about the death of 28 miners in the city of Tumeremo on his personal blog and had allegedly linked SEBIN and the Body of Scientific, Penal and Criminalistic Research (Cuerpo de Investigaciones Científicas, Penales y Criminalísticas - CICPC) to the case. **Other information:** Montilla also works as a journalist for an opinion programme at the radio station Fe y Alegría. According to news reports, he

has Asperger's syndrome and was in a nervous state after the detention.

### Released

#### **Inés Margarita GONZÁLEZ ÁRRAGA (f):**

**Profession:** chemistry specialist at Ohio University **Sentence:** three years in prison **Date of arrest:** 4 October 2014 **Date of release:** 3 November 2015 **Details of arrest:** González was reportedly arrested after presenting herself to the public prosecutor's office following a subpoena in connection with comments she made on her Twitter account (@inesitaterrible) criticising Robert Serra, a young Congressman murdered on 1 October 2014. After being detained for a month, Gonzales received a release form but was not released. **Details of release:** PEN has now learned that in November 2015, it was reported that the Ombudsman (Defensoría del Pueblo) had ordered González' release on humanitarian grounds, to allow her to receive medical treatment. She was released on 17 November 2015 and since then has been active on Twitter. **Place of detention:** Helicoide, the Caracas headquarters of the Bolivarian Intelligence Service (Servicio Bolivariano de Inteligencia – SEBIN). **Details of trial:** She was charged with 'public instigation', to which she reportedly pled guilty, and on 24 February 2015 she was sentenced to three years in jail. **Conditions of detention:** 25 May 2015 reports state that during a transfer to the military hospital, six SEBIN officers allegedly woke her up violently and beat her. Her sister (@malion2003) tweeted that on 26 July 2015 she still had bruises on her arms. **Health concerns:** Gonzales is reported to suffer from endometriosis, a gynaecological illness that causes pain during menstruation and urination. Between May and September 2015, the court mandated that Gonzales be transferred to the military hospital on five separate occasions (most recently on 3 September 2015) for medical examinations and surgery in relation to her medical condition. The military hospital refused to comply with the court's order to remit the results of medical examinations. **Background:** The offending tweets, which González made in the days following Congressman Serra's death, include the following: 'Tyrants get killed, it's not hatred, it's justice. Robert Serra was not innocent like our glorious students, you can't compare.' ('A los tiranos se les da de baja, no es odio, es justicia. Robert Serra no era inocente como nuestros gloriosos estudiantes, no comparen') (1 October 2014) and 'Robert Serra was not a human being, he was a criminal who commanded terror units and armed children' ('Robert Serra no era un ser humano, era un criminal que comandaba colectivos del terror y armaba niños') (3 October 2014). González' comments appear to make reference to allegations that the late congressman had links to pro-government paramilitary groups known as *colectivos*, and, in particular, to a 23 January 2011 public event apparently linked to a *colectivo* that featured children holding rifles with their faces covered. Several conspiracy theories surround Serra's murder and President Nicolás Maduro has publically accused former Colombian president Álvaro Uribe of masterminding the killing. **Other information:** González' Twitter biography makes her opposition to the Maduro government clear: "Agitator by trade in the process of accumulating forces. Dissident of the regime of Toripollo Genocide. Chávez I swear to you, we shall overthrow Maduro."

## ASIA AND THE PACIFIC

### AFGHANISTAN

Killed: impunity

#### **Sushmita BANERJEE (f):**

**Profession:** author of the best-selling memoir *A Kabuliwala's Bengali Wife* **Date of death:** 5 September 2013 **Details of death:** According to reports, armed men broke into her home and tied up her husband before kidnapping and shooting her at least 20 times. Banerjee's body was left outside a *madrassa* (religious school) on the outskirts of Sharan City, Paktika province. **Details of investigation:** On 9 September 2013, local police officials reportedly arrested two men – initially said to be armed militants connected to the [Haqqani Network](#), an affiliate of the Taliban which has connections to Pakistan – in connection with her murder. According to press [reports](#), the suspects confessed to Banerjee's murder. Local villagers reportedly led the police to the men, who were said to have been found with weapons, including explosives. Four men arrested on 11 September reportedly indicated that the plan was orchestrated in Pakistan by three Pakistan Taliban militants working with a local commander of the Afghan Taliban in Paktika. According to the [BBC](#), the Afghan Taliban has denied responsibility for the attack. Banerjee was reportedly targeted by the group because of her critical writings of the Taliban in her memoir and for installing an Internet connection in her house. Banerjee had recently returned to Afghanistan to live with her husband and run a midwifery clinic. She had reportedly been filming the lives of local women as part of her work prior to her death, and was writing a second book. Despite the recent arrests, on 15 September 2013 news [reports](#) indicated that a splinter Taliban group – known as the Suicide Group of the Islamic Movement of Afghanistan – had admitted responsibility for Banerjee's murder via a Western news website, claiming they had killed her because she was an Indian spy. No further information as of 30 June 2016. **PEN Action:** [RAN 30/13](#)

#### **Yama BEHROZ:**

**Profession:** recent graduate and freelance journalist with a local media organization **Date of death:** 18 September 2015 **Details of death:** Behroz was killed in Faizabad when, according to reports, an Improvised Explosive Device (IED) exploded at his doorstep. Some of the reports suggested that the IED was planted at his door and he was then called and asked to come out of the house. No further information as of 30 June 2016. **PEN position:** PEN is continuing to investigate whether Behroz is a print or broadcast journalist.

### AUSTRALIA

Harassed

#### **\*Paul FARRELL:**

**Profession:** journalist for *Guardian Australia* **Date of harassment:** February 2016 **Details of harassment:** In February 2016, Farrell is reported to have learned that the Australian Federal Police (AFP) had created a 200-page file on him by going through Farrell's metadata while attempting to identify his confidential sources. He also discovered that the AFP had sought his email records. **Background:** Farrell has written several reports on Australia's asylum seeker policies. The [International Federation of Journalists](#) and its affiliates have reported that the Australian government have sought to restrict the media's access to its detention centres, both national and off-shore. Australia's metadata retention laws and the Journalist Information Warrants reportedly allow journalists' telecommunications data to be secretly accessed by at least 21 government agencies with neither the journalist nor their employer's knowledge.

## AUSTRALIA/PAPUA NEW GUINEA

Harrassed: main case

### **Behrouz BOOCHANI:**

**Profession:** journalist and human rights advocate **Date of detention:** 27 August 2013 **Details of detention:** Boochani, an Iranian national, was reportedly rescued at sea by the Australian navy, whom he asked for asylum. Due to Australia's offshore processing policies, Boochani was reportedly taken to Manus Island Regional Processing Centre at Lombrum, Papua New Guinea (PNG). **Conditions of detention:** According to PEN's information, Boochani has faced harassment for reporting to the Australian media and other organisations on conditions inside the detention centre and human rights abuses alleged to be taking place there. He reports being the target of beatings as a direct result of his reporting. **Current place of detention:** Boochani was initially held in an immigration detention centre, Manus Island, Papua New Guinea. However, according to reports, he was transferred to the East Lorengau refugee transit centre in February 2015. **Update:** In April 2016, the PNG authorities accorded Boochani with refugee status even though he had refused to formally seek asylum there. Boochani remains adamant that his asylum request be processed by the Australian authorities. Despite being nominally free to move about the island, Boochani reports that he still faces considerable restrictions in his movement; the only way out of the processing centre is by an arranged bus ride to the main town of Lorengau—access to the centre is out of bounds since it is on a naval base. Refugees are body-searched when they leave and return. Boochani reports feeling unsafe on the island, but at the same time, unable to leave as he does not possess any travel documents. **Background:** According to PEN's information, in his native Iran, Boochani worked as a journalist for several newspapers, including national dailies *Qanoon*, *Kasbokar* and *Etemad*, and the Kurdish-language monthly magazine *Varia*. Due to his focus on business and politics, Boochani was subject to constant surveillance by the Iranian authorities. In 2013, he was reportedly arrested, interrogated and threatened by the Iranian Intelligence Services. Fearing that he would be imprisoned, he fled Iran on 13 May 2013. Since his detention, Boochani has been documenting human rights violations, which he passes on to the Humanitarian Research Partners (HRP), who in turn pass the information on to the United Nations and its relevant agencies. Boochani has continued to write for several publications while in detention, and has published the first instalment of his book documenting his experiences in detention. **Honorary Member:** PEN Melbourne, Norwegian PEN **PEN Action:** 2015 World Human Rights Day, Joint open letter to the Australian authorities. **PEN Position:** PEN considers that, in effect, Boochani is marooned on Manus Island and his future is on hold indefinitely. His indefinite state of limbo has compounded his trauma, and amounts to cruel, inhuman or degrading treatment which is prohibited under international law, as affirmed in the [United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), to which Australia is a state party. The organisation is continuing to call for him to be allowed to enter Australia to seek asylum there. [**Stop Press:** In November 2016, the Australian government announced that a [one-off agreement](#) had been reached with the US authorities for refugees held in Regional Processing Centres in Papua New Guinea and Nauru who are recommended by the UNHCR for resettle. The full details of the agreement have not been revealed and could be changed by the incoming US administration. It is not yet clear if Behrouz Boochani will benefit from this agreement.]

## BANGLADESH

Killed – motive unknown

### **\*Nazimuddin SAMAD:**

**Profession:** law student **Date of death:** 6 April 2016 **Details of killing:** Samad (28) was reportedly attacked with machetes at a busy intersection by three – as yet unidentified – assailants, who shot

him before fleeing the scene on a motorcycle. No group immediately claimed responsibility for the attack. **Details of investigation:** The authorities have opened up an investigation and are reported to believe that his assailants had been monitoring him for some time. Police are reported to suspect that he was targeted for his outspoken stance on religion and his involvement in the protest movement, Gano Jagoron Mancha (roughly translating to National Awakening Stage). On 7 April, Bangladesh's Home Minister is reported to have stated that Samad's writings would need to be scrutinised in order to ascertain whether he had written anything objectionable. Ansar al-Islam – a Bangladesh branch of al-Qaeda – reportedly claimed responsibility for the murder, however, police are reported to have blamed the Ansarullah Bangla Team (ABT). **Background:** Samad had recently moved to Dhaka from his hometown of Sylhet to take up his masters at Jagannath University. He had regularly written against religion on his [Facebook page](#) and was critical of radical Islamists, according to reports. According to the *Dhaka Tribune*, Samad had expressed concerns over the country's law and order in a Facebook post the day before his death. **PEN Action:** [7 April 2016 statement](#)

**\*Xulhaz MANNAN:**

**Profession:** editor of Bangladesh's only LGBT magazine *Roopbaan* and leading gay rights activist **Date of death:** 25 April 2016 **Details of death:** Mannan was killed alongside another victim, when unidentified attackers came to their apartment in Dhaka earlier that day posing as couriers. **Details of investigation:** On 15 May 2016, it was reported that a man thought to be connected with the banned Islamic group Harkatul Jihad had been identified as a suspect. Police said the man had admitted to being involved in the attack. No further information as of 30 June 2016. **Background:** According to reports, four LGBT activists were arrested on 14 April, and Mannan was instrumental in ensuring their release. **PEN Action:** [25 April 2016 statement](#)

**\*Rezaul Karim SIDDIQUE:**

**Profession:** university professor **Date of death:** 23 April 2016 **Details of death:** Unknown assailants with machetes are reported to have attacked the English professor as he walked to the bus station from his home in Rajshahi, on his way to the city's public university where he taught. **Details of investigation:** Islamic State claimed responsibility for the attack, according to news reports. **Background:** Siddique was reportedly involved in cultural programmes and set up a music school at Bagmara, a former bastion of an outlawed Islamist group, Jamayetul Mujahideen Bangladesh (JMB). According to reports, Siddique wrote poems and short stories, as well as leading a cultural group called Komol Gandhar and edited a literary magazine with the same name. **PEN Action:** [23 April 2016 statement](#) [Stop press: According to November 2016 reports, eight people have been charged in connection with Siddique's murder.]

Killed: impunity

**Niloy CHAKRABARTI (also known as Niloy Neel):**

**Profession:** blogger **Date of Death:** 7 August 2015 **Details of killing:** Chakrabarti was reportedly attacked at his home in Gorhan, Dhaka by five unknown assailants wielding machetes. The men reportedly gained entry to his home after pretending to be potential new tenants. His name had recently appeared in a hit list alongside 83 other secular bloggers described as anti-Islamic and blasphemous, three others of whom have also been killed this year. **Details of investigation:** On 14 August 2015 police arrested two suspects, both of them members of the Islamist group Ansarullah Bangla Team. No further information as of 30 June 2016. **Background:** Chakrabarti contributed to several blogging platforms writing against extremism, as well as on women's and minority rights. He is known as having some involvement with the Ganajagaran Mancha movement. He is also reported to be a founding member of the Science and Rationalist Council. In addition, Chakrabarti worked for an NGO in north-western Bangladesh. **Other information:** Chakrabarti was reported to have faced harassment and numerous threats in connection with his writings and activism in months prior to his death. On 25 May 2015, he posted on Facebook that he was followed home after attending a

demonstration in Dhaka protesting **Bijoy Dash's** (see 'Killed' below) death. According to one news report, he had recently removed all his photographs from his Facebook account and changed his current location to Calcutta owing to the threats. **PEN Action:** [7 August 2015 statement](#).

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

**Profession:** award-winning writer, editor of quarterly magazine *Jukti* and blogger **Date of death:** 12 May 2015 **Details of death:** Dash was hacked to death by a masked gang wielding machetes on his way to work in a bank, in the city of Sylhet. **Details of investigation:** On 18 August 2015, three members of Ansarullah Bangla Team, including a British citizen of Bangladeshi origin, were arrested by security forces in connection with the killings of Ananta Bijoy Dash and **Avijit Roy** (see below). On 28 August 2015, one of the arrested, Mannan Yahia, confessed his involvement in Dash's murder. On 10 September 2015 three more, including the head of the Ansarullah Bangla Team, Mohammad Abul Bashar, were arrested in connection with both bloggers' murders. Bashar is reportedly thought to be the mastermind of the bloggers' killing. **Update:** On 12 May 2016, Police confirmed that they were still looking for three men involved in the murder. **Background:** His writings focused on rationalism, atheism and science, with a particular emphasis on biological evolution. He also wrote blog posts that criticised some aspects of Islam as well as of Hinduism, and wrote a poem eulogising the renowned Bangladeshi secular writer Taslima Nasreen, who fled to Europe in 1994 after being threatened by Islamist extremists. **Other information:** Bijoy Dash appeared in two assassination lists compiled by the extremist Islamist group Ansarullah Bangla Team in February 2013 and March 2015. After the murder of blogger Avijit Roy, Bijoy Dash had been in hiding and was seeking protection. He had been accepted for placement by the International Cities of Refuge Network (ICORN), and in early April 2015 he was invited by Swedish PEN to give a talk in Stockholm. On 22 April, the Swedish embassy in Dhaka refused his visa application. **Awards:** Mukto-mona Rationalist Award in 2006. **PEN Action:** [12 May 2015 statement and RAN 08/15, Swedish PEN statement; joint letter 22 May 2015](#)

**Faisal Abedin DEEPAN:**

**Profession:** publisher at Jagriti Prokashoni publishing house **Date of death:** 31 October 2015 **Details of death:** Deepan was found dead in his office in Dhaka on 31 October 2015. According to reports, he had been hacked to death by a group of men who then fled. **Details of investigation:** As of 30 June 2016, no one had been arrested for Deepan's murder. **Background:** Earlier on the same day, publisher **Ahmed Rahim 'Tutul' Chowdhury** and writers **Ranadeep Basu** and **Tareque Rahim** (see 'Attacked' below) were attacked in the offices of Shuddhashar publishing house in Dhaka. Both Deepan and Tutul's publishing houses had published books by Bangladeshi-American writer and blogger **Avijit Roy** (see 'Killed' below), who was hacked to death in February. Deepan's company published *The Virus of Faith*, by Roy. The local Islamist group Ansarullah Bangla Team had claimed responsibility for Roy's killing, alongside the killings of three other bloggers in 2015, and threatened to kill more bloggers. Deepan had filed a complaint with police after being threatened with death in a posting on Facebook following the attack on Roy, his friends said. **PEN Action:** [1 November 2015 statement](#)

**Washiqur RAHMAN (aka Kutshit Hasher Chhana):**

**Profession:** blogger **Date of death:** 30 March 2015 **Details of death:** Rahman was hacked to death close to his home, reportedly by three men. **Details of investigation:** Five men (an organizer of Ansarullah Bangla Team and four supporters) were charged with Rahman's murder by Bangladeshi police on 1 September 2015. No further information as of 30 June 2016. **Background:** According to local reports, Rahman was known for his atheistic views and he used to write against religious fundamentalism and repression of ethnic minorities. He also worked as an IT manager at a travel agency. **PEN Action:** [30 March 2015 statement](#)

**Avijit ROY:**

**Profession:** writer and blogger, founder and administrator of the blog mukto-mona.com **Date of**

**birth:** 12 September 1972 **Date of death:** 26 February 2015 **Details of death:** Roy and his wife had just left a book fair near University of Dhaka when they were attacked by a group of men with machetes. Roy received a mortal blow to the head, while his wife's fingers were severely injured. **Details of investigation:** The Islamist group Ansar al Islam claimed responsibility for Roy's murder in a series of messages on its Twitter account. On 18 August 2015 three members of Ansarullah Bangla Team were arrested by security forces in connection with Roy's murder, as well as that of **Ananta Bijoy Dash** (see above). On 10 September 2015 three more, including the head of the Ansarullah Bangla Team Mohammad Abul Bashar, were arrested in connection with both bloggers' murders. Bashar is reported to be considered the mastermind of the bloggers' killing. **Update:** On 19 June 2016, police reportedly shot dead a man considered the main suspect in Roy's murder. **Background:** Roy founded and administered a popular blog called *Mukto-mona* (Free mind) which encouraged free thinking, humanism and rationalism. **PEN Action:** [27 February 2015 statement](#)

Imprisoned: main case

**Salah Uddin Shoab CHAUDHURY:**

**Profession:** editor of the tabloid *Weekly Blitz* **Sentence:** seven years in prison with hard labour **Date of arrest:** 9 January 2014 **Details of trial:** Choudhury had written articles about alleged anti-Israeli attitudes in Muslim countries and the spread of Islamist militancy in Bangladesh. Choudhury was eventually convicted of harming the country's interests under Section 505(A) of the Bangladeshi Penal Code for 'intentionally writing distorting and damaging materials' on 9 January 2014 and immediately imprisoned. He was acquitted of a sedition charge. Choudhury's family said they would appeal the decision in the High Court. No further information as of 30 June 2016. **Background:** Choudhury was previously arrested in November 2003 after he tried to travel to Israel to participate in a conference with the Hebrew Writers Association. Bangladesh has no diplomatic relations with Israel, and it is illegal for Bangladeshi citizens to travel there. Choudhury was released on bail in 2005 after spending 17 months in solitary confinement (see Case Lists of 2004 and 2005). First charged with passport violations, charges which were dropped in 2004, he was later charged with sedition and other charges in connection with his articles. **PEN Action:** RAN 23/04 and updates **Honorary member:** English PEN, PEN USA

Detained: main case

**\*Shamsuzzoha MANIK:**

**Profession:** translator and publisher **Date of arrest:** 15 February 2016 **Details of arrest:** Manik was reportedly arrested after a religious extremist group known as Khelefat Andolon (Caliphate Movement) warned of violent protests over one of his books, which they deemed to be offensive. The police shut down Manik's stall at the Ekushey Book Fair before arresting him at his offices and seizing copies of the offensive title, along with his computer, USB drives and mobile telephone. **Current place of detention:** Dhaka jail **Details of trial:** Manik was reportedly charged with hurting religious sentiments under Section 57 (2) of the 2013 Information and Communications Technology Act, which criminalizes publishing or transmitting material that is 'fake and obscene', tends to deprave and corrupt persons' or causes to 'prejudice the image of the State'. Manik was produced before a Dhaka court on 16 February 2016. The court granted a five-day remand to Manik. He remained detained as of 30 October 2016. **Background:** Manik is the owner of the publishing firm Ba-dwip Prokashoni. The offending book, entitled *Islam Bitorko (Islam Debate)*, is reported to include a controversial chapter on sex, entitled 'Muslim Manosher Jouna Bikriti' ('Sexual perversion of the Muslim mind'), which was deemed offensive. Manik is reported to be the book's translator and publisher. Two others are also reported to have been arrested. They are: Fakir Taslim Uddin Kajal, an employee at the publishing house, and Samsul Alam Chanchal, Manik's brother and a writer. PEN International is seeking further information on their situation to determine if they are of concern to PEN.

## On trial

### **\*Mahfuz ANAM:**

**Profession:** editor of the *Daily Star* **Details of trial:** Anam [reportedly](#) faces over 79 legal complaints - 62 counts of defamation and 17 counts of sedition. Under the Bangladeshi legal system defamation carries a possible two-year prison sentence, while sedition is punishable by up to three years in prison. As such, Anam faces a possible cumulative sentence of 175 years in prison. The plaintiffs are reported to be seeking more than one trillion taka (15 billion euros) in damages. **Background:** Reports indicate that the barrage of lawsuits, filed across the country since 14 February, come in response to Anam's 3 February 2016 admission on a TV chat show that he had made a mistake by running [corruption stories](#) between 2007 and 2008, based on uncorroborated information provided by the country's military intelligence agency, the DGFI. Petitioners reportedly argued that the articles paved the way for the incumbent Prime Minister Sheikh Hasina's arrest in July 2007. Under the Bangladeshi legal system, an offence of criminal defamation is punishable by up to two years in prison and/or a fine. **PEN Position:** PEN International [holds that](#) criminal defamation laws are pernicious and widely used by those in positions of power to silence critics. Such laws – and the disproportionate penalties that they introduce – have a chilling effect on writers and journalists who uncover corruption, malfeasance and abuse of power and who are conscious of the possibility of serving lengthy prison sentences and the possibility of being left with a criminal record. The result is the stifling of reporting and public debate and difficulty in holding power to account. PEN calls on the Bangladeshi authorities to repeal its criminal defamation legislation. **PEN Action:** [17 February 2016 statement](#); Case included in PEN's [written submission](#) to the UN Human Rights Council

### **Nasiruddin ELAN and Adilur Rahman KHAN:**

**Profession:** director and secretary of leading Bangladeshi human rights group Odhikar **Date of arrest:** Khan was arrested on 10 August 2013; Elan was arrested on 6 November 2013. **Date of release:** Khan was released on bail on 30 October 2013; Elan was released on bail on 1 December 2013 **Details of arrest:** A day after his arrest, Khan was remanded for five days for interrogation. On 12 August 2013, the High Court of Bangladesh ordered him to be sent to jail. Police reportedly raided the Odhikar offices and confiscated computers and other materials. Elan was arrested on 6 November 2013 when a judge refused him bail. **Details of trial:** The case is linked to a fact-finding report issued by Odhikar on the killing of 61 people during an operation carried out by security forces against Hefazat-e-Islam activists during mass demonstrations in Dhaka in May 2013. Both were charged on 4 September 2013 with distorting information, presenting false evidence and manipulating photographs under Section 54 of the Code of Criminal Procedure, Section 57 of the Information and Communications Technology Act (which criminalizes publishing or transmitting material that is 'fake and obscene', tends to deprave and corrupt persons' or causes to 'prejudice the image of the State') and Sections 505 and 505(A) of the Bangladesh Penal Code. The court applied September amendments to the ICT Act retroactively in their case, raising unfair trial concerns. The pair reportedly face a minimum of seven years and maximum of 14 years in prison. On 8 January 2014, a cyber-crimes tribunal reportedly rejected their plea to dismiss the charges and ordered that their trial commence on 22 January 2014. The High Court stayed proceedings for three months on 21 January 2014. In August 2015, the Bangladeshi police issued a statement declaring that the work carried out by Adilur Rahman Khan's organisation was 'synonymous to defamation and a criminal act'. There is no further information as of 30 June 2016. **Other information:** The UN Working Group on Arbitrary Detentions (WGAD) ruled in December 2013 ruled that Khan's detention resulted 'directly from his peaceful exercise of the right to freedom of expression' and therefore in contradiction to the UDHR and ICCPR provisions protecting liberty and freedom of expression. The WGAD requested that Bangladesh immediately release Mr. Khan and 'discontinue the criminal proceedings against him.' Khan was reportedly followed by two men on motorcycles in February 2014. He and his family are reported to face continued harassment. On 8 August 2015, Adilur Rahman Khan reportedly received serious death threats. In May 2016, Khan was questioned by the Anti-Corruption Commission of Bangladesh

over an allegation of involvement with the human rights organisation Odhikar in money laundering, as a part of an investigation opened in 2013 (see 'Harassed' below). **Awards:** Khan received the 2014 Robert F. Kennedy Human Rights Award and the 2014 International Bar Association (IBA) Human Rights Award.

**Mohon Kumar MONDAL:**

**Profession:** director of the local NGO LEDARS **Date of the arrest:** 26 September 2015 **Date of release:** 29 November 2015 **Details of arrest:** Mondal was arrested on 26 September 2015 for making 'derogatory' comments on Facebook criticising Saudi Arabia's security arrangements during the Hajj. Mondal had removed the post from Facebook a short time before his arrest. **Details of trial:** Mondal was arrested after the President of the Upazila (regional unit of Awami League, the governing political party in Bangladesh) filed a case against him under Section 57 of the Information and Communications Technology Act. He was charged with damaging the religious sentiment of Muslims. Mondal denies writing the Facebook post. He was released on bail on 29 November 2015. He was reinstated in his job after having been fired. As of May 2016, he remained on trial. **Other information:** In the Facebook post, Mondal criticised Saudi Arabia's security measures at Mina, Mecca during the Hajj, and their negligence in dumping the dead bodies after the stampede on 24 September 2014. He also questioned the rationality of throwing stones at devils during the Muslim ritual suggesting that 'such devils were roaming everywhere.' **Background:** On 24 September 2015, during the annual Hajj Muslim pilgrimage to Mecca, Saudi Arabia, at least 2,177 people died in a crowd collapse. **PEN Action:** Case included in PEN's [written submission](#) to the UN Human Rights Council.

**Matiur RAHMAN:**

**Profession:** editor of *Prothom Alo* **Details of trial:** 55 cases of defamation and 'hurting religious sentiments' have reportedly been filed against Rahman, along with the newspaper itself and some of its journalists. Rahman has been granted bail in many of the cases. **Background:** The charges appear to stem from a series of articles which the *Prothom Alo* ran on alleged irregularities in purchases by a local government office, as well as for running a cartoon published in the magazine *Alpin* in 2007 which some people have felt was disrespectful to the Prophet Muhammad (see previous [Case List](#) for more information). The cases are thought to be part of a wider pattern of harassment of independent newspapers in Bangladesh, who have not shown support for the country's prime minister. *Prothom Alo* is Bangladesh's highest circulation Bengali-language daily newspaper, and it is the sister of the *Daily Star* newspaper. Both *Prothom Alo* and the *Daily Star* are reported to have faced government retaliation for their reporting, including a ban on advertising by large private companies. In addition, the editor of the *Daily Star*, **Mahfuz Anam**, is currently facing over 70 cases of defamation and sedition filed against him since February 2016 (see 'On Trial' above).

**Rabiullah ROBI:**

**Profession:** editor for the *Daily Inqilab* **Date of arrest:** 19 August 2014 **Date of release:** March 2015 **Details of arrest:** Robi was arrested after the newspaper's office in Dhaka was raided by the police, under the Information and Communications Technology Act as a result of an article published on 18 August 2014 in the daily. The article reportedly 'hurt religious sentiment' and created disorder within the administration. The case against Robi was filed by an acting Assistant Inspector General who was mentioned in the article and who allegedly abused his authority by using the Prime Minister's name. On 24 September 2014, Robi's defence petitioned for the editor to be released on bail, but a court in Dhaka rejected the request. **Details of release:** According to March 2015 reports by Civicus, Robi was released on bail and his case is still ongoing. **Details of trial:** News [reports](#) on 7 February 2016 indicate that Robi, along with three other journalists with the paper were charged under Section 57(2) of the 2013 Information and Communications Technology (ICT) Act in December 2015 based on the complaint. They face a maximum sentence of 14 years' imprisonment if convicted. **Background:** On 16 January 2014, Robi was reportedly arrested along with two other journalists for the *Daily*

*Inqilab*. The trio were later charged with publishing ‘false and fabricated’ news in connection with a front-page report that claimed that forces from neighbouring India had assisted the Bangladeshi army in quelling violence in Bangladesh’s Satkhira district ahead of the January elections. They were released on bail in August 2014 (see [2014 Case List](#) for more information).

**Subrata Adhikari SHUVO, Mashiur Rahman BIPLOB, and Rasel PARVEZ:**

**Profession:** bloggers **Date of arrest:** 1 April 2013 **Date of release:** Shuvo and Parvez were released on bail on 12 May 2013, while Biplob was similarly released on 2 June 2013. **Details of trial:** They were charged on 8 September 2013 with ‘hurting religious sentiments’ under Section 57(2) of the Information and Communications Technology Act, for posting derogatory material about Islam and the Prophet Muhammad online and could face up to 14 years’ imprisonment under Bangladesh cyber-crime laws. The bloggers have reportedly criticized the authorities and the press for being partial towards Islamist views in an alleged secular country. Soon after their arrest, their blogs were shut down. Their trial started in November 2013. On February 16, 2014, the High Court of Bangladesh put the case on hold for three months and asked the government to explain why it should not be scrapped. In 2015, information suggested that Subrata Adhikari Shuvo had left the country. No further information as of 30 June 2016. **PEN Action:** [RAN 16/13](#) – 5 April 2013

**Probir SIKDAR:**

**Profession:** editor of *Daily Bangla 71* and online news portal u71news.com **Details of trial:** According to media reports, Sikdar was brought before a cyber tribunal on 25 May 2016, accused of defamation of a government minister in connection with a Facebook post. He was released on bail. **Background:** In August 2015, Sikdar was reportedly arrested and charged under the ICT Act in connection with a Facebook post. The charges were subsequently dropped in December 2015. In 2001 Sikdar lost his leg to an attack, allegedly carried out by Moosa bin Shamser’s men. Shamser is one of the three officials Sikdar accused in his Facebook post in August 2015. According to bdnews24.com, Sikdar had written on Shamser’s alleged role in the Liberation War when he was correspondent of *Daily Janakantha*. **[Stop press:** According to media reports, Sikdar was formally charged with defamation on 4 August 2016 with a hearing set for October.]

Judicial concern

**\*Shafik REHMAN:**

**Profession:** writer, journalist and political activist **Date of birth:** 11 November 1934 **Date of arrest:** 16 April 2016 **Details of arrest:** Rehman was reportedly arrested without a warrant on 16 April 2016, when three plainclothes police officers of the Detective Branch gained entry to his home in Ershad by pretending to be journalists. According to news sources, Rehman was informed that his arrest was in connection with a criminal case of conspiracy to kidnap and murder Sajeed Wazed Joy – son of Prime Minister Sheikh Hasina – filed in 2015. The case reportedly stemmed from statements made by Wazed, in which he claimed that a court case tried in the US was related to a Bangladesh Nationalist Party (BNP) plot to kidnap and kill him (see below for more details). Rehman’s name does not feature in either the General Diary or First Instance Report complaints, filed in April and August 2015 respectively, which discussed the alleged kidnap plot, according to reports. **Place of detention:** Kashempur Jail, area 4. Each of Rehman’s applications are reported to have been denied, as such he has been subject to repeated five-day remand periods. **Details of trial:** Rehman remained held without charge or trial at the end of June 2016. **Health concerns:** Rehman suffers from diabetes and high blood pressure, as well as hypertension, for which he is required to take medication. His health is reported to have deteriorated considerably over the course of his detention. **Background:** A dual British and Bangladeshi national, Rehman is an 81-year-old writer, editor and former speech-writer for former Prime Minister and BNP opposition leader, Khaleda Zia. A trained accountant, Rehman began his career as a journalist in the 1980s editing the weekly magazine *Jai Jai Din*, where he gained notoriety for his criticism of the government during General H M Ershad’s caretaker government. The

magazine was banned by the military regime, but later reopened, going on to become a daily newspaper in 2006. Rehman is also one of the original founders of [Spectrum Radio, based](#) in north London. In 2015 he reportedly published his book, *Mrittudondo: Deshe Bideshe, Juge Juge* – a critique of the death penalty. Rehman is also a popular BTV television show host. Rehman is now the editor of the popular Bengali monthly magazine *Mouchake Dhil* (roughly translating to *Provoking the Beehive*) while also serving as convener of the international affairs committee of the opposition BNP. **PEN Position:** PEN International believes that Shefik Rehman has been targeted for his political activities and not for his writing and thus the organisation's concern focuses around his right to a fair trial and to his conditions of detention, including his access to medical treatment. [**Stop press:** On 17 July 2016, the Supreme Court granted Rehman permission to appeal his detention. The Supreme Court ruled that he should be released on bail on 30 August 2016. He remains under investigation.]

#### Death threat

##### **Imran H. SARKER:**

**Profession:** blogger **Date of threat:** 24 April 2016 **Details of threat:** On 24 April 2016, Sarker commented on his Facebook page that he had received another death threat to his mobile phone from a UK number. The caller reportedly threatened, 'you will be killed'. There is no indication, as of 30 June 2016, of an investigation into the threat. **Background:** Sarker is one of the most popular bloggers in Bangladesh, with nearly a million followers on social media. He writes in favour of a secular and tolerant environment, and against religious fundamentalism and the current government of the country. Sarker has reportedly received several threats, including on 17 October 2015 when he received a death threat via his Facebook page (see previous [Case List](#) for more information).

#### Sentenced

##### **Muhammad Ruhul Amin KHANDAKER:**

**Profession:** Jahangirnagar University teacher **Sentence:** three years in prison and a fine of Tk 10,000, failure to pay would reportedly increase his prison term by another six months. **Details of trial:** On 18 August 2011 the High Court asked Khandaker to explain within two weeks why he should not be prosecuted for his 'derogatory comment' made in a Facebook post, where he wished the Prime Minister's death. When he failed to respond, the court sentenced him *in absentia* to six months in prison for contempt of court and ordered police to start a sedition case against him. On 7 August 2015, a Dhaka court reportedly sentenced Khandaker *in absentia* to three years in prison for sedition. **Other information:** Khandaker has been staying in Australia since 2009 on study leave. **Update:** On 11 January 2016 Khandaker was reportedly fired by Jahangirnagar University alongside his Assistant Professor Mufti Mahmud.

#### Case Closed

##### **Asif MOHIUDDIN:**

**Profession:** Prominent blogger, his Bengali-language blog *Almighty only in name, but impotent in reality*, is said to be one of the most popular blogs in Bangladesh. He writes about religious issues, freedom of expression, human rights and he also comments on news items. **Date of arrest:** 3 April 2013 and 29 July 2013 **Date of release:** 27 June 2013 and 7 August 2013 **Details of arrest:** Mohiuddin was arrested for writing an openly atheist blog, which has been suspended under order by the Bangladesh Telecommunication Regulatory Commission since 21 March 2013. **Details of trial:** He was accused of 'hurting religious sentiments', under Section 57(2) of the 2006 Information and Communications Technology Act, and could face up to 14 years in prison. On 27 June 2013, the court heard and accepted a petition for Mohiuddin's conditional release for one month on health grounds, but he returned to jail on 29 July when his application for permanent bail was refused. He was again released on 7 August 2013 when a further one month bail order was issued. He was charged on 8 September 2013 and his trial began on 6 November 2013. On 16 February 2014, the High Court of

Bangladesh put the case on hold for three months and asked the government to explain why it should not be scrapped. He remains free and arrived in Germany on a one-year scholarship in April 2014. According to Mohiuddin, he was successful in his application to put the case on hold for one year, due to expire in late 2015. No further information as of 30 June 2016. **Background:** Mohiuddin was stabbed while leaving his office in the Uttara district, Dhaka, on 14 January 2012. On the day of the attack, three unidentified men stabbed him several times before they fled. The authorities are said to be investigating the attack. PEN has no further information on the outcome of the investigation as of 30 June 2016. **PEN Action:** RAN 16/13 – 5 April 2013 **Case closed:** Mohiuddin is currently in Germany.

## CAMBODIA

*Cambodia's crackdown on dissent has intensified over the past year. Previously, attention focused on the political opposition – at least 11 opposition activists are now in prison, while the Cambodia National Rescue Party's (CNRP) leader remains in self-imposed exile following the issuance of an arrest warrant relating to criminal defamation charges. More recently, the government has begun casting its net wider – targeting students, intellectuals, academics and civil society activists with increasing regularity. In July 2015, National Assembly passed the Law on Associations and NGOs, which allows the authorities to arbitrarily deny NGO's registration and shut them down if they are seen to be partisan or to have undermined national unity, peace, national security, or Cambodian culture. The authorities have increasingly harassed and detained NGO representatives, particularly those working on land rights issues. Students and intellectuals have been arrested. According to the Cambodia Centre for Human Rights, 2016 to date has also seen an increase in the number of internet users being detained and criminally charged for comments they have made online.*

Killed: impunity

### **Taing TRY:**

**Profession:** investigative journalist for the *Vealntri* newspaper **Date of death:** 12 October 2014 **Details of death:** Try, aged 48, was gathering evidence of the smuggling of illegal luxury wood in the Tuol Punley hill in Pum Ksem Kang Krow village, Kratie region in north-east Cambodia. Try was reportedly shot to death outside his car. **Details of investigation:** On 15 October 2014 three people were arrested by the police and charged with Try's death. Two of them, the former chief of police in Mondolkiri's Sre Chhouk commune and a military police officer, were released in December 2014. These releases occurred just before witnesses to the killing were to be questioned and after police said that the third man arrested, a former soldier, had confessed to killing Try on his own. A local human rights group expressed concern at the releases. No further information as of 30 June 2016.

### **Suon CHAN:**

**Profession:** reporter for *Meakea Kampuchea* newspaper **Date of death:** 1 February 2014 **Details of death:** Chan, aged 44, was reportedly beaten to death outside his home in Peam Chhkork commune, Cholkiri district of central Kampong Chhnang province, by a group of fishermen. The assailants reportedly beat him repeatedly with sticks and stones, and attacked two relatives who came to his aid. Chan died on his way to hospital. **Details of investigation:** The police chief of Peam Chhkork commune told the *Phnom Penh Post* that preliminary investigations indicated that those involved in illegal fishing were likely related to the murder. However, Cholkiri district's police chief reportedly told Radio Free Asia that initial investigations indicated that Chan's murder was not related to his work as a journalist, stating that investigations had identified three suspects, but that no arrests had been made by June 2014. On 7 October 2014, the trial *in absentia* of six men charged with Chan's

murder opened at Kampong Chang provincial court. One of them was arrested on 14 October. On 23 October, seven journalists reportedly submitted a report to the police claiming that Chan's real murderers were four men not wanted by the police and that the six on trial had been framed by police. The police denied the journalists' allegations. On 12 November 2014, the six men were sentenced to 13 years in jail, five of them *in absentia*. On 2 March 2015, the Kampong Chhang Provincial Court rejected the appeal of the only assailant to be held in detention. During the same 2 March hearing, all six men were reportedly ordered to pay five million riel (approx. US\$1,245) in compensation to the victim's family. The other five were reported to be on the run as of 25 March 2015. No further information as of 30 June 2016. **Background:** Chan had recently reported on illegal fishing in Peam Chhkork commune, which had led to a police crackdown on activities.

#### Detained: investigation

##### **\*Um SAM AN:**

**Profession:** lawmaker for the Cambodia National Rescue Party (CNRP) **Date of arrest:** 11 April 2016 **Details of arrest:** According to news reports, Um Sam An was arrested in Siem Reap province, north-west Cambodia, shortly after he returned from an overseas trip. **Details of trial:** On 12 April 2016, the Phnom Penh Municipal Court placed Um Sam An under pre-trial detention on charges of incitement to commit a felony and incitement to cause discrimination. The charges stem from posts made on Facebook in which Um Sam An accused the ruling Cambodian People's Party (CPP) of failing to stop land encroachment by Viet Nam and stated that the government was using improper maps to demarcate the border between the two former colonies of France, according to news reports. Um Sam An reportedly stated that only French colonial maps of Cambodia's border with Viet Nam were valid according to the Constitution. The charges of incitement carry penalties of six months to two years in prison or one to three years in prison, respectively, in addition to a fine. As such, if convicted he could face up to five years in prison. Um Sam An's lawyer is reported to have argued that his arrest violates Article 80 of the Constitution, which provides National Assembly deputies with immunity from arrest or prosecution. However, justice officials have argued that his arrest is legal as it falls under the exception of *in flagrante delicto*, which allows for individuals to be prosecuted if caught red-handed committing a crime. On 12 April, the National Assembly reportedly held an extraordinary session in which it approved a motion to let the court continue its review of Um Sam An's case. The CNRP is reported to have boycotted the session. **Place of detention:** Prey Sar prison **Background:** Um Sam An is a lawmaker for Cambodia's opposition party.

#### Death threat

##### **\*Ouk TOUCH:**

**Profession:** journalist for *Kampuchea Development Newspaper* **Date of threat:** 10 April 2016 **Details of threat:** Ouk Touch reportedly filed a complaint against a local police officer on 11 April 2016, after the officer in question threatened to kill him if he published stories about malpractice. The police officer is reported to have brandished an AK-47 at Ouk Touch's home and warned him not to write articles against him. **Background:** the police officer is accused of firing at villagers' homes for fun while drunk. No villagers were harmed during the incident.

#### Harassment

##### **\*Det MENGKHEANG: (f)**

**Profession:** social media user **Date of harassment:** 25 January 2016 **Details of harassment:** Mengkheang was reportedly arrested and interrogated by police from the Interior Ministry's internal security department, in connection with a Facebook post. She was reportedly released after the authorities determined that her Facebook account had been hacked. **Background:** Mengkheang had reportedly been identified as the owner of the 'Kim Bopha' Facebook account, which posted an image to Facebook on 17 January that claimed Prime Minister Hun Sen died after being cursed in

2014; its caption read: 'The corpse of Hun Sen died at a hospital in Singapore by being cursed by the Khmer people in 2014.'

**\*Nuon VITYEATHIKA: (f)**

**Profession:** former graduate student and social media user **Date of harassment:** 31 January 2016

**Details of harassment:** A senior academic reportedly threatened to bring a defamation suit against Vityeathika, a former student at Khemarak University, who criticised various fees demanded by the university on Facebook. The threat was only lifted once she had retracted her comments and issued a full public apology. **Background:** The academic in question is reported to be part-owner of Khemarak University and its rector.

Judicial Harassment

**\*Chham CHHANY:**

**Profession:** social media user **Date of harassment:** (1) 22 January 2016 (2) 29 June 2016 **Details of harassment:** (1) On 22 January, the son of Prime Minister Hun Sen reportedly filed a criminal defamation complaint against Chhany with the National Police in relation to a Facebook post. (2) According to reports dated 1 July 2016, the Ministry for National Assembly-Senate Relations called for legal action against Chhany in a public statement published on 29 June 2016. Chhany is reported to have alleged in a Facebook post on 26 June 2016 that its leader was having an affair with an Education Ministry official. **Background:** Chhany, who is reported to have more than 250,000 Facebook followers, is thought to be living abroad. In a Facebook post, Chhany reportedly alleged that the Prime Minister's son and wife were involved in illegal logging. Members of the Prime Minister's family and inner circle were previously linked to illegal logging in the 2007 Global Witness report 'Cambodia's Family Trees: Illegal logging and the stripping of public assets.' Illegal logging is contributing to Cambodia's forests being chopped down at one of the fastest rates in the world.

Sentenced

**Yorm BOPHA (f):**

**Profession:** activist and protest song writer **Date of arrest:** 4 September 2012 **Sentence:** Three years in prison, reduced to two years on appeal. **Details of arrest:** Yorm Bopha has been actively involved in her community's struggle against forced evictions related to a land conflict at Boeng Kak Lake in Phnom Penh. **Date of release:** On 22 November 2013 a Supreme Court ruled to release Bopha on bail pending a re-hearing of her case by the Court of Appeal. **Details of trial:** On 27 December 2012, the Municipal Court in Cambodia's capital Phnom Penh convicted Yorm Bopha, 31, of 'intentional violence with aggravating circumstances', sentencing her to three years' imprisonment. She was accused of planning an assault on two men in August 2012. But during the trial witness testimonies were inconsistent, sometimes conflicting with each other and some witnesses admitted to being intoxicated when the alleged crime occurred. She is widely believed to be targeted for peacefully protesting forced evictions related to a land conflict in the Boeng Kak community. Her conviction was upheld on appeal in late June 2013, and the sentence was reduced to two years. Yorm Bopha was in jail between 4 September 2012 and 22 November 2013, leaving behind her young son and husband who is in ill health. Yorm Bopha writes protest lyrics to popular song tunes which are then chanted at demonstrations. While in prison, she was reportedly chronicling her experiences in prison in a diary. **Update:** On 28 June 2016, the Court of Appeal reportedly found Bopha guilty of 'intentional violence with aggravating circumstances' following a re-trial. Bopha was given a three-year prison sentence, which will take into account the fourteen months she spent in prison, with the remainder of her sentence suspended. **PEN Action:** [Call to Action](#) 14 October 2014. Bopha was unable to attend a side event organised by PEN and ARTICLE 19 during the 18<sup>th</sup> Session of the Universal Periodic Review under which Cambodia was to be examined as she was unable to obtain a passport in time. She gave her testimony via video link. **Awards:** 2014 James Lawson Award

## CHINA

### Death in custody: Impunity

#### **CAO Shunli (f):**

**Profession:** activist **Date of death:** 14 March 2014 **Details of arrest:** Cao was intercepted at Beijing airport on 14 September 2013 while attempting to board a flight to Geneva to attend to take part in a human rights training on UN mechanisms organised by an international human rights organisation. On 30 October 2013, human rights lawyer, Ms **Wang Yu** (see 'Detained: main case'), was finally permitted access to the Chaoyang Detention Centre in Beijing where Cao was being held on charges of 'picking quarrels and provoking trouble.' There were reports that she was tortured while in police custody. **Background:** Cao had been an active participant in sit-ins in front of the Ministry of foreign Affairs from mid-June until her arrest and had been campaigning since 2008 for greater civil society involvement in China's drafting of its reports for the Universal Periodic Review (UPR) and of its National Human Rights Action Plans. China's UPR review took place on 22 October 2013; Cao Shunli was previously sent to a prison camp for Re-education Through Labour for one year in April 2010, and for one year and three months in April 2011 because of her peaceful activism and human rights work. Cao went into detention in ill health, and told her lawyer in October that she was not receiving medical treatment. Cao's lawyer made several requests for medical parole. The authorities did not respond to these requests until 20 February 2014 when she was critically ill and was transferred to a military hospital in Beijing. Cao died in 309 military hospital on 14 March 2014. Cao's lawyer reported that the hospital initially refused to allow her family members to view Cao's body, but later allowed only the family to do so.

### Enforced disappearance

#### **GUI Minhai:** (Swedish national)

**Profession:** writer, publisher and former Independent Chinese PEN Centre (ICPC) Board member **Date of disappearance:** mid-October 2015 **Details of disappearance:** Gui went missing in mid-October while in Thailand, where he has a home. He is believed to have been abducted by Chinese officials and forcibly returned to China. **Update:** On 17 January 2016, Gui appeared in a televised 'confession' on state broadcaster CCTV. The broadcast confirmed previous suspicions that Gui was being held in mainland China. In the video, Gui reportedly claimed that he had voluntarily surrendered himself to the Chinese authorities over his supposed involvement in a fatal hit-and-run incident which took place in December 2003. Subsequent state media reports have said that Gui is now being investigated for other unspecified criminal activities. On 24 February 2016, Swedish diplomats in Beijing are reported to have visited Gui. However, in May 2016 Gui's daughter called on the international community to help her father, stating that she has no knowledge of the whereabouts of his detention nor of his legal status. **Background:** The Hong Kong-based Mighty Current has published and marketed books highly critical of mainland China. The titles are banned on the mainland, where the news media and the publishing industry are tightly controlled by the government. The publishing house was reportedly preparing to publish a book on the private life of China's President, Xi Jinping. Since October 2015, five employees of the publisher Mighty Current and its retail arm Causeway Book Store have disappeared. They include Causeway Book Store manager, **Lin Rongji**; general manager **Lu Bo**; and staff member of the publishing house and book shop, **Zhang Zhiping**, who are reported to have disappeared while travelling in mainland China in October, as well as editor at the publishing house, **Lee Bo**, who disappeared from Hong Kong on 30 December (see 'Released' below). **PEN Action:** [12 November 2015 statement](#)

#### **HUANG Zerong (pen name: Tie Liu):**

**Profession:** writer **Date of birth:** 20 May 1933 **Date of disappearance:** May 2016 **Details of disappearance:** According to the [Committee to Protect Journalists](#), Huang has been unreachable

since 13 May 2016; police had reportedly taken him [‘for tea’](#). His wife reports that she contacted the Chengdu police, Sichuan province, upon her return to the country on 16 May and was told ‘don’t worry, he will be fine.’ The police gave no further information. Huang had also been briefly detained between 28 March and 1 April on suspicion of ‘picking quarrels and provoking trouble,’ according to reports. Huang’s whereabouts remained unknown as of 30 June 2016. **Background:** Huang, who turned 83 in May 2016, began his career in the 1950s as a journalist, who also wrote essays, short stories and poems. Huang served over 20 years in prison during the so called ‘anti-rightist’ campaign during the Mao regime. He has published a number of memoirs of dissidents who suffered repression under Mao’s rule. On 25 February 2015 Huang received a suspended sentence of two and a half years in jail, after pleading guilty to the charge of ‘illegal business activity’ in a court in Chengdu, Sichuan province. He was fined 30,000 yuan (approx. US\$ 4,800) and released on bail the same day. Huang was prohibited from returning to Beijing, where he had lived for decades, and forced to stay in Chengdu. Huang’s enforced disappearance is probably linked to one of his recent essays in which he criticised a member of the Communist Party who is the advisor on ideology and propaganda (see previous [Case List](#) for more information). **Honorary member:** Independent Chinese PEN Centre (ICPC).

Imprisoned: main case

#### **CHEN Shuqing:**

**Profession:** dissident writer, activist and member of ICPC **Date of birth:** 26 September 1965

**Sentence:** 10-and-a-half years in prison **Date of arrest:** 11 September 2014 **Details of arrest:**

Reportedly arrested by Domestic Security officers from the Hangzhou Public Security Bureau, at his home in Hangzhou, for his online writings and dissident articles. On 17 October 2014, Chen was formally arrested and charged with ‘incitement to subvert state power’. **Details of trial:** On 29 September 2015 Chen was tried before the Hangzhou Intermediate People’s Court for ‘incitement to subvert state power’. Over the course of the trial, the prosecution reportedly cited Chen’s writings published overseas as evidence. **Update:** On 17 June 2016, Chen was sentenced to 10-and-a-half years in prison by the Hangzhou Intermediate People’s Court. **Place of detention:** Hangzhou City detention centre. **Background:** Chen is a former PEN Main Case who served a four-year sentence for ‘inciting subversion of state power’ in connection with the China Democracy Party (CDP) and articles he wrote calling for democratic reform. He was released in September 2010 (see previous Case Lists). Chen was a participant in the 1986 and 1989 student movements, and graduated from Hangzhou University with Master’s Degree in Science in 1990. **Award:** Chen was honoured with the 2014 Liu Xiaobo Courage to Write Award. **Honorary member:** Independent Chinese PEN Centre (ICPC).

#### **CHEN Wei:**

**Profession:** freelance writer and activist **Date of Birth:** 21 February 1969 **Sentence:** Nine years in prison and two years’ deprivation of political rights. **Expires:** 2020 **Date of arrest:** 21 February 2011 **Details of arrest:** Reportedly arrested on 21 February 2011 as part of a crackdown on human rights defenders and activists across the country, apparently in response to anonymous calls for ‘Jasmine Revolution’ protests. **Details of trial:** Formally charged on 28 March 2011, by the Public Security Bureau of Suining City, Sichuan Province, with ‘suspicion of inciting subversion of state power’ for several essays published online on overseas websites calling for freedom of speech and political reform. Convicted of ‘inciting subversion of state power’ at a closed two-hour trial on 23 December 2011 in relation to seven passages in four essays criticising the Chinese political system and praising the development of civil society. **Current place of detention:** Jialing Prison, Nanchong City, Sichuan Province. **Conditions of detention:** Chen was granted his first family visit in January 2012 after being held for 11 months in prison. **Background:** Chen Wei was a first year student at Beijing University of Technology in 1989 and was dismissed from the university for his involvement in the pro-democracy movement. In 1999, he was sentenced to five years’ imprisonment on ‘counter-revolutionary’ offences for his involvement in the China Liberal Democracy Party. He is a signatory of Charter 08, a

manifesto for democratic reform. **PEN Action:** [RAN 66/11](#) – 26 December 2011 **Award:** Recipient of Independent Chinese PEN Centre 2011 Liu Xiaobo Courage to Write Award. **Honorary member:** Independent Chinese PEN Centre (ICPC).

**CHEN XI (aka CHEN Youcai):**

**Profession:** freelance writer and prominent human rights activist **Date of Birth:** 2 April 1954

**Sentence:** 10 years in prison and three years' deprivation of political rights. **Expires:** 2021 **Date of arrest:** 29 November 2011 **Details of arrest:** Chen is a member of the Guizhou Human Rights Forum, which was declared an 'illegal organisation' by the Guizhou authorities on 5 December 2011, prior to the UN Human Rights Day (10 December). Chen was detained in November 2011 after he announced his intention to run for the Guiyang City People's Congress Election as an independent candidate. At least 10 other members of the group were arrested but all were later released without charge.

**Current place of detention:** Xingyi Prison, Guizhou province **Details of trial:** Sentenced by a Guiyang court for 'inciting subversion of state power' at a trial on 26 December 2011 which lasted less than three hours. The speed of the legal process of Chen's case is unprecedented. According to the court verdict, his conviction is based on several quotations from over 30 of his articles published on overseas Chinese-language websites. He has decided not to appeal the verdict. **Conditions in detention:** In early February 2012, Chen's wife reported that she was allowed to visit him in prison and that he had serious frostbite in his fingers. Prison officers refused to accept the extra pieces of clothing she had brought for Chen. In late December 2014, after visiting Chen, his wife reported that his health remains of concern and that his application for medical parole had been rejected. There are also reports that Chen has been ill-treated and held in solitary confinement on several occasions. According to reports, Chen has not been allowed to send or receive letters from family and friends, and has also been prohibited from making a three-minute phone call to his family each month which is the usual allowance given to other inmates of the prison. Chen Xi is currently allowed only a 20-minute visit from his family every month, for which they have to travel 400 km. **Health concerns:** In January 2015 Chen reportedly told his wife that he received inadequate treatment for chronic diarrhoea. **Background:** Chen Xi has already served a total of 13 years in prison on 'counter-revolutionary' offences for his peaceful activism, three years from 1989-1992 and 10 years from 1995-2005. **Awards:** Recipient of the 2014 Hellman/Hammitt award. **Honorary Member:** Independent Chinese PEN Centre. **PEN Action:** RAN 1/12 – 6 January 2012.

**DONG Rubin (also known as Bianmin):**

**Profession:** writer, blogger and businessman **Date of birth:** 1962 **Sentence:** Six-and-a-half years in prison **Expires:** 9 March 2020 **Date of arrest:** 10 September 2013 **Details of arrest:** Initially arrested for allegedly posting false information on line for profit and disrupting public order, by officers of the Public Security Bureau of Wuhua District, Kunming City. Dong had previously posted critical comments against the Chinese authorities on issues including alleged corruption. **Current place of detention:** Detention Centre of Wuhua District. **Details of trial:** On 23 July 2014 Dong was convicted of 'illegal business operations' and 'fabricating and spreading online rumours for economic gain' and sentenced to six-and-a-half years in prison. In the trial, the court referred to a [September 2013 proclamation](#) that rendered forms of online expression liable to prosecution. On 4 December 2014, the Intermediate People's Court of Kunming City, Yunnan province, confirmed the verdict and rejected his appeal. **Conditions in detention:** Reportedly ill-treated for refusing to confess. **Background Information:** Before his arrest, Dong had predicted his detention, citing the fact that strangers had raided his office in August 2013 and taken three computers. **Honorary Member:** Independent Chinese PEN Centre (ICPC).

**FU Zhibin:**

**Profession:** writer and filmmaker **Date of birth:** 1964 **Sentence:** one year and 10 months in prison and a fine of 150,000 yuan (approx. US\$23,505) **Date of arrest:** 9 September 2014 **Details of arrest:** Fu was reportedly initially detained on 9 September 2014 by Qingshanhu district police, and was

indicted by the local state prosecution office in December 2014. Fu was detained over the publication of his book *A History of Brainwashing* and charged with ‘running an illegal business’.

**Current place of detention:** Nanchang No. 1 Detention Center **Details of trial:** On 4 December 2015, authorities in the province of Jiangxi reportedly sentenced Fu to one year and 10 months in prison on charges of ‘running an illegal business’. The court accused Fu of publishing his book *A History of Brainwashing* in Taiwan and then selling more than one thousand copies in mainland China. Fu was also fined 150,000 yuan (approx. US\$23,505), and, as the charge was ‘running an illegal business’ his assistant **Wu Wei** and his printer **Zhao Zhenhuo** were also jailed for one year and five months and one year and three months, respectively. **Conditions in detention:** Fu had reportedly been detained for more than a year before the case was brought to trial, and was mistreated during his incarceration at the Nanchang No. 1 Detention Center. **Background:** Fu is an outspoken author and he is reported to be very active on the Internet, where he openly criticises the Communist Party. In his book *A History of Brainwashing*, Fu describes the Chinese Communist Party as having seized power with backing from the Soviet Union, and as having brainwashed and controlled the thoughts of Chinese citizens through ‘red terror’. Authorities deemed this to be ‘slander’, according to the Independent Chinese PEN Centre. He has also made films about Tibetan Buddhism. **Honorary Member:** Independent Chinese PEN Centre (ICPC).

#### **GUO Quan:**

**Profession:** internet writer and activist **Date of Birth:** 8 May 1968 **Sentence:** 10 years in prison and three years’ deprivation of political rights. **Expires:** 2018 **Date of arrest:** 13 November 2008 **Details of arrest:** Reportedly arrested at his home in Nanjing, capital of Jiangsu province for suspicion of ‘subversion of state power’. At the time of his arrest, the police confiscated Guo Quan’s articles and his computer. He was held incommunicado at Nanjing City Public Security Bureau. **Current place of detention:** Pukou Prison, Nanjing, Jiangsu Province. **Details of trial:** Guo Quan was formally charged with ‘subversion of state power’ on 19 December 2008. On 16 October 2009, a court in Jiangsu province sentenced Guo Quan to 10 years in prison and three years of deprivation of political rights for his pro-democracy activities and critical writings. Guo was charged for a series of articles entitled ‘Herald of Democracy’ posted online between mid-2007 and November 2008, and for founding the opposition China New Democracy Party (CNDP). His sentence was upheld on appeal on 25 December 2009. **Background:** Guo is a former criminal-court judge and literature professor at Nanjing Normal University; however, due to his political activities he has been banned from teaching. He wrote several open letters to Chinese leaders and was frequently briefly detained by police, most recently in May 2008 when he spent 10 days in prison after criticising the government’s response to the 12 May 2008 Sichuan earthquake. **Awards:** Recipient of the 2011 Hellman/Hammett award. **Honorary member:** Independent Chinese PEN Centre, Uyghur PEN and Guatemalan PEN. **PEN Action:** RAN 63/08 – 2 December 2008; Update #1 – 2 November 2009.

#### **JIN Andi:**

**Profession:** freelance writer **Date of Birth:** 23 May 1953 **Sentence:** eight years in prison and one year deprivation of political rights **Expires:** January 2019 **Date of arrest:** 17 January 2011 **Details of arrest:** Jin was reportedly arrested on 17 January 2011 and charged with ‘inciting subversion of state power’ in articles critical of former Chairman of the Chinese Communist Party, Jiang Zemin, published from 2000-2010 along with **Lü Jiaping** (see previous Case Lists for more information). Jin was reportedly held under residential surveillance 19 September 2010. **Current place of detention:** [Xian Prison](#) in Shaanxi province **Details of trial:** Sentenced to eight years in prison on charges of ‘subversion of state power’ by the Beijing First Intermediate Court on 13 May 2011. Three articles were used as evidence to convict them, in particular an article published in 2009, ‘Two Traitors Two Fakes’, discussing Jiang’s historical background. **Background:** Jin had allegedly provided Lü with information for some of the writings while also helping revise drafts and disseminate the articles.

**LI Bifeng:**

**Profession:** Chinese activist, novelist and poet **Date of birth:** 3 March 1964 **Sentence:** 10 years in prison **Expires:** 7 September 2021 **Date of arrest:** 8 September 2011 **Details of arrest:** According to PEN's information, leading Sichuan activist Li Bifeng, aged 48, was arrested on 8 September 2011 after being summoned for questioning by police in Mianyang city, Sichuan province, for alleged 'economic crimes'. **Current place of detention:** Jintang Prison, Qingjiang Town, Jintang County, Sichuan Province 610409. **Details of trial:** Li Bifeng was convicted of alleged 'contract fraud' by the Shehong County People's Court, Sichuan province, on 19 November 2012 and handed down a 12-year prison sentence, which was reduced to 10 years on appeal, on 25 June 2013. He is believed to be targeted for his peaceful political activism, in particular his links with exiled Chinese writer Liao Yiwu, who is a close friend of Li's and who fled China two months before Li's arrest **Background:** Li Bifeng is a prolific poet and novelist as well as a well-known dissident, who has spent a total of over 12 years in prison since 1990 for his activism and critical writings. He served a five-year sentence for taking part in the 1989 pro-democracy movement, followed by a seven-year jail term from 1998-2005 for reporting on a workers' protest in the Sichuan city of Mianyang in 1998. While in prison, Li produced poetry and kept a diary. Some of his work can be found [here](#). Vaguely worded economic crimes are often used to suppress political dissent in China. **Awards:** Recipient of the 2014 Hellman/Hammett award. **Honorary member:** German PEN and Independent Chinese PEN Centre. **PEN Action:** RAN 31/12 and update

**LI Tie:**

**Profession:** human rights activist and dissident writer **Date of Birth:** March 1962 **Sentence:** 10 years in prison and three years' deprivation of political rights. **Expiry:** 2020 **Date of arrest:** 15 September 2010 **Details of arrest:** Arrested by the Wuhan City Public Security Bureau. **Current place of detention:** In February 2012 Li was transferred to Huangzhou Prison, Huanggang City, Tuanfeng County, Hubei Province. **Details of trial:** Li was initially arrested on suspicion of 'inciting subversion of state power' for his critical articles. The charge was changed to the more serious 'subversion of state power' on 22 October 2010. He was sentenced to 10 years in prison by the Wuhan Intermediate People's Court on 18 January 2012. The evidence against him included membership of the banned political group, the China Social Democracy Party, and a series of critical online essays and writings, in particular an article entitled 'Human Beings' Heaven Is Human Dignity.' His trial has not been conducted in accordance with due process or international standards of fairness, and Li has been prevented from appealing the verdict. At a hearing on 18 April 2011 his lawyer was rejected by the court and two court-appointed lawyers were assigned. **Health concerns:** His health is said to be deteriorating in prison. **Other information:** During the past decade, Li has written many online articles promoting democracy, constitutional government, and direct local elections. He has also organized activities to honour the memory of Lin Zhao, the well-known Beijing University student jailed in the 1950s and executed by the government in 1968 for her views and writings. He is also a signatory of Charter 08. **Honorary member:** Independent Chinese PEN Centre (ICPC). **PEN Action:** [RAN 07/12](#) – 1 February 2012

**LIANG Qinhui (aka Jiandao 'Sharp Knife' or 'Dagger'):**

**Profession:** internet writer **Sentence:** 18 months in prison and two years' deprivation of political rights **Date of arrest:** 4 February 2015 **Details of arrest:** Liang Qinhui was reportedly arrested on 4 February 2015 by the Haizhu District Branch of Guangzhou Public Security Bureau for his online comments supporting the Umbrella Movement – a 2014 pro-democracy movement – in Hong Kong. He was charged with 'suspicion of inciting subversion to state power'. **Current place of detention:** Detention Center of Haizhu District, Guangzhou City, Guangdong Province **Details of trial:** On 13 November 2015, Liang stood trial in the Intermediate People's Court in Guangzhou, where he pleaded not guilty. According the indictment, Liang was tried accused of posting 'sensitive and extreme' comments to the popular chatroom site QQ, with the prosecution focusing in particular on his comment: 'better to be an American dog than a Chinese pig.' **Update:** On 8 April 2016,

the Intermediate People's Court of Guangzhou City, Guangdong Province, sentenced Liang to 18 months in prison. **Background:** The line of text was an apparent reference to the Mao-era description of the United States as 'capitalist running dogs,' and comes against a background of underground satirical cartoons in the style of George Orwell's *Animal Farm* showing pigs dressed as ruling Chinese Communist Party officials. According to the indictment, Liang's postings 'show evidence of foreign influence,' citing his use of the web circumvention tool *Freemate* to view overseas websites normally blocked by China's censorship system, collectively known as the Great Firewall. **Honorary Member:** Independent Chinese PEN Centre (ICPC). [**Stop Press:** Liang was [released](#) on expiry of his sentence on 3 August 2016]

#### **LIU Xianbin:**

**Profession:** dissident writer and activist **Date of Birth:** 25 August 1968 **Sentence:** 10 years in prison and four months' deprivation of political rights. **Expires:** 7 June 2020 **Date of arrest:** 28 June 2010 **Details of arrest:** Arrested after police interrogated him and searched his home. Fourteen police officers from the Suining City Public Security Bureau confiscated hard drives, USB devices, his bank card, and six notices from his editors regarding remuneration for several articles he published on overseas web sites. **Current place of detention:** Chuanzhong Prison, Nanchong City, Sichuan Province. **Details of trial:** Charged on 5 July 2010 with 'inciting subversion of state power' in a series articles calling for political reform published in overseas Chinese-language websites from August 2009 to June 2010. Sentenced on 25 March 2011 by the Suining Intermediate People's Court at a trial which reportedly did not comply with international standards for fair trial. **Conditions in detention:** It is reported that he has been forced to labour for 13 hours daily. **Background:** Liu previously served nine years of a 13-year jail sentence from 1999 to 2008 for his part in organising the Sichuan branch of the outlawed China Democratic Party. After his release, he was one of the first signatories of Charter 08. **Award:** Recipient of the 2011 Hellman/Hammett award and the Independent Chinese PEN Centre (ICPC) 2010 Liu Xiaobo Courage to Write award. **Honorary member:** Independent Chinese PEN Centre (ICPC).

#### **LIU Xiaobo:**

**Profession:** prominent dissident writer, former President and Board member of the Independent Chinese PEN Centre and 2010 Nobel Peace Laureate. **Date of Birth:** 28 December 1955 **Sentence:** 11 years in prison and two years' deprivation of political rights. **Expires:** 21 June 2020 **Date of arrest:** 8 December 2008 **Details of arrest:** Arrested for signing Charter 08, a declaration calling for political reforms and human rights. Held under Residential Surveillance, a form of pre-trial detention, at an undisclosed location in Beijing, until he was formally charged with 'inciting subversion of state power' on 23 June 2009. The charge is said to be based on his endorsement of *Charter 08* and over twenty articles published between 2001-2008. **Current place of detention:** Jinzhou Prison, Nanshan Road 86, Taihe District, 121013 Jinzhou City, Liaoning Province. **Details of trial:** On 25 December 2009 Liu was sentenced to 11 years in prison and two years' deprivation of political rights on charges of 'incitement to subversion of state power.' On 11 February 2010, a Beijing Court rejected his appeal. According to reports, Liu and his legal team filed an extraordinary appeal against his conviction in November 2013. The extraordinary appeal seeks a retrial based on flaws in the original trial procedure, or new evidence which has come to light. Liu's legal team had reportedly yet to receive a response by 25 December 2013. Liu has been refused permission to receive visits from his legal team, according to news reports. As of 30 June 2016, prison authorities continue to deny Liu access to his legal team. **Conditions of detention:** Liu was reportedly granted a visit with his wife during the 2014 Chinese New Year period, according to 6 February 2014 reports. In August 2015, Liu's brothers were permitted to visit him in prison. **Other information:** Liu Xiaobo is among a large number of dissidents who were detained or harassed after issuing an open letter in 2008 calling on the National People's Congress Standing Committee to ratify the International Covenant on Civil and Political Rights (ICCPR), and launching Charter 08, a declaration calling for political reforms and human rights. These activities formed part of campaigns across China to commemorate the 60th

Anniversary of the Universal Declaration of Human Rights (10 December), and the Charter was signed by more than 8000 scholars, journalists, freelance writers and activists. **Awards:** The 1990 and 1999 Hellman-Hammett Grant, People in Need (Czech) 2009 Homo Homini Award, Recipient of American PEN 2009 Freedom to Write award, 2010 Giuseppe Motta Medal, German PEN 2010 Hermann Kesten Medal, HRW 2010 Alison Des Forges Award, 2010 Nobel Peace Prize, PEN Canada 2012 One Humanity Award, and NED 2014 Democracy Award. His wife, **Liu Xia** (see below), was unable to travel to Norway to receive the Nobel Prize on his behalf and remains under house arrest. Many of his supporters have been arrested or harassed since the prize was announced. **Background:** Liu Xiaobo first received support from PEN in 1989, when he was one of a group of writers and intellectuals given the label the 'Black Hands of Beijing' by the government, and arrested for their part in the Tiananmen Square protests. Liu has since spent a total of five years in prison, including a three-year sentence passed in 1996, and has suffered frequent short arrests, harassment and censorship. **Honorary member:** Honorary President of Independent Chinese PEN Centre (ICPC), and Honorary Member of Scottish, German, American, Czech, Sydney, Iceland, English, Canadian and Portuguese PEN Centres.

#### **LÜ Gengsong:**

**Profession:** dissident writer and activist **Date of birth:** 7 January 1956 **Sentence:** 11 years in prison and five years' deprivation of political rights **Date of arrest:** 8 July 2014 **Details of arrest:** Arrested from his home in Hangzhou, after approximately 20 policemen raided his house. He is held on suspicion of 'incitement to subvert state power'. Recently, Lü has posted online comments about alleged corrupt officials, as well as cases of petitioners in Jiangsu province. **Current place of detention:** Detention Center of Hangzhou City, Zhejiang Province **Details of trial:** On 29 September 2015 Lü was tried before the Hangzhou Intermediate People's Court for 'incitement to subvert state power'. At Lü's trial, prosecutors reportedly cited articles published by Lü overseas, as well as his attendance at a meeting with other activists. **Update:** On 17 June 2016, the Intermediate People's Court sentenced Lü to 11 years in prison. **Health concerns:** Lü's wife told [Radio Free Asia](#) that he suffers from high blood pressure and diabetes **Background:** Lü is an ICPC member and former PEN Main Case who has published several books on political reform, including *A History of Chinese Community Party Corrupt Officials* in 2000. Lü is known for his reporting on human rights violations and his political commentaries published on the Internet. He is also an active member of the banned China Democracy Party (CDP). In November 2013, he was briefly arrested under similar charges, but was released. Previously, he served a four-year prison sentence for 'incitement to subvert state power'. He was released in August 2011 (see previous Case Lists).

#### **LU Jianhua** (pen name: Wen Yu):

**Profession:** Research Professor at the Chinese Academy of Social Sciences, Deputy Director of Public Policy Research and Executive Director of the China Development Strategy **Date of Birth:** 3 July 1960 **Sentence:** 20 years in prison **Expires:** April 2025 **Date of arrest:** April 2005 **Current place of detention:** Beijing City jail. **Details of trial:** First arrested in April 2005 on charges of 'leaking state secrets'. Sentenced on 18 December 2006 to 20 years in prison for leaking state secrets to a Hong Kong reporter **Ching Cheong**. The latter was sentenced to five years in prison for spying and was a main case of PEN International. Human rights groups have questioned the evidence in the reporter's case, but Lu's trial was held in secret and reportedly only lasted for 90 minutes. **Conditions in detention:** Reportedly held incommunicado. His wife is not allowed access to him. **Honorary member:** Independent Chinese PEN Centre (ICPC).

#### **QI Chonghuai:**

**Profession:** journalist **Date of Birth:** 7 February 1965 **Sentence:** Four years in prison, with an additional eight years added on 9 June 2011 **Expires** 2019 **Date of arrest:** 25 June 2007 **Details of arrest:** Reportedly arrested from his home in Jinan, the capital of Shandong province, eastern China, on 25 June 2007 following the publication of an article alleging corruption in the Tengzhou

Communist Party, which was published in June 2007 on the *Xinhuanet* website. Qi was charged with blackmail and extortion on 2 August 2007 for allegedly accepting bribes from local officials whilst researching the article. Qi was held incommunicado for the first two months of his detention, and claims to have been repeatedly assaulted and threatened by security guards throughout his 11-month pre-trial detention. The case returned to the police in mid-February 2008 due to lack of evidence, before being brought to trial in May 2008. **Current place of detention:** Tengzhou Prison, Tengzhou City, Shandong Province. **Details of trial:** The trial on 13 May 2008 at the People's Court of Tengzhou City, Shandong Province, reportedly did not comply with international standards of fairness. The appeal was rejected without any hearing by the Intermediate People's Court of Zaozhuang City on 24 July 2008. On 9 June 2011 Qi was sentenced to a further eight years in prison, two weeks before the end of his four-year sentence in connection with further charges of extortion and blackmail. It is widely believed that he has been additionally sentenced for letters smuggled out of prison in 2009 alleging ill-treatment in prison. **Conditions of detention:** Qi has reportedly been subject to repeated severe beatings and ill-treatment by prison guards and fellow in-mates throughout his detention, including one attack in May 2009 which he claims left him unconscious for three days. This particularly harsh treatment at the hands of prison guards appears to be a response to Qi's attempts to report on the appalling prison conditions at Tengzhou. Letters smuggled out of prison document that he has been forced to work over 10 hours a day in a coal mine, without adequate food, water or rest, and as a result of this treatment his health has seriously deteriorated. **Health concerns:** Qi reportedly suffers from a number of ailments resulting from forced labour and poor treatment in prison, including pneumoconiosis, a lung infection caused by inhaling coal dust. He also claims to have suffered permanent injuries to his left thumb, knees and waist, and has difficulties walking. He has also been denied access to his family, leading to heightened concerns for his well-being. **Background:** Qi Chonghuai worked as a journalist for 13 years before his arrest. Between 2004 and 2006, he worked for various publications, including the *Shangdong Zhoukan (Shandong Weekly)*, the *Renmin Gong'an Bao (People's Public Security News)*, and the *Zhongguo Anquan Shengchan Bao*. In June 2006, he started work as director of the newspaper *Fazhi Zaobao (Legal System Morning News)*, which ceased publishing in December 2006 and was reformed with its existing staff as the *Fazhi Ribao (Weekend edition of the Legal System Daily)*. He has also worked as special correspondent with the *Fazhi Zhoubao (Legality Weekly)* and the *Jizhe Guancha (Journalist Observer)*, and is known for his reporting on corruption and social injustice in Shandong province. He is said to have been repeatedly warned by the authorities to cease such reporting prior to his arrest. **Awards:** Recipient of the 2012 Hellman/Hammett award. **Honorary member:** Independent Chinese PEN Centre.

**\*WANG Jing: (f)**

**Profession:** citizen journalist for *64 Tianwang* website **Sentence:** Four years and 10 months in prison **Date of arrest:** 10 December 2014 **Details of arrest:** Wang was reportedly arrested as she took photographs of protesters outside the headquarters of the state-run television agency, China Central Television (CCTV). **Current place of detention:** Jilin City detention centre, Jilin Province **Details of trial:** Wang was reportedly convicted of 'picking quarrels and provoking trouble' by the Chuanying District People's Court in connection with her writing on 20 April 2016. According to the indictment, Wang's reporting had 'caused trouble in cyberspace, attracting the attention of other Internet users and inciting them to an angry mood, and causing serious disruption to public order.' In its verdict, the court reportedly cited articles Wang wrote about protests and reports of Chinese police harassing, detaining, and beating protestors. Wang denied the charges and said she would appeal. At a [previous hearing](#) in July 2015, a court had found that there was insufficient evidence to convict her, but the public prosecutor returned the case to police for further investigation, after which fresh charges were brought. **Conditions of detention:** Wang was reportedly beaten in detention **Health concerns:** Wang is reportedly in ill-health and suffers from a brain tumour. **Background:** Wang had previously been detained on 7 March 2014 on suspicion of 'picking quarrels and provoking trouble', after she published reports on the actions of petitioners in Tiananmen Square on 5 March during the annual

session of the National People's Congress during which a woman tried to set herself on fire. She was held in Jilin City Detention Centre until 7 April 2014, when she was released on bail.

**XU Zhiyong:**

**Profession:** blogger and essayist, and leader of the New Citizens' Movement – a grassroots network of activists in China **Date of birth:** 3 March 1973 **Sentence:** four years' imprisonment **Expires:** 15 July 2017 **Date of arrest:** 16 July 2013, after spending a number of months under house arrest **Details of arrest:** Charged with 'gathering crowds to disrupt public order', in connection with a series of peaceful demonstrations held by the New Citizens' Movement. **Current place of detention:** No. 3 Detention Centre of Beijing City **Details of trial:** After a four-day trial, Xu was reportedly sentenced on 26 January 2014 to four years' imprisonment after conviction of 'gathering crowds to disrupt public order'. On 11 April 2014, a court rejected Xu's appeal and upheld his sentence. **Other information:** Xu is known for campaigning against official corruption and in support of children's rights. PEN believes he has been targeted because of his growing presence on Chinese social media platforms. During his trial, foreign reporters outside the courtroom were reportedly prevented from covering the trial. **Award:** Recipient of ICPC's 2013 Lin Zhao Memorial award, and the NED 2014 Democracy award. **Honorary member:** Independent Chinese PEN Centre (ICPC).

**YANG Maodong (aka Guo Feixiong):**

**Profession:** dissident writer, independent publisher and civil rights activist **Date of birth:** 2 August 1966 **Sentence:** six years in prison **Expires:** August 2019 **Date of arrest:** 8 August 2013 **Details of arrest:** His arrest followed his involvement in anti-censorship and anti-corruption protests and he was held without charge for more than four months and was not permitted access to his lawyer until 14 November 2013. According to his lawyer, Yang was denied bail due to accusations that he had destroyed evidence and interfered with witnesses – a supposition which his lawyer denies. **Current place of detention:** Tianhe Detention Center, Guangdong Province. **Details of trial:** On 31 December 2013, it was reported that Yang had been formally charged with 'incitement to disturb public order'. On 7 February 2014, the Tianhe district procuratorate reportedly sent Yang's case file back to the police, requesting more evidence, in what his lawyers suggest is a stalling tactic. The state procuratorate is bound under Chinese law to return a decision on cases transferred from police investigations within six weeks of receiving them. His trial on 28 November 2014 reportedly lasted nearly 18 hours during which the defendants were denied food, and ended without verdicts for the defendants. On 27 November 2015, Yang was sentenced to six years in prison by the Guangzhou Municipal Tianhe District People's Court on charges of 'gathering crowds to disrupt order in public places' and 'picking quarrels and provoking troubles'. On 4 December 2015, Yang made an appeal to the Guangzhou Municipal Tianhe District People's Court challenging the validity of the ruling and requested a re-trial. Among the arguments made are: the extraction of witness testimony under torture and beating, and failing to prove that he disrupted order in public spaces on the date of his protest activities in January 2013. **Update:** On 16 January 2016, [reports indicated](#) that Yang's appeal was rejected and his conviction and six-year sentence upheld. Yang is reported to have refused to sign a new appeal after prison authorities requested that he delete part of his statement. **Conditions of detention:** Yang is reportedly denied any outdoor break and kept in a cell with more than 30 other inmates. In June 2015 Yang reportedly filed a complaint against the Tianhe Detention Center in Guangzhou, where he is detained, for subjecting detainees to daily strip searches. He previously demanded state compensation for the ill-treatment he received from bailiffs of the Guangzhou Municipal Tianhe District People's Court when they escorted him to a pre-trial hearing and two court hearings. Guo stated that during those walks, his head was covered in a black hood, his wrists were handcuffed behind his back, and his feet were shackled. He stated that he sustained various injuries from the tight handcuffing and foot shackling. Yang reportedly began a hunger strike on 2 May 2016 in protest at being submitted to a forced rectal cavity search at the instigation of state security police, as well as forced head shaving and verbal abuse from prison guards. His family are reported to be seeking Yang's transfer to a different facility. **Health concerns:** There are concerns for Yang's

health as his hunger strike has led to gastrointestinal complications, according to news reports.

**Background:** Yang was released on 13 September 2011, on completion of a five-year prison sentence for 'illegal business activity', although it is believed that he was targeted for his critical writings and civil rights activism. He reported that he was tortured or otherwise ill-treated during that detention. He was a main case of PEN International during his imprisonment. **Awards:** 2015 Front Line Defenders Award for Human Rights Defenders at Risk **Honorary member:** Independent Chinese PEN Centre (ICPC).

**YANG Tongyan (also known as Yang Tianshui):**

**Profession:** dissident writer and member of Independent Chinese PEN Centre (ICPC) **Date of Birth:** 12 April 1961 **Sentence:** 12 years in prison and four years' deprivation of political rights **Expires:** 2017 **Date of arrest:** 23 December 2005 **Details of arrest:** Reportedly detained without a warrant on 23 December 2005 in Nanjing. Yang was held incommunicado at Dantu Detention Centre in Zhenjiang, Jiangsu Province, without access to his family until his trial. **Current place of detention:** Nanjing Prison, Ningshuang Road 9, Box 1215-12, Nanjing City, Jiangsu Province. **Details of trial:** Convicted of 'subversion' for posting anti-government articles on the Internet, organising branches of the (outlawed) China Democracy Party, participating in China's Velvet Action Movement and being elected as a member of its 'Interim Government of Democratic China,' and accepting illegal funds from overseas to transfer to jailed political dissidents and their families. Sentenced by the Zhenjiang intermediate court in eastern China's Jiangsu province at a three-hour trial on 16 May 2006. **Health concerns:** Yang suffers from a number of illnesses including intestinal tuberculosis, diabetes, kidney inflammation and high blood pressure. He was hospitalised for at least 50 days in early 2010 with a fever and his appeal for medical parole was rejected in 2010. Amnesty International reported that relatives who visited Yang in prison in September 2013 said that while he continued to suffer from chronic diseases, his health had seemed to be improving. **Background:** Yang Tongyan is known for his critical writings published on dissident news websites such as Boxun.com and Epoch Times. He spent a decade in prison from 1990 to 2000 on 'counter-revolution' charges for his involvement in the 1989 pro-democracy protests. He was also previously held incommunicado from 24 December 2004 - 25 January 2005. **Awards:** Recipient of Independent Chinese PEN Centre's 2006 Writer in Prison Award, and the 2008 PEN/Barbara Goldsmith Freedom to Write Award. **Honorary Member:** PEN Canada, Italian PEN, and PEN American Center.

**YAO Wentian (also known as Yiy Mantin):**

**Profession:** publisher and former chief editor of the Hong Kong-based Morning Bell Press **Date of birth:** 11 July 1941 **Sentence:** 10 years' imprisonment **Expires:** 2023 **Date of arrest:** 27 October 2013 **Details of arrest:** Yao was reportedly arrested at a friend's house in Shenzhen whilst he was delivering industrial paint. Initially accused of 'carrying prohibited items' he was later charged with the more serious offence of 'smuggling ordinary items' for 70 alleged deliveries of paint since 2010. While the paint itself is legal, there is an import duty required for industrial usage of which Yao was reportedly unaware. Friends and associates believe he was set up. **Current place of detention:** Dongguan Prison, 523299 Dongguan, Guangdong Province. **Details of trial:** Yao was convicted of 'smuggling prohibited items' on 7 May 2014 and sentenced to 10 years in prison by the Shenzhen Intermediate People's Court. On 18 July 2014, his appeal was rejected. **Health concerns:** Yao suffers from asthma and a heart complaint. Applications for medical parole were rejected. According to the International Publishers Association, Yao has repeatedly fainted during his time in custody due to his heart disease. **Background:** According to Yao's son, Yao had previously been harassed for his collaboration with dissident writer **Yu Jie** and his publication of *Hu Jintao: Harmony King*, a critique of the former president's concept of 'harmonious society'. He reported that his Gmail account was hacked while he was preparing to print the book. Since 2007, Yao has worked closely with dissident writers, including many members of the Independent Chinese PEN Centre (ICPC), to publish books which have been banned in mainland China. His publications include an ICPC Membership Literature Series, of which more than a dozen volumes have been published. More of his publications can be found at <http://morningbellpress.blogspot.se/>. His current arrest is thought to be

connected to his latest collaboration with Yu Jie, as he was preparing to publish the book *Chinese Godfather Xi Jinping*. **Honorary Member:** Independent Chinese PEN and Danish PEN Centres. **PEN Action:** RAN 02/14 and updates

#### **ZHU Yufu:**

**Profession:** dissident poet and member of Independent Chinese PEN Centre (ICPC). **Date of Birth:** 13 April 1953 **Sentence:** Seven years in prison and three years' deprivation of political rights. **Expiry:** 2018 **Date of arrest:** 5 March 2011 **Details of arrest:** Reportedly arrested on 5 March 2011 and charged on 10 April 2011 by the Public Security Bureau of Hangzhou City, Zhejiang Province, on suspicion of 'inciting subversion of state power' for his critical writings, in particular his poem '[It's time](#)'. The poem appears to have drawn the authorities' attention for its timing around the Jasmine Revolution controversy. **Current place of detention:** Zhejiang Provincial No.4 Prison, P.O. Box 50, Hangzhou City 311100, Zhejiang Province, P.R. China **Details of trial:** On 10 February 2012, a court in Hangzhou sentenced Zhu to seven years in prison for 'inciting subversion of state power'. Zhu's wife and son were present at the hearing. **Update:** His appeal was reportedly [rejected](#) on 7 May 2012. **Conditions in detention:** Denied access to books and letters from his family. **Health concerns:** Reported in November 2012 to be in very poor health and to be denied adequate health care, food and medication. In October 2013, prison authorities refused to allow a US doctor to visit him. According to reports, his family has repeatedly requested medical parole since his arrest without success. **Background:** Zhu Yufu, previously spent seven years in prison for subversion after being convicted in 1999 for helping to found the banned opposition group, the China Democracy Party. In 2007, a year after his release, he was detained and sentenced to a further two years in prison after allegedly pushing a police officer while being arrested. **Awards:** Recipient of the 2011 Hellman/Hammett award. **PEN Action:** RAN 05 – 25 January 2012; Update #1 – 14 February 2012; appeal by English PEN [February 2016](#)

#### Detained – main case

#### **HUUCHINHUU Govruud (aka Gao Yulian) (f):**

**Profession:** Southern Mongolian dissident writer and activist who is a member of the banned Southern Mongolia Democratic Alliance. She is said to have authored several books and a large number of essays on the ethnic problems in Southern Mongolia. Two of her works, *Silent Stone* and *Stone-hearted Tree*, have been banned in China. **Date of birth:** 1955 **Date of arrest:** early November 2010 **Details of arrest:** She was arrested for her internet activism on behalf of the Mongol people and placed under house arrest, apparently for campaigning demanding the release of Hada, a prominent political prisoner (see previous Case Lists); her phone and Internet lines were cut off and she had about 20 policemen guarding her every day. A month later, she was transferred to hospital due to a serious health condition. She went reportedly missing whilst under police guard in hospital on 27 January 2011 and appears to have been subjected to an enforced disappearance for several months. She appears to have been placed under house arrest in one of her relatives' residencies in Southern Mongolia's Tongliao Municipality. In January 2015, she called for her release from house arrest and said that the authorities had frozen her bank accounts after she received money from her son abroad on suspicion that the money was destined for Hada. **Current place of detention:** Placed under house arrest in one of her relatives' residencies in Southern Mongolia's Tongliao Municipality. **Details of trial:** On 28 November 2012, Huuchinhuu was reportedly tried in secret and found guilty by the Tongliao Municipality People's Court of 'providing state secrets to a foreign organisation' and 'leaking state secrets' for circulating some publicly available information through the Internet. **Conditions of detention:** In September 2011, the Southern Mongolian Human Rights Information Centre (SMHRIC) reports having received photos dated July 2011 in which Huuchinhuu appeared to have been severely beaten. **Health concerns:** According to the SMHRIC Huuchinhuu is currently suffering from a loss of eyesight and chronic diseases. **Awards:** Recipient of the 2012 Hellman/Hammett award.

**LIU Xia (f):**

**Profession:** poet and artist, founding member of the Independent Chinese PEN Centre (ICPC). **Date of birth:** 1 April 1959 **Date of arrest:** October 2010 **Details of arrest:** Liu has been held under unofficial house arrest in her Beijing apartment since October 2010. Liu's house arrest is thought to be a form of punishment for the human rights work carried out by her husband, imprisoned poet and Nobel Laureate **Liu Xiaobo** (see 'Imprisoned: main cases' above). Liu was reportedly permitted to visit her husband in Jinzhou Prison during the 2014 Chinese New Year period. **Health concerns:** Liu is said to be suffering from severe depression. Liu is not allowed to see the doctor of her choice and has refused a police-appointed doctor as she fears being interned in a psychiatric hospital. According to reports, Liu was briefly hospitalised for a heart attack in January 2014 and was later turned away from the hospital after she returned for a scheduled observation. Liu reportedly sought permission to leave China to seek medical help abroad following the incident, however, the request was denied. She has since been allowed back to the hospital. No further information as of 30 June 2016. **Other information:** On 14 February 2014, supporters of Liu Xia and her husband gathered in a shopping district of Hong Kong to shave their heads. In March 2015, the [Special Rapporteur](#) on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concluded that the Chinese government had violated Liu Xia's rights under the UN Convention Against Torture by denying her access to medical treatment. The UN Working Group on Arbitrary Detention in [Opinion No. 16/2011](#) found Liu Xia's detention to be arbitrary under international law and called on the government to immediately release and adequately compensate her. **Honorary member:** PEN America and ICPC **PEN Actions:** Mentioned in [Creativity and Constraint in Today's China](#), Press statements [22 October 2013](#), [6 December 2013](#), [8 December 2014](#), [8 December 2015](#) [World Poetry Day 2014](#); International Women's Day 2014, World Poetry Day 2015, Liu Xia Solidarity Campaign, [World Poetry Day 2016](#)

**MI Chongbiao:**

**Profession:** activist and member of the Guizhou Human Rights Forum **Date of birth:** 1940 **Date of arrest:** September 2013 **Details of arrest:** Mi and his wife were reportedly placed under house arrest at their home in Guiyang city after Mi wrote about a complaint he made to the United Nations. His post entitled, 'filing a complaint to the U.N. Human Rights Council for the second time,' which called for greater democracy and protection of human rights was published on 15 June 2013. Mi and his wife Li Kezhen reportedly had no contact with friends or family until January 2014, during which time they were held in conditions amounting to enforced disappearance. Mi was reportedly placed under surveillance before his arrest. **Current place of detention:** According to Front Line Defenders, Mi Chongbiao and Li Kezhen are currently being held in an undisclosed location in Guiyang city by members of the Guiyang city police force, the Public Security Bureau and hired security guards. They are regularly moved to different locations to ensure that their whereabouts remains unknown. The couple are reportedly kept under watch by three teams of ten guards, who work eight hour shifts. **Conditions of detention:** Their two sons are permitted to see them once every two weeks, where they are brought to meet them, under surveillance, for three hours at a restaurant designated by police. The sons have obtained information from these meetings about their conditions under house arrest, particularly about alleged torture and other forms of mistreatment against Mi. In late April 2015, Mi's elder son and his lawyer, Sui Muqing, visited the couple and found that their lives were under increased threats of violence, and that guards routinely and arbitrarily beat the couple, according to reports by [Chinese Human Rights Defenders](#). [**Stop Press:** According to Front Line Defenders, Mi and his wife were both physically assaulted by guards from the National Security Bureau in Guiyang on 23 July 2016 after Mi's wife tried to get the attention of participants in the Guizhou International Marathon which passed close to the location of their detention.] **Health concerns:** In February 2014, it was reported that Mi had been spotted in hospital by a fellow activist. He is thought to have been visiting his wife in hospital after she fell ill in January 2014. Both Mi and his wife were reportedly denied medical treatment after suffering injuries during the beating in July 2016.

**WANG Jiamin, GUO Zhongxiao and LIU Haitao:**

**Profession:** journalists, publisher (Wang) and editors (Guo and Liu) for the Hong Kong-based Chinese-language magazines *New-Way Monthly* and *Multiple Face* **Date of birth:** 1953, 1975 and 1982 respectively. **Date of arrest:** Wang and Guo were arrested on 30 May 2014, and Liu on 17 June 2014. **Details of arrest:** Wang and Guo were reportedly detained by police in the southern city of Shenzhen where they were residing, for ‘operating an illegal publication’. Liu was also arrested at his home in Henan province by the police from Shenzhen 18 days later, as well as Wang’s wife and father-in-law in Shenzhen, both of whom were later released on bail. **Current place of detention:** Detention Centre of Shenzhen City, Guangdong Province **Details of trial:** On 5 November 2015, the three men reportedly pleaded guilty to running an illegal business in Shenzhen. Though the publications are published in Hong Kong, where they are legal, copies are sent to eight people in the mainland, where the publications are not registered, as argued by the prosecutors. However, the mainland audience accounted for 66,000 yuan (HK\$80,600) of total revenue, less than half the 150,000 yuan minimum needed to raise the offence to the level of running an illegal business. Wang, Guo and Liu were still awaiting sentencing at the end of 2015. **Background:** Both Guo and Wang are reportedly considered politically well-connected journalists, who had worked for Hong Kong based *Yazhou Zhoukan (Asia Weekly)* before they started their own magazines, which frequently report insider information and speculation on political affairs in China. They employed Liu as an editor who worked at home in Henan Province, printed their magazines in Hong Kong and partially distributed the copies in mainland China. Members of the Hong Kong Journalists Association have reportedly attributed their arrests to part of a wider attempt to suppress the publishing industry in Hong Kong. Also in May 2014, Hong Kong publisher **Yao Wentian** was sentenced to a 10-year prison term for ‘smuggling ordinary goods’ to Shenzhen (see ‘Imprisoned: main case’). **Honorary members of:** Independent Chinese PEN Centre (ICPC). **[Stop press:** Wang, Guo and Liu were reportedly sentenced on 26 July 2016. Wang was sentenced to five years and three months, while Guo and Liu were sentenced two years and three months in prison. Liu’s sentence was reportedly suspended for three years and he was released. Wang and Guo remain in prison.]

**\*WANG Yu (f):**

**Profession:** Human Rights Lawyer and online activist **Date of arrest:** 9 July 2015 **Details of arrest:** Wang reportedly was among come 300 human rights lawyers arrested as part of an ongoing crackdown on human rights lawyers, which began in July 2015. Wang was formally arrested in January 2016; Wang was reportedly accused of subversion of state power. **Background:** Wang is an outspoken advocate, who represented Uyghur scholar, **Ilham Tohti** (see ‘Imprisoned: main case’ in XUAR below). **Awards:** 2016 [Ludovic Trarieux International Human Rights Prize](#); 2016 American Bar Association International Human Rights Award **[Stop press:** On 1 August 2016, Wang reportedly appeared in a televised ‘confession’, which appeared on the website of a Hong Kong news site known as Oriental Press, in addition to several party-controlled outlets. In her ‘confession’ – widely believed to be achieved through coercion – Wang reportedly criticised her former employer and apologised for making ‘improper’ remarks to foreign journalists, as well as for writing ‘inappropriate’ things online. She also said she was refusing to accept the ‘award’. Reports indicate that she was subsequently released on bail. However, her release could not be confirmed by her lawyers.]

Detained: investigation

**\*CHEN Qitang: (pseudonym: Tian Li)**

**Profession:** activist **Date of arrest:** October 2014 **Details of arrest:** The authorities reportedly initially held Chen on an administrative detention order in connection with an essay he posted online. He was criminally detained a month later owing to his connections to **Su Changlan** (see below). He was not permitted to [meet his lawyer](#) until 10 June 2015 **Current place of detention:** Nanhai District Detention Centre, Foshan City, Guangdong Province. **Details of trial:** In April 2016, Chen reportedly went on trial before the Foshan Intermediate People’s Court accused of ‘incitement to subvert state power’ in connection with political essays that he posted online. Chen pleaded not guilty to the

charges. The hearing lasted two-and-a-half hours; a verdict in the case was not delivered. If convicted he could face up to five years in prison if the offence is considered minor, however, the penalty could be higher if he is considered a ringleader. **Background:** Chen, a former editor of two online publications, has already served a two-and-a-half-year prison term for 'fraud' after he helped local farmers in Foshan defend their land rights.

**\*LI Xin:**

**Profession:** former journalist with *Southern Metropolis Daily* newspaper **Date of arrest:** January 2016 **Details of arrest:** Li is reported to be assisting the Chinese police with an investigation. His precise whereabouts are unknown, although he is thought to be being held in Henan province. **Background:** According to news reports, Li fled China in July 2015, initially travelling to India before heading to Laos via Thailand. He was last heard from in Thailand on 11 January 2016. His whereabouts were unknown until 2 February 2016, when his wife received a telephone call from Chengguan Town Police Station, Li Xin's hometown in Henan province, and was told she would receive a call from him the following day. Li Xin reportedly called on 3 February and told her to 'lead a stable life' and 'not to communicate with people outside', and that he 'would try his best to return as soon as possible'. He did not say where he was. According to Amnesty International, Li fled China in July 2015, as Chinese state security officials had put him under intense pressure to act as an informant against his colleagues and friends, and threatened to imprison him if he did not do so. After initially cooperating, Li Xin refused to continue, which he believed put him and his family at risk, so he decided to leave China.

**\*LIU Shaoming:**

**Profession:** activist and journalist **Date of arrest:** 30 May 2015 **Details of arrest:** Police reportedly initially detained Liu in May 2015 on suspicion of 'picking quarrels and provoking troubles,' but later formally arrested him on a more serious charge of 'inciting subversion' on 4 July 2015. **Details of trial:** On 15 April 2016, Liu reportedly stood trial behind closed doors for 'inciting subversion to state power.' At the trial, prosecutors cited articles and essays he wrote and disseminated on social media outlets (WeChat, QQ, and Telegram). **Place of detention:** Guangzhou No. 1 Detention Centre **Conditions in detention:** The authorities are reported to have denied Liu access to his lawyers on the grounds that they may harm national security. His first visit by legal counsel was allowed in November 2015. **Honorary member:** ICPC

**\*OUYANG Hongliang:**

**Profession:** editor-in-chief of the Watching News website **Date of arrest:** March 2016 **Details of arrest:** Ouyang has reportedly been held incommunicado, along with several others working for the Watching News website, after being called in for questioning. **Background:** On 4 March 2016, Watching News published an open letter calling for President Xi Jinping to resign. Several others have been detained in connection with the letter, including the suspected author **Jia Jia** (see 'Brief detention').

**\*SAMDRUP**

**\*NAMGYAL Lhadon (f)**

**\*RONGSHER:**

**Date of arrest:** 30 March 2016 **Details of arrest:** Authorities in China's north-western Qinghai province detained the three in Chugo Deser village, in Matoe (Meduo, in Chinese) county in Golog (Guoluo) Tibetan Autonomous Prefecture. They are thought to be being detained for taking part in a group chat on social media regarding the 2016 election of the Central Tibetan Administration, seen as the legitimate government by Tibetans.

**SU Changlan (f):**

**Profession:** activist and blogger **Date of birth:** 18 July 1971 **Date of arrest:** 27 October 2014 **Details of arrest:** Arrested while at her home by officers from the Nanhai Branch of Foshan Public Security

Bureau, for posting online comment in support of the pro-democracy protest in Hong Kong. She was initially held on suspicion of ‘inciting subversion of state power’, and formally arrested by police in the southern province of Guangdong on 3 December 2014. Local authorities reportedly held Su incommunicado for over six months until she was finally allowed to meet her lawyer in May 2015. After months of failed requests to see Su, her husband and brother began to protest in February 2015 in front of a police station, according to Chinese Human Rights Defenders. Both of them were later criminally detained for nearly one month. Her lawyer has made requests for the disclosure of details about her case, but these have been refused. **Current place of detention:** Nanhai District Detention Center, Foshan City, Guangdong Province. **Details of trial:** According to reports, Su met with her lawyer on 20 November 2015, who found out that she had been formally interrogated for the first time on 21 October, and indicted on 13 November 2015. **Update:** On 21 April 2016 Su’s trial is reported to have commenced on 21 April 2016 at the Intermediate People's Court in her hometown of Foshan. She pleaded not guilty to charges of ‘inciting subversion of state power.’ Five activists showing their support for Su were detained outside the court house. **Conditions of detention:** According to her lawyer, she has only been allowed to shower in cold water, even in winter. **Health concerns:** Su reportedly suffers from hyperthyroid heart disease, which can be fatal if not properly treated, but authorities denied requests for bail on medical grounds. Su had been hospitalised in 2014 prior to her detention and required medical care. After meeting her on 20 November 2015, her lawyer said that ‘she was in terrible shape’, she is receiving no treatment for her illnesses, and now her throat is chronically swollen and coughs regularly. When the detention centre conducted a physical inspection on her, they found that she suffered an arrhythmic heartbeat and anti-clockwise rotation of the heart. **Background:** It has been reported that this is the third time that Su has been arrested and questioned by the authorities. The other two occasions were 12 September and 5 October 2014. Su was a primary school teacher who lost her job allegedly for campaigning for land rights. **Honorary Member of:** Independent Chinese PEN (ICPC), Swedish PEN.

**\*WEI Manyi (Pen name: Shui Muran)**

**Profession:** blogger **Date of arrest:** 17 May 2016 **details of arrest:** Wei was reportedly summoned by police in Hangzhou, Zhejiang province, in order to assist with investigations. The police reportedly searched his home and copied information from his computer. The following day Wei’s brother was served with a notice that Wei was being detained on suspicion of ‘picking quarrels and provoking trouble.’ He could face up to five years in prison. No further information as of 30 June 2016.

**Background:** Wei’s arrest is thought to be in connection with an article he published on social media service WeChat on 3 May 2016 in which he alleged links between corrupt businessmen and Buddhist temples. More than 100,000 people saw the article before Wei deleted it and issued an apology on social media accounts. The day after its publication, the Buddhist Association of China reportedly published articles on its website accusing Wei of smearing Buddhists and damaging the reputation of Buddhism in China.

**\*ZHANG Yongsheng:**

**Profession:** reporter for the state-owned *Lanzhou Morning Herald* **Date of arrest:** 7 January 2016

**Details of arrest:** Zhang was reportedly arrested on 7 January 2016, accused of extortion. According to an [announcement](#) published on the website of the Liangzhou district government of Wuwei Municipality, Zhang had ‘used his position as a journalist and in the name of public opinion supervision, to repeatedly extort money and goods from others.’ **Conditions of detention:** According to reports, Zhang’s lawyers filed a complaint with the prosecutor’s office on 20 January after the police repeatedly denied them access. Zhang denied the charges when he was finally allowed to meet with his lawyers on 22 January. No further information as of 30 June 2016. **Background:** Zhang has repeatedly been threatened for his critical reporting, according to reports.

On trial

**HE Zhengjun, profession:** writer and Administrative Director of the Transition Institute

**GUO Yushan, profession:** writer and former President of the Transition institute

**HUANG Kaiping, profession:** writer and President of the Transition Institute

**Date of birth:** He was born on 26 January 1982, Guo on 2 August 1977 and Huang on 29 September

1982. **Date of arrest:** He was arrested on 26 November 2014. Guo on 9 and Huang on 10 October

2014. **Date of release:** Huang was reportedly released on 28 January 2015, He and Guo were

released on bail on 14 September 2015 **Details of arrest:** Writers Guo Yushan and Huang Kaiping, the

Transition Institute's founder and President, respectively, were arrested on charges of creating

disturbances for publically supporting the protests in Hong Kong. The charge of creating disorder is

commonly used to silence dissent. **Details of trial:** He and Guo's lawyers were barred from seeing

them for an extended period of time. Lawyer Xia Lin is reportedly in custody, under the charges of

'fraud,' after failed attempts to visit Guo. He Zhengjun's lawyer was finally able to see his client after

filing a complaint against the Beijing Public Security Bureau (PSB), according to news reports. The

procuratorate returned the case to the Beijing PSB in May 2015 for further investigation, further

delaying the pair's release. No further information as of 30 June 2016. **Other information:** The

Transition Institute is a renowned civil society independent think tank which has now been shut

down by the Beijing authorities. The Transition Institute, founded in 2007, has carried out

investigations in the fields of fiscal reform, local elections, legal reforms, business regulations, citizen

participation and education rights. On 9 October 2014, the Transition Institute's office was raided

and all electronic equipment including computers and hard drives were confiscated. **Honorary**

**members:** Independent Chinese PEN Centre (ICPC). **PEN Action:** Press statement [9 December 2014](#);

[RAN 17/14](#) and [updates](#)

#### Brief detention

##### **\*JIA Jia:**

**Profession:** freelance journalist, columnist at the Tencent Online website and editor of Initium Media

website **Date of arrest:** 15 March 2016 **Date of release:** 25 March 2016 **Details of arrest:** Jia is

reported to have disappeared while travelling from his home in Beijing to Hong Kong, where he was

scheduled to give a talk at the City university of Hong Kong. Friends waiting to meet him at Hong

Kong International Airport say that he never arrived. The public security bureau of the Beijing Capital

International Airport, where he was last known to be, reportedly denied having any information

about his whereabouts. **Place of detention:** According to 21 March reports, Jia's lawyer confirmed

that he was being held by Beijing police, but his precise location was unknown. **Background:** Shortly

before his disappearance, Jia is reported to have told friends that he believed that the police were

searching for him in relation to a 4 March open letter published on *Wujie News* (Watching News)

website and overseas Chinese-language website *Canyu*, which called for the resignation of President

Xi Jinping. The letter is reported to have criticised Xi for abandoning collective leadership and

concentrating power in his own hands. Jia is reported to have told friends that he had nothing to do

with the letter.

##### **\*TIAN You:**

**Profession:** writer **Date of arrest:** 8 April 2016 **Details of arrest:** Tian was reportedly held at

Shenzhen Longgang district police department on a five-day administrative detention order in

connection with his writing. He was reportedly prevented from seeing his lawyer during his

detention. **Background:** According to news reports, Tian was accused of writing an unfavourable

comparison of the President's wife with a Zhou dynasty empress. Tian is reportedly the author of

several novels including *Underground*, *Overground: Men Compete for Power, Sex and Money*, *The*

*Unfortunate Man*, and *The Rules*.

##### **\*Tsering WOESER (f), profession:** Tibetan poet and author

**WANG Lixiong, profession:** dissident writer

**Date of detention:** 25 April 2016 **Date of release:** 29 April 2016 **Details of detention:** Woesser and Wang – husband and wife – were reportedly placed under house arrest during a visit to Beijing by an NGO from the United States of America., the American Himalayan Foundation. **Background:** Wang Lixiong was reportedly barred from traveling to Japan on 16 December 2015, apparently due to concerns that his visit would ‘damage national security.’ The Japanese translation of his 1991 novel ‘*Yellow Peril*’ about an apocalyptic civil war in China went on sale in Japan in November 2015. Wang is known for his critical views of the Chinese authorities’ treatment of minorities. Arrested in 1999, he spent 42 days in prison, and has been placed under house arrest several times, including in July 2014 with his wife, Tibetan writer Tsering Woesser, during the US Secretary of State John Kerry’s visit to China. Tsering Woesser has used her blog ‘Invisible Tibet’, together with poetry, research and social media platforms to give voice to ethnic Tibetans. **PEN Action:** RAN 15/15

### Harassed

#### **\*FAN Yanqiong (f):**

**Profession:** writer and human rights activist, member of Independent Chinese PEN Centre **Date of harassment:** 6 and 7 May 2016 **Details of harassment:** Fan was reportedly detained for more than an hour by passport control officials at the Guangzhou Railway Station. Fan had sought to travel by train to Hong Kong via Guangzhou railway station, in order to make her way onward to attend the 84<sup>th</sup> Bled Conference, hosted by Slovene PEN Centre, where meetings of PEN International’s Writers for Peace Committee and [Women’s Writers Committee](#) were due to be held. Instead of permitting her to leave mainland China, Fan’s passport was confiscated and she was taken to a hotel in Shenzhen, where she was kept under police guard. Fan was detained for an hour the following day at a border checkpoint in Shenzhen. According to information supplied to PEN, she was informed by the police that she is not allowed to leave China due to national security concerns. She was returned to her home where she remains under close surveillance. **Background:** Fan began publishing articles in 1978, and was admitted to the Nanping Literature and Art Association in 1980. After her mother’s home was forcibly demolished in 1985, she began 25 years of advocacy on behalf of petitioners’ legal rights. A staunch critic of the Chinese authorities and a campaigner for social justice, Fan has long been the subject of surveillance and targeted harassment. In 2009, she was sentenced to charges of criminal libel in connection with an article she published online. She was granted medical parole in August 2010 (for more information see [July-December 2010 Case List](#)). **Awards:** Hellman/Hammett Grant 2011; 24<sup>th</sup> Award for Advancement of Democracy (2009), awarded by the Chinese Democracy Education Foundation for her work exposing corruption.

#### **\*GE Yongxi:**

**Profession:** lawyer **Date of harassment:** 15 April 2016 **Details of harassment:** Ge was reportedly detained and questioned for at least 10 hours by police in Guangdong province. His detention followed his reposting of a satirical image of China’s president, linking him to the Panama Papers. The image showed the late supreme leader Deng Xiaoping, former President Jiang Zemin and current President Xi Jinping chest-deep in water labelled ‘the Panama Canal’. While the image reportedly shows Deng and Jiang being concerned for the depth of the water, Xi is shown saying ‘Never fear, I have a brother-in-law [to take the blame].’ **Background:** Since the leaking of 11.5 million documents held by Panama-based law firm, Mossack Fonseca, known as the ‘Panama Papers’, the Chinese authorities are reported to have fought to censor the coverage of such information brought to light. Included in the documents leaked are details of an offshore shell company set up by Xi’s brother-in-law in the British Virgin Islands, according to press reports.

#### **\*KEUNG Kwok-yuen:**

**Profession:** former chief executive editor of Hong Kong’s *Ming Pao* newspaper **Date of harassment:** 20 April 2016 **Details of harassment:** Keung was reportedly fired as chief executive editor of *Ming Pao* after the newspaper ran a front-page story in its 20 April edition based on files leaked from the

Panama Papers. The article reportedly detailed offshore accounts held by politicians and businessmen in Hong Kong. **Background:** Journalists throughout Hong Kong have protested Keung's dismissal, by publishing blank columns or by holding protests.

**\*LIU Yuxia, profession:** page editor of Guangzhou-based *Southern Metropolis Daily*

**\*WANG Haijun, profession:** deputy editor-in-chief of *Southern Metropolis Daily*

**Date of harassment:** February 2016 **Details of harassment:** According to news reports, Liu was issued with an 'administrative dismissal', while Wang was sanctioned for 'political insensitivity', a black mark placed on his record. The sanctions were in response to two headlines posted on the front page of the 20 February Shenzhen edition of the *Southern Metropolis Daily*. **Background:** One headline reportedly proclaimed: 'At the front-line of propaganda work, state media belongs to the party,' while the second, linked to a separate story about a shipboard ashes-scattering ceremony, made a second, vertical sentence, adding the words: 'Soul returns to the sea.' According to [Radio Free Asia](#), as Chinese grammar depends on context, the two sentences could be combined to mean 'If the media belongs to the party, its soul will be scattered at sea.'

**\*REN Zhiqiang:**

**Profession:** property tycoon and member of the ruling Chinese Communist Party **Date of harassment:** 2 May 2016 **Details of harassment:** Ren's membership to the ruling Chinese Communist Party was reportedly placed on one year's probation following comments he made on social media, which were deemed to contravene the party line and its policies. Following the suspension, state-run media began publishing articles critical of Ren. **Background:** Ren had reportedly questioned the use of public funds held by the People's Republic of China for disseminating the ruling party's political propaganda. Ren's Sina Weibo (a twitter-like service) account had 37 million followers prior to being closed down by China's Cyberspace Administration in February, in line with the recently passed National Security Law.

**\*WEN Yunchao:**

**Profession:** blogger and freedom of speech advocate **Date of harassment:** March 2016 **Details of harassment:** According to reports, the US-based blogger believes that government officials have detained his parents and brother. Wen reports that several unidentified individuals took his family from their homes in Jiexi county, Guangdong province. Police officers had reportedly visited their homes several times over the previous two weeks and questioned them regarding the possibility of Wen's involvement in the publication of an open letter calling for the resignation of Prime Minister Xi Jinping. **Background:** Several bloggers have been harassed in relation to the publication of an open letter on 4 March on *Wujie News* (Watching News) website and overseas website *Canyu*.

**\*YANG Jisheng:**

**Profession:** retired journalist and author **Date of harassment:** February 2016 **Details of harassment:** According to news reports, Yang was banned from travelling to the United States of America to accept an award for his work. **Background:** Before his retirement Yang worked for the state media Xinhua News. Yang was selected for Harvard University's Louis M Lyons Award in recognition for his 2008 book *Tombstone: the Great Chinese Famine, 1958-1962*, in which he estimates that there were some 36 million famine deaths.

**\*ZHANG Ping (Pen-name: Chang Ping):**

**Profession:** columnist for the Chinese-language site of German international broadcaster Deutsche Welle **Date of harassment:** 27 March 2016 **Details of harassment:** The Chinese police reportedly arrested three of Zhang's siblings in their home in Duofu, Sichuan Province, on 27 March 2016. Zhang's sister and one of his brothers were reportedly released within 24 hours. Zhang's brother reportedly passed messages onto him, in which he was informed that his other brother would be released if Zhang deleted his posts regarding his brother's alleged kidnap, to confirm that he wrote an article in Deutsche Welle and request its withdrawal, and to stop publishing articles critical of the

Chinese authorities. According to reports, the Public Security Department of Sichuan Province stated that Zhang's brothers and father were under investigation on suspicion of causing a fire by burning incense to venerate their ancestors. **Background:** Zhang, who lives in Germany, had reportedly published an article on 19 March decrying the disappearance of journalist, **Jia Jia** (see 'Brief detention' above). Zhang has reportedly complained that his family have faced harassment as a result of his reporting in the past. For this reason, he suspended contact with them. Since their detention, Zhang has reportedly received messages from his sibling's email accounts asking him not to draw attention to their arrest and to remove the offending article.

#### Conditional release

#### **GAO Yu (f):**

**Profession:** former chief editor of *Economics Weekly*, before being barred from publishing, and contributor to German newspaper *Deutsche Welle*. Member of ICPC. **Date of birth:** 23 April 1944  
**Sentence:** Five years in prison **Date of release:** 26 November 2015 **Details of release:** Gao Yu was released on medical parole on 26 November 2015 following an appeal **Expires:** April 2019 **Date of arrest:** 24 April 2014 **Details of arrest:** Gao went missing on 23 April, her whereabouts were unknown until 8 May when the authorities confirmed that she was being detained by Beijing police on suspicion of 'leaking state secrets abroad.' At the time of her disappearance she was writing a column titled 'Party Nature vs. Human Nature', which is said to focus on the new leadership of the Chinese Communist Party and its internal conflicts. The article was never submitted, and when Gao did not attend, as scheduled, a 26 April event in Beijing to commemorate the 4 June 1989 anti-government protests which were brutally suppressed, friends reported her disappearance. According to Gao's lawyer, the charges are believed to be based on a document known as 'Document Number 9', which Gao had written about in August 2013. The document is said to detail the government's vision of pushing economic reforms while maintaining ideological controls concerning issues such as democracy, civil society and freedom of press. On 8 May 2014 Gao appeared in a televised 'confession' shown on China's national broadcaster CCTV. The trial started on 24 November 2014 but had not concluded by the end of the year. **Current place of detention:** No.1 Detention Centre, Beijing. **Details of trial:** Gao was found guilty on 17 April 2015 of 'Leaking state secrets abroad' and was sentenced to seven years in prison. According to her lawyer, Mo Shaoping, in the interview with *Deutsche Welle*, the court took into consideration Gao's 'confession' during their deliberation, in contravention of Chinese law that dictates that evidence obtained under duress must be thrown out and must not be considered when passing a verdict. Furthermore, her sentence comes despite evidence submitted to court which asserted that the supposed recipient of Document 9, He Pin of Mirror Publishing, had not received the document from Gao Yu. On 26 November 2015, the Beijing high court upheld Gao's conviction following a closed hearing on her appeal, held on 24 November 2015, but reduced her sentence to five years. The judge reportedly upheld her conviction in light of her 'confession'. She was granted medical parole. **Update:** Gao Yu was [reportedly sent on a forced 'vacation'](#) in March 2016 to the southwestern province of Yunnan, thought to be timed to coincide with the annual meeting of the National People's Congress (NPC) from 5-15 March 2016. **Health concerns:** Gao Yu, who suffers from Menière's Disease, has also suffered severe gastroenteritis while in prison. Gao reportedly suffered two heart attacks at the beginning of October 2015. According to her lawyer, Gao's health was deteriorating and the medical treatment received in prison was insufficient. **Update:** Gao Yu was reportedly denied permission to travel to Germany to receive medical treatment in February 2016, despite having obtained a visa. Subsequently, Gao Yu was reportedly hospitalised after the Beijing Municipal Bureau of City Administration and Law Enforcement identified her garden for destruction on 31 March 2016. Some 20 or more plainclothes police and urban management officials, known as 'chengguan,' came to Gao Yu's Beijing home without warning. Without a court order, they [destroyed](#) what they claimed was an illegal garden structure, according to reports. Gao's son, Zhao Meng, was reportedly beaten during the incident. A confrontation arising from Gao's attempts to prevent the demolition is reported to have triggered

her heart condition. She was [admitted to Anzhen Hospital](#) on 5 April 2016. **Background:** Gao has been jailed twice before for her activism. After the Tiananmen crackdown in 1989 she was locked up, but she was released after 15 months for health concerns. In 1993 she was arrested again and in November 1994 was sentenced to six-years for leaking state secrets in her writing in politics. She was released in 1999 thanks to a medical parole. **Awards:** The WAN 1995 Golden Pen of Freedom award, the IWMF 1995/2006 Courage in Journalism Awards, and the UNESCO/Guillermo Cano 1997 World Press Freedom prize, named one of the International Press Institute's 50 World Press Freedom Heroes of the 20<sup>th</sup> century. **Honorary member:** Honorary Director of Independent Chinese PEN Centre (ICPC), Honorary member of Czech PEN, Swedish PEN and Danish PEN. **PEN Action:** [Press statements 7 May 2014](#); [2 June 2014](#) and [21 November 2014](#) ; RAN 09/14 and updates; [Day of the Imprisoned Writer case 2014](#); [International Women's Day case 2015](#)

#### **PU Zhiqiang:**

**Profession:** writer and human rights lawyer **Date of birth:** 17 January 1965 **Date of arrest:** 4 May 2014 **Date of release:** 15 December 2015 **Sentence:** Three years suspended **Details of arrest:** A number of participants at a 3 May 2014 gathering were reportedly taken in for questioning by police. Most were released after interrogation, however, Pu was criminally detained along with **Hu Shigen, Hao Jian, Xu Youyu and Liu Di** (see 'Brief detention' in 2014 [Case List](#)) on suspicion of 'causing a disturbance.' On 13 June, he was formally charged with 'causing a disturbance' and 'illegal access to citizens' personal information' for allegedly providing media with materials of investigations about corruption. In November 2014, police extended the charges against Pu for inciting to split the country and inciting ethnic hatred, reportedly based on 28 pieces of his critical comments on Weibo, China's version of Twitter. **Current place of detention:** Beijing No. 1 Detention Centre. **Details of trial:** On 15 May 2015 Pu's lawyers stated that he will stand trial in Beijing on the charges of 'inciting ethnic hatred' and 'picking quarrels'. The prosecutors did not announce the date of the trial, which could be two or three months away, according to Pu's lawyers. On 22 May, Pu's defence said that he denied the charges. On 14 December 2015, Pu was tried before a Beijing court, and on 15 December he was given a three-year suspended sentence. The sentence meant that Pu could go free, but, according to his lawyer Mo Shaoping, Pu's career as a lawyer is over due to his criminal conviction. **Update:** On 13 April 2016, the Beijing municipal Bureau of Justice announced its decision to strip Pu's licence to practise the law, citing his conviction as the reason. **Health concerns:** Pu suffers from diabetes, high blood pressure, high cholesterol and prostatitis (being unable to sleep). His lawyer's applications for a release on medical grounds were all rejected. On 15 August 2015 Pu was taken to a hospital due to a shortness of breath, but was returned to the prison the same day. **Background:** On 3 May 2014, at least 15 people – writers, scholars and activists – gathered at a private residence in Beijing to commemorate the forthcoming 25<sup>th</sup> anniversary of the brutal crackdown on 4<sup>th</sup> June 1989 pro-democracy protests, which resulted in the deaths of an estimated 2,000 unarmed individuals at the hands of Chinese troops in cities across the country. The group released a statement after the meeting calling on the Chinese government to launch an official investigation into the events in 1989 and to compensate the victims. **Awards:** ICPC's 2015 Liu Xiaobo Courage to Write Award **Honorary member of:** Independent Chinese PEN Centre (ICPC). **PEN Action:** Press statement [7 May 2014](#)

#### Released

**LEE Bo (also known as Paul Lee):** (also a British citizen)

**Profession:** editor at Mighty Current publishing house **Date of disappearance:** 30 December 2015 **Details of disappearance:** Lee reportedly disappeared from Hong Kong on 30 December 2015. According to local news reports, he was last seen at his company's warehouse and did not have his travel permit for mainland China with him. Lee is the fifth person associated with Mighty Current to have disappeared since October 2015. **Update:** According to 5 January 2016 reports, Lee's wife retracted a missing persons' report after receiving a letter from him in which he reports that he went to mainland China in order to work with 'concerned parties'. According to 16 January 2016 reports,

the Hong Kong police received confirmation from Guangdong province's public security department that Lee was in mainland China. The Hong Kong police is reported to have met with Lee Bo on 29 February 2016 following the intervention of Interpol and the British Foreign Secretary, who said that British intelligence had showed that Lee had been involuntarily removed from Hong Kong. Lee's departure did not feature on official records. On 24 March 2016, Lee returned to Hong Kong. Authorities issued a statement saying Lee had travelled to Mainland China voluntarily and had not been detained. **PEN Action:** [12 November 2015 statement](#)

**LIN Rongji** (also written: Lam Wing Kee), **profession:** Causeway Book Store manager

**LU Bo** (also written: Lui Por), **profession:** General manager of Causeway Book Store

**ZHANG Zhiping** (also written: Cheung Chi Ping), **profession:** staff member of Mighty Current publishing house and Causeway Book Store

**Date of disappearance:** October 2015 **Details of disappearance:** Lin, Lu and Zhang are reported to have disappeared while travelling in Guangzhou province, mainland China, in October. According to a statement made by Lin following his release, he was arrested when crossing the border into Shenzhen on 24 October 2015, and subsequently blindfolded, handcuffed and taken to Ningbo. In February 2016, the Hong Kong authorities reportedly said that the Chinese mainland authorities had written to confirm that criminal compulsory measures had been taken against them for alleged illegal activities. They were thought to be being held by Guangdong police. **Other information:** all three are reported to have appeared in televised interviews in February 2016, in which they 'confessed' to running an illegal bookselling business. In June 2016, Lin is reported to have revealed that the 'confession' had been scripted and coerced, Lu and Zhang have subsequently denied this. Lin also stated that he had been interrogated at least 30 times without access to a lawyer. **Details of release:** Zhang and Lu were reportedly released on bail in March 2016. They reportedly returned briefly to Hong Kong on 6 and 4 March respectively, but travelled back to mainland China. Lin was released on 14 June 2016, when he was allowed to return to Hong Kong provided he supply the mainland with customer records, according to the Human Rights in China. Each are reported to have met with the Hong Kong police and requested that they cancel their missing persons cases, according to news reports. **Background:** Since October 2015, five employees of the publisher Mighty Current and its retail arm Causeway Book Store have disappeared. They include, Mighty Current publisher, **Gui Minhai** (see 'Enforced disappearance' above) and **Lee Bo**, editor at Mighty Current (see 'Released' above). Causeway Books is thought to be a target of the authorities due to the nature of its publications, often political in nature.

**LIU Xinglian:**

**Profession:** editor of news website [Rose China](#) **Date of arrest:** 19 June 2015 **Date of release:** 11 April 2016 **Details of arrest:** Liu's whereabouts had reportedly been unknown for a month until, on 19 June 2015, he was formally arrested on charges of 'inciting subversion of state power.' It is thought that his arrest may be connected to his publishing and re-posting of human rights news on *Rose China*. **Update:** According to Front Line Defenders, Liu was released from custody in Wuhan No. 2 Detention Centre due to ill-health. **Background:** Liu had been publishing news on human rights abuses in China on the webpage *Rose China*. In March 2015, local police reportedly put Liu under house arrest for over a month in order to prevent him from attending a protest.

**WANG Xiaolu:**

**Profession:** journalist with *Caijing Magazine* **Date of arrest:** 25 August 2015 **Date of release:** early February 2016 **Details of arrest:** Wang was taken into custody on 25 August 2015 for a story published on 20 July, according to news reports. Wang was reportedly accused of 'colluding with others and fabricating and spreading fake information on securities and futures market'. Following his arrest, he was placed under criminal compulsory measures, including surveillance, on 30 August. **Conditions of detention:** On 31 August, Wang made a televised public apology in an alleged confession on the state broadcaster, CCTV. In the apology, in which he looked tired and nervous, Wang regretted publishing the story, said he was willing to confess his crime and hoped the

authorities would handle him leniently. **Background:** The arrest of Wang came after Chinese authorities clamped down on media reporting of the troubled stock market. In July 2015, the government issued a directive restricting all media to limit coverage of the stock exchange to prevent fluctuations of the market. **Honorary Member:** Independent Chinese PEN Centre (ICPC).

**ZHAO Changqing:**

**Profession:** freelance writer and political essayist. Member of Independent Chinese PEN Centre (ICPC). **Date of Birth:** 6 April 1969 **Sentence:** Two years and six months in prison. **Date of arrest:** 17 April 2013 **Date of sentence:** 18 April 2014 **Date of release:** 16 October 2015 **Details of arrest:** Arrested at his home by police who confiscated his computer, notebooks, books and other items. **Details of trial:** Charged with disrupting social order in connection with his activities with the New Citizens' Movement, a grassroots network of activists in China (see Xu Zhiyong above), his trial commenced on 23 January 2014. Zhao was reportedly convicted of disrupting social order on 18 April 2014. On 27 June 2014, his appeal was rejected. **Background:** Zhao has previously been detained twice for his dissident activities and writings. He has served a total of eight years in prison for 'inciting subversion of state power' since 1998. **PEN Action:** Mentioned in Update #1 to RAN 02/14

Case closed

**LIU Wei:**

**Profession:** award-winning investigative reporter for the newspaper *Southern Metropolis* **Date of arrest:** 8 October 2015 **Date of release:** 31 October 2015 **Details of detention:** Police from the Pingxiang prefecture in Jiangxi province detained Liu in Chengdu, Sichuan province, on 8 October 2015. Liu has been accused of illegally acquiring state secrets, according to the Committee to Protect Journalists. His arrest is in connection with his coverage of Wang Lin, a detained martial artist. Liu was reportedly released on bail on 31 October 2015 after making a 'confession' on China Central Television. **Background:** Liu reported on Wang Liu, a martial artist who was detained in July 2015 and accused of involvement in the murder of one of his students. Liu published documents he obtained from Wang's ex-wife about Wang's case. **Honorary Member of:** Independent Chinese PEN Centre (ICPC). **Awards:** 2014 Journalist of the Year by Southern Media Group. Case closed.

**XIANG Nanfu (pen-name: Fei Xiang):**

**Profession:** freelance journalist and contributor to overseas-based Boxun news website. **Date of arrest:** 3 May 2014. **Date of release:** 19 August 2014 **Reason for arrest:** Xiang was reportedly detained on suspicion of 'picking quarrels and stirring up trouble' after selling a number of stories to Boxun that the authorities claim are fabricated. **Details of release:** Xiang was released on bail for one year, pending trial, on 19 August 2014 **Background:** Xiang had reportedly written a number of stories for Boxun including a report that alleged that the Chinese government had harvested organs from living people and buried them alive, and another alleging that police had beaten a pregnant woman to death in a land dispute. Boxun, which typically focuses on news that would be censored within China, reportedly rejected the charges against Xiang. **Case closed:** Case closed due to lack of information in June 2016.

**INNER MONGOLIA AUTONOMOUS REGION**

Detained: investigation

**\*BURDEE, ACHILALT, ENKGHBAT:**

**Profession:** herders **Date of arrest:** 21 March 2016 **Details of arrest:** The herders were reportedly detained for 'instigating illegal gatherings, protests and demonstrations via the Internet' after they discussed recent protests and detentions of herders in Right Uzumchin Banner over mining activity on traditional grazing lands on the smartphone messaging app WeChat. They were [reportedly](#) placed

under 10 days' administrative detention on 23 March. No further information as of 30 June 2016; PEN is seeking to confirm if they are still detained.

## TIBET AUTONOMOUS REGION (TAR)

### Imprisoned: main cases

#### **DRUKLO (also known as SHOKJANG):**

**Profession:** writer and blogger **Sentence:** 3 years in prison **Date of detention:** 19 March 2015 **Details of detention:** According to [Voice of America](#), Chinese security police in Rebgong arrested Shokjang and his brother-in-law on 19 March 2015. While his fellow detainee has since been released, Shokjang remains under detention without any reasons given or charges filed against him. PEN is seeking further information on the charges he faces, his whereabouts and his well-being. **Details of trial:** According to reports, Shokjang was sentenced to three years in prison by the intermediate public court in Malho prefecture on 17 February 2016. Among other things, it appears that Shokjang was convicted of instigating separatist riots in 2008, contacting external separatist groups, and writing a number of articles detrimental to social security on social media. During the hearing, he is reported to have announced his intention to appeal. **Background:** According to Radio Free Asia, Shokjang had written on the deployment of Chinese security forces in Rebgong; he had also written a report about poor students in Kangtsa (Gangcha) county the day before his arrest. **PEN Action:** [19 February 2016 statement](#)

#### **\*JAMYANG (pen name: Lomig or 'Eye of Awareness'):**

**Profession:** writer **Date of birth:** c 1988 **Sentence:** seven-and-a-half years in prison **Date of arrest:** 17 April 2015 **Details of trial:** On 9 May 2016, Jamyang was reportedly sentenced to seven-and-a-half years in prison by the Wintren People's Court. According to reports, Jamyang was convicted for allegedly leaking state secrets and organising separatist activities between 2009 and 2015, accusations he denied. Jamyang was reportedly denied access to a lawyer during the trial. **Background:** Jamyang is reported to have written articles on freedom of speech, the environment and self-immolation in Tibet. In 2010 he published a book entitled *Surge of Yellow Mist*. The Tibetan Center for Human Rights and Democracy has [alleged](#) that local authorities held Jamyang for more than a year without informing his family of his whereabouts, in violation of Chinese law, and that he was tortured during this time.

#### **Kunchok Tsephel GOPEY TSANG:**

**Profession:** Internet writer and editor of the Tibetan language website *Chomei* <http://www.tibetcm.com> and also worked as an environmental officer for the Chinese government **Date of Birth:** 1970 **Sentence:** 15 years in prison **Expires:** 2024 **Date of arrest:** 26 February 2009 **Details of arrest:** Arrested by Chinese security officials at his home in the town of Nyul-ra, Gannan Tibetan Autonomous Prefecture, Gansu Province. At the time of his arrest, Gopey Tsang's house was searched and his computer confiscated. **Current place of detention:** Gannan Prison, Gannan Tibetan Autonomous Prefecture, Gansu Province **Details of trial:** On 12 November 2009, he was sentenced for 'disclosing state secrets'. His family was not told of his whereabouts until he was summoned to court to hear the verdict. The trial was held at the Intermediate People's Court of Kanlho, in a closed hearing. **Health concerns:** There are fears for his health. **Background:** *Chomei* website, which promotes Tibetan culture and literature, was created by Gopey Tsang and Tibetan poet Kyab-chen De-drol in 2005 and since then it has been closely monitored by the authorities. It is said that the site was shut down several times during 2007 and 2008. In 1995 Kunchok Tsephel Gopey Tsang was held for two months by Public Security Bureau officials on unknown charges, and was reportedly ill-treated in detention. **Honorary member:** Independent Chinese PEN Centre (ICPC). **PEN Action:** RAN 16/09 – 17 March 2009; Update #1 – 23 November 2009; [2013 Day of the Imprisoned Writer](#) case

**Gartse JIGME:**

**Profession:** writer and monk **Date of Birth:** 1977 **Sentence:** Five years in prison **Expires:** January 2018  
**Date of arrest:** 1 January 2013 **Details of arrest:** A team of security officials reportedly raided his room at the Rebong Gartse monastery in the Malho Prefecture on 1 January 2013, before escorting him away. Arrested for political views expressed in his book *Tsenpoi Nyingtop (Tsenpo's Valour)*, which he had finished writing in early December 2012 and was planning to publish. The book in question is the second volume of *Tsenpoi Nyintop*, which contains the writer's reflections and opinions on wide ranging subjects including self-immolation protests. Between February 2009 and June 2014, the total number of self-immolation protests in Tibet reached 131. **Current place of detention:** After his arrest, Gartse Jigme was initially held in the provincial capital of Xining, followed by several months' detention in Rebkong County in Malho Prefecture. No further information as of 30 June 2016. **Details of trial:** On 14 May 2013, Gartse Jigme was sentenced to five years in prison by Tsekhog County People's Court in Malho Tibetan Autonomous Prefecture, Qinghai Province. **Background:** Gartse Jigme has been writing since 1999 and has won several local literary prizes. His first book, *Musings on My Reflections* received favorable reviews from friends and others in the community. He was also a Buddhist scholar having studied and successfully passed major Buddhist courses at his monastery in 2003. The first volume of *Tsenpoi Nyingtop* was published in 2008. In April 2011, the local Public Security Bureau (PSB) officers briefly detained him for his views published in the book. The second volume could not be published in Tibet as planned by its author. However, the book was published soon after Gartse Jigme's sentencing by exiled Tibetans in India. An English translation of his essay on Tibetan self-immolation protests is available from the [Tibetan Centre for Human Rights and Democracy](#) (TCHRD). **Honorary member:** Independent Chinese PEN Centre (ICPC).

Imprisoned: investigation

**GANGKYE Drubpa Kyab:**

**Profession:** said to be a well-known and popular writer, whose writings include 'Call of Fate', 'Pain of This Era' and 'Today's Tear of Pain'. He has worked as a teacher in Serthar for almost a decade **Date of birth:** c 1979 **Sentence:** Five-and-a-half years in prison **Date of arrest:** 15 February 2012 **Details of arrest:** Gangkye was arrested without a warrant by a team of 20 police officers from his home in Serthar county, Sichuan Province, just before midnight on 15 February 2012. He was held incommunicado for 18 months after his arrest. **Details of trial:** Gangkye was reportedly sentenced on 1 August 2013 at the County People's Court in Nyagchu County after conviction of inciting a split in the country. The charges are thought to be in relation to his alleged membership of a secret political group the 'Anti-Communist Party Association (Mashog Ngogol Tsogpa)'. According to reports, Gangkye was sentenced along with four other Tibetan men. **Current place of detention:** His present place and conditions of detention remain unknown. No further information as of 30 June 2016. **Background:** His arrest came amidst escalating tensions in Tibetan areas following a series of self-immolations and protests against Chinese rule, which were violently suppressed by the security forces. PEN International is seeking information about his whereabouts and wellbeing. (RAN 10/12 – 22 February 2012). **Honorary member:** Independent Chinese PEN Centre (ICPC). [**Stop Press:** Gangkye was released early on 16 September 2016]

**Tsultrim GYALTSEN (pen-name: Shokdil), Profession:** writer

**YUGYAL, Profession:** writer, former policeman

**Sentence:** 13 years and 10 years in prison, respectively **Date of arrest:** 11 and 12 October 2013, respectively **Details of arrest:** Gyaltzen and Yugyal have reportedly been detained since 12 October 2013, in Tengkhar village in Shamchu town, in Driru county. **Details of trial:** On 28 October 2013, the writers were sentenced by a People's Court in Tibet Autonomous Region, to 13 and 10 years in prison for 'disturbing social stability' and 'misconduct with government officials'. Family members were reportedly only informed in March 2014 of the prison sentences, prior to which there had been no information on the two men since their detention in October 2013. **Background:** Both are suspected

of being involved in protests in Driru county, which began after Tibetans refused government orders to fly Chinese flags from their homes.

#### **Lo LO:**

**Profession:** singer **Date of Birth:** 1983 **Sentence:** Six years in prison **Date of arrest:** Briefly detained on 19 April 2012 and rearrested later. **Details of arrest:** Lo was reportedly arrested on 19 April 2012, a few months after the release of his album *Raise the Flag of Tibet, Sons of the Snow*. The lyrics call for independence for Tibet and for the return of the Dalai Lama. Lo is originally from Dhomda town in Yulshul county. He was released shortly afterwards but was later re-detained. **Current place of detention:** prison in Siling, Qinghai province. **Details of trial:** On 23 February 2013, he was reportedly sentenced to six years' imprisonment in connection with his songs. PEN International is seeking information about the specific charges. An English translation of one of his songs can be read [here](#). **Conditions of detention:** A picture of Lo lo taken clandestinely in April 2015 during a prison visit has raised fears that he is not being treated well and that he has been suffering from health complications, according to the Tibetan Centre for Human Rights and Democracy. The Chinese authorities are also reported to have refused permission for family members to visit him in prison to deliver clothes and food. **Health concerns:** According to various reports, Lo is in very poor health.

#### **Gonpo TENZIN:**

**Profession:** singer and song-writer **Sentence:** Three and a half years in prison, as well as deprivation of his political rights for four years **Date of arrest:** 30 November 2013 **Details of arrest:** Tenzin had reportedly been on a police wanted list prior to his being taken into custody in Lhasa. He was reportedly arrested in November 2013 on unknown charges, and was kept in detention without any access to legal proceedings for over a year. His CD entitled 'How Can We Have New Year's Celebrations in Tibet?' is thought to be the main reason for his detention. **Details of trial:** On 15 April 2015, Tenzin was reportedly sentenced to three-and-a-half-years in prison in connection with his song 'Where is the new year in Tibet'. The precise charges are unknown. **Current place of detention:** unknown. **Conditions of detention:** During his detention, Tenzin was tortured and deprived of all political and legal rights, according to the Central Tibetan Administration. **Background:** Tenzin's recordings reportedly focused on themes involving Tibetan unity and the promotion of the Tibetan language.

#### **TOBDEN:**

**Profession:** nomad and writer **Sentence:** Five years in prison **Date of arrest:** 28 October 2013 **Details of trial:** The exact charges are unclear, but it is thought that he and eight others were convicted of maintaining contacts with 'the Dalai clique' and 'engaging in activities to split the nation'. Tobden was reportedly sentenced to five years in prison on 30 November 2013. **Background:** According to reports, Tobden's writings on Tibetan national themes may have especially angered the Chinese authorities.

#### **Trinley TSEKAR:**

**Profession:** singer and song-writer **Date of arrest:** 20 November 2013 **Sentence:** Nine years' imprisonment **Details of arrest:** He was reportedly arrested in Nagchu town following a public protest in May 2013. Tsekar had reportedly gone to Nagchu in order to apply for a driver's license. **Details of trial:** Tsekar was reportedly accused of 'attacking the local public security organ, assaulting policemen, smashing offices, damaging properties and objects [and] gravely disturbing social order due to his participation in the protests.' According to a 13 January 2014 report, Tsekar was convicted and sentenced to nine years in prison in late December 2013. No further information as of 30 June 2016. **Background:** Tsekar has reportedly written many songs on Tibetan themes. His CD entitled, 'Links of Unity' is especially well known. PEN International is seeking further details.

[Detained: main case](#)

**Paljor NORBU (aka Panjue Ruobu):**

**Profession:** Printer **Date of Birth:** 1927 **Date of arrest:** 31 October 2008 **Sentence:** Seven years in prison **Expires:** 30 October 2015 **Details of arrest:** Reportedly arrested from his home in Lhasa for allegedly printing 'prohibited material', including the banned Tibetan flag. His family were not informed of his arrest. **Details of trial:** Reportedly tried in secret in November 2008, possibly on charges of 'inciting separatism', and sentenced to seven years in prison. His family were informed of the sentence in writing but have not been allowed to visit him. His whereabouts are unknown. No further information as of 30 June 2016, although he should have been released. His family is worried due to his age and his unknown whereabouts. **Other information:** According to Human Rights Watch, Norbu comes from a family with a long history of printing and publishing Buddhist texts for monasteries. He is said to be an internationally renowned master printer. He used both modern and traditional woodblock printing techniques in his workshop, which employed several dozen workers. In addition to religious texts, the shop also printed prayer flags, folk reproductions, books, leaflets and traditional literature. After his arrest the shop was closed down and books and woodblocks confiscated.

Detained: investigation

**Dawa TSOMO (f):**

**Profession:** blogger **Date of arrest:** 23 August 2014 **Details of arrest:** There are reports that her arrest could be linked to her postings on political issues, such as the conditions in which Tibetans live in the areas affected by the April 2014 earthquake. Tsomo was arrested from her home, in Dzatoe County, eastern Tibet on unknown charges. Her whereabouts remained unknown as of 30 June 2016; PEN is seeking to confirm if she remains in detention.

**\*TASHI Wangchuk:**

**Profession:** blogger and entrepreneur **Date of birth:** 1986 **Date of arrest:** 27 January 2016 **Details of arrest:** Tashi was arrested in Yushu, after two [articles in the New York Times](#) were published in November and December 2015, which gave information on his attempts to file a lawsuit against the Chinese authorities for their failure to protect and promote Tibetan culture and language. His family were denied information about his whereabouts and legal situation until March 2016. **Details of trial:** Tashi was reportedly charged with 'inciting separatism' on 4 March 2016. If convicted, he could serve up to 15 years in prison. **Place of detention:** Main detention Centre in Yushu, Qinghai Province **Background:** Tashi has regularly written on Tibetan language education and expressed concern that many Tibetan children are unable to become fluent in their native language. His views have also been the subject of a nine-minute documentary.

Released

**TRITSUN (aka Tri Bhoë Trak):**

**Profession:** Tibetan monk and writer **Date of Birth:** 1987 **Date of arrest:** 11 March 2013 **Date of release:** 19 March 2016 **Sentence:** Unknown **Details of arrest:** Detained on unknown charges by the People's Armed Police in Grade (Gade) County, while he was visiting his mother. It is widely believed that Tritsun's arrest is linked to the book he authored and published on 8 March 2013 *Denpai Khalang (Breath of Truth)*, at Tongkyap Monastery, which contains essays on self-immolations. **Details of release:** According to the [Tibetan Centre for Human Rights and Democracy](#), Tritsun was released on 19 March 2016. **Details of trial:** In late April 2013, an officer from Grade county police is said to have visited Tritsun's mother with a notification that her son had been sentenced. She was not given information on the length of the sentence or the prison where Tritsun was being held. There is no further information about reasons for his release, nor his current condition.

Case closed

**KHELKANG (KALSANG) Jinpa (pen-name: Garmi):**

**Profession:** poet and writer originally from Sangchu county, Amdo, Gansu province. Has reportedly published poetry and stories in the journal *Panggyen Metok Pasture Adorning Flowers* and co-edited the *Modern Self* periodical and contributed to the Tibetan-language journal *Shar Dungri*. **Date of arrest:** early 2014. No further information as of 30 June 2016; PEN is seeking to confirm if he remains in detention. **Background:** Khelsang was released from prison on expiry of his three-year prison sentence for 'incitement to split the nation' in July 2013 in connection with an article, 'The case for lifeblood and life force', written under the pen name 'Garmi' ('the Blacksmith') and published in *Shar Dungri* in 2008. **Honorary member:** Independent Chinese PEN Centre (ICPC) and Suisse Romand PEN Centre. **Case closed:** Case closed due to lack of information in June 2016.

**XINJIANG UYGHUR AUTONOMOUS REGION (XUAR)**Imprisoned: main case

**Perhat HALMURAT, profession:** editor of Uyghur Online

**Shohret TURSUN, profession:** student of Ilham Tohti

**Abdukeyum ABLIMIT, profession:** student of Ilham Tohti

**Mutellip IMIN, profession:** student of Ilham Tohti

**and Atikem ROZI, profession:** student of Ilham Tohti:

**Date of arrest:** January 2014 **Details of arrest:** The five were reportedly arrested around the same time as **Ilham Tohti** (see 'Detained: main case' above). Halmurat and Tursun were reportedly formally charged with 'splittism', while Ablimit was charged with 'revealing state secrets' on 24 February 2014. Charges against Imin and Rozi remain unknown. **Current place of detention:** Halmurat, Tursun and Ablimit are thought to be held in a detention centre in Urumqi. The whereabouts of Imin and Rozi are unknown. **Details of trial:** Reportedly tried on 25 November 2014 at the Intermediate People's Court in Urumqi. The verdict of the court remains unknown as of 30 June 2016.

**Background:** Halmurat and Imin were both subjected to harassment in 2013 when they were each prevented, on separate occasions, from boarding flights to Turkey. Imin was held without charge for 79 days, while Halmurat was held for 16 hours (for more information see January-December 2013 [Case List](#)). **PEN Action:** RAN 03/14 and updates

**Tursunjan HEZIM:**

**Date of Birth:** 1973 **Profession:** former history teacher and founder of the now closed popular Uyghur history website *Orkhun* ([www.orkhun.com](http://www.orkhun.com)). **Sentence:** Seven years in prison **Expires:** July 2016 **Date of arrest:** July 2009 **Details of arrest:** Reportedly arrested shortly after the 5 July 2009 protests in Urumchi, which turned violent after police cracked down on peaceful protesters. Hezim's family was never informed of the charges against him and his whereabouts remain unknown. No official reason has been given for his detention though he is believed to be targeted for his peaceful cultural activism and writings. **Details of trial:** Reported in March 2011 to have been sentenced in July 2010 to seven years in jail by the Aksu district court at a closed trial. According to Amnesty International, the *Orkhun* website mainly featured scholarly articles on Uyghur history and culture and was an important resource for Uyghur intellectuals and students. No further information as of 30 June 2016.

**Gulmire IMIN (f):**

**Profession:** Uyghur poet and website moderator for the Uyghur language website *Salkin*. **Date of birth:** 1978 **Sentence:** Life imprisonment **Date of arrest:** 14 July 2009 **Details of arrest:** arrested after protests which took place in Urumqi on 5 July 2009. **Current place of detention:** Xinjiang Women's Prison in Urumqi. **Details of trial:** She was handed down a life imprisonment sentence for 'splittism, leaking state secrets and organising an illegal demonstration' by the Urumqi Intermediate Court on 1 April 2010. **Conditions in detention:** There are reports that Imin was tortured and ill-treated in a

police detention centre. She was reportedly coerced into signing a document without knowing the content. She is allowed to receive family visits once every three months. PEN International learned of the case in late 2012 and is seeking for further details. **Other information:** In 2012, the UN Working Group on Arbitrary Detention ruled that ‘the deprivation of liberty of Ms. Imin is...arbitrary and in contravention of articles 8, 9, 10 and 19 of the Universal Declaration of Human Rights.’ **Awards:** 2012 Hellman/Hammett award.

**Hailaite NIYAZI (aka Hairat or Gheyret Niyaz):**

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

**Date of Birth:** 14 June 1959 **Date of arrest:** 1 October 2009 **Sentence:** 15 years in prison **Expires:** 2024 **Details of arrest:** Hailaite Niyazi was arrested from his home in Tianshan District, Tacheng Prefecture, Xinjiang Uyghur Autonomous Region (XUAR), on 1 October 2009. It is believed that his arrest stems from critical interviews given to foreign media following the unrest which broke out in Urumqi, the capital of Xinjiang Uyghur Autonomous Region, on 5 July 2009 and which he had tried to warn the authorities about. **Current place of detention:** Changji Prison, Changji Hui Autonomous Prefecture, XUAR, PR China. **Details of trial:** The prosecution reportedly used as evidence essays written by Niyazi highlighting mounting ethnic tension in the region prior to the riots, and interviews he gave to Hong Kong media after the violence. Niyazi was convicted by the Urumqi Intermediate People’s Court on charges of ‘endangering national security’ on 23 July 2010. His appeal was rejected. **Other information:** A week after his sentencing, a group of 51 Chinese lawyers and intellectuals, including Wang Lixiong, Mao Yushi, Cui Weiping, published an [open letter](#) expressing their concern about the ‘criminalisation of free speech’ that occurred in the case. An English translation of the letter may be read [here](#). **Background:** Hailaite Niyazi is a former reporter and columnist for Xinjiang Economic Daily and Xinjiang Legal News. Until June 2009 he edited and managed [ughurbiz.net](http://ughurbiz.net), the website owned by the academic, writer and Uyghur PEN member Iham Tohti, himself arrested in July 2009 and held for six weeks for allegedly ‘promoting separatism’ and, most recently, in January 2014 (see below). **Honorary member:** Independent Chinese PEN Centre. **PEN Action:** RAN 56/09 and updates.

**Ilham TOHTI:**

**Profession:** writer, academic, member of Uyghur PEN and founder of the website *Uyghur Online*  
**Date of birth:** 25 October 1969 **Sentence:** Life imprisonment **Date of arrest:** 15 January 2014. **Details of arrest:** Tohti was arrested at his home on 15 January 2014 and held incommunicado, without access to his lawyer. He was formally arrested in February. A statement, released by the Bureau of Public Security at the time of Tohti’s arrest, alleged that Tohti was under investigation for the promotion of separatism and recruiting followers through his website. Reports indicate that his mother may also have been briefly detained. **Details of trial:** Formally charged with ‘splittism’ in July 2014, he was sentenced to life imprisonment and confiscation of all his property on 23 September 2014 after a two-day trial which began on 17 September 2014. Tohti denied the charges. There are reports that during the trial material was shown representing Tohti's views on the Uyghur minority and China's policies. Some of the material had been downloaded from his website and teaching papers. The prosecutor also reportedly added that Tohti had ‘internationalised’ the Uyghur issue, by translating articles and essays about the Xinjiang region for his website, and by providing interviews to international media. On 21 November 2014, the Xinjiang’s high court rejected Tohti’s appeal against the conviction and upheld the life sentence. In October 2015, Tohti reportedly called on his family to engage lawyers and lodge an appeal for him through the Chinese judicial system. **Conditions in detention:** Tohti was allowed to see his lawyer for the first time in June 2014. He is reported to have been shackled and deprived of food and adequate water while in prison in March 2014, as a punishment for failing to cooperate with the authorities. During his initial days in detention, Tohti reportedly staged a 10-day hunger strike in protest against the food served to him, as it did not follow Islamic dietary laws. He was reportedly denied food for a further eight days after a deadly attack at a train station in Kunming, which the government blamed on separatist Uyghur

militants. **Update:** In February 2016, the authorities gave permission for Tohti to receive visits from relatives. However, in the same month his brother was reportedly denied the right to visit him. **Other information:** In May 2014, the university reportedly stopped paying his salary. In March 2014, it was reported that the authorities had frozen Tohti's bank accounts. **Background:** An economics professor at Beijing's Central University for Nationalities, Tohti is known as an outspoken critic of the government's ethnic policies in the Xinjiang Uyghur Autonomous Region (XUAR). In 2009, Tohti spent over six weeks in detention after he spoke out about the ethnic unrest which broke out in Urumqi, capital of Xinjiang, on 5 July 2009 (see under 'released' in July-December 2009 case list). A number of people associated with Uyghur Online, a website dedicated to the promotion of understanding between ethnic Uyghurs and Han Chinese, have faced similar harassment. **Hailaite Niyazi**, also known as Gheyret Niyaz, is serving a 15-year prison sentence for 'endangering national security' following his conviction on 23 July 2010 (see 'Imprisoned: main case' above). Tohti reportedly faced continued harassment on the part of the Chinese authorities over the course of 2013. For more information, please see January – December 2013 [Case List](#). Five of his students, **Perhat Halmurat, Shohret Tursun, Abdukeyum Ablimit, Mutellip Imin and Atikem Rozi** were arrested around the same time as Tohti (see above). Halmurat and Tursun were reportedly formally charged with 'splittism' while Ablimit was charged with 'revealing state secrets' on 24 February 2014. They are thought to be held in a detention centre in Urumqi, however their exact location, as well as the locations of Imin and Rozi remain unknown. **Awards:** 2014 PEN/Barbara Goldsmith Freedom to Write Award; and the Ismail Gaspirali Turkic World Freedom Award from the Bartın Province Journalist Association and International Journalism association for Turkic-Speaking Countries. Nominated for the 2016 Martin Ennals award and the Sakharov Prize **Honorary Member:** PEN American Centre and Independent Chinese PEN Centre (ICPC). **PEN Action:** Press statement 23 September 2014, [open letter](#) 28 February 2014, RAN 03/14 and updates, Empty Chair at PEN's 80<sup>th</sup> Congress in Bishkek, Kyrgyzstan, subject of PEN [resolution](#) adopted at the 80<sup>th</sup> Congress, 2015 International Mother Language Day case

#### **Nurmuhemmet YASIN:**

**Profession:** freelance Uyghur writer and poet **Date of Birth:** 6 March 1974 **Date of arrest:** 29 November 2004 **Sentence:** 10 years in prison. **Expired:** 30 November 2014 **Details of arrest:** Yasin was arrested in Kashgar on 29 November 2004 for the publication of his short story *Wild Pigeon (Yawa Kepter)*, which was first published in the bi-monthly Uyghur-language Kashgar Literature Journal, issue No. 5, November 2004. Authorities also confiscated Yasin's personal computer containing an estimated 1,600 poems, commentaries, stories, and one unfinished novel. Yasin's story was widely circulated and recommended for one of the biggest Uyghur literary websites in the Uyghur Autonomous Region for an outstanding literature award. It also attracted the attention of the Chinese authorities, who apparently consider the fable to be a tacit criticism of their government in the Xinjiang Uyghur Autonomous Region. **Current place of detention:** Urumqi No.1 Jail, Siping Road 5, Urumqi City 830013, Xinjiang Uyghur Autonomous Republic, P.R. China **Details of trial:** After a closed trial in February 2005, at which he was not permitted a lawyer, Yasin was sentenced by the Maralbesh County court to 10 years in prison for 'inciting Uyghur separatism' in his book *Wild Pigeon (Yawa Kepter)*. The Kashgar Intermediate Court upheld his sentence on appeal and Yasin was transferred on 19 May 2005 to Urumqi No. 1 Jail. **Treatment in prison:** According to PEN's information, unconfirmed reports that Nurmuhemmet Yasin had died in prison, which have been circulating since 2010, were [disputed](#) by a family member, who claims to have visited him in Urumqi No.1 prison in July 2012 and found him in reasonably good health. She also reported having received a letter from him in October 2012 which she believes is genuine. Yasin has spent most of the time since his arrest detained incommunicado without access to family visits, fostering speculation about his condition and possible death. However, Yasin's wife and two children were reportedly given permission to visit him at the prison on 16 January 2013. In spite of repeated requests for information about his condition, the Chinese government has remained silent on the issue. **Background:** Nurmuhemmet Yasin is an award-winning and prolific freelance Uyghur writer. He has

published many highly acclaimed literary works and prose poems in recent years, including the poetry collections *First Love*, *Crying from the Heart*, and *Come on Children*. He is married with two young sons. An English translation of his story *Wild Pigeon* can be read in two parts [here](#) and [here](#). **Honorary member:** American, English and Independent Chinese PEN Centre (ICPC). PEN Action: RAN 01/13 – 9 January 2013; International Mother Language Day 2014. **PEN Position:** Although Yasin's sentence expired in late 2014, there has been no news of his release. PEN is calling for the authorities to clarify Yasin's fate and to release him if still alive.

**\*ZHANG Haitao:**

**Profession:** reporter at Boxun.com **Sentence:** 19 years' imprisonment **Date of arrest:** 26 June 2015 **Details fo arrest:** Zhang was reportedly arrested on charges of picking quarrels and stirring up trouble. **Current place of detention:** Detention Center of Xinjiang Uygur Autonomous Region (Kashi East Road 17-1, Xinshi District, Urumqi 830013, Uyghur Autonomous Region, China) **Details of trial:** Although initially charged with picking quarrels, Zhang was reportedly convicted of 'incitement to subvert state power' and 'providing intelligence overseas.' He was sentenced to 15 years for incitement and a further four years' imprisonment for providing intelligence overseas, according to news reports. Zhang's wife was informed of the verdict on 18 January 2016. The court is thought to have handed down such a heavy prison term owing to his 'collusion' with overseas organisations. **Background:** Zhang – who is Han Chinese – was accused of 'incitement to subvert state power' after he posted articles online that were critical of Beijing's record in Xinjiang, home to the mostly Muslim Uyghur ethnic group. Zhang had frequently posted online his opinions critical of government policies and comments on current events, and gave interviews to overseas media, as well as writing articles for a human rights website, according to [Radio Free Asia](#).

## INDIA

Killed: motive unknown

**\*Karun MISRA:**

**Profession:** Ambedkar Nagar bureau chief of *Jan Sandesh Times*, a Hindu Daily **Date of death:** 13 February 2016 **Details of death:** Misra was reportedly shot dead by three gunmen on motorcycles in Sultanpur, Uttar Pradesh, as he was driving home. **Details of investigation:** the reason for Misra's murder was not immediately apparent. Shortly after Misra's murder, the Chief Minister of Uttar Pradesh is reported to have ordered the Director-General of the Police to form a special team to investigate the case. Two people are reported to have been arrested in connection with Misra's murder as of 30 June 2016.

**\*Rajdev RANJAN:**

**Profession:** bureau chief for Siwan of the Hindi national daily newspaper *Hindustan* **Date of death:** 13 May 2016 **Details of death:** Ranjan was reportedly shot dead by unknown assailants in Bihar. **Details of investigation:** An investigation led by the Central Bureau of Investigation, has reportedly led to the arrest of five people in May 2016 in connection with Ranjan's murder. The motive for his murder was not immediately clear, however there has been some speculation that his murder may have been at the behest of a jailed member of the Rashtriya Janata Dal political party.

Killed: impunity

**Tarun Kumar ACHARYA:**

**Profession:** reported for the Oriya-language newspaper *Sambad* and stringer for Orya-language television channel Kanak TV. **Date of death:** 27 May 2014 **Details of killing:** Acharya was reportedly found dead with his throat slit and injuries to his chest on 28 May 2014. According to news reports, assailants had stabbed him the night before as he made his way home from work in Khallikote town,

Odisha. **Details of investigation:** Initial news reports reportedly indicate that Acharya's profession has been ruled out as a motive, with the authorities favouring a possible familial dispute. By October 2014, four men had been arrested in connection with Acharya's murder, including the alleged mastermind who is the owner of a cashew processing plant in Khallikote. In February 2015, a fifth suspect was reportedly arrested. No further information as of 30 June 2016. **Background:** Shortly before his murder, Acharya had published a report exposing child labour practices at a cashew processing factory. It is thought that the owner of the plant hired the men to kill Acharya shortly after, paying the men 50,000 rupees (US\$850).

**Narendra DABHOLKAR:**

**Profession:** editor of the weekly Marathi-language magazine *Sadhana* (Spiritual Devotion) **Date and details of killing:** He was reportedly shot dead by two unidentified gunmen on motorcycles on 20 August 2013. Dabholkar, aged 71, was reportedly shot in his neck and back. He had reportedly spent several years campaigning for legislation to ban fraudulent and exploitative superstitious practices. His murder came days after the Maharashtra state government said it would introduce an anti-superstition bill. **Details of investigation:** Police are investigating the case; the Police Commissioner stated he believed it was a contract killing. On 2 September, the police stated that seven surveillance cameras had captured footage of the two assassins, and the footage had been sent to a London-based forensic lab for analysis. On 9 May 2014, the Bombay High Court reportedly transferred the investigation into Dabholkar's murder to the Central Bureau of Investigation (CBI) after no headway was made by Pune police. On 27 May 2015, the Central Bureau of Investigation reportedly released a sketch of two suspects based on descriptions by eyewitnesses. The sketches are reported to depict the motorcycle driver and the pillion that shot Dabholkar. **Update:** On 10 June 2016, CBI reportedly arrested a man associated with the right-wing group, Hindu Janjagruti Samiti. The accused reportedly disputes the charges against him and claims that the witness that named him was corrupt.

**Raghavendra DUBE:**

**Profession:** owner and editor of *Khushboo Ujala*, a local weekly newspaper in Mumbai. **Date of death:** 17 July 2015 **Details of death:** Dube's body was reportedly found near a police station in Mumbai, just half an hour after he left the station, where he had been helping a police investigation into an attack on two other journalists. He was beaten and stabbed to death. No further information as of 30 June 2016. **Background:** According to reports, Dubey often helped police by informing them about bars that were operating illegally. On this occasion, he was reported to be informing about the attacks that took place the evening before on journalists Shantosh Mishra and Shashi Sharma, who were attacked by a bar's employees for photographing its owner.

**Nemi Chand JAIN:**

**Profession:** journalist for the Hindi dailies *Hari Bhoomi*, *Nayi Duniya* and *Dainik Bhaskar* **Date and details of death:** Jain was found dead near Tongapal, Chhattisgarh, central India, on 13 February 2013. Jain, aged 43, was found with a note which said that he was a police informer. Some colleagues believe that a local gang could be responsible for the journalist's murder, as days before his death, Jain exposed mineral smuggling. **Details of investigation:** The authorities are investigating the case. According to a 10 December 2013 report, 45 days after his murder, Maoist insurgents took responsibility for his attack. Three men accused of being Maoist insurgents were arrested in connection with his killing in December 2013 and July 2014. A man alleged to have been involved in the killing was [arrested](#) in December 2015. No further information as of 30 June 2016.

**Dr Malleshappa Madivalappa KALBURGI:**

**Profession:** epigraphist, former Vice Chancellor of the Hampi University in Kamataka. **Date of birth:** 28 November 1938 **Date of death:** 30 August 2015 **Details of death:** Kalburgi, aged 78, died in the hospital after being shot at close range by two men on his doorstep. **Investigation:** An investigation is reported to be underway. **Background:** Kalburgi had, through his writings and speeches, upset

groups within the Lingayat community, a middle-caste group, as well as right wing Hindutva groups. In June 2014, Kalburgi dismissed the sanctity of religious idols, which brought protesters to his doorstep, and he was placed under police detention. **Awards:** Sahitya Akademi Award **PEN Action:** [PEN Statement](#), PEN Writers' Statement of Solidarity: 81st PEN International Congress, Quebec City.

**Sandeep KOTHARI:**

**Profession:** journalist for the Hindi daily newspaper *Nayi Duniya* **Date of death:** 19 June 2015 **Details of death:** Kothari (40) was reportedly abducted from his home state of Madhya Pradesh, choked and set on fire. His body was discovered in the neighbouring district of Maharashtra the following evening. **Details of investigation:** According to news reports, Kothari was targeted because of his writing about illegal mining in the area and for refusing to withdraw a court case he filed against individuals involved in the mining racket. Police arrested three men a few days after Kothari's death; they were suspected to be involved in illegal mining. According to reports, a total of seven persons allegedly involved in the crime have been arrested. No further information as of 30 June 2016. **PEN Action:** [23 June 2015 Statement](#)

**Mithilesh PANDEY:**

**Profession:** journalist for the online Hindi newspaper *Dainik Jagran* **Date of death:** 24 October 2015 **Details of death:** Pandey (40) was shot by a group of masked intruders while he was sleeping inside his house in Bihar. No further information as of 30 June 2016. **Background:** According to reports, Pandey had received death threats and he had approached the police on several occasions regarding the issue.

**Sai REDDY:**

**Profession:** reporter for the daily Hindi-language newspaper *Deshbandhu* **Date and details of death:** Reddy, aged 51, was beaten and stabbed to death in Basaguda, Chhattisgarh, on 6 December 2013. A group of Maoist rebels are suspected of carrying out the attack at a market near Reddy's home. He sustained severe head and neck injuries, and died on his way to hospital. **Details of investigation:** No one has been brought to justice for the murder as of 30 June 2016. **Background:** Reddy covered local issues such as health, education, water supply, food distribution and corruption, often criticising the government, Maoist insurgents and the security forces. According to reports, Reddy had been targeted in the past by both the authorities and Maoists in connection with his investigative reporting of the Naxalite (Maoist) insurrection. In March 2008, he was arrested for his supposed links with Maoists – he was later released on bail – while the Maoists reportedly accused him of having links with the security forces, set fire to his home and threatened to kill him. Reddy fled Chhattisgarh and only returned after he apologised to the Maoists.

**Rakesh SHARMA:**

**Profession:** senior reporter for the Hindi-language daily newspaper *Dainik Aaj* **Date and details of death:** 23 August 2013. He was shot dead in Etawah, in the northern state of Uttar Pradesh, by five assailants on a motorcycle. According to reports, Sharma, aged 50, had left his home after receiving a call from an unknown number. He reportedly sustained several gunshot wounds. Local journalists suspect the involvement of a local gambling mafia in his murder, in response to an article published by Sharma critical of illegal gambling operations. **Details of investigation:** No one is known to have been brought to justice for his killing as of 30 June 2016.

**Jagendra SINGH:**

**Profession:** freelance journalist **Date of death:** 8 June 2015 **Details of death:** According to news reports, Singh died from injuries sustained following a police raid on his home in Uttar Pradesh on 1 June 2015. Conflicting accounts of the events of the raid suggest that the six police officers – including two in civilian clothing – questioned him regarding Facebook posts he had made. Singh sustained burns to more than 50 per cent of his body and died of his injuries on 8 June. **Details of investigation:** According to reports, Singh gave a statement to a magistrate before dying on 8 June, in

which he claimed that a police officer had beaten him, doused him in petrol and set him alight. Singh's son is reported to have filed a police complaint against two of those his father named. Others have suggested that Singh killed himself when the police raided his home, news sources indicate.

**Background:** Singh was a freelance journalist who reported critically on politics and current affairs in Hindi-language newspapers and on Facebook. According to the journalist's son, Singh had previously been attacked after he accused a state minister of being involved in illegal mining and land seizures in northern India in an article written for a local Hindi newspaper, the details of which he later circulated on Facebook. **Awards:** Posthumously awarded the [Press Club Award for Bravery in Journalism](#) by the Mumbai Press Club in April 2016. **PEN Action:** [23 June 2015 Statement](#)

**Jitendra SINGH:**

**Profession:** reporter for the daily newspaper *The Hindu* **Date and details of death:** Singh was killed in Khunti district, Jharkhand state, on 27 April 2013. There are reports that the groups People's Liberation Front of India (PLFI), claimed responsibility for his killing. Singh also ran a local construction business. **Details of investigation:** The authorities are investigating the case. No further information as of 30 June 2016.

[Detained: main case](#)

**Somaru NAG:**

**Profession:** journalist covering rural issues for *Patrika* newspaper **Date of arrest:** 16 July 2015 **Details of arrest:** Nag was reportedly arrested by plainclothes police officers at his family's mobile telephone shop in Darbha town. Police are reported to have accused Nag of aiding villagers identified as Maoist or Maoist-sympathisers who are alleged to have set fire to equipment being used to build roads. He has reportedly been charged under the Arms Act, as well as banditry, arson and criminal conspiracy, Sections 395, 435 and 120B of the Indian Penal Code, respectively. **Place of detention:** Nag is thought to be being held in Jagdalpur jail in Chhattisgarh. [**Stop press:** Nag was reportedly released on 21 July 2016 after the Jagdalpur court found no 'direct or indirect evidence' against Nag.]

**Santosh YADAV:**

**Profession:** freelance journalist **Date of arrest:** 29 September 2015 **Details of arrest:** Police reportedly arrested Yadav in the state of Chhattisgarh. In October 2015, Yadav was placed in pre-trial custody, according to reports. **Details of trial:** He was charged with rioting, criminal conspiracy, and attempted murder under the Indian penal code; with 'associating with a terrorist organisation' and 'supporting and aiding terrorist groups' under the Chhattisgarh Special Public Security Act; and with charges under the Unlawful Activities (Prevention) Act, a counterterrorism law. Yadav's next court hearing was scheduled to be held in early 2016; no further information as of 30 June 2016.

**Conditions in detention:** According to news reports, Yadav has been facing death threats in prison.

**Background:** According to PEN's information, Yadav has contributed reports and photographs to local privately-owned newspapers including *Dainik Navbharat*, *Patrika*, and *Dainik Chhattisgarh*. He reported on human rights abuses by the police against tribal communities in the region, according to his lawyer. Yadav also helped connect members of his community, whose family members faced arrest, to legal aid groups. His lawyer said that Yadav has been harassed by police several times in recent years. According to the People's Union for Civil Liberties (PUCL), an Indian human rights organisation, police had harassed the journalist since they saw him at a May 2013 attack by Maoists that left dozens dead, including three Congress Party officials. The PUCL said that police presumed Yadav was a participant in the attack because he was one of the first reporters to arrive at the scene. In 2014, police summoned Yadav to the police station, where they stripped him and held him for several hours, according to his lawyer. In August 2014, police filed a case against Yadav, accusing him of harassing a woman, which the journalist's family and colleagues said was a false allegation. Yadav's wife, Poonam, told *The Hindu* that police had threatened to kill her husband in 2014. In late August 2015, about a month before Yadav was arrested, police arrested at least five men from Bhadrimahu

village in Chhattisgarh and accused them of helping Maoist rebels carry out a deadly ambush in which a police official was killed, according to news reports. On 29 September 2015, the families of the men went to the police station to secure their release, and Yadav accompanied them to cover the incident. He was arrested later that day. Police denied that Yadav was arrested for reporting on the case. **Other information:** Police said that Yadav had links to Maoists rebels and that he had participated in violence between police and Maoists in the state on 21 August 2015, according to *The Hindu*.

#### On trial

##### **Lingaram KODOPI:**

**Profession:** journalist for the *Tehelka* magazine, based in New Delhi **Date of arrest:** 9 September 2011 **Date of release:** 14 November 2013 **Details of arrest:** Kodopi was reportedly arrested by police from a weekly market at Palnar village in Dantewada district of Chhattisgarh **Details of release:** He was reportedly granted interim bail on 12 November 2013 and released two days later. The Indian Supreme Court have forbidden Kodopi from entering Chhattisgarh state and ordered that he check in weekly with a local police station in Delhi. A Supreme Court hearing on February 2014 upheld the bail order pending trial. **Update:** On 14 December 2015, the Supreme Court [relaxed](#) the bail conditions meaning that he has to check in monthly instead of weekly and that he does not have to ask the court's permission to leave the locality. **Details of trial:** He has reportedly been charged with criminal conspiracy, sedition, and waging war against the state, according to the New Delhi-based *Tehelka* magazine. His next court hearing was scheduled for 3 December 2013. His colleagues believe his arrest is linked to his reporting on police violence, although other reports allege he is linked to an insurgent Maoist group in Chhattisgarh. No further information as of 30 June 2016. **Other information:** He is the nephew of tribal activist Soni Sori who was also arrested and held for over two years, during which time she says she was tortured and pressured to say that Kodopi worked for Maoists.

##### **Devidas Ramachandra TULJAPURKAR:**

**Profession:** poet and editor of *Bulletin*, the in-house magazine of the All India Bank Association Union **Details of trial:** On 14 May 2015, the Supreme Court of India dismissed a plea from Tuljapurkar against charges he had broken Section 292 of the Indian Penal Code (IPC) (obscenity) following a hearing on 16 April. In its ruling, the Supreme Court upheld an earlier verdict reached by Bombay High Court in 2010. The court ruled that the right to freedom of speech is important but not absolute and does not give liberty to offend where a historically revered figure is concerned. The judge considered the poem to be offensive according to 'contemporary community standards.' The same charges were reportedly brought against the printer and publisher but dropped after they tendered unconditional apologies. **Background:** The charges were brought by the State of Maharashtra regarding a poem 'Gandhi Mala Bhetala' (I met Gandhi) published in the July-August 1994 issue of *Bulletin* magazine, in which offensive words are attributed to Gandhi. Breaking Section 292 of the IPC carries a maximum two-year prison term and fine for first time offenders; a five-year prison term and a fine is applicable for repeat offenders. Article 19, Part 3 of the Indian Constitution protects the right to freedom of speech and expression for all citizens but not if it contradicts any laws upholding decency or morality. The Supreme Court's ruling now means that words that would otherwise not be deemed obscene, when placed in the fictionalized mouths of 'historically respected personalities' may be deemed obscene. The court did not provide a definition for 'historically respected personalities'.

#### Brief detention

##### **\*Pushp SHARMA:**

**Profession:** a journalist for *The Milli Gazette*, a biweekly English-language publication aimed at Indian Muslims **Date of arrest:** 14 May 2016 **Date of release:** 24 May 2016 **Details of arrest:** Sharma was

reportedly arrested in Delhi under Sections 153A (promoting hatred among communities), 468 (forgery for purpose of cheating) and 466 (forgery of record of court or of public register) of the Indian Penal Code (IPC) on suspicion that he had falsified documents referred to in a [11 March report](#) in which he alleged that the government had discriminated against Muslims in its selection of yoga trainers. Sharma denies the charges and stood by his report in an article published in [The Milli Gazette](#). Sharma's application for bail was reportedly rejected on 16 May and his detention extended for two weeks. **Details of release:** Sharma was reportedly released on bail on 24 May 2016.

**Background:** In March 2016, police reportedly charged *The Milli Gazette* with 'promoting hatred among communities,' under article 153A of the IPC, and with forgery leading Sharma to seek anticipatory bail, according to press reports.

**\*Deepak JAISWAL:**

**Profession:** journalist for the Hindi daily newspaper *Dainik Daindini* **Date of arrest:** 26 March 2016 **Date of release:** 26 June 2016 **Details of arrest:** Chhattisgarh police reportedly arrested Jaiswal in connection with a case registered against him and fellow journalist **Prabhat Singh** (see below) seven months previously. He has not yet been formally charged. **Details of release:** Jaiswal was reportedly released on bail on 26 June 2016. **Background:** Jaiswal and Singh are reported to have written a report in March 2015 in which they claimed that teachers at a school in Geedam were aiding their students to cheat in their examinations. They stand accused of trespassing, obstructing a public servant from discharging their duty and assaulting a public servant. The complaint filed claimed that the two men had entered the school without the principal's permission.

**\*Prabhat SINGH:**

**Profession:** journalist with *Patrika* newspaper **Date of arrest:** 21 March 2016 **Date of release:** 26 June 2016 **Details of arrest:** Singh was reportedly arrested by policemen in plain clothes on 21 March 2016. **Details of release:** Singh was reportedly released on bail on 26 June 2016. **Details of trial:** Singh was reportedly produced before a Jagdalpur court on 21 March and charged under Section 297 of the Indian Penal Code and Section 67 of the Information Technology Act in connection with comments made on social media. Another journalist is also alleged to have filed a complaint against him relating to the same WhatsApp chat. **Background:** Singh reportedly stands accused of 'making confrontational comments' against a local group Samajik Ekta Manch in a WhatsApp message, and circulating obscene material. According to reports, on 1 March 2016, Singh had sent a written complaint to Dantewada police against the members of Samajik Ekta Manch. In the letter, Singh said that members of the Samajik Ekta Manch had called him 'anti-national' on a group chat on the messaging service WhatsApp, defaming him among the journalist community in Bastar. Both journalists and members of the vigilante group were part of the chat. Singh's complaint was accepted by the police on 6 March. Singh is also reported to be facing other cases of forgery and cheating. He faces a court case along with **Deepak Jaiswal** (see brief detention above).

Attacked

**\*Malini SUBRAMANIAN: (f)**

**Profession:** contributor to the independent, online news website scroll.in **Date of attack:** 7 February 2016 **Details of attack:** Subramanian was the victim of two attacks on her home in Jagdalpur on 7 February; some 20 people are reported to have surrounded her home shouting slogans and death threats. The mob is also reported to have told her neighbours that they believe her to be a supporter of Maoist groups, and encouraged them to throw stones at her home. In the early hours of the following morning, unknown assailants threw stones at her home, breaking the windows of her car. Subramanian subsequently fled Bastar fearing for her safety and that of her family. On 11 February, the Samajik Ekta manch [reportedly called for Subramaniam's arrest](#) in response to her statements about the group. Subramanian reportedly left Chhattisgarh on 18 February 2016 after police persuaded the landlord to serve her with an eviction notice. **Details of investigation:** According to

reports, Subramaniam was able to identify two of the assailants as members of the Samajik Ekta Manch – a Jagdalpur-based forum formed to counter Naxalism (support for Maoist groups) in Bastar – who had visited her home in January 2016 and had questioned her about her work in a threatening manner. Subramaniam’s written complaint was filed with police on 8 February, although they [did not file](#) a First Information Report (FIR), (a necessary stage in the judicial process and required to be registered by a constitutional bench of the Supreme Court) until 10 February, after protests from women’s and media organisations. **Background:** Between October 2015 and January 2016 she reported on the alleged torture of journalists, allegations of sexual violence committed by the security forces in Bijapur, and on alleged human trafficking in Bastar. According to news reports, Subramaniam has been the victim of harassment on the part of the local police who, since January 2016, have made several visits to her home to question her about the nature of her work. Scroll.in wrote to the police to protest about at least one of the visits. Subramaniam’s home, Jagdalpur, is the administrative headquarters of the southern Bastar district in Chhattisgarh province. Bastar, along with the districts of Bijapur, Sukma and Dantewada lie in the heart of the Maoist rebellion. **PEN Action:** [12 February 2016 Statement](#); [Joint statement by PEN All-India and Delhi PEN](#)

### Threatened

#### **\*Teesta SETALVAD: (f)**

**Profession:** journalist and rights advocate **Date of threat:** 12 March 2016 **Details of threats:** On 12 March, OZY – an online magazine – re-published a profile of Setalvad. Following its publication, several threatening messages were written in the comments section, labelling her ‘anti-national’ and calling for her to be killed or raped. **Background:** Setalvad is the secretary of Citizens for Justice and Peace (CJP), an organisation formed to fight for justice for the victims of communal violence in the state of Gujarat in 2002, currently seeking a criminal trial of Indian Prime Minister Narendra Modi for his alleged involvement in inciting the violence that took place. Setalvad has faced harassment for her rights advocacy.

### Harassed

#### **\*Bela BHATIA: (f)**

**Profession:** Chhattisgarh-based researcher and writer **Date of harassment:** 26 March 2016 **Details of harassment:** Bhatia has reportedly faced intimidation attempts at the hands of police and their supporters, including the Samajik Ekta Manch. According to reports, a crowd of almost one hundred people marched through the village of Parpa – where Bhatia resides – shouting slogans against her, circulating pamphlets labelling her a ‘Maoist’ and demanding she leave Bastar. **Background:** Bhatia has written about human-rights violations in Indian media outlets. In February, she wrote a [detailed piece](#) in *Outlook* magazine exposing alleged rapes and assaults by police and security forces on indigenous people in Bastar--allegations that they have denied. The intimidation comes during a period of increased harassment of journalists in the state.

#### **Perumal MURUGAN:**

**Profession:** novelist and professor **Date of harassment:** 12 January 2015 **Details of harassment:** Tamil-language writer Murugan publically announced his retirement from writing in a Facebook post following a ‘peace meeting’ with several organisations regarding his 2010 book *Madhoubagan*. According to reports the meeting in Namakkal in the author’s home state of Tamil Nadu was attended by several regional caste and religious groups demanding that Murugan issue an unconditional apology, expurgate the book, recall any unsold copies, and refrain from writing on controversial or sensitive subjects. The Facebook post also asked his publishers to cease sale of any works, urged those owning copies to burn them, told literary festivals to not contact him, and requested that caste and religious outfits desist from their protests. **Background:** Murugan’s book *Madhoubagan* features a controversial scene with a fictitious, extramarital sex ritual with members of the Gounder community at a local Hindu shrine. There have been reports of a campaign against

the writer including a book burning and calls for a ban on the novel and the arrest of its author and publisher.

**\*Alok Prakash PUTUL:**

**Profession:** journalist for BBC's Hindi Service **Date of harassment:** 20 February 2016 **Details of harassment:** According to the Committee to Protect Journalists, Putul fled Bastar, Chhattisgarh, after residents warned him about his safety. **Background:** Putul was reporting on alleged police violence in Bastar, including the recent harassment of **Malini Subramaniam** (see 'Attacked' above) prior to receiving warnings from several individuals that people were searching for him.

Case closed

**S. Nagesh KUMAR:**

**Profession:** editor of the English-language newspaper *The Hindu* **Details of trial:** reportedly faces criminal proceedings following the 13 September 2013 publication of a report on a meeting between the Director-General of the Police in Andhra Pradesh and the head of a spiritual cult based in Hyderabad. The complaint alleges intent to bring the police force into disrepute. Kumar succeeded in securing bail, providing him with provisional immunity against arrest. **Case closed:** Case closed due to lack of information June 2016.

## INDONESIA

Killed: impunity

**Beni FAISAL:**

**Profession:** chief editor of *Fokus Lampung* weekly **Date of death:** 27 January 2015 **Details of death:** Faisal, aged 42, was reportedly shot dead in Lampung, Sumatra, by three assailants who tried to steal Faisal's motorbike. The journalist confronted them with a machete and a spear but he was shot in the chest, and the killers immediately fled. **Details of investigation:** Police detained three men on 30 January 2015 for their alleged involvement on the killing of Beni Faisal. Reportedly, police shot a fourth man who resisted arrest, also linked to Faisal's assassination. No further information as of 30 June 2016. **Background:** *Fokus Lampung* is known for being critical of the government and institutions.

Harassed

**\*Ardi BAYAGE:**

**Profession:** journalist for suarapapua.com news website **Date of harassment:** 2 May 2016 **Details of harassment:** Bayage was reportedly among several journalists arrested as he attempted to cover a peaceful demonstration in support of the United Liberation Movement of West Papua – an organisation campaigning for the self-determination of West Papua. Bayage was arrested despite showing his press credentials to the police. The authorities are reported to have accused him of lying, and breaking his mobile telephone before detaining him for several hours. **Background:** West Papua, a province of Indonesia located on the Island of New Guinea, has been experiencing a low-level conflict between the Indonesian government and portions of the indigenous population since the territory passed into Indonesian territory in the 1960s. The West Papuan authorities are reported to censor all reporters covering Papuan separatist movements, discrimination and human rights violations.

**\*Febriana FIRDAUS: (f)**

**Profession:** reporter for rappler.com **Date of harassment:** 2 June 2016 **Details of harassment:** Firdaus is reported to have gone into hiding, fearing for her life, after receiving threats while she

attempted to cover the second day of a gathering in Jakarta of those opposed to government-backed efforts to officially acknowledge the country's 1965 anti-communist massacre. Media reports indicate that a mob targeted Firdaus as she interviewed members of the Indonesian Catholic Students Association (PMKRI), threatening her. She was banned from the gathering. After the incident, she became the target of abuse and violent threats on social media where users reportedly labelled her as a 'fake Islamist' and a communist sympathiser – akin to labelling her a traitor. Firdaus went into hiding with the assistance of the Alliance of Independent Journalists. **Background:** Over the course of little more than five months, from late 1965 to early 1966, anti-communist Indonesians killed an estimated 500,000 of their fellow citizens. The official narrative has long treated those killings as a justified and heroic response against an Indonesian Communist Party plot to overthrow the government, which began with the murder of six army generals on 30 September 1965. Tensions related to the massacre have recently risen as Indonesian civil society organisations have led efforts to acknowledge the killings. The gatherings on 1 and 2 June 2016 came in response to [reconciliations talks](#) backed by the independent National Commission on Human Rights held on 18 April 2016. The talks represented the first time Indonesia had held an open discussion about the incidents that took place.

## LAOS

### Imprisoned: main case

**BOUNTHANH KHAMMAVONG** (Polish national):

**Profession:** activist **Sentence:** four years and nine months in prison **Date of arrest:** June 2015 **Details of arrest:** According to news reports, Bounthanh was arrested in June and charged with 'disseminating propaganda against the government with the intention of undermining the state' under Article 65 of the penal code after police found evidence connecting him to a Facebook post during a search of his home in the capital Vientiane. **Details of trial:** On 18 September 2015, the Vientiane Supreme Court found Bounthanh guilty and sentenced him to four years and nine months in jail, according to a report by the Ministry of Public Security, in a televised trial. The report did not provide the details of the message Bounthanh had posted. **Conditions of detention:** According to Radio Free Asia, Bounthanh was not given access to a lawyer or represented by one during the trial. **Background:** Bounthanh was reportedly forced into exile from Laos due to its democracy activism and became a citizen of Poland, where he founded the Organization of Lao Students for Independence and Democracy. He relocated to Laos in 2010 after receiving assurances from Lao officials that he would not face arrest on his return. **Other information:** On 8 October 2015 Bounthanh's wife, who lives in Poland, asked Poland's justice ministry to request the Lao government to transfer her husband to a detention centre in his home country. No further information as of 30 June 2016.

## MALAYSIA

### On trial

**Yusuf al-Siddique SURATMAN** (alias Milosuam):

**Profession:** blogger **Sentence:** Two years in prison **Details of trial:** On 19 January 2015, Suratnam received the maximum prison sentence under Section 505(b) of the Penal Code for a post on his blog from March 2013, during the Lahad Datu crisis in Sabah, claiming to reveal a leaked police memo which mentions the possibility of 1,500 foreigners potentially causing chaos in Sabah. Suratman is thought to be appealing to the High Court. **Update:** On 19 February 2016, the High Court [rejected](#) his appeal and confirmed his conviction and sentence. A stay of execution was granted pending a further appeal to the Court of Appeal. **Background:** Suratnam was reportedly a first-time offender with no prior record. Section 505(b) makes it an offence to publish or circulate any statement, rumour, or report with the

intent to cause, or which is likely to cause fear or alarm to the public. The Lahad Datu crisis involved an invasion in eastern Malaysia which began on 12 February 2013 and lasted one month. Some 200 troops, reportedly belonging to an armed group from southern Philippines, landed at Kampung Tanduo, Sabah, set up camp and staked their claim on Sabah. There were discussions back and forth, although the turning point was seen to be on 2 March 2013 when six police officers were killed in an ambush. Three days later it was reported that Malaysia deployed fighter jets to end the standoff.

**Zulkifli Anwar ULHAQUE (aka ZUNAR):**

**Profession:** cartoonist and writer **Date of arrest:** 10 February 2015 **Date of release:** 14 February 2015  
**Details of arrest:** Zunar was reportedly detained for four days during an investigation into a tweet.  
**Details of trial:** Zunar was reportedly charged under the Sedition Act on 3 April 2015. The charges are reportedly related to a tweet Zunar posted on 10 February 2015 implying Federal Court judges had bowed to regime pressure in convicting and sentencing opposition leader, Anwar Ibrahim, to five years in prison. He faces a total of nine charges and up to 43 years in prison. **Background:** Zunar has been investigated several times under the 1948 Sedition Act. In 2014 he was arrested for two days with regards to a tweet he posted. In 2012 Zunar was investigated for sedition charges in connection with some of his published work. Between 2009 and 2010 the Home Minister for Malaysia reportedly banned five of Zunar's books, and many of his drawings are censored. In April 2015, the Malaysian government are reported to have made amendments to the law in order to grant the government broader powers with respect to online media and stiffen penalties. On 29 September 2015, Zunar announced that police had begun an investigation into his latest book, *Sapuman – Man of Steal*. **Awards:** Committee to Protect Journalists' 2015 International Press Freedom Award; 2016 Cartooning for Peace Award. **PEN Action:** [Joint statement](#) 20 May 2015 [**Stop press:** In October 2016, Zunar was arbitrarily banned from leaving the country.]

Released

**Eric PAULSEN:**

**Profession:** Lawyer, co-founder and executive director of Lawyers for Liberty **Dates of arrest:** (1) 12 January 2015 (2) 22 March 2015 **Date of release:** (1) 5 February 2015 (2) 23 March 2015 **Details of arrest:** (1) Paulsen was reportedly arrested by a group of 20 police officers in Brickfields in connection with a tweet he published two days earlier which accused the Malaysian Islamic Development Department (Jakim) of promoting extremism through its Friday sermons. The tweet was subsequently removed by Paulsen who also filed a police report in the afternoon after he reportedly received death threats in response to his tweet. He later clarified that he was not insulting Islam but criticising Jakim as a government agency. **Details of release:** He was released on a RM2,000 (approximately US\$470) bail pending a hearing on 27 April 2015. (2) Paulsen was reportedly arrested at Dataran Merdeka underground and taken for questioning at the Dang Wangi police headquarters for violating the Sedition Act after a series of tweets questioning the implementation of hudud law in Kelantan. Police reportedly confiscated his phone. He was released from detention the next day after a magistrate reportedly rejected the police's application to remand the lawyer for four days. **Details of trial:** On 5 February 2015 Paulsen was charged in a Sessions Court with 'publishing seditious words' on his Twitter account under Section 4(1)(c) of the Sedition Act 1948. **Update:** On 22 March 2016 it was reported that Paulsen had settled the complaint outside of court. **Background:** The Sedition Act 1948 makes it an offence to excite disaffection against the government and to promote feelings of ill-will and hostility between different races or classes of the population.

**Dr Azmi SHAROM:**

**Profession:** academic from the University of Malaya and columnist **Details of trial:** On 2 September 2014, Dr Sharom was charged under Section 4(1)(b) and Section 4(1)(c) of the Sedition Act, after the online publication of comments he allegedly made regarding the political crisis of the Perak state in 2009. Dr Sharom challenged the constitutionality of the Sedition Act, initially before the High Court,

which transferred his challenge to the Federal Court, Malaysia's highest judiciary. On 6 October 2015, the Federal Court dismissed Dr Sharom's legal challenge and ruled that the British-enacted law remains a constitutional piece of legislation, leaving Sharom facing trial. **Update:** On 12 February 2016, Sharom was acquitted by the Sessions Court in Kuala Lumpur.

## MALDIVES

Abduction: impunity

**Ahmed RILWAN ABDULLA (Twitter name: Moyameehaa):**

**Profession:** investigative journalist for the independent news website *Minivan News* **Date of abduction:** 8 August 2014 **Details of abduction:** Rilwan was last seen by his family on 7 August 2014. There are reports that the journalist was seen being forced into a car at knifepoint outside his flat at about 2am on 8 August. Previously, the journalist had published an article about a number of death threats against journalists in the region, and against himself, in which they were told not to report on local criminal gangs. On 25 September 2014, the alleged leader of one of Maldives' gangs attacked *Minivan News* by destroying the CCTV camera located at the entrance of the building and burying a machete in the front door. **Details of investigation:** Police are investigating Rilwan's disappearance; however, there have been suggestions that the authorities are not doing enough to find him. His family, friends and supporters have also set up a [campaign website](#) to raise awareness of his case. It has been reported that the camera's footage captured the identity of the attacker. Three men were arrested in September 2014 but released later without charge. An independent investigation commissioned by the Maldives Democracy Network (MDN) released in September 2014 implicated radicalised gangs in the journalist's disappearance. On 8 July 2015, the police reportedly prevented a news conference being held on the state of Rilwan's investigation. **Update:** In April 2016, the police [admitted](#) that Rilwan had been abducted, citing DNA evidence that previously they had said was insufficient. Days later, two suspects were [arrested](#). In June, they were [transferred](#) from detention to house arrest. **Other information:** Reporters Without Borders referred Rilwan's case to the UN's working group on enforced disappearances on 28 August 2015. Several members of Rilwan's family were reportedly pepper-sprayed by the police as they attempted to organize a silent demonstration marking the one-year anniversary of Rilwan's disappearance. Rilwan's family and friends continue to accuse the police of negligence.

## MYANMAR (BURMA)

Killed: impunity

**Aung Kyaw NAING (aka Par Gyi):**

**Profession:** freelance journalist **Date of death:** 4 October 2014 **Details of death:** Naing was arrested on 30 September 2014 by the Burmese army while reporting on clashes between the government forces and the Democratic Buddhist Karen Army in Mon state, at the border with Thailand. Naing's family did not know about his arrest and they reported to the media that he had disappeared. It was almost a month later, on 25 October 2014, that the Burmese army confirmed that the journalist had died and had been buried three weeks earlier. **Investigation:** At his family's request, Naing's body was exhumed and sent for a post-mortem examination, as they had concerns for his death and his quick burial. On 5 November 2014, the Ministry of Defence confirmed that the journalist had been shot dead on 4 October while trying to escape from military custody. Some accounts suggest that Naing was tortured and shot dead while in military detention and that the army believed Naing was a member of the Karen group. On 2 December 2014, the Myanmar National Commission on Human Rights – charged with investigating the case – decided the case should be referred to and heard in a civil court. As the civilian trial was ongoing, on 11 May 2015 it was reported that two soldiers

implicated in the case were acquitted by the Myanmar Military Court. On 23 June 2015, the civilian court closed the case on Naing, determining that he died of a gunshot wound while in military custody, but failing to find a culprit. **Update:** On 21 March 2016, a court reportedly recommended that the case should be closed. The closure of the case came a few days before the National League for Democracy took over government. **PEN Action:** Mentioned in [March 2015 submission](#) to the UPR review of Myanmar

#### Judicial harassment

**\*Sithu Aung MYINT, profession:** columnist for *Mizzima Media*

**\*Soe MYINT, profession:** editor-in-chief and managing director of *Mizzima Media*

**\*Myo THANT, profession:** editor-in-charge of *Mizzima's* Myanmar edition

**Details of harassment:** The three are reportedly under investigation following the publication of a column online on 31 December 2015, which criticised a rival media outlet's reporting. If convicted of committing a crime under the Electronic Transactions Law, they face between one and three years in prison and fines of between five and 10 million Kyats (approx. US\$4,251 and US\$8,500). **Background:** A senior journalist at Eleven Media Group reportedly filed a criminal complaint under the Electronic Transactions Law over the column entitled, 'MPC or an organisation distorted by some media,' which referred to accusations reported by Eleven Media against the Myanmar Peace Center, which was dissolved in March 2016. *Mizzima* reportedly maintains that the column is not actionable as it merely expressed Sithu Aung Myint's opinion and did not identify anyone by name, the group have also stated that the case should first have gone through the press council. The case against Sithu Aung Myint is reportedly the tenth legal case filed against him by Eleven Media.

**\*Thaung Su NYEIN, profession:** editor-in-chief of *7Day Daily* newspaper

**\*Min Hein KYAW, profession:** senior reporter for *7Day Daily* newspaper

**Date of harassment:** June 2016 **Details of harassment:** On 23 June 2016, the military reportedly filed a suit against Nyein and Kyaw under Section 131 of Myanmar's Penal Code. The case was reportedly settled later that week following the intervention of the News Media Council and the publication of an apology in *7Days Daily* on 28 June 2016. **Background:** On 24 April 2016, *7Day Daily* reportedly published an article which included former general Shwe Mann's message to graduates of the Defense Services Academy urging them to work with the country's newly-elected democratic government. [Section 131](#) provides for a sentence of 10 years' imprisonment for the crime of abetting or seducing any serviceman to mutiny and abandon duty.

#### Released

**CHAW Sandy Tun (aka Chit Thami) (f):**

**Profession:** opposition activist **Sentence:** six months in prison **Date of arrest:** 12 October 2015 **Date of release:** 30 March 2016 **Details of arrest:** Police reportedly arrested Chaw on 12 October 2015 and took her to the police station in neighbouring Ayeyawady Region's Maubin district. The reason for her arrest was a collage and a written text she published on Facebook. In the text, she reportedly compared the colour of Commander-in-Chief, Min Aung Hlaing, and other military personnel's uniforms to Aung San Suu Kyi's typical clothes. **Current place of detention:** Maubin jail **Details on trial:** On 13 October 2015, Chaw was charged under Article 34(d) of Burma's Electronic Transactions Law, a charge which was later changed to Section 66(d) of the 2013 Telecommunication Law. In the first court hearing on 27 October 2015 at Maubin court, Chaw was notified of an additional charge being brought against her under Section 500 of the Penal Code, a defamation clause. On 28 December 2015, the Ma U Bin township court sentenced her to six months in prison. According to her mother, Ei San, Chaw will appeal. **Details of release:** Chaw was reportedly released upon completion of her sentence. **Other information:** Chaw joined the local chapter of the National League for Democracy to assist with the party's campaign ahead of general elections held on 8 November 2015. **PEN Action:** [2015 Resolution on the Republic of the Union of Myanmar](#)

**HTIN Lin Oo:**

**Profession:** writer and former information officer of the National League for Democracy (NLD), Myanmar's main opposition party. **Sentence:** Two years in prison. **Date of arrest:** 17 December 2014 **Date of release:** 17 April 2016 **Details of arrest:** On 23 October 2014, he gave a speech at a literary event in Chaung-U Township, Sagaing Region in northern Myanmar, criticising the use of Buddhism to promote discrimination and prejudice. The speech, which lasted around two hours, was heard by around 500 people. Soon after the event, a 10-minute edited video of the speech appeared on social media, causing outrage among some Buddhist groups. **Details of trial:** On 4 December 2014, Htin Lin Oo was charged by the Chaung-U Township Court, after a complaint was filed against him by township officials. He was charged with 'insulting religion' under Section 295(a) of Myanmar's Penal Code and with 'wounding religious feelings' under Section 298, which impose punishments of up to two years' and one year imprisonment respectively. Htin Lin Oo was detained at his first court hearing on 17 December after being denied bail. Further requests for bail were rejected. On 2 June 2015, Htin Lin Oo was found guilty by the Chaung-U Township court under the Penal Code's Article 295(a) which prohibits 'deliberate and malicious acts intended to wound religious feelings' and sentenced him to two years' imprisonment and hard labour. He was reportedly acquitted of the second, lesser, charge due to insufficient evidence. Htin Lin Oo returned to Monywa Prison to serve the two-year sentence, less the six months already spent in remand. On 2 July 2015, the Monywa District court rejected his appeal reportedly stating that they should not interfere with the decision of the Chaung-U court. The defendant's lawyer has pronounced his intention to pursue a second appeal to the divisional court. **Details of release:** Htin Lin Oo was reportedly released from prison following a pardon granted by the newly elected President Htin Kyaw as part of celebrations of Myanmar New Year. **PEN Action:** included in [update #1 to RAN 12/14](#)

**Patrick Kum Jaa LEE:**

**Profession:** peace activist **Sentence:** Six months in prison **Date of arrest:** 15 October 2015 **Date of release:** 1 April 2016 **Details of arrest:** Patrick Kum Jaa Lee was arrested on 15 October in his home in Yangon for a Facebook post showing someone stepping on a photo of Commander-in-Chief General Min Aung Hlaing. Reports indicate that the caption above the photograph was 'Please stop sharing this post.' **Update:** On 22 January 2016, Lee was reportedly sentenced to six months in prison under Section 66(d) of Myanmar's 213 Telecommunications Law (a defamation provision). **Details of release:** Lee was released on 1 April 2016, having served six months in prison. **Health concerns:** According to Amnesty International, he suffers from a number of medical conditions and there are fears that he is not receiving the needed medical attention. **Other information:** Lee's phone and computer were confiscated and the post was deleted.

**Maung SAUNG KHA:**

**Profession:** poet **Date of arrest:** 5 November 2015 **Sentence:** six months in prison **Date of release:** 24 May 2016 **Details of arrest:** After several days on the run, Maung was arrested on 5 November 2015 for a verse posted on social media. The verse in question—posted on Facebook and reading roughly, 'I have the president's portrait tattooed on my penis / How disgusted my wife is'—prompted a warning from the President's Office director to 'be prepared to take responsibility' for the post. Maung fled his home when he was informed that a case had been filed against him under Article 66(d) of Burma's Telecommunications Law, spending nearly a month in hiding. **Details of trial:** He was charged with defamation under Section 66(d) of the Telecommunications Law and faces three years in prison. On 17 December 2015, an additional charge under Section 505(b) of the colonial-era Penal Code was reportedly added to the proceedings, facing two additional years if convicted. On 24 May 2016, Maung was convicted of defamation and sentenced to six months in prison. He was released for time served. **Conditions in detention:** On 21 March 2016, Maung was rushed to Insein Hospital after he was attacked by a fellow prisoner following his latest hearing at Shwepyithar court in Yangon. The attack is reported to follow Maung and his supporters reciting verses outside the

court to mark World Poetry Day. **PEN Action:** [RAN 10/16 – 13 May 2016](#); [Update 1 to RAN 10/16 – 25 May 2016](#)

**Yazar SOE (also seen as Ya Zar Oo),**

**Sithu SOE,**

**Lu MAW NAING,**

**Paing THET KYAW (aka Aung Thura):**

**Profession:** reporters and editors for the independent Yangon-based weekly news journal *Unity*

**Sentence:** Seven years in prison with hard labour **Date of arrest:** February 2014 **Date of release:** 17 April 2016 **Details of arrest:** The journalists were reportedly arrested, along with the chief executive of the journal *Tint San*, following the publication of a story that alleged that the Burmese military was operating a secret chemical weapons facility on 25 January 2014. The journal reportedly published denials by the government, but ceased publication shortly afterwards. **Details of trial:** Formal hearings reportedly began on 17 March 2014. The journalists were reportedly charged under Myanmar's 1923 State Secrets Act, which forbids anyone from entering a prohibited place for any reason 'prejudicial to the safety or interests of the state.' They were found guilty and sentenced to 10 years in prison with hard labour on 10 July 2014. On 2 October 2014, the Magway Region High Court reduced the sentence from 10 years' imprisonment to seven. On 15 May 2015, the Supreme Court rejected the Unity reporters and chief executive's final appeal leaving them no other avenue to challenge their conviction in Myanmar. **Details of release:** They were reportedly released from prison following a pardon granted by the newly elected President Htin Kyaw as part of celebrations of Myanmar New Year. **PEN Action:** [update #1 to RAN 12/14](#) – 22 April 2016

Case closed

**Shayam BRANG SHAWNG:**

**Profession:** human rights campaigner **Sentence:** Fine of 50,000 kyat (around US\$50). **Details of trial:** Brang Shawng's 14-year-old daughter, Ja Seng Ing, died on 13 September 2012 in Sut Ngai Yang village, Hpakant Township, Kachin State, northern Myanmar. According to eyewitnesses, Myanmar Army soldiers shot her dead. However, the Myanmar Army claims she was killed by a Kachin Independence Army (KIA) landmine, which exploded around the same time as she was shot. According to Amnesty International, Brang Shawng sent a letter to the President on 25 September 2012, calling on him to take action on the case. This was followed on 1 October 2012 by a letter to the Myanmar National Human Rights Commission (MNHRC), in which Brang Shawng called on them to undertake an investigation into his daughter's death. He did not receive a response to either letter. Instead, on 25 February 2013, he was charged under Article 211 of Myanmar's Penal Code with making false allegations against the Myanmar Army in his letter to the MNHRC. The charges follow a complaint lodged by a Myanmar Army Major to the Hpakant Township police station. It is unclear how the Myanmar Army accessed Brang Shawng's letter to the MNHRC. On 13 February 2015, Brang Shawng was reportedly sentenced by Hpakant Township Court in Kachin State, northern Myanmar, to either six months in detention or a 50,000 kyat fine (approx. US\$50) under Article 211 of the Penal Code for making 'false charges' against the Myanmar Army. Brang Shawng chose to pay the fine and has been released from detention, but plans to appeal the conviction. **Case closed:** Case closed due to lack of information.

**NEPAL**

Brief detention

**\*Kanak Mani DIXIT:**

**Profession:** journalist **Date of arrest:** 22 April 2016 **Date of release:** 2 May 2016 **Details of arrest:** Dixit was reportedly arrested in fulfilment of a summons issued on behalf of the Commission for the

Investigation of Abuse of Authority (CIAA), who are leading an investigation into whether Dixit abused his authority as Chairman of Sajha Yatayat – the public transportation bus system – and had amassed wealth and property illegally. His arrest came in spite of the Supreme Court’s ruling that the CIAA had not followed due process in issuing the summons. The CIAA has claimed Dixit’s arrest was necessary as he had failed to cooperate with the organisation. **Place of detention:** Gaushala police station **Health concerns:** According to news reports, Dixit was admitted to hospital the day after his arrest, after he complained of high blood pressure. **Details of release:** Dixit was reportedly released following a ruling issued by the Supreme Court that stated that his arrest was illegal. The Supreme Court advised that they continue their investigation with Dixit on bail, if necessary. **Background:** Dixit is the founder and editor of Himal Media; he is publisher of *Himal* and *Nepali Times* magazines. Dixit also serves as Chairman of Sajha Yatayat – the public transportation bus system in Nepal which serves Kathmandu Valley. In December 2015, the CIAA [summoned 29 individuals](#), including Dixit, to appear before the body on suspicion of having made illicit and unexplained financial gains. Sources close to Dixit claim that his arrest is a vendetta on the part of the head of the Commission for the Investigation of Abuse of Authority (CIAA). Karki’s appointment to the CIAA had been widely criticised by civil society, including Dixit, amid allegations of corruption. **PEN Action:** [23 April 2016 statement](#)

#### Harassed

**\*Robert PENNER:** (Canadian national)

**Profession:** software engineer **Date of harassment:** 2 May 2016 **Details of harassment:** Police reportedly arrested Penner on 2 May and brought him before immigration authorities before detaining him overnight. He was released after 26 hours in detention, however, his working visa was revoked and he was given two days to leave the country. **Background:** The revocation of Penner’s visa is linked to Penner’s criticism of the Nepali government on social media sites including Twitter. In recent weeks, Penner had been critical of the arrest of journalist, **Kanak Dixit** (see ‘Brief detention’ above). Previously, he had criticised Nepal’s 2015 constitution, and the government’s handling of violent ethnic protests.

#### PAKISTAN

##### Killed: impunity

**Mahmoud Ahmed AFRIDI:**

**Profession:** correspondent for the newspaper *Intikhab* **Date of death:** 1 March 2013 **Details of death:** Afridi was killed in Baluchistan, south-west Pakistan, on 1 March 2013. Two unknown men approached Afridi when he was in a shop, opened fire and the journalist died immediately. Afridi, aged 56, was also the president of the Kalat Press Club. There are reports that the Baluchistan Liberation Army (BLA) claimed responsibility for the killing. **Details of investigation:** The authorities are investigating this death. No further information as of 30 June 2016.

**Nadeem HYDER:**

**Profession:** journalist for the daily *Dunya* **Date of death:** 3 October 2014 **Details of death:** Hyder was shot by unidentified men in Hafizabad, Punjab region. The journalist was reportedly teaching at a school in the Kaliki Mani area of Hafizabad, when two men barged into the school, shot Hyder and fled the scene. **Details of investigation:** The police are investigating the case. No further information as of 30 June 2016.

**Zafarullah JATAK**

**Profession:** correspondent for the Quetta-based, Urdu language daily, *Intekhab* **Date of death:** 28 June 2015 **Details of death:** Jatak was reportedly killed when unidentified gunmen entered his home

in Jaffarabad, Balochistan province, as Jatak slept and opened fire. Jatak died instantly and the assailants fled the scene. **Details of investigation:** According to [RSF](#), in July 2015, police arrested eight individuals in connection with the case but had not established the motive. No further information as of 30 June 2016.

**Ahmed Ali JOIYA (or Joya):**

**Profession:** journalist for various newspapers and magazines **Date of death:** 24 May 2013 **Details of death:** Joiya was shot dead by an unknown man in Bahawalnagar district, Punjab province. Joiya, aged 25, had been investigating a crime story in coordination with the local police. It is said that Joiya had already received death threats for investigating this particular case. The journalist had previously exposed local criminal activities. **Details of investigation:** Police said they believed the man responsible for the death threats may have been behind the killing. No further information as of 30 June 2016.

**Irshad MASTOI and Abdul Rasool KHATTAK:**

**Profession:** bureau chief of the news agency *Online International News Network* and trainee reporter, respectively. **Date of death:** 28 August 2014 **Details of death:** Mastoi and Khattak were shot dead by two unidentified men who broke into the news agency's office, based in Quetta city, capital of Baluchistan province. The assailants fled the scene. **Details of investigation:** On 1 September 2015, police reportedly arrested two suspects in Quetta involved in the murder of Mastoi and Khattak. The two suspects are thought to be connected to the Baloch Liberation Army. Confessions obtained by the pair have indicated the identity of the supposed mastermind behind the murders. No further information as of 30 June 2016. **Background:** Mastoi, aged 34, was the secretary general of the Baluchistan Union of Journalists (BUJ). He also contributed to other local and national publications, including *The Express*. Khattak was in his early 20s, and was a student in his final year at the Journalism faculty of the University of Baluchistan.

**Zaman MEHSUD:**

**Profession:** journalist for the Urdu newspaper *Daily Ummat* and SANA news agency **Date of death:** 3 November 2015 **Details of death:** Mehsud (38) was shot dead in Khyber-Pakhtunkhwa's Tank district when unidentified persons opened fire on his motorbike. Mehsud was brought to hospital, where he succumbed to his injuries. Later on the same day, the Taliban reportedly claimed responsibility for the murder, saying that 'we killed him because he was writing against us'. **Details of investigation:** Despite widespread condemnation of the killing and calls for investigations by international NGOs, PEN International is unaware of any investigation having been launched. **Background:** Mehsud was also reported to be the district coordinator of the Human Rights Commission of Pakistan in Tank, as well as the president and secretary-general of the Tribal Union of Journalists' South Waziristan chapter.

**Malik MUMTAZ:**

**Profession:** journalist for the daily *News International* **Date of death:** 27 February 2013 **Details of death:** Mumtaz was shot dead by unidentified men in a car, while driving to his home in Miran Shah, North Waziristan. Aged 48, Mumtaz, worked for over 20 years for media outlets in Urdu and English. Before his death, Mumtaz had written articles about violence in North Waziristan and on the polio vaccination programme, a controversial topic in Pakistan. He had recently been elected president of the regional press association. **Details of investigation:** No one known to have been brought to justice as of 30 June 2016.

**Haji Abdul RAZZAK:**

**Profession:** reporter for the Balochi-language daily newspaper *Tawar* **Date of death:** unknown **Details of death:** Found dead in Karachi on 21 August 2013. Missing since 24 March, Razzak was reportedly tortured to death. According to reports, his body was so badly mutilated that only his arms and legs were sufficiently intact to enable identification. Razzak was reportedly found alongside

that of another, as of yet unidentified, mutilated body. Thirteen days after his disappearance, *Tawar's* single-room office was burned, and the computers taken away. The paper frequently reported on human rights abuses against the Baloch population and several more of its reporters have been killed in previous years, such as Javed Naseer Rind in 2011. **Details of investigation:** No one known to have been brought to justice as of 30 June 2016.

**Yaqoob SHEHZAD AMAR:**

**Professional:** journalist for the newspapers *Express News* and *Daily Express* **Date of death:** 5 October 2014 **Details of death:** Shehzad Amar was at an office in Hafizabad, Punjab province, when four unknown men on a motorcycle approached him and opened indiscriminate fire. He was also the president of the Hafizabad Press Club. **Details of investigation:** The police opened an investigation but no one was known to have been brought to justice by the end of the year. Shehzad's house had been attacked some months earlier. No further information as of 30 June 2016.

**Abrar TANOLI:**

**Profession:** General Secretary of Mansehra Press Club, photographer for Reuters and reporter for *Daily Mahsib* and *Daily Shamal* newspapers. **Date of death:** 3 March 2014 **Details of death:** Tanoli was reportedly shot in the neck by unidentified gunmen while travelling with his family in Mansehra on 2 March 2014. He died the following day. **Details of investigation:** No one known to have been brought to justice as of 30 June 2016. **Background:** Tanoli had reportedly received threats for his reporting and had recently been provided with police protection for a two-month period. In January 2013 Tanoli was reportedly arrested and released on bail in a case of murder of two students, whose family had publicly threatened him with revenge.

On Trial

**Mumtaz MEMON, profession:** journalist for the daily newspaper *Sindh*

**Niaz MEMON, profession:** journalist for the daily newspaper *Sindh*

**Yousuf JANI, profession:** journalist for the daily newspaper *Koshish*

**Dir Murad MARI, profession:** journalist for the daily newspaper *Koshish*

**Shankar KUMAR, profession:** journalist for the daily newspaper *Hilal e Pakistan*

**Meharrudin MARI, profession:** journalist for the daily newspaper *Hilal e Pakistan*

**Shafqat PINYARO, profession:** journalist for the daily newspaper *Sindh Express News*

**Aachar AZEEM, profession:** journalist for the daily newspaper *Tameer e Sindh*

**Details of trial:** Police in the town of Badin in Pakistan's southern Sindh province have reportedly brought criminal cases against the journalists for their coverage of the activities of Dr Zulfiqar Mirza, a dissident politician and former member of the Pakistan People's Party (PPP), the ruling party in Sindh province in June 2015, along with **Murtaza Memon**, a reporter at Neo TV, and **Haji Khan Lashari**, a member of the Talkhar Press Club. **Details of trial:** Meharrudin Mari and Murtaza Memon, along with Haji Khan Lashari, were later charged under the Anti-Terrorism Act (ATA). The others are also facing unspecified criminal charges. All journalists are reportedly suspected by police to be supporting Mirza, and there are reports that these journalists have received a message that their names could be removed from the case if they submit a written apology for their coverage of Mirza and promise not to report on his activities in the future. No further information as of 30 June 2016. **More information:** Journalists and Press Clubs in the province have been demonstrating in protest of the allegations against these eight journalists, and have demanded the government form a judicial commission to investigate the actions of the police.

Harassed

**\*Salman MASOOD:**

**Profession:** correspondent for the *New York Times* **Date of harassment:** 12 January 2016 **Details of**

**harassment:** Rangers [reportedly](#) searched Masood's home in Islamabad without a warrant. The individuals were reportedly conducting a terrorist search operation.

Released

#### **Nasrum MINALLAH**

**Profession:** correspondent of *Express Tribune* **Date of disappearance:** 31 March 2015 **Date of release:** 6 April 2015 **Details of disappearance:** Security forces reportedly intercepted Nasrum Minallah along with his father, correspondent for *Daily Dawn* newspaper, and four other journalists at Kajori check post in North Waziristan Agency (NWA) near the Pakistan-Afghan border on 31 March 2015 where they were asked to provide proof of identity. Having ascertained their identities, the security forces reportedly let them go, only to stop them 4 to 5 kilometres later at which point they were taken to an unknown location and detained for about 10 hours. Minallah was reportedly kept in a separate room. Later, Nasrum Minallah's father and the four other journalists were released. **Update:** According to the [Freedom Network Annual Report 2015](#), Minallah was released after six days. No reason was given for his detention. **Background:** Haji Pazir Gul, Minallah's father, stated that their group was going to cover a story on internally displaced persons (IDPs) when this incident occurred.

Case closed

#### **Ayub KHATTAK:**

**Profession:** reporter for *Karak Times* newspaper **Date of death:** 11 October 2013 **Details of death:** Khattak was shot dead by two men on a motorcycle outside his home in Karak district, Khyber Pakhtunkhwa province, on 11 October 2013. The journalist, aged 42, had received a number of threats previously related to his investigation into an alleged increase in drug dealing in the Wrana Mir Hassankhel neighbourhood. Khattak had recently published a story on the sale of illegal drugs and drug dealing. **Details of investigation:** According to May 2015 reports, two suspects – brothers suspected of being involved in drug dealing – had been arrested. **Update:** One of the brothers was reportedly [convicted](#) of Khattak's murder on 17 March 2016 and sentenced to life imprisonment and a fine. His sibling was reportedly acquitted due to lack of evidence. Case closed in June 2016.

## **PHILIPPINES**

*On 30 June 2016, Rodrigo Duterte was inaugurated as President of the Philippines following a landslide victory in May 2016, in which Duterte ran on a platform promising a crackdown on crime. His calls to end crime – in particular drug-related crime – within six months by killing those involved has been taken up with zeal, with an estimated 1,900 individuals suspected of drug offences killed in the first seven weeks of his presidency, according to news reports.*

*In a country where impunity for crimes against journalists prevails, Duterte's recent assertions have raised concerns for freedom of expression and the protection of journalists. Shortly before his inauguration, Duterte [identified corrupt journalists as legitimate targets for assassination](#) under his new regime, joining murderers, rapists, drug dealers and drug addicts who deserve the same fate. He has also stated that 'most of those killed, to be frank, have done something. You won't be killed if you don't do anything' in reference to the high mortality of journalists in his country. The President has also stated that freedom of expression provisions enshrined in the constitution would not necessarily protect a person from violent repercussions for defamation, which remains a criminal offence in the country. Duterte's choice of spokesperson has also angered journalists in the*

*Philippines. Salvador Panelo, appointed to the position, was the defense lawyer for the Ampatuan family who are accused of killing over 50 people in 2009, 32 of which were journalists.*

Killed: motive unknown

**\*Alex BALCOBA:**

**Profession:** reporter and columnist of the weekly tabloid newspaper *People's Brigada* and an official of the Manila Police District Press Corps **Date of death:** 27 May 2016 **Details of death:** Balcoba (56) was reportedly shot dead by – as yet unidentified – assailants outside his family-owned watch repair shop in Quiapo district, Manila. The gunman is reported to have shot Balcoba in the head before fleeing the scene on a motorcycle with his accomplice. Balcoba was pronounced dead on arrival at Jose Reyes Medical Center. **Details of investigation:** a task force has been created to investigate Balcoba's killing, according to news reports. The investigators are currently corroborating different accounts from witnesses to identify the gunman. While the police have yet to determine the motive for the killing, they said that it might be business-related. However, the police have not dismissed the possibility that the reporter's killing was because of his work. **Background:** Balcoba was reportedly an officer of Manila Police District Press Corps, covering the police beat in Manila. Reports indicate that he had recently been receiving death threats. His murder came one day after the Philippines Congress officially declared Rodrigo Duterte the next president.

Killed: impunity

**Vergel BICO:**

**Profession:** publisher and editor of the newspaper *Kalahi* **Date of birth:** 1972 **Date of death:** 4 September 2013 **Details of death:** he was reportedly shot dead on 4 September 2013 in Calapan City, Mindoro. The journalist, aged 41, was reportedly travelling on a motorcycle when he was shot twice in the head by two unidentified men also on a motorcycle. **Details of investigation:** Police are reported to suspect a personal grudge as a motive, although they have not ruled out the possibility that it was related to his work. No further information as of 30 June 2016. **Background:** Bico had reportedly previously received threats from the subjects of his columns in *Bandera Pilipino*, the last of which was published in December 2012, where he often wrote on illegal gambling.

**Rubylita GARCIA (f):**

**Profession:** reporter for the tabloid newspaper *Remate* in Bacoor City, Cavite province **Date of death:** 6 April 2014 **Details of death:** Garcia, aged 52, was reportedly shot at least four times by two individuals who entered her home with no attempt at concealment. Her assailants fled the scene on a motorcycle. Garcia was reportedly taken to hospital, where she died of her injuries a few hours later. Shortly before she died she is reported to have told her son that she believed that a police chief in the nearby town of Tanza – with whom she had had an altercation three days earlier – was behind the shooting. **Details of investigation:** According to news reports, a national police spokesman announced that the police chief had been suspended from duty so that he would not be able to influence the investigation. As of 30 June 2016, police have yet to identify the two suspects who fled the scene after killing Garcia. **Other information:** In January 2015, her family were reported to be [receiving police protection](#).

**Nerlita LEDESMA (f):**

**Profession:** correspondent with the national tabloid newspaper *Abate*, radio news anchor and the president of the Tagnai Homeowners Association **Date of death:** 9 January 2015 **Details of death:** Ledesma (48) was shot by an unknown assailant while waiting for a lift to work near her home in central Bataan province's Balanga City on the morning of 9 January 2015. The assailants fled the scene on a motorcycle. **Details of investigation:** Bataan police have formed a 'Task Group Ledesma' and are investigating the case. The police reportedly released one of two suspects arrested for the murder on 13 January 2015, citing insufficient evidence. According to local reports, the police found

bullet casings from a .45 calibre handgun at the crime scene and have produced a sketch of one of Ledesma's gunmen. Although the motive for the killing remains unclear, a second suspect apprehended for Ledesma's murder is also reported to be a suspect in the murder of Ledesma's predecessor to the role of president of the Tagnai Homeowners Association. No further information as of 30 June 2016. **Background:** Ledesma was reportedly still on bail after she was arrested over a libel case filed against her by a local media man last 2011. The Balanga City Police Chief Superintendent told reporters that her house had been fired upon over one year ago by unknown assailants, and that she had received anonymous death threats prior to her murder.

**Bonifacio LORETO Jr., profession:** publisher of the tabloid *Aksyon Ngayon*

**Richard KHO, profession:** reporter for the tabloid *Aksyon Ngayon*

**Date of Death:** 30 July 2013 **Details of death:** They were reportedly shot dead in Quezon City, Manila. **Details of investigation:** The police filed two counts of murder charges against Clemente Bersosa and Roel Manaog on 13 August 2013, according to news reports. The suspects were reportedly identified by witnesses who looked at photographs of people with criminal records. Family members believe that the killings are related to their work as journalists. On 4 September 2014, there were reports that four people had been arrested on suspicion of the killing of the journalists. The suspects are said to be part of a gun-for-hire gang, who might be responsible for the recent killing of a police inspector. No further information as of 30 June 2016.

**Gregorio YBANEZ:**

**Profession:** publisher of the weekly newspaper *Kabuhayan News Services*, president of the Davao Del Norte Press and Radio-TV Club and board director of the Davao Del Norte Electric Cooperative power distributor **Date of death:** 19 August 2015 **Details of death:** On 18 August, an unidentified assailant shot Ybanez three times in the chest and once in the arm in front of the journalist's home in southern Davao Del Norte province's Tagum City. Ybanez died the next morning from his injuries, news reports said. **Details of investigation:** Police said they were investigating motives related to both his roles as journalist and director of the power distributor. A vice president of the Davao Del Norte media club was quoted in news reports as saying that he believed Ybanez's murder was more likely linked to his position at the power cooperative than his news publishing. Cornejos said that Ybanez's news publication was 'not hard-hitting,' but that he had received death threats at the height of a management conflict he was involved with at the cooperative in 2012.

#### Judicial harassment

**Berteni CAUSING, profession:** lawyer-blogger

**Natashya GUTIERREZ (f), profession:** reporter for the online news site Rappler.com

**Details of harassment:** On 6 August 2013, Janet Lim Napoles, a business woman connected to a current multibillion peso corruption scandal (see case below), reportedly filed charges of criminal libel against both Gutierrez and Causing in connection with their coverage of the 'lavish lifestyle' of the businesswoman's daughter. If brought to trial and convicted, the pair face a maximum six-year jail sentence and/or fine. Napoles is reportedly seeking damages of P10 million (approx. US\$275,000) and attorney's fees from each of them. According to local news reports dated 17 June 2015, Napoles was imprisoned for tax evasion and Gutierrez has asked the Taguig City prosecutor to dismiss the libel charge against her. **Update:** In January 2016, it was reported that the complaint against Gutierrez had been thrown out by the Taguig City prosecutor on the grounds that her blog had been neither defamatory nor malicious.

**\*Edito MAPAYO, profession:** publisher of the weekly newspaper *Pinoy Balita*

**\*Jun RAMIREZ, profession:** editor-in-chief of *Pinoy Balita*

**\*Paul BONCAROS, profession:** editor of *Pinoy Balita*

**Date of harassment:** 22 March 2016 **Details of harassment:** A businesswoman is reported to have filed a libel complaint against the journalists before the Surigao City Prosecutor's Office on 22 March

2016. The libel charge was reportedly based on a news report in the newspaper's 8 to 14 February issue regarding the businesswoman's alleged failure to pay land owners for the use of their land where she operated a small-scale mining firm. **Background:** Libel remains a criminal offence in the Philippines.

**Paul PANGALANGAN, profession:** publisher of *Philippine Daily Inquirer*

**Jose Ma. NOLASCO, profession:** executive editor of *Philippine Daily Inquirer*

**Aberlardo ULANDAY, profession:** associate editor for online at the *Philippine Daily Inquirer*

**Artemio ENGRACIA Jr, profession:** news editor at the *Philippine Daily Inquirer*

**Nancy CARVAJAL, profession:** reporter for the *Philippine Daily Inquirer*

**Christinee AVENDAÑO, profession:** reporter for the *Philippine Daily Inquirer*

**Details of harassment:** Melo del Prado, anchorman of dzBB Radio, sued the *Philippine Daily Inquirer* for libel in 2014, in relation to articles claiming he had received payoffs from a P10-billion Pork scam. Del Prado's lawyer claims that the payments, totaling P245,535, were for a legitimate advertising plan of the Department of Agriculture. On 18 May 2016, the staff of *Philippine Daily Inquirer* pleaded not guilty before Judge Aurora Hernandez-Calledo at the Quezon City Regional Trial Court.

**Background:** Pangalangan and Nolasco were involved in a libel case in 2013 with Janet Lim Napoles (see above)

**Jerry YAP:**

**Profession:** publisher and columnist for *Hataw* and former National Press Club President **Date of**

**arrest:** 5 April 2015 **Date of release:** 6 April 2015 **Details of arrest:** Manilla Police District officers

reportedly arrested Yap at the Ninoy Aquino International Airport Terminal 3 in Pasay City after coming back from a week in Japan. He was arrested on the strength of a warrant issued by the

Manila Regional Trial Court on 30 March 2015 in connection with a libel case filed by the MPD-

District Police Intelligence Operation Unit Chief Senior Inspector. **Details of release:** Yap was

released on 6 April 2015 after posting bail of PHP 20,000 (approximately US\$430). **Update:** After

complaining to the Ombudsman for the Military and other Law Enforcement Officers, he was

[permitted](#) to lodge a complaint against the police in connection with his arrest. The libel case was

reportedly thrown out in September 2015. **Background:** The libel case in question is based on Yap's

column *Bulabugin (Rout)* in which he wrote about an alleged drug pusher who always manages to be

released from Manila police custody every time he is arrested. Yap said the man was first caught for

illegal drugs and gun possession at a checkpoint but was released later without charges.

Case closed

**Raul PANGALANGAN, profession:** publisher of the Manila broadsheet *Philippine Daily Inquirer*

**Letty JIMENEZ-MAGSANOC (f), profession:** editor of the *Philippine Daily Inquirer*

**Jose Ma. D. NOLASCO, profession:** editor of the *Philippine Daily Inquirer*

**Gil C. CABACUNGAN, profession:** reporter for the *Philippine Daily Inquirer*

**Details of harassment:** Janet Lim Napoles filed a complaint of criminal libel against them on 7 August

2013. In July 2013, the *Inquirer* published a series of reports on a recent corruption scandal relating

to the misuse of pork barrel funds. The reports allege that fake NGOs misused at least P10 billion

(approx. US\$200 million) of public funds. Whistleblowers reportedly identified Napoles as the head

of several of the fake NGOs and as a major beneficiary of the scam. Napoles is reportedly seeking

P10 million (approx. US\$275,000) and attorney's fees. If convicted the journalists could face a

maximum six-year prison sentence. **Background:** The charges filed against the journalists came a day

after Napoles filed similar charges against **Natashya Gutierrez** and **Berteni Causing** (see above). A

warrant for Napoles' arrest was reportedly issued on 14 August 2013 in relation to the illegal

detention of one of the whistleblowers, her former assistant. **Case closed:** Case closed due to lack of

information in June 2016.

## SINGAPORE

### Harassed

**Roy NGERNG, profession:** social worker and blogger

**Teo Soh LUNG, profession:** human rights lawyer

**Date of harassment:** May 2016 **Details of harassment:** In May 2016, Lung and Ngerng were investigated for allegedly breaching the Parliamentary Elections Act for posts made on their private Facebook pages that discussed government transparency and accountability. The Act prohibits election campaigning in the final 24 hours prior to elections, yet explicitly exempts the online expression of a private individual's political views. This marks the first time individuals have been investigated under such provisions. **Background:** in December 2015, a Singapore High Court judge ordered Ngerng to pay the Prime Minister Lee Hsien Loong more than S\$150,000 (US\$106,172) in damages for defamation after the blogger raised questions about the fate of billions of dollars' worth of workers' savings (for more information see previous Case Lists).

### Sentenced

**\*Ai TAKAGI: (f)** (Australian national)

**Profession:** co-editor of the now-defunct *The Real Singapore* news website. **Date of arrest:** 22 April 2016 **Sentence:** 10 months in prison **Details of arrest:** Takagi was reportedly first arrested while vacationing in Singapore in 2015. **Details of trial:** Takagi is reported to have pled guilty to four counts of sedition on 8 March. The District Judge is reported to have found that the articles were 'intended from the outset to provoke unwarranted hatred against foreigners in Singapore.' The website had its license revoked by a state media regulatory board. Takagi was released on a month's bail to allow her to settle her personal affairs before reporting to prison. At the court, she is reported to have read an apology in which she stated that she was not fully aware of the sensitivity of racial and religious issues in Singapore and admitted that certain stories were fabricated. **Background:** Takagi is a law student who helped edit the website from her native Australia. The website is reported to have published mainly crowd-sourced articles with limited editorial control. Takagi was convicted in connection with four separate articles published on the website. One of the articles wrongfully identified a Filipino family as having stoked violence during a Hindu religious ceremony. Takagi was reported to be eight months pregnant at the time of sentencing. Takagi's husband, **Yang Kaiheng**, was due to go on trial in March 2016 (see below).

**\*Yang KAIHENG:**

**Profession:** co-editor of the now-defunct *The Real Singapore* news website **Sentence:** eight months in prison **Details of trial:** Yang was charged with sedition in connection with articles published on the news site. On 28 June 2016, a court reportedly sentenced Yang to eight months in prison.

**Background:** Yang's wife, **Ai Takagi**, (see also 'sentenced' above) was sentenced to 10 months in prison having pled guilty to four counts of sedition, which the district judge deemed to have 'intended from the outset to provoke unwarranted hatred against foreigners in Singapore.' The website is reported to have published mainly crowd-sourced articles with limited editorial control.

## SRI LANKA

### Enforced disappearance

**Pregeeth EKANALIYAGODA (also known as Prageeth Eknaligoda):**

**Profession:** political analyst, journalist and visual designer for the *Lanka eNews* **Date of disappearance:** Ekanaliyagoda was reported missing on 24 January 2010, and his whereabouts remain unknown. **Details of disappearance:** He was last seen leaving his office that evening, and his

family believe that he was abducted by pro-government forces and subsequently killed. Government sources have denied the allegation and have suggested he fled abroad, but have been unable to provide any evidence of this. Ekanaliyagoda is a leading columnist, and reportedly published articles in favour of the defeated opposition candidate General Sarath Fonseka ahead of the Sri Lankan presidential elections that took place on 26 January. The *Lanka eNews* website was reportedly blocked during the elections, and its offices were searched by unidentified individuals on 28 January 2010. **Details of investigation:** In March 2015, the Sri Lankan authorities reported having revitalised their search for Ekanaliyagoda. According to local reports, on 16 August 2015 the search for Ekanaliyagoda was temporarily halted at the request of the Sri Lankan Army because the investigations would have reportedly compromised several senior members of the Army Intelligence Unit along with their operations. Following the continuation of the investigations, several army personnel, including a Major General, have reportedly been arrested for questioning by the Criminal Investigations Department and one of them has allegedly confessed to interrogating Ekanaliyagoda for three days in a military camp after his disappearance in January 2010. According to [the Guardian](#), Ekanaliyagoda's wife was allegedly accosted and threatened by a prominent monk when he appeared in court in December 2015 in connection with the case. **Background:** Previously, on 27 August 2009, Ekanaliyagoda had been abducted and held blindfolded overnight, and was released after being told that he was not the correct target. Family and colleagues have expressed increasing concern that the authorities have done very little to investigate Pregeeth Ekanaliyagoda's disappearance. **PEN Action:** RAN 09/10 - 26 February 2010; 2012 [Impunity campaign case](#); 2014 International [Day to End Impunity case](#)

#### Attacked

#### **\*Freddy GAMAGE:**

**Profession:** editor of the regional newspaper and website *Meepura* and Chairman of the Professional Web Journalists Association **Date of attack:** 2 June 2016 **Details of attack:** Gamage reportedly came under attack as he returned from the Negambo Municipal Council after covering its General Meeting. Two assailants wearing helmets covering their faces reportedly beat him with a large wooden pole. Gamage lodged a complaint at the Negambo Police station. **Details of investigation:** On 4 June, police are reported to have arrested two suspects in the attack. Both men claim that they did not aim to cause physical harm to the human rights defender but wanted to threaten him. The motive of their attack was supposedly an article about them which Gamage had allegedly published 10 months prior to the attack. Gamage denies the existence of the article. **Background:** According to reports, Gamage had actively been investigating reports of corruption in the Negambo Municipal Council, in particular the Deputy Mayor. Two weeks earlier, the deputy mayor reportedly threatened Gamage, promising to punish him if he continued writing negatively about him and his family. Gamage is reported to believe that the deputy mayor is behind the attack.

## THAILAND

*Since the introduction of a constitutional monarchy in 1932, Thailand has been a hotbed of political instability, experiencing alternating periods of democracy and military rule. After nearly seven months of escalating political violence in Thailand, a military coup d'état led by General [Prayuth Chan-ocha](#) was declared on 22 May 2014. The coup imposed martial law and a curfew, dissolved the Senate – the only remaining national government body with elected members – and granted wide-ranging executive and legislative powers to its military leaders. In the wake of the coup, tight control of the media was imposed; many television and radio stations were shut down and journalists and academics arrested. Martial law was finally revoked in March 2015. On 12 April 2016, General Prayuth Chan-ocha said in a media interview that he had ordered the Thai authorities to take legal action against anyone involved in efforts to mock him on social media. The Junta's legal office and the police also stated that they consider it an*

*offence to share or press 'Like' on Facebook pages or other online media if the original posts are considered to be 'negative' or 'untrue'.*

*Thailand's lèse majesté laws are among the world's strictest laws against insult and have remained unchanged since 1908. According to Article 112 of the Thai criminal code, any person who 'defames, insults or threatens the king, the queen, the heir-apparent or the regent' will be punished with up to 15 years in prison. Since the military seized power in May 2014 through a coup, the number of trials and detentions related to lèse majesté offences has significantly increased in order to silence dissent.*

Killed: impunity

**Kamol DUANGPHASUK: (pen name: Mainueng K. Kunthee)**

**Profession:** poet **Date of death:** 23 April 2014 **Details of death:** Kunthee was reportedly shot several times by unknown assailants who had approached his car at a restaurant parking lot in northern Bangkok on 23 April 2014. The gunman escaped on a motorcycle. Kunthee, aged 45, died in hospital. The motive for Mainueng K. Kunthee's murder is not known, although it is thought that he may have been targeted for his political activism amidst the escalating political violence in the country at the time. **Details of investigation:** On 24 July 2014, police issued arrest warrants for two individuals suspected of his killing. No further information as of 30 June 2016. **Background:** He was widely known for his poetry since the late 1980s and was popular for his direct poetic style and for voicing strong political messages. His poems call for social justice, the rights of the rural poor and for challenging the forces of oppression. His poems were published in a number of magazines including the Matichon Weekly in the 1990s. Mainueng strongly opposed the 2006 military coup and the subsequent crackdown on critics of the monarchy. He took part in many rallies of the United Front for Democracy against Dictatorship (UDD), known as the 'Red Shirts,' and became known as a 'Red Shirts poet.' He was also very active in the campaign against Article 112 of the Penal Code, or lèse majesté law, which has been widely used to criminalise free expression and imprison writers, journalists and publishers. His murder is one of a string of violent attacks on activists and academics known to be critical of the monarchy and the lèse majesté law. **PEN Action:** RAN 10/14

Imprisoned: main case

**\*Piya JULKITTIPAN:**

**Profession:** former stockbroker **Sentence:** six years in prison **Date of arrest:** December 2014 **Details of trial:** Julkittipan was reportedly sentenced to a six-year prison term on 20 January 2016 after he was found guilty of breaking both the lèse majesté law (Article 112 of the Penal Code) and the Computer Crimes Act by posting pictures of the King with 'insulting captions' on Facebook. The exact content of the captions is unclear. **Details of sentence:** Julkittipan was reportedly sentenced to nine years in prison, reduced by a third because he had provided 'useful' testimony during the trial. According to iLaw, it is the highest sentence that a civilian court has ever handed down for one count of lèse majesté. Military courts have been known to hand down 30- to 40-year terms.

**Pornthip MUNKONG (f) and Patiwat SARAIYAEM:**

**Profession:** students and political activists **Sentence:** Two and a half years in prison **Date of arrest:** Saraiyaem was arrested on 14 August 2014 and Munkong on 15 August 2014. **Details of arrest:** Munkong and Saraiyaem were arrested and charged with lèse majesté under Article 112 of the criminal code for their role in the theatre play The Wolf's Bride. **Conditions of detention:** During their detention, they both were denied bail several times and on 29 December 2014 both pleaded guilty in order to reduce their sentence. **Current place of detention:** Central Women's Prison (Munkong) and Bangkok Remand Prison (Saraiyaem). **Details of trial:** The Bangkok's Criminal Court reduced an initial sentence of five years in jail due to the confession of the students sentencing Munkong and Saraiyaem to two years and a half in jail on 23 February 2015. **Background:** Munkong

and Saraiyaem played the main protagonists in the play *The Wolf's Bride*, which was performed at Thammasat University on 13 October 2013. It commemorated the 40th anniversary of the 14 October Popular Uprising and dramatised the story of a fictional king and its advisor. The play was recorded and shared on social media. Thailand's lèse majesté are among the world's strictest and have remained unchanged since 1908. The law protects the monarchy from perceived insult or defamation and can carry a penalty of up to 15 years in prison. **PEN Action:** 2015 Seasons' Greetings campaign; [Day of the Imprisoned Writer 2015](#); [RAN 05/15](#)

#### **Somyot PRUKSAKASEMUSK:**

**Profession:** independent journalist, editor of the magazine *Voice of Taksin*, and prominent labour activist. **Date of arrest:** 30 April 2011 **Sentence:** 11 years in prison **Details of arrest:** Reportedly arrested by the Department of Special Investigation (DSI) on 30 April 2011 and charged with two counts of lèse-majesté under Article 112 of the Criminal Code which prohibits acts of insulting, defaming or threatening Thailand's king, heir apparent or Regent for publishing two articles written by an anonymous author in his magazine. Pruksakasemus, aged 50, was reportedly charged after refusing to reveal the identity of the writer of the articles, which are deemed to be defamatory to the King. Pruksakasemus may have been targeted for his campaign calling for the repeal of the lèse-majesté law. **Details of trial:** His trial started on 21 November 2011. On 23 January 2013, the Bangkok Criminal Court found Pruksakasemus guilty on both counts. He was sentenced to five years for each count. He received an additional year's imprisonment for a previous suspended sentence passed in a separate defamation case in 2009. He has been detained since his arrest and has been repeatedly denied bail, most recently in July 2013. On 18 September 2014, Thailand's Court of Appeals upheld his conviction and sentence. Neither Pruksakasemus nor his lawyer were informed of the hearing in advance. No further information as of 30 June 2016. **Current place of detention:** Bangkok Remand Prison, Section 1, 33 Ngam wong wan road, Ladyao, Jatujak, Bangkok 10900, Thailand. **Treatment in prison:** Reportedly ill-treated in detention. **Health concerns:** Somyot suffers from hypertension and gout and there are concerns for his health, which is said to have deteriorated during his detention. **Other information:** During its 64<sup>th</sup> session from 27-31 August 2012 the UN Working Group on Arbitrary Detention (WGAD) examined his case and concluded that his detention is arbitrary and in violation of Article 19 of the UN Declaration on Human Rights and Article 19 (2) of the International Covenant on Civil and Political Rights, to which Thailand is a party. WGAD called for his release. On 25 May 2014, three days after the military coup, the Thai military reportedly carried out a search in Somyot Pruksakasemus's house and arrested his wife and son. They were held incommunicado without access to a lawyer and the authorities did not provide them with any reasons for their arrest. They were released without charges on the following day, but were warned not to give interviews, make political comments, or take part in any political activities. **PEN Action:** RAN 04/13 – 24 January 2013; [Joint statement - 29 April 2016](#); [Update #1 to RAN 04/13](#) – 28 April 2016

#### **Nut RUNGWONG (pen name: Somsak Pakdeedech)**

**Profession:** website editor for the *Thai E-News* **Sentence:** Four-and-a-half years in prison **Date of arrest:** 24 November 2014 **Details of arrest:** The editor was arrested due to an article posted on *Thai E-News* in 2009, written by an academic which was allegedly defamatory to the Thai monarchy. **Details of trial:** He was charged under Article 112 of the Criminal Code (known as the lèse majesté law), which prohibits acts of insulting, defaming or threatening Thailand's king, heir apparent or regent. According to press reports, the military court cut the nine-year prison sentence in half as he had pleaded guilty. No further information as of 30 June 2016. **Current place of detention:** Unknown **Background:** The article on which the trial was based was written by Giles Ji Ungpakorn, who was a political science professor at Chulalongkorn University, Bangkok. The professor was forced to leave Thailand in February 2009, after the publication of his book entitled *A Coup for the Rich*, in which he argues that the 2006 military coup in Thailand was illegitimate and had the support of the Thai monarchy.

## Detained: main case

### **\*Harit MAHATON:**

**Profession:** novelist **Date of arrest:** 27 April 2016 **Details of arrest:** Mahaton was among 8 people arrested in a series of coordinated raids conducted in Bangkok and Kohn Kaen province on 27 April 2016. They were reportedly taken from the 11<sup>th</sup> Military Circle to the Crime Suppression Division. **Details of trial:** Mahaton faces charges of sedition under Article 116 of the Penal Code, violating the 2007 Computer Crime Act, and lèse majesté under Article 112 of the Penal Code in connection with social media activity. Mahaton denies the charges and has emphasised his support for the monarchy in court. Despite being a civilian, he is being tried before a military court. In a civilian court, sedition carries a sentence of seven years in prison, while lèse majesté carries a maximum 15-year penalty. However, military courts have been known to pass sentences up to twice as harsh as those of a civilian court. Mahaton and colleagues were denied bail by the Bangkok military court, which argued that their cases carry heavy penalties for serious criminal charges against national security. On 19 May 2016, Mahaton was denied bail for the second time. **Background:** Harit Mahaton is the author of at least 10 fantasy novels directed towards young adults. Mahaton is one of eight people accused of being involved in the making and dissemination of commentary on the parody Facebook page 'We Love General Prayuth'. The Thai-language Facebook page categorised itself as a 'comedian' site. The Thai military junta claimed that it was created with funding from the son of deposed Prime Minister Thaksin Shinawatra in order to discredit the government. The Facebook page is no longer accessible. The lèse majesté charges are thought to stem from private communications on Facebook messenger between Mahaton and Worathaiyawich (see 'Detained: main case' below), accessed following his arrest on 27 April 2016. [**Stop press:** Mahaton was released on bail on 8 July 2016]

### **\*SIRAPHOP: (Pen name: Rungsila)**

**Profession:** poet **Date of arrest:** 24 June 2014 **Details of arrest:** On 1 June 2014, the National Council for Peace and Order (NCPO) listed Siraphop's real name among those who should present themselves to military camps for 'attitude adjustment' under order No. 44/2557. Siraphop refused and attempted to flee the country and claim asylum. An arrest warrant was issued on 8 June 2014. He was arrested on 24 June 2014 after his car was intercepted by armed men in plainclothes. He was taken to a military camp immediately. **Place of detention:** Bangkok Remand Prison **Details of trial:** Following his detention, Siraphop was charged with violating the NCPO's order on 1 July 2014. The following day he was granted bail, however, he was immediately rearrested by the Technology Crime Suspension Division office for interrogation for violating Article 112 of the Criminal Code (lèse majesté) and Section 14 of the Computer-related Crime Act. Siraphop pleaded not guilty, although he admitted to using 'Rungsila' as his pen name and to being associated with the Facebook account and website. If convicted, he faces up to 45 years in prison. On 13 November 2014, the court ruled that the case would be tried in a closed court. Siraphop and his lawyers sought in late 2015 to have the trial transferred to a civilian court, a claim that was supported by the Criminal Court's ruling that it had jurisdiction over the case in September 2015. However, on 20 January 2016, the Military Court of Bangkok determined that the case would be heard by the Military Court as the online content in question was still accessible when the military junta issued Announcements No. 37/2014 and 38/2014 on 25 May 2014, which transferred jurisdiction over lèse majesté and national security cases to the Military Court. Trial in a civilian court allows for the possibility of appeal; a military court's verdict is final. **Background:** The arrest on charges of violating Article 112 of the Criminal Code (lèse majesté) and the Computer-related Crime Act relate to a report filed to the police on 30 June 2014 alleging that three writings Siraphop had posted on Facebook and a poem published on *Prachathai* newspaper's webpage were considered offensive. Siraphop is reported to have regularly written articles critical of the government since 2010. He continues to write poetry in prison.

### **\*Natthika WORATHAIYAWICH:**

**Profession:** social media user **Date of arrest:** 27 April 2016 **Details of arrest:** Worathaiyawich was

among eight people arrested in a series of coordinated raids conducted in Bangkok and Kohn Kaen province on 27 April 2016. They were reportedly taken from the 11<sup>th</sup> Military Circle to the Crime Suppression Division. **Details of trial:** Worathaiyawich faces charges of sedition under Article 116 of the Penal Code, violating the 2007 Computer Crime Act, and lèse majesté under Article 112 of the Penal Code in connection with his social media activity. On 19 May, Worathaiyawich was denied bail for a second time. **Background:** Worathaiyawich is one of eight people accused of being involved in the making and dissemination of commentary on the parody Facebook page 'We Love General Prayuth'. The Thai-language Facebook page categorised itself as a 'comedian' site. The Thai military junta claimed that it was created with funding from the son of deposed Prime Minister Thaksin Shinawatra in order to discredit the government. The Facebook page is no longer accessible. The lèse majesté charges are thought to stem from private communications on Facebook messenger between Worathaiyawich and Mahaton (see 'Detained: main case' above), accessed following his arrest on 27 April 2016. [**Stop press:** Worathaiyawich was released on bail on 8 July 2016]

#### Detained: investigation

##### **\*BURIN Intin:**

**Profession:** welder and social media user **Date of arrest:** 27 April 2016 **Details of arrest:** Burin was reportedly arrested while attending a solidarity rally in support of a group known as the 'Facebook 8'. He was reportedly taken from the police by soldiers and detained at a military base before the Military Court granted the first custody request. On 28 April, the military reportedly searched Burin's home and confiscated computer equipment, among other items. **Details of trial:** Burin has reportedly been charged under article 112 of the Penal Code (lèse Majesté) and Article 14(3) of the Computer Crime Act following comments made on Facebook, including in a private message to **Patnaree Chankij** (see 'On trial' below). **Place of detention:** Bangkok Remand Prison **Background:** Burin is a known supporter of the 'Facebook 8'. **Harit Mahaton, Natthika Worathaiyawich** (see 'Detained: main case' above), and six others are collectively known as the 'Facebook 8', after they were arrested and charged with sedition in relation to commentary posted on the parody Facebook page 'We Love General Prayuth'. Mahaton and Worathaiyawich were both also charged with lèse majesté. According to Prachatai English, a military spokesman claimed that the military had long been monitoring Burin's Facebook account as he often posted 'anti-junta' messages on it. [**Stop press:** Burin was reportedly formally indicted on 22 July 2016, almost three months after being detained.]

#### On trial

##### **Andy HALL:** (UK national)

**Profession:** Labour activist and researcher who blogs at <http://andyjhall.wordpress.com/> **Details of trial:** He is on trial for both criminal and civil defamation, as well as offences under the Computer Crimes Act after publishing a report on alleged abuses committed by the Natural Fruit Company Limited, a fruit processing company in Thailand. Hall's investigative report entitled *Cheap has a high price: Responsibility problems relating to international private label products and food production in Thailand*, was published in late 2012, by the Finnish NGO FinnWatch. The report focuses on production practices of juices and fruit sold in Finland, and was reportedly based on interviews with employees, many of them undocumented migrants from Myanmar, who suffered labour rights abuses, from poor working conditions to child labour. Andy Hall was the lead researcher of the report, while working as Associate Researcher at Mahidol University in Thailand. If found guilty, Hall faces up to two years in prison and civil damages of US\$10 million. The charges were filed on 14 February 2013, and his trial before the South Bangkok Criminal Court began on 2 September 2014. On 18 September 2015, the Appeal court upheld their decision from last year to dismiss the defamation charges against Andy Hall over a press interview conducted in Myanmar, saying neither Natural Fruit Company Limited nor the state prosecutors had grounds to sue for defamation in

Thailand. This is just one of four cases of defamation Natural Fruit has filed against Andy Hall. Hearings on the other cases are due to continue. **Update:** At a bail hearing held on 13 January 2016, a Bangkok court imposed a travel ban upon Hall and confiscated his passport. On 18 January 2016, a Bangkok court reportedly indicted Hall on charges of defamation and computer crimes. His trial began on 19 May 2016. Further hearings are expected between 12-15 July and 26-27 July. **PEN Action:** [RAN 01/16](#); [Update 1 to RAN 01/16 – 16 May 2016](#)

**\*Noppakao, KONGSUAN,**  
**\*Worawit SAKSAMUTNAN,**  
**\*Yothin MANGKHANGSANGA,**  
**\*Thanawat BURANASIRI,**  
**\*Supachai SAIBUT,**  
**\*Kannasit TANGBOONTHINA:**

**Profession:** social media users **Date of arrest:** They are among eight people arrested in a series of coordinated raids conducted in Bangkok and Kohn Kaen province on 27 April 2016. They were reportedly taken from the 11<sup>th</sup> Military Circle to the Crime Suppression Division. **Date of release:** 10 May 2016 **Details of trial:** They face charges of sedition under Article 116 of the Penal Code, violating the 2007 Computer Crime Act in connection with their activity on Facebook. The six were released on bail on 10 May 2016. **Background:** They are among eight people accused of being involved in the making and dissemination of commentary on the parody Facebook page 'We Love General Prayuth' (see also **Harit Mahaton** and **Natthika Worathaiyawich** in 'Detained: main case' above). The Thai-language Facebook page categorised itself as a 'comedian' site. The Thai military junta claimed that it was created with funding from the son of deposed Prime Minister Thaksin Shinawatra in order to discredit the government. The Facebook page is no longer accessible.

**\*PATNAREE Chankij: (f)**

**Profession:** social media user **Date of arrest:** 6 May 2016 **Date of release:** 8 May 2016 **Details of arrest:** Patnaree reportedly turned herself in to police after an arrest warrant was issued. **Details of trial:** Patnaree has reportedly been charged with lèse majesté in connection with a post on Facebook in which she wrote 'ja' (equivalent to 'yeah' or 'I see') in response to a private message she received, which the police claim is defamatory of the monarchy. The police say that the fact that she didn't instantly criticise the messages she received makes her an accomplice to posting messages of a defamatory, insulting or threatening nature to the King. The sender of the message was reportedly arrested in April 2016. If convicted she could face up to 15-years in prison, if tried in a civilian court. She was reportedly denied bail because the severity of her potential sentence made her a flight risk. According to Prachatai English, she was eventually granted bail on 8 May. **Background:** Patnaree is the mother of a prominent student activist critical of military rule. Her son is currently out on bail having been detained for participating in an unsanctioned protest. Political tension is building ahead of the country's 7 August referendum on a military-backed constitution; it marks the first vote under the junta and a test of Prime Minister Prayuth Chan-ocha's popularity. The government have banned all campaigning against the constitution. **[Stop press:** According to reports, on 15 July 2016 the police decided not to press charges against Patnaree. However, the case was still before military prosecutors who could still indict her.]

**\*THANAKORN Siripaiboon:**

**Profession:** factory worker **Date of arrest:** 8 December 2015 **Date of release:** 8 March 2016 **Details of arrest:** Thanakorn was reportedly arrested by two plainclothes police officers at his workplace who took him to Bang Poo Police Station. He was later transferred to a police station in Samut Prakan Province. He was later transferred to an army camp. **Details of trial:** Thanakorn was brought before a Bangkok military court on 15 January 2016, where his pre-trial detention order was issued and bail was denied. Thanakorn was reportedly charged under Article 14 (2) of the Computer Related Crime Act, Articles 112 (lèse majesté) and 116 (sedition) of the Criminal Code on 4 March 2016. He was

released on bail following a petition filed by his lawyer. He had been held in detention for 86 days. **Background:** Thanakorn reportedly posted an image of the construction of the Ratchapakdi Park with a caption that alleged that those in the photograph were engaged in corruption. The post was deemed to be false information which could provoke disorder. The charges for lèse majesté reportedly stem from when Thanakorn posted a message on Facebook satirising the king's dog and for clicking 'like' on a picture. He was detained incommunicado for seven days. **Update:** On 12 May 2016, it was [reported](#) that Thanakorn's house was raided and his computer confiscated. It is unclear whether he was also detained at this time.

#### Harassed

#### **Pravit ROJANAPHRUK:**

**Profession:** journalist **Date of harassment:** March 2016 **Details of harassment:** Rojanaphruk was reportedly banned from travelling to Finland to celebrate World Press Freedom Day. **Background:** Rojanaphruk writes for the online news outlet Khaosod English. He is well-known for his criticism of the military junta and for his defence of freedom of expression. Between 13 and 15 September 2015, Rojanaphruk was detained incommunicado by the military junta for what it calls 'attitude adjustment' after allegedly spreading false information about the junta on social media (see previous [Case List](#)). **PEN Action:** [Finnish PEN statement – 1 May 2016](#)

#### Released

#### **Alan MORISON (Australian national) and Chutima SIDASATHIAN (f):**

**Profession:** respectively editor and reporter for the news website *Phuketwan.com* **Details of trial:** They were charged with criminal defamation, as well as offences under the Computer Crimes Act, on 18 December 2013. The charges were reportedly brought against the journalists by a Thai naval officer, on behalf of the Royal Thai Navy, following the 17 July 2013 publication of a report, which detailed the treatment of Rohingya migrants fleeing Myanmar. The article reportedly quoted extensively from a Reuters report which implicated the Thai Navy in human trafficking. Criminal defamation carries a two-year prison term, while the Computer Crimes Act provides for up to five years in prison. On 17 April 2014, a Thai court formally charged Morison and Sidasathian with criminal defamation and their trial started on 14 July 2015. **Release:** On 1 September 2015, both Morison and Sidasathian were found not guilty of criminally defaming the Thai navy and of all Computer Crimes Act charges. Morison had since quitted his post as editor for *Phuketwan* and was planning to move back to Australia. However, on 1 December 2015 the Thai legal prosecutor was granted a 30-day extension to lodge an appeal against the verdict, until 31 December 2015, making Morison's and Sidasathian's legal situation uncertain. **Update:** According to reports in early January 2016, the deadline by which the prosecution could file an appeal against their acquittal passed, despite their appeals to extend it. **Background:** *Phuketwan* has reported on the Rohingya people's exodus from Myanmar since 2008.

#### **TIMOR LESTE**

#### Harassed

**\*Lourenco Vicente MARTINS, profession:** former editor of *Timor Post*

**\*Raimundo OKI, profession:** reporter with the *Timor Post*

**Details of harassment:** According to reports, Oki and Martins face possible charges of defamation in connection with an article – written by Oki – published on 10 November 2015 containing a factual error regarding a government tendering process. Defamation is punishable by up to three years in prison under Article 285 (1) of the Timor Leste Penal Code ('Slandorous denunciation'). Oki and Martins were reportedly summoned to appear before the office of the General Prosecutor on 11

April 2016. Appearing with their lawyers each faced separate 30-minute interviews. Both men relied on their right to silence, and each was given a 'letter' stating that neither could change his address nor travel overseas without giving the prosecutor 15 days' notice. The prosecutor must now decide whether to file an indictment or drop the charges. No further information as of 30 June 2016. **Background:** Prime Minister Rui Maria de Araujo reportedly filed a complaint of defamation against Oki, Martins and the *Timor Post* with the Prosecutor General on 22 January 2016 in response to Oki's article, which alleged that the Prime Minister had – in a previous capacity as Advisor to the Minister of Finance – recommended the winning bid for a project to supply and install computer equipment to the new Ministry of Finance building in 2014. The *Timor Post* reportedly published a correction to Oki's original article in its 18 November 2015 edition and the Prime Minister's reply to the article on its front page on 17 November 2015. In 2013, Oki reportedly faced an unrelated defamation charge on another corruption case, but was absolved by the court. Timor Leste reportedly decriminalised defamation with the introduction of the 2009 Penal Code, however, according to the [International Federation of Journalists](#), contradictions in Timor Leste law have allowed a criminal defamation complaint to be filed.

## VIET NAM

### Imprisoned: main cases

#### **BUI Thi Minh Hang (f) and NGUYEN Thi Thuy Quynh:**

**Profession:** bloggers **Sentence:** three years and two years in prison, respectively **Expiry:** Bui's sentence expires in February 2017, Nguyen's in February 2016. **Date of arrest:** 11 February 2014 **Details of arrest:** The bloggers were reportedly arrested as they were travelling to the home of Nguyen Bac Truyen, a lawyer who had been arrested arbitrarily, along with a number of friends and activists, including netizen **Luu Trong Kiet**, in Dong Thap. They were reportedly taken to Lap Vo police station where they were beaten and had their electronic devices confiscated. While many of those with her were released the next day, Bui Thi Minh Hang and Nguyen Thi Thuy Quynh remained detained. Bui and Nguyen, along with activist Nguyen Van Minh, faced charges of 'disturbing public order' and 'obstructing traffic.' Five activists reportedly refused to sign testimonies they gave to the police over the charges the bloggers face, claiming that their statements were fabricated. **Details of trial:** On 26 August 2014, the People's Court of Dong Thap, southern province, sentenced the bloggers in a summary trial, under paragraphs (a) and (b) of Article 245 of the Penal Code for 'causing public disorder'. There are reports that the trial did not comply with international standards of fair trial, including the fact that four defence witnesses were not allowed to attend the trial. On 12 December 2014, the Dong Thap Court of Appeal confirmed the sentence against the bloggers. **Place of detention:** On 29 January 2015, Bui Thi Minh Hang was transferred to Camp Gia Trung, Ajun village, Mang Yang district, Gia Lai province, Viet Nam. There are unconfirmed reports that Nguyen Thi Thuy Quynh is being held at the Public security camp in Saigon (Ho Chi Minh city). **Health concerns:** Bui had embarked upon a hunger strike immediately following her arrest, but after 24 days her health was deteriorating, she stopped as advised by her lawyer. On 2 February, [Amnesty International](#) claimed that Bui has been denied medical treatment despite very serious health problems including a stomach ulcer. **Other information:** several UN Special Rapporteurs sent an [urgent communication](#) to Vietnam about their case on 26 March 2014; Viet Nam [responded](#) on 30 May. No further information as of 30 June 2016. **PEN position:** PEN believes their arrest on public order offences was a reprisal for their critical blogging, as they and Nguyen Van Minh were the only ones brought to trial of the 21 arrested. All three are known for their peaceful human rights activities, calling in particular for religious freedom, the release of political prisoners, and for support to victims of land confiscation.

**DINH Nguyen Kha:**

**Profession:** blogger, human rights activist, student of the Long An University of Economics and Industry, and member of the banned human rights defenders' group Tuoi Tre Yeu Nuoc (Young Patriots). **Date of Birth:** 1988 **Sentence:** Eight years in prison, reduced to four on appeal. **Expires:** 2016 **Date of arrest:** 11 October 2012 **Details of arrest:** Reportedly arrested after dropping 2000 anti-government leaflets at An Suong, Ho Chi Minh City which the prosecution claimed distorted 'the party and the state's policies related to religion and land, and exhibit[ing] a twisted viewpoint regarding the Spratly and Paracel islands [whose sovereignty is disputed] and the border land between Viet Nam and China'. **Current place of detention:** Camp K3 Xuyen Moc, Ba Ria - Vung Tau province, Viet Nam. **Details of trial:** Dinh was convicted on 16 May 2013 for 'conducting propaganda against the Socialist Republic of Viet Nam', prohibited under Article 88-1(c) of the Criminal Code. On 16 August 2013, Dinh's sentence was reportedly halved, while that of his co-accused was overturned. **Health concerns:** Along with his cellmates, Dang Xuan Dieu and Trau Vu Anh Binh (see below), Dinh reportedly went on a hunger strike starting 19 March 2015 in protest of the poor prison conditions. Their hunger strike reportedly ended on 4 April 2015. Afterwards Dinh and his fellow hunger strikers were reported as very ill, all having been banned from purchasing any items from the canteen to restore their health after the hunger strike, and their families not being allowed to send limited quantities of dried food each month. In March 2016, Dinh went on hunger strike again to protest conditions in the prison. It ended after 13 days, when the prison agreed to listen to their demands. **Other information:** According to a copy of the indictment, on 29 September 2012 the People's Court of Tan An city convicted and sentenced Dinh Nguyen Kha to two years in prison for 'intentionally causing injuries to others'. Dinh was tried with poet, activist and blogger Nguyen Phuong Uyen (see below). Dinh's brother, **Dinh Nhat Uy**, was given a suspended 15-month prison term in October 2013 after conviction of 'having abused democratic freedoms against the interests of the state' for posting messages on Facebook that were critical of the treatment of Dinh Nguyen Kha.

**\*DINH Tat Thang:**

**Profession:** anti-corruption campaigner **Sentence:** seven months and 11 days in prison **Date of arrest:** 16 August 2015 **Details of arrest:** Unknown **Details of trial:** According to Human Rights Watch, Dinh was sentenced to seven months and 11 days in prison for violating article 258 of the Criminal Code on 24 March 2016. The indictment reported by state media said that he 'continuously sent letters to denounce, slander, insult and offend the individual honor, dignity and prestige of a number of leaders from the central level, from Thanh Hoa province and from the Party cell, the People's Committee and the Police of Tho Xuan district.' **Background:** On 5 August 2015, Dinh Tat Thang reportedly wrote a letter to the Viet Nam Fatherland Front, a party-controlled umbrella group of pro-government mass movements in Vietnam, denouncing the practice of faking paperwork to receive state benefits for wounded veterans in Thanh Hoa province. In 2008, he was sentenced to nine months in prison, also for denouncing corrupt leaders, both local and national.

**HA Huy Hoang:**

**Profession:** former journalist for the publication *World* and for a newspaper published by the Ministry of Foreign affairs **Sentence:** six years in prison **Date of arrest:** October 2014 **Details of arrest:** Ha was reportedly arrested in October 2014 for providing state secrets to China **Details of trial:** On 30 September 2015, the Hanoi prosecutor office charged Ha with espionage under Article 80 of Viet Nam criminal code, according to Radio Free Asia. During the trial, Ha testified that he was told to say what the investigators wanted him to say and that the investigation report did not reflect what he actually said. Prosecutors did not prove that Ha really intended to help China. **Other information:** State newspapers removed articles about the trial from their websites the same day.

**NGO Hao:**

**Profession:** internet writer and human rights activist **Date of Birth:** 1948 **Sentence:** 15 years in prison

and five years in probationary detention **Expiry:** February 2028 **Date of arrest:** 8 February 2013  
**Current place of detention:** Labour Camp An Diêm, Dai Lôm district, Quang Nam province, Viet Nam.  
**Details of trial:** Accused of ‘carrying out activities’ aimed at ‘overthrowing the people’s administration’ under article 79 of the Criminal Code. Sentenced to 15 years in prison and five years in probationary detention on 11 September 2013, upheld on appeal on 23 December 2013. No further information as of 30 June 2016. **Background:** He reportedly criticised social injustice and human rights violations committed by the administration of his country in online articles, in particular official corruption and religious persecution. He sent an appeal to foreign governments and international human rights organisations seeking support for victims of repression against freedom of expression and opinion and freedom of religion.

**NGUYEN Dinh Ngoc (pen name: Nguyen Ngoc Gia):**

**Profession:** blogger **Sentenced:** four years in prison and three years’ probationary detention **Date of arrest:** 27 December 2014 **Details of arrest:** Arrested at his home in Ho Chi Minh City. **Current place of detention:** Public security detention camp, 4 Phan Dang Luu Street, Phuong 14, Binh Thanh district, Ho Chi Minh city, Viet Nam. **Details of trial:** Nguyen was reportedly sentenced on 30 March 2016 to four years in prison and three years’ probationary detention under article 88 of the Criminal code for spreading propaganda against the state. Prosecutors reportedly claimed that 22 of Nguyen’s articles, 14 of which were published online, were defamatory of the Communist Party leaders and the state. He was held in pre-trial detention for 15 months. It was not immediately clear if the time served would count against his sentence. **Background:** Some of the blogger’s posts are said to be critical to the government, particularly its reaction to dissident writers and bloggers. He is reportedly a contributor to the blogs *Dan Lam Bao* and *Dan Luan* (The people’s Journal and The People’s Opinion, respectively) and Radio Free Asia’s Vietnamese service. **PEN Action:** Mentioned in 2015 [resolution](#) on Viet Nam

**NGUYEN Huu Vinh (pen name: Anh Ba Sam) and NGUYEN Thi Minh Thuy (f):**

**Profession:** bloggers and founders of [www.Basam.info](http://www.Basam.info); contributor to banned websites [www.diendanxahoidansu.wordpress.com](http://www.diendanxahoidansu.wordpress.com) and [www.chepsuviet.com](http://www.chepsuviet.com) (Huu Vinh) **Sentence:** five and three years in prison, respectively **Date of arrest:** 5 May 2014 **Details of arrest:** They were reportedly arrested at their respective homes in Hanoi on 5 May 2014. **Update:** On 16 February 2016, the bloggers’ lawyer filed a petition seeking their immediate release as their pre-trial detention had exceeded the time limit stipulated by law. **Current place of detention:** Camp B14 Public Security Department, Thanh Liêt village, Thanh Tri district, Ha Noi, Viet Nam. **Details of trial:** On 30 October 2014 both bloggers were charged under Article 258 of the Criminal Code, for allegedly ‘abusing democratic freedoms to infringe upon the interests of the state, the legitimate rights and interests of organisations and/or citizens’ after ‘publishing online articles with bad contents and misleading information to damage authorities’ image and reputation, lower the prestige and create public distrust of government offices, social organisations, and citizens’. The charges reportedly alleged that 24 of their blog posts contained false information liable to ‘tarnish the state apparatus’ prestige’. On 23 March 2016, the Hanoi People’s court sentenced the bloggers to five and three years in prison, respectively, under article 258 of the Criminal Code. **Background:** Nguyen Huu Vinh is the founder of the political blog Basam, which has become a platform for activists to share blog posts and other content critical of the government. According to the managing editor for Basam, he has not been involved in the site’s operation for a number of years.

**NGUYEN Kim Nhan:**

**Profession:** human rights defender. Known for dissident writings concerning illegal land expropriation and abuses of authority in Bac Giang province, and contributing to the underground review *Tô Quốc* (*Fatherland*). **Date of Birth:** 1949 **Sentence:** Five-and-a-half years in prison and four years of probationary detention. **Expiry:** December 2016 **Date of arrest:** 7 June 2011 **Details of arrest:** Nguyen Kim Nhan was arrested after public security policemen searched his residence and

confiscated a number of personal effects including a computer and several documents. **Current place of detention:** Trai giam số 6, Huyện Thanh Chuong district, Nghệ An, Việt Nam. **Details of trial:** On 16 July 2012 Nguyen was convicted after a one-day trial in Bac Giang province under Article 88-1(c) of the Criminal Code for ‘conducting propaganda against the Socialist Republic of Viet Nam’. He was tried for publishing critical articles and letters online, allegedly containing defamatory comments damaging the reputation of the Communist party and its leaders, reporting human rights violations, illegal land expropriation and giving interviews to overseas Vietnamese-language media. Nguyen was tried together with Do Van Hoa and Dinh Van Nhung (see ‘Main cases’ above). **Conditions in detention:** Since his arrest, he has had no direct access to his family. No further information as of 30 June 2016. **Background:** Nguyen Kim Nhan has previously served two prison sentences for his dissident activities and writings, from 24 September 2008 to 22 January 2009 and from 8 May 2009 to 20 December 2010, also after convictions under article 88 of the Criminal Code.

**NGUYEN Thanh Long:** (religious name Nguyen Cong Chinh)

**Profession:** pastor, online writer, head of the Evangelical Lutheran Church of Viet Nam, member of the banned human rights defenders network Bloc 8406 and the Vietnamese Political and Religious Prisoners Friendship Association. **Date of Birth:** 10 October 1969. **Sentence:** 11 years in prison. **Expires:** 2022 **Date of Arrest:** 28 April 2011. **Details of arrest:** Arrested at his house where security police seized a dozen of his writings and documents. **Current place of detention:** Camp An Phuoc, Phu Giao district, Binh Duong province, Việt Nam. **Details of trial:** On 26 March 2012 Nguyen was sentenced by the People’s Court of the Gia Lai province for ‘undermining the unity policy’ under article 87 of the Criminal Code. He was accused of writing and spreading online texts (about 19 titles) that ‘slandered Communist authorities’ and ‘distorted the situation of freedom of opinion and religion’ in Viet Nam. He was also accused of sending to NGOs, foreign media and international institutions his online critical writings and complaints about human rights violations and the persecution of ethnic minorities, and for giving interviews to foreign radio and newspapers. No defence lawyers, even court-appointed ones, were present at Nguyen Thanh Long’s trial. **Conditions in detention:** Reportedly attacked and ill-treated in prison. His family is seriously concerned for his well-being. **Other information:** Nguyen Thanh Long has long been subject to harassment, interrogations and arbitrary detention by public security police, and has also been attacked and beaten. His family has also faced harassment, intimidation and threat. His house is permanently kept under surveillance by the public security police. No further information as of 30 June 2016.

**PHAN Ngoc Tuan:**

**Profession:** dissident poet, writer and human rights defender. **Date of Birth:** 1959 **Sentence:** Five years in prison and three years in probationary detention. **Expires:** August 2016 **Date of arrest:** 10 August 2011 **Details of arrest:** Arrested by the public security police when he took refuge with one of his acquaintances in Ho Chi Minh city. He was then escorted back to his place of residence for interrogation. **Current place of detention:** Camp T345 Xuyên Mộc district, Ba Ria – Vung Tau province, Việt Nam. **Details of trial:** On 6 June 2012, Phan Ngoc Tuan was sentenced by the Ninh Thuan province’s people court to five years in prison and three years in probationary detention after conviction of ‘conducting propaganda against the Socialist Republic of Viet Nam’ under article 88-1(c) of the Criminal Code. The indictment alleged that Phan Ngoc Tuan’s writings ‘slandered’ the government and its leaders. No defence lawyers, even court-appointed ones, were present at Phan Ngoc Tuan’s half-day trial. Phan Ngoc Tuan denied the charges. **Other information:** His family has reportedly faced harassment, intimidation and threats. No more information as of 30 June 2016. **Background:** Phan is the author of several satirical texts, lampoons, pamphlets and documents criticising the communist authorities for their human rights violations and denouncing corruption, social injustice and ideological discrimination in the regime’s legal system.

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

**Profession:** businessman, poet and prolific internet writer. Tran is said to be the director general of

the company One Connection Internet Inc., and Founder of the Studies Group for Improving and Promoting Viet Nam. He has various online blogs, the most prominent being 'Change we need', where he publishes his articles on the social and political situation in Viet Nam, as well as his poems. He is said to be the co-author of the clandestine book *The Way for Viet Nam*. **Date of Birth:** 1966 **Sentence:** Sixteen years in prison and three years of probationary detention. **Expires:** 23 May 2025 **Date of arrest:** 24 May 2009 **Details of arrest:** Reportedly arrested at his home by the Security Agency and was originally charged with 'conducting propaganda against the Socialist Republic of Viet Nam' under article 88-1(c) of the Criminal Code. There are reports that in August 2009, Tran was compelled to make a public 'confession'. **Current place of detention:** On 7 May 2016, Tran was reportedly moved from Xuyên Môt Labour camp to another detention facility about 1,500 kilometres away, known as Camp No. 6 in central Nghe An province. No explanation was provided for the move. **Details of trial:** Tried and convicted on 17 January 2010 for 'carrying out activities aimed at overthrowing the people's administration' under article 79 of the Criminal Code. The trial lasted one day, and neither Tran's relatives nor the press were allowed into the courtroom. Said to be convicted for his dissident activities and writings. **Update:** In March 2016, Tran, along with other inmates at Xuyên Môt prison, reportedly submitted written complaints and went on a 13-day hunger strike to protest misconduct by prison guards, including arbitrary restrictions on their rights to receive documents from and send documents to their family members, as well as the frequent use of solitary confinement. **Awards:** Tran is the recipient of the 2013 Viet Nam Human Rights Network Prize.

#### **TRAN Vu Anh Binh:**

**Profession:** songwriter and blogger. Tran has written songs which deal with social matters, advocating the respect of human rights, denouncing social injustice and abuse of power. His best-known songs include *Father, You Gave Me (Your Child) the Future*, and *The Lullaby is Not Fully Sung Yet*. He is also credited with writing the music for *Courage in the Dark Prison*, a song that reportedly expresses support for imprisoned blogger Nguyen Van Hai. **Date of Birth:** 1974 **Sentence:** Six years in prison and two years' house arrest **Expiry:** 2017 **Date of arrest:** 19 September 2011 **Details of arrest:** Arrested by a group of about 10 plain-clothed police, who confiscated his computers and audio-visual equipment. **Current place of detention:** Detention Camp Z30A, District Xuan Loc, Province Dong Nai, Viet Nam. **Details of trial:** On 30 October 2012, Tran was convicted after a five-hour trial at Hi Chi Minh People's Court of 'conducting propaganda against the Socialist Republic of Viet Nam' under article 88-1(c) of the Criminal Code. He was tried with songwriter and performer Vo Minh Tri (see 'Main case' below). **Conditions of detention:** Tran has reportedly been denied the right to practice his religion in prison. **Health concerns:** On 19 March 2015 Binh went on hunger strike for 16 days along with his cellmate Dinh Nguyen Kha (see above) and Dang Xuan Dieu (see below) in protest against poor conditions. According to reports, Binh was handcuffed and moved to another cell during this hunger strike. **PEN Action:** RAN 70/12 – 31 October 2012

#### **GROUP OF ACTIVISTS, BLOGGERS and CITIZEN JOURNALISTS**

*Between August and December 2011, the following activists, bloggers and citizen journalists, most of them members of the Catholic organisation, Congregation for the Holy Redeemer, were arrested by the Vietnamese authorities, after attending a training course in Bangkok held by the banned Viet Tan political party; which, according to Human Rights Watch, currently works for peaceful political reform, democracy and human rights in Viet Nam. The group of 13 were initially charged and later prosecuted in one of the biggest trials in Viet Nam under Article 79 of the Criminal Code for 'carrying out activities aimed at overthrowing the people's administration'. The criminal activities the group are said to have engaged in include writing commentaries that are critical of the Government and distributing them on the internet, as well as participating in and encouraging peaceful protest. On 9 January 2013, the People's Court of Nghe An province sentenced the activists to terms of up to 13 years in prison. On 23 May 2013, on appeal, some of their convictions were reduced and one of the bloggers was given a suspended sentence. There are reports that these activists have been facing*

*difficult prison conditions, and that some of them have received limited water and food. The names and prison sentences are the following:*

**DANG Xuan Dieu:**

**Profession:** human rights activist and blogger contributing to *Viet Nam Redemptorist News*. **Date of Birth:** 1979 **Sentence:** 13 years in prison and five years in probationary detention. **Expiry:** July 2024 **Date of arrest:** 30 July 2011 **Current place of detention:** Labour Camp #5, Yen Dinh district, Thanh Hoa province, Việt Nam. **Details of trial:** Dang was unable to appeal, as he submitted a request for a new trial, which was rejected after the deadline for appeal had passed. **Background:** Dang is also an engineer, and was active in mobilising access to education for students from disadvantaged backgrounds. **Conditions of detention:** Dang is reportedly forbidden to practice his faith in prison. **Health concerns:** Along with his cellmates, Tran Vu Anh Binh and Dinh Nguyen Kha (see above), Dang reportedly went on hunger strike in March 2016. This was just the latest in a series of hunger strikes totalling 15 months over the past four years. He was last reported as weighing only 88 lbs (40kg) and having been frequently experiencing significant digestive issues as well as arthritic and skin issues. His health is reported to be in critical condition as of June 2015.

**HO Duc Hoa:**

**Profession:** human rights activist, blogger and contributor to *Viet Nam Redemptionist News*. **Date of Birth:** 1974 **Sentence:** 13 years in prison and five years in probationary detention (a form of house arrest); conviction upheld on appeal. **Expiry:** July 2024 **Date of arrest:** 30 July 2011 **Current place of detention:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam. **Conditions of detention:** Ho was reportedly denied the right to practise his religion in prison.

**NGUYEN Dang Minh Man (f):**

**Profession:** human rights activist **Date of Birth:** 1985 **Sentence:** Nine years in prison and five years in probationary detention **Expiry:** August 2020 **Date of arrest:** 2 August 2011 **Current place of detention:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam. **Other information:** She is said to have drafted documents allegedly containing dissident opinion. **Health concerns:** Her health is reported to be deteriorating following ill-treatment and two hunger strikes; one in December 2014 and the second in March 2015, each one lasting 15 days.

**NGUYEN Dinh Cuong:**

**Profession:** human rights activist and businessman **Date of Birth:** 1981 **Sentence:** Four years in prison and three years in probationary detention, upheld on appeal. **Expiry:** 2015 **Date of arrest:** 24 December 2011 **Current place of detention:** Camp Nam Hà – Ba Sao, Kim Bang district, Hà Nam province, Việt Nam. **Other information:** Nguyen is said to have worked for the John Paul II Group for Pro-Life, and participated in peaceful protests against local authorities' arbitrary confiscation of church lands. **Health concerns:** Nguyen's health is reported to have deteriorated following ill-treatment and repeated hunger strikes protesting his unfair trial. No further information as of 30 June 2016.

Detained: main case

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

**Profession:** Buddhist monk, writer, scholar. Secretary General of the outlawed Institute for the Propagation of the Dharma, United Buddhist Church of Viet Nam (UBCV). **Date of Birth:** 1928 **Date of arrest:** 9 October 2003 **Details of arrest:** Part of a delegation of nine UBCV leaders who were all arrested on 9 October 2003. The delegation had left Binh Dinh at 5.00 a.m. on 8 October 2003 en route to Ho Chi Minh City when security services blocked their departure. After a protest in which over two hundred monks formed a human shield around their vehicle, the delegation was allowed to continue its journey, only to meet another police barricade on the following day, when all nine UBCV leaders were arrested and taken away for interrogation. Thich Quang Do was placed under house

arrest. **Current place of detention:** Thanh Minh Zen Monastery in Ho Chi Minh City. **Background:** On 27 June 2003, he was released from a 27-month detention order. He has spent most of the last 20 years in detention or under residential surveillance because of his campaign for religious freedom and free expression. In August 2008, Thich Quang Do was appointed as the new Patriarch of the UBCV. **Other information:** The UN Working Group on Arbitrary Detention declared his imprisonment as 'arbitrary' in May 2005. **Awards:** Laureate of the 2001 Hellman/Hammet Award and the 2002 Czech Human Rights Homo Homini Award for his 'outstanding merits in promoting human rights, democracy, and the non-violent resolution of political conflicts'. Also awarded the 2006 Norwegian Thorolf Rafto Human Rights Prize. **Honorary member of:** French PEN, German PEN and PEN Sweden.

**\*LE Thanh Tung:** (pen-name Le Ai Quoc)

**Profession:** independent reporter and member of the banned human rights defenders network Bloc 8406. **Date of Birth:** 1968 **Date of arrest:** December 2015 **Details of arrest:** Le was variously reported as having been arrested for violating Article 79 (carrying out activities aimed at overthrowing the people's administration) or Article 88 of the Criminal Code. The authorities are reported to have conducted a raid on his home on 24 December 2015, confiscating several items including his wife's mobile telephone. **Background:** Under the pen-name Le Ai Quoc, he wrote several online articles denouncing violations of human rights, freedoms of opinion and religion, and defending farmers whose land had been confiscated by local authorities. In 2008, he was briefly arrested and denounced as a 'traitor' at a so-called 'people's tribunal' for writing and publishing online several articles on the situation of human rights and democracy, and an account of his life, entitled *Memoir of a Former Volunteer Fighter in the Vietnamese People's Army*. Le was arrested on 1 December 2011. In 2012, Le was tried and convicted of 'Conducting propaganda against the Socialist Republic of Viet Nam' after an hour-long hearing (see previous [Case List](#) for more information). On 29 June 2015, Le was released five months before the end of his four-year prison term.

**NGUYEN Van Dai:**

**Profession:** citizen-journalist, cyber-activist and human rights lawyer **Date of arrest:** 16 December 2015 **Details of arrest:** Nguyen Van Dai was taken into police custody and his house in the capital Hanoi was searched, the Ministry of Public Security said in a brief statement. According to reports, he was detained for spreading propaganda against the state, as the ruling Communist Party prepared for its five-year congress in January 2016. He is thought to be being held under Article 81 of the Criminal Procedure Code, which allows for the arrest of persons in urgent cases. **Current place of detention:** Camp No. 14, Thanh Chi District district in Hanoi **Background:** Nguyen Van Dai is a leader of Viet Nam's pro-democracy movement and a signatory of the Bloc 8406 appeal. He often posts articles advocating democracy on websites based outside Viet Nam. He had already been arrested in 2007 and sentenced to five years in prison on charges of spreading anti-state propaganda. An appeals court later reduced the jail term to four-years. On 6 December 2015, he was reportedly severely beaten by plainclothes policemen in the northern province of Nghe An after participating in a discussion about human rights in Viet Nam and the 2013 constitution. After he left the meeting to return to Hanoi in a taxi with fellow human rights activists Ly Quang Son, Vu Van Minh and Le Manh Thang, they were forced to stop by masked men in a van and men on motorcycles, identified by Nguyen Van Dai as plainclothes policemen. They dragged him to a vehicle, gave him a severe beating, took his mobile phone, wallet containing about 500 dollars and other personal items. A few hours later, an attempt was made to arrest him as he tried to return home by bus. In the end, it took him two days to return to his home in Hanoi.

**TRAN Anh Kim:**

**Profession:** internet writer and dissident. Former army officer. Author of more than 60 articles and essays focusing on human rights and social injustice, secretary of the banned Vietnamese Democratic Party and member of banned democracy movement known as Bloc 8406. **Date of Birth:** 1949 **Date of arrest:** 21 September 2015 **Details of arrest:** According to reports, Tran was arrested on 21

September 2015. Authorities are thought to have charged him under Article 79 of the Criminal Code (carrying out activities aimed at overthrowing the people's administration). Reports state that his laptop, mobile phone, and some files were taken from his residence. Local news report Tran is being held in police cells in Thai Binh province. **Place of detention:** B14 Detention Camp, Thanh Liet village, Thanh Tri district, Hanoi **Background:** On 7 January 2015, Tran Anh Kim was released from jail under a probationary detention of three years after completing a five-and-a-half-year term. He had been arrested on 7 July 2009 together with four other activists and charged with 'conducting propaganda against the Socialist Republic of Viet Nam' under article 88-1(c) of the Criminal Code and of 'carrying out activities aimed at overthrowing the people's administration' under article 79 of the Criminal Code for his pro-democracy activities on 29 April 2010. Tran Anh Kim was known for drafting and circulating petitions protesting injustice and corruption in the Vietnamese Communist Party. In 1991, he was briefly detained and accused of 'abuse of power to steal public wealth.' He was arrested again in 1994 and sentenced to two years in prison. He was released after one year. He was a member of the editorial board of the underground journal *Fatherland*. **Awards:** Recipient of the 2009 Hellman/Hammett Award. **PEN Action** RAN 49/09 - 15 September 2009

#### On trial

##### **Kim Quoc HOA:**

**Profession:** former editor-in-chief of the state-controlled magazine *The Elderly* **Details of trial:** On 13 May 2015, Hoa was charged with 'revealing confidential information related to national security' and 'abusing freedoms and democratic rights in publishing articles that disseminated false information', a criminal offence under Article 258 of Viet Nam's Criminal Code. He is not in custody, and reports did not say when his trial is due to begin. No further information as of 30 June 2016. **Background:** *The Elderly* had in recent months published several reports on official corruption. In March 2015, the Ministry of Information and Communications ordered Hoa to be removed from his position after an investigation revealed he had published 11 articles between 2013 and 2014 that alleged he 'distorted facts and slandered individuals and organisations,' according to news reports. Authorities also shut down *The Elderly's* website.

##### **LE Hong Tho:**

**Profession:** blogger **Date of arrest:** 20 November 2014 **Date of release:** 11 February 2015 **Details of arrest:** Hong was reportedly arrested at his home in Ho Chi Minh City, due to the content of a blog post, under Article 258 of the Criminal Code for 'abusing freedom and democracy to infringe upon the interest of the state'. Aged 65 at the time of his arrest, Hong blogs for *Nguoi Lot Gach* (a brick layer), where he is said to have posted comments regarding the Chinese claims over Vietnamese territory. If charged and found guilty, Hong could face up to seven years in prison. No further information as of 30 June 2016. **Details of release:** On 11 February 2015, Le was released into house arrest for medical reasons. He remains under investigation for the previous charges.

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

**Profession:** blogger, journalist and writer **Date of arrest:** 6 December 2014 **Date of release:** 10 February 2015 **Details of arrest:** Arrested at his home in Ho Chi Minh City, reportedly for 'abusing freedom and democracy to infringe upon the interest of the state' **Details of release:** On 10 February 2015 Nguyen was released into house arrest for medical reasons as he has a paralysed arm and a leg as a result of a stroke. **Details of trial:** He is still under investigation under Article 258 of the Criminal Code **Background:** Nguyen is said to have been in the Army in the 1980s, for about five years. He then started his career as a journalist and became the deputy editor of the magazine *Cua Viet*, which was closed by the authorities allegedly for the magazine's pro-democracy line. He later wrote some plays, film scripts, a collection of stories and a novel. He is an award-winning writer and a member of the Vietnamese Writers' Association. In 2007 he started blogging in *Que Choa* (Dad's Homeland),

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

#### Harassed

##### **\*NGUYEN Anh Tuan:**

**Profession:** blogger **Date of harassment:** 31 January 2016 **Details of harassment:** Nguyen Anh Tuan was reportedly detained by police after disembarking from his flight at Da Nang airport. He was released in the early hours of the following morning. **Background:** Nguyen Anh Tuan had spent three years abroad studying, doing human rights work and working as an intern for an Australian lawmaker. Nguyen Anh Tran blogs for Radio Free Asia.

##### **\*TRAN Minh Nhat:**

**Profession:** Human rights activist, contributor to the *Viet Nam Redemptorist News*. Student of the Ho Chi Minh City University of Foreign Languages and Information Technology. **Date of Birth:** 1988 **Date of Harassment:** from 27 August 2015 **Details of harassment:** The harassment of Tran and his family, which began immediately following his release from prison (see 'Conditional release' below), appears to have escalated in 2016; masked assailants threw stones at his family's home on five separate occasions in February alone. In addition, Tran reported that the family's crops were sprayed with pesticides causing crops to die and irrigation equipment was damaged. Furthermore, two of Tran's brothers faced threats and harassment; on 13 February, Lam Ha police officers reportedly threatened to burn down his elder brother's home. Tran's family are particularly concerned at such threats in light of a fire next to Tran's family home in the early hours of 10 February 2016 when a pile of dried coffee plants caught fire. The fire was so large that it took eight people three hours to contain it. Although the reasons for the fire are not known to PEN, Tran's family believed that the pile may have been set alight intentionally. On 22 February 2016, Tran Minh Nhat suffered a head injury after an assailant in plainclothes – who Tran believes to belong to the local Lam Ha police – threw stones at him. Reports indicate that he was prevented from seeking further medical assistance at a hospital after he was confronted on the road by the same group of assailants. The harassment is reported to have ended following international attention. **Background:** Tran has been under house arrest since 27 August 2015, following his release from prison after serving a four-year sentence. Since Tran's release from prison, he and his family have faced frequent and varying acts of harassment and intimidation at the hands of the authorities in Lam Ha district, Lam Dong Province and other unidentified assailants. In November 2015, Tran was [reportedly physically attacked by local police](#) while detained in a police station, after he returned home from medical checks in Ho Chi Minh City. Tran was accused of violating his probation; however, he argues that he had reported that he would be travelling to the city for medical treatment to the authorities. **PEN Action:** [RAN 06/16 – 8 March 2016](#)

#### Conditional release

##### **DINH Van Nhuong:**

**Profession:** human rights activist and dissident writer **Date of Birth:** 1958. **Date of arrest:** 7 June 2011 **Date of release:** released from prison on 6 June 2015 into probationary detention (house arrest) **Sentence:** Four years in prison and three years of probationary detention **Details of trial:** On 16 July 2012, Dinh was convicted after a one-day trial in Bac Giang province under article 88-1(c) of the Criminal Code for 'conducting propaganda against the Socialist Republic of Viet Nam'. He was tried for publishing critical articles online, allegedly containing defamatory comments to the reputation of the Communist party and its leaders, illegal land expropriation and giving interviews to overseas Vietnamese-language media. Tried together with **Do Van Hoa** and **Nguyen Kim Nhan**. **Details of release:** On 6 June 2015, Dinh Van Nhuong was released on completion of his four-year prison sentence. Following his release, he is required to serve three years of probationary detention.

**DO Van Hoa:**

**Profession:** human rights activist and dissident writer **Date of Birth:** 1966 **Date of arrest:** 7 June 2011 **Date of release:** 6 June 2015 **Sentence:** Four years in prison and three years of probationary detention. **Details of trial:** On 16 July 2012, Do was convicted after a one-day trial in Bac Giang province under article 88-1(c) of the Criminal Code for 'conducting propaganda against the Socialist Republic of Viet Nam'. He was tried for publishing critical articles online allegedly containing defamatory comments to the reputation of the Communist party and its leaders, illegal land expropriation and giving interviews to overseas Vietnamese-language media. **Details of release:** On 6 June 2015, Do Van Hoa was released on completion of his four-year prison sentence. Following his release, he is required to serve three years of probationary detention.

**HO Thi Bich Khuong (f):**

**Profession:** internet writer and human rights activist **Date of Birth:** 1967 **Date of arrest:** 15 November 2011 **Date of release:** 15 January 2016 **Sentence:** Five years in prison and three years' probationary detention. **Expiry:** 2016 **Details of arrest:** Ho was arrested by the public security police after a search of her house, where agents confiscated many items, including books and computers. **Details of trial:** Ho was tried on 29 December 2011, at Nghe An People's Court, for 'conducting propaganda against the Socialist Republic of Viet Nam' under Article 88-1(c) of the Criminal Code. **Details of release:** Ho was reportedly released from prison on 15 January 2016. At the time of her release, it was unclear where Ho would go as the Vietnamese government has confiscated her house and land. She has three years of probationary detention to serve. **Background:** Ho Thi Bich Khuong served two previous prison sentences, in 2005 and 2007, after conviction of offences under article 245 of the Criminal Code (Causing public disorder), and article 258 (Abusing democratic freedoms to infringe upon the interest of the State), respectively. She has also been attacked, threatened and subject to brief detentions. **Other information:** Ho's writings urged the release of prisoners of conscience and political detainees, and promoting freedom of expression, religion and association. She wrote a memoir of her time in prison which was published in 2009 by *Nguoi Viet Online*, a Vietnamese-American newspaper in the United States. She has also written some satirical poems and was a member of the prodemocracy movement Bloc 8406. **Awards:** Ho is the recipient of the 2011 Hellman/Hammett 2011 award.

**LE Van Son Paulus:**

**Profession:** blogger, writer and Christian activist. **Date of Birth:** 1985 **Sentence:** 13 years in prison and five years in probationary detention, reduced on appeal to four years in prison and four years of probationary detention. **Date of arrest:** 3 August 2011 **Date of release:** Released from prison on 3 August 2015 into probationary detention (a form of house arrest) **Details of arrest:** On 3 August 2015, Le Van Son Paulus was released on completion of his four-year prison sentence. Following his release, he is required to serve four years in probationary detention **Other information:** Le Van Son writes for his blog *paulusleson.worldpress.com/* and contributes to the collective blog *Baokhongle* and *Viet Nam Redemptorist News*. Previously, he signed a petition for the release of the dissident writer Cu Huy Ha Vu, (see above), and covered his trial in April 2011. He is also a community organiser on matters that include HIV and public education.

**NGUYEN Van Duyet:**

**Profession:** human rights activist and citizen journalist writing for the media network and contributing to *Viet Nam Redemptorist News*. **Date of Birth:** 1980 **Sentence:** Six years in prison and four years in probationary detention (a form of house arrest); prison term reduced on appeal to three-and-a-half years. **Date of arrest:** 7 August 2011 **Date of release:** 30 January 2015 **Details of release:** One week before completion of his sentence, Nguyen was released from prison due to the loss of his father. **Other information:** Nguyen is President of the Association of Catholic Workers of Vinh city in Hanoi. He is said to have covered the trial of dissident writer Cu Huy Ha Vu (see above).

**NGUYEN Van Ly:**

**Profession:** priest, scholar, essayist and co-editor of the underground online magazine *Tu Do Ngon luan (Free Speech)*. **Date of Birth:** 1946 **Sentence:** Eight years in prison and five years of probationary detention (a form of house arrest). **Date of arrest:** 19 February 2007 **Date of release:** 20 May 2016 **Details of arrest:** Reportedly arrested on 19 February 2007 during an 'administrative check' at the archdiocesan building where he lives in the city of Hue. Two other editors of *Tu Do Ngon luan*, Father Chan Tin and Father Phan Van Loi, were reportedly also placed under house arrest. **Details of release:** Nguyen Van Ly was released from the labour camp on 20 May 2016, one month early. He now faces five years of probationary detention, part of the original sentence. Nguyen Van Ly's health is reported to have severely deteriorated in prison. **Details of trial:** On 30 March 2007, a People's Court in Hue (Central Viet Nam) sentenced Father Nguyen Van Ly under Article 88 of the Criminal Code for 'conducting propaganda against the Socialist Republic of Viet Nam'. Video footage of his sentencing is available [here](#). **Health concerns:** Nguyen Van Ly reportedly suffered a stroke in prison on 14 November 2009. He also suffers from a number of other health complaints. On 15 March 2010 Nguyen Van Ly was released provisionally on medical grounds. The decision was taken by the Supreme Judge of the People's Court in Ha Nam province, who ordered to temporarily defer Nguyen Van Ly's imprisonment for one year as he was in urgent need of medical treatment which is unavailable in prison. On 25 July 2011, Ly was returned to the labour camp to continue serving his sentence. **Other information:** In September 2010, the United Nations Working Group on Arbitrary Detention called for the immediate and unconditional release of Nguyen Van Ly, who it said had been arbitrarily and illegally detained and denied access to legal counsel by the Vietnamese authorities. No further information as of 30 June 2016. **Background:** Ly is a leading member of the pro-democracy movement 'Bloc 8406'. He was previously detained from 1977-1978, and again from 1983-1992 for his activism in support of freedom of expression and religion. He was sentenced again in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Viet Nam, and was a main case of PEN International. The sentence was commuted several times and he was released under amnesty in February 2005. **Awards:** In July 2008 Nguyen Van Ly received the Hellman/Hammett award in recognition of his work in the face of persecution. He was nominated for the Sakharov Prize for Freedom of Thought 2009 and 2010. **Honorary member:** Sydney PEN. **PEN Actions:** RAN 12/07 - 28 February 2007; update #1 - 7 March 2007; updates #2 - 3 April 2007; RAN 06/14; [Update #2 to RAN 06/14 - 26 May 2016](#)

**NGUYEN Van Oai:**

**Profession:** human rights activist, citizen journalist contributor to *Viet Nam Redemptorist News*. **Date of Birth:** 1981 **Sentence:** Four years in prison and four years in probationary detention. **Date of arrest:** 30 July 2011 **Date of release:** 2 August 2015 **Details of release:** On 2 August 2015, Nguyen Van Oai was released on completion of his four-year prison sentence. Following his release, he is required to serve four years in probationary detention.

**THAI Van Dung:**

**Profession:** human rights activist and blogger. **Date of Birth:** 1988 **Sentence:** Four years in prison and three years in probationary detention, confirmed on appeal. **Date of arrest:** 19 August 2011 **Date of release:** 19 August 2015 **Details of release:** On 19 August 2015, Thai Van Dung was released upon completion of his prison sentence. He is required to serve three years in probationary detention.

**TRAN Minh Nhat:**

**Profession:** Human rights activist, contributor to the *Viet Nam Redemptorist News*. Student of the Ho Chi Minh City University of Foreign Languages and Information Technology. **Date of Birth:** 1988 **Sentence:** Four years in prison and three years in probationary detention **Date of arrest:** 27 August 2011 **Date of release:** 27 August 2015 **Details of release:** On 27 August 2015, Tran Minh Nhat was released upon completion of his prison sentence into probationary detention - a form of house arrest. **Update:** Since Tran's release from prison, he and his family have faced frequent and varying acts of harassment and intimidation at the hands of the authorities in Lam Ha district, Lam Dong

Province and other unidentified assailants. For further details, see entry under harassment above.

**PEN Action:** [RAN 06/16 – 8 March 2016](#)

**VO Minh Tri (aka Minh Tri and Viêt Khang):**

**Profession:** songwriter and performer **Date of Birth:** 19 January 1978 **Sentence:** Four years in prison and two-year probationary period. **Date of arrest:** 23 December 2011 **Date of release:** Released from prison on 10 December 2015 into probationary detention (house arrest) **Details of arrest:** Arrested on 16 September 2011 and held for a week. Re-arrested in December 2011 at his home by public security police. His computer and recording equipment were seized by the police. **Details of release:** Vo Minh Tri was released on 10 December 2015 after serving his full four-year sentence. Police escorted him to his family's home near Ho Chi Minh City. He is now required to serve out two years in probationary detention. **Details of the trial:** On 30 October 2012, Vo was sentenced after a five-hour trial at Ho Chi Minh People's Court for 'conducting propaganda against the Socialist Republic of Viet Nam' under Article 88 of the Criminal Code. Vo was tried with songwriter and blogger Tran Vu Anh Binh (see above). **Other information:** In April 2011, Vo and other young professionals, students and activists founded the organisation *Tuoi Tre Yeu Nuoc (Young Patriots)*, a human rights defenders' group. Vo's lyrics and writings have been published in the group's websites [www.tuoitreyeunuoc.com](http://www.tuoitreyeunuoc.com) and [www.tuoitreyeunuoc.net](http://www.tuoitreyeunuoc.net). The group advocates for respect for issues including human rights and democratic reforms. With that spirit, Vo's songs *Who are you?*, *Where is my Viet Nam?* and *The Mother in the Mekong Delta*, among others, quickly spread on internet sites. **PEN Action** RAN 70/12 – 31 October 2012

## EUROPE and CENTRAL ASIA

### AZERBAIJAN

*President Aliyev's government has engaged in a deliberate strategy to limit dissent. The situation has worsened considerably in recent years, and the presidential elections of October 2013 triggered a new wave of repression which continues today. The Azerbaijani authorities have jailed (often on trumped up charges relating to drugs or firearms offences), blackmailed or otherwise harassed scores of independent journalists, political activists and employees of non-governmental organizations (NGOs). They have also violently broken up peaceful political rallies and imposed legislation restricting the rights to free expression and free assembly. At PEN International's World Congress in Bishkek, Kyrgyzstan, 2014, a [resolution on Azerbaijan](#) reflecting concern at the worsening freedom of expression situation was passed by the Assembly of Delegates. In April 2015, the OSCE Representative on Freedom of the Media Dunja Mijatović highlighted the continued detention of PEN cases Khadija Ismayilova, Seymur Khaziyev, Omar Mamedov, Abdul Abilov, Parviz Hashimli, Nijat Aliyev and Rashad Ramazanov (see below) as being symptomatic of Azerbaijan's continuing assault on free speech. There are worrying signs that a pattern may be emerging where critical journalists die in suspicious circumstances and where no one is brought to justice for their deaths. In 2015, the [ECHR dealt with](#) 153 applications concerning Azerbaijan, of which 123 were declared inadmissible or struck out. It delivered 19 judgments (concerning 30 applications), which found at least one violation of the European Convention on Human Rights, compared to 11 applications decided in 2014 and 13 decided in 2013. 2016 has seen some welcome releases, including under a Presidential decree in March, but other journalists and writers have been arrested since.*

Killed: Impunity

**Rasim ALIYEV:**

**Profession:** sports journalist and Chair of the Institute for Reporters' Freedom and Safety (IFRS), the leading media monitoring group in Azerbaijan **Date of death:** 9 August 2015 **Details of death:** On 8 August 2015, Aliyev was beaten by six men in a busy Baku square. Someone who claimed to be the cousin of a footballer whose conduct on the pitch he criticized called him and verbally abused him twice, before calling again to suggest that they meet so he could apologise to Aliyev. When Aliyev went to meet the man, he was beaten from behind as he exited his car. The journalist died the following day in the hospital. **Details of investigation:** In August 2015 police arrested the international footballer whose supporters and family, according to Aliyev, beat him and provoked his death. Five other suspects were also arrested. **Update:** It was [reported](#) on 1 April 2016 that five men had been found guilty of grievous bodily harm causing death and were sentenced to up to 13 years in jail. The football player was charged with not reporting a crime under articles 307.1 and 307.2 of the Criminal Code, and was sentenced to [four years](#) in prison on 31 May 2016. **Background:** Aliyev criticised an Azerbaijani international footballer in a Facebook post on 17 August 2015. He subsequently received phone calls, seemingly from the player's family and agreed to meet in a busy square in Baku. Aliyev had previously reported receiving threats after posting photographs showing police brutality. **Other information:** Mentioned in European Parliament [Resolution on Azerbaijan](#) September 2015. In August 2016, the Institute for Reporters Freedom and Safety issued a [report](#) entitled: *The Unsolved Murder of Rasim Aliyev*, raising questions about the medical care he received and the process of the investigation.

**Rafiq TAGI:**

**Profession:** journalist **Date of birth:** 5 August 1950 **Date of death:** 23 November 2011 **Details of death:** Died in hospital after he had been attacked while returning home from work on 19 November 2011. Although the motive for the attack remains unknown, it is reported that it may have been related to an article Tagi published on 10 November 2011, entitled '*Iran and the Inevitability of Globalisation*,' in which he criticised the Iranian government and described threats made against Azerbaijan by Iran as 'ridiculous'. **Details of investigation:** a criminal investigation into the crime was launched by the Khatai District Prosecutor's Office in November 2011. In February 2012, media reports stated that the authorities ruled out medical negligence as a contributory factor, which was criticised by Tagi's family members. The investigation was reportedly suspended on 8 January 2014, owing to the 'non-establishment of the person subject to prosecution.' On 8 January 2015, Tagi's lawyer announced on Facebook that the Prosecutor-General's Office had informed him in writing that the probe into Tagi's death had ended. No further information was given. No further information as of 30 June 2016 **Background:** Tagi, a former PEN main case, was previously arrested in November 2006 for an article entitled 'Europe and Us,' published in *Sanat* newspaper, and for which he was accused of insulting the Prophet Mohammad. Following the publication of the article the Grand Ayatollah Fazil Lankarani of Iran issued a fatwa calling for Tagi's death. He was sentenced to three years in prison for the article under Article 283 of the Azerbaijani Criminal Code for 'inciting national, racial and religious enmity'. Following significant international pressure, Tagi was granted amnesty on 28 December 2007.

Imprisoned: Main Case

**Arshad (or Ershad) IBRAHIMOV:**

**Profession:** freelance journalist and former journalist for *Azadliq* **Sentence:** 11 years in prison **Date of arrest:** 18 June 2014 **Details of arrest:** reportedly placed under pre-trial detention by the Ganja City Nizami district Court of Grave Crimes on 18 June 2014. Reportedly arrested at the request of the former head of the education department in Kalbajar region, against whom a criminal case was launched in April 2014 by the Corruption Department of the General Prosecutor's Office. Ibrahimov's

articles reportedly allege that corruption took place in the education department while Bagirov headed it. These articles reportedly provoked the current case against Bagirov. Sentenced to 11 years in jail on charges of extortion in August 2014. **Details of trial:** charged under article 182 of the Criminal Code (extortion by threats). The Prosecutor General's Office said that Ibrahimov demanded AZN 30,000 from Bagirov in 2012-2013 and that when Bagirov did not pay him, on 13 April 2013 Ibrahimov posted a Youtube video entitled 'Former head of Kalbajar Region Department of Education Mamed Baghirov raped a 17-year-old girl'. **PEN Action:** Mentioned in a January 2016 joint [third party intervention](#) to European Court on Human Rights about the situation of freedom of expression in Azerbaijan.

*On the basis of the available evidence, there is a clear pattern of the Azerbaijani authorities using drugs, firearms, 'hooliganism' or tax evasion charges to arrest and imprison writers and journalists who criticise the authorities. On 12 November 2015, the European Court of Human Rights [ruled](#) that journalist, satirist and poet Sakit Zakhidov had not received a fair trial. He was convicted of possession of drugs but had claimed they had been planted on him by police following his arrest. The following cases all follow this pattern, and until PEN receives information to the contrary, we will regard them as Main Cases.*

**Abdul ABILOV:**

**Profession:** a social media activist and blogger, administrator of the critical Facebook pages 'Yaltaqlara dur deyək!' ('Stop those flattering the regime!') and 'Seçki saxtakarlığı' ('Election Fraud')  
**Sentence:** Five and a half years in prison **Date of arrest:** 22 November 2013 **Details of arrest:** Abdul Abilov was arrested in Baku. Police claimed that drugs were found both in Abilov's pocket and at his home. Both Facebook pages were shut down shortly after police seized his computer during a search of his home. **Current place of detention:** Penal Colony 13, Qaradag region **Details of trial:** charged with possession of drugs. Abilov reportedly says that the drugs were planted and that during his interrogation police asked him questions only about his critical posts, political activism, and relationship to the opposition Popular Front Party. He alleges that he was denied access to a lawyer of his own choosing during initial police interrogation and at his pre-trial detention hearing. On 27 May 2014, the Grave Crimes Court sentenced Abilov to five and a half years in prison. His appeal was rejected in November 2014. **Update:** According to the [Azerbaijan Free Expression Platform](#), he appealed to the Supreme Court but his appeal was rejected in February 2015. He was not released as part of the March 2016 [Presidential](#) decree and lodged a case at the European Court of Human Rights on 16 April 2016. No further information as of 30 June 2016. **Conditions of Detention:** In February 2015, according to reports, he was placed in solitary confinement for one day as a punishment for having lunch with another political prisoner. **Other information:** Dunja Mijatović OSCE Representative on Freedom of the Media has referred to his case in several statements, including in May 2015 when she called for the release of all imprisoned journalists in Azerbaijan. Mijatović [mentioned](#) him in March, calling for the release of all remaining members of the media and bloggers still held after the March 2016 presidential decree. In September 2014, the European Parliament passed a [resolution](#) on the human rights situation in Azerbaijan referring to his case.

**Nijat ALIYEV:**

**Profession:** editor-in-chief of azadxeber.net **Date of arrest:** 20 May 2012 **Sentence:** 10 years in prison **Current place of detention:** Prison No. 2 **Details of arrest:** Arrested near Memar Ajami metro station in downtown Baku while he was distributing CDs about house demolitions in the run-up to the Eurovision Song Contest, then taken to Tasamal district police office and given two month's pre-trial detention. This was extended by a month at a hearing on 16 October 2012. At a 29 October 2012 hearing, Aliyev's appeal against his continued pre-trial detention was rejected. His pre-trial detention term was extended for two months by Nasimi District Court on 15 February 2013. Aliyev's lawyer has said that officers beat Aliyev whilst in custody, and that they had also tried to coerce him into making a 'confession'. The police allegedly told Aliyev that if he did not admit to the drug-

related charges, they would sentence him to more than five years in prison, under more serious charges. **Details of trial:** initially charged with possession of illegal drugs (Article 234.1 of the Criminal Code of Azerbaijan), three other charges were brought against him some nine months later: 'distributing or selling religious literature, goods or any other religious informational content as a person or as part of a group without special dispensation (article 167.2.2.1 of the Criminal Code); and publicly calling for the overthrow of the government, the constitution and the territorial integrity of the Republic of Azerbaijan by force (Article 281.2). He was also charged with incitement to ethnic hatred by using mass media as part of an organised group (Article 283.2.3). Aliyev denied the charges and claimed the drugs had been planted in his house. A hearing took place on 30 May 2013 at the Baku Grave Crimes Court. Due to the alleged beating of the journalist whilst in detention, his lawyer filed a petition requesting the court to arrange a forensic medical examination for the journalist; it was granted. However, at another hearing of the case at the Baku Grave Crimes Court on 27 June 2013, Aliyev's lawyer stated that the examination of his client had taken place without the presence of legal representation, and that because of this, his client had refused to comply fully. The lawyer alleged that irregularities such as these were delay tactics to allow the signs of torture to fade. He was sentenced to 10 years in prison on 9 December 2013. His appeal against his conviction was dismissed by a Baku court on 27 June 2014. **Update:** He was not included in the March 2016 presidential decree. On 7 April 2016, the Supreme Court rejected his appeal; his lawyer was unable to get a copy of the verdict by 6 July 2016 which the [lawyer believed](#) was in order to prevent him from bringing a case to the European Court on Human Rights. **Background:** Some international and local human rights groups believe that Nijat Aliyev was arrested for criticising Azerbaijan's hosting of the Eurovision Song Contest, including the high expenditure involved. He also allegedly wrote articles criticising a proposed gay pride parade in Azerbaijan. **Other information:** Dunja Mijatović OSCE Representative on Freedom of the Media has referred to his case in several statements, most recently in May 2015 when she called for the release of all imprisoned journalists in Azerbaijan. **PEN Action:** Mentioned in joint [third party intervention](#) to European Court on Human Rights about the situation of freedom of expression in Azerbaijan.

#### **Araz GULIYEV:**

**Profession:** editor in chief of the Islamic news website, xeber44.com **Sentence:** eight years in prison **Date of arrest:** 8 September 2012 **Details of arrest:** The journalist was arrested while reporting on a protest in the city of Massally, where residents were allegedly angry at the dress code of festival dancers. **Current place of detention:** Prison No. 14, outside Baku, **Details of trial:** Originally arrested on hooliganism charges. Guliyev was convicted and sentenced on 5 April 2013 by the Lankaran Court of Grave Crimes. He was convicted of illegal possession of firearms (Article 228.1 of the Criminal Code), organising and participating in a public order disturbance (Article 233), inciting national, racial or religious hatred (Article 283.1), resisting the authorities in a manner dangerous to life or health (Article 315.2) and insulting the republic's flag and insignia (Article 324). Guliyev's lawyer claimed that the police planted a grenade on the journalist when he was arrested and that he was beaten and denied access to legal advice. Guliyev is the brother of Nazim Guliyev (see below). Guliyev rejected all of the charges, claiming that he was arrested for his journalistic and religious activities. On 30 May 2013 the Shirvan City Appellate Court held a preliminary appeal hearing. The hearing was held in absentia. The journalist's lawyer Fariz Namazli filed a petition for partial reconsideration, indicating that Araz Guliyev had not seen the persons alleged to be victims of his alleged actions during his trial; Guliyev said he did not know the persons involved. On 5 July 2014, the Supreme Court rejected his appeal against his conviction and sentence. No further information as of 30 June 2016. **Other information:** Dunja Mijatovic, OSCE Representative on Freedom of the Media, mentioned Guliyev in a statement calling for Azerbaijan to release all members of the media and bloggers still imprisoned after the March presidential decree. **PEN Action:** Mentioned in joint [third party intervention](#) to European Court on Human Rights about the situation of freedom of expression in Azerbaijan.

**Faraj KARIMOV:**

**Profession:** blogger **Sentence:** Three years in prison (reduced from six and a half years on appeal)

**Date of arrest:** 23 July 2014 **Details of arrest:** On the morning of the day of his arrest, Karimov called his father and stated that people wearing civilian clothes were following him. Shortly after, Karimov was no longer contactable by phone. His father alerted Ministry of Internal Affairs' officials, but they failed to provide information about the whereabouts of his son. Later that day it was announced that Karimov had been detained on drugs charges and it emerged he was held at the Organized Crime Unit of the Ministry of Internal Affairs. **Current place of detention:** transferred to the Baku Detention Facility on 30 July 2014 **Conditions of detention:** According to Amnesty International, Karimov was visited by his lawyer on 2 August after being held incommunicado for 10 days. Karimov told his lawyer that he had been beaten by police to make him admit to drug-related charges. He was threatened that unless he signed a 'confession', police would 'cause problems to his parents' by planting weapons at their house. Although held on drug-related charges, Karimov was questioned about his political and social activities. Police asked him about the Facebook groups and pages he manages, which are well-known for their criticism of the Azerbaijani government. He was also asked for information about his fellow activists at the opposition political party Musavat. **Details of trial:** Karimov was charged with illegal manufacture, production, acquisition and possession of drugs (Article 234.4.3 of the Criminal Code). His trial before the Baku Grave Crimes Court began on 18 March 2015 and on 6 May 2015 he was sentenced to six and a half years in prison. **Update:** He was not released as part of the March 2016 presidential decree. On 24 May 2016, the Supreme Court [amended](#) the charge to an offence under article 234.1 (illegal purchase or possession of drugs for personal consumption), and reduced his sentence to three years of imprisonment. His lawyer said he would lodge an appeal to the European Court of Human Rights for his full acquittal. **Background:** Karimov is a well-known blogger and administer of the highly popular 'Basta!' ('Enough!') and 'Istefa' ('Resign') Facebook pages. The Facebook pages, with thousands of followers, served as platforms for criticism against human rights violations, social problems, and corruption. He is also a member of the opposition political party Musavat and manager of Musavat Party's official website. Karimov's brother, Siraj Karimov, who was arrested six days earlier claimed that he was pressured to sign a 'confession' to drug-related charges and was asked questions by police about his brother's activities. His family believes that he was targeted for his brother's activism. Siraj Karimov was acquitted in the Supreme Court ruling of May 2016. **Other information:** Dunja Mijatović, OSCE Representative on Freedom of the Media has referred to his case in several statements, most recently in May 2015 when she called for the release of all imprisoned journalists in Azerbaijan. In September 2014, the European Parliament passed a [resolution](#) on the human rights situation in Azerbaijan referring to his case.

**Seymur KHAZIYEV (also known as Seymur Hezi or Hazi):**

**Profession:** reporter with the opposition daily *Azadliq*, presenter of the programme 'Azerbaycan Saati' broadcast via the Internet and by satellite **Sentence:** Five years in prison **Date of arrest:** 29 August 2014 **Details of arrest:** He was arrested near his home in the village of Jeyranbatan, on the outskirts of Baku, after an altercation with a then-unidentified man. Khaziyev was assaulted by the other man, and defended himself using a bottle he was holding. His attacker, Maherram Hasanov, was in turn arrested on 3 September and charged with hooliganism. Khaziyev's lawyer and colleagues argued that he had been provoked and Hasanov was arrested merely to give the impression that the investigation was fair. He was placed in pre-trial detention for two months on 30 August 2014. **Details of trial:** He was charged under article 221.3 of the criminal code with 'aggravated hooliganism'. On 29 January 2015 he was convicted and sentenced to five years in prison. **Update:** On 15 April 2016, the Supreme Court [upheld](#) his conviction and sentence. Khaziyev's lawyer announced that he intended to appeal to the European Court of Human Rights (ECtHR). **Background:** In March 2011, Khaziyev was abducted and tortured for several hours by unidentified men who advised him to be as 'intelligent and quiet as the others.' Subject of RAN 14/11 at the time

and mentioned in PEN's joint submission on Azerbaijan to the UN Universal Periodic Review issued in October 2012. **Other information:** Dunja Mijatović OSCE Representative on Freedom of the Media has referred to his case in several statements, most recently in May 2015 when she called for the release of all imprisoned journalists in Azerbaijan. Amnesty International recognised him as a prisoner of conscience. **Awards:** In May 2016 Khaziyev was awarded the Gerd Bucerius Prize 'Free Press of Eastern Europe 2016', as he, according to the organisers, 'exposed the facts of corruption and abuse of power in his country, and as a result, he was subjected to threats and physical violence.' **PEN Action:** Mentioned in joint [third party intervention](#) to European Court on Human Rights about the situation of freedom of expression in Azerbaijan.

**Rashad RAMAZANOV (Rashad Hagigat Agaaddin):**

**Profession:** blogger **Sentence:** nine years in prison **Date of arrest:** 9 May 2013 **Details of arrest:** Rashad Ramazanov was arrested near the '20 January' metro station and taken to the Department for Combating Organised Crime. The police reportedly found nine grams of heroin on his person. **Details of trial:** He was charged with 'illegal possession and sale of a large scale of drugs (Article 234.4.3 of the Criminal Code). On 7 August 2013, his case was referred to the Baku Court of Grave Crimes and he was convicted and sentenced to nine years in prison on 13 November 2013. Ramazanov rejects the charges and has claimed that he was tortured during interrogation. On 14 May 2014, Ramazanov's appeal against his conviction was dismissed. No new information as of 30 June 2016. **Background:** Ramazanov is well-known for his anti-government postings. **Other information:** Dunja Mijatović OSCE Representative on Freedom of the Media has referred to his case in several statements, most recently in May 2015 when she called for the release of all imprisoned journalists in Azerbaijan.

Imprisoned – investigation

**Nazim GULIYEV:**

**Profession:** founder and editor-in-chief of the newspaper *Ideal*, currently shut down **Sentence: 1)** six months in prison **2)** He was further sentenced to 13 years and three months in prison and confiscation of his property **Date of arrest:** April 2009 **Details of arrest:** Guliyev was issued with a pre-trial detention order after a hearing in the Nasimi District Court on 30 October 2008; however, by then he had gone into hiding. He was arrested in late April 2009. **Details of trial: 1)** Guliyev was arrested in late April 2009 and sentenced to six months in prison. He was convicted in a criminal case filed in September 2008 by a Nagorno-Karabakh war veteran, who alleged that two articles published in *Ideal* in August 2008 harmed her dignity. On 26 May 2009 he was sentenced to six months in prison on defamation charges (see Case List of January to June 2009). **2)** The anti-corruption department of the Chief Prosecutor's Office later brought a case against him in the Grave Crimes Court in which he was charged with extortion (Article 182 of the Criminal Code); hooliganism (Article 221); and the illegal manufacturing, purchase, storage, transportation, transfer or selling of drugs/psychotropic substances (under Article 234). He was convicted and sentenced to 13 years and three months in prison on 15 January 2010. Guliyev is serving his sentence in a special penitentiary. PEN is seeking clarification of the current criminal charges so as to ascertain whether he is in fact detained for his writings. No new information as of 30 June 2016.

Sentenced

**\*Elchin HASANOV**

**Profession:** journalist, deputy editor of Yukselish Namine (In the name of ascension), member of the supreme majlis, deputy head of the NGO Legal Education for Sumgait Youth. **Sentence:** One year of corrective labour which involves paying part of one's salary to the state **Date of arrest:** 3 March 2016 **Details of arrest:** The arrest and criminal case against Elchin Hasanov stems from an incident from 2015, when he was [reportedly](#) attacked by the former head of the news agency Asia, Jafar

Jafarov, who claimed that Hasanov hit him with a heavy object. **Details of trial:** Hasanov complained to the police and was initially placed under 'victim' status, but on the 3 March 2016 he was charged with hooliganism (Article 221.1 of the Criminal Code), and he was informed that he would be under police surveillance. After he alerted the press about his case, the charges against him were changed to the more severe charge of hooliganism with bladed weapons (Article 221.3), although the investigation did not establish the object used by him. His lawyer also claims that there are no witnesses. At his trial on [1 June 2016](#), the court changed the charge back to hooliganism and sentenced him to one year's corrective labour, for which he must pay 20 per cent of his salary to the state for a year. He appealed against the conviction and sentence. On 21 June, the prosecutor [filed an appeal](#) against the initial verdict, seeking a three-and-a-half-year prison sentence for Hasanov. **[Stop Press:** On 27 July 2016, the Court of Appeal [rejected](#) the appeals of both defence and prosecution and upheld the initial verdict.] **Background:** Hasanov [claims](#) that he is being persecuted for his journalistic and opposition activities, and he says that moving from a victim to being charged can be explained by his recent publication on Facebook exposing the sale of canned meat prohibited for sale, meant for the Army. **Other information:** Jafar Jafarov is currently on trial for charges of extortion but not in relation to the attack on Hasanov. When Hasanov reported the case to police, Jafarov was after a time held but not in relation to this complaint, but instead on the extortion charges.

### Harassed

#### **\*Akram AYLISLI**

**Profession:** author, poet, playwright **Date of birth:** 1 December 1937 **Date of harassment:** 30 March 2016 **Details of harassment:** Aylisli was [reportedly](#) detained at Heydar Aliyev airport in Baku in the morning of 30 March, after attempting to travel to Incroci di Civiltà literary festival in Venice, where he was due to speak. Aylisli was detained by border guards at 4 am that morning, and was held for five hours after being told that he could not travel, although no reason was given at the time. His bags were taken off the plane and searched several times over the course of the day, and at 9:30am he was taken into custody by the airport police after accusations that he was creating a public disturbance, hindering the work of border officials and disturbing other passengers. He was then held for over 10 hours and interrogated. Later in the evening Aylisli was accused by a border official of punching him in the chest hard enough to bruise, in a room without security cameras and while his son had stepped outside. His son [reportedly](#) denied the allegations against him, and stated that after being told he was banned from leaving the country, he attempted to find out why, with no answer being given by the border officials. [Local media report](#) that the Interior Ministry accused the 78 year-old of coming into conflict with border officials, with Aylisli hitting a border guard. The next day, [it was reported](#) that a lawsuit had been filed against the writer, under Article 221.1 (hooliganism) of the Criminal Code of Azerbaijan; he was accused of attacking a border official, and his passport was returned the next day. Aylisli released a statement [saying](#) that the alleged punch was used as justification to refuse his right to leave the country, despite allegedly happening after his plane had left. He was formally [charged with hooliganism](#) on 6 April 2016; on 22 April 2016, it was [reported](#) that the charges facing Aylisli had now expanded to include that of resisting the authorities with violence, under article 315.1 of the Criminal Code. This came after Aylisli had written a letter to the Azerbaijani President, suggesting that it was absurd that a 78-year-old man (Aylisli) could assault a young border control guard, and asking him to remove the charges against him. The new charges are punishable by up to three years in prison. In this [letter](#) he also wrote about the continuing public campaign against him. He remained free as of 30 June 2016. **Background:** Aylisli was a popular writer in Azerbaijan up until the publication of his novel *Stone Dreams*, which tackled the issue of Azerbaijani-Armenian relations and included depictions of pogroms allegedly carried out by Azerbaijanis against Armenians. He had previously been awarded the title of People's Writer, as well as two of the highest state awards in Azerbaijan, the Shokrat and Istiglal medals. After the 2013 publication, he was stripped of his titles and medals, and the

President signed a decree stripping him of his presidential pension; his books were also burnt, and [it was reported](#) that a politician from a pro-government party offered a \$13,000 reward to anyone who cut off one of his ears. Furthermore, his wife and son were both fired from their jobs, he was branded an apostate, he was dropped from the Union of Azerbaijani Writers, people organised rallies against him, and his books were withdrawn from school curriculum, along with his plays being banned by theatres. Members of the Azerbaijani parliament discussed whether he should be expelled from Azerbaijan and his citizenship repealed, as well as whether he should undergo a DNA test to see if he is ethnically Armenian.

**Genimet ZAKHIDOV (or Ganimat ZAHID):**

**Profession:** editor of the opposition newspaper Azadlyq **Details of harassment:** Genimet Zakhidov fled to France in exile in 2011. However, Azerbaijani authorities are harassing the members of his family who still live in the country. According to Reporters Without Borders, his mother has been placed under close surveillance for a long time. His nephew Tural Zakhidov was arrested on 18 July 2015 for allegedly refusing to comply with instructions from the police and was quickly given an 'administrative' sentence of 30 days in detention. His cousin Rovshan Zakhidov and another nephew, Rufat Zakhidov, were arrested separately on 20 July 2015, with Rovshan placed under 'administrative' detention for 25 days while Rufat is facing 5 to 12 years in prison on a charge of drug possession. **Update:** It was [reported](#) that both Rovshan and Rufat had been jailed on charges of drug possession on 28 June 2016. They had spent almost a year in pre-trial detention. Neither of these relatives have been involved in any journalistic or political activity. **Background:** Zakhidov was arrested on trumped-up charges in November 2007 and sentenced to four years in prison. He was released in March 2010 under a presidential pardon after serving over half the sentence. He fled the country with his wife and children in 2011, after they were the targets of serious threats, and has continued to run Azadlyq from exile in France, although it is being subjected to government-orchestrated economic asphyxiation. Criminal defamation charges were reportedly filed against him by two public officials in connection with an article published in March 2013, which alleged that the ministers supported two opposing factions within the administration and were therefore in conflict with each other. Azadlyq itself has faced problems. On 14 June it was reported that they had been given until 27 June to repay alleged debts of 17,000 AZN (about \$12,000) or the newspaper would be closed. It was later [reported](#) that the date had been extended for two weeks after a partial repayment of debts.

Conditional Release

**Khadija ISMAYILOVA (f):**

**Profession:** investigative journalist and radio host for Radio Free Europe **Sentence:** Seven and a half years in jail **Date of arrest:** 5 December 2014 **Date of release:** 25 May 2016 **Details of arrest:** served with a two-month pre-trial detention order by the Sabail District Court of Baku on 5 December 2014, which was repeatedly extended until her eventual trial and conviction. **Details of release:** Freed on probation on 25 May 2015 following an appeal under conditions that would confine her to Baku. Ismayilova announced that she would continue to try to clear her name. **Details of trial:** She was initially charged under Article 125 of the Penal Code with having allegedly provoked the attempted suicide of Tural Mustafayev, the former contributor to Radio Azadlyg and another opposition media platform, Meydan TV (he had allegedly tried to kill himself two months previously). Later, charges of tax evasion, illegal business activity, and abuse of power were brought against her. Ismayilova was sentenced to seven and a half years in prison on 1 September 2015 after conviction of tax evasion, illegal business activity, and abuse of power. At her appeal on 25 May 2015, her sentence was commuted to a three and a half year suspended sentence and she was released. **Background:** Ismayilova has faced repeated judicial and other harassment. **1)** She was called in for questioning by the state prosecutor's office on 18, 19 and 20 February 2014 in relation to a Facebook post that included a photo of a scanned

document reportedly issued by the Azerbaijani security service, the Ministry of National Security (MNB). The document alleges the recruitment of an Azerbaijani opposition activist as an MNB informant. Ismayilova, who redacted the name of the purported recruit before publishing the document, said on Facebook that she had been given the document by a former MNB employee. **2)** She is currently [being sued for libel](#), as part of a legal proceeding that began on 9 October 2014, by Elman Gassanov, a former member of the Popular Front party. He accuses her of having defamed him in an article in which she pointed to his work in subverting opposition organizations on behalf of intelligence services. **3)** In March 2012, Ismayilova was subjected to a campaign intended to intimidate her into stopping a very public investigation into President Aliyev's family's alleged interests in lucrative construction projects in Baku ahead of the Eurovision Song Contest. She received anonymous threats warning her to stop her work or face consequences. When she did not, a video of a personal nature, purportedly depicting her, was posted online, and the pro-government media published articles calling her 'immoral' and 'corrupt'. **4)** Another wave of harassment started in April 2013 and continued through the year, with videos secretly recorded in the journalist's apartment being posted online. **Other information:** Numerous states and human rights mechanisms have called for Ismayilova's release. **Awards:** 2012 Gerd Bucerius Free Press of Eastern Europe Award; 2012 Courage of Journalism Award; 2013; Global Shining Light Award for a report with other journalists exposing 'questionable business dealings' involving the family of Azerbaijani President Ilham Aliyev; 2015 PEN America/Barbara Goldsmith Freedom to Write Award. **PEN action:** On 12 August 2013 PEN signed a joint letter to President Aliyev protesting the harassment of Ismayilova and calling for a thorough investigation into the threats made against her. PEN was a signatory to a joint statement in October 2014 protesting a travel ban imposed on her and calling for all legal proceedings against her to be lifted. 2015 [International Women's Day Action](#); RAN 02/15 and update; [Statement](#) to 59<sup>th</sup> session of the Commission on the Status of Women; [news release](#) 1 September 2015. [Intervention](#) in January 2016 before the European Court of Human Rights; [second intervention](#) in April 2016. **Honorary Member:** PEN Canada.

#### **Arif YUNUS:**

**Profession:** historian, writer and activist, and head of the Department of Conflict and Migration of the Institute of Peace and Democracy **Date of birth:** 12 January 1955 **Sentence:** seven years in prison **Date of arrest:** August 2014 **Date of release:** 12 November 2015 **Details of arrest:** Arif Yunus and his wife Leyla Yunus, an outspoken political activist, were arrested in August and July 2014, respectively. They were detained following Leyla's public calls for a boycott of the inaugural European Games, which were held in Baku in June 2015. **Details of release:** The Baku Court of Appeals granted Yunus's release on 12 November at the request of his lawyers after his health deteriorated. **Update:** After initially not being allowed to leave the country, both Arif and his wife Leyla were granted permission and left on 19 April 2016 to go to their daughter in the Netherlands. They are [reportedly](#) still facing treason charges, stemming from allegations of spying for Armenia. **Place of detention:** Arif was held at the Ministry of National Security's investigative prison. **Details of trial:** On 13 August 2015 Arif Yunus was sentenced to seven years in prison by the Baku Court of Grave Crimes. Leyla Yunus was sentenced the same day to eight and a half years in prison. Both were convicted on politically motivated charges, including illegal entrepreneurship, tax evasion, and fraud. **Health concerns:** Both Arif and Leyla suffer from serious health problems and their health deteriorated sharply in detention. This caused delays during trial proceedings, including on the day of the verdict, when Arif fainted and was attended to by a doctor. He suffers from very high blood pressure. **Other information:** In August 2015, Michel Forst, Special Rapporteur on the situation of human rights defenders; Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association; David Kaye, Special Rapporteur on freedom of opinion and expression; Mónica Pinto, Special Rapporteur on the independence of judges and lawyers; Dainius Pûras, Special Rapporteur on the right to health; and Seong-Phil Hong, Chair-Rapporteur of the UN Working Group on Arbitrary Detention issued a [joint statement](#) expressing concern at the sentencing of Yunus and his wife Leyla.

Mentioned in European Parliament [Resolution](#) of September 2015 **Background:** Arif Yunus has published over 30 books and 190 articles related to Azerbaijani history and Armenian-Azerbaijani relations. **PEN Action:** [Resolution on the Republic of Azerbaijan](#), 80<sup>th</sup> PEN World Congress, October 2014.

#### Released

#### **Parviz HASHIMLI:**

**Profession:** journalist **Sentence:** eight-year prison sentence **Date of Arrest:** 17 September 2013 **Date of release:** 17 March 2016 **Details of arrest:** arrested by Ministry of National Security officials. News reports said that agents also raided Hashimli's home in Baku, where they claimed to have found a pistol and several hand grenades. The agents conducted the search without presenting Hashimli's wife with a court order and in the absence of the journalist's lawyer. Despite possessing a search warrant, it was [reported](#) that the officers first tried to enter through the windows. He was issued with a two-month pre-trial detention order on 18 September 2013 by the Sabail District Court. His detention term was extended for another three months on 7 November 2013. On 26 September 2013, the Baku Appellate Court denied his appeal against his pre-trial detention. On 23 December 2013, the Baku Appellate Court denied Hashimli's appeal against the denial of his request for transfer from the Ministry of National Security remand centre to a pre-trial detention facility. **Details of release:** On 17 March 2016 it was reported that Hashimli was released after being included in a presidential decree celebrating the Novruz holiday, along with 148 other prisoners. **Place of detention:** Held in No 1 Prison as of August 2014 **Details of trial:** Hashimli was brought to the courthouse with a bag over his head. Charged under two articles of the Azerbaijani Criminal Code: Article 206.3.2 ('pre-arranged smuggling of firearms by an organised group') and 228.2.1 ('pre-arranged illegal procurement, storage, and transport of firearms and their spare parts by an organised group') and of repeatedly committing the same acts (Article 228.2.2). He was sentenced to eight years in prison on 15 May 2014. His appeal against his conviction and sentence was rejected on 24 December 2014. **Conditions of detention:** Hashimli was allegedly subjected to torture and other ill-treatment during his detention at the Ministry of National Security remand centre. His lawyer reports that the journalist was placed in a 'punishment cell'. Hashimli has reportedly alleged that he was stripped naked and that he refused the food served to him by guards; he said that he was denied contact with his family and lawyer. The ministry is reported to have refuted the claim, and the prosecutor's office did not investigate his allegations. **Background:** The agents also raided the newsrooms of his places of work, *the Moderator* and *Bizim Yol*, and confiscated their equipment, according to reports. Both outlets are known for their coverage of corruption and human rights abuses as well as for their critical reporting on the government of Azerbaijan's authoritarian president Ilham Aliyev. **Other information:** Hashimli is also the Chairman of the Centre for Protection of Political and Civil Rights. **PEN Action:** Mentioned in joint [third party intervention](#) to European Court on Human Rights about the situation of freedom of expression in Azerbaijan.

#### **Hilal MAMEDOV:**

**Profession:** editor-in-chief of independent newspaper *Talyshi Sado* (*Voice of the Talysh*) and human rights activist **Date of birth:** 1959 **Sentence:** five years in prison **Date of arrest:** 21 June 2012 . **Date of release:** 17 March 2016 **Details of release:** Mammadov was included on the 17 March 2016 Presidential decree, which pardoned 148 prisoners, a number of which were PEN cases. **Place of detention:** Penal colony No. 17 **Details of trial:** In a press release, Azerbaijan's Interior Ministry stated that Mamedov had undermined the country's security in his article for *Talyshi Sado*, in his interviews with the Iranian broadcaster *Sahar-2*, and also in unnamed books he had allegedly translated and distributed. The statement also denounced domestic and international protests against Mamedov's imprisonment and said the journalist had used his office to spy for Iran. Mamedov was convicted on 28 September 2013 of illegal selling of drugs (Article 234.4.3 of the Criminal Code), treason (Article 274 of the Criminal Code), and incitement to national, racial, social

and religious hatred and hostility (Article 283 of the Criminal Code) by the Baku Court of Grave Crimes. According to reports, a preliminary hearing took place in Baku during the first week in January 2013. Mamedov's family claim that the drugs that police claimed to find in his apartment were planted, and have stated their belief that the arrest was politically motivated. Another hearing of his case took place on 29 May 2013 at the Baku Grave Crimes Court. The trial started with the presentation of a written 'objection to the composition of the jury' by the defence, which was not accepted by the judge. During the hearing Mamedov said that the prosecution was a reprisal for his social activism and critical opinions. Further hearings took place on 5 June and 10 July 2013. Lawyers for Mamedov petitioned the court to be allowed to question the investigators who searched Mamedov's house during his arrest. The court rejected the petition. Human rights observers inside and outside Azerbaijan believe that that he is being punished for his journalism and activism for national minorities' rights. There are concerns over the fairness of his trial, including reports of coercion of witnesses and lack of substantive evidence against him. Mamedov's conviction was upheld by a higher court on 25 December 2013 and by Azerbaijan's Supreme Court on 26 June 2014. Mamedov complained that the Interior Ministry and the Prosecutor General's office had violated his right to the presumption of innocence in a joint statement on July 4 2013 by presenting him as a guilty person, although his guilt had not been proved by the court. His complaint was thrown out by the Baku Court of Appeal on 21 January 2014, but was reportedly upheld on 12 June 2014 by the Board for Administrative and Economic Affairs of the Supreme Court which ordered a retrial in the Baku Court of Appeal. His lawyers submitted an appeal to the European Court of Human Rights which, in November 2014, began communications with the Azerbaijani authorities in the case over Mamedov's complaint regarding violations of the prohibition on torture and the right to liberty. **Update:** On 4 February 2016, the [ECtHR found](#) that Mamedov's rights under Article 3 (prohibition of torture) of the European Convention on Human Rights had been violated twice – once because he was tortured and once because his complaints of torture were not investigated **Health concerns:** Mamedov was reportedly attacked and injured by his cellmate on 29 November 2012. He was saved from serious injury by the intervention of prison guards. **Background:** Mamedov's newspaper is printed in the Talysh language, which is related to Persian. The Talysh minority's leader in Azerbaijan, Novruzali Mamedov, who edited the newspaper before Mamedov, died in prison in 2009 after he was found guilty of spying for Iran and was sentenced to 10 years in prison. **Other information:** In May 2015, the Council of Europe Commissioner for Human Rights, Nils Muižnieks, said that Mamedov had been unjustly imprisoned and should be released. Mentioned in European Parliament [Resolution](#) of September 2015. **PEN Action:** Mentioned in joint [third party intervention](#) to European Court on Human Rights about the situation of freedom of expression in Azerbaijan.

#### **Omar MAMEDOV:**

**Profession:** blogger **Sentence:** five years in prison **Date of arrest:** 24 January 2014. **Date of release:** 18 March 2016 **Details of arrest:** Mamedov was arrested shortly after returning to Azerbaijan from Northern Cyprus, where he is a student at Cyprus International University. Upon Mamedov's return to Azerbaijan he was invited along with his father to have a 'talk' with the police, during which they confiscated his laptop and demanded that he close an anti-government Facebook page. The following day he was charged with possession of drugs and remanded in custody. **Details of release:** Mamedov was released under the March 2016 presidential decree. **Details of trial:** Mamedov was convicted of 'possession of drugs' under Article 234.4.3 of the Penal Code on 11 July 2014 and sentenced to five years in prison. His lawyers said that they would file an appeal. His appeal against his conviction and sentence was rejected by the Baku Appeal Court in December 2014 **Background:** Mamedov was an active blogger who often reported human rights abuses and used to manage the anti-government 'Selections from AzTV' and 'Named after Heydar Aliyev' Facebook pages. While he was studying abroad his father was reportedly summoned to the interior ministry's organised crime directorate where he was told to get his son to stop 'slandering' the government. He is a member of several youth opposition movements including NIDA (Nida Civic Movement, which works for political and social reform). Eight other NIDA activists were sentenced to between six and eight years in

prison in May 2014. **Other information:** Dunja Mijatović OSCE Representative on Freedom of the Media has referred to his case in several statements, most recently in May 2015 when she called for the release of all imprisoned journalists in Azerbaijan. In September 2014, the European Parliament passed a [resolution](#) on the human rights situation in Azerbaijan referring to his case. Amnesty International regarded him as a prisoner of conscience.

**Rauf MIRKADYROV (or MIRGADIROV):**

**Profession:** Turkey correspondent for Azerbaijani newspaper *Zerkalo* **Date of birth:** 1969 **Sentence:** six years in prison, commuted to five years suspended sentence **Date of arrest:** 19 April 2014 **Date of release:** 17 March 2016 **Details of arrest:** Mirkadyrov was detained in Ankara, Turkey on 18 April 2014 in connection with his travel documents allegedly having expired. He was deported to Azerbaijan the following day. He was arrested upon his arrival in Baku and placed in pre-trial detention following a hearing on 21 April 2014, renewed twice in 2014. In May 2015 his detention was extended until 19 September 2015. **Details of release:** On 17 March 2016 Mirkadyrov was released by an appeal court in Baku after his prison term was commuted to a five year suspended sentence. **Details of trial:** When brought before the Nasimi District Court in Baku on 21 April 2014, the prosecutor-general accused him of being an Armenian spy, citing his past trips to Armenia and Georgia as well as his time in Turkey. Mirkadyrov was accused of meeting Armenian security services and handing them political and military information as well as Azerbaijani state secrets during his stay in Turkey. Mirkadyrov denied the accusations as politically motivated, claiming that they are in retaliation for his work. In a [statement](#) in November 2014 to the OSCE, responding to a report by the Special Representative for Freedom of the Media, the authorities said that he was held under suspicion of treason under Article 274 of the Penal Code. On 28 December 2015, his lawyer [announced](#) that he had been convicted of high treason, namely spying for Armenia and had been sentenced to six years in prison. The prosecution contended that Mirkadyrov had been recruited as a spy by prominent human rights defender Leyla Yunus and her husband **Arif Yunus** (see Conditional Release below). **Background:** At the time of his arrest Mirkadyrov had been a reporter in Turkey for three years, often criticising both Turkish and Azeri authorities for human rights abuses. He has also been involved in non-governmental projects focused on improving dialogue between Armenia and Azerbaijan. His arrest and deportation followed a visit to Baku by Turkish Prime Minister Erdoğan. Mirkadyrov's family were reportedly granted asylum in Switzerland in December 2014. **Other information:** There has been a widespread outcry at his deportation and trial. **PEN Action:** Mentioned in joint [third party intervention](#) to European Court on Human Rights about the situation of freedom of expression in Azerbaijan.

**Elsever MURSELLI:**

**Profession:** Facebook activist **Sentence:** two years in prison **Date of arrest:** 3 October 2013, one week before the presidential election **Date of release:** October 2014 **Details of trial:** charged with 'possession of drugs'. Police warned Murselli's family that he could get a lengthy prison sentence if the family publicised the arrest to the media or retained a lawyer of their choosing; he was instead defended by a state-appointed lawyer. In April 2014 he was sentenced to five years in prison. On 23 June 2014, Murselli wrote a letter of apology to the president. A month later in July, his sentence was reduced to two years by an appeal court. **Update:** PEN has now learned that Murselli was released in a presidential pardon in 2014, according to [Human Rights Watch](#) **Background:** Murselli was active on social media during the lead-up to the presidential election, when he posted on Facebook about social problems in Khachmaz, northern Azerbaijan. He alleged corruption and nepotism and called on people to vote for a certain political opposition candidate. Murselli had also participated in pre-election opposition demonstrations and posted video footage of the rallies online. **Other information:** In September 2014, the European Parliament passed a [resolution](#) on the human rights situation in Azerbaijan referring to his case.

**Tofig YAGUBLU:**

**Profession:** columnist for *Yeni Musavat* newspaper and Deputy Leader of the opposition Musavat Party. **Sentence** Five years in prison **Date of arrest:** 4 February 2013 **Date of release:** 17 March 2016 **Details of arrest:** Yagublu was arrested with co-leader of the REAL movement, Ilgar Mammadov. Yagublu was accused along with Mammadov of organising a mass protest that led to violence and the breakdown of order in the province of Ismailli on 23-24 January 2013. The protest took place after a traffic incident involving a government minister's son and local residents led to an altercation. This incident led to a series of violent reprisals by local residents including the burning of cars and a hotel alleged to belong to Nizami Alakbarov. On the second day, a group of protesters attempted to walk on the Governor's home, demanding his resignation and throwing stones. This then led to confrontation with security forces who responded with force. In a statement afterwards, Tofig Yagublu and Ilgar Mammadov both stated that they went to the region and protest as observers and played no role in stirring up unrest among the local population. The founder of *Yeni Musavat* newspaper and the head of the Musavat Party executive board have both confirmed that Yagublu was on a reporting assignment in Ismayilli and that he was carrying a press card at the time of his arrest. Yagublu was reportedly initially arrested on 24 January 2013, when he arrived at the town to interview local residents about the causes of the unrest. In August 2013, the Nasimi District Court of Baku ruled to extend his detention until 4 December 2013. **Details of release:** Yagublu was released alongside other journalists and activists under the March Amnesty decree from the president. **Place of detention:** He was being held at Prison No. 13 in late 2014, according to *Kavkazsky Uzel*. According to his lawyer, Yagublu was released for seven days in April 2015 to attend the funeral of his daughter. **Details of trial:** Initially charged with organising public disorder (Article 233 of the Criminal Code), Yagublu was charged in May 2013 under Article 220.1 of the Criminal Code of Azerbaijan ('organising mass acts of violence'), and Article 315.2 ('resisting the authorities in a manner dangerous to life or health'). His trial began on 18 November 2013 in the Sheki Court of Grave Crimes. Yagublu was found guilty of 'organizing mass acts of violence' and sentenced to five years in prison on 17 March 2014. Yagublu's appeal was denied by an appeal court in September 2014 and his appeal to the Supreme Court was due to begin in January 2015. However, the Supreme Court postponed consideration of the appeal on 13 January 2015. **Other information:** On 5 November 2015, the European Court of Human Rights [ruled](#) that Yagublu had suffered a violation of his rights under Article 5 of the European Convention (right to liberty and security) by ordering him to be detained in the absence of a reasonable suspicion that he had committed a criminal offence and ordered the state to pay him compensation. **PEN Action:** Mentioned in joint [third party intervention](#) to European Court on Human Rights about the situation of freedom of expression in Azerbaijan.

Case closed

**Emin HUSEYNOV:**

**Profession:** journalist, blogger, director of the Institute for Reporters' Freedom and Safety (IRFS) in Azerbaijan **Date of birth:** 4 December 1979 **Details of trial:** Huseynov was charged in absentia with tax evasion and illegal entrepreneurship in August 2014 and placed under criminal investigation. Fearing arrest, he sought refuge in the Swiss embassy in Baku the same month (evading Azerbaijani police to enter the building posing as a Swiss national) and stayed there for 10 months. He was flown out of Azerbaijan by the Swiss government on 12 June 2015, reportedly following months of negotiations between the Swiss and Azerbaijani authorities, and is currently seeking political asylum there. PEN is seeking clarification as to whether the charges against Huseynov have been dropped. No new information as of 30 June 2016. **Background:** Huseynov, a fierce critic of President Aliyev, was beaten by the police in 2003 and 2008. His family faced various kinds of pressure from authorities from the moment he sought refuge at the Swiss embassy. **Other information:** On 7 May 2015, the European Court of Human Rights [ruled](#) that Emin Huseynov had suffered two violations of Article 3 (prohibition of inhuman or degrading treatment and lack of effective investigation) of the

European Convention on Human Rights; a violation of Article 5. 1 (right to liberty and security); and a violation of Article 11 (freedom of assembly) during his arrest and beating by police in 2008. Case closed as he is no longer at risk of imprisonment

## **BELARUS**

### Conditional Release

#### **Alyaksandr ALESIN:**

**Profession:** journalist for the Minsk-based independent newspaper *Belorusy i rynek* (Belarusians and the Market) **Date of arrest:** 25 November 2014 **Date of release:** 10 December 2014 **Details of release:** Alesin was released on bail after a state-appointed lawyer requested his release on health grounds. However, he was banned from traveling outside Belarus pending investigation. **Details of trial:** Alesin was reportedly initially charged under articles 356 and 356.1 of the Belarus penal code with 'high treason' and 'collaborating with the special security services or intelligence services of a foreign government,' charges which carry a sentence of five to 15 years in prison. According to [Belorusy i rynek](#), the authorities also amended their initial charges to 'cooperation with a foreign secret service,' which can be punished by up to two years in jail. Following his release, Alesin allegedly signed a pledge not to reveal information about the investigation into his activities. The main suspect in the case is said to be a foreign diplomat with whom Alesin was having a drink in a Minsk café when they were both reportedly detained. **Update:** In January 2016, the prosecution [announced](#) that the case against Alesin had been suspended; Alesin said he hoped the charges would be eventually dropped. No further information as of 30 June 2016.

## **BOSNIA-HERZOGOVINA**

### On trial:

#### **Ivan SUSNJAR:**

**Profession:** editor of poskok.info **Details of trial:** Susnjar is facing trial over a satirical article published in 2012, which was about the case of Nerkez Arifhodzic, a diplomat from Bosnia. The Press Council in Bosnia and Herzegovina characterized the trial as suppression of the freedom of information in the public interest and free satire. As of 30 June 2016, there is no new information about Susnjar's trial.

### Harassed

#### **Employees of Dnevni Avaz (daily newspaper):**

**Date of harassment:** 25 January 2016 **Details of harassment:** According to the [Mapping Media Freedom Project](#), the offices of Dnevni Avaz were searched by the Bosnian State Investigation and Protection Agency (SIPA). Dnevni Avaz reportedly released a statement condemning the raid by armed police as "brutal pressure on media freedom and an attempt of intimidation." The press council in Bosnia-Herzegovina and the Association of BH Journalists also strongly condemned the raiding of Dnevni Avaz characterising the action as an "intimidation of the media." The police issued a written statement claiming that "the target of the raid was not the newspaper but offices used by Radoncic in the same building." Fahrudin Radoncic, current leader of the co-ruling Union for Better Future (SBB) party, was arrested in the incident. **Background:** On 24 October 2015, two threats were sent to the head offices of the Bosnian daily (**See 2015 Case List**).

#### **\*Milica DZEPINA (f):**

**Profession:** Editor-in-chief of news agency SRNA **Date of threat:** 11 April 2016 **Details of threat:** Minister of Security, Dragan Mektic, threatened Dzepina over the phone and via fourteen text messages. Mektic [reportedly](#) said “When we come to power, you will vanish from the face of the earth.” SRNA had published an article which claimed Mektic lied about getting a law degree from the University of Zagreb, law faculty.

## BULGARIA

### Attacked

#### **\*Stoyan TONCHEV:**

**Profession:** owner of news portal *Zad Kulisite*, Journalist for *Hello Bulgaria* **Date of attack:** 14 January 2016 **Details of attack:** [After leaving his friend’s apartment](#) on the evening of the 14 January, Stoyan Tonchev was reportedly beaten by multiple men with baseball bats. Tonchev was repeatedly asked how long he would continue writing, and local media report that he suffered a skull fracture, concussion, and a broken nose. **Details of investigation:** [Two men](#) were arrested the following day but released for lack of evidence. **Background:** Tonchev has reportedly previously used his site, *Zad Kulisite*, to release investigative articles detailing corruption in the city of Pomorie. It has also been [reported](#) that Tonchev previously ran to become a member of local parliament.

## CROATIA

### On Trial

#### **\*Ante TOMIC:**

**Profession:** Writer, journalist, satirical writer for *Slobodna Dalmacija* and *Jutarnji List* national daily newspapers. **Details of trial:** The Croatia Journalist’s Association (HND) [reports](#) that Minister for Culture, Hasanbegović is suing Tomic for psychological damages up to 30,000 HRK. This is a result of an article Tomic published in Serbian newspaper *NIN* on 28 January 2016, entitled ‘*the Sorrows of a Political Minotaur.*’ The lawsuit claims that Tomic “wilfully and maliciously caused damage to Hasanbegović. Tomic’s lawyer [argued](#) that tomic was protected “by the fundamental tenets of freedom of expression in a democracy”. **Background:** On 31 March 2016, two men [physically assaulted](#) Tomic and called him “Yugoslav Scum” as he was on his way home from the Pričigin literary festival in Split. The Minister for Culture Hasanbegović produced a statement warning of “the importance of being responsible for words spoken and written in public”. His comments were criticised by journalists from *Jutarnji List* and *Telegram.hr* as well as the European Federation of Journalists. The attack was photographed, and two men were arrested. An effigy symbolizing Tomic was burned during the annual carnival in the municipality of Prolozac on 17 February 2015. On 23 February 2014, an unknown man dumped a bucket of faeces over Tomic’s head in a cafe in the centre of Split. [**Stop press:** The trial began on 6 July 2016; the next hearing is scheduled for 16 November]

### Death Threat

#### **\*Hrvoje MARJANOVIC:**

**Profession:** writer for online news *Index.hr* **Date of Threat:** 15 April 2016 **Details of Threat:** Marjanovic received multiple death threats and threats of physical assault, in response to a satirical article he wrote for *Index* about the veneration of Saint Leopold Mandić's body, which was deemed offensive by many. Most of these threats came via Facebook comments when *Index* shared the article on their Facebook page. The Croatia Journalists Association (HND) [condemned](#) the

threats, saying “no article should be used as a justification or a reason for verbal or physical violence.” **Details of investigation:** Index reported the incident to the police. There is no further information as of 30 June 2016.

### Attacked

#### **Zeljko PERATOVIC:**

**Profession:** freelance journalist and blogger **Details of attack:** Zeljko Peratovic was [reportedly](#) beaten by three unknown assailants on 28 May 2015. The reported attack took place at approximately 7pm in front of the journalist’s home in Luka Pokupska, near the town Karlovac. The alleged attackers arrived by car and beat Peratovic about the head, leaving him in need of medical attention. **Details of investigation:** Three men were arrested but quickly released. In August 2015, reports indicated three men were to be investigated for attempted murder. **Update:** In February 2016, the Karlovac county state attorney reportedly closed the murder attempt investigation for lack of evidence. **Background:** Peratovic is well known for his investigative stories. He has received several serious threats in the past. **Awards:** Croatian Journalists Association's Investigative Journalism Award in 2014.

### Threatened

#### **\*Ivica DJIKIC:**

**Profession:** Editor in chief of *Novosti* (weekly bilingual Newspaper which covers issues relating to the Serb minority) **Date of Threat:** 25 April 2016 **Details of Threat:** According to [the Mapping Media Freedom Project](#), Djikic recieved an anonymous threatening letter claiming to come from the Duvno/Tomislavgrad branch of the Croatian Defense Forces (HOS). It was reported that this threat was in connection to Djikic's promotion of a book about the World War II atrocities committed by the ultranationalist Croatian group Ustasa. The details of the threat were not published. **Background:** Djikic claims that he has recieved almost daily threats since his publication of an article in February 2016 claiming links between Hasanbegovic, Minister for Culture, with far-right organisations. **Awards:** Djikic recieved the Meša Selimović Award in 2003 for his novel *Cirkus Columbia*.

### Harassed

#### **\*Tatjana GROMACA (f):**

**Profession:** Journalist for *Novi List* (Left-wing daily newspaper), poet and novelist **Date of Harassment:** 17 May 2016 **Details of Harassment:** Gromaca was fired as a writer for *Novi List* in May 2016, she believes that she was dismissed as a result of her criticism of the “nationalist point of view”. According to [Balkan Insight \(BIRN\)](#), *Novi List* claims Gromca was dismissed because they no longer needed a reporter in Istria, even though she was not writing on Istrian issues, nor was she a correspondent there.

#### **\*Oriana IVKOVIC (f):**

**Profession:** Deputy Editor of *tportal.hr* **Date of Harassment:** 10 May 2016 **Details of Harassment:** Index.hr [reported](#) that Ivković was fired the day after publishing an article on 9 May 2016 criticising corruption and conflict of interest in the Croatian government. The Croatian Journalist's Association (HND) have expressed concern over the dismissal. *tportal.hr*'s editor-in-chief Jozic claims the dismissal was unrelated to Novokmet's corruption article.

## FRANCE

Since 20 November 2015, France has been in a State of Emergency after several terrorist attacks in France since January 2015, including the attack on the offices of the Charlie Hebdo magazine (See Case List 2015). Concerns have been raised about the restrictions on journalists as a result, which include travel restrictions, and limited access to public events. [**Stop press:** This is to be extended following the terrorist attack in Nice on 14 July 2016].

### Harassed

#### **\*Marsactu (online news service):**

**Date of harassment:** 28 February 2016 and 3 March 2016 **Details of Harasment:** The Marseille offices of online news service Marsactu were broken into twice in one week. The first time computers and a camera were stolen, later that week the office was searched. In a press release, Marsactu journalists claimed that their "journalistic activity has been targeted." **Background:** Marsctu specialises in controversial topics and investigative journalism in Marseille. They have reported on the politics of the Front National Part, and ecological, political and financial scandals in Marseille.

### Judicial Harassment

#### **\*Gaspard GLANZ:**

**Profession:** Independent journalist for *Taranis News*. **Date of harassment:** 3 June 2016 **Details of harassment:** Glanz was [arrested](#) on his way to a protest in Paris against a proposed labour law. Glanz [tweeted](#) from the police van, describing the conditions saying "There's 12 of us in total in the van. It's 40 degrees. No water, no air". He has previously covered clashes between police and protestors for *Taranis*. According to a tweet from *Taranis News*, he was arrested for "forming a gathering with the intention of committing an offense". Alexis **KRALAND (see below)** was arrested with him.

#### **\*Alexis KRALAND:**

**Profession:** Independent journalist, who has reported about the refugees in France for the *Huffington Post*. **Date of harassment:** 3 June 2016 **Details of harassment:** Kraland was arrested on his way to a protest against the proposed labour law in Paris. Gaspard **GLANZ (see above)** was arrested with him.

## **GERMANY**

### On trial:

#### **\*Jan BOHMERMANN:**

**Profession:** host of comedy and satire show *Neo Magazin Royale* **Details of trial:** Bohmermann is facing trial for reading out an offensive satirical poem entitled *Abusive Criticism*, about the Turkish president Erdogan. Bohmermann was using the poem to highlight the little known German law which prohibits insulting a foreign state representative. In doing so, he accused Erdogan of having sex with animals, pedophilia, domestic violence and repression of minorities. On 6 April criminal investigations began against Bohmermann, prompted by a Turkish governmental request and a defamation complaint filed by Turkish president Erdogan. Bohmermann faces a prison sentence of up to five years for insulting a foreign state representative under section 103 of the criminal law code. For the case to go ahead, permission was needed from Chancellor Merkel, who duly granted it on 15 April 2016, even though Chancellor Merkel has indicated that the law will be repealed by 2018. On 17 May 2016, the Hamburg district court has banned parts of the poem despite the fact Erdogan requested that the whole poem be banned. **Background:** Bohmermann is known for

controversial comedy on his show *Neo Magazin Royale*. Since 12 April, Bohmermann and his family have been under police protection having received death threats from Erdogan supporters **PEN action:** [statement](#) of 16 April 2016

## GREECE

### Killed – Impunity

#### **Pavlos FYSSAS (aka Killah P):**

**Profession:** hip hop artist **Date of birth:** aged 34 when killed **Date of death:** 18 September 2013

**Details of killing:** Fyssas was stabbed twice outside a cafe in the Keratsini area west of Athens.

**Details of investigation:** The police arrested the reportedly self-confessed killer, Giorgos Roupakias, a supporter of far right political party Golden Dawn. The trial of 68 Golden Dawn members on charges including the murder of Fyssas began on 20 April 2015. It was adjourned several times (reportedly due to the absence of virtually all politicians implicated in the party's alleged criminal activities). Judges have allowed Fyssas' mother and sister to address the court as civil claimants. The prosecutor has proposed that Fyssas' relatives seek compensation only from those charged with the actual murder, Roupakias and his accomplices, and not from Golden Dawn politicians who are alleged to have been briefed about the attack. In the trial Fyssas's family members have all testified accusing the Golden Dawn of directing a professional hit on Fyssas. On 17 September 2015 Nikos Michaloliakos, the leader of the Golden Dawn, accepted political responsibility for the murder of Fyssas on live radio but has not testified officially. Seventeen individuals are being tried for the murder of Fyssas. Having spent the maximum 18 months in pre-trial detention, they are now living under house arrest. The trial is ongoing as of 30 June 2016.

### Attacked

#### **\*Petros ANASTASSIADES**

**Profession:** Journalist for *Rizospastis*, the official newspaper of the Greek Communist Party. **Date of attack:** 10 March 2016 **Details of attack:** Anastassiades was covering a meeting on migration at the Regional Council of Attica, when he was attacked by 30 'Golden Dawn' members, according to [The Press Project](#). They reported that Anastassiades was attacked while trying to protect another audience member, as Elias Panagiotaros, Member of the Greek Parliament for 'Golden Dawn', was speaking. Police who were outside the event did not intervene. The International Federation of Journalists (IFJ), the European Federation of Journalists (EFJ) and the Journalist's Union of Athens Daily Newspapers (ESIEA) condemned the attack.

#### **\*Oscar WEBB:**

**Profession:** Freelance journalist who reports on the refugee crisis for online news services, such as *Middle East Eye*. **Date of attack:** 6 April 2016 **Details of Attack:** Webb was assaulted at an anti-refugee protest on Chios. The [Mapping Media Freedom Project](#) reported Webb's description of the attack: "I was told to stop filming. They pushed me and tried to grab my camera when I continued filming. They tried to snap the microphone off. When I held onto my camera and stood my ground a man punched me". There are no details of an investigation into the attack.

## ITALY

### On trial

**Maria CATTINI (f), Profession:** journalist at L'Aquila blog

**Germana D'ORAZIO (f), Profession:** editor of L'Aquila blog

**Details of trial:** On 1 May 2015 Paolo Costanzi, an administration manager for the regional council of Abruzzo demanded compensation of 51,000 Euros for defamation. Cattini had offered to publish a clarification, but the official chose to sue. The first hearing was due to be held at the Civil Court of L'Aquila on 7 October 2015. No further information as of 30 June 2016.

**Liborio LA MATTINA:**

**Emiliano ROZZINO:**

**Profession:** journalists for *La Voce del Canavese* **Sentence:** 18 months and six months in prison respectively **Details of trial:** Both were convicted in Turin in relation to an article entitled *Condominiopoli* published on 23 July 2007 and to a correction published the following week on the building boom in Chivasso. Following the publication, a city councilor of Chivasso and his lawyer sued them for libel. La Mattina was sentenced to 18 months in prison (an aggravated sentence as he had already received another conviction for defamation) and Rozzino six months. Both were ordered to pay damages of 20,000 Euros. An appeal court upheld the sentences in December 2014. On 6 November 2015, the Supreme Court [annulled](#) the appeal court verdict and ordered the appeal to be reheard. No new information about the appeal as of 30 June 2016.

### Death threat

**\*Paolo BORROMETI:**

**Profession:** founder of online newspaper *La Spia* **Details of threat:** Borrometi was [physically assaulted](#), his house was attacked and he received numerous death threats. In October 2015, alleged Mafia boss of Vittoria Gionbattista Ventura sent a threat saying "You will die. Not even Jesus Christ will help you" via Facebook. **Details of investigation:** He was put under police protection following numerous death threats which were investigated by the police. On 12 July 2016, the trial began of Gionbattista Ventura, who is among those accused of threatening Borrometi. **Background:** Borrometi is currently under police protection. Between 31 December 2015 and 26 January 2016, Giuseppe Cammalleri, under house arrest, sent threatening and insulting messages to Borrometi via the *La Spia*. Borrometi filed two complaints of defamation against Cammalleri to the Ragusa Police, the first on 21 January 2016 and then again on 15 February 2016. Cammalleri faces a worsening of his house arrest conditions. **Awards:** Borrometi has received numerous awards for his writing including in 2014 the *Premio nazionale di Giornalismo d'Inchiesta "Domenico Calabrò"* (National investigative journalism award) and in 2016 the *Premio Il Campione (City Angels e Comune di Milano)*. In 2015 he was awarded the *Cavaliere Ordine al Merito della Repubblica Italiana* (Orde of Merit of the Italian Republic).

### Attacked

**\*Peppe PACE:** journalist for news website FanPage

**\*Antonio MUSELLA:** journalist for news website FanPage

**Date of attack:** 16 March 2016 **Details of attack:** The journalists were both physically and verbally assaulted by Pisano Foundry workers in Fratta. [The Mapping Media Freedom Project](#) reports that the journalists were documenting activists protesting the reopening of the factory, which has been recognised as an environmental threat. They reported the incident to police in Salerno, yet there is no known information of an investigation.

**\* Antonio PASSANESE:**

**Profession:** Journalist for *Corriere Fiorentino* (online news website) **Date of Attack:** 19 June 2016

**Details of Attack:** Passanese was assaulted by former mayor of Sesto Fiorentino, Giani Gianassi. According to [Ossigeno](#), this was to prevent him from reporting the result of a municipal ballot.

Gianassi allegedly pushed and verbally assaulted the journalist who was taking photos of the former mayor supporting the election of Lorenzo Falchi of Sinistra Italiana.

**\*Ilaria PRETI (f):**

**Profession:** Blogger **Date of Attack:** 5 January 2016 **Details of attack:** According to the [Mapping Media Freedom Project](#), Preti was physically and verbally assaulted, by Lanfranco Garavaglia. Garavaglia is the former president of Morus Nigra, a local services agency. Police intervened to stop the assault which took place at the Feast of Epiphany festival in Ossona, Milan. The attack came after Preti posted on Cronacaossona.it about irregularities in a Morus Nigra building project on 10 December 2015. **Background:** On 11 December 2015 she received threatening phone calls from Garavaglia. On 7 January, Preti pressed charges for the assault and threats at the Carabinieri station in Corbetta.

Threatened

**\*Gaia BOZZA (f):**

**Profession:** journalist for news website FanPage **Date of threat:** 10 June 2016 **Details of threat:** [Ossigeno](#) reported that Bozza was threatened by Ciro Froncillo, founder of AvoG, an association which manages food stands in Napoli. He allegedly yelled "I'm going to kill her. I'm going to rip her head off." Bozza was investigating corruption during the 5 June local election, where food was allegedly given in exchange for votes for Froncillo's daughter.

**\*Leonardo PALMISANO:** writer, professor of sociology at the Polytechnic University of Bari, and co-author of *Ghetto Italia*

**\*Yvan SAGNET:** Activist, and co-author of *Ghetto Italia*

**Date of threat:** January 2016 **Details of threat:** the [Mapping Media Freedom Project](#) reported that Palmisano and Sagnet were threatened over the phone and followed in the street after the publication of their book *Ghetto Italia* on 5 November 2015. *Ghetto Italia* investigates the illegal hiring practises and living conditions of foreign workers. They reported the threats to anti-Mafia prosecutors in Bari in February 2016.

**\*Benedetta SALSI (f):**

**Profession:** journalist for *Il Resto del Carlino*, a daily local newspaper **Date of threat:** 25 February 2016 **Details of threat:** According to the [Mapping Media Freedom Campaign](#), Salsi was threatened via post on the Muslims of Italy Facebook group, which called her Islamophobic, revealed some of her personal information and threatened that "under Islamic law these acts are severely threatened that "under Islamic law these acts are severely punished." This came after she published an article for *Il Resto del Carlino* about Luca Aleotti, who is under investigation for terrorism. Salsi reported the threat to local police, and filed a defamation case.

**\*Andrea SCANO:**

**Profession:** Journalist for *L'Unione Sarda* **Date of Threat:** 24 February 2016 **Details of threat:** According to Ossigeno, Scano received three threatening messages from a trade union representative for Eurallumina an aluminium oxide plant in Carbonia. This followed an article Scano published on 23 February 2016 citing concerns over the environmental pollution of the plant that is awaiting local government permission to reopen the coal plant. Scano told [Ossigeno](#) 'In this climate of tension and intimidation neither I nor other colleagues of my newspaper feel free to follow the evolution of the story that relates to Eurallumina'.

**Ruggero VANTAGGIATO:**

**Profession:** director and founder of the biannual satirical magazine *La Carrozza* **Date of threat:** 21 January 2016 **Details of threat:** An envelope containing over 300 22-caliber bullets, a brochure of the

Sunday liturgy and a local copy of the magazine was delivered to the headquarters of the magazine in Lecce. Vantaggiato is now under police protection.

### Judicial harassment

#### **\*Danilo LUPO:**

**Profession:** Journalist for La.7 **Details of harassment:** On 17 May 2016, the City Council of Lecce mandated a lawyer to file a libel case towards Lupo for comments made on his Facebook page. [Ossigeno](#) reported that Lupo allegedly wrote “Apparently in Lecce you can do anything. You can squat a council house. Just get the councilor’s approval. You can buy the best pieces of municipal assets. Just get permission from the mayor.” There are no further details about his trial.

#### **\*Francesco MANDOLINI:**

**Profession:** Blogger **Date of harassment:** 19 May 2016 **Details of harassment:** [Ossigeno](#) reports that Mayor of Monte San Vito, Sabrina Sartini, announced via Facebook that the city council were pressing charges against Mandolini. This came after he published an article on his blog on 17 May 2016, criticising the lack of emergency rooms at a hospital in Chiaravalle. They wish to claim compensation and damages for suggesting the Mayor’s healthcare policies were a failure.

### Sentenced

**Fabio CAPOLLA, Profession:** journalist at *Il Tempo Abruzzo*

**Gianfranco FALCONI, Profession:** blogger and manager of [duepunti.it](#)

**Sentence:** suspended prison term and a fine **Details of trial:** both men were charged under article 684 of the criminal code for the arbitrary publication of criminal documents in relation to articles published in 2013 describing complaints of alleged harassment made by a female police officer of the Teramo Local Police Constabulary against her commander. On 5 February 2016, a Teramo Court convicted both men, and sentenced them to a suspended prison term and a fine of €160. The Capolla and Falconi are reportedly appealing the sentence to the Supreme Court. According to the [Mapping Media Freedom Project](#), the Union of Journalists of Abruzzo and the Order of Journalists of Abruzzo, have expressed solidarity with the media workers and believe the case sets a “a dangerous precedent”.

#### **\*Pasquale CLEMENTE:**

**Profession:** Editor-in-chief of *Il Roma* newspaper **Sentence:** Two years in prison and a fine of €1,500, **Details of trial:** Clemente was tried in the criminal court of Nola in Naples on libel charges under Article 13 of the press law n.37/48. He was sued on 22 July 2010 by Pasquale Giuliano, a former judge and senator. He sued for libel for an article published on 30 April 2010 edited by Clemente in which he criticised the politician. On 3 June 2016, he was sentenced to two years in prison and a fine. Clemente said to [Ossigeno](#) after the conviction “I am baffled by the behavior of the judiciary because instead of dealing with criminals, they sentence a thought offence”. Clemente’s lawyer announced that Giuliano has also advanced a claim for damages before the Judge of the Civil Court. The civil case is still pending. **Other information:** In February 2016 Clemente was indicted alongside **Frattasi** (see below) a journalist for *Il Roma*, by mayor of Naples, Luigi De Magistris. In his article Frattasi quoted Amedeo Labocetta’s comments about the mayor’s corruption. There are no further details about the trial.

#### **\*Pietro COMITO:**

**Profession:** Journalists for *Calabria Ora* (daily newspaper) **Sentence:** €13,100 in fines and damages **Details of trial:** Vincenzo Saraco sued Comito in 2010 for two articles published in *Clabria Ora* on 17 September 2010 and 19 November 2010. [Ossigeno](#) reports that Comito was sentenced on 9 March 2016, to pay Vincenzo Saraco €13,100 in fines and damages. Comito is appealing the First Criminal

Chamber of the Court of Appeals of Catanzaro which overturned his acquittal by the Court of Cosenza.

**\*Pierluigi FRATTASI:**

**Profession:** journalist for *Il Roma*, a daily newspaper **Details of trial:** [Ossigeno](#) reports that Frattasi was indicted by the Prosecutor of the Court of Santa Maria, Capua Vetere, in February 2016. He was sued for libel on 19 December 2014 by Luigi De Magistris, mayor of Naples, for an article published on 2 November 2014. In this article Frattasi quoted Amedeo Labocetta, former deputy regional coordinator of Forza Italia, who claimed that the municipal administration was "propped up by the buying and selling of votes and abstentions in the city council." Labocetta and editor of *Il Roma*, **Pasquale Clemente** (see above) were also sued. There are no further details about the trial as of 30 June 2016.

**Adelina Lilli MANDARA (f), Profession:** reporter for *Il Messaggero*

**Mario ORFEO, Profession:** editor-in-chief of *Il Messaggero*

**Sentence:** 45,000 Euro compensation **Details of trial:** Both were convicted of defamation on 20 October 2015 for a 16 September 2011 article which investigated the then-Prime Minister's alleged promises to the Director of the Regional Environmental Agency of the Abruzzo Region, using information that emerged from an investigation carried out by a prosecutor in Naples. They were sued for libel by the Director.

**\*Nicola RINAUDO**

**Profession:** editor and publisher of *Extra* magazine **Date of sentence:** 15 January 2016 **Details of sentence:** One year suspended prison sentence and €5,300 in fines and damages **Details of trial:** Rinaudo was sued for €10,000 of damages for defamation by Girolamo Fazio, MP of the Sicilian Regional Assembly and former mayor of Trapani. The prison sentence is suspended on the condition that Rinaudo pays €5000 to Fazio. According to [Ossigeno](#), She was sued for a comment she wrote in an article in *Extra* in May 2013 in which she claimed that "Fazio, who has since been promoted ... politically, wanders – at the expense of the tax-paying citizens – on board of a 'blue car' assigned by the Sicilian Region."

Released

**Massimiliano AMATO:**

**Profession:** journalist and writer **Date of release:** On 3 February 2016, Amato was fully [acquitted](#) by the judge of the Fourth Chamber of the Court of Naples **Details of trial:** Massimiliano Amato, one of the authors of the book *Il Casalese* which tells of the story of the former economy undersecretary Nicola Cosentino was tried for defamation following a complaint by Palmiro Cosentino, the brother of Nicola, as the book had confused him with a nephew. On learning of the error, Amato apologised and ensured further editions were corrected.

**\*Emiliano FITTIPALDI:** Journalist and author of *Avarice*, about Vatican corruption

**\*Gianluigi NUZZI:** Journalist and author of *Merchants in the Temple*, about Vatican corruption

**Date of release:** 7 July 2016 **Details of release:** Nuzzi and Fittipaldi were acquitted by a Vatican court after judges ruled that they did not have the authority to examine their cases. **Details of trial:** Nuzzi and Fittipaldi were put on trial in November 2015, alongside three Vatican employees. They were tried under a law that criminalised the leaking of documents that was introduced in 2013. Both journalists faced up to eight years in prison if convicted. The International Publishers Association (IPA) and the Italian Publisher's association (AIE) both condemned the Vatican for putting the journalists on trial, as they did not compromise Vatican public security. **PEN action:** [statement](#) 8 July 2016

## KAZAKHSTAN

### Imprisoned – Main Case

#### **Vladimir KOZLOV:**

**Profession:** journalist and leading member of Alga! (Forward!), a popular, unregistered opposition party in Kazakhstan. In addition to his work in print media, he has worked as an editor for the AKTiVi TV channel, and was also one of the founders of the Kazakhstan's first private television channel, Aktau-Lada. **Date of birth:** 10 August 1960 **Sentence:** Seven-and-a-half-year prison sentence **Date of arrest:** 23 January 2012 **Details of arrest:** Following a police massacre of approximately 15 striking oil workers in Zhanaozen (December 2011), Kozlov travelled to Europe and met with Members of the European Parliament and the European Commission, calling for an international investigation into the killing. He was arrested on his return to Kazakhstan on 23 of January 2012 by the staff of the National Security Committee. **Current place of detention:** In mid-March 2014, following international appeals from human rights organisations, Kozlov was transferred from the penal colony in Petropavlovsk (164/3) to Penal Colony 155/14 in Zarechnoe (or Zarechnoy) village in Almaty. In Petropavlovsk, Kozlov had been 1800 km away from his family in Almaty. In early February 2015, Kozlov was denied a transfer request to a prison with a more lenient regime. The commission that reviewed Kozlov's request to be transferred decided that he should spend the rest of his sentence in the prison where he is currently held. **Details of trial:** On 16 of August 2012, he was charged under the following articles of the Criminal Code of the Republic of Kazakhstan: Article 164.3 ('inciting social hatred'), Article 170.2 ('calling to the overthrow of the constitutional order of the state') and Article 235.1 ('creating and managing an organised criminal group with a view to committing one or more crimes'). He denied all charges. On 8 October 2012 he was convicted and sentenced to seven and a half years in prison, which was upheld by the Appellate Court on 19 November 2012. Kazakhstan's Supreme Court refused to review Kozlov's case on 5 August 2013, saying there were 'no grounds for doing so.' **Conditions of detention:** In July 2015, Kozlov was placed in solitary confinement at least twice after he protested at deteriorating prison conditions. **Other information:** On 11 June 2014, Isabel Santos, the Chair of the OSCE Parliamentary Assembly's Committee on Democracy, Human Rights and Humanitarian Questions, visited Kozlov in prison and raised his 'and other politically-motivated cases' with the Kazakh government. In November 2015, a [video interview](#) with Vladimir Kozlov in prison was published online. **PEN Action:** Kozlov was one of PEN's Empty Chairs at the PEN International World Congress in Bishkek, Kyrgyzstan in September 2014. Before the Congress began, a small PEN delegation travelled to Kazakhstan where they visited Kozlov in jail, expressing solidarity. He passed on a [message](#) to the delegation to be shared with PEN members at the congress. The PEN delegation also protested Kozlov's imprisonment at a [meeting](#) with the Head of the Executive Office of the President of the Republic of Kazakhstan, the Chairman of The Committee of Criminal and the Executive System. [Joint statement](#) with Open Dialog Foundation, 27 August 2015; RAN 11/15. [**Stop Press:** In August 2016, a local court [ordered](#) Kozlov's early release]

### Imprisoned: investigation

#### **Aron ATABEK:**

**Profession:** poet, writer, newspaper publisher and political activist **Date of birth:** 31 January 1953 **Sentence:** 18 years in prison **Date of arrest:** 17 July 2006 **Details of arrest:** Arrested following a July 2006 riot that broke out in the Shanyrak shantytown of Almaty after local residents and activist groups clashed with security forces that had been brought in to clear the area for demolition.

**Current place of detention:** AP 162/1 in Pavlodar **Details of trial:** charged and convicted in 2007 of organising mass disorder. PEN is currently investigating reports that he was also convicted on other charges. Atabek denied the charges. His appeal against the ruling was dismissed in August 2008. Some observers said that the trial was unfair; the prosecution's two key witnesses said – after the guilty verdict – that they had been tortured by the police into giving false evidence against Atabek. In December 2014 a court in Astana dismissed Atabek's appeal against his detention. **Conditions in detention:** Atabek was held in a high security jail in Arkalyk, over 1,600km away from his family, until October 2013. He was placed in solitary as punishment for writing a book that criticised the president (the book, *Heart of Eurasia*, was written in prison, smuggled out, and published on the internet in 2012). He was reportedly denied access to natural light, communication with other prisoners, and writing materials. This was his second period in solitary confinement; he previously spent two years (2010-2012) there for refusing to wear a prison uniform. He was denied family visits from 2010 until the end of 2013. In September 2013, the Karaganda regional court said that it would hear an appeal against Atabek's solitary confinement sentence. In early October 2013, Atabek's family received an anonymous telephone call informing them that the poet was to be transferred to Karazhal Prison in the Kargandy region. The family say that they did not receive any communication from Atabek or from the prison authorities regarding this move. Askar Aidarkhan, Atabek's son made several attempts to discover the whereabouts of his father. He contacted the prison administration numerous times, asking for confirmation that Atabek was now being held in Karazhal Prison. However, on each occasion, the prison authorities refused to give him this information. According to Atabek's son, a local Kazakh human rights organisation was able to confirm with the prison authorities that Atabek left Arkalyk Prison on 5 October 2013. In early December 2013, Askar was able to visit his father in prison. On 5 December 2013, it was reported that Atabek would be transferred to a minimum-security penal colony near Almaty, closer to his family. On 7 April 2014 Atabek was transferred to another prison, AP 162/1 in Pavlodar. In July 2014 Atabek's son revealed that his father has suffered regular beatings to his head and neck during his incarceration in this new prison facility. In November 2014, Atabek alleged that prison guards were deliberately splashing water containing high concentrations of chlorine into his cell, causing him respiratory problems and skin irritation. According to local media sources in September 2015 he was placed to solitary confinement allegedly 'by his own decision' probably because of the other prisoners in the cell. In total he has now spent six years in solitary confinement. **Background:** Atabek has written several books of poetry and prose inspired by Tengriist spirituality, as well as a book about the relationship between the Alash and the Kazakhs. In February 1992, he founded and organised the publication of the monthly newspaper *Khak (The Truth)*. He was awarded the literary 'Almas Kylysh' prize in 2004, as well as the Freedom to Create 'Imprisoned' prize in 2010. On 28 May 2014, Catherine Ashton, the High Representative for Foreign Affairs and Security Policy for the European Union responded on behalf of the European Commission to a question in the European parliamentary about Aron Atabek. She said: 'No evidence linking him explicitly to the death of the police officer or to violence was presented in court...The EU is and will continue to follow the developments in this case very closely and to encourage the Kazakh authorities to ensure that Mr Aron's right to a fair trial has been respected, and that his treatment is in line with Kazakhstan's international commitments and obligations.' **PEN Action:** Calls to action 5 August 2013; Updates on 24, 29 October, 12 November 2013 and 6 January 2014, 17 March 2014, 20 June 2014. Shortly before PEN International's World Congress in Bishkek, Kyrgyzstan (September 2014), a small PEN delegation travelled to Kazakhstan where they protested Atabek's ill treatment at a meeting with Head of the Executive Office of the President of the Republic of Kazakhstan, the Chairman of the Committee of Criminal and the Executive System. World Poetry Day Action [2015](#) and [2016](#).

Imprisoned – main case

**\*Guzyal BAIDALINOVA (f):**

**Profession:** Owner of the website Nakanune.kz **Sentence:** one and a half years in prison **Date of arrest:** 23 December 2015 **Details of arrest:** Guzyal Baidalinova, along with Rafael Balgin and Yulia Kozlova (see below), had her apartment and office searched by police on the 18 December 2015. She was reportedly being prosecuted for 'spreading false information' about the activities of Kazkommertsbank. Investigators allege that KZT144,253,090 (about \$442,380) worth of damage was caused, and this charge carries a maximum of seven years' imprisonment. Almaty police say that they were beginning pre-trial investigations against Nakanune.kz for allegedly disseminating false information about the activities of Kazkommertsbank. On the 23 December 2015 she was placed under arrest for three days. On the 26 December 2015 she was placed under arrest for two months, with bail set at KZT5,946,000 (around \$18,234). An apartment in the name of members of her family was given as bail, but she was not released as Kazakh law allows prosecutors three days to appeal. They appealed on 28 December, and on 31 December Almaty City Court granted this complaint and cancelled bail, remanding her in custody. On the 16 February 2016 Almaty District Court prolonged the pre-trial arrest of Baidalinova, ruling that she must be kept in custody until at least 23 March. Baidalinova rejected the charges and called them politically motivated. **Details of detention:** Baidalinova was held in pre-trial detention from her arrest until her court hearings, despite multiple requests for bail. Baidalinova and her lawyer are [reportedly](#) subject to non-disclosure agreements as detailed in Kazakh criminal procedural code, and were thus not allowed to share information with third parties; details about detention, trial and charges are often unclear. **Details of trial:** The court case against Baidalinova was originally scheduled to commence on the 5 May 2016, but was 'suddenly postponed without explanation' two hours after the hearings began, she herself [wrote](#) on her own Facebook page. The head of the Union of Journalists of Kazakhstan reportedly said that she doubts that the trial will be 'objective, fair and impartial'. Baidalinova was [reportedly](#) convicted and sentenced on 23 May 2016 to a year and a half in prison for 'deliberately distributing false information'. [**Stop Press:** On 12 July, the Almaty Court of Appeal suspended the sentence and ordered the immediate release of Baidalinova] **Background:** Baidalinova previously worked as an editorial worker for the newspaper Golos Respubliki, which was shut down by the government in early 2012. She and other journalists from Golos Respubliki had reportedly also received death threats from plain-clothes police officers after launching another news service, R-studio. Baidalinova was featured in the 2013 case list after she was attacked on 26 April 2013; she stated that she believed that this was an attempt to intimidate her. In September 2013 she was found liable in a libel case Kazkommertsbank brought for loss of reputation. **Other information:** Baidalinova was mentioned in the 10 March 2016 European Parliament resolution on Freedom of Expression in Kazakhstan. **Awards:** Baidalinova was awarded the Liberty award of Kazakhstan by the Liberty Award Committee on 31 May 2016, for her contribution to democratic institutions in the country.

#### Imprisoned – investigation

##### **Jaroslav GOLYSHKIN:**

**Profession:** editor of newspaper *Version* (based in Pavlodar) **Sentence:** eight years in prison **Date of arrest:** 14 May 2015 **Details of trial:** Golyshkin was arrested on 14 May 2015 in connection with an investigation into alleged blackmail and extortion. The investigation was reportedly instigated by the governor of the region, who said that he had been the victim of a blackmail attempt by unknown persons. The alleged blackmailers reportedly asked for \$50,000 in exchange for a video in which the governor's son is accused of rape by his alleged victim, who also claims that she was threatened about talking about the alleged incident. *Version* had reportedly published articles relating to the alleged crime. **Current place of detention:** [Maximum security prison 161/2 in Kostanai](#) **Details of trial:** After several extensions of his pre-trial detention in August and September 2015, Golyshkin was found guilty of extortion and sentenced on 30 October 2015 to eight years in prison. On 17 November 2015 it was reported that Golyshkin would appeal his sentence, although this was subsequently dismissed on 23 February 2016. **Background:** Golyshkin is known for doing well-

researched stories on corruption and criminal cases. He reportedly contacted the alleged victim and filmed her account of the alleged assault. He did not publish the video. In mid-April, he was summoned for questioning by the National Security Agency (KNB) and learned that the governor had accused him of blackmail on the basis of the video. According to reports, the journalist was subjected to repeated interrogations without being charged; he surrendered all copies of the video to the authorities. According to his lawyer, he was finally arrested when he refused to make a false statement clearing the governor's son of any blame.

#### Detained - investigation

**\*Aset MATAEV, Profession:** Director of independent news agency KazTag

**\*Seytkazy MATAEV (also known as Seitkazi, Seitqazi), Profession:** Chairman of Kazakhstan's Journalists Union, head of the National Press Club

**Date of arrest:** 28 March 2016 and 22 February respectively **Details of arrest:** On the 22 February 2016, Aset Mataev and his father, Seytkazy were detained for questioning relating to alleged embezzlement and tax evasion. Mataev and his son reportedly rejected the accusations. While Seytkazy was kept under detention and then transferred to house arrest, Aset was released several hours after he was originally detained. [Aset told RFE/RL](#) that the accusations were 'politically motivated'. Aset was then [reportedly](#) placed under house arrest on 28 March 2016, and his appeal to be released on bail was denied. On 24 February 2016 the Medeu district court ruled that Seytkazy Mataev could be transferred to house arrest while investigations were ongoing. Both have remained under house arrest, with repeated appeals for bail [reportedly](#) being denied. **Details of trial:** Their trial on charges of embezzlement and tax evasion is scheduled to begin on 23 August 2016 **Other information:** [Rights organisations have said](#) that they believe that Seytkazy Mataev is being prosecuted 'on trumped-up charges because of his work as a journalist'. [Adil Soz](#), an Almaty-based media rights organisation has also said that they reject the accusations as being politically motivated, and that the Kazakh authorities were trying to 'curb operations of the National Press Club'. As is common in Kazakhstan, both men and their lawyer are restricted from talking to the press by law.

#### On trial

**Aigul MUSABAEVA (f):**

**Profession:** editor of the newspaper *Issykskiy Vestnik* **Details of trial:** She was charged with criminal libel on 30 March 2015, following a complaint by the deputy director of legal college, Gulbarshyn Mukhamedzhanova, in Enbekshikazakh District Court (Almaty Oblast). The deputy director alleges that the editor, in an article published on 10 March 2015 (entitled 'Death Under Bridge') about the death of a student, 'disseminated misleading information.' No further news as of 30 June 2016.

#### Sentenced

**Ermek NARYMBAEV:**

**Profession:** Civic activist **Sentence:** two and half years 'less prohibitive forms of deprivation of liberty, outside of prison' reduced from three years in prison on appeal. **Date of arrest:** 12 October 2015 **Details of arrest:** Ermek Narymbaev was arrested along with Serikzhan Mambetalin (see under Released below), to be investigated on charges of 'inciting national discord', relating to writings attributed to another activist, Murat Telibekov, which they had posted on Facebook. Reports indicate that Narymbaev's house and office were searched and laptops and modems were confiscated. [His lawyer was permitted to be present](#) when his house was searched, but not his office. Both he and Mambetalin were detained for the two months between their arrests and their trial. **Details of trial:** The men's trial began on 9 December 2015, and reportedly in initial hearing he petitioned the court to dismiss the case on the grounds that they men had committed no crimes. The trials were repeatedly protested, and on 8 December 2015 the judge blocked anyone other than

prosecutors, lawyers and public defenders from entering the court. On 22 January 2016, he was sentenced to three years' imprisonment and was barred from civic activities for five years. On 30 March 2016 this was commuted to two and a half years 'less prohibitive forms of deprivation of liberty' on appeal. The length was reduced based on time already spent imprisoned. The five-year ban on his activities with public associations remains in place. **Health concerns:** Narymbaev is in poor health. He is known to have heart and breathing problems, which reportedly led to his collapse during his trial. On 6 January he was rushed from court to hospital. He also went on hunger strike on 18 January in protest at his trial and sentence. He was brought in to his final court hearing on the 22 January on a stretcher and spent the hearing lying on a bench. **Background:** Narymbaev is a long-term critic of the President, and active on social media. He was previously arrested in 2014 for protesting about Kazakhstan joining the Eurasian Economic Union. On 21 August 2015, Narymbaev was arrested and sentenced to 20 days' imprisonment. He was found guilty of allegedly convening an unsanctioned demonstration that did not take place.

### Conditional Release

#### **Aleksandr KHARLAMOV:**

**Profession:** journalist **Date of arrest:** 14 March 2013 **Details of arrest:** Police reportedly searched his home and the office of the *Ridderskiye Vesti* ('The Ridder News') newspaper on 6 February, 2013, seizing his personal computer as well as seven newspapers containing his articles. When Kharlamov appeared at the police station demanding the return of his computer, he was arrested. **Date of release:** On 3 September 2013, he was released from jail on bail, pending investigation. **Details of detention:** Kharlamov spent six months in detention, including seven weeks enforced residency in a psychiatric clinic in Almaty, where his family were denied access to him. **Details of trial:** An investigation began in September 2012. He was charged after his arrest with 'inciting religious hatred' under Article 164.1 of the Kazakhstan Criminal Code relating to a number of his blog posts (the journalist is an atheist). His trial began on 19 July 2013, with the prosecution seeking a four-year jail term; in August, the prosecution requested an adjournment for further investigation. The investigation is ongoing, though the religious freedom watchdog Forum18 reported that the Deputy Head of East Kazakhstan Police told them that 'Kharlamov should not worry; we are not intending to put him in prison.' He faces up to seven years in prison if convicted. The case was believed to remain open at the end of June 2016. **Other information:** According to the journalist's wife, local authorities in Ridder launched an investigation against him after an article he wrote criticising the local police. He attributes his release to international pressure. In August 2013, several UN Human Rights mechanisms [wrote](#) to the Kazakh authorities expressing concern about his case.

### Released

#### **Amangeldy BATYRBEKOV:**

**Profession:** head of the non-governmental organisation Adilet (Justice) and chairman of the *Edilet* newspaper public union **Sentence:** one and a half years in jail **Date of release:** 28 January 2016 **Details of trial:** Batyrbekov was charged with libel for criticising a local prosecutor in relation to an article he authored that was published in the *Edilet* newspaper on 10 April 2015 in which he criticised a local prosecutor. He was sentenced to one and a half years in prison on 29 October 2015. **Update:** He was acquitted by an appeals court on 28 January 2016.

#### **Yulia KOZLOVA (f):**

**Profession:** journalist at Nakanune.kz **Date of release:** 29 February 2016 **Details of trial:** On 18 December 2015, police searched the offices in Almaty of Nakanune.kz and the homes of the owner of the website, Guzyal Baidalinova, and one of the website's journalists, Yulia Kozlova. Almaty police said they have initiated pre-trial investigations against Nakanune.kz for allegedly disseminating false

information about the activities of the bank Kazkommertsbank. Kozlova is also accused of using narcotics, after police planted narcotics during their search. Kozlova was later charged with illegal drugs possession, but she was unexpectedly [acquitted](#) on 29 February by an Almaty City Court, after the court ruled that the origin of the drugs found Kozlova's apartment in December had not been established. The journalist had pled not guilty, saying that the drugs had been planted and that the case against her was politically motivated.

**Serikzhan MAMBETALIN:**

**Profession:** Political activist and former head of the Rukhaniyat Party **Sentence:** Two-year prison sentence **Date of arrest:** 12 October 2015 **Date of release:** 30 January 2016 **Details of arrest:** Serikzhan Mambetalin was arrested with **Ernek Narymbaev** (see above) after the police received information that 'they had circulated material on social media that contains clear signs of inciting national discord [and] insulting national honour and dignity,' according to a police statement. The charges appear to be connected to posts made on Facebook by both activists about writings attributed to another activist, Murat Telibekov. On 15 December a two-month pre-trial detention was confirmed by an Almaty court. **Details of release:** [Mambetalin was released after issuing an apology](#) on Facebook on 29 January 2016. **Details of trial:** Mambetalin was tried under article 174 of the Criminal Code, 'Incitement of social, inter-ethnic, racist or religious hatred', and sentenced on 22 January 2016 to a two-year prison term. **Other information:** [HRW wrote](#) that they consider Kazakhstan's use of incitement charges overbroad and that these laws are often used to silence journalists.

**KYRGYZSTAN**

*The freedom of expression situation in Kyrgyzstan has declined since 2014. These included the continued imprisonment of the journalist Azimjon Askarov, reports of the closure of minority language newspapers and two legislative developments that curtail free speech. In April 2014, the Kyrgyz parliament passed an amendment to Article 329 of the Criminal Code which effectively negated Kyrgyzstan's decriminalisation of defamation in 2010; the Kyrgyz parliament also began considering a draft law that would criminalise the so-called 'propaganda' of 'non-traditional' relationships which passed its second reading in June 2015. PEN believes that this law would likely lead to censorship relating to LGBTQI issues, and that similar censorship would be felt in the fields of education and health care provision. At PEN International's World Congress in Bishkek, Kyrgyzstan in 2014, a [resolution on Kyrgyzstan](#) was passed by the Assembly of Delegates.*

Imprisoned: main case

**Azimjon ASKAROV:**

**Profession:** journalist and head of the human rights group Vozdukh, and member of the Uzbek minority **Date of birth:** 1951 **Sentence:** sentenced to life imprisonment **Date of arrest:** 15 June 2010 **Details of arrest:** He was arrested in the village of Bazar-Korgon, where, on 12 June 2010, a police officer was killed and several others wounded in violent, inter-ethnic disturbances that took place in Kyrgyzstan in May and June 2010. Askarov's lawyer claims that his client was not present at the riot. **Place of detention:** Prison No. 47 in Bishkek **Details of trial:** He was arrested on charges of inciting ethnic violence. Prosecutors subsequently extended the charges and he was convicted on 15 September 2010 of hostage-taking, inciting ethnic hatred, participation and organisation of mass disorder, possession of ten rounds of ammunition and complicity in murder. On 20 December 2011, it was reported by the news website Fergana News that Askarov's sentence had been upheld on appeal by Kyrgyzstan's Supreme Court. The Oktyabrsky District Court in Bishkek ruled to renew the

investigation into Askarov on 30 April 2014. The decision came in response to Askarov's defence team's appeal against the Prosecutor General Office's February 2014 verdict that there were no grounds to renew the investigation. However, the decision to renew the investigation was overturned on 12 June 2014 when the Bishkek City Court rejected the lower court's ruling. Askarov's lawyer appealed this ruling to the Supreme Court, which, on 3 September 2014, confirmed the Bishkek City Court's decision. **Health concerns:** Askarov's lawyer and witnesses say that Askarov was beaten repeatedly whilst in custody. According to an October 2012 report by the international NGO Physicians for Human Rights (PHR), Askarov's medical condition had markedly deteriorated during his imprisonment. It said that his eyesight, nervous system and breathing had weakened, but that he had not received the necessary medical care. Following an examination in January 2012, PHR experts concluded that Askarov showed clinical evidence of traumatic brain injury consistent with his allegations of torture. In November 2012, his lawyer submitted a complaint to the UN Human Rights Committee. PEN International believes Askarov has been targeted for revenge by Jalal-Abad law enforcement because of his documentation of human rights violations, including by local police, in southern Kyrgyzstan. **Other information:** After the US State Department awarded Askarov its 2015 Human Rights Defender award, Kyrgyzstan ended a 1993 bilateral cooperation agreement. **Update:** In April 2016 the UN Human Rights Committee called for Kyrgyzstan to immediately release Askarov, and stated that he had been 'arbitrarily detained, held in inhumane conditions, tortured and mistreated, and prevented from adequately preparing his trial defense.' The findings were adopted on 31 March 2016 and published on 21 April. **PEN Action:** Askarov was one of PEN's Empty Chairs at PEN International's 2014 World Congress, held in Bishkek. Askarov's wife attended and made a personal plea to PEN members to continue working for her husband's release; Askarov's artwork was placed prominently on display. PEN delegations also met separately with the President of Kyrgyzstan and the General Prosecutor. At both meetings, the delegations protested the conviction and imprisonment of Azimjon Askarov, raising our concerns that he did not receive a fair trial. He was also featured in the [2015 Day of the Imprisoned Writer campaign](#). [Statement](#) 13 July 2016 **Awards:** Homini Award (2011), CPJ International Press Freedom Award (2012), U.S. State Department's [Human Rights Defender Award](#) (2015) [**Stop press:** On 12 July 2016 it was reported that the Supreme Court of Kyrgyzstan had overturned his life sentence and ruled that Askarov's case should be retried and heard by the Chui Oblast court but did not order his release pending the retrial.]

#### Attacked

##### **\*Turat AKIMOV:**

**Profession:** Editor of weekly newspaper *Den'gi i vlast'* **Date of attack:** 20 February 2016

**Details of attack:** Turat Akimov was attacked and hit in the head and arm by an unknown man wielding a metal pipe, according to news reports. Akimov was attacked outside of his apartment, and the assailant disappeared after Akimov fought back, local media report. The reporter said that he required stitches and a cast after being struck in the head and the hand. Akimov claims that the attack was ordered by the Interior Ministry, which is a claim the Minister for the Interior strenuously denies, denying knowledge of both Akimov and his newspaper.

#### **LATVIA**

#### On trial

##### **Leonids JAKOBSONS:**

**Profession:** Investigative journalist **Date of arrest:** 15 December 2011 **Date of release:** 17 December 2011 **Details of arrest:** In 2011 an article written and published by Jakobsons on his investigative news portal kompromat.lv. Jakobsons's piece reportedly exposed the mayor of Riga's alleged ties with a Russian secret service employee. The article contained email contents written by the mayor

to a Russian contact. Once the article was published, Jakobsons's investigative news portal was subject to a two-week long hacker attack. Subsequently, police searched his home from where he works, as well as the location of his work server. Jakobsons was handcuffed and put in isolated police custody for two days. His work computer was seized and remains with the police. **Details of trial:** Jakobsons is being prosecuted for revealing in November 2011 emails allegedly exposing wrong-doing by Riga's mayor. He is the first Latvian journalist to be charged with disclosing personal information from emails. His trial is being pursued behind closed doors at the Riga Central District Court by a judge whose media and freedom of information expertise has been questioned by human rights defenders. The trial is considered highly unusual for Latvia as only trials involving minors, people who are ill, family matters and classified information are permitted to be kept from the public. The case was still ongoing on 30 June 2015 and remains at the fact-finding stage. In April 2015, Media Legal Defence Initiative which is supporting his defence quoted him as saying *'The court procedure is very unpleasant. It just consumes much time and energy. There is just this constant pressure. I write much less articles.'* No further news as of 30 June 2016. **Background:** In March 2012, Jakobsons was attacked in the stairwell of his apartment building in Riga by two assailants. He was physically beaten and suffered burns to the skin when his attackers fired pistols close to him. The UN Human Rights Committee, which reviews states' compliance with the International Covenant on Civil and Political Rights, expressed concern in April 2014 about the delay in concluding the investigation into the attack.

## MACEDONIA

### Detained – investigation

#### **\*Zoran BOZINOVSKI:**

**Profession:** journalist for online news Burevesnik.org **Date of arrest:** 21 April 2016 **Details of arrest:** According to the [Mapping Media Freedom Project](#) Bozinovski was arrested in the Serbian city of Novi Sad, and was extradited to Macedonia on 21 April 2016. **Details of trial:** He has been charged with foreign espionage. On 27 April 2016 he was [brought before](#) the Basic Court in Skopje. **Other information:** The Association of Journalists of Macedonia [expressed concern](#) at his extradition which they considered politically motivated and likely to harm press freedom. **Current place of detention:** County Jail in Skopje Suto Orizari **Background:** In October 2014, a Macedonian court convicted 17 people for passing classified documents to an unnamed foreign security service. Bozinovski was arrested in November 2013 in connection with that case, and was released on bail after spending 11 months in a Novi Sad prison. Bozinovski has published investigative reports on Macedonia's intelligence agency and is a known critic of the government.

### Attacked

#### **\*Goran NAUMOVSKI:**

**Profession:** journalist for online news Plusinfo **Date of attack:** 13 April 2016 **Details of attack:** [The European Federation of Journalists](#) reports that Naumovski was injured by police alongside four photojournalists, during protests outside the President's office in Skopje. The Trade Union of Macedonian Journalists and Media Workers (SSNM) in an article published by the International federation of Journalists (IFJ), criticised the actions of the police, claiming that all media workers "were wearing professional IDs and that the cameras they were carrying clearly identified them as journalists on duty." No further actions or investigations are known to have taken place by 30 June 2016.

### Harassed

#### **\*Lajm (daily newspaper):**

**Date of harassment:** 3 February 2016 **Details of harassment:** The Democratic Union for Integration Party (DUI) are threatening Lajm with legal action for alleged 'offensive and libelling reports' in an article about party leader Ali Ahmeti, if they do not retract the article and issue a public apology. According to [Mapping Media Freedom Project](#), the Association of Journalists of Macedonia (ZNM) condemned the threats as a 'blunt pressure on media freedom.'

## NETHERLANDS

### Death threat

#### **\*Martin KOK:**

**Profession:** Crime blogger and founder of Vlinderscrime.nl **Date of threat:** 2 July 2016 **Details of threat:** Kok found an explosive device under his parked car in Amsterdam. The [Mapping Media Freedom Project](#) reports that the police confirmed the explosive device and successfully defused it. **Background:** Kok is a former criminal who now blogs about the Dutch criminal world. In November 2013 shots were fired at his car and house, no one was injured.

### Brief detention

#### **\*Florence HARTMANN (f):** (French national)

**Profession:** former journalist for *Le Monde*, author of *Paix et châtime*nt, *Les guerres secrètes de la politique et de la justice internationals* **Sentence:** 7 days in prison **Date of arrest:** 24 March 2016 **Date of release:** 29 March 2016 **Details of arrest:** Hartman was imprisoned by the International War Crime Tribunal in The Hague, having been arrested by the United Nations police outside The Hague court. She was arrested for charges of contempt of court after revealing documents about the Srebrenica genocide in her 2007 book *Paix et châtime*nt, *Les guerres secrètes de la politique et de la justice internationals*. In 2009 she was convicted and ordered to pay a €7000 fine, when she refused she was sentenced to seven days in prison. **Details of detention:** Hartmann's lawyer claims she was being held in solitary confinement. She was released on 29 March having served two-thirds of her sentence. **PEN action:** [statement](#) 29 March 2016 **Awards:** Hartmann was made an Honoric member of Sarajevo

## POLAND

*On 22 June 2016 Polish President Andrzej Duda ratified a new anti-terrorism law. This new law gives Poland's intelligence agency the right to "order the blocking or demand that the electronic open source service administrator block access to information data." This allows them to block online media for up to five days prior to obtaining permission by prosecution authorities and up to 30 days with permission, with the further option to renew the ban for up to three months. There is no way that the source administrator can appeal the agency's decision. Numerous organisations including the [Council of Europe](#) have commented on the worrying limits to online press freedom in the new legislation.*

### Killed - impunity

#### **Lukasz MASIAK:**

**Profession:** journalist for news portal NaszaMlawa.pl **Age:** 31 **Date of death:** on the night of 13 to 14 June 2015 **Details of killing:** Masiak was beaten to death in the city centre of Mlawa, a town located in north-central Poland. **Details of investigation:** The Polish authorities [stated](#) to the Council of

Europe on 9 July 2015 that an investigation into the murder had been launched, but that the suspect was still at large and subject to an Interpol wanted notice. However, the statement said that *'the evidence collected so far, does not indicate that the killing of Mr. Masiak was related to his professional activities.'* The alleged perpetrator, although still at large, is reportedly facing charges of homicide. **Update:** It was [reported](#) that on 8 February 2016 a man named Bartosz N. was interrogated and charged with Masiak's murder after handing himself into police. **Background:** the news portal NaszaMlawa.pl – operated by Masiak himself – performed an important role in monitoring local authorities in Mlawa. Masiak had received regular death threats because of his journalistic work, and had been beaten up twice during the last year. After one attack an obituary was sent to Masiak's home. Following that attack Masiak told the media, 'It was certainly not an attack by the robbers. The person attacking me was clearly waiting for me. I'm sure it was about the reports we have published on our news portal.' Masiak had reported every attack and threat he received to the police but the police investigation had been unproductive.

### Judicial harassment

#### **Paweł GAŚIORSKI:**

**Profession:** editor-in-chief of the independent news website gminablachownia.pl **Date of harassment:** 23 May 2016 **Details of harassment:** Dariusz Wojczechowski, Secretary General of Blachownia city council, [filed defamation charges](#) against Gaśiorski for an article published on 2 March 2016 on gminablachownia.pl. The article, entitled *Strange Coincidence*, claimed that Wojczechowski offered an infrastructure project to Pierzchno, a company Wojczechowski has personal links to. **Background:** Gaśiorski, has been in ongoing conflict with local authorities. On 6 November 2015, the mayor of the southern Polish municipality of Blachownia was [pressing charges for defamation](#) against Gaśiorski under Article 212 of the Polish criminal law, which provides for a fine or a prison sentence of up to two years for damage to reputation conducted via mass media. Gaśiorski was co-initiator of a referendum that sought to remove mayor Szymańska from office. The website positions itself as critical towards local authorities and on the bottom of its front page has a survey that encourages readers to vote on their position on the initiative to remove the mayor.

## **RUSSIA**

*The free expression environment in the Russian Federation has worsened considerably since 2014, with the authorities taking ever more extreme measures to consolidate their control over the flow of information. The increasing legislative chokehold on free expression was accompanied by a general growth in pressure placed on journalists and other writers to stay in line with official opinion, and by the blocking of websites carrying opposition views. Much of this crackdown has been fuelled by Russia's role in the conflict in neighbouring Ukraine. On 1 February 2014, an amendment to the Law on Information empowering the prosecutor general's office to block websites and blogs 'containing calls for unsanctioned acts of protest' within 24 hours and without any court approval. In April 2014, the Russian Parliament passed an amendment to an anti-terror law that imposes strict rules on blogs and websites attracting more than 3,000 visitors per day. PEN believes that this law is likely to lead to greater self-censorship amongst bloggers. On 1 July 2014, an obscenity law came into force banning the use of profanity in books, theatre, film and other cultural events. These new free speech-stifling laws add to Russia's already burgeoning legislation limiting freedom of expression, including the so-called 'religious insult' and anti-gay 'propaganda' laws, and criminal defamation. At PEN International's World Congress in Bishkek, Kyrgyzstan in 2014, a [resolution on Russia](#) was passed by the Assembly of Delegates. A so-called 'foreign agents' law of 2012 placed onerous restrictions on any non-governmental organisations receiving funds from abroad. By 1 October 1 2015, the Registry of NCOs Carrying Functions of Foreign Agents included 94 NCOs (non-commercial organization), with only seven of them registered voluntarily (including three under pressure from considerable*

administrative penalties). By October 2015, six NCOs had been excluded from the NCO register on the grounds they were performing functions of a foreign agent. A 'Law on Undesirable Organizations' entered into force on 3 June 2015 under which a foreign or international NGO can be declared 'undesirable' by the Prosecutor General or the Prosecutor General's deputies if they decide that the NGO is a threat to national security. Activities of all such 'undesirable' organizations in Russia are prohibited, and all persons participating in such activities are subject to administrative and criminal penalties.

Killed: impunity

**Akhmednabi AKHMEDNABIEV:**

**Profession:** deputy chief editor of a leading independent weekly in Dagestan, *Novoe Delo (New Action)*, and regular contributor to the Caucasian Knot online **Date of death:** 9 July 2013 **Details of death:**

Akhmednabiev was known for reporting on corruption and human rights abuses in Dagestan. He was shot to death outside his home in the village of Semender near the Dagestani capital, Makhachkala. Akhmednabiev had just started the engine of his car when the unidentified assailants opened fire. He died instantly. **Details of investigation:** A criminal investigation was launched. The Russian authorities have stated that they believe the journalist's murder is related to his reporting. On 5 September 2013, Abdurashid Sheikhov, Akhmednabiev's legal representative, asked for the investigation to be transferred to the Chief Investigating Department (CID) of the North-Caucasian Federal District (NCFD). No-one had been arrested and no suspects had been named by the end of 2015. In October 2015, a lawyer acting for the family wrote an [open letter](#) to the federal Investigative Committee head Aleksandr Bastykin, accusing the Dagestani authorities of failing to continue its search for Akhmednabiev's killers. **Update:** On 29 June 2016 it was [reported](#) that the Supreme Court had dismissed a complaint about the investigation. The same report indicated that on 8 June 2016, a complaint had been lodged in the European Court of Human Rights (ECtHR), stating that the investigation was conducted inefficiently, and that the authorities could have taken measures to protect Akhmednabiev. **Background:** The journalist survived a previous attempt on his life on 11 January 2013, when unidentified assailants shot at him three times but missed. He had received death threats in May 2012 and immediately reported them to police. Reportedly, law enforcement authorities did not effectively investigate either the threats or the subsequent shooting. **PEN Action:** In November 2014, PEN joined [30 other organisations](#) in an action calling for the investigation into the murder of the journalist to be transferred to the Central Investigative Department of the Russian Federation's Investigative Committee.

**Natalia ESTEMIROVA (f):**

**Profession:** journalist and human rights defender **Date of birth:** 28 February 1958 **Details and date of death:** Estemirova was abducted on 15 July 2009 as she left her home for her office in Grozny, and was later murdered. Her body was found in woodland in neighbouring Ingushetia. She had been shot in the head and chest. **Details of investigation:** The then Russian President Dmitry Medvedev condemned the murder and ordered an inquiry. The Chechen President Ramzan Kadyrov also called for those responsible to be brought to justice. Memorial has since closed its Grozny office, fearing for the safety of its staff. In late February 2010, the agency investigating Estemirova's death confirmed that it had identified the murder suspect, who was said to be in hiding. Estemirova's supervisor at Memorial told new agency Interfax that, after gaining access to some of the case's investigative materials, it was discovered that the suspected murderer had already been killed. Russian investigators denied this. On 12 July 2010, the Moscow newspaper, *Novaya Gazeta*, published an article criticising the investigation for a series of flaws. These included a failure to interview key witnesses, a failure to thoroughly analyse DNA material collected from Estemirova's body, and a failure to place at-risk witnesses under protection. The article also criticised the investigation for allegedly focusing on a single suspect who was already dead. In September 2010, Russian investigators, following a meeting with a delegation from the Committee to Protect Journalists (CPJ), pledged to pursue 19 cases of murdered journalists, of whom Estemirova is one. The investigators provided the delegation with the following update: authorities said

they are trying to locate and arrest a Chechen guerrilla fighter who they allege murdered Estemirova. Investigators maintained that the suspect is alive and in Russia. They told CPJ that they have questioned Kadyrov but found no evidence of his involvement. An independent investigation carried out by *Novaya Gazeta*, the Russian human rights organisation Memorial, and the International Federation for Human Rights, published on 15 July 2011, reiterated that the official investigation into Estemirova's death had been mistaken in focusing its suspicion exclusively on the rebel Chechen leader Alkazar Bashayev. It reported that at the time of her murder Estemirova was working on a more sensitive case investigating the possible involvement of Chechen police officers in the public execution of local resident Rizvan Albekov. Estemirova was the first person to report on the killing. The report claimed that investigators inexplicably stopped pursuing the possible link between this case and the journalist's murder in early 2010. Human Rights Watch claimed that 'there were very strong circumstances around Estemirova's murder that suggest that there could have been some official involvement.' **Background:** The Chairman of the Memorial Centre, Oleg Orlov, is on trial on charge of slander against the Chechen president. He reportedly suggested that the Chechen president was responsible for Estemirova's death. If convicted, Orlov could face up to three years in prison. On 5 September 2013, Abdurashid Sheikhov, Akhmednabiev's legal representative, asked for the investigation to be transferred to the Chief Investigating Department (CID) of the North-Caucasian Federal District (NCFD). As of 30 June 2016, no-one had been arrested and no suspects had been named. **Other information:** Estemirova, of Russian-Chechen descent, worked at the Grozny office of Memorial, Russia's best known non-governmental organisation. She investigated torture, killings and other abuses in Chechnya, and was the first recipient of the annual Anna Politkovskaya Award given by the Reach All Women in War campaigning group. Estemirova was also awarded for her courage by the Swedish and European parliaments. She worked with Politkovskaya from 2001 until 2006, exposing abuses carried out by Russian armed forces in Chechnya and by Moscow-backed Chechen officials. **PEN Action:** RAN 28/09 – 16 July 2009; Update #1 – 23 July 2009, [Day of the Imprisoned Writer Case 2009](#)

#### **Khadzhimurad KAMALOV:**

**Profession:** journalist and founder of the independent Dagestan-based weekly newspaper *Chernovik*  
**Date of birth:** 11 February 1965 **Date and details of death:** Shot dead by a masked assailant shortly before midnight on 15 December 2011. Kamalov was reportedly shot up to 14 times by the unidentified person as he was leaving the offices of *Chernovik* in Makhachkala, the capital of the southern republic of Dagestan. The gunman reportedly fled the scene in a car. **Details of investigation:** The Investigative Committee of the Russian Prosecutor-General's Office decided to take over the reportedly stalled investigation into the death of Khadzhimurad Kamalov on 28 May 2012. Investigative Committee spokesman Vladimir Markin told journalists that the decision was made in response to a request by about 100 deputies in the Russian parliament's lower chamber, the State Duma, that federal investigators take charge of the probe. It was reported on 13 September 2013 that a main suspect in the case was, according to his lawyer, being pressured to implicate Dagestani politicians in Kamalov's killing. No further news as of 30 June 2016. **Other information:** There is a long history of harassment of the staff at *Chernovik*, with five of its journalists being arrested on reportedly trumped-up charges of 'extremism' between 2008 and 2011. The newspaper has frequently addressed highly sensitive topics in the southern republic of Dagestan, in particular reports of police abuses in neighbouring Chechnya.

#### **Timur KUASHEV:**

**Profession:** freelance journalist, correspondent for *Dosh*, a prominent independent magazine focused on the North Caucasus, and also for the *Caucasian Knot* and *Caucasus Politics*. **Date of death:** 1 August 2014 **Details of death:** was found dead in the outskirts of Nalchik, the capital of Kabardino-Balkaria, on 1 August 2014. Late in the evening of 31 July, Kuashev's mother returned to the apartment they shared to discover that her son was gone, though his wallet, ID, and cell phone were left behind. She assumed that Kuashev had gone out, but contacted other relatives and the police when he had not shown up several hours later. The next morning, police called Kuashev's

parents and said Emergencies Ministry personnel had found the body of a young man in a wooded area, asking them to come in for identification. The parents identified their son. **Details of investigation:** A representative of local investigation authorities made a public statement that Kuashev's body bore no traces of violence and that the authorities had no grounds to suspect that his death was the result of a crime. However, Rustam Matsev, a local human rights lawyer who had worked closely with Kuashev, allegedly told Human Rights Watch that the forensic doctor who performed Kuashev's autopsy noted a trace of a needle prick, likely an injection, under Kuashev's arm. Matsev told Human Rights Watch that forensic experts took samples of Kuashev's blood and bodily fluids to test for toxins and other abnormalities. In September 2014 it was reported in the press that the republican division of the Investigative Committee had opened a murder investigation on the assumption that Kuashev was killed because of his professional activities. Local activists continue to [mount demonstrations](#) calling for a thorough investigation into Kuashev's death. On 25 December 2015 it was also [announced](#) that his cause of death was acute coronary deficiency. **Update:** On 8 June 2016, it was announced by the lawyer advocating for Kuashev's family that after an autopsy no traces of toxic substances were found, despite the earlier allegations that a needle prick had been found on him and that as a result the criminal investigation into his death had been closed. The Kuashev family lawyer then also [announced](#) that he would appeal the decision of the investigator, after human rights activists had criticised the official non-violent version of his death. **Background:** Kuashev's articles dealt mostly with the persecution of religious Muslims, including allegations of police abuse and fair trial violations. He was covering, among other things, the trial of over 50 people charged with terrorism offenses in connection with an armed uprising in Nalchik in 2005. Kuashev often received threats online, mostly through social media from people writing under aliases. Kuashev also reportedly received calls during 2014 from police and security officials, 'inviting' him for 'conversations', warning him to 'be careful' and suggesting that his activism and his publications could get him in trouble. In June 2014, security officials reportedly contacted Kuashev's father and told him to 'rein in his son before something bad happens to him.' They reportedly wanted Kuashev's father to try to convince his son to stay away from public activism and journalism. Kuashev was also a prominent rights activist and worked closely with local representatives of Memorial Human Rights Center, particularly on cases of police abuse. Kuashev was very active on social media, including Live Journal and VKontakte. He also planned to run for Kabardino-Balkaria's legislative assembly in the September 2014 election as a candidate for the opposition Yabloko party.

**Anna POLITKOVSKAYA (f):**

**Profession:** journalist and author **Date of birth:** 30 August 1958 **Date of death:** 7 October 2006 **Details of death:** Shot dead in the elevator of her apartment on 7 October 2006. She covered the war in Chechnya and had been receiving threats since 1999 after she wrote articles claiming that the Russian armed forces had committed human rights abuses in Chechnya. Despite these threats she continued to write and in 2003 published *A Dirty War: A Russian Reporter in Chechnya*. She was also a co-contributor to *A Small Corner of Hell: Dispatches from Chechnya*, published in 2003. Her last book, published in 2006, was *Putin's War: Life in A Failing Democracy*. In 2002 Politkovskaya was one of the few outsiders allowed into a Moscow theatre in an attempt to negotiate with Chechen rebels the release of hundreds of hostages held there. In 2004, she fell seriously ill as she attempted to fly to Beslan to cover the hostage crisis there, leading to speculation that she had been deliberately poisoned to stop her from reporting on the crisis. **Details of investigation:** On 27 August 2007, the Prosecutor General announced that ten suspects had been arrested in connection with the murder including Chechen criminals, and former and serving members of the Russian Federal Security Services and police forces. On 18 June 2008, the Investigative Committee announced that it had charged three men, a former police officer and two ethnic Chechen brothers. **Trial of perpetrators:** On 17 November 2008, the trial of Politkovskaya's alleged murderers began, at first open to the public, but then behind closed doors. On 19 February 2009, the men accused of assisting Politkovskaya's murder were acquitted by a twelve-

member jury for lack of evidence. After prosecutors appealed the not-guilty verdict, the Supreme Court overturned this decision and ordered a retrial. On 24 August 2011, Russian authorities arrested Lt. Col. Dmitry Pavlyuchenkov in connection with the case and named convicted criminal Lom-Ali Gaitukayev as the organiser of the murder. In December 2012, Pavlyuchenkov was found guilty and sentenced to 11 years in a high security penal colony. Five other suspects, including three Chechen brothers - two of whom were acquitted by a jury back in 2009 – were subsequently tried in separate proceedings. The three Makhmudov brothers, Rustam, Ibragim, and Dzhabrail Makhmudov, the criminal Lom-Ali Gaitukayev and Sergei Khadzhikurbanov, a former police officer were all convicted of Politkovskaya's murder on 20 May 2014. On 9 June 2014, Lom-Ali Gaitukayev and Rustam Makhmudov were handed life sentences; Sergei Khadzhikurbanov, Dzhabrail and Ibragim Makhmudov were handed sentences of 20, 14 and 12 years in prison respectively. However, the mastermind who ordered her killing has never been brought to justice; Anna Politkovskaya's family have said that they will continue to campaign for justice. **Other information:** Politkovskaya was the winner of numerous international awards for her courage, including the 2004 Olaf Palme Award that was set up by the family of the murdered Swedish prime minister. The prize was given to Politkovskaya to honour her work for the 'long battle for human rights in Russia'. **Honorary member:** PEN Canada **PEN actions:** RAN 8/11, 2 March 2011; PEN 50<sup>th</sup> anniversary campaign (case for 2006); [statement](#) 7 October 2011; RAN 78/12 21 December 2012; [PEN World Cup Campaign 2014](#); [statement](#) 22 May 2014; [statement](#) 7 October 2015)

Killed: Motive Unknown

**\*Dmitry TSILIKIN:**

**Profession:** arts and culture journalist and critic, author **Date of birth:** c.1961 **Date of death:** 27 March 2016 **Details of death:** A well-known Russian journalist and music and culture critic, Dmitry Tsilikin, was found dead in his St. Petersburg apartment on the 31 March 2016, although it was suspected that he was killed several days before, it was reported. It was reported that friends and family had been unable to get into contact with him after he had returned from a trip to the Latvian capital of Riga. **Details of investigation:** St. Petersburg police stated that he died after suffering multiple stab wounds and severed tendons, and that his laptop and mobile phone had been stolen. Investigators established that he had been killed at around 5pm on 27 March 2016. A murder investigation was opened the following day, although police also suggested that at this point they could not rule out a 'murder committed on domestic grounds.' The police also stated that they had no suspects. It was then reported on the 7 April 2016 that a university student had been arrested in connection with his murder, and had admitted killing Tsilikin. Investigators informed the media that the student had far right views and viewed the killing as part of a crusade against 'a certain group of people' (believed to be a euphemism for LGBTQI individuals), local media reported. **Background:** Dmitry Tsilikin had trained as an actor before turning to journalism. His writings had focused on art and culture, but he had also contributed to independent media outlets, where he had written about mainly social issues and civil rights, RFEFL had said. He had written for prominent Russian and international magazines, such as Vedomosti, Kommersant, Vogue and Elle, and he had also worked on television, having been a host of two programmes on Russian channel RTR between 2001 and 2003. **Awards:** He was posthumously awarded both the North-West Russian 'Golden Feather 2015' prize for journalism, and the 'Cultural Space' prize.

Imprisoned- Main Case

**Sergei REZNIK**

**Profession:** blogger at LiveJournal. He also contributed reporting to regional news outlets, including the website Yuzhnyi Federalnyi and *Novaya Gazeta* **Sentence:** two years, 11 months in prison and a

22-month ban on practising journalism **Date of release:** reported to be due for [release in October 2016](#) **Date of arrest:** 26 November 2013 after an earlier conviction **Current place of detention:** held in the city of Rostov-on-Don, reportedly in solitary confinement **Details of trial:** On 24 July 2014, while imprisoned under a separate case, a new insult case was opened against him, under Article 319 of the Penal Code. Roman Klimov, former regional deputy prosecutor; Dmitry Ishtshenko, head of the General Directorate for Combating Extremism; and Andrei Glinkin, a Rostov police officer, accuse the journalist of having libelled them in articles on his blog. The police officer is also suing him for alleged perjury concerning a serious crime, under Article 206-2 of the Penal Code. The trial [began on 20 August](#) 2014 and was held partly behind closed doors. A defence request to replace the judge and the prosecutor (who held the same positions in Reznik's first trial) was rejected. The defence reportedly contends that the judge [has falsified](#) a number of official documents. On 22 January 2015 Reznik was convicted of insult and misleading authorities, and was sentenced by the Leninsky District Court in Rostov-on-Don to three years in a prison colony. He was also banned from practising journalism for two years. Reznik's lawyers said they would appeal. In May 2015, the Rostov Regional Court [reduced](#) his prison sentence by one month, and the ban on practising journalism by two months. **Background:** Articles written by Reznik were often critical of the regional and municipal authorities and alleged widespread corruption and abuses. According to the regional press, in February 2012 Reznik reported receiving threats by phone from anonymous people who demanded that he stop publishing his articles. On 22 October 2012, Reznik was attacked by two unidentified men outside his apartment building, beaten with baseball bats, and then shot at with a pistol, according to news reports. Although not hit by gunfire, he suffered head and neck injuries from the beating and fell unconscious. He was arrested in 2013 and convicted of insulting a public official, bribery, and deliberately misleading authorities (see earlier case lists for details). **Other information:** Russian NGO Memorial has recognised Tyumentsev as a political prisoner. In March 2016, the Kremlin's Rights Ombudsman [noted](#) several procedural violations during the case, and stated that such bans on practising journalism represent a 'threat to the freedom of the press in Russia'. According to the same report, on 2 May 2016 the U.S State Department urged Russia to immediately release Reznik. **PEN's position:** As of June 2015, Reznik has been imprisoned for criminal defamation. PEN International opposes the criminalisation of defamation and calls for the release of all writers held under such charges. International human rights mechanisms have repeatedly clarified that criminal defamation laws violate the right to freedom of expression and should be abolished, leaving insult and defamation claims to be dealt with by civil courts.

#### **Vadim TYUMENTSEV:**

**Profession:** blogger **Sentence:** five years in prison and a three-year ban on using the internet **Date of the arrest:** 28 April 2015 **Details of arrest:** Tyumenstev was arrested on 28 April 2015 for his 'extremist activities in the Internet' after he wrote several critical posts urging people to attend protests and criticising the Russian intervention in Ukraine's civil war. **Details of trial:** On 30 December 2015 Tyumenstev was sentenced to five years in jail and he was banned from using the Internet for three years. The court said he had urged people to overthrow the authorities in his posts. Tyumentsev appealed his sentence in April 2016, arguing that he wrote his confession under pressure from the FSB. It was [reported](#) on the 4 May 2016 that the court upheld his sentence. **Background:** According to reports, Tyumenstev had irritated local politicians in Tomsk, where he lives, after a series of posts on the Internet where he accused them of incompetence and corruption. He urged people to attend an unsanctioned demonstration to protest against high transport fares and he also criticised the Russian intervention in Ukraine. **Other information:**

Imprisoned – Investigation

#### **Aleksandr TOLMACHEV:**

**Profession:** editor of the magazine *Upolnomochen Zayavit* and the newspaper *Pro Rostov* **Date of birth:** c.1956 **Sentence:** nine years hard labour **Date of arrest:** 20 December 2011 **Details of arrest:** ordered to be placed in pre-trial detention by a court in the southern city of Rostov-on-Don on 20 December 2011. **Current place of detention:** SIZO (pre-trial prison) No. 2 of the city of Armavir **Details of Trial:** Tolmachev had just been acquitted in a libel case when he was arrested on 20 December 2011 under articles 91 and 159 of the federal penal code for allegedly extorting 1 million roubles from a businessman in nearby Novocherkassk by threatening to publish compromising information about him. Arguing that his journalistic activities could influence the course of the case, judges ordered him placed not only in pre-trial detention but also solitary confinement. He spent almost three years in detention, with hearings of his case repeatedly being postponed, until his conviction on 29 October 2014. There are concerns about the fairness of the trial: according to reports, of the 50 witnesses listed in the indictment, only seven testified in court; it is also reported that two young women alleged that they had been forced to sign [pre-written affidavits](#) against Tolmachev. No further news as of 30 June 2016. **Conditions of detention:** According to Caucasian Knot website, on 2 December 2014, he was beaten, handcuffed and kicked by prison staff who also refused to call an ambulance and notify the supervising prosecutor. He submitted a complaint on 8 December 2014 to the prison authorities. **Health concerns:** His health has reportedly deteriorated dramatically in prison. Tolmachev reportedly suffers from high blood pressure. **Awards:** 2013 Artyom Borovik prize for investigative journalism in recognition of his articles about judicial corruption in the Rostov region

#### Detained - investigation

##### **\*Aleksei KUNGUROV:**

**Profession:** blogger **Date of arrest:** 3 March 2016 **Details of arrest:** Aleksei Kungurov was arrested and charged with 'calling for the commission of terrorist acts', [it was reported](#). His flat was reportedly searched with neither his wife nor his children being allowed to be present while the search was conducted, and when his wife asked FSB agents for reasons for his detention, they replied that 'one cannot write everything.' His computer and memory cards were confiscated, according to local media reports. Kungurov was allegedly held in handcuffs for seven hours for interrogation before being released. **Details of trial:** On 11 March 2016, he was charged under Article 205.2, Section 1 of the Russian Criminal Code. On 15 June 2016 he was arrested again, and [remanded](#) in custody the following day. Kungurov [alleged](#) that he was told by representatives of the investigation that if he did not cooperate pressure on him would be increased. On 16 June 2016 it was [reported](#) that Kungurov would stand trial on 19 August 2016. **Other information:** Kungurov is a well-known opposition blogger, with 20,000 subscribers, which according to Russian law puts him well over the 3,000 subscriber threshold to be considered mass media; his blog traffic is even higher, averaging 7 million unique visitors a year. He was also reported to be part of controversial group 'the January 25<sup>th</sup> committee', whose aim is to 'pursue a policy of reunification of Russian people in a single state', and includes Donetsk irregular commander Igor Strelkov and the formerly anti-Putin Eduard Limonov. However, the blogger himself refuted this assertion. **[Update:** On 14 July 2016 it was [reported](#) that the Russian NGO Memorial had accorded Kungurov the status of political prisoner]

#### On trial

##### **Nikolai ALEXEYEV:**

**Profession:** journalist, lawyer and LGBTQI rights activist **Details of trial:** Nikolai Alexyev is facing a criminal libel case. According to reports, in August 2013, two members of the Russian Duma - Yelena Mizulina and Olga Batalina – asked for criminal libel proceedings to be brought against Alexyev

following remarks made on his own Twitter account criticising Mizulina and Batalina for their support of a ban on disseminating 'propaganda of non-traditional sexual relations' to minors. Alexyev reportedly faces a substantial fine on the grounds of insulting a representative of authority. He has reportedly been harassed by police since the politicians' request. On 29 May 2015, he said on Twitter that he had been officially charged in the case. It was reported that in September 2015 Alexyev had requested Swiss citizenship as his partner is Swiss and they registered a partnership in Switzerland in 2008. No further news as of 30 June 2016. **Background:** In May 2012, Alexyev was the first person to be convicted of disseminating 'gay propaganda' to minors in Russia. He was convicted under a new 'anti-gay propaganda' law that prohibits the 'propaganda of homosexuality among minors' that was first introduced in St Petersburg. He was fined 5000 roubles. In June 2015, he was sentenced to ten days in prison following his arrest at a gay pride rally in Moscow.

**\*Viktor KRASNOV:**

**Profession:** social media user **Details of trial:** Viktor Krasnov was [reportedly](#) arrested after an exchange on the internet in which he described the Bible unfavourably and stated that there was no God, one of the people involved in the dispute lodged a complaint against him. Krasnov is [reportedly](#) being charged under [Article 148](#) of the Russian Criminal Code, for 'public actions that express clear lack of respect for society and are carried out with the aim of insulting the religious feeling of believers.' Krasnov was reportedly forced to spend a month in a psychiatric facility in order to be assessed as to whether he was mentally competent to stand trial. The two plaintiffs had to be brought to court by bailiffs after failing to turn up to previous hearings; additionally, what they had written on the discussion thread had been deleted, and the defence had asked vKontakte (the site on which the argument had happened) to provide full transcripts. **Other information:** Krasnov has [reported](#) that since the criminal case had launched he began to receive death threats from 'Orthodox Christian fundamentalists,' and that he has appealed to the police.

**Natalia SHARINA (f) (Ukrainian national):**

**Profession:** director of the Moscow Library of Ukrainian Literature **Age:** 58 **Date of arrest:** 28 October 2015 **Details of arrest:** On 28 October 2015 law enforcement officials took Natalia Sharina into custody and searched her apartment, raided the library and seized books and documents. Authorities apparently alleged that some of the library's materials are meant to 'incite hatred' toward the Russian people, based on a complaint by a former employee of the library who was dismissed in 2010. In their search, officials found some books they claimed were banned in Russia as 'extremist'. Sharina [reportedly](#) denies that the books were from library, and that they were not part of the library collection. Following the library search, the authorities took Sharina to the Tagansky district investigation agency and questioned her there until midnight. A government-appointed lawyer then arrived, and the investigator told Sharina that she was being detained on suspicion of abuse of office to incite hatred between Russians and Ukrainians. Sharina became ill upon hearing this news. Emergency medics arrived at about 1:15 a.m. and diagnosed Sharina as having a hypertonic collapse, with dangerously high blood pressure. They gave her blood pressure medications and told the investigator that she should be hospitalized for the next 24 hours, although she was held for over two days. On 30 October 2015, Sharina was put under house arrest pending trial. On 27 January 2016, a Moscow court extended Sharina's detention for a further three months. **Details of trial:** On 5 April 2016, she was [reportedly](#) charged with embezzlement under Section 4, Article 160 of the Russian Criminal Code for using library funds to pay for her defence, a charge which she denies. This addition of a new charge means that her detention can be extended for a year, [according](#) to Amnesty International. **Conditions of detention:** Sharina was denied the right to go for short walks whilst under house arrest **Health concerns:** Sharine suffers from high blood pressure and needs both exercise and regular medical examinations. **Other information:** The Ukrainian government sent an official protest to the Russian authorities in connection with the search in Moscow's Library of Ukrainian Literature, describing the actions of Russian law

enforcement as 'ruthless and unmotivated.' The Russian Memorial Human Rights Centre [recognised](#) Sharina as a political prisoner in November 2015; Amnesty International has adopted her as a prisoner of conscience.

### Brief detention

#### **\*Hussein BETELGERIEV:**

**Profession:** poet, singer, writer, composer, university teacher **Date of abduction:** 31 March 2016

**Details of abduction:** It was [reported](#) on 3 April 2016 that Hussein Betelgeriev's family announced that they had not seen him since 31 March 2016, when he was abducted from the family home in Grozny by two unidentified men dressed in black uniforms. [According](#) to Amnesty International, they ordered Betelgeriev with them but refused to tell his wife where they were going; when she tried to call him 15 minutes later, she could not get into contact with him. Katerina [reportedly](#) announced that she had reported her husband as missing on the 2 April, but two days later said that police had not begun any search into the missing poet; The prosecutor's office had to demand from the law enforcement agencies of the area that they intensify their work into the disappearance of Betelgeriev.

**Date of release:** 11 April 2016 **Details of release:** It was [reported](#) that Betelgeriev had returned home on 11 April 2016, although he had been severely beaten and tortured. Human Rights Watch [reported](#) that Betelgeriev was captured by Chechen law enforcement officials for not praising the leader of the republic, as well as for writing freely on social networks. This attitude also seems to have been behind his dismissal from his post as a teacher of French at the University of Grozny.

While Betelgeriev was still missing, local media reported that Betelgeriev used lyrics written by the President of the unrecognized state of Ichkeria; it was also [reported](#) that on his social network pages he had written about the President of Ichkeria on the day of his kidnapping, and that he had previously posted an image of the flag of Ichkeria. **Other information:** The case had become one of public interest, since his musical works are popular in the Chechen Republic. Betelgeriev was also a member of the Journalists Union of Russia. His wife emphasized that she did not know who could have been behind the abduction since he did not have any enemies or conflicts.

**\*Rizvan IBRAGIMOV, Profession:** writer

**\*Abubaker DIDIEV Profession:** writer

**Date of arrest:** 1 April 2016 **Details of arrest:** The two writers were [reportedly](#) arrested on 1 April 2016 by security forces in the Republic of Chechnya and kept at a police station for four days before resurfacing at the President's residence at a meeting with scientists and religious scholars. In a post on his website, Ibragimov stated that he had been neither kidnapped nor mistreated, and that he had been kept at the police station because there was a fear that he would run away. He also added that 'coercive measures were not used.'

**Details of harassment:** President Kadyrov [posted](#) on his Instagram page that the two writers were guests at his compound in order to receive criticism from scientists and religious scholars, over claims that they had allegedly published thousands of copies of a book which, [according](#) to President Kadyrov, '[sought] to bad-mouth religion and cause inter-ethnic strife'. It was [reported](#) that Kadyrov stated that in the course of 'public discussions' both authors recognised that their literature had no 'scientific base'. A video [posted](#) shows the two men standing and apologising to the religious and scientific leaders for their 'mistakes'. It

was [reported](#) that after the meeting the men's books were being investigated by the Chechen Ministry of Internal Affairs, over claims that they contained passages that promoted extremism and incited religious and ethnic hatred. **Other information:** On his personal website, Rizvan Ibragimov [posted](#) an apology to readers that he had been mistaken in his past beliefs in religion and history, had been set straight after a meeting with President Kadyrov, had not been mistreated during his detention, and asked requested that he was not sent questions on topics he had previously written about. Ibragimov is the author of an alternative history of the Chechen ethnicity.

**Background:** The disappearance of the two writers came a day after the disappearance of noted Chechen poet and singer Hussein Betelgeriev, who was abducted before being returned home, beaten (see below). In addition, Ibragimov has [previously](#) been criticised by the official media in Chechnya. In 2014, he was also criticised for his alternative history of the Chechen people, including by the Speaker of Parliament.

#### Attacked

\***Alexandrina ELAGINA (f), Profession:** journalist for *The New Times*

\***Anton PRUSAKOV, Profession:** journalist for *Kommersant*

\***Egor SKOVORODA, Profession:** independent journalist for MediaZona

\***Mikhail SOLUNIN, Profession:** blogger

\***Oystein WINDSTAD (Norwegian national), Profession:** reporter for *Ny Tid*

**Date of attack:** 9 March 2016 **Details of attack:** The five journalists, along with a radio journalist, two human rights workers and their bus driver, were held up at 19:15, 200m past the Ingushetian border and attacked, it was reported. At least 15 masked men stopped the van, smashed the windows, forced everyone out, and beat them with sticks and sharp objects whilst shouting ‘Get out of Chechnya’ and accused them of being terrorists who were ‘killing [their] people’. The assailants stole two mobile phones, €1000 and \$250, before the minivan was set on fire with items such as passports and recording equipment being left on board; the assailants then fled. The group was travelling from Beslan to Grozny when they were stopped and attacked. Oystein was hospitalised with cuts and broken teeth, and Elagina suffered a broken leg. The journalists report that they had been followed by cars with Chechen number plates since the first day of their tour. **Background:** Windstad [was in Russia](#) to investigate the death of two Chechens who died in Chechnya after being denied refugee status in Norway in 2008. The group were returning from a reporting trip to Beslan organised by the Committee for the Prevention of Torture, and it was reported that the group were making an unofficial tour of the area when they were attacked. The Committee is an NGO who were declared ‘foreign agents’ by Russia’s Ministry of Justice, and subsequently liquidated themselves. A new NGO, receiving no foreign funds was set up in its place.

**Other information:** On the same day, the offices of the Joint Mobile Group, a monitoring organisation in Ingushetia set up by the Committee was attacked; the Committee offices in Chechnya have been attacked in 2014 and 2015. Igor Kalyapin, the head of the Committee, was attacked the following week in Grozny. The Human Rights Ombudsman of Chechnya [said](#) that he suspected the attack of being orchestrated by Kalyapin and the Committee as a publicity move. It was [reported](#) in May 2016 that some of the journalists were planning to complain to the Investigating Committee of the Russian Federation (ICRF) of what they felt was the investigators inaction. Elagin reported that she had been told that the incident was being investigated under Article 144 of the Russian Criminal Code, ‘impeding the legitimate professional activities of journalists’.

\***Eduard MOCHALOV:**

**Profession:** editor-in-chief of district newspaper *Vzyatka* (Bribe) **Date of attack:** 9 April 2016

**Details of attack:** Eduard Mochalov was attacked in the village of Yarabaikasy in Chuvashia, according to [local reports](#). According to Mochalov, the unknown assailants hit and kicked him, with one attempting to smother him; the assailants also smashed some of the windows of the newspapers offices. It was [reported](#) that Mochalov believes that the group was headed by a deputy of the Yarabaikasy district, and that the assault was connected to his work **Background:** Mochalov has been in trouble with the law previously; in 2012 he was arrested twice for throwing eggs at the Chuvashia Supreme Court, and in July 2014 a criminal case was filed against him after *Vzyatka* reposted an article of protecting Tartar minority rights in Chuvashia. **Other information:** On 15 April 2016, an unknown assailant threw a stone through the window of Mochalov’s editorial assistant, Nikolai Makarov, who also lives in Chuvashia.

**\*Alexei NAVALNY:**

**Profession:** lawyer, political activist, blogger and runner-up in the 2013 Moscow mayoral elections  
**Date of birth:** 4 June 1976 **Date of attack:** 17 May 2016 **Details of attack:** Alexei Navalny and members of his Anticorruption Foundation (FBK) were attacked by men dressed as Cossacks at an airport in the city of Anapa in the Black Sea. Navalny and about 30 members of the FBK were walking towards the airport when they came across a group of men dressed in Cossack uniforms who doused them with milk and verbally abused them. FBK members reportedly tried to form a ring around Navalny, with a fight breaking out after an FBK member allegedly elbowed one of the assailants. Several of the FBK members were then punched and kicked. The Cossack regiment claim that the FBK group started the fight. It was [reported](#) on the 15 June that two of the men from the Cossack regiment were found guilty of ‘petty hooliganism’ (Article 20.1 of the Russian Code of Administrative Offences), with the cases of ten others and one FBK members referred to a magistrate’s court. **Background:** Navalny was previously arrested and sentenced to a three-year suspended sentence (see below under ‘Conditional Release’)

**\*Igor RUDNIKOV:**

**Profession:** journalist, politician **Date of attack:** 7 March 2016 **Details of attack:** Igor Rudnikov was attacked by two unknown assailants as he was leaving a café after lunch, [it was reported](#). The assailants [reportedly](#) waited outside the door to the café, and stabbed him three times as he was leaving. He was hospitalised and placed in intensive care, although his injuries were not described as life-threatening, and [it was reported](#) that he did not recognize his attackers. [It was also reported](#) that he had been watched over the past two days. There may be a link between his journalistic activities and the attack, [it was reported](#). **Background:** Rudnikov was previously attacked in 1998, when an unknown person struck him with a metal bar outside his apartment, leaving him with serious head injuries needing hospitalisation. This attack was thought to be linked to an article he was intending to publish on the Kaliningrad governor's son, as well as other articles he had published. He was also subject to lawsuits in 1996 for criticism of the Kaliningrad leadership. In 1998 his newspaper was twice subject to arson attacks. He was included in the 1998 Case List. **Other Information:** Rudnikov was the founder and editor of a local paper since 1996, and has been a member of the Kaliningrad regional local parliament since his election in 2000. He has published a number of articles on crime and corruption in Kaliningrad through his newspaper.

**\*Sergey VINOKUROV:**

**Profession:** Writer for *Sobesednik* magazine **Date of attack:** 25 February 2016 **Details of attack:** Sergey was reportedly leaving his office when he was assaulted by an unknown assailant who punched him in the face, shouting that he was ‘getting this for [his] articles’. Sergey has reportedly previously received threatening articles but said that he was not sure over which articles this assault occurred. Local media reports that the suspected assailant was arrested at the scene.

Harassed

**\*Daniil ALEXANDROV:**

**Profession:** freelance journalist **Date of harassment:** 30 June 2016 **Details of harassment:** Daniil Alexandrov was reportedly working for the news website medusa.io, reporting from the Republic of Karelia on a story about the death of 14 children in a boating accident when he was detained. He was leaving Essoilsky village after interviewing the head of the town when he was arrested. It was reported that he was made to sign an administrative-offence report after being threatened with the confiscation of his equipment. He signed the document. The police told Alexandrov that Meduza is a foreign media outlet and should therefore be accredited through the ministry of foreign affairs. His court case is scheduled for 6 July 2016, and he faces the maximum penalty of a 1000 rouble fine (about \$15). **Other information:** Meduza reported that [according](#) to a May 2016 OSCE

report, accreditation is optional for foreign journalists working as freelancers, if they don't require special 'privileges' (such as a multi-entry visa).

**\*Ilya AZAR:**

**Profession:** special correspondent for meduza.io **Date of arrest:** 11 May 2016 **Details of arrest:** Ilya Azar was detained in Grozny and taken to a local police station, [reportedly](#) by agents of an unknown state ministry. Azar was in the area to see burned down houses of alleged terrorists who had attacked a checkpoint in Grozny on 9 May 2016, and was picked up at around 1.30-2, before being taken to a police station. Police released Azar at around 5.15pm, it was [reported](#). He was reported to have been detained to verify his identity, and he says that the police wanted to know if he was a 'terrorist', a 'terrorist sympathiser' or a member of IS. A Ministry of Internal Affairs spokesperson was quoted as saying that Azar was brought to the police station for identification within the framework of existing laws, and that he was released shortly after his papers were checked.

**\*Sergei LOIKO:**

**Profession:** journalist, worked with the Los Angeles Times and Novaya Gazeta, author **Date of harassment:** 15 April 2016 **Details of harassment:** It was [reported](#) that Sergei Loiko narrowly escaped being attacked by unknown assailants in Moscow. He was at the studios of the TV station Dozhd', where he was going to discuss his new book entitled Airport, a fictionalised account of the 2014 Donetsk Airport siege. He was approached threateningly by four unidentified men in black hats who exited from a car with a hidden license plate. He took cover behind the door of the TV studio, which was held closed by security when the men attempted to break in. None of the men were carrying weapons. **Background:** In October 2015, Loiko said that he had received threats after the publication of Airport. It was [reported](#) that he received verbal abuse and phone calls, and that an anonymous person distributed a letter that slandered and denounced him, as well as encouraging others to do the same; this has led to friends and neighbours stopping communicating with him.

### Judicial Harassment

**\*Olga LI (f):**

**Profession:** regional parliament deputy, founder and editor-in-chief of local newspaper *Narodnyi Zhurnal* (People's Journalist) **Date of harassment:** 14 April 2016 **Details of harassment: 1)** Charges of defamation were brought against the local journalist and parliamentarian Olga Li, after a story published in October 2015 accused a local judge of [reportedly](#) making an unjust court decision. It was reported that state investigators found the material false and defamatory. She is being charged under Article 298.1, section 1 of the Criminal Code (slander against a judge, juror, prosecutor, investigator, detective or bailiff). **2)** In a second investigation, charges of extremism were brought against Li for a post she made on social network site vKontakte, in which she accused Judges and prosecutors of 'committing serious offences'. She is being charged under Article 282, section 1 of the Criminal Code (Incitement of Hatred or Enmity, as well as abasement of human dignity, [on the grounds of belonging to the social group of government officials]). The two cases are now [reportedly](#) being investigated together. If she is convicted, she could face up to two years in prison. Investigators [reportedly](#) said that the language used is 'aimed at degrading the dignity' of government representatives. **Background:** Li is well-known for being critical of local and federal authorities, and she has been publishing investigations into corruption in city communal services, taxation and courts. It was reported that according to Li and her lawyers, prosecution against her began after she published a video on YouTube criticising the Russian President and the Ruling Party, United Russia, accusing the Russian President of a 'criminal conspiracy' against the Russian people. She has also been criticised for not supporting the Russian annexation of Crimea, and she claims that not only has she been criticised by deputies of every party, but that a KPRF (Communist Party of the Russian Federation) deputy suggested that she should publically apologise.

**\*Alexander VALOV:**

**Profession:** editor-in-chief of BlogSochi **Date of arrest:** 3 June 2016 **Details of arrest:** Alexander Valov was arrested along with a six-man TV crew from American network HBO and their Russian interpreter. They were stopped by men in uniforms but without markings, and without explanation they were asked to get into the agent's cars. They were accused of breaking border control. It was reported that the agents denied them access to a lawyer and refused to acknowledge what they had been stopped for; they refused to identify themselves, show IDs or give reasons for the detention. An officer of the FSB border control for the Krasnodar territory said that they had entered the pre-border zone without special passes, although a Sochi lawyer [stated](#) that the settlement was a residential area with no signs and markings and therefore the detention was a violation. The American journalists were released on the same day, but it was announced that Valov and the Russian interpreter would be detained for 48 hours for [allegedly](#) holding a rally or a gathering. On 4 June a court fined the interpreter and jailed Valov for five days on charges of violating the rules of organising a rally (Part 3, Article 20.2 of the Russian Code of Administrative offences), despite Valov [reportedly](#) claiming that there had been no rally. **Background:** On April 11 Valov was [reportedly](#) detained by border police for violating the border by going to Velosoye-Psou, where he was detained with the HBO crew, to make a photomontage report on dilapidated houses built for Olympic settlers. He was fined 1,000 roubles (\$15). **Other information:** A local man was [reportedly](#) visited by five FSB agents when the HBO crew attempted to interview him, preventing the interview from proceeding. The HBO team reportedly declined to appeal against the actions of the FSB team citing a lack of time, although they [stated](#) that they considered the actions of the FSB team illegitimate as they had committed no unlawful acts.

**\*Vyacheslav YEGOROV:**

**Profession:** editor-in-chief for the newspaper *Regionalnye Vesti – Podmoskvye* **Date of harassment:** 18 March 2016 **Details of harassment:** [It was reported](#) that on the morning of 18 March 2016 FSB and MVD officers searched the flat of Yegorov, entering at 7am, and confiscating his computer and his mobile phone. The search warrant given stated that he violated the Russian Criminal Code with calls for separatism, and Yegorov has also stated that he is suspected of insulting the Russian President and Prime Minister; he has stated that he is unaware of which of his articles could have prompted the search, [it was reported](#).

Sentenced

**\*Sergei ALEKSEENKO:**

**Profession:** LGBT Rights Activist **Date of sentencing:** 18 January 2016 **Details of trial:** Sergei Alekseenko was charged under the Russian federal laws 'for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values', it was reported. On the 12 December Alekseenko was reportedly summoned to by local police to sign a statement, dated 20 January 2015, alleging he had committed an administrative violation. [Human Rights Watch have said](#) that Alekseenko was charged for material found on the website of the LGBT rights organisation which he used to head. [Alekseenko was fined 100,000 roubles\(\\$1,300\)](#), although Alekseenko claims that the judge did not take into account the fact that the suit was filed against the head of the LGBT organisation Maksimum, which no longer existed, [and that the statute of limitations had passed on the case.](#) ([Alekseenko has stated](#) he will protest the sentence.) **Background:** [HRW report](#) that the LGBT group which Alekseenko headed shut in October 2015 after the authorities forcibly registered it under foreign agent laws.

Conditional Release

**Alexei NAVALNY:**

**Profession:** lawyer, political activist, blogger and runner-up in the 2013 Moscow mayoral elections

**Date of birth:** 4 June 1976 **Sentence:** three and a half years suspended prison sentence **Date of arrest:** 28 February 2014 **Details of arrest:** Navalny was placed under house arrest on 28 February 2014 following a request by investigators. The terms of his house arrest stipulated that he may not access the internet, send or receive letters, talk to the press or leave his house without prior permission from investigators. The term of his house arrest was extended by six months on 24 April 2014. **Details of trial:** Navalny was charged with fraud and money laundering. In late October 2013, investigators charged Alexei and his brother Oleg of defrauding a Russian subsidiary of the French cosmetics company Yves Rocher out of approximately \$811,000, and a Russian company, MPK, out of 4m roubles (approx. \$125,000). They also charged the brothers with laundering \$656,000. On 30 December 2014 he was convicted and given a three and a half year suspended prison sentence. His brother was sentenced to three and a half years' in prison, and was refused parole in 2016.

**Background:** He was convicted of embezzling \$500,000 from a state-owned timber company while he was an advisor to the governor of the Kirov Oblast and was handed a five-year prison sentence by a local court in Kirov on 18 July 2013. Unusually, the Prosecutor's Office requested his release and Navalny was freed the following day, pending the appeal of his sentence. The sentence was later suspended (on 16 October 2013) and Navalny is not allowed to run for political office for the foreseeable future. His suspended sentence was upheld by an appeals court in February 2015; the court also lifted his house arrest order. **Background:** Navalny is a long-time critic of Vladimir Putin's ruling United Russia Party; his criticisms often appear in his popular blog which he has used to organise large-scale demonstrations against corruption in Russia. He has also written articles in several Russian publications, such as *Forbes Russia*. In a 2011 interview with Reuters, he claimed that Putin's political system is so weakened by corruption that Russia could face an Arab Spring-style revolt within five years. On 10 July, he registered as a candidate for the Moscow mayoral elections scheduled for 8 September 2013, and earlier had voiced his ambition to one day run for president. Throughout 2012 there were various investigations into Navalny's financial affairs. Article 19 and Amnesty International have said that Navalny did not receive a fair trial and that the charges against him were politically-motivated. In 2014 Navalny's blog was banned under an amendment to the Law on Information, Information Technology, and Information Protection which empowers the prosecutor general's office to block websites and blogs 'containing calls for unsanctioned acts of protest' within 24 hours, and without any court approval. Navalny was detained briefly in January 2015 after breaking the terms of his house arrest by trying to attend an anti-Putin demonstration in Moscow. He was also attacked in 2016 (see above under 'Attacked') **Other information:** It was reported in February 2016 that the European Court of Human Rights ruled that the ruling against Navalny was 'prejudicial' and that he had been deprived of a fair trial. Moscow was also ordered to pay Navalny €8,000 (about \$8,800) in compensation. **PEN Action:** the ban on Navalny's blog was mentioned in PEN's 2014 [resolution on the Russian Federation](#).

*When the Russian Federation annexed Crimea in March 2014, it became responsible – under the law of occupation – to maintain order, safety and ensure that the fundamental rights of the occupied population were protected. However, under the law of occupation (which Russia does not accept applies in Ukraine), the Russian authorities are obliged to imprison arrested persons in the occupied territory.*

*Since the annexation, the Russian authorities have also introduced Article 280.1 to the Russian Penal Code which penalises anyone making public calls which 'harm the territorial integrity of Russia' with up to five years in prison.*

Judicial concern

### **Oleg SENTSOV:**

**Profession:** filmmaker, best known for his 2011 film, *Gaamer* **Sentence:** 20 years in prison **Date of arrest:** 11 May 2014 **Details of arrest:** Sentsov alleges that FSB officers held him at his apartment in Crimea on 10 May where they not only beat him up, but also suffocated him with a plastic bag to the point where he lost consciousness. Along with blows to his back and head, Sentsov's trousers and underpants were removed and he was threatened with rape with a police baton. This treatment continued for over three hours during which Oleg Sentsov refused to confess. These allegations are not known to have been investigated. He was then arrested, and his official arrest was recorded on 11 May on 'suspicion of plotting terrorist acts' and membership of Right Sector, a far-right Ukrainian group (this charge has reportedly since been dropped. On 26 June 2014, Russia's presidential council for human rights appealed to the deputy prosecutor to review the circumstances surrounding the arrests of Sentsov and a fellow Ukrainian activist. A reply, posted on the council's website, said that prosecutors found 'no grounds for altering the detention of either suspect'. On 7 July 2014 Sentsov's arrest was extended until 11 October 2014; in October 2014 his arrest was extended to 11 January 2015. In September 2014, his lawyer appealed to the European Court of Human Rights regarding Sentsov's arrest, pre-trial detention and ill treatment. He also requested an interim measure requesting access to the case file. Also in September, at a pre-trial hearing, Sentsov reportedly claimed that he has never been a member of Right Sector or any other extremist group and denied all charges, stating that he had been tortured. Sentsov also indicated that he feared being killed in prison. The Ukrainian authorities are banned by their Russian counterparts from contacting Sentsov. **Current place of detention:** Initially held in Moscow's Lefortovo pre-trial detention centre, the judge ruled in August 2015 that he would be held in SIZO (pre-trial prison) No. 4 in Rostov-on-Don until the judgment came into force **Details of trial:** Russian prosecutors have stated that Sentsov had confessed to plotting terrorist attacks in Crimea. Sentsov's trial was due to begin on 11 May 2015, the one-year anniversary of his detention, but in the same month a Moscow city court judge ruled that his pre-trial detention should be extended a further two months until 11 July 2015. On 20 August 2015, Sentsov was sentenced to 20 years in prison in a high security penal colony. The Supreme Court [upheld](#) the conviction and sentence on 24 November 2015. **Background:** Sentsov was also an activist in the Maidan movement which toppled former Ukrainian President Viktor Yanukovich **Other information:** In July 2016 Sentsov was added to a new list of terrorists and extremists from Crimea, along with **Nikolai Semena** (see below). **PEN Action:** Mentioned in the 2014 [resolution on Russia](#) passed at PEN's annual congress. **PEN position:** PEN believes on the basis of the available evidence that Oleg Sentsov is most likely held on account of his political activities. As he is not held for his screen-writing, PEN's concern relates to the shortcomings in the judicial procedure followed, including the failure to investigate his allegations of torture and his lengthy pre-trial detention, as well as the fact that he is held in Russia. Under international law, Crimea constitutes occupied territory and as the Occupying Power, Russia is obliged under the Geneva Conventions not to transfer civilian prisoners out of the territory.

### Harassment

#### **\*Zair AKADYROV:**

**Profession:** Freelance journalist, blogger **Date of harassment:** 1) 15 January 2016 2) 22 January 2016 3) 20 April 2016 4) 30 May 2016 **Date of release:** 15 January 2016 **Details of harassment:** 1) Zair Akadyrov was briefly detained on 15 January 2016 while attending a Supreme Court hearing in case on protests which occurred during the annexation of Crimea. [Among the accused were several Crimean Tatar activists whose cases Akadyrov had previously covered on his blog.](#) 2) He was summoned for questioning on 22 January in connection with his previous arrest; the interviews were then postponed till 25 January 3) Security forces raided his house on 20 April while he outside Crimea 4) He was detained on the border when entering Crimea from Ukraine to visit his parents. **Background:** Among the accused in the Supreme Court hearing were several Crimean Tatar activists and public figures whose cases Akadyrov had previously covered on his blog. **Other**

**information:** [The OSCE has released a statement](#) saying they consider his detention ‘apparent retaliation’ for previously covering one of these trials.

**\*Lilia BUDZHUROVA (f):**

**Profession:** Journalist, previously head of Crimean Tatar TV Channel, now closed **Date of Harassment:** 30 May 2016 **Details of harassment:** She received a [formal warning](#) of “the inadmissibility of extremist activities” from the Simferopol prosecutor’s office some six days after writing a moving appeal to show solidarity and support for children of 18 Muslim men held in custody in Crimea. The warning cites her [article](#) ‘Now these are our children’ and posts on Facebook, and suggests that these contain “extremist utterances” and “publications which could incite ethnic and religious hatred and enmity”.

**\*Anastasiya RINGIS (F):**

**Profession:** journalist for Ukrainskaya Pravda **Date of harassment:** 25 February 2016 **Details of harassment:** On attempting to travel through Chongar checkpoint on the Ukrainian-Crimean administrative border, Ringis was informed that by Russian authorities for the FSB that she was banned from entering the peninsula until 2020. **Background:** Ringis was born in Gurzuf, Crimea, and her parents currently still reside in Crimea.

**\*Mykola SEMENA:**

**Profession:** freelance journalist, journalist for Radio Liberty and Krym.Realii, former journalist for Russian newspaper *Izvestia* and Ukrainian newspaper *Den* **Date of harassment:** 28 April 2016 **Details of harassment:** A criminal case was opened on 19 April 2016 against Mykola Semena, and his apartment was [reportedly](#) searched by police, along with the apartments of two more journalists, Leniara Abibulayeva and Ruslana Liumanova, as well as blogger **Zair Akadyrov** (see below). He was briefly detained for an interrogation; the search lasted five hours, and three laptops, seven notepads and five memory sticks were taken, [according](#) to his son. The Prosecutor-General’s office said that he was being investigated over alleged ‘calls for undermining Russian territorial integrity via mass media.’ On 28 April 2016, Semena was summoned for questioning, reportedly for making calls for separatism and undermining Russia’s territorial integrity, to do with a piece on the krym.realii website, it was [reported](#). It is understood that Semena has written for Radio Free Europe/Radio Liberty (RFE/RL) before, but he apparently denies working for the outlet. He refused to answer questions, citing his rights under Russian law not to implicate himself, and he has [reportedly](#) been ordered not to leave Crimea while investigations are underway. On 11 July 2016, it was [reported](#) that Semena had been added to a list of terrorists published by the Russian Financial Monitoring Service (Rosfinmonitoring), a service which is meant to help combat money laundering and the financing of terrorism. **Background:** On 12 May 2016 web users discovered that RFE/RL had been banned by authorities in the Crimean Peninsula. The *de facto* prosecutor of Crimea, Natalia Poklonskaya, reportedly said on 12 May 2016 that the Russian internet regulator, Roskomnadzor, had launched measures to block and close down the site of RFE/RL. [**Stop Press:** In December he was received [written charges of ‘calls for undermining Russian territorial integrity via mass media’](#), which can carry a five year prison term]

## SERBIA

### Death threat

**\* Brankica STANKOVIĆ (f):**

**Profession:** Editor-in-chief of Insajder (news website), main writer for the investigative television news programme Insajder, and author **Date of threats:** 14-22 March 2016 **Details of threats:** The Council of Europe media freedom platform have [reported](#) that no details have been released about

the content of threats due to an ongoing police investigation. Stanković received death threats via email, as did the editor-in-chief of Insajder's parent company, broadcaster B92. The Independent Association of Journalists of Serbia (NUNS) have condemned the threats. **Details of investigation:** On 23 March 2016, Interior Minister Stefanovic announced that an individual had been arrested in connection to the threats. **Background:** Stanković has been under police protection since 2009 as she regularly receives threats in connection with her work. She is the author of *Insajder: My Story*, her autobiography, published in 2013 **Awards:** 2014 Courage in Journalism award of the International Women's Media Foundation

#### Harassed

##### **\*Dragana PECO (f):**

**Profession:** journalist for The Crime and Corruption Reporting Network (KRIK) **Date of harassment:** 15 July 2016 **Details of harassment:** Peco received anonymous threats via two separate twitter accounts. According to the Mapping Media Freedom Project, one of the messages said KRIK journalists 'should be lined up and shot as foreign agents in Serbia.' KRIK believes that the threats were connected to articles revealing hidden assets of government officials **Details of investigation:** KRIK filed a criminal complaint to the High Court of Belgrade.

#### **SPAIN**

#### Attacked

##### **\*Gorka BEREZIARTUA:**

**Profession:** journalist for *Argia Magazine* **Details of attack:** according to the [Mapping Media Freedom Project](#), Bereziartua was reporting on a protest by a local movement against the construction of an incineration plant in San Sebastian (Basque region) on 19 June 2016. *Argia* published a video on their website showing police knocking down and assaulting Bereziartua, despite him demonstrating that he was a journalist. Both the Basque Journalist Association (AVP-EKE) and Association of Basque Journalists (CVP-KEE) have called for an investigation into the incident.

##### **\*Javier NEGRE:**

**Profession:** journalist for *El Mundo* daily newspaper **Date of harassment:** 15 April 2016 **Details of harassment:** Negre wrote an article in *El Mundo* on 3 April 2016. He reported on an incident in 2002 when Andres Bodalo, a councillor for local party Jaen en Comun (a local association of Podemos party), attacked an ice cream shop during a General Strike. Bodalo's supporters have been harassing Negre via social media following the publication of the article. The Association of Journalists in Madrid (APM) have [condemned](#) the harassment.

#### Harassed

##### **\*Publico (online newspaper):**

**Date of harassment:** 24 June 2016 **Details of harassment:** According to the [Council of Europe's](#) journalist platform, police officers seized recordings of conversations between Jorge Fernandez Diaz, Interior Minister, and the Director of the Anti-Corruption Agency of Catalonia. *Publico* claim that the police were not in possession of a warrant and therefore unlawfully seized the recordings from their Madrid office.

#### Sentenced

**\*Axier LOPEZ:**

**Profession:** journalist for *Argia Magazine*, and their online news content **Date of sentence:** **Details of trial:** López is the first journalist sentenced under the controversial 2015 public safety law, known as the 'gag law.' He was fined €601 by the central government's local representative office in Guipúzcoa in the Basque region. Officials claimed that he 'published without authorisation ... images of a police operation carried out in Eibar on the same morning. Through these images it is possible to identify the officers taking part in the operation, with the risk that for the officers can result from their public identification.' López tweeted a photograph of an arrest on 3 March 2016. He was charged under Article 36.23 of the Public Safety Law which prohibits the use of unauthorised images of security forces that could endanger their personal or family security. Both López and *Argia Magazine* are refusing to pay the fine and López is appealing the sentence. **PEN Action:** [statement](#) 21 April 2016

Released

**\*Pablo MUNOZ:**

**\*Cruz MORCILLO:**

**Professions:** journalists for daily newspaper *ABC* **Date of release:** 9 May 2016 **Details of trial:** Munoz and Morcillo were prosecuted for an article published on ABC on 11 July 2014. The article published phone conversations between former treasurer of Partido Popular party, Luis Barcenas and two mafia members of Neapolitan Camorra. According to [ABC](#) they faced a two-and-a-half-year prison sentence for making the private conversations public and for hindering a police investigation. **Details of release:** On 9 May 2016, the General Attorney in Madrid superseded the accusation. The trial ended and the journalists were acquitted.

**TURKEY [Jan-June 2016]**

Killed

**Rohat AKTAŞ (m):**

**Profession:** news editor and reporter for Kurdish-language daily *Azadiya Welat* **Date of death:** between 30 January and 24 February 2016 **Details of death:** Rohat Aktaş was last heard from in the south-eastern town of Cizre on the 30 January 2016, and on 24 February local media reported that his body had been identified using DNA testing. On 22 January he was shot in the arm while reporting on efforts to help those wounded between clashes between Kurdish separatists and Turkish forces. According to Aktaş' editor and local media, Turkish forces fired on people trying to help and he was shot in the arm. The Committee to Protect Journalists (CPJ) stated that they were not able to verify this information as journalists had been barred from the area. His newsroom lost contact with him in late January and on 4 February his editor told CPJ that there had been no contact with Aktaş for five days. According to [conversations](#) held by CPJ with some of his colleagues and other journalists from the region, they saw it as unlikely that he was there to fight. **Other information:** Aktaş had been working as the "responsible news editor", a role which staff took turns to fill to mitigate risk, and was legally responsible for the content of the newspaper, along with staff whose bylines are shown. [According](#) to CPJ *Azadiya Welat* has been the subject of judicial harassment for a number of years. **Background:** According to news reports, Cizre is one of several areas where Turkish security forces have fought groups linked to the PKK. The city was under 24-hour curfew between 14 December 2015 and 2 March 2016, after which officials reportedly declared that military operations were over. Kurdish groups claimed that dozens of people had burned to death in Cizre basements, and that security forces had denied medical treatment to those injured in clashes. This information could not be verified as journalists were banned from the area. In May, the UN High

commissioner for Human Rights [said](#) that he had received a succession of reports alleging abuses in the south-east of the country.

### Killed - impunity

#### **Ibrahim ABD al-QADER (m)** (Syrian National):

**Profession:** citizen-journalist, contributor to the “Raqqa is Being Slaughtered Silently” (RBSS) information network and the *Ayn al-Watan website* **Date of death:** 30 October 2015 **Details of death:** 20-year-old Abd al-Qader was found beheaded in the Southeastern city of Sanliurfa, Turkey, where he had been living as a refugee for the past year. He was reportedly found at the home of a friend who had also been decapitated. Turkish media reported that several suspects were arrested although the Islamic State organisation also known as ISIS has since claimed responsibility for the double murder. No more information as of 30 June 2016. **Background:** The RBSS network was created in April 2014 to document the Islamic State’s atrocities in Raqqa, a city in northern Syria controlled by the jihadist group since the start of 2014. After quickly establishing itself as one of the most reliable sources of information about what is happening in Raqqa, RBSS this year received an [International Press Freedom Award](#) from the Committee to Protect Journalists (CPJ). Its contributors are under permanent threat from IS, which has declared them to be “enemies of God.”

#### **Hrant DINK (m)**

(NOTE: The direct perpetrators of his murder have been convicted and imprisoned although the organised conspiracy behind his murder is still being investigated):

**Profession:** editor of the Armenian language *Agos* magazine **Date of death:** 19 January 2007 **Details of killing:** Killed outside his office in Istanbul by an assassin on 19 January 2007. Dink had been convicted under Article 301 of the Penal Code for “insulting Turkishness” for his writings on an Armenian genocide. In October 2005, he was given a six month suspended sentence for a 2004 article entitled “The Armenian Identity”. Dink’s murder sparked debate on revision or repeal of Article 301, which many believe marked Dink out as a target for ultranationalists. **Details of investigation:** Ogün Samast was sentenced to 22 years and 10 months in prison on 25 July 2011, the heaviest sentence that can be passed against a minor. He was 17 at the time of the murder. He confessed to the killing and his sentence was upheld by the Supreme Court. Yasin Hayal, a criminal with a previous conviction for a bomb attack on a McDonald’s restaurant, was sentenced to life in prison in solitary confinement and with no possibility of parole, for “soliciting another person to wilfully commit a murder”; he earlier admitted to arming Samast and instructing him to murder Dink. Separately, Hayal was sentenced to three months in prison for threatening Nobel Laureate Orhan Pamuk and a year in prison for “unauthorised possession of arms”. Two others, Ersin Yolcu and Ahmet İskender, were sentenced to 12 years and six months in prison each, for “assisting in a felonious murder”. İskender was also sentenced to a year in prison for “unauthorised possession of arms.” In May 2013, the Supreme Court of Appeal accepted Hrant Dink’s lawyers’ call for the case to be considered as an organised crime, overturning a January 2012 court ruling that this was not the case. This has opened the way for a new trial to be opened, which started on 17 September 2013. This will mean that: Yasin Hayal, whose sentence has already been upheld by the Supreme Court, will now also be tried for leading the criminal gang behind the murder. Osman Hayal, (brother of Yasin Hayal) who was earlier tried and acquitted of involvement, will have his acquittal reviewed. He was allegedly caught on security cameras as being with Samast at the time of the murder. Erhan Tuncel, another suspect acquitted of the murder, will now be retried as being a member of a criminal organisation as will three other defendants also acquitted when an earlier court ruled that no such organisation existed. Dink’s lawyers were, however, disappointed that the retrial decision did not go further in defining the organisation as a “terrorist organisation,” which would have given investigators greater powers. On 21 May 2014, the court lifted a non-prosecution order protecting Istanbul Deputy Governor Ergün Güngör, Istanbul Police Chief Celalettin Cerrah and seven other

security officials from being prosecuted in relation to the Dink murder. On 29 June 2015, Istanbul's 5th Penal Court rejected Yasin Hayal's plea for a retrial. On 28 May, the same court had ordered former Istanbul police intelligence chief Ali Fuat Yilmazer to be arrested on charges of aiding and abetting premediated murder. On 3 September 2015, at the 6th hearing of the case, the court demanded the Scientific and Technological Research Council of Turkey (TÜBİTAK) to prepare a report based on security camera tapes to clarify whether Osman Hayal had been following Ogun Samast at the crime scene. On 7 October 2015 seven police officers were reportedly taken into custody after new evidence relating to Dink's murder came to light. The seven are reportedly suspected of "helping kill a person intentionally in an organised way; forgery and cover-up of official documents." In a letter dated 13 November 2015, Ogun Samast reportedly requested to be allowed to present his testimony for the "criminal organisation" leg of the case into the murder, also asking to be transferred to a prison in Istanbul, from the high-security F-type prison in Kandıra, Kocaeli province, where he is currently held. On 9 December 2015 the Istanbul Chief Public Prosecutor's Office approved the indictment prepared against 26 former officers, including police chiefs, into "negligence on public duty" in the shooting death of Dink, although the court reportedly refused to join the two cases and therefore the prosecutor forwarded the indictment report to the Istanbul 14<sup>th</sup> High Criminal Court. According to reports, there are arrest warrants for two further suspects. **Update:** In January 2016, the 5<sup>th</sup> Chamber of the Supreme Court of Appeal ordered the two cases to be joined together. The trial of 34 suspects on charges of running a criminal network, destroying evidence, dereliction of duty and official misconduct began in April 2016 and was continuing at the end of June 2016. **Honorary Member:** PEN Vlaanderen, English PEN and Norwegian PEN. **PEN Action:** He was one of the 50 writers chosen to represent the struggle for freedom of expression since 1960 for the Writers in Prison Committee's 50th Anniversary Campaign – [Because Writers Speak Their Minds](#), representing 2007.

**Naji JERF (m)** (Syrian National)

**Profession:** founder and editor of opposition magazine *Henta* and documentary filmmaker **Date of death:** 27 December 2015 **Details of death:** Jerf was gunned down in broad daylight in Gaziantep, southeastern Turkey where he had worked for the past three years documenting atrocities by Islamic State (also known as ISIS and ISIL) and the Syrian government. No group has claimed his murder as of 30 June 2016 although it is believed Islamic State is responsible. **Background:** Originally from Salamiyah, Hama province Jerf covered human rights abuses and coordinated the work of citizen-journalists after the start of the uprising in 2011. When the government intelligence officers identified him and ransacked his office in October 2012 he went into hiding and fled the country a month later. He had previously told Reporters Without Borders (RSF) that he had been receiving threats and had just obtained a visa for France where he had planned to move next month. In his visa application letter, he said he feared for his safety and would like to live in a country that "respects human rights." France gave him the protection he sought but his killers acted before he left. In a letter in July 2015 to the French ambassador in Turkey in support of his application, he wrote: "I now live in the Turkish city of Gaziantep and my safety is more and more difficult after an increase in the threats to me and my family, above all because I am a secularist and belong to the Ismaili minority, which is targeted by the Jihadis." The threats against Jerf began to increase this past summer because of his coverage of the atrocities by Islamic State. His film "[ISIL in Aleppo](#)," which documented the Islamic State's execution of many Syrian activists, was released in December 2015. Jerf was also in contact with [Raqqqa is Being Slaughtered Silently](#) (RBSS), a citizen-journalist collective whose members are being pursued by Islamic State, which has declared them to be "enemies of God."

Imprisoned: Main case

**Mehmet BARANSU (m):**

**Profession:** Journalist for the daily *Taraf* **Sentence: 1)** 10 months in prison (also on trial for other charges) **2)** 11 months and 20 days **3)** 10 months in prison **Date of arrest:** 2 March 2015 **Details of arrest:** Baransu was arrested along with Murat Seki Çoban on the charges of forming a criminal organization and obtaining, distorting and stealing secret state documents. Baransu broke a story about an alleged military coup known as Sledgehammer in 2010 after having received CDs, tapes and documents from a source. **Current place of detention:** Silivri Prison, Istanbul **Details of trial: 1)** The Istanbul Chief Public Prosecutor's Office launched an investigation against Baransu and Çoban in November 2013 on the grounds that they "revealed confidential documents regarding Turkey's national security interests" in the article "Gülen'i Bitirme Kararı 2004'te MGK'de Alındı" (The Decision to Ruin the Gülen Movement Made at the National Security Council Meeting in 2004), which was written by Baransu and published by *Taraf* on 28 November 2013. Baransu and Çoban were officially charged on 22 May 2014 following a six-month investigation. **2)** On 30 June Baransu was reportedly also questioned by for the first time in an investigation started by MİT, the Turkish intelligence agency, in April. In that case, Baransu is reportedly being investigated over a series of articles and opinion columns published in *Taraf* in 2011 on the Uldere air strike in December of that year, in which 34 Kurdish villagers were killed by Turkish fighter jets. Details of the MİT investigation are limited because it has been declared a state secret. Baransu is reportedly accused of "collecting secret official documents on state's security and political interests". **3)** On 5 October 2015 Baransu was charged with staging a coup against the Turkish government via news articles he reportedly published about genetically modified rice. The Mersin 2nd High Criminal Court has accepted the indictment. The prosecution stated in the indictment that Baransu attempted to create a negative perception about some government officials in the reports by stating that those officials had overlooked those who imported genetically modified rice and that Baransu had intended to put pressure on the government to resign by alleging that the government had covered up the corruption. The first hearing took place on 14 October 2015; a ban on reporting the trial was imposed on 13 October 2015. Biosecurity Law No. 5977 prohibits the production of GMO foods in Turkey and makes it mandatory to secure permission from the ministry to transport these products through Turkey. **4)** On 30 June 2015 Baransu was handed a 10-month jail sentence by the Anadolu 2<sup>nd</sup> Civil Court of First Instance for insulting the then Prime Minister, President Erdoğan. The charges concerned Baransu's tweets, which he denied had contained any insults. Whilst the indictment accused Baransu of insulting and blackmailing President Recep Tayyip Erdoğan, seeking a seven-year sentence, the court decided that the tweets did contained insults and imposed a 10-month prison sentence. **5)** On 2 February 2016, Baransu was imprisoned for a further 11 months and 20 days for his criticism of the head of the National Intelligence Agency. **Conditions of detention:** According to his lawyer, Baransu was kept in isolation for nearly four months before being given a cell mate on 22 June 2015. Coban is free pending trial. **PEN Action:** [Statement 5 March 2015](#)

#### Note on Anti-Terror Investigations in Turkey:

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

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

The **Ergenekon** investigation attempts to uncover an alleged, clandestine, ultranationalist organisation engaged in the plotting of a military-backed overthrow of the government. The early waves of this investigation largely targeted members of security and intelligence forces, as well as investigative journalists with alleged relationships to them. One of the latter waves of the investigation implicated online news outlet ODATV in the conspiracy, as well as a number of investigative journalists writing about the alleged infiltration of the police and judiciary by members of the liberal Islamic 'Gülen Movement'

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

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

#### Imprisoned: investigation

PEN is seeking further information as to whether the writers below used or advocated violence.

#### **Seyithan AKYÜZ (m):**

**Profession:** journalist for *Azadiya Welat*, a Kurdish language daily newspaper **Sentence:** 22 years, 6 months in prison **Date of arrest:** 7 December 2009 **Current place of detention:** Isparta E-Type Prison **Details of trial:** He was sentenced in October 2012 after conviction of offences under Article 314/2 of the Turkish Penal Code (membership of a terrorist organisation), Article 5/1 of the Anti-Terror Law (membership of a terrorist organisation) and Article 7/2 of the Anti-Terror Law (making propaganda for a terrorist organisation). The indictment against him refers to banned pro-Kurdish calendars and newspapers, some of which he distributed during May Day celebrations in 2006, as well as "engaging in propaganda activities and providing CDs and organization documents within the framework of the urban wing of the armed terrorist organization" and "participating in the illegal demonstration with stones and Molotov bombs in Adana on 9 August 2009." Remained imprisoned as of 1 August 2015.

#### **Sevcan ATAK (f):**

**Profession:** *Özgür Halk* editor **Date of arrest:** 18 June 2010 **Sentence:** Seven years and six months **Current place of detention:** İzmir Şakran Women' Prison **Details of trial** She was convicted on 26 May 2011 of offences under Article 314/2 of the Turkish Penal Code (membership of an armed organisation), and Article 5 of the Anti Terror Law (membership of a terrorist organisation) in Diyarbakir. **Conditions in detention:** According to the media reports, Atak has serious health problems. She is suffering from cancer of the uterus and is at risk of losing her eye sight. Medical reports have recommended that she is released for medical treatment. She remained imprisoned as of 1 August 2016.

#### **Mikail BARUT (m):**

**Profession:** *Özgür Halk* editor **Sentence:** Seven years and six months **Date of arrest:** 20 December 2011 **Current place of detention:** Silivri L-Type Prison **Details of trial:** an alleged member of the KCK "Press Wing", he is facing trial for "leadership of an illegal organisation" under Article 5 of the Anti-Terror Law and Article 314/1 of the Turkish Penal Code ("leadership of an armed organisation"). There is no detention order against him under these charges but he remains imprisoned under a separate case for involvement in the KCK. PEN is seeking further details on this other case. He remained imprisoned as of 1 August 2016.

**Gurbet ÇAKAR (f):**

**Profession:** Editor in chief of Kurdish language magazine *Heviya Jine* **Date of arrest:** March 2010 **Sentence:** Seven years and six months in prison **Details of trial:** Sentenced on 30 December 2010 for "committing a crime on behalf of a terrorist organisation without being a member" and "making terrorist propaganda" under Article 7/2 of the Anti-Terror Law. The charges relate to articles published in Kurdish language magazine *Heviya Jine*. Remained imprisoned as of 1 August 2016.

**Ersin ÇELİK (m):**

**Profession:** journalist for the Dicle News Agency (DİHA) **Sentence: (1)** Six years in prison **(2)** Ten months in prison **Date of arrest:** 22 March 2008 **Details of trial: (1)** Sentenced in January 2010 by the Malatya Third High Criminal Court with 26 other people on charges of "membership of a terrorist organisation" under Article 314/2 of the Turkish Penal Code and Article 5 of the Anti-Terror Law. He was arrested in March 2008 along with some 100 people for their alleged involvement in the Patriotic Democratic Youth Assembly (YDGM) linked by prosecutors to KCK and the PKK. 30 were detained of which 26 were freed after two months. They were accused on the testimony of one witness who claims to have recognised them as members. PEN is seeking clarification of whether he has appealed his sentence. **(2)** On 13 May 2011, Çelik was sentenced to 10 months in prison by the Diyarbakır 6th High Criminal Court on another charge of having "disclosed the identity of a police officer on anti-terror duties" in an article on the death of a student killed during a demonstration in 2009. Çelik cited the names of the officers accused of the shooting in his article. He was unable to attend the hearing because of his detention. An appeal has been lodged. PEN is seeking further details. No further information as of 1 August 2016.

**Ferhat ÇİFTÇİ (m):**

**Profession:** journalist for *Azadiya Welat*; Gaziantep representative **Sentence:** 22 years and 6 months in prison **Date of arrest:** 16 February 2011 **Current place of detention:** Gaziantep H-Type Prison **Details of trial:** Convicted in early 2013 on charges of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code, leadership of a terrorist organisation under Article 5 of the Anti-Terror Law and making propaganda for a terrorist organisation under Article 7/2 of the Anti-Terror Law. Still imprisoned as of 1 August 2016.

**Şahabettin DEMİR (m):**

**Profession:** journalist for Dicle News Agency (DİHA) in Van, south eastern Turkey **Sentence:** Four years for propaganda and 11 years in another case **Date of arrest:** 9 May 2010 **Current place of detention:** Erzurum Oltu T-Type Prison **Details of trial:** Convicted of making propaganda for a terrorist organisation under Article 7/2 of the Anti-Terror Law and subsequently sentenced to four years in prison, upheld by the Supreme Court. The Court sentenced him to four years in prison for "spreading propaganda in favour of PKK organization". The High Appeal Court had confirmed the sentence. He was imprisoned in Bitlis E Type Prison after a violent altercation between him, his two brothers and his cousin. He was transferred on July, 9, 2012 to Giresun E Type Prison. The Heavy Penal Court sentenced Demir to 11 years in prison for "attempting murder, assault with a weapon, and trespassing". Yolyapan believes Demir is convicted because of an article that the journalist wrote on the raping of a minor, allegedly perpetrated by four police officers. As the last resort, his lawyer

appealed to the Constitutional Court. On November 2012, Demir launched hunger strike for 28 days with many journalists detained in KCK cases for protesting detention conditions of PKK leader Abdullah Öcalan, and also in recognition of the right of using mother tongue in the courts and education. He stopped it following the government's promises to carry out reforms in favour of the use of the Kurdish language for the defence. He remains imprisoned as of 1 August 2016.

**Hamit DUMAN (alias DİLBAHAR (m)):**

**Profession:** poet, politician and journalist for *Azadiya Welat* **Sentence:** 16 years **Date of arrest:** 13 February 2010, as part of the KCK operation. **Current place of detention:** Erzurum E-type prison **Details of trial:** Convicted of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code and leadership of a terrorist organisation under Article 5 of the Anti-Terror Law in early 2013 and sentenced to 16 years in prison. Still imprisoned as of 1 August 2016.

**Hatice DUMAN (f):**

**Profession:** *Atılım (Leap)* magazine owner and editor **Sentence:** Life imprisonment **Date of arrest:** 1 April 2003 **Details of arrest:** Arrested as part of an investigation into the Marxist Leninist Communist Party (MKLP) **Current place of detention:** Bakırköy Women Prison in İstanbul **Details of trial:** Her life sentence imposed in May 2011 was upheld on 16 October 2012 by the Supreme Court of Appeals. She was convicted of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code and leadership of a terrorist organisation under Article 5 of the Anti-Terror Law. Believed to have other convictions and charges against her. Still imprisoned as of 1 August 2016.

**Mustafa GÖK (m):**

**Profession:** *Ekmek ve Adalet* (bread and justice) weekly's representative and journalist with satirical magazine *Vız Gelir* **Date of birth:** 1966 **Sentence:** Life imprisonment **Date of arrest:** 19 February 2004 **Current place of detention:** Tekirdağ F-Type Prison **Details of trial:** A local court sentenced Gök to six years and three months in prison on charges of being a member of the outlawed Revolutionary People's Salvation Party/Front (DHKP/C), according to his defence lawyer, Evrim Deniz Karatana. Gök's lawyers appealed the sentence. Karatana told CPJ that the evidence against the journalist consisted of his news coverage and attendance at political demonstrations. She said Gök had been targeted for his reporting on politics and human rights, along with his beliefs as a socialist. **Health concerns:** Gök suffers from Wernicke-Korsakoff syndrome, a brain disorder, which has led to a loss of sight and balance. He remains in prison as of 31 December 2015 despite having a medical document that says he has a severe disability and is ineligible for incarceration. **Background:** Gök was also serving a life term on charges of membership in a terrorist organization, forgery, bombing, and murder, all dating to the early 1990s, according to the Justice Ministry's updated list. The life sentence was withdrawn in 2002 when Gök was released on parole for health reasons, Karatana told CPJ. When Gök was rearrested in 2004 on the DHKP/C membership charges, the life term was reinstated, she said. She said their appeal against the reinstated life term was rejected. Still imprisoned as of 1 August 2016.

**Ali KONAR and Nuri YEŞİL (m):**

**Profession:** both journalists for *Azadiya Welat* **Sentence:** Seven years and five months, and 22 years and 6 months respectively **Date of arrest:** 27 May 2010 **Current places of detention:** Konar is currently in Malatya E-Type Prison while Yeşil is in Maraş Elbistan E Type Prison **Details of trial:** They were charged in relation to the Yurtsever Demokratik Gençlik Meclisi (YDGM) (Patriotic Democratic Youth Assembly) linked to the KCK. **Konar** was sentenced in December 2010 to 7 years and five months in prison under Articles 220 and 314/2 of the Turkish Penal Code for membership of an armed organisation and Article 5 of the Anti-Terror Law for membership of a terrorist organisation. **Yeşil** was sentenced in June 2013 to 12 years and 6 months in prison under Article 314/2 of the Turkish Penal Code and Articles 5 and 7/2 of the Anti-Terror Law for membership of and propaganda for a terrorist organisation. He had previously been sentenced for propaganda, serving 10 months in

prison from November 2008 to August 2009, and later receiving a one year and seven months sentence (unclear if detained for this) for propaganda. A High Appeals Court is expected to decide about the decisions. Both still imprisoned as of 1 August 2016.

**Sevan NİŞANYAN (m):**

**Profession:** Turkish language historian, writer and *Agos* columnist **Sentence: 1)** Thirteen and a half months (postponed until the outcome of an appeal) **2)** 11 years (currently being served) **Date of arrest:** January 2014 **Current place of detention:** A prison in Torbali, Izmir province **Details of Trial: 1)** He was found guilty of religious defamation under Article 216/3 of the Turkish Penal Code on 24 May 2013 for comments he made regarding Muhammad in his personal blog. He was handed a 13-and-a-half month prison sentence, with the court deciding not to suspend his sentence or commute it to a fine as a result of his prior convictions. This sentence has been postponed until the outcome of an appeal, which is currently ongoing and is believed to be scheduled for 25 October 2016. **2)** Nişanyan is currently serving a prison sentence as a result of a longstanding legal battle with the state over planning permission. Nişanyan began this prison sentence in early January 2014. In April 2015, a court increased the length of this sentence from six years and six months to 11 years and one month after he was convicted of additional planning offences. No more information as of 30 December 2015. **PEN Actions:** [Interview with Sevan Nişanyan](#), 5 February 2015. Mentioned in PEN's 2015 report: [Surveillance, Secrecy and Self-Censorship: New Digital Freedom Challenges In Turkey](#)

**Erdal SÜSEM (m):**

**Profession:** *Eylül Hapishane (September Prison)* magazine editor **Date of arrest:** 1 February 2010 **Sentence:** life imprisonment (date not known) **Current place of detention:** Edirne F-type Prison **Details of trial:** Convicted of "attempting to overthrow the constitutional order by force" and membership of the outlawed Marxist Leninist Communist Party (MKLP) under article 314 of the Penal Code and Article 5 of the Anti-Terror Law. Sentence upheld in February 2011. A second trial against him, related to "propaganda" for terrorism is under way for which he could be sentenced to an additional 15 years in prison. Still imprisoned as of 1 August 2016.

**Sami TUNCA (m):**

**Profession:** editor-in-chief of *Yeni Evrede Mücadele Birliği* political review **Sentence:** ten years and five month imprisonment **Date of arrest:** 19 September 2013 **Details of arrest:** Tunca was arrested on 17 September, at his home in Tekirdağ. In June, he had attended several demonstrations held in Sarigazi district. During his arrest, the police showed him pictures of protesters, their faces covered, throwing stones or in possession of iron bars. "I participated in these events with my identity as a journalist and socialist", he wrote in a letter sent to readers, on 5 October 2013. Tunca remains imprisoned as of 1 August 2016. **Current place of detention:** Tekirdağ N.1 F type High Security Closed Prison **Details of trial:** Tunca was convicted by the Adana 7th High Criminal Court for "membership of an outlawed organization", "propaganda of a terrorist organization", "possession of explosive device" and "violation of Law 2911 on demonstration" in a case in Gaziantep (File N. 2008/144). **(2)** Tunca is also on trial on charges of belonging to Labour Party of Turkey/Leninist (a banned organization), "attending illegal demonstrations", "possessing fake ID", "throwing stones and Molotov cocktails" and was released pending trial by Istanbul 19th High Criminal Court on 18 July 2014. **Other information:** Istanbul Anatolia 11th First Instance Court acquitted Tunca for attending Newroz (Kurdish New Year) celebrations and the Gezi demonstrations in 2013.

**Erol ZAVAR (m):**

**Profession:** Poet and former editor in chief of *Odak* and *Direnış* magazines **Date of arrest:** January 2000 **Sentence:** life imprisonment **Details of trial:** Convicted of "attempting to overthrow the constitutional order" in January 2001. Imprisoned ever since despite numerous campaigns for his release and several battles with cancer. Zavar was editor in chief at *Odak* and *Direnış* in 1997 and

1998 and has had two books of poetry published during his time in prison. He remained imprisoned as of 1 August 2016.

Detained: investigation

**\*Emin DEMIR (m):**

**Profession:** Freelance reporter. **Date of arrest:** 31 April 2016. Was detained by the Mersin City Police Department on charges of “inciting propaganda for a terrorist organisation” due to his social media sharing. **Current place of detention:** Mersin E Type Prison. Still detained as of 01 August 2016

**\*Ozan KILINÇ (m):**

**Profession:** former editor-in-chief of the Diyarbakir-based Kurdish language newspaper *Azadiya Welat*, Free Journalists' Association Executive Board member and Co-Chair of the Amed Kurdish Language Research and Development Association **Date of birth:** 1984 **Date of arrest:** 25 May 2016 **Details of arrest:** Arrested from his home in Diyarbakir. **Background:** Kılınc was previously sentenced under anti-terror legislation for membership of the Kurdish Workers Party (PKK) apparently in connection with his publication of 12 editions of his newspaper containing references to the PKK. Each edition attracted a 15-month sentence, making the total 21 years. He received an additional six-year and three month sentence for “committing a crime for an illegal organisation without himself being a member of the illegal organisation”. His defence said that the newspaper had only referred to the PKK leader Abdullah Ocalan (now imprisoned) as the “leader of the Kurdish people” and failed to call Turkish soldiers killed in battle as “martyrs”. Kılınc was not present at the trial and an arrest warrant was issued. He was arrested on 22 July 2010 during a police raid on his home in Diyarbakir, five months after his conviction on 11 February 2010. In February 2011 his previous 21-year sentence was overturned as being too high. On 11 April 2011 he was sentenced to six years and nine months in prison. His request for his trial to be held in Kurdish was refused. Kılınc was released in August 2012 in response to the Third Judicial Reform Package which suspended his sentence for three years. This has now expired. Kılınc is facing up to half a dozen cases in front of the Supreme Court of Appeals, all of them pertaining to the charge of “making propaganda for a terrorist organisation”. No more information about these cases as of 30 June 2016. Kılınc was also briefly detained in June 2015 (see 2015 Case List).

**Hidayet KARACA (m) (FETO):**

**Profession:** former *Zaman* reporter and chairman of the Samanyolu Broadcasting Group **Date of arrest:** 14 December 2014 **Current place of detention:** Istanbul’s Silivri prison. Karaca **Details of trial:** Karaca was one of 31 people arrested on 14 December 2014 “on suspicion of membership of an illegal organisation”. Among those arrested were high-ranking members of the Istanbul police force as well as journalists, screenwriters, producers and directors who have worked for newspapers and TV stations said to be affiliated with the Gülen movement. The arrests came against a backdrop of escalating political tensions between the ruling party in Turkey and the followers of Islamic cleric Fethullah Gülen. On 26 April 2015, the Istanbul 32nd Court of First Instance issued a verdict to release Karaca but the decision was overruled by the Istanbul 10th Court of Peace on the grounds that the former court had no authority to decide. On 12 December 2015 Istanbul police reportedly raided and searched Karaca’s home. According to reports, police carried out a six-hour-long search and seized a computer used by Karaca’s children. Karaca’s lawyer said that the aim of the search was to disturb the family of the journalist and that “it is impossible that the judge who took this decision does not know that he is already in jail.” His trial began in December 2015. **Conditions in detention:** He has claimed that there were cameras in the toilet and bathroom in his prison cell. **PEN Actions:** [Statement](#) 15 December 2014

**\*Meltem OKTAY (f):**

**Profession:** reporter for DIHA. **Date of arrest:** 14 April 2016 **Details of arrest:** Oktay alongside **Uğur Akgül** (see brief detention below), were arrested by police in early-morning raids on their houses, with reports emerging at the time that they had been beaten. After concerns about the safety of the Nusaybin courthouse, the two were interrogated the next day in a makeshift courthouse on the top floor of a hospital. DIHA reported that the police cited as evidence their journalistic work as well as posts to social media. On 27 June 2016 her request to be released pending trial was refused by the Mardin Second Court of Serious Crimes. **Details of trial:** According to CPJ, Oktay has been charged with 'membership of a terrorist organisation' and 'making propaganda for a terrorist organisation'. Her trial was scheduled to start on 18 August, DIHA reported. DIHA also reported that one of the witnesses who had testified against Oktay had recanted his testimony, saying that it had been extracted under torture. **[Stop Press:** Oktay was released on 18 August after the first session of her trial; she is also banned from leaving the country.]

**\*Nedim Türfent (m):**

**Profession:** DİHA reporter. **Date of arrest:** 13 May 2016. Detained on the 13 May 2016 after his vehicle was stopped entering the city of Van. He was taken to Yüksekova prosecutors office where he was arrested for 'membership of a terror organisation' for his reporting and secret witness accounts. **Health concerns:** He testified that he was suffering severe medical issues due to the violence he was subjected to when he was detained. He also said he was denied a medical report from doctors in Hakkari State Hospital that he was taken to. Still detained as of 1 August 2016.

On trial:

KCK- Press Wing

*46 journalists, mainly working for the pro-Kurdish media, have been on trial for forming the 'media committee' of the Kurdistan Communities Union (KCK) and taking orders from the outlawed Kurdistan Workers Party (PKK). All arrested in December 2011, many served more than two years in prison. Following the abolition of Special Authority Courts in the 4th Judicial Reform Package in February 2014, all suspected members of the KCK "Press Wing" were freed pending trial with the sole exception of Mikhail Barut (see above under Imprisoned: Investigation), who is detained on charges relating to a separate investigation. A request for a ruling from the Constitutional Court on whether the case has been conducted on lawful grounds under the Turkish Constitution had not yet been answered by 30 June 2016. The case continues; sessions took place on [8 April](#) and [15 July 2016](#).*

*For details of the names of 6 male and 2 female journalists on trial in this case, please refer to previous case lists.*

On trial: KCK – Other

*At least 21 journalists and other writers were put on trial in other KCK-related cases. 13 have been released whilst 8 remain on trial. For details please refer to previous case lists.*

On trial: Ergenekon – ODA TV

**Nedim ŞENER (m):**

**Profession:** journalist and writer **Date of birth:** 1966 **Date of arrest:** 7 March 2011 **Details of arrest:** arrested alongside Ahmet Şık (below) **Date of release:** 12 March 2012 **Details of release:** Şener and Şık were freed pending trial along with **Coşkun Musluk** and **Sait Çakır (see below)**. The presiding Judge Mehmet Ekinci cited that the time spent in pre-trial detention was a consideration for his release and also that there had been some changes to the charges. **Details of Trial: 1)** Formally charged on 11 March 2011 with 13 others on charges related to the Ergenekon investigation. ODA TV, a news website, is described as its media wing. Charged with "membership of an armed

organisation” under Penal Code Article 314/2. His trial began on 14 April 2011 and was still ongoing at the end of the year. He is being tried jointly with journalist Ahmet Şık (see below). On 26 August 2011, it was announced that 14 people had been indicted in the case, including writer **Hüseyin Soner Yalçın**, and journalists **Coşkun Musluk** and **Sait Çakır**. (Also see below). Among the evidence produced at the trial are documents relating to state security, said to have been found on the ODA TV computers when they were seized. The defendants claim that they did not open or request these files. The evidence was sent to the government Scientific and Technological Research Council of Turkey (TÜBİTAK) that is responsible for research on information technology, among other issues. TÜBİTAK concluded that the files had been placed in the computers by a virus, and that there was no clear evidence that they had been opened or read by the recipients. This was confirmed by an independent report from a US data company. Defence lawyers refer to the publication of a book in August 2010 by **Hanefi Avcı**, a former police chief also implicated in ODA TV in which he claimed that members of the Gülen movement were involved in police activities. Şener and Şık had also written on similar issues, leading the defendants to claim to that the trial was initiated because of these revelations. The trial was continuing in 2016, with the next hearing scheduled for November 2016 **2)** Nedim Şener is also on trial over his book titled Yasin El Kadi. Yasin El Kadi and Cuneyt Zapsu who are close to President Erdogan sued Şener for defamation, seeking compensation of up to 105 thousand Turkish lira (around 20,000 pounds). According to local news reports on 6 December 2015, Şener admitted he wronged former Istanbul Police Department Intelligence Bureau Chief Ali Fuat Yilmazer in his book by attributing statements made by Yilmazer’s deputy to Yilmazer. No more information as of 31 December 2015. **Background:** Şener was tried and subsequently acquitted in 2010 for his book that implicates the Turkish security forces in the 2007 murder of the Turkish Armenian newspaper editor, Hrant Dink (see above). Şener has published over 12 books between 1994 and 2012. Since his 2010 acquittal, he has since written two other books on related issues: *Red Friday - Who Broke Dink's Pen? And Fetullah Gülen and the Gülen Community in Ergenekon Documents*. The Gülen movement is an Islamic organisation that promotes inter-faith dialogue which has many followers in Turkey. It is thought that Şener's arrest is linked to his research into suggestions that the movement holds undue influence in the Ergenekon investigation **Awards:** Şener was awarded the 2011 Oxfam/Novib PEN Freedom of Expression award and also named World Press Freedom Hero by the International Press Institute in 2011; 2013 CPJ International Press Freedom Award 2015 Sparkasse Leipzig Media Foundation’s Prize for the Freedom and Future of the Media. He has also won numerous awards for his journalism in Turkey. **Honorary member:** PEN Turkey and Danish PEN. **PEN Actions:** RAN 10/11 Update # 2 – 13/03/2012

#### **Ahmet ŞİK (m):**

**Profession:** journalist and writer **Date of birth:** 1970 **Date of arrest.** Arrested 7 March 2011 alongside Nedim Şener (see above) **Date of release:** 12 March 2012 **Details of release:** On 12 March 2012 **Şener, Şık, Musluk** and **Çakır** (Also see below.) were freed pending trial. **Yalçın** was released in December 2012 and also continues on to be trial. The presiding Judge Mehmet Ekinci cited that the time spent in pre-trial detention was a consideration for their release and also that there had been some changes to the charges. **Details of trial: 1)** Formally charged on 11 March 2011 on charges related to the Ergenekon investigation. ODA TV is a news website described as its media wing. He is charged with “membership of an armed organisation” under Penal Code Article 314/2. His trial began on 14 April 2011 and was still ongoing as of mid-2015. He is being tried jointly with journalist Nedim Şener (see above). On 26 August 2011, it was announced that 14 people had been indicted in the case, including writer **Hüseyin Soner Yalçın** and journalists **Coşkun Musluk** and **Sait Çakır**. Among the evidence produced at the trial are documents relating to state security, said to have been found on the ODA TV computers when they were seized. The defendants claim that they did not open or request these files. The evidence was sent to the government Scientific and Technological Research Council of Turkey (TÜBİTAK) that is responsible for research on information technology, among other issues. TÜBİTAK concluded that the files had been placed in the computers by a virus, and that there

was no clear evidence that they had been opened or read by the recipients. This was confirmed by an independent report from a US data company. Defence lawyers refer to the publication of a book in August 2010 by **Hanefi Avci**, a former police chief also implicated in ODA TV in which he claimed that members of the Gülen movement were involved in police activities. Şener and Şık had also written on similar issues, leading the defendants to claim to that the trial was initiated because of these revelations. A hearing in June 2015 postponed the case until 18 November 2015, ordering a further technical report on the case. The case continued in 2016; the next hearing is scheduled for November 2016. **2)** On 12 March 2012, charges were brought by prosecutors alleging that comments made by Şık on 12 March 2012 as he left Silivri prison were “threatening” to judges and prosecutors and depicted them as “targets for terrorist organisations”. Şık was indicted under Articles 106/2-d, 43/1, 53, 125/1, 125/3-a and 125/4 of the Turkish Penal Code (Law No. 5237) on 3 July 2012, with the prosecutor seeking between 3 and 7 years in prison. The charges are said to be linked to the comment “*The police, prosecutors and judges who plotted and executed this conspiracy will enter this prison.*” No further information as of 30 June 2016. **3)** Şık was charged with defamation against former transport minister Binali Yıldırım in his book titled *Paralel Yürüdük Biz Bu Yollarda* (We walked Paralel on this Road). The trial began in March 2015; on 15 December 2015, Şık was convicted of defamation and sentenced to pay a fine of 4,000 TL. **Background:** Şık is a graduate of the Communications Faculty Department of Journalists, Istanbul University. Reporter for *Milliyet*, *Cumhuriyet*, *Evrensel*, *Yeni Yüzyıl*, and *Radikal* over the period 1991 – 2005. Police are said to have seized the draft manuscript of *İmamın Ordusu* (Imam’s Army) by **Ahmet Şık**, an investigation into the alleged affiliation of police to the Gülen movement. The book was subsequently published in November 2011 as an anti-censorship defiance with 125 writers, journalists and academics acting as co-authors and editors under the title *OOO Kitap* (OOO Book). Previously, in March 2011 he was acquitted of charges of breaching the confidentiality surrounding the Ergenekon trial in a two volume book published in 2010, before his own arrest, entitled *Kırk katır, kırk satır* (40 mules, 40 cleavers). The first volume is entitled *Ergenekon’da Kim Kimdir?* (Who’s who in Ergenekon), and the second *Kontrgerilla ve Ergenekon’u Anlama Kılavuzu* (Guide to understanding contra-guerrilla and Ergenekon). His co-defendant Ertugrul Maviolu was also acquitted. **Awards:** Awarded a number of prizes for his journalism in Turkey, including UNESCO’s 2014 Guillermo Cano World Press Freedom Prize. **Honorary member:** PEN Turkey and Danish PEN. **PEN Actions:** RAN 10/11 Update # 2 – 13/03/2012, Update #3 28/03/12]

*In addition to the cases of **Ahmet Şık** and **Nedim Şener** (above), three other journalists and writers (all m) are on trial in the ODA-TV case. They are **Coşkun MUSLUK** and **Cahit ÇAKIR**, **Profession:** contributors to the ODA TV news website and **Hüseyin Soner YALÇIN**, **Profession:** owner of ODA TV news website and journalist for the *Hürriyet* newspaper, author of 12 books. Please see previous case lists for details.*

The ODA-TV cases continues in 2016; the next hearing is scheduled for November 2016.

On trial: Other

*Details of some pending freedom of expression-related trials in Turkey are monitored by the Initiative for freedom of Expression and can be found at: <http://www.cfl-tr.net/?dil=en>*

**Gültekin AVCI (m)** (FETO):

**Profession:** columnist for independent daily *Bugün* **Date of arrest:** 18 September 2015 **Date of release:** 10 June 2016 **Details of arrest:** Prosecutors charged Avci in connection with a series of columns he wrote in 2013 and 2014 for *Bugün* in which he reportedly alleged that the Turkish National Intelligence Organisation or MIT, the country’s spy agency, had links to an Iranian-backed group called Tawhid-Salam, a group which the Turkish authorities declared a terrorist organisation in 2014. **Details of release:** It was announced on 10 June 2016 that Avci was released. However, other

defendants in the trial were remanded in custody for an August trial. **Details of trial:** Avcı was first reportedly detained in Izmir and then taken to the 2nd Penal Court of Peace in Istanbul on 20 September 2015 where he was officially arrested. According to reports the court ordered Avcı to be imprisoned pending trial on charges including “attempting to overthrow the government” and being a member of a terrorist organisation. Seven articles were submitted as evidence on charges that he “relayed the orders of Fethullah Gulen (an Islamic thinker who lives in the USA) to members of the Gulenist Terror Organisation” and that he “moulded public opinion by way of the press”. According to news reports dating 2 October 2015, Avcı submitted a request to appeal his arrest together with a recusal of the judge who had issued the arrest warrant. This request pointed out that the judge in question had previously filed a defamation suit against Avcı, claiming the *Bugün* columnist had insulted him in his 23 March 2015 column titled “They Hand Me Lists”. Avcı went on trial at Istanbul’s 14<sup>th</sup> Court for Serious Crimes on charges of “attempting a coup”, “being a leader of a terrorist organisation” and “revealing state secrets that could affect state security or the states domestic or international interests”. **Conditions of detention:** According to reports Avcı was kept in a solitary cell and is denied warm meals. On his release he stated that he had not been treated “as a human”. **Background:** Avcı is a former prosecutor and is also the legal representative for Hidayet Karaca (see above under Detained: investigation). On 17 December 2013, Istanbul police carried out early morning raids on several homes, detained 52 people and confiscated approximately \$17.5 million in cash. The money was allegedly the proceeds of corruption and bribery (in the construction, bid-tendering and development sector of the economy), fraud, money-laundering and gold smuggling; 14 people were arrested, all of whom had close ties to the ruling AKP party; some of those suspected of wrongdoing included Erdogan’s own son and family members of cabinet ministers. Three cabinet ministers resigned, and Erdogan immediately undertook a purge of the prosecutors and police leading the corruption investigation, specifically targeting individuals believed to be sympathisers of the faith based Gülen movement (also known as Hizmet in Turkey) inspired by Turkish Islamic scholar-in-exile Fethullah Gülen who he accused of forming a ‘parallel structure’ aimed at bringing down the AKP.

**Reyhan ÇAPAN (m):**

**Profession:** editor-in-chief at *Özgür Gündem* **Sentence:** one year and three months in prison **Details of trial:** Since 2012, Çapan has faced 23 separate law suits on charges such as ‘making propaganda for a terrorist organisation’ and defamation. He was first charged in May 2012, in relation to a headline ‘Revolt Speaks’, which appeared in the March 2012 issue of *Özgür Gündem*. The court sentenced him to one year and 3 months in prison, opting not to suspend his sentence on grounds that he had not expressed any regret during the trial, thus leading to a lack of personal conviction on the part of the court that he would not commit the same crime again. The sentence was overturned on appeal in June 2014, and the Supreme Court ordered a retrial by the Istanbul 10th High Criminal Court which acquitted him. However, the prosecutor appealed against this decision to the Supreme Court and the case remains open. On 21 May 2016, Çapan received another sentence of three years and nine months for ‘distributing terrorist’ propaganda. He remained free as of 30 June 2016. **[Stop Press:** In the wake of the failed coup of 15 July 2016, the authorities arrested at least 22 *Özgür Gündem* staff and writers, and closed the pro-Kurdish daily down. On 20 September, he appeared in court in relation to another charge relating to the 10 March edition of the paper; the hearing was adjourned until 29 December 2016].

**İbrahim ÇİÇEK (m), Profession:** editor in chief for *Atılım* newspaper

**Bayram NAMAZ (m), Profession:** journalist for *Atılım* newspaper

**Date of arrest:** 10 September 2006 **Sentence:** Life imprisonment (currently under appeal) **Details of trial:** The two journalists have been detained since their arrest and were convicted of “membership of an armed organisation” (Article 314/2 of the Anti-Terror Law) and “membership of a terrorist organisation” (Article 5 of the Anti-Terror Law) in November 2013. The organisation in question is the

Marxist-Leninist Liberation Party (MLKP). Both were denied access to their case files until 13 April 2007 on grounds that the content was classified, with their first defence hearing being held exactly two years after their arrest in September 2008. According to the indictment, they were arrested in September 2006 in the western village of Ocakli, where they were allegedly preparing the MLKP's fourth congress and where guns were allegedly found. The first trial was marked by clashes between supporters and police, during which tear gas was used. At a hearing held on 26 October 2007 at the Istanbul 10th Heavy Penal Court, there were protests when it was announced that all the defendants in this case would continue to be held in pre-trial detention. Around 24 May 2011 lawyers questioned the veracity of a document said to have been seized during "Operation Gaye" during which the defendants were arrested. They requested a review of the evidence. They also pointed out that the defendants had been held for over six years without conclusion of their trial, flouting the European Convention on Human Rights. Scuffles broke out at this hearing after one of the defendants attempted to make a speech commemorating a person who had been killed by the military in 1995. In May 2011, İbrahim Çiçek was freed pending trial after five years behind bars. However, on 24 June 2012, he was re-detained. Both were sentenced on 5 November 2013, along with journalists **Sedat Şenoğlu** and **Fusun Erdoğan**. Namaz, Çiçek and Erdoğan were released pending the outcome of their appeal in May 2014. Their appeal was due to open on [23 March 2016](#). PEN is seeking an update. **PEN Action:** [Press release](#) 8 November 2013

**Murat Sevki ÇOBAN (m):**

**Profession:** managing editor for the daily *Taraf* **Details of trial:** The Istanbul Chief Public Prosecutor's Office launched an investigation against Mehmet Baransu (see detained above) and Çoban in November 2013 on the grounds that they "revealed confidential documents regarding Turkey's national security interests" in the article "Gülen'i Bitirme Kararı 2004'te MGK'de Alındı" (The Decision to Ruin the Gülen Movement Made at the National Security Council Meeting in 2004), which was written by Baransu and published by *Taraf* on 28 November 2013. Baransu and Çoban were officially charged on 22 May 2014 following a six-month investigation. His trial began in June 2015 on charges of "providing documents related to the security of the state," "publishing information that must remain confidential due to the state's security or political interests in domestic or foreign policies" and "publishing a document or information related to the activities or duties of the National Intelligence Organization [MİT]." He faces a possible 52-year prison term if convicted.

**Canan COŞKUN (f):**

**Profession:** journalist for daily newspaper *Cumhuriyet* **Details of trial:** The reporter faces a potential 23-year prison sentence on charges of "insulting public officials over their duties" after judiciary officials reportedly objected to her article that alleged they were able to buy residences from a public real estate company at a discounted price. The journalist appeared in court at the Istanbul 2<sup>nd</sup> Criminal Court of First Instance on 12 November 2015. Eight prosecutors and a judge were reportedly listed among the victims in the indictment. The court adjourned the trial to 15 March 2016, asking the prosecution to find out whether the alleged manipulated selling of homes took place. The reporter is currently free pending completion of her trial. **Update:** A trial hearing took place on 26 May 2016; it was adjourned until 22 September 2016. **Background:** The judges and prosecutors who allegedly bought discounted residence from the public firm included members of the Unity in Justice Platform (YBP), which had been supported by the Justice and Development Party (AKP) in the recent elections to the High Council of Judges and Prosecutors. The news story in question was published on 19 February 2015 in *Cumhuriyet*.

**Ekrem DUMANLI (m) (FETO):**

**Profession:** former editor-in-chief of *Zaman* and playwright

**Date of arrest:** 14 December 2014 **Date of release:** 19 December 2015 **Details of arrest:** Dumanli was arrested alongside journalist **Hidayet Karaca** (see above) and nine others on 14 December 2014

'on suspicion of membership of an illegal organisation'. Among those arrested were high-ranking members of the Istanbul police force as well as journalists, screenwriters, producers and directors who have worked for newspapers and TV stations said to be affiliated with the Gülen movement. The arrests came against a backdrop of escalating political tensions between the ruling party in Turkey and the followers of Islamic cleric Fethullah Gülen. He was released after questioning. **Details of trial: 1)** He was charged with membership of the Gulen movement (known as Feto in Turkish) which the authorities have designated a terrorist organisation. His trial had not begun by the end of June 2016. **2)** Ahmet Özel, a lawyer representing Erdoğan, lodged a lawsuit against Dumanlı an Ibrahim Turkmen (see below) claiming that a news article published on 9 January 2015 and titled "Erdoğan slams terrorist attack launched by Boko Haram militants", intended to insult Erdoğan. At the time the article was published Dumanlı was the general manager of the Zaman media group. Following Özel's criminal complaint in March 2015, the Bakırköy Chief Public Prosecutor's Office prepared an indictment against Dumanlı and Türkmen, demanding up to four years in jail for each. The trial was due to start in December 2015. No further information as of 30 June 2016 **PEN Actions:** Press release [15 December 2014](#)

#### **Sedat ERGIN (m):**

**Profession:** editor-in-chief *Hürriyet* newspaper **Details of trial:** Ergin has been charged with insulting the President Recep Tayyip Erdoğan in a report by paraphrasing his 6 September 2015 remarks about an attack by the outlawed Kurdistan Workers' Party (PKK) in Dağlıca on the Iraqi border that killed 16 Turkish soldiers. According to *Hürriyet Daily News*, the prosecutor demanded up to five years and four months in jail for Ergin. The journalist's file has been merged with a lawsuit opened into daily Zaman's former editor-in-chief, Ekrem Dumanlı (see above), on the same charges over the newspaper's reporting about the same speech by Erdoğan. The indictment said *Hürriyet* and *Zaman* published "unreal, offending, and ill-intentioned" reports over Erdoğan's remarks about the Dağlıca incident. The indictment also said the reports should not be regarded within the right to freedom of speech. Prosecutors have also launched an investigation into *Hürriyet's* owner, Dogan Media Group, on accusations of "terrorism propaganda". **Update:** He appeared before Istanbul's Bakırköy district 54th Penal Court of First Instance for a hearing on 25 March 2016; the trial was ongoing at the end of June 2016. **Background:** *Hürriyet* has been singled out for criticism as the government struggles to control a surge in Kurdish militant violence in the southeast. After the article's publication, on 7 September, a pro-government mob attacked *Hürriyet's* Istanbul offices, accusing the newspaper of sympathising with the banned Kurdistan Workers Party (PKK). In October, a prominent *Hürriyet* journalist, Ahmet Hakan (see below under Attacked), was beaten up outside his home. **Awards:** 2016 Deutsche Welle Freedom of Speech Award

#### **İsminaz ERGÜN (f):**

**Profession:** journalist and editor for ETHA news agency **Date of arrest:** 27 November 2015 **Date of release:** 28 November 2015. **Details of arrest:** Ergün was reportedly detained on charges of 'spreading propaganda for a terrorist organization' by disseminating Kurdistan Workers' Party (PKK) propaganda. Ergün was taken into custody at the Şehit Tevfik Police Station. **Details of release:** She was released pending trial. **Details of trial:** On 12 May 2016 she plead not guilty to the charges against her, with 16 other journalists. Her trial was due to resume on 22 September 2016

#### **\*Yılmaz ÖZDİL (m):**

**Profession:** writer and journalist for *Sözcü* **Details of trial:** On trial for defamation of former Transportation Minister Binali Yıldırım who filed a compensation lawsuit of 20.000 TL against Yılmaz Özdil and the Kırmızı Kedi Publishing House in the 29th Criminal Court of First Instance He claimed that Özdil had insulted him in his 2015 book *Berber Yürüttük Biz Bu Yollarda*. The trial opened on 5 March 2015 and is continuing.

**\*Ali ÖZSOY (m):**

**Profession:** writer **Details of trial:** He was charged with defaming President Recep Tayyip Erdoğan in his book entitled *'There's a thief!'*. The trial opened in February 2015, and the first hearing of the case was held on 5 July 2015. The second was on 3 December 2015. He is also facing trial in a complaint by the President's son, Bilal Erdoğan, in relation to the same book.

**Fazıl SAY (m):**

**Profession:** popular and internationally acclaimed pianist, composer, writer and EU Culture Ambassador **Sentence:** 10 months in prison, suspended for two years **Details of trial:** Accused of religious defamation. In April 2012, Istanbul's Prosecutor's Office launched an investigation regarding messages he posted on Twitter declaring himself as an atheist and referring to an Omar Khayyam poem that suggests that the Islamic representation of Heaven, replete with wine and 'huris' (virgins), is reminiscent of a pub or brothel. Say is accused of contravening sections one and two of Article 216 of the Turkish Penal Code (TCK), by allegedly "instigating religious hatred and hostility" and "insulting religious values". The trial was initiated following a complaint from a private individual, not uncommon in such cases. His trial opened on 18 October 2012 at the 19th Criminal Court in Istanbul. On 15 April 2013, Say was sentenced to 10 months in prison, suspended for five years, during which time he is required not to commit a similar offence. On 26 April 2013, the 29th Criminal Court accepted his lawyers' request to have the suspended sentence annulled, and that the case should return to court for reconsideration. The lawyer had argued that the conditions of the suspension were unclear and therefore did not enable his client to know what actions would constitute a breach of the suspension. On 20 September 2013, the Istanbul 19th Magistrates Court upheld his 10-month prison sentence, suspending it for two years. On 9 November 2013, Say's lawyers applied to Turkey's Supreme Court of Appeals to appeal the ruling. Say faced a criminal complaint that he had unfairly attempted to influence the outcome of his trial through his media statements. The public prosecutor rejected this complaint after a criminal investigation into the matter, concluding that Say's statements were well within the scope of his right to defend himself and that he had made no attempt to pressure or coerce authorities. On 27 November 2014, the Chief Prosecutor of the Supreme Court of Appeals submitted an official request for Say to be acquitted of religious defamation charges. In his submission, the chief prosecutor disputed the conclusions reached by the lower court in its conviction of Say. In October 2015, the Supreme Court ruled by a majority ruling of 4 to 1 that his tweets should be regarded as freedom of thought and opinion and should not be punished. However, unless the lower court accepts the Supreme Court ruling, the judicial process could continue. **Awards:** 2015 International Secularism Prize (Prix de la Laïcité) **PEN Actions:** [Day of the Imprisoned Writer Action](#) 2013 [**Stop Press:** Say was finally acquitted on 7 September 2016]

**İbrahim TÜRKMEN (m):**

**Profession:** responsible editor of *Today's Zaman*

**Details of trial:** Ahmet Özel, a lawyer representing Erdoğan, lodged a lawsuit claiming that a news article published on 9 January 2015 and titled "Erdoğan slams terrorist attack launched by Boko Haram militants", intended to insult Erdoğan. At the time the article was published Dumanlı was the general manager of the Zaman media group. Following Özel's criminal complaint in March 2015, the Bakırköy Chief Public Prosecutor's Office prepared an indictment against Türkmen and Ekrem Dumanlı (see above), demanding up to four years in jail for each. The trial was due to start in December 2015, no further information as of 30 June 2016.

**İdris YILMAZ (m):**

**Profession:** journalist with JINHA **Date of arrest:** 14 November 2015 **Date of release:** 21 January 2016 **Details of arrest:** Yilmaz was arrested while following up news during armed conflicts in Tendürek neighbourhood of Erciş district of Van province alongside **Vildan Atmaca** (see Brief Detention below) and was charged of "defaming the President through social media" and

“propagandising for the terrorist organization”. According to Yılmaz's police testimony, the journalist said he and Atmaca were among a group of reporters who had been turned away from a local hospital by police after trying to investigate claims that residents had been injured by Turkish soldiers. Yılmaz's testimony says that later that day he and Atmaca were at a café with journalists from other news outlets when plain-clothed police approached and said they were detaining Yılmaz for "producing biased news." Several journalists who stood up for Yılmaz were arrested alongside him but, with the exception of Atmaca, the others were released shortly afterwards, [according to reports](#). **Details of release:** Yılmaz was released on bail in January 2016 **Details of trial: 1)** According to CPJ, Yılmaz was accused of creating terrorism propaganda and running a pro-PKK Facebook page called Ajans Erciş. The reporter stated in police testimony that he had no links to the Facebook page. Yılmaz was questioned about Facebook posts he allegedly made on his personal account that authorities said were pro-PKK, according to the documents. The reporter denied that the posts were terrorist propaganda. Yılmaz was also accused of insulting the president through a cartoon posted to his personal Facebook page that showed President Recep Tayyip Erdoğan defecating on a map of Turkey, according to the documents. In testimony before the Erciş Chief Prosecutor's Office on Friday, the journalist said he did not accept any of the accusations made against him and said he did not think the figure featured in the cartoon looked like the president. His trial was scheduled to commence on 15 February 2016, but there has been no further news. **2)** He is also among a group of 9 people alleged to have defamed President Erdogan in a statement made on 11 October 2015 condemning a terrorist bombing in Ankara. That trial began on 24 April 2016 and was due to continue on 5 October 2016.

#### Brief detention

##### **\*Uğur AKGÜL (m):**

**Profession:** reporter for DİHA **Date of arrest:** 12 April 2016 **Date of release:** 14 April 2016. **Details of arrest:** Journalist was arrested by police in early-morning raids on his house, with reports emerging at the time that he had been beaten. After concerns about the safety of the Nusaybin courthouse, he was interrogated the next day in a makeshift courthouse on the top floor of a hospital. DIHA reported that the police cited as evidence his journalistic work as well as posts to social media. Released under judicial control after giving a statement relating to charges of 'making propaganda for a terrorist organisation'.

##### **\*Nuri Akman (m):**

**Profession:** DİHA reporter. **Date of arrest:** 2 February 2016 **Date of release:** 18 July 2016 **Details of release:** Arrested in Malatya. Charged with 'membership to a terror organisation' due to his reporting and social media sharing from Kobane. Held in Malatya E Type Prison since February up to his release in the first hearing in July.

##### **\*Nazım DAŞTAN (m):**

**Profession:** correspondent for DİHA **Date of arrest:** 10 February 2016 **Date of Release:** 23 June 2016 **Details of arrest:** Nazım Daştan was arrested as he was on his way home in Antep province. It was reported that he used his right to remain silent at the police station, before being sent to Antep H Type Prison. It was reported that he was arrested due to his posts on Facebook, although two days before his arrest he had recorded footage of ISIS fighters with TSK (Turkish Military Forces) soldiers along the borderline between Turkey and Syria. **Details of release:** After the first hearing of his trial on 23 June 2016, Daştan was released pending the conclusion of his trial. He had been imprisoned for four months awaiting the beginning of his trial. **Details of trial:** Nazım Daştan was charged with “propagandising for a terrorist organisation” by the Criminal Court of Peace. He immediately appealed against the charges, claiming his social media sharing was in line with his freedom of

expression, but this was rejected. He was released four months later after the first session before the Antep 2<sup>nd</sup> High Criminal Court but is believed to remain on trial.

**\*Bilal GÜNDEM (m):**

**Profession:** reporter for DiHA news agency. **Date of arrest:** 24 April 2016 **Date of release:** 30 June 2016 Gündem was taken into custody as he was returning from gathering news in Batman and taken to Mardin on the same day. Following his questioning at the Anti-Terror Bureau (TEM), he was referred to Nusaybin Public Prosecution. **Details of trial:** He was arrested by the court on charges of “being a member of an [illegal] organization” and “propaganda for a terror organization” on 24 April. In the indictment prepared by Nusaybin Public Prosecutor’s office, Gündem’s visits to the neighborhoods where ditches and barricades were built and interviews with locals and YPS-YPS JIN guerrillas were deemed as “[illegal] organizational activity”. One piece of evidence was his “public” sharing of his article and images on Facebook.

**Zeki KARAKUŞ (m):**

**Profession:** Owner of the pro-Kurdish news website Nusaybin Haber **Date of arrest:** 1 December 2015 **Date of release:** released on probation on 1 August 2016 **Details of arrest:** Karakuş's lawyer reported that the journalist was [summoned](#) to a police station in the Nusaybin district of Mardin province in Southeastern Turkey. When Karakuş arrived, authorities brought the journalist before a court on accusations of ‘making propaganda for a terrorist organization’ through the media. **Place of detention:** Mardin E Type closed prison.

**\*Ahmet NESIN (m), profession:** journalist and writer

**\*Erol ÖNDEROĞLU (m), profession:** editor of Bianet, Turkey representative for Reporters Without Borders (RSF)

**Date of arrest:** 20 June 2016 **Details of arrest:** As part of a campaign launched on World Press Freedom Day 2016, the two writers were temporary editors-in-chief for the (pro-Kurdish) newspaper *Özgür Gündem*. Önderoğlu had been the editor-in-chief on 18 May and Nesin on 7 June. On 20 June 2016 they were detained alongside **Sebnem Korur Fincancı**, the head of the Human Rights Association, on charges of ‘terrorist propaganda’ after they gave testimony to the Prosecutor for Terror and Organised Crimes that they participated in the Editor-in-chief campaign. **Date of Release:** 30 June 2016 for Önderoğlu and 1 July 2016 for Ahmet Nesin. **Details of trial:** According to [RSF](#), Önderoğlu is being prosecuted on the basis of three articles published by *Özgür Gündem* on 18 May about power struggles in the various security forces and about the ongoing operations against the Kurdistan Workers Party (PKK). On 22 June 2016, prosecutors issued indictments against all three, accusing them of ‘openly provoking [the people] to commit crimes’, ‘praising a crime and a criminal’ and ‘making propaganda for a [terrorist] organisation’. They all face the maximum penalty of 14 years and six months if found guilty. The trial is set to continue on 8 November 2016. **Background:** The campaign launched on 3 May 2016 for World Press Freedom Day, and involved 44 writers and human rights activists demonstrating solidarity with the newspaper by volunteering to be editor-in-chief for one day each. As of 21 June 2016, 37 of the 44 participating have had criminal investigations opened against them. **Background:** *Özgür Gündem* has frequently been under pressure from the Turkish authorities; its publication was banned between 1994 and 2011, and many of its reporters have been arrested over the years on charges of support for the PKK. Others were held for years as part of an investigation into the Koma Civakên Kurdistan (Group of Communities in Kurdistan) (KCK) an alleged umbrella organisation for groups with links to the banned Kurdistan Workers Party (PKK). According to Bianet, some 80 cases are currently pending against *Özgür Gündem*. Solidarity actions of this nature have a long history in Turkey stemming back to 1995 when prominent writer Yasar Kemal was called to the State Security Court (DGM) to make a statement about an article published in the German weekly *Der Spiegel*. Protests against his prosecution culminated in 1080 academics who published a book entitled ‘Freedom of Thought’ which resulted in their own prosecution. PEN International’s Writers in Prison Committee collected signatures of support to these persecuted

academics and after the prosecutor refused to open a similar case against the PEN signatories, the Committee organised a visit of 19 writers from 12 countries to Istanbul.

**\*Rojda OĞUZ (f):**

**Profession:** JINHA reporter. **Date of Arrest:** 9 January 2016 **Date of Release:** 28 March 2016 **Details of arrest:** Oğuz was taken into custody in the police raid conducted on January 5 in the Van Yüzüncü Yıl Melikşah Credit and Dormitories Institution Dorm with another 17 individuals. Charged with “being a member of the terrorist organization”, she was sent to Van M-type Closed Prison **Details of release:** Following an objection submitted by her lawyer, the court ruled for her release after two months of pre-trial detention.

**\*Nedim ORUÇ (m):**

**Profession:** reporter for DIHA **Date of arrest:** 6 January 2016 **Date of release:** 10 June 2016 **Details of arrest:** It was reported that Nedim Oruç was arrested in the city of Şırnak on 6 January 2016 on charges of “making propaganda for a terrorist organisation”. He is also accused of being associated with the banned Kurdistan Workers Party (PKK). He denies both charges. Local police arrested him as he visited a relative’s house in the city. [According](#) to eyewitness accounts in local press, he was arrested in a police operation in which police went door-to-door, arresting people on charges of being Kurdish rebels or being sympathetic to the rebels. Police confiscated his laptop, camera and reporting notes. A source allegedly close to the investigation reportedly said that in his testimony to the police, Oruç said that he was in Şırnak to report on clashes between Turkish security forces and Kurdish separatists, and that filmed local residents digging trenches to stop authorities accessing the area. He was held at Şırnak Prison for five months’ pre-trial detention, but was released on bail of 5,000 Turkish Liras (about \$1700) on 10 June 2016 by a court in the town of Cizre. The court banned him from foreign travel.

**\*Hayri TUNÇ (m):**

**Profession:** journalist and writer for jiyana.org **Sentence:** two years in prison **Date of arrest:** 2 February 2016 **Date of release:** 11 March 2016 **Details of arrest:** Hayri Tunç was reportedly arrested on 2 February 2016 and brought before a court and charged the next day **Details of release:** released pending trial by the 14<sup>th</sup> Criminal Court and remains free pending his appeal **Details of trial:** In June Tunç was reportedly sentenced on to two years in prison for “propagandising on behalf of a terrorist organisation” with his social media posts. It was reported that Tunç was initially sentenced to one year in prison on charges of “terrorist propaganda”, but this was increased twice; the first time was to 18 months after citing that the crime was committed on social media, and then once again to two years after citing that it was a “chain crime”. He currently remains free pending a Supreme Court of Appeals ruling. **Other information:** Tunç was previously arrested in October 2015 and questioned about his articles on jiyana.org as well as his social media posts. He was released after two days, but jiyana.org was banned by the Turkish government and his twitter account was requested to be withheld by the Prime Minister’s Security Office.

**\*Mehmet Hakkı YILMAZ (m):**

**Profession:** DİHA reporter. **Date of arrest:** 1 May 2016. **Date of release:** 14 July 2016 **Details of arrest:** Yılmaz was apprehended covering the ISIS attack on Antep Police Department. He was accused of “membership of a terrorist organization. His trial was heard by the 2<sup>nd</sup> Antep Criminal Court after 2½ months of pre-trial detention. The court postponed the hearing to a future date after deciding on his release in the first hearing.

Attacked

**\*Ahmed Abd AL-QADER (m) (Syrian national):**

**Profession:** founder of Syrian news outlet Eye on the Homeland, journalist, former member of Raqqa is Being Slaughtered Silently **Date of attack: (1)** 9 March 2016 **(2)** 13 June 2016 **Details of attack:** There have been two attacks on al-Qader in the southeastern Turkish city of Urfa in 2016 **(1)** Two men ambushed al-Qader as he was returning home, just outside of his building's entrance. One of the men attempted to grab him as he entered his building, but he escaped with only his shirt being ripped in the process. He escaped with only minor injuries and the two men fled. He believes that the men were from the group calling itself Islamic State (IS), and may have been trying to kill him as they did with his brother. **(2)** Two gunmen riding a motorbike shot al-Qader three times in the southeastern town of Urfa on 13 June 2016. IT was reported that the gunmen used silencers and that they escaped. It was reported that he survived the attack and although hospitalised was in a stable condition. The IS news agency, Amaq, claimed that the group had carried out the attack. **Background:** His brother, Ibrahim, and another activist, Fares Hamadi, were killed in Urfa in 2015 by IS operatives, local media [reported](#).

**\*Can Dündar (m):**

**Profession:** Journalist, the then editor-in-chief of *Cumhuriyet Daily*. **Day of attack:** 6 May 2016 **Details of attack:** Can Dündar was leaving the Istanbul Çağlayan Courthouse for an intermission of his trial where he was being accused of publishing secret state documents and trying to overthrow the government, when, attacker Murat Şahin approached him with a gun and fired several shots in quick succession at Dündar whilst shouting "traitor". He was neutralised by Dündar's wife, Dilek Dündar and a CHP MP who grabbed him from his neck. Dündar was unharmed in the attack although NTV television reporter Yağız Şenkal was wounded in the leg. Accusing the Turkish president, Recep Tayyip Erdoğan, and the pro-government media of whipping up a climate of hatred against him, Dündar commented on the attack saying "We know very well who showed me as a target. This is the result of provocation. If you turn someone into so much of a target, this is what happens." On 21 October 2016, shooter Murat Şahin, who was jailed following the attack, was released pending trial by an Istanbul court. **Background:** Can Dündar was being tried regarding coverage of Turkish Intelligence (MIT) arms shipments to Islamist rebels into Syria in *Cumhuriyet Daily*. In the outcome of the trial, Dündar was acquitted on charges of trying to overthrow the government, but convicted of publishing secret state documents and sentenced to five years and 10 months in prison.

Harassed

**\*Razi HANIKLIGIL:**

**Profession:** New York and UN correspondent for *Hürriyet* **Date of harassment:** 20 June 2016 **Details of harassment:** It was reported that Razi Hanikligil was briefly detained upon arrival at Atatürk airport. Hanikligil arrived at around 8.40pm following a holiday in Paris with his family, and was detained as he was passing through passport control. It was reported by *Hürriyet* that an arrest warrant for him had been issued by a local court in Ankara over his social media posts following a complaint by the head of the Union of Chambers and Commodity Exchanges of Turkey, but the prosecutor's office had decided not to prosecute him. He was later released after he testified to a prosecutor. It was [reported](#) by *Hürriyet* that the social media posts had nothing to do with them and had been shared by someone else; In the complaint petition it was stated that the person "might be Razi Hanikligil", causing the arrest warrant to be issued for him, in a process that they said was "unethical and wrongful". He was held for almost 14 hours before being released.

Sentenced

**\*Murat VERIM:**

**Profession:** reporter for DIHA, press and PR worker for a Turkish Municipality **Date of arrest:** 10 January 2016 **Date of release:** Unknown, but believed to be within days of arrest **Details of arrest:** Murat Verim was arrested in connection with an article he wrote arguing for greater local autonomy. He was questioned but later released. Two other men were arrested with him. **Details of trial: (1)** On 10 June 2016, the Court for Serious Crimes in Midyat sentenced Verim to six years in prison, after he was charged after a single hearing with “committing a crime on behalf of a terrorist organisation without being a member”, at the first hearing of his trial. Verim and his lawyers announced that they would appeal the decision at the Supreme Court. The Committee to Protect Journalists said that his conviction is because of an article he wrote in a municipal newsletter arguing for greater local autonomy. **(2)** On 30 June 2016, he was sentenced to a further three years in prison after conviction of ‘making propaganda on behalf of a terrorist organisation’. He is currently free pending appeal against both convictions and sentences. **Other information:** Verim lives in Kerboran (Dargeçit), which has a large Kurdish majority population. **Date of sentencing:** 30 June 2016, sentenced to three years in jail

#### Released

##### **Deniz BABIR (m):**

**Profession:** journalist with the Kurdish-language daily *Azadiya Welat* **Date of arrest:** 15 December 2015 **Details of arrest:** Babir was arrested in the Sur district of Diyarbakır while reporting on clashes between Turkish security forces and the Patriotic Revolutionary Youth Movement (YDG-H), a branch of the PKK, local press [reported](#). Four other journalists - Ferit Dere and Elifcan Alkan of the pro-Kurdish daily *Azadiya Welat*, and Pinar Sağnaç Kalkan and Savaş Aslan were of the pro-Kurdish political magazine *Özgür Halk* (Free People) - were arrested alongside Babir and released, [reports said](#). According to the pro-Kurdish Dicle News Agency, Dere said police questioned all four about their reporting and confiscated their cameras, notes, and voice recorders. The equipment was not returned, he said. **Current place of detention:** Babir was being held in Diyarbakır D Type prison. **Details of Trial:** A review of court files showed that he was placed under pre-trial detention on accusations of being a member of the PKK, which is banned in Turkey. The journalist's lawyer, Resul Tamur reported that Babir denied being part of the PKK but admitted to a second charge of carrying false identification. According to Tamur, police questioned the journalist about his work and his coverage of the imposed curfew in Diyarbakır's Sur area. **Date of release:** He was released on the 13<sup>th</sup> of February 2016.

##### **Mustafa BALBAY (m) (Ergenekon):**

**Profession:** writer and columnist for *Cumhuriyet* and MP **Sentence:** 34 years and eight months in prison **Date of arrest:** early July 2008 **Date of release:** released from prison in 2013, but conviction overturned on 21 April 2016 **Details of arrest:** Arrested as part of a series of arrests of members of the nationalist group Ergenekon. Released to stand trial but was rearrested on 7 March 2009. **Date of release:** 9 December 2013 **Details of Release:** Balbay was released on 9 December 2013 after the Constitutional Court ruled that his lengthy pre-trial detention violated his rights as an MP. The Supreme Court of Appeal overturned his conviction and sentence in April 2016. **Details of trial:** Trial opened on 21 July 2009. He was accused of membership of a terrorist organisation; attempting to overthrow the government; attempting to provoke an armed uprising; unlawfully obtaining, using and destroying documents concerning state security; disseminating classified information. Specifically, he is accused of taking part in secret meetings where leading figures, including generals, discussed plans for a coup. Evidence against Balbay are notes that he says he took as part of his journalistic activities during meetings with various figures who were subsequently also arrested in the Ergenekon trial. At a hearing on 19 November 2009, Balbay made a statement in which he denied charges of inciting an armed uprising. He told the court that random notes had been rearranged by the prosecution in way that they had not been written down, given dates (he says he does not date his notes), and to form a diary that would then incriminate him and serve to

strengthen the claim that a coup was being staged. He stated that he does not believe that the government can be overthrown in a coup, and that he was acting only as a journalist “witness of the era he or she is living in”. He was sentenced on 5 August 2013 to 34 years and eight months in prison after conviction of “attempting to overthrow the government by force and violence” and “unlawfully obtaining documents concerning government security”. Following the release of a reasoned verdict in April 2014, Balbay’s case was sent for review by the Supreme Court of Appeals. **Honorary member:** PEN Turkey. **PEN Actions:** RAN 65/11; raised in meeting with President of Turkey in November 2012, press releases [8 August 2013](#) and [10 December 2013](#). [**Stop Press:** the Supreme Court overturned all convictions in the Ergenekon case on 21 April 2016, citing a lack of evidence that any conspiracy had existed]

**At least 14 other journalists and writers** sentenced under the scope of the Ergenekon trial who were freed on 5 August 2013 had their verdicts quashed by the Supreme Court of Appeal in April 2016. For details of the individuals, please refer to previous case lists.

**Beritan CANÖZER (f):**

**Profession:** reporter with the women’s news agency *JİNHA* **Date of arrest:** 16 December 2015. **Date of release:** 29 March 2016 **Details of arrest:** Canözer was arrested by plainclothes police officers while covering a protest over the state military campaign against the PKK's youth wing, known as the 'Patriotic Revolutionary Youth Movement' (YDG-H), in the southeastern city of Diyarbakır. **Details of trial:** She was charged with aiding a terrorist organization which the journalist denied, local press [reports](#). Three days later, a regional court [ordered](#) her to be held in pre-trial detention on accusations of "knowingly and willingly aiding a terrorist organization," news reports [said](#). She was [reportedly](#) released on 29 March after her first hearing, with the next hearing meant to take place on 10 May 2016, before the 4<sup>th</sup> Diyarbakir Criminal Court. At this second hearing she was sentenced to one year and three months’ imprisonment for ‘making propaganda’ but was acquitted of membership of a terrorist organisation. The court deferred announcement of the verdict and sentenced her to five years’ supervised release.

**Can DÜNDAR (m), Profession:** former editor of *Cumhuriyet* and is also a writer, and documentary filmmaker, and member of PEN Turkey

**Date of birth:** 16 June 1961 **Date of arrest:** 26 November 2015 **Details of arrest:** On 26 November 2015 the Turkish authorities detained Dündar and his Ankara bureau chief **Erdem Gül** on terrorism and espionage charges in relation to a news story in June 2015. **Details of trial: (1)** In June 2015 President Erdoğan filed a criminal complaint against Dündar over a news story, alleging espionage and demanding an aggravated life sentence. The complaint accused Dündar of trying to manipulate justice with fabricated material and violating confidentiality by publishing the story. Dündar’s paper *Cumhuriyet* had published photos of Turkish intelligence agency’s trucks allegedly carrying arms to Syria. **(2)** Dündar is also on trial for criminal defamation under Article 125 of the Turkish Penal Code. He was charged following an official complaint by Turkish President Recep Tayyip Erdoğan and his son Bilal Erdoğan on 7 August 2014. The charge relates to two articles he wrote in July 2014, in which he criticised the handling of a major investigation into alleged government corruption in Turkey and discussed the ramifications of then Prime Minister Recep Tayyip Erdoğan’s presidential candidacy. Dündar faces up to four and a half years in prison if found guilty. Erdoğan has previously attempted to have Dündar charged with defamation for an article he wrote in April 2014. The public prosecutor questioned Dündar on 6 May 2014 following Erdoğan’s complaint, but decided against pursuing charges against him. **(3)** In August 2015 the Public Prosecutor of Istanbul drafted an indictment against 18 journalists from nine newspapers for “propaganda in favour of a terrorist organisation” in relation to the “Editors Watch” solidarity action with *Özgür Gündem* daily, seeking prison terms of between 1.5 to 7.5 years in prison. Dündar is among those indicted. **Date of Release:** 26 February 2016 **Details of Release:** Dündar and Gül were released on 26 February 2016 by a

Supreme Court decision that their rights and that of the press have been violated. Following President Erdoğan's criticism of the Supreme court commenting "he won't abide by the ruling", the lower court sentenced Dündar and Gül to 5 years in prison for revealing state secrets. The decision is on appeal whilst Dündar and Gül remain free. **Other information:** While imprisoned Dündar wrote a letter to *The Washington Post* entitled *What's freedom worth? Less than three billion euros apparently*, wherein he criticised Europe's dealings with Turkey with regards to managing the refugee crisis. **PEN Actions:** RAN 08/14; 04/15 and updates, [statement](#) 3 June 2015, [press release](#) 23 December 2015 and [call to action](#). Mentioned in PEN's 2015 report: [Surveillance, Secrecy and Self-Censorship: New Digital Freedom Challenges In Turkey](#)

**Ufuk ERHAN (m):**

**Profession:** journalist with *Gelecek* daily newspaper **Date of arrest:** 26 May 2015 **Date of release:** 14 July 2015 **Details of arrest:** Police raided the office of *Gelecek* newspaper and arrested Ufuk Erhan alongside fellow reporters **Ezgi Aydın, Onur Öncü, İmge Tabakçı and Sera Yelözer** as well as *Birgün* correspondent **Onur Öncü** who was also present (see below under Brief Detention). **Details of release:** All but Erhan were released several days later. **Update:** PEN has now learned that Erhan was released on 14 July 2015. An appeal made against the charges was accepted. **Place of detention:** Maltepe Cezaevi Prison in İstanbul.

**Erdem GÜL (m), Profession:** Gul is the *Cumhuriyet Daily* Ankara Bureau Chief

**Date of Birth:** 1967 (Gül) **Date of arrest:** 26 November 2015 **Details of arrest:** On 26 November 2015 the Turkish authorities detained Can Dündar, the then editor-in-chief of *Cumhuriyet Daily* and his Ankara bureau chief **Erdem Gül** on terrorism and espionage charges in relation to a news story in June 2015. **Details of trial:** In June 2015 President Erdoğan filed a criminal complaint against Dündar over a news story, alleging espionage and demanding an aggravated life sentence. The complaint accused Dündar of trying to manipulate justice with fabricated material and violating confidentiality by publishing the story. Dündar's paper *Cumhuriyet* had published photos of Turkish intelligence agency's trucks allegedly carrying arms to Syria. **Date of Release:** 26 February 2016 **Details of Release:** Dündar and Gül were released on 26 February 2016 by a Supreme Court decision that their rights and that of the press have been violated. Following President Erdoğan's criticism of the Supreme court commenting "he won't abide by the ruling", the lower court sentenced Dündar and Gül to 5 years in prison for revealing state secrets. The decision is on appeal whilst Dündar and Gül remain free. **PEN Actions:** RAN 08/14; 04/15 and updates, [statement](#) 3 June 2015, [press release](#) 23 December 2015 and [call to action](#). Mentioned in PEN's 2015 report: [Surveillance, Secrecy and Self-Censorship: New Digital Freedom Challenges In Turkey](#)

**Mohammed Ismael RASOOL (m):**

**Profession:** Fixer and translator **Date of arrest:** 27 August 2015 **Date of Release:** 5 January 2016 **Details of arrest:** Rasool was arrested in Diyarbakir along with his British colleagues Jake Hanrahan and Philip Pendlebury. The three journalists reportedly remained in police custody in for three days before being placed in pre-trial detention on a terrorism charge on 31 August 2015. On 3 September 2015 the two British journalists were released following a media flurry and worldwide attention. **Details of Release:** On 5 January 2016 it was [reported](#) that Rasool has been released on bail after 131 days in detention, but that he was still facing terror charges **Details of trial:** According to reports they were initially accused of filming without accreditation, before being charged under article 220 of the criminal code which penalises "crimes committed in a terrorist organisation's name" in the same way as membership of a terrorist organisation. **PEN Action:** [statement](#) 3 September 2015; [7 September](#) and [30 October](#) open letters to President Recep Tayyip Erdoğan; mentioned in November [report](#) entitled Surveillance, Secrecy And Self-Censorship: New Digital Freedom Challenges In Turkey.

Case closed

*Due to the number of cases of persecuted writers in Turkey, PEN International is closing cases of writers under suspended sentence or released under the judicial reform package pending appeal. They will be reopened should the writers be returned to prison in the future.*

**Doğan AKHANLI (m)** (German national)

**Profession:** Writer and human rights activist **Date of birth:** 1957 **Date of arrest:** 10 August 2010 **Date of release:** 8 December 2010 **Details of trial:** Acquitted on charges of “robbery” and “membership of armed organisation” by the domestic court in 2011, yet the Supreme Court reversed this decision in February 2013. Akhanlı, who permanently lives in Germany as a German citizen was arrested in 2010 when he was visiting Turkey. Reportedly, Akhanlı was among the group who robbed an exchange office in 1989. When fleeing, the robbers left a bag in the office, in which some photos and documents were found. In 1992, the owner of the documents was identified and he told police that Hamza Kopan had organised the robbery. Hamza Kopan was claimed to have been leading a left-wing organisation of which Akhanlı was a member. As Kopan knew that Akhanlı was in Germany and would not therefore be arrested, he gave his name to the police. Hoping to clear his name, Akhanlı took a risk and came to Turkey to see his family, but was arrested. Akhanlı was acquitted on 12 October 2011 by the 11th High Criminal Court of Istanbul. However, the Supreme Court overturned this verdict and demanded life imprisonment, stating that “the suspect’s membership of a left-wing organisation at the time of the crime” and “the Article 146/1 of Turkish Penal Code” [attempting to overthrow the constitutional order by force] were to be argued. Following the abolition of Special Courts, the case was delegated to the 3th High Criminal Court of Istanbul. No more information as of 30 June 2016; case closed as in Germany. **Background:** He had to flee to Germany in 1991 because of his political past as a member of TDKP (Revolutionary Communist Party of Turkey) when he was a student at University. He was held in a military prison between 1985 and 1987. Turkey deprived him of Turkish citizenship in 1998. Akhanlı greatly contributes to projects and campaigns dealing with violence in history and human rights. His novel *Madonna'nın Son Hayali (Last Fantasy of Madonna)* was acclaimed by critics among the 10 best novels in Turkish in 2005. Akhanlı is also known for his efforts to clarify the circumstances of the murder of Hrant Dink (see above: killed - Impunity) and to keep his memory alive.

**Fatih Özgür AYDIN (m), Profession:** Editor for *Artı İvme*

**Gamze KEŞKEK (f), Profession:** Editor for *Tavır* magazine

**Date of arrest:** Arrested between 17 and 21 January 2013 **Details of arrest:** Aydın and Keşkek were arrested alongside *Yürüyüş* and *Tavır* journalists **Doğan Karataşın, Yeliz Kılıç and Veysel Şahin** as part of an investigation into the Revolutionary People’s Liberation Party – Armed Front (DHKP-C). **Date and details of release:** Fatih Özgür Aydın was released along with Doğan Karataşın, Veysel Şahin and Yeliz Kılıç in January 2014. The latter three were released without charge. Gamze Keşkek was released on 11 June 2014. **Details of trial:** On 5 November 2013, Aydın was charged with membership of an armed organisation (Article 314/2 of the Turkish Penal Code); praising offences or offenders (Article 215 of the Turkish Penal Code); obstructing a public official from carrying out their duty (Article 265 of the Turkish Penal Code); and violating the Law on Meetings and Demonstrations (Law 2911). He faces over 50 years in prison if found guilty. Keşkek is also being tried, although the charges against her are unclear. No further information as of 30 June 2016; case closed.

**İsmail BEŞİKÇİ (m):**

**Profession:** sociologist and author **Sentence:** one year and three months. **Details of trial:** Accused in June 2010 of “making propaganda for the PKK” under anti-terror legislation for an article published in the Contemporary Lawyer’s Association periodical. **Zeycan Balcı Şimşek**, editor of the periodical, was accused alongside Beşikçi. The article’s title is ‘Right to Self Determination and the Kurds’. Both first appeared at the Istanbul High Criminal Court on 28 July 2010 at a trial attended by hundreds of

supporters. Sentences of up to seven and a half years each were suggested. In the court Beşikçi stated that if Turkey wished to gain influence in the Balkans and Caucasus, it would first have to deal with the Kurdish problem, which should not be tackled by prosecutors and business people, but by academics, journalists and philosophers. Şimşek argued that the aim of the articles was to promote debate and that at the time the article was published, there were no armed conflicts in the region. On 4 March 2011, Beşikçi was sentenced by a court in Istanbul to one year and three months. Şimşek was sentenced to a fine. Beşikçi is free while his appeal is ongoing. No further information as of 30 June 2016; case closed. **Background:** Beşikçi spent many years in prison in the 1990s during which time he was a main case for PEN International. **Awards:** In 2012, he was the recipient of the prestigious Hrant Dink Foundation Award.

#### **Gökhan BULUT (m):**

**Profession:** Editorial Coordinator at Aram Publishing House **Details of trial:** Bulut edited and published three books written in Kurdish by Hayrettin Ekinci, Rodi Zinar and Hasan Hüseyin Deniz respectively. He was charged with “making propaganda for a terrorist organisation”, specified as PKK/KCK in the indictment. The books, written by Kurdish fighters, are described as being “guerrilla memoirs”. The public prosecutor has stated that he will drop the case if Aram Publishing House pays a fine of 20,000 Turkish Liras for each book. Following the abolition of Special Authority Courts, the case has been delegated to the 3rd High Criminal Court of Diyarbakir. The last hearing of the trial was held on 25 September 2014. He remained free at the end of 2015 pending the outcome of his trial. No further information as of 30 June 2016; case closed **Background:** Aram Publishing House has faced a number of high profile court cases over the years for its focus on publishing content related to the Kurdish issue. Noam Chomsky’s *Interventions* and Thomas Benedikter’s *The World’s Regional Authorities* are amongst the books that have prompted court cases against Aram Publishing House.

#### **Hikmet ÇİÇEK (m):**

**Profession:** columnist for *Aydınlık* **Sentence:** 21 years and 9 months **Date of arrest:** 25 March 2008 **Date of release:** 10 March 2014 **Details of arrest:** Arrested as part of the Ergenekon investigation. **Details of trial:** Charged under several articles of the Penal Code, and Article 5 of the Anti-Terror Law. Accused of obtaining classified documents and illegal data collection. His trial opened in July 2008 at Silivri, Istanbul. His lawyers point out that although he was arrested for possession of classified documents, his indictment makes no reference to this claim. The president of the court hearing the case has recommended on several occasions that Çiçek be freed, but he remained detained in Silivri prison until his release subsequent to a reform package abolishing the special authority courts and reducing the reasonable period of pre-trial detention to five years. His appeal is believed to be [ongoing](#) as of 31 December 2015.

#### **Ziya ÇİÇEKÇİ (m):**

**Profession:** editor of the pro-Kurdish *Günlük* newspaper **Sentence: 1)** 18 months in prison **2)** 10 months in prison, suspended **Details of trial: 1)** Sentenced in 2010 to under Article 7/2 of the Anti-Terror Laws for “making propaganda for a terrorist organisation” for articles on the PKK. Amnesty International in its 2013 report states that these articles were analyses of the PKK and could not be construed to be promoting violence. The case is currently pending appeal. **2)** In December 2011 he was convicted under Article 6/2 of the Anti-Terror Law for “printing or publishing declarations or statements of terrorist organisations” which related to an article which contained extracts of an interview with a leading PKK member regarding the conditions of imprisonment of PKK leader Abdullah Öcalan. He was subsequently sentenced to 10 months’ imprisonment in September 2012 which was suspended under the provisions of the Third Judicial Package. **3)** Among those arrested in December 2011 under the KCK investigations. See above. Believed to remain free pending trial at the end of June 2016; Case closed.

**Ayşegül DEVECİOĞLU (f):**

**Profession:** Kurdish writer **Sentence:** 23 months in prison; suspended for five years **Details of trial:** Charged with Articles 7/2 (“making propaganda for a terrorist organisation”) and 5 (“membership of a terrorist organisation”) of the Anti-Terror Law as well as Article 28/1 (“illegal demonstrations”) of the Law on Meetings and Demonstrations. The indictment against her was delivered in March 2012 following Devocioğlu’s arrest along with 20 other BDP members for chanting slogans in support of imprisoned PKK leader Abdullah Öcalan at an illegal demonstration in Yalova, Western Turkey. At her last hearing held on 30 December 2013 she was sentenced to 23 months in prison, with the sentence suspended for a period of five years. No further information as of 31 December 2015. **Background:** Devocioğlu has received critical acclaim for two novels and two books of short stories. **Awards:** In 2008 she was awarded the Orhan Kemal Prize for one of her novels.

**Ali DURSUN (m), Profession:** publisher of online news website Haber Rüzgarı

**Yüksel ÖZBEK (m), Profession:** owner of online news website Görele Sol

**Sentence:** 11 months and 20 days in prison suspended for five years **Details of trial:** On 12 February 2013 they were convicted of insulting Prime Minister Recep Tayyip Erdoğan (under Article 125 of the Turkish Penal Code). Both have been placed under ‘judicial control’ for five years, meaning that if they commit “another crime of the same nature” within that time-frame, they will have to serve their suspended sentence. No further information as of 31 December 2015.

**İhsan ELİAÇIK (m):**

**Profession:** writer, theologian and publisher; owner of İnşa Publishing House **Details of trial:** On 21 June 2013, a petition was filed against Eliaçık in an Ankara court by Prime Minister Erdoğan’s legal representatives. The court accepted a defamation suit against Eliaçık for 12 tweets, nine of which concern Erdoğan directly, posted at the time of the Gezi Park protests. Charged with criminal defamation under Article 125 of the Turkish Penal Code, Eliaçık faces both a criminal trial and a civil suit. The civil suit was settled on 20 January 2014 by the 23th Court of First Instance in Ankara, awarding Erdoğan 2,000 Turkish Liras in damages. **Background:** İhsan Eliaçık has written over 20 books since the early 1990s, including a series on revolutionary Islamic intellectuals and a number of books outlining a socialist interpretation of Islam. He is the ideological leader of “the Anti-Capitalist Muslims”, a group that strongly opposes the synthesis of capitalism and Islam on moral grounds. An outspoken critic of the incumbent AKP administration and Turkey’s Directorate of Religious Affairs, Eliaçık and his group were present throughout the Gezi Park protests, and garnered significant attention for their condemnation of the heavy handed government response. **PEN Actions:** Featured in PEN’s 2014 report [The Gezi Park Protest: The Impact on Freedom of Expression in Turkey](#). Case closed: the case was dropped due to clemency offered by President Recep Tayyip Erdoğan on all criminal defamation cases involving himself following the attempted coup.

**Füsun ERDOĞAN (joint Dutch/Turkish national) (f):**

**Profession:** a radio journalist and a writer at Bianet **Date of arrest:** 12 September 2006 **Sentence:** life sentence **Date of release:** 8 May 2014 **Details of release:** Erdoğan was released from prison together with other 8 journalists including Bayram Namaz. Erdoğan had been kept under detention for eight years when the release order was issued. It was reported that the order was issued subsequent to the reduction in the usual period of detention from 10 to 5 years. **Details of trial:** Convicted of “membership of an armed organisation” (Article 314/2 of the Anti-Terror Law) and “membership of a terrorist organisation” (Article 5 of the Anti-Terror Law) in November 2013. The organisation in question is the Marxist-Leninist Liberation Party (MLKP). Tried in the same case together with Bayram Namaz and İbrahim Çiçek-see above. Her appeal to the Supreme Court is believed to be pending as of 31 December 2015. Case closed as she is believed to be out of the country.

**Halit GÜDENOĞLU (m), Cihan GÜN (m), Musa KURT (m), Kaan ÜNSAL (m), Naciye YAVUZ (f):**  
**Profession:** reporters for *Yürüyüş* **Date of arrest:** in or around December 2010 **Details of trial:** The first hearing was held on 10 January 2012, after 13 months of pre-trial detention. Charges are apparently terror-related. The *Yürüyüş* magazine office in Istanbul was raided on 24 December 2010. The raid also included the publishing company Ozan Publishing. The five were released pending trial on 20 July 2012. It was reported in July 2013 that Ünsal had been re-arrested on 14 March 2013. It was also suggested that Kurt was similarly re-arrested on 18 September 2012. The two are reportedly no longer detained. No more information as of 30 June 2016; case closed.

**Nuh GÖNÜLTAŞ (f), profession:** journalist for *Bugün*

**Hüseyin GÜLERCE (m), profession:** former columnist for *Zaman*

**Fahri SARRAFOĞLU (m), profession :** journalist for *Zaman*

**Makbule Çam ELMADAĞ (m), Ali KARA (m), Ali Samim NOYAN, Radiye Ebru ŞENVARDAR (f), Hikmet TOMBULCA (m), Elif YILMAZ (f), Professions :** screenwriters

**Date of arrest:** 14 December 2014 **Details of arrest:** The nine people named above were arrested alongside editor **Ekrem Dumanlı** and journalist **Hidayet Karaca** (see above) on 14 December 2014 ‘on suspicion of membership of an illegal organisation’. Among those arrested were high-ranking members of the Istanbul police force as well as journalists, screenwriters, producers and directors who have worked for newspapers and TV stations said to be affiliated with the Gülen movement. The arrests came against a backdrop of escalating political tensions between the ruling party in Turkey and the followers of Islamic cleric Fethullah Gülen. An indictment has not been delivered as of 31 December 2014 although all of the above remain under investigation. All were released after questioning with the exception of Karaca. No further information as of 30 June 2016, case closed

**PEN Actions:** Press release [15 December 2014](#)

**Hasan KABAKULAK (m):**

**Profession:** journalist **Date of arrest:** 10 April 2013 **Details of release:** 8 October 2014 **Details of arrest:** arrested in Hatay, near the Syrian border. **Details of trial:** Arrested on suspicion of being an agent for the Syrian government, Kabakulak was charged with “obtaining classified information from the state with the intention of political or military espionage” under Article 328/1 of the Turkish Penal Code. He was detained in Adana Kürççüler Prison from 10 April 2013 until 8 October 2014 when he was freed pending the outcome of his trial. No further information, case closed.

**Doğan KARATAŞTAN (m):**

**Profession:** Journalist at *Yürüyüş* Newspaper **Date of arrest:** 18 January 2014 **Date of release:** 21 January 2014 **Details of trial:** Karataştan was charged with “leading an illegal organisation” and detained on 18 January 2014. He was charged after three days in police custody before being released pending trial as a result of a medical report showing that he suffered from Wernicke-Korsakoff syndrome. No further information as of 30 June 2016, case closed.

**\*Bülent KENEŞ (m):**

**Profession:** Editor-in-chief of English-language daily newspaper *Today's Zaman* **Date of arrest:** 9 October 2015 **Date of release:** 14 October 2015 **Details of arrest:** Keneş was reportedly taken from his office by police after a judge issued a warrant for his arrest on charges of insulting Turkish President Erdoğan in a series of tweets. Keneş was initially placed in Istanbul’s Metris Prison before being moved to the city’s high-security Silivri Prison on 12 October 2015. **Details of release:** Keneş was released from prison pending trial but is currently barred from travelling abroad. He will have to register every Sunday with the local police station. No further information as of 31 December 2015.

**Deniz KISMETLİ (m):**

**Profession:** journalist for *Halkın Günlüğü* (*People's Daily*) newspaper **Date of arrest:** 22 or 23 February 2011 **Details of arrest:** Kismetli is among 23 people (two of whom are journalists) arrested in raids in several cities across Turkey in February 2011 as part of an investigation into DHKP-C (the Revolutionary People's Salvation Army – Military Wing). **Date and details of release:** He was released pending trial on 26 February 2014. **Details of trial:** Kismetli is accused of membership of an armed organisation and membership of a terrorist organisation under Article 314/2 of the Turkish Penal Code and Article 5 of the Anti-Terror Law respectively. No further information as of 30 June 2016; case closed.

**Dr.Yalçın KÜÇÜK (m):**

**Profession:** writer, economist, historian and socialist. Outspoken critic of the ruling AKP. Author of numerous books on socio-economics **Sentence:** 22 years and six months **Date of arrest:** early 2011 **Details of arrest:** Arrested for investigation into the ODA TV news website case. **Date of release:** 10 March 2014 **Details of trial: 1)** Sentenced to 22 years and six months in prison. The court decided that he would be released on 10 March 2014 subsequent to a reform package abolishing the special authority courts and reducing the reasonable period of pre-trial detention to five years. His appeal is thought to be ongoing as of 31 December 2015. **2)** On 10 December 2015 the Constitutional Court ruled that a decision by a lower court to order journalist Yalçın Küçük to pay damages to former President Abdullah Gül, who sued Küçük over his book "*Musa'nın Gülü*" (*The Rose of Moses*), in which the journalist accused Gül of having secret ties to the Jewish lobby in the US and the US and British governments, constituted a violation of freedom of speech **Background:** Accused of sympathies with the PKK and sentenced to two years in prison in the late 1990s for interview with its leader, Abdullah Öcalan. No further information as of 30 June 2016; case closed.

**Sami MENTEŞ (m):**

**Profession:** reporter for *Yurt* newspaper **Date of arrest:** Arrested as part of the DHKP-C investigation on 21 January 2013 **Date of Release:** Released pending trial on 11 October 2013. **Details of trial:** Charged with "membership of an armed organisation" under Article 314/2 of the Turkish Penal Code and "membership of a terrorist organisation" under Article 5 of the Anti-Terror Law. A trial hearing took place in May 2015; the next hearing was scheduled to take place in 10 November 2015. No more information as of 30 June 2016; case closed.

**Tuncay ÖZKAN (m):**

**Profession:** A journalist since the mid-1990s, working for print and broadcast media, he reportedly specialises in covering corruption, drug crime, and terrorism, specifically terrorism linked to religious extremism, and on international relations. His many articles appeared in newspapers including *Milliyet*, *Radikal* and *Akşam*. He has also authored some 17 books. **Sentence:** Aggravated life imprisonment **Date of arrest:** 27 September 2008 **Date of release:** 10 March 2014 **Details of arrest:** Detained in Silivri Prison, 50km outside Istanbul for nearly six years. **Details of trial:** Sentenced in August 2013 to life imprisonment. Özkan had an appeal for release from pre-trial detention turned down by the European Court of Human Rights on 14 February 2012. He was released on 10 March 2014 subsequent to a reform package abolishing the special authority courts and reducing the reasonable period of pre-trial detention to five years. He remained free pending appeal as of December 2015. No further information as of 30 June 2016; case closed. We will reopen the case should the sentence be upheld.

**Ergün POYRAZ (m):**

**Profession:** author of controversial books on the now banned Islamic Refah and Fazilet Parties, as well as on the key members of the ruling AKP. Evidence in his books is said to have led to the closure of Refah and Fazilet in the late 1990s/early 2000s. **Sentence:** 29 years and four months in prison **Date of arrest:** 2007 **Date of release:** 10 March 2014 **Details of trial:** Among the accusations against him is

that he allowed books written by Ergenekon members to be published under his name, claims said to be unsubstantiated, and that his books deliberately contributed towards the Ergenekon's policy of spreading chaos, including through unfounded suggestions that certain leaders were of Jewish or Armenian backgrounds, considered defamatory. One such book could be Poyraz's *Musa'nin cocuklari – Tayyip ve Emine (The Children of Moses – Tayyip and Emine)* which claims that Prime Minister Recep Tayyip Erdoğan is part of a "Zionist conspiracy" concocted by JITEM, a clandestine organisation said to be the military wing of Ergenekon accused of being responsible for bombings and assassinations. Some news reports suggest that material seized from his home suggested Poyraz was collecting information on senior military and other officers. On 5 August 2013, he was sentenced to 29 years and 4 months in prison. He was released on 10 March 2014 subsequent to a reform package abolishing the special authority courts and reducing the reasonable period of pre-trial detention to five years. He remained free on appeal as of December 2015. No further information as of 30 June 2016; case closed. We will reopen the case should the sentence be upheld.

**Sultan ŞAMAN: (f)**

**Profession:** editor of Kurdish women's magazine *Heviye Jine* **Date of arrest:** 7 February 2012 **Date of release:** February 2014. **Details of arrest:** Reportedly arrested in Nusaybin, Mardin province, for membership of the PKK, and sent to Batman Prison. **Details of release:** Released pending trial **Details of trial:** Charged under Article 314 of the Penal Code and Article 5 of the Anti-Terror Law. No further information as of 30 June 2016; case closed.

**Sedat ŞENOĞLU (m):**

**Profession:** journalist for the newspaper *Atılım* **Date of arrest:** 10 September 2006 **Sentence:** seven-and-a-half years (under appeal) **Date and details of release:** September 2012 pending completion of the trial **Details of trial:** Trial proceedings against him and others (see Judicial concern – other, İbrahim ÇİÇEK and Bayram NAMAZ opened on 13 April 2007 under Article 6 of the Anti-Terror Law. Accused of being a member of the Marxist Leninist Communist Party (MKLP,) deemed by the authorities to be a terrorist organisation. There are concerns around the fairness of the trial based on the non-disclosure by the authorities of the reasons for his arrest. The first trial was marked by clashes between supporters and police, during which tear gas was used. At a hearing held on 26 October 2007 at the Istanbul 10th High Criminal Court, there were protests when it was announced that all the defendants in this case would continue to be held in pre-trial detention. Around 24 May 2011 lawyers questioned the veracity of a document said to have been seized during "Operation Gaye" during which the defendants were arrested. They requested a review of the evidence. They also pointed out that the defendants had been held for over six years without conclusion of their trial, flouting the European Convention on Human Rights. Scuffles broke out at this hearing after one of the defendants attempted to make a speech commemorating a person who had been killed by the military in 1995. In September 2012, Şenoğlu was released pending trial due to a change in the nature and classification of the crime and the term spent behind bars already. He was sentenced on 5 November 2013 to seven and a half years in prison. He appealed the sentence. **Background:** Senoglu was also briefly detained in June 2013 (see 2013 Case List) **PEN Action:** Mentioned in 8 November 2013 [press release](#). No further information as of 30 June 2016; case closed. We will reopen the case should the sentence be upheld.

**Tayyip TEMEL (m):**

**Profession:** former editor-in-chief of daily Kurdish language newspaper *Azadiya Welat* **Date of arrest:** 3 October 2011 **Date of release:** 1 July 2014 **Details of arrest:** Arrested in Diyarbakir as part of the KCK investigation. **Details of release:** Temel was freed pending trial on 1 July 2014, although the conditions of his release mean that he effectively cannot leave the province of Hakkari. **Details of trial:** Accused of leadership of an armed organisation under Article 314/1 of the Turkish Penal Code and leadership of a terrorist organisation under Article 5/1 of the Anti-Terror Law, he faces up to 22

years in prison. In a letter to the Turkish free expression monitor, Bianet, he said that he was being targeted for his journalism and that the evidence against him consists of wiretaps of his phone calls to the pro-Kurdish Peace and Democracy Party (BDP) and the Democratic Society Party (DTP). He added that trips he made to Iraq in the course of his journalism are being interpreted as being carried out for meetings with the PKK. No more information as of 30 June 2016; case closed.

**Deniz YILDIRIM (m):**

**Profession:** former executive director of *Aydınlık* newspaper **Date of arrest:** 9 November 2009, held in Silivri Prison **Sentence:** 16 years and 10 months **Date of release:** 10 March 2014 **Details of trial:** Accused of membership of an illegal organisation under the Turkish Penal Code. Accusations against him include disclosure of audio and visual files. Early reports suggest that evidence against him include that he secretly wiretapped the prime minister's telephone. Trial opened on 28 June 2010. Yıldırım was sentenced in August 2013 to 16 years and 10 months on charges of "acquiring confidential documents concerning the security of the State," "obtaining and distributing personal data illegally," and "membership of an armed terrorist organisation". He was released on 10 March 2014 subsequent to a reform package abolishing the special authority courts and reducing the reasonable period of pre-trial detention to five years. He remained free pending appeal as of 31 December 2015. No further information as of 30 June 2016; case closed. We will reopen the case should the sentence be upheld.

## TURKMENISTAN

Imprisoned: main case

**Saparmamed NEPEKULIEV:**

**Profession:** freelance journalist for the news website Alternative Turkmenistan News and Radio Free Europe/Radio Liberty **Sentence:** three years in prison **Date of arrest:** 7 July 2015 **Details of arrest:** He was arrested in the Caspian Sea resort of Avaza. He [reportedly](#) had gone out to photograph the resort and had left his suitcase in his room. While he was out the opioid Tramadol was placed in his suitcase. He was arrested as he returned to the hotel by two agents of the Turkmen National Security Ministry. Nepeskuliev's family last saw him on 7 July 2015 and they were not notified of his detention. **Current place of detention:** Three weeks after his disappearance, his family found out that Nepeskuliev was detained in a prison near Turkmenbashi. He has been in LBK-12 Prison in Lebap province, and it is suggested that he may have been transferred to BL-D/5 Prison in the Balkan province, although this has not been confirmed. **Date of trial:** 31 August 2015 **Details of trial:** His mother told Alternative Turkmenistan News that she had learned on 4 September 2015 that Nepeskuliev was sentenced to three years in prison in a closed trial on 31 August 2015 apparently on narcotics charges, which his family denies. **Conditions of detention:** Nepeskuliev has been denied all contact with his family and held incommunicado since the start of his detention. **Background:** Nepeskuliev often criticises local government authorities for their incompetence and abuses on social and infrastructural issues. **Other information:** The UN Working Group on Arbitrary Detention [stated](#) that they believed that his detention was arbitrary. They found that in his arrest, trial and detention, Turkmenistan had violated international norms and expressed grave concern that he may have been tortured. In June 2016, 13 media and human rights organisations [signed](#) a joint letter calling for an end to his imprisonment.

## UKRAINE

*The ousting of the Ukrainian President Viktor Yanukovich in February 2014 was followed in March by the Russian Federation's unrecognised annexation of Crimea, which triggered an international crisis.*

*This crisis worsened in May when the local pro-Russian groups seized control of Donetsk and Luhansk and declared independence from Ukraine. During 2014 there was a rapid escalation in violence in eastern Ukraine. Pro-Russian separatist groups, Russian volunteers, Russian armed forces, the Ukrainian security services and pro-Kiev forces committed very serious violations of human rights. In the course of the crisis, dozens of journalists were detained, kidnapped, tortured or otherwise harassed solely for carrying out their work. PEN is not able to document all of these attacks. Although both pro-Kiev and separatist groups carried out these attacks, separatists were reportedly responsible for the majority of them. At PEN International's World Congress in Bishkek, Kyrgyzstan in 2014, a [resolution on Ukraine](#) was passed by the assembly of delegates. Since then, the Ukrainian authorities have taken steps to restrict freedom of expression such as an April 2015 law which criminalizes public denial of the activities of the communist and Nazi regimes in Ukraine and bans all related symbols, except for restricted educational or scientific purposes. Violation of the law carries a penalty of potential termination of activities of media and prison sentences for five to ten years. A further law introduced in May 2015 criminalises the public expression of disrespect for certain groups of fighters for Ukrainian independence and criminalizes public denial of the legitimacy of their fight for Ukraine's independence.*

#### Killed - Impunity

##### **Oles BUZYNA:**

**Profession:** journalist, blogger and former editor-in-chief of *Segodnya* newspaper **Date of birth:** 13 July 1969 **Date of death:** 16 April 2015 **Details of death:** Buzyna, a journalist known for his pro-Russian views, was shot dead by two masked men in Kiev; the shots were reportedly fired from a car, which, according to police, had Lithuanian or Belarussian number plates. The suspects drove off after the shooting. **Details of investigation:** President Petro Poroshenko has ordered an investigation into the murder. In June, three suspects were reported to have been arrested; two were remanded in custody. On 14 August 2015, an Appeals Court in Kyiv upheld the pre-trial detention of Andrew Medvedko. Denis Polishchuk had been remanded in custody several days earlier. Both men are alleged far-right activists and deny the charge. On 31 December 2015 Medvedko was released from custody and placed under 24-hour house arrest, which was reported to be enforced until 31 January 2016. **Update:** The pre-trial investigation was continuing as of 30 June 2016. [**Stop Press:** On 14 July 2016, the lawyer acting for the family of Buzyna [said](#) that he had clear evidence that more than one person was involved in the shooting, which contradicted the investigator's claims that Medvedko was solely responsible for the shooting.] **Background:** In the first four months of 2015, there was a spate of suspicious deaths of killings of allies of Ukraine's pro-Russian Former President, Victor Yanukovich. According to the Interior Ministry adviser Anton Gerashchenko, Buzyna was part of the 'anti-Maidan' movement that opposed the popular overthrow of President Yanukovich in 2014. Gerashchenko also said that Buzyna was a key witness in a criminal case related to pro-Russian activists who attacked protesters in the Maidan Square uprising. **Other information:** Buzyna was mentioned by Reporters Without Borders as an example of media workers being killed in their call for a probe into the murder of journalists in Ukraine.

##### **Georgy GONGADZE:**

**Profession:** editor of the independent Internet newspaper *Ukrainska Pravda* (which often criticised the policies of then President Leonid Kuchma) **Date of birth:** 21 May 1969 **Date and details of death:** Gongadze was kidnapped around 16 September 2000 and murdered. His headless body was discovered in November 2000 in a forest outside the town of Tarashcha. **Details of Investigation:** an investigation, reportedly plagued by irregularities, began soon after the journalist's death, and in 2008 three police officers were convicted of his murder. In 2009, a key suspect, Interior Minister General Aleksei Pukach, was arrested and also accused of the murder. In November 2010, prosecutors changed the status of the case from contract killing to 'killing on verbal order'. The new status of the case pegs the responsibility for commissioning the crime on a single culprit (a dead

interior minister) and technically precludes investigation into a larger circle of suspected masterminds. Prosecutors have failed to investigate former and current high-ranking officials, including former President Leonid Kuchma and the then-head of presidential administration and current Parliament Speaker Vladimir Litvin, who have long been suspected of being involved in Gongadze's killing. Ukrainian prosecutors indicted former President Leonid Kuchma on 24 March 2011, on abuse-of-office charges in connection with the murder. The trial of Alexsei Pukach began on 7 July 2011 and was conducted entirely in private. On 15 August 2011, a request by Valentina Telychenko, a lawyer for Gongadze's widow, to have the trial opened to the public was denied. It was reported that Pukach allegedly testified on 30 August 2011 that he had carried out the killing in a plot orchestrated by President Kuchma. The defendant claimed that the direct order to carry out the murder was issued by the now deceased Interior Minister Yuri Kravchenko. It was further reported that several other senior officials had been implicated in the murder, including the current Parliament speaker Vladimir Litvin, and two of Kravchenko's deputies, Nikolai Dzhiga and Eduard Free. However, Kuchma and Dzhiga have denied involvement, claiming that Pukach fabricated the account to avoid a potential life sentence. On 14 December 2011 the Kiev court dropped all charges against Kuchma. On the same day a judge ruled that secret tape recordings by Kuchma's former bodyguard, in which he allegedly talks about his annoyance with Gongadze and desire to 'silence him', could not be used as evidence as they had been acquired by illegal means. On 20 February 2013, the First Deputy [Prosecutor General of Ukraine Renat Kuzmin](#) claimed that his office had collected enough evidence confirming Kuchma's responsibility for ordering Gongadze's assassination. On 29 January 2013, Pukach was sentenced to a life imprisonment by the Pechersk District Court of Kiev. Gongadze's wife appealed against the decision to dismiss the charges against Kuchma but later dropped her appeal, as it might have led to Pukach's release. On 9 July 2014 the General Prosecutor of Ukraine Vitaliy Yarema stated that his Office would revisit investigations into high-profile cases 'that were dropped unlawfully', including the cases dealing with the murder of Gongadze. In February 2015, it was reported that the Prosecutor General of Ukraine Viktor Shokin had set up a team of investigators and prosecutors and had resumed the investigation into the murder of the journalist. In March 2016, Gongadze's body was finally buried.

### Enforced disappearance

#### **Sergei DOLGOV:**

**Profession:** editor of *Vestnik Pryazovya* and *Khochu v SSSR* ('I want to go to the USSR') **Date of abduction** 18 June 2014 **Details of abduction:** Dolgov was abducted from his office in the south-eastern city of Mariupol by six masked men in civilian dress bearing automatic weapons. They took all the computers in the office and beat Dolgov before taking him away with his hands tied. His whereabouts and the identity and motive of his abductors remained unknown for five days. The head of the Security Service of Ukraine in Mariupol announced on 23 June 2014 that Dolgov had been arrested by the Ukrainian National Guard and that he was 'alive and in good health' and being held at an anti-terrorism centre in Zaporozhye. Pro-Russian media sources suggested he was killed, but in September 2014, Amnesty International reported that eyewitnesses and relatives believed he was still alive and in detention. In December 2014 Amnesty International said that Ukraine's Security Services had told them that they had no record of Dolgov's detention. Dolgov's wife has said that she has been contacted by a source who wishes to remain anonymous who said he was held with Dolgov in military base A1978 in Zaporozhye until the former's release in October 2014. In December 2014, a member of the European Parliament from the Communist Party of Greece filed a question to the European Commission regarding Dolgov's disappearance. In the response received on 5 March 2015, the Vice President of the European Commission said that the Ukrainian authorities must 'thoroughly investigate the case and bring the perpetrators to justice and that 'freedom of the media is a key feature of any democracy and [that] any journalist shall be able to perform work free of harassment and intimidation.' **Background:** Dolgov's colleagues think his abduction was linked to

his editing of *Khochu v SSSR*, which mainly publishes historical articles about the Soviet era and which other newspapers in the region recently labelled as a 'rebel' publication.

#### Imprisoned – investigation

##### **\*Vitaliy DIDENKO:**

**Profession:** news editor of infocenter-odessa.com **Sentence:** three years' imprisonment **Date of arrest:** May 2015 **Date of release:** 14 June 2016 **Details of arrest:** It was reported that Didenko was arrested on charges of drug possession (Which are described as trumped up by the SBU Secret Service to arrest him. No concrete proof, do we add this in?). During the course of the arrest, Didenko was seriously injured, suffering several broken ribs and a broken arm, after he reportedly tried to escape by jumping from a third-floor window. **Details of release:** It was reported that Didenko was released along with **Elena Glishchinskaya** (see above) as part of a prisoner exchange with Russia, after he was pardoned by the President of Ukraine under Presidential Decree No.251/2016. **Details of trial:** Didenko was reportedly sentenced on charges of separatism, and received a three-year prison sentence.

#### Detained – Investigation

##### **\*Elena (or Olena) GLISHCHINSKAYA (f):**

**Profession:** journalist, TV editor **Date of arrest:** 29 April 2015 **Date of release:** 14 June 2016 **Details of arrest:** On the morning of 29 April 2016, members of the Security Service's anti-terrorist squad raided Glishchinskaya's home in Odessa in search of agitation and propaganda material. During the raid she was reportedly held at gunpoint, and her children were woken at gunpoint. According to Glishchinskaya, officers found 20 leaflets, a 2010 Party of Regions calendar, manuals and books on journalism, books on the history of the Odessa region and two computers. It was reported that all of this material was taken for investigation. She was then put under investigation under article 110 of the Criminal Code of Ukraine for allegedly being a threat to the territorial integrity of Ukraine. She was ordered to be held under two months' preventative detention by a court which was extended several times. Her case is apparently part of an investigation into the People's Council of Bessarabia. **Details of release:** On 14 May 2016 Glishchinskaya was pardoned by the President, and on 14 June 2016 she was released and flown to Moscow, along with another journalist, **Vitaliy Didenko**, and flown to Moscow, where it appears she had remained. It was reported that her husband and their children would fly to visit her, but would not be moving. It was reported that the two journalists were released as part of a prisoner swap with Russia. It was reported that Glishchinskaya and Didenko are Ukrainian citizens. **Conditions of detention:** Glishchinskaya was pregnant while in detention, and was required to be hospitalised several times, although she was not allowed to remain in hospital. On 4 February 2016, her lawyer argued that she be allowed to stay in hospital, but this was denied by the court. She gave birth on 27 April 2016. It was reported that after giving birth, she was often denied permission to see her child.

#### Attacked

##### **\*Svetlana KRYUKOVA (f):**

**Profession:** Freelance journalist, author **Date of attack/threat:** 11 January 2016 **Details of attack/threat:** [Whilst Svetlana Kryukova was conducting an interview in a hospital](#) with the subject of her upcoming book, [her car was attacked](#) and left with a smashed windscreen and punctured tyres, [although nothing was stolen](#), local news has been reported. **Background:** Kryukova is currently writing a book about a Ukrainian oligarch, [and she considers the attack a response to her journalism.](#)

##### **\*Oleksander NIKOLAYCHUK:**

**Profession:** investigative journalist, deputy of the regional council **Date of attack:** 7 March 2016  
**Details of attack:** In the night of 7 March 2016, unknown persons set fire to a house owned by Oleksander Nikolaychuk. The house was empty at the time as he had inherited it from his grandmother. He connected the alleged arson with his professional work. **Background:** Nikolaychuk had previously been involved in investigating illegal amber smuggling, and was reportedly beaten up for this in July 2015. At the time of the arson he had been investigating assaults on local taxi drivers.

#### Threatened

##### **\*Kristina BERDYNSKYKH (f):**

**Profession:** Reporter for *Novoye Vremya* **Date of threat:** 12 February 2016 **Details of threat:** [It was reported](#) that Kristina Berdinskykh received a death threat via text message after an expose of a Ukrainian gas company. [Local media reported](#) that the text message said that if there was one more article about the company Berdinskykh would be killed, [with a reference](#) to **Georgy Gongadze** (see above).

##### **\*Tatiana DONCHEVA (f):**

**Profession:** Editor of *Cherkasky Kurier* **Date of threat:** 31 January 2016 **Details of threat:** [Tatiana Doncheva was approached by an unknown man](#), demanding that she not publish what he called 'untrue articles' about the police and threatening her with violence, [it was reported](#).

## UZBEKISTAN

#### Imprisoned: main case

##### **Salidzhon (Salijon) ABDURAKHMANOV:**

**Profession:** journalist for the independent German-based Uzbek agency Uznews.net which is blocked in Uzbekistan, reporter for Radio Free Europe/Radio Liberty, Voice of America, the Institute of War and Peace Reporting and chairperson of the Committee for the Defense of the Rights of the Individual. Abdurakhmanov is well known for his reporting and monitoring of human rights, as well as economic and social issues in the region. **Date of birth:** 1950 **Sentence:** 10 year prison sentence **Date of arrest:** 7 June 2008 **Details of arrest:** Arrested by traffic police in Nukus, on the Turkmen border, who stopped and searched his car and then claimed to have found packages, allegedly containing marijuana and cocaine. He was not questioned about where they came from, which would be normal procedure in such cases. On the same day police searched his home and his workplace and confiscated a laptop, books and notes, amongst other items. Later, Abdurakhmanov was questioned about a biography of the exile leader of the banned opposition party Erk, found by police amongst his belongings. **Current place of detention:** Karshi prison **Details of trial:** Initially charged with drug possession for personal use under Article 276, paragraph 2(a) of the Criminal Code, this was changed to drug possession with intent to sell under Articles 25 and 273.5 of the Criminal Code. The trial started on 12 September 2008, and only Abdurakhmanov's relatives were allowed to be present. On 10 October 2008, he was given a 10-year prison sentence, which was upheld on 19 November 2008, when the Supreme Court overturned his appeal. On 25 March 2009, the Supreme Court for the second time upheld the 10-year prison sentence against Abdurakhmanov, without explaining the basis of its decision. A report on 1 April 2011 stated that Abdurakhmanov was prohibited by the colony administration from filing a complaint - in which he gave details of his arrest and reportedly unfair conviction - with the Uzbekistan Supreme Court. The colony officials seized the letter of complaint from his lawyers and said the document would be mailed to him, but it was not. **Conditions of detention:** A relative was been able to visit who reported in late March 2009, that although he has been held in isolation, he was not being ill-treated. In late April 2009 Abdurakhmanov was visited by his father and wife, and they said he was in good spirits and

maintained his innocence. Abdurakhmanov has been accused twice, between June and August 2011, of breaking the rules of the prison in which he is incarcerated. His relatives have claimed the prison authorities have also accused the journalist of another offence in order to reduce his chances of being released under a prisoner amnesty that was expected to accompany the celebrations marking the 20<sup>th</sup> anniversary of Uzbek independence on 1 September 2014. He received a visit from a local NGO in January 2014. **Health concerns:** In June 2013, it was reported that Abdurakhmanov's health had dramatically declined. He was moved for a second time in 2013 from the Qashqadaryo labour to a prison hospital in Tashkent. In October 2013, the journalist was reportedly placed in solitary confinement until 1 November 2013. It was suggested in news reports that this might have been in retaliation for his relatives giving an interview to the press about his deteriorating health in prison. **Background:** Prior to his arrest Abdurakhmanov had expressed concerns that he may suffer reprisals for his writings. He had apparently written an article that criticised local traffic police shortly before his arrest. **Other information:** In May 2009, the Special Rapporteur on Freedom of Expression and Opinion of the United Nations (UN) published his annual report, including communications with the Uzbek government regarding Abdurakhmanov's case. In these communications, the Uzbek government claimed that Abdurakhmanov's car had been stopped, and that he had been found to be driving without a licence. It also said that officers had searched his car, had found marijuana and opium, and that Abdurakhmanov had been indicted firstly under Article 276, part 2, paragraph (a), of the Criminal Code, subsequently changed to Articles 25 and 273 part 5 of the Criminal Code. The Ministry of Internal Affairs claimed not to have received any complaint regarding the use of unauthorised methods during the investigation, and that the criminal proceedings were 'not connected with his human rights activities'. **Awards:** 2014 Johann-Philipp-Palm-Award for Freedom of Speech and the Press **PEN Position:** PEN believes that Abdurakhmanov is being held in reprisal for his human rights monitoring. **PEN Actions:** RAN 40/08 – 14 August 2008; Update #1 – 14 October 2008; Update #2 – 20 January 2009

#### **Muhammad BEKZHON (BEKJANOV):**

**Profession:** former journalist, former contributor to *Erk* **Date of birth:** 1955 **Sentence** 15 years, reduced to 12 years (expired January 2012) **Second sentence:** Four years 8 months **Expires** January 2017 (see below) **Date of arrest:** 15 March 1999 **Details of arrest:** Deported from Ukraine in March 1999 on accusation of involvement in a series of explosions in Tashkent. Several others were also arrested in connection with these events (see Makhmudov, below). **Current place of detention:** Kasan prison, southwestern Uzbekistan **Details of trial:** It is thought that his arrest is linked to his association with the exiled opposition leader Muhammed Salih and that the charges are linked to his work on *Erk*, the opposition party's newspaper, although it has been banned since 1994. Some of the defendants in the trial have testified to having been tortured under interrogation including beatings, electric shock and threat of rape of female family members. In August 1999, Bekjanov was sentenced to 15 years in prison, convicted of 'publishing and distributing a banned newspaper containing slanderous criticism of President Islam Karimov'; 'participating in a banned political protest'; and 'attempting to overthrow the regime'. In addition, the court found them guilty of 'illegally leaving the country and damaging their Uzbek passports'. The sentence was later reduced by one-fifth. After weeks of uncertainty over what had happened to Bekjanov when he was due for release, his lawyer eventually informed relatives on 23 January 2012 that a mobile court had held hearings at the labour camp over the weekend of 21-22 January and found Bekjanov guilty of beating three other inmates. He was sentenced to an additional four year and eight months in jail as a result. In July 2015, it was reported that his lawyer had not been able to see him since April 2015. **Conditions of detention:** The UN Special Rapporteur on Torture in his 2003 report referred to allegations of torture resulting in Bekjanov's leg being broken. The Uzbek government responded to the Rapporteur denied that 'moral or physical pressure' had been applied. In October 2006, his wife was able to visit him in prison and reports that he was still suffering beatings, and that he had lost most of his teeth. **Health concerns:** Bekjanov contracted Tuberculosis in prison, for which he received treatment. Concerns for his health

remained acute He has reportedly lost his hearing in one ear, allegedly to mistreatment in prison and suffers from a hernia. He has lost most of his teeth. **Other information:** Wife resident in the USA. Brother of exiled opposition leader, Muhammad Salih. **Honorary Member:** English PEN, PEN American Center, PEN USA, PEN Canada.

**Bobomurad RAZZAKOV:**

**Profession:** human rights defender and sometime local correspondent for foreign press. He is chairman of the Bukhara region branch of Ezgulik (Compassion), Uzbekistan's only legally registered independent human rights group. He is also a member of the unregistered political opposition party Erk (Freedom) **Date of Birth:** c.1953 **Sentence:** Four years in prison **Date of arrest:** 10 July 2013 **Details of trial:** Convicted of human trafficking (under Article 135 of the Uzbek Criminal Code) on 24 September 2013. The charge against Razzakov was allegedly based on the complaint of a local woman who accused him of forcing her into the custody of a person who pressed her into prostitution. According to Razzakov, the alleged victim approached him several days before his arrest asking his help in finding a relative in Russia who was missing. Razzakov's state-appointed lawyer believes the woman was pressured by Uzbek security services to testify falsely against him. His trial began on 26 August 2013 in the Bukhara region criminal court. Rights groups, including Human Rights Watch, consider the charges against him to be fabricated in retaliation for his human rights work. **Current place of detention:** Prison No. 64/3 in Tavaksay, Tashkent region **Background:** Razzakov has worked as a local correspondent for foreign media and is known for taking on local corruption and appealing to the regional administration, the prosecutor's office, and the president on behalf of local farmers and others. According to Human Rights Watch, prior to his arrest Razzakov told the media and local human rights groups that he had come under increased pressure from the local security services over his human rights activities. On 10 June 2013, he was reportedly summoned for a two-hour interrogation by the head of Bukhara's counterterrorism criminal investigation unit in the Department of Internal Affairs, who ordered him to resign from *Ezgulik* and cease all contact with foreign media organisations. Razzakov said that he was told that harm would come to him and his family if he did not stop his human rights work. **Other information:** In 2015, Freedom Now and the law firm Dechert submitted a [petition](#) to the UN Working Group on Arbitrary Detention.

**Dilmurod SAIDOV (pen name SAYYID):**

**Profession:** journalist for a number of independent websites and member of the human rights organisation Ezgulik. Saidov's reports have been published in various local newspapers and news websites in Central Asia, including *Voice of Freedom*. Saidov is also an activist of the Tashkent regional branch of the human rights organisation Ezgulik. **Date of birth:** 26 April 1962 **Sentence:** 12 and a half years **Date of arrest:** 22 February 2009 **Current place of detention:** In December 2013, he was visited by his brother in a Penal Colony in Karshi, where he had been transferred after receiving treatment for tuberculosis in a prison hospital. **Details of trial:** Charged with extortion (along with two farmers) and forgery. The trial was heard at the Taylak District Court, where the sentence was announced in a closed session, in the absence of his defence and family, as they had not been informed of the date of the trial. There are reports that the trial was riddled with procedural violations, and that various witnesses withdrew their testimonies. There is an account, for instance, that a witness testified against Saidov saying that she was forced by the journalist to extort money from a local businessman. However, afterwards the witness retracted in full her statement, but the trial continued. The two farmers were sentenced to 11 years in prison and the other to 12 years. According to his brother Obid, by August 2011 Saidov had been found to have broken prison rules five times. According to him, this meant that the amnesty announced in Uzbekistan in December 2011, to mark the 19<sup>th</sup> anniversary of Uzbekistan's constitution, could not be applied to Saidov. His conviction has been upheld twice on appeal and the Supreme Court has rejected his petition for a review of his case. **Conditions of detention:** Saidov was reportedly put in a penal colony in Navoi from 26 to 29 April 2011 for allegedly breaking prison rules, although details of the alleged violation

remain unknown. **Health concerns:** He suffers from tuberculosis and requires regular medical treatment. **Background:** There are reports that Saidov's conviction is linked to his reports on abuse of power and corruption in some local government offices, such as his articles on alleged illegal confiscations of farmers' land by local authorities. **Other information:** In early November 2009, Saidov's wife and daughter, aged six, were killed in a car accident while on their way to visit him in prison. Saidov has been mentioned in several Human Rights Watch statements about Uzbekistan in 2016. **Honorary Member:** PEN Canada. **PEN Actions:** RAN 32/10 – 10 August 2009; RAN 12/12 9 March 2012

#### Judicial concern

**Botirbek ESHKUZIYEV, Bahrom IBRAGIMOV, Davron KABILOV and Ravshanbek VAFOYEV:**

**Profession:** Co-founders of an educational science magazine *Irmoq* **Date of birth:** 1978, 1977, 1973, and 1971, respectively **Sentence:** Ibragimov and Kabilov were sentenced to 12 years in prison, Vafojev to 10 years, and Eshkuziyev to eight years **Date of arrest:** 2009 **Details of arrest:** According to Human Rights Watch, Bahrom Ibragimov was arrested on 27 June 2008 on allegations that he actively recruited for the Nur movement among former classmates. Eshkuziyev, Kabilov and Vafojev were detained on 16 August 2008, and all five were accused of receiving funding for *Irmoq* from radical Nur leaders in Kazakhstan. They were also accused of engaging in proselytism and holding 'unsanctioned religious meetings.' A fifth man, Abdulaziz Dadahonov was arrested with them and sentenced to eight years in prison, but was released in 2012 following sustained international pressure. **Current place of detention:** a high-security prison in Tashkent (See also Shavkat Ismoilov and Davron Tajiyev below.) **Details of trial:** Sentenced on 16 February 2009 under Article 244.2 ('preparing and distributing literature posing a threat to public security and order') and Article 244.1 ('participating in a banned religious organisation'). Trial monitors reported that the trial was marred by other procedural violations, including the court's refusal to allow the defendants to challenge the state-appointed experts' testimony that *Irmoq* is an 'extremist' publication. In April 2009, the Tashkent City Criminal Court rejected the defendants' appeal. **Conditions of detention:** According to Human Rights Watch, the journalists denied the charges and alleged SNB officers tortured them during the investigation including by beatings and the insertion of needles under their fingernails to extract confessions. As a result of this alleged torture, all five men ultimately signed 'letters of regret,' admitting partial guilt. **Background:** Nur was founded by Kurdish cleric Said Nursi. In the 1990s, Nursi-inspired Turkish scholar Fethullah Gullen financed independent schools in Uzbekistan which were closed down by the authorities in 1999 amid deteriorating Turkish-Uzbekistan relations. According to the authorities, the schools instilled a belief in the supremacy of the Turkish government and promoted Nursi's teachings. Nur has been listed as a banned religious organisation by the Uzbek Religious Affairs Committee since 2000 and the Uzbek Security Service has reportedly alleged that Nur received funds from Turkey to create a pan-Turkic state. Although socially conservative, Nur is not known to have advocated violence. **PEN position:** PEN is concerned at the reports of torture and irregularity in the trial of these men. It is also concerned that the charges brought against them are politically-motivated to bolster the position of the repressive government. As such, it is calling for their release. If there is any evidence that any of them have used or advocated violence, they should be tried on fresh charges in proceedings which meet international fair trial standards.

**Shavkat (Farhod) ISMAILOV, Profession:** director of the magazine *Yetti Iklim (Seven Dimensions)*

**Davron TAJIYEV, Profession:** editor of the magazine *Yetti Iklim (Seven Dimensions)*

**Sentence:** Eight years in prison **Date of arrest:** 6 November 2008 **Details of trial:** On 8 April 2009 Ismailov and Tajiyev were convicted of allegedly 'creating, leading or participating in religious extremist, separatist, or other banned organisations', according to Article 244 (2) of the Criminal Code in relation to their alleged links to the religious organisation Nur (see **Botirbek Eshkuziyev,**

**Bahrom Ibragimov, Davron Kabilov and Ravshanbek Vafoyev above**). They were believed to still be in prison as of June 2015. No news as of 30 June 2016. **PEN position:** PEN is concerned at the reports of torture and irregularity in the trial of these men. It is also concerned that the charges brought against them are politically-motivated to bolster the position of the repressive government. As such, it is calling for their release. If there is any evidence that any of them have used or advocated violence, they should be tried on fresh charges in proceedings which meet international fair trial standards.

#### Reported missing

#### **Dzhamshid (Jamshid) KARIMOV:**

**Profession:** journalist for the London-based Institute of War and Peace Reporting (IWPR) until May 2005 and subsequently for a number of other publications **Date of birth:** 1967 **Date of disappearance:** According to uznews.net, Karimov disappeared on 18 January 2012 **Details of disappearance:** He was still in touch with his friends and colleagues the week before his arrest, but suddenly stopped responding to their e-mails and his phone was disconnected. According to his colleague there are three possible explanations: he might have been taken back to the psychiatric hospital in which he had been previously placed (see previous disappearance/detention), he might be under house arrest or he might have gone to ordinary hospital due to the psychotropic drugs he was forced to take. Reporters Without Borders have suggested that Karimov could be in Prison or detention with other Uzbek journalists. No further information as of 30 June 2016. **Previous disappearance/detention:** Karimov disappeared on 12 September 2006. Two weeks later, his friends were able to ascertain that Karimov was held in a psychiatric hospital in Samarkand, where he was kept until his release on 6 November 2011. Karimov was released just before the Muslim festival of Eid al-Adha. It was alleged that his release was a consequence of pledges given by the Uzbek authorities to U.S. Secretary of State Hilary Clinton when she visited Uzbekistan on 22 October 2011. Karimov is reported to have suffered serious damage to his health due to the forced administration of psychotropic drugs. **Personal details:** Karimov is a nephew of President Islam Karimov and, according to CPJ, is said to have been openly critical of his uncle and to be living in poverty. **Honorary member:** English PEN. **PEN Action:** RAN 61/11 – 30 November 2011. PEN is seeking further information.

## MIDDLE EAST AND NORTH AFRICA

### ALGERIA

#### Imprisoned - main case

#### **\*Mohamed TAMALT**

**Profession:** Journalist **Sentence:** two years in prison and a fine of 200,000 Algerian dinars (about US\$ 1800) **Date of arrest:** 27 June 2016 **Details of arrest:** Tamalt was allegedly arrested in front of his home in Algiers and taken into custody. **Current place of detention:** El-Harrach prison in Algiers **Details of trial:** Tamalt [reportedly](#) appeared before the Public Prosecutor on 28 June 2016, where he was accused of 'offending' the President and public institutions under Articles 144 bis (insulting the President) and 146 of the Algerian Penal Code (public insult, offence and defamation against the President and other public officials). This is reportedly in connection with Facebook posts he made, including one [video](#) posted on 2 April 2016, which showed a subversive poem along with images of the President. Reports state that during a hearing on 4 July 2016, the court rejected a request for Tamalt to be released on bail, causing his lawyers to withdraw in protest at what they consider to be his arbitrary detention. In a second hearing on 11 July, Tamalt was sentenced to two years in prison and a fine of 200,000 Algerian dinars (about US\$ 1800) for insulting the President and other Algerian

officials. He was sentenced under those articles despite an amendment in 2011 which removed prison as a punishment. According to Tamalt's lawyer, the charges on which he has been convicted are punishable under Algeria's penal code with a fine, but do not carry a prison sentence. Tamalt's lawyer reportedly intends to appeal the prison sentence. **Health concerns:** Tamalt has been on hunger strike since his arrest on 27 June 2016. **Background:** Tamalt is a British-Algerian journalist who also publishes an online magazine called Arab Context. He has a large following on social media, and frequently comments on the alleged corruption of the Algerian government. He obtained asylum in the UK in 2007, after he fled Algeria when threats were made against him from the military and intelligence services in relation to his publications. He had returned to Algeria in June 2016 for a personal visit when he was arrested. **PEN position:** PEN International believes that freedom of expression includes the right to offend, particularly within the context of thoughts and opinions relating to public officials. The Human Rights Committee, which oversees the implementation of the International Covenant on Civil and Political Rights to which Algeria is a state party, has made clear that the 'mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties'. Human rights bodies have pointed out that heads of state and public figures should tolerate a higher degree of criticism than ordinary citizens. [Stop press: On 9 August 2016, an Algiers appeals court [upheld](#) his two-year sentence. According to reports, Tamalt slipped into a coma in August and he died in an Algerian hospital on 11 December 2016, allegedly from a lung infection for which he had been receiving treatment.]

#### On trial

**\*Zouleikha BELARBI (f):**

**Profession:** Human rights activist and social media user **Sentence:** 100,000 dinar fine (US\$924) **Date of arrest:** 20 October 2015 **Details of arrest:** Belarbi was originally arrested after posting a satirical image of the Algerian President and other Algerian politicians, photo-shopped onto that of a well-known and popular Turkish soap drama, along with a caption that read: 'I don't know when this series of Bouteflika's will come to an end and when he will awake from his dream that has turned into a nightmare, which threatens the future of Algeria and its people.' She was [reportedly](#) held for 24 hours before being released on judicial supervision; when she was arrested her family home was raided, and her computer, laptop and SIM card were confiscated. It was [reported](#) in the media that Belarbi said that she was treated like a terrorist. **Date of release:** 21 October 2015 **Date of trial:** 20 March 2016 **Details of trial:** It was [reported](#) that Belarbi was on trial for three separate charges, including defamation, and that the prosecutor originally demanded a three-month suspended sentence and a fine. Belarbi was charged under article 144 *bis* of the Algerian Penal Code for defaming the President, according to [reports](#). She was acquitted of the two other charges of defamation and 'harming a state institution'. During the trial, Belarbi stated that although she had posted the image, she had found it online and had not created it herself. On 2 April, Belarbi's lawyer reportedly [said](#) that Belarbi would file an appeal on 26 April, although as of 30 June 2016, there was no further news.

#### Released

**Mohamed CHERGUI (or Mohamed SHARKI):**

**Profession:** Former editor for the government-owned newspaper *El Djoumhouria* **Sentence:** One-year suspended sentence, overturned on appeal. **Details of trial:** Chergui was sentenced in absentia on 24 February 2015 for 'insulting the Prophet'. He originally received a three-year prison term and a fine of 200,000 Algerian dinars (around US\$1,900) in absentia, which was later reduced to a one-year suspended sentence in November 2015. On 12 April 2016, it was [reported](#) that the Court of Appeal of Oran declared Chergui [innocent](#) and granted him release. **Other information:** The

journalist, who ran a weekly page on Islam, had submitted an article based on research by a European researcher on Qur'anic expressions, which was considered by the management of the newspaper as an 'insult' to the Prophet. In June 2014 *El Djoumhouria* fired Chergui and, two months later, filed a complaint against him, accusing him of blasphemy.

## BAHRAIN

### Imprisoned - main case

#### **Abdulhadi AL-KHAWAJA:**

**Profession:** Leading human rights defender **Sentence:** Life imprisonment **Date of arrest:** 9 April 2011  
**Details of arrest:** Al-Khawaja was arrested from his home and charged under national security and counter-terrorism legislation for his role in the pro-democracy protests that begun in February 2011. He was badly beaten during his arrest. **Details of trial:** Al-Khawaja was among 21 opposition activists to be convicted by a special security court on 22 June 2011 of 'plotting to overthrow the government' following a wave of protests which swept the country in February and March that year (see below **Abdul Jalil al-Singace**). On 28 September 2011, the military-run National Safety Court of Appeal confirmed his conviction and sentence of life imprisonment. The trial did not meet with international standards of fairness, and there has been no independent investigation into his allegations of torture in pre-trial detention. On 30 April 2012 the Court of Cassation ordered a retrial in the case. After the retrial, Abdulhadi al-Khawaja was sentenced to life imprisonment, a decision confirmed by the High Court of Appeals in Bahrain Court on 4 September 2012. **Place of detention:** Gurayn Military Prison **Conditions of detention:** There were allegations of torture during pre-trial detention, while Al-Khawaja and the other detainees were held incommunicado. In one of the earlier hearings at court, prior to the sentence, when al-Khawaja and others tried to speak out about having been tortured in detention, they were removed from court, taken outside and beaten, resulting in al-Khawaja having to be taken to the military hospital. On 26 August 2014, he went on hunger strike in protest at his arbitrary imprisonment and detention conditions, which he ended a month later on 23 September 2014. **Health concerns:** Abdulhadi al-Khawaja is still suffering the effects of the repeated beatings to his face with problems with his jaw and teeth and was expected to have further medical treatment to assess the extent of the long-term damage. Al-Khawaja underwent a three-week hunger strike starting 2 March 2015, and a one-month hunger strike starting 20 April 2015 in protest at his continued arbitrary detention and ill-treatment while in prison. No further news as of 30 June 2016. **Other information:** The United Nations Working Group on Arbitrary Detention (UNWGAD) in an opinion dated June 2012 found Abdulhadi al-Khawaja's detention to be arbitrary and called on the Government of Bahrain to release him. **Background:** Abdulhadi al-Khawaja has a long history of political persecution. After 12 years in exile he returned to Bahrain in 1999 following wide-ranging political reforms that allowed independent human rights groups to operate in the country. In 2002 he co-founded the Bahrain Centre for Human Rights (BCHR), a member of the International Freedom of Expression Exchange (IFEX), and has since worked in numerous roles for various regional and international human rights organisations. Most recently, he was the Middle East and North Africa regional campaigner with Front Line Defenders. In 2004 he was held for two months for his political activism, and has been subject to regular threats, travel restrictions and harassment. **PEN Action:** RAN 46/10 and updates, trial observation September 2011, PEN 2011 [UPR Submission on Bahrain](#), Joint appeal [7 March 2012](#), Open letter to Hilary Clinton [14 August 2012](#), joint open letters/statements [9 April 2012](#), [18 May 2012](#), [9 April 2014](#) and [24 October 2014](#).

#### **Dr Abdul Jalil AL-SINGACE:**

**Profession:** Activist and internet writer **Sentence:** Life imprisonment **Date of arrest:** 16 March 2011  
**Details of arrest:** Dr al-Singace was arrested at Bahrain International Airport on his return from

London on 13 August 2010, where he had been attending a conference at the House of Lords during which he had criticised Bahrain's human rights practices. He was initially accused of inciting violence and terrorist acts, before being formally charged under national security and counter-terrorism legislation. He and 21 other opposition activists on trial with him were freed in February 2011 following widespread calls by anti-government protestors for political reform and the release of political prisoners. He was re-arrested on 16 March 2011 after publicising the deteriorating human rights situation in the country following a wave of protests which swept the country in February and March that year, and was later placed under house arrest. **Current place of detention:** Jau Prison, Bahrain. **Details of trial:** Dr al-Singace was among 21 opposition activists to be convicted by a special security court on 22 June 2011. According to a government response of 12 October 2010 to an urgent appeal of several human rights mechanisms on 15 September 2010, he was charged with (1) Founding, organising and managing an outlawed organisation with the aim of violating the law and disrupting provisions of the constitution and to prevent public authorities from exercising their duties using terrorism; (2) Inciting to acts of sabotage, destruction, and arson; (3) Disseminating hatred and mockery of the political regime; (4) Publicly instigating sectarian hatred which disturbs civil peace; (5) Spreading provocative propaganda, news, and false statements to destabilize public security and cause damages to public interests; (6) Raising funds for an organisation that is involved in terrorist acts inside the country, willingly and knowingly. Eight of those convicted received life sentences, including Dr al-Singace. A further 10 were sentenced to 15 years in prison, two received five-year terms and one a two-year prison sentence. The trial did not meet with international standards of fairness, and there has been no independent investigation into his allegations of torture in pre-trial detention. On 28 September 2011 the military-run National Safety Court of Appeal confirmed the conviction. On 30 April 2012 the Court of Cassation ordered a retrial in the case. After the retrial, Dr. Abduljalil al-Singace was sentenced to life imprisonment, a decision confirmed by the High Court of Appeals in Bahrain Court on 4 September 2012. The Court of Cassation upheld his conviction and sentence on 7 January 2013. **Conditions of detention:** Dr al-Singace was held incommunicado and in solitary confinement for six months, during which time he alleges he was tortured, including through beatings, prolonged solitary confinement in a 2m x 3m cell, threats of rape and threats of rape of his daughter. He was not allowed to receive visits of condolence when his nephew died. **Health concerns:** Dr al-Singace is disabled, and relies on a wheel-chair for his mobility. In October 2013 his family and lawyer reported that he had not received any medical attention since March 2013, and that his health was seriously deteriorating. At least 14 different appointments had been repeatedly cancelled. These appointments were with the skin disease clinic, the heart disease clinic, and the optician's clinic at the Bahrain Defense Force Hospital, as well as the Prison clinic. Dr al-Singace requires care for a damaged ear drum for which he saw a doctor in early September 2014. He also requires an operation to treat a nasal sinus inflammation, as confirmed by an ENT Consultant at Salmaniya Hospital in the presence of the prison doctor. Dr al-Singace also suffers from an enlarged prostate and a shoulder injury. Furthermore, he requires a new examination for medical glasses as his vision has also deteriorated. Although he reportedly received some limited medical care in early 2014, his health condition was still reportedly poor at the end of the year. On 21 March 2015 he started a hunger strike in protest of the prison conditions in Jaw which he was continuing at the end of the year. On 2 November 2015 he was granted a temporary release so that he could attend to his mothers' funeral, after which he returned to prison. According to June 2016 reports, Dr al-Singace has been denied necessary medical treatment, such as vitamins. **Background:** Dr al-Singace taught engineering at the University of Bahrain and authored his own blog (<http://alsingace.blogspot.com/>). He is head of the human rights office of the Haq Movement for Liberty and Democracy **Awards:** Recipient of the 2012 Hellman/Hammett award, ICPC's 2015 Liu Xiaobo Courage to Write Award. **PEN Actions:** RAN 46/10 and updates including [#7 of 25 September 2014](#), [#8 of 6 May 2015](#), [#9 of 6 November 2015](#), trial observation September 2011, [PEN 2011 UPR Submission](#), [Day of the Imprisoned Writer case 2011](#), Joint Open Letters/statements [9 May 2012](#), [28](#)

[October 2014](#), Press statement 25 [October 2012](#); [Joint statement 3 July 2015](#); [Joint Appeal 27 August 2015](#); [Joint Appeal 7 October 2015](#); [joint appeal 6 November 2015](#); [Joint statement 15 January 2016](#)

Detained - main case

### **Mahmood AL-JAZEERI**

**Profession:** Journalist for daily newspaper *Al Wasat* **Date of arrest:** 28 December 2015 **Details of arrest:** According to news reports, on 28 December 2015 security forces raided al-Jazeera's apartment, seizing his laptop and mobile telephone before placing him in detention. In January 2016 he was reportedly charged with terrorist activities and plotting with the Iranian Revolutionary Guards and Hezbollah. Al-Jazeera has only been permitted to make short phone calls to his family to inform them of his detention. **Current place of detention:** General Directorate of Criminal Investigations **Background:** Al-Jazeera is a political correspondent for the opposition daily newspaper *Al Wasat*, and has published articles on a range of topics, including: political detainees; discussions in the Shura Council and in Parliament; and opinion articles in which he [blamed](#) world and regional powers for what he called the "failures" of the 2011 uprisings collectively called the "Arab Spring," [criticised](#) the lack of compromise in the region's conflicts, and [called](#) for closer relationships between predominantly Sunni and Shiite countries in the region. The day before his arrest, he published an article about a new bill proposed in the Shura Council, which states that if a man at the head of a family has his nationality revoked for their political activities, he and his family will be deprived of government housing. According to the [Committee to Protect Journalists](#), the charges against al-Jazeera came amid a deepening [diplomatic](#) rift between Iran and Saudi Arabia and its allies, including Bahrain, after Saudi Arabia executed prominent Shiite cleric [Nimr Al-Nimr](#) on 2 January 2016. It also followed years of official persecution – including the 2011 [death in custody](#) of a founding investor – of *Al-Wasat* staff.

### **\*Taiba ISMAEEL (f)**

**Profession:** Netizen **Date of arrest:** 26 June 2016 **Details of arrest:** Ismaeel was reportedly arrested at her home by the Bahraini authorities. Security forces reportedly entered her house without an arrest warrant and confiscated her phone. She was interrogated by the public prosecution the following day, and allegedly charged with 'insulting the King' in comments posted on Twitter under a pseudonym. Ismaeel was remanded in detention for seven days. **Conditions in detention:** Ismaeel reportedly claimed that she was subjected to psychological pressure during her interrogation. **Background:** Ismaeel's arrest was part of a wider crackdown witnessed in Bahrain in June 2016 (see [Nabeel Rajab](#) below), when the authorities blocked the websites of the largest political society in the country, Al-Wefaq Islamic Political Society, following its closure. The authorities likewise blocked the website of the Islamic Enlightenment (Al-Tawyea) Society. The Bahraini government also repeatedly blocked the website addresses of LuaLua TV, forcing it to change its address four times in one week. Access to the online news site 'Raialyoum' was also restricted due to the critical stance adopted in an article written by its Chief Editor. The Internet connection in Bahrain was also interrupted and slowed down around the time and location of mass protests in Deraz. Moreover, a recent investigation by Bahrain Watch has raised concern over the blocking of the popular messaging app Telegram by leading Bahraini ISPs. There has also been a reported increase in automatic twitter accounts created to manipulate information online and spread sectarian messages in Bahrain. [**Stop press:** The judge reportedly extended Ismaeel's detention for a further 15 days on 4 July 2016, pending investigation.]

### **\*Khalil AL-MADHOON**

**Profession:** Artist **Date of arrest:** 27 June 2016 **Details of arrest:** Al-Madhoon was reportedly summoned for interrogation by the authorities and was subsequently charged with 'insulting the King', in relation to a comment posted on Instagram. Al-Madhoon was remanded in detention for

seven days on 29 June 2016. **Background:** Al-Madhoon is an artist and former political detainee who survived torture when he was targeted in 2011 for being the son of a wanted opposition speaker who lives in exile from Bahrain. He has also been repeatedly discriminated against, having had his application for a teaching post at the Ministry of Education rejected for three consecutive years. According to news reports, al-Madhoun was the only male Arts graduate to apply for the role. Al-Madhoon's arrest was part of a wider crackdown witnessed in Bahrain in June 2016 (see also **Nabeel Rajab** and **Taiba Ismaeel** under 'Detained- Main Case'), when the authorities blocked the websites of the largest political society in the country, Al-Wefaq Islamic Political Society, following its closure. The authorities likewise blocked the website of the Islamic Enlightenment (Al-Tawyea) Society. The Bahraini government also repeatedly blocked the website addresses of LuaLua TV, forcing it to change its address four times in one week. Access to the online news site 'Raialyoum' was also restricted due to the critical stance adopted in an article written by its Chief Editor. The Internet connection in Bahrain was also interrupted and slowed down around the time and location of mass protests in Deraz. Moreover, a recent investigation by Bahrain Watch has raised concern over the blocking of the popular messaging app Telegram by leading Bahraini ISPs. There has also been a reported increase in automatic twitter accounts created to manipulate information online and spread sectarian messages in Bahrain.

#### **Nabeel RAJAB:**

**Profession:** Leading human rights defender. President of Bahrain Centre for Human Rights (BCHR) and Gulf Centre for Human Rights (GCHR) **Date of arrest:** 13 June 2016 **Details of arrest:** Rajab was reportedly arrested at his home in Bani Jamra, west of Manama, by 15 plainclothes policemen. Rajab's phone and computer were confiscated, and he was taken to the East Rifa' police station, south of Manama. He was reportedly charged the next day with 'spreading false information and rumours with the aim of discrediting the State' and was ordered to be detained for seven days pending investigation. On 21 June, Rajab's detention was extended for a further eight days pending investigation. **Current place of detention:** West Rifa' police station **Details of trial:** According to Amnesty International, Rajab was informed on 26 June that he would stand trial on 12 July 2016 on charges of 'spreading false rumours in times of war' and 'insulting public authorities'. He could reportedly face up to 13 years in prison if convicted. **Conditions in detention:** According to the Bahrain Center for Human Rights, Rajab is being detained in solitary confinement in unsanitary living conditions. **Health concerns:** Medical tests have shown that he is suffering from a urinary tract infection and low mononucleosis, and may need two different operations for gallstones and an enlarged gallbladder. He is also reportedly suffering from an enlarged prostate. Rajab was hospitalised on 27 June 2016 for an irregular heartbeat, after reportedly complaining to his wife a day earlier of high blood pressure and a ringing in his ears. **Background:** On 20 January 2015, Rajab was [sentenced](#) by the Third Lower Criminal Court to six months' imprisonment on charges of 'insulting a state body' (the ministries of interior and defence), though he paid 200 Bahraini Dinars to remain free on bail pending his appeal. The sentence was upheld on appeal in May 2015. On 2 April 2015, Rajab was arrested on charges of 'incitement of hatred against the regime' in connection to his documentation of mistreatment and torture in Bahrain's Jau Prison in his article [Into Bahrain's Jaws of Hell](#). A second charge of 'spreading rumours during wartime' relates to his reporting of civilian deaths in Yemen, in contravention of a government prohibition of any public mention that is critical of the conflict. Rajab was released on 13 July 2015, though a travel ban was placed on him one day later. See previous [Case List](#) for full details. **Other information:** 2 July 2015 UK parliament [early day motion](#) called for his release; [European Parliament statement](#) of 7 July 2015. Statement by three UN Special Rapporteurs on [16 July 2015](#). On 19 November 2015, 80 members of the European Parliament issued [a letter](#) to King Shaikh Hamad bin Isa Al-Khalifa demanding the lifting of Rajab's travel ban and to drop all his charges. It was signed by 20 other international NGOs, including PEN International. **Awards:** Rajab has received many prestigious awards for his activism, including the 2011 Ion Ratiu Democracy Award, the 2011 Silbury Prize and the 2012 Index on

Censorship Freedom of Expression Advocacy Award. **PEN action:** [Open letter to Hilary Clinton 14 August 2012](#), Joint statements: [9 October 2014](#) [28 October 2014](#), **PEN statements:** [25 October 2012](#), [20 January 2015](#), [7 April 2015](#), [16 July 2015](#), [25 January 2016](#), [13 June 2016](#) [**Stop Press:** A trial hearing on 2 August was postponed until 5 September 2016]

### Brief detention

**ZAINAB AL-KHAWAJA (f)** (dual Bahraini and Danish national)

**Profession:** Blogger and human rights defender **Sentence:** (1) one-year in prison and a fine of 3,000 Bahraini dinars (about US\$ 7,700) (2) 16 months in prison (3) nine months in prison **Date of arrest:** 14 March 2016 **Date of release:** 31 May 2016 **Details of arrest:** Al-Khawaja was arrested by security officers at home along with her son. She was held in custody at Al-Hooraa police station before being transferred to Isa Town Women's Prison. **Details of release:** According to Middle East Eye, al-Khawaja's release followed recommendations made by the Bahrain Independent Commission of Inquiry that al-Khawaja and her son be released after the prosecution demanded a review of her case. Bahrain's Foreign Ministry is reported to have said that her release was granted on humanitarian grounds due to concern for the welfare of her child. Al-Khawaja's charges are still upheld. Al-Khawaja left Bahrain for Denmark upon her release after she was threatened with being imprisoned indefinitely. **Details of trial:** (1) In October 2014, al-Khawaja was sentenced to three years in prison for tearing up a picture of King Hamad bin Isa al-Khalifa. On 21 October 2015, Bahrain's Court of Appeal reduced her sentence to one year and a 3,000 Bahraini dinars (approx. US\$ 7,700) fine, which if she failed to pay would result in her sentence being increased by 18 months. (2) On 3 December 2015, an appeal hearing was scheduled for her December 2014 conviction of two months' imprisonment for destroying public property by tearing up a photo of the King and one year in prison for 'insulting a public official'. Al-Khawaja and her lawyer decided to boycott the appeal hearing and the judge directly upheld the sentence of 16 months in prison and denied right of appeal. (3) On 2 February 2016, the court of appeal upheld a nine-month prison sentence against Zainab for trying to visit her father, human rights defender Abdulhadi al-Khawaja in Jau Prison when he was on hunger strike in August 2014. **Background:** She is the daughter of Abdulhadi al-Khawaja (see above under Imprisoned - main case). Since 2011, al-Khawaja has been arrested several times for her prodemocracy activities see RAN 62/11 and updates.

### Sentenced

**Ghada JAMSHEER (f):**

**Profession:** Writer, human rights defender and head of the Head of the Women's Petition Committee, an organisation which campaigns for the rights and dignity of women in the Shari'ah family courts **Sentence:** (1) 20 months in prison (2) one year in prison, suspended for three years **Date of arrest:** (1) 14 September 2014 (2) 28 November 2014 **Date of release:** (1) 27 November 2014 (2) 15 December 2014 **Details of arrest:** (1) Jamsheer was arrested in connection with 12 complaints regarding her tweets filed by five individuals which they found 'insulting' and 'defamatory'. In some of her posts in her Twitter account, Jamsheer had reportedly been critical of the management of King Hamad University Hospital in Bahrain and referred to alleged corruption cases there. (2) Her second arrest reportedly relates to a charge of assaulting a police officer in September 2014, a charge which she was unaware of at the time of her release earlier that day **Details of release:** (1) Released on bail but rearrested 12 hours later. (2) Released in December 2014, from the Issa Town Detention Centre for Women, in Manama, Bahrain's capital city. **Details of trial:** (2) On 5 May 2015, the Bahrain High Criminal Court sentenced Jamsheer to one year's imprisonment, suspended for three years, on the charge of assaulting a police officer. On 26 November 2015, the Bahrain High Court of Appeal upheld the suspended one-year prison sentence.

(1) On 9 June 2015, the Third Lower Criminal Court sentenced her to 20 months in prison on charges of defamation in connection with messages posted via her Twitter account criticising alleged corruption in the management of King Hamad hospital in Bahrain, which is run by members of the ruling family. She remains free on bail of 400 BHD (US\$800). (2) On 22 June 2016, Jamsheer was reportedly sentenced on appeal to one year in prison by the Second High Criminal Court for four cases related to her tweets about corruption at King Hamad hospital (3) On 1 October 2015, a third trial began before the Second Lower Criminal Court on charges of 'verbal and physical confrontation with a police woman'. **Other information:** Jamsheer was prevented travelling abroad for medical treatment on 14 March 2015 and was told that she was subject to a travel ban, despite no written notification of the ban having been sent to her. **Background:** Author of *The Killer and the Victim in the Shari'a Courts* in which she examined the committee's movement and the cases of women who were aggrieved by Shari'a verdicts. Jamsheer has been persecuted for her activism and writings for over a decade. In 2005, she faced three separate criminal charges for allegedly criticising a number of family court judges. These charges were dropped on 19 June 2005, but she has been under permanent surveillance since 2006. Her blog <http://bahrain-eve.blogspot.co.uk/> has reportedly been blocked in Bahrain since 2009 and is reportedly prevented from appearing on public media. On 29 October 2014, Jamsheer appeared before the Third Lower Criminal Court in three court hearings on charges relating to defamation. She was fined 100 Bahraini Dinar in one of the cases, acquitted in another and granted bail upon the payment of 50 Dinar in the third case. [See previous case lists] **PEN Action:** [Joint statement](#) about situation in Bahrain referring to her 2014 arrest [**Stop Press:** Jamsheer was [released](#) from prison on 12 December 2016 and substituted the remainder of her prison term with community service]

## EGYPT

Killed: impunity

### **Shaimaa EL-SABBAGH (f):**

**Profession:** Poet and activist **Date of death:** 24 January 2015 **Details of killing:** El-Sabbagh reportedly died when shot with a police shotgun during a peaceful march to lay flowers in Tahrir Square, a day before the fourth anniversary of the January 2011 revolution in Egypt. **Details of investigation:** On 11 June 2015, a police officer was sentenced to 15 years in prison for killing el-Sabbagh. He was convicted of 'action that led to the death' of el-Sabbagh -- a [lesser charge than murder, as well as 'deliberately wounding' other protesters.](#) [According to news reports](#), the police officer appealed the conviction and had his conviction overturned and a re-trial was ordered. **Other information:** Seventeen witnesses to the killing were acquitted of participating in an illegal protest in October 2015. The charge had been brought after they testified against the police following the killing. **PEN action:** statement [13 February 2015](#)

Imprisoned - main case

### **Alaa Abd EL-FATTAH:**

**Profession:** Blogger and activist. Writes a popular [blog](#) *Manalaa* established with his wife, Manal. **Sentence:** Five years in prison **Date of arrest:** 28 October 2014 **Details of arrest:** Rearrested at the start of his retrial on 28 October 2014. **Current place of detention:** Tora Prison, Egypt's notorious maximum security detention centre. **Details of trial:** Among 25 defendants to be sentenced to 15 years in prison in absentia on 11 June 2014 by the Cairo Criminal Court for violating the controversial Protest Law. The Protest Law was issued by former president Adly Mansour on 24 November 2013 to regulate the right to peaceful assembly. The court also fined the defendants with EGP 100,000 each and ordered they be placed under police observation for five years after serving their time in prison. In August 2014 Abd el-Fattah was granted a re-trial and he was released on bail along with two co-defendants on 15 September 2014. On 23 February 2015 Abd el-Fattah was again sentenced to five years in prison for violating the Protest Law. News reports suggested that he intended to appeal his conviction. He was not included in a Presidential Pardon of political prisoners in September 2015. **Health concerns:** Abd el-Fattah was on a 100-day hunger strike before being sentenced, which ended on 11 February 2015. According to news reports, he has kidney problems that emerged after his first hunger strike in 2014. **Other information:** The United Nation's Working Group on Arbitrary Detention in its [opinion](#) delivered in June 2016 found that he was arbitrarily detained as a result of his exercise of his right to freedom of opinion and his participation in a peaceful demonstration on 26 November 2013. **Background:** Following the uprising of 25 January 2011, Abd el-Fattah continued to promote free expression through online platforms. He started a [nation-wide people's initiative](#) enabling citizen collaboration in the drafting of the Egyptian Constitution. He initiated and hosted [Tweet-Nadwas](#) ('Tweet-Symposiums'), that brought activists and bloggers from across the world into Tahrir Square, to participate in open format dialogue about issues ranging from [Islamism](#) to [economic](#) reform. Abd el-Fattah has been jailed or charged under successive governments in Egypt. In 2006, when he was only 22, he was jailed by the Mubarak government. Under the Supreme Council of the Armed Forces (SCAF) he was detained by the military prosecution for allegedly participating in the Maspero clashes in October 2011, when mostly Christian protesters clashed with the military, leaving scores dead. Former President Morsi brought a case against him in 2013 and he is now detained by the current military government headed by General Abd el-Fattah el-Sisi. Abd el-Fattah (together with his sister Mona Seif) received a one year suspended sentence in a similar, but

separate, trial, which was upheld on appeal in May 2015. On the night of 28 November 2013, security forces raided Abd el- Fattah's home. His wife, Manal, posted a picture on social media showing blood stains in their bedroom where he was beaten by security forces, who raided the home without presenting an arrest warrant. She also reported being slapped. Mobile phones and computers found at their home were confiscated. He was initially taken, blindfolded and handcuffed, to a Central Security Forces camp on the highway road between Cairo and Alexandria, known as 'kilo 10.5', which is not an official place of detention. On 29 November, prosecutors ordered Alaa Abd el-Fattah's detention for four days, pending investigations in connection to the peaceful protest in front of the Shura Council which took place on 26 November 2013 which the authorities held were in violation of a repressive new law governing public protests. Released on bail pending trial on 23 March 2014 but rearrested in June 2014 after he was sentenced. Released on bail on 15 September 2014, but rearrested on 28 October 2014. Also on trial with 24 others, including former President Mohamed Morsi (see below under On trial) **Honorary member:** Austrian PEN **PEN Actions:** [Joint call for release](#), 23 January 2014; [Statement](#) welcoming release 24 March 2014, statement [23 February 2015](#).

**Ahmed NAJI (or NAGY or NAJE), profession:** Writer

**Tarek AL-TAHER, profession:** Editor-in-chief of literary magazine *Akhbar al-Adab*

**Sentence:** On 6 February 2016, Naji was sentenced to two years in prison **Details of trial:** On 31 October 2015, a case was referred to the Criminal Court relating to the serialisation of Naji's book *The Use of Life* in the literary magazine *Akhbar al-Adab* in 2014. Both Naji and al-Taher were charged with publishing 'obscene sexual content' and 'defaming public morals' after a complaint was lodged by a reader in relation to chapter six of the novel. The case falls under Article 178 of the Penal Code which criminalises content that violates public morals. Al-Taher was also charged with failing to carry out his duties as an editor. Ahmed Naji was acquitted at a hearing on 2 January 2016, which the prosecution subsequently appealed. On 6 February 2016, Naji was sentenced to two years in prison. According to [reports](#), the court ruled that 'the essential constructs of society including religion, traditions and moral values...are deeply rooted in the Egyptian society. The defendant has gone against these values with his poisonous novel by publishing its chapters in a state-owned publication.' He has lodged an appeal which has yet to be heard. Articles 67 and 71 of Egypt's Constitution protect writers, intellectuals and artists from being imprisoned for their work or for crimes committed by way of publication. **Other information:** Subject of a world-wide reading of his work on 12 May 2016, including by many PEN Centres **Background:** *The Use of Life* (الحياة استخدام) is a hybrid novel comprising graphic, prose and fictional elements. The novel's major theme of sex and sexuality is narrated through the character of Bassam, a man lost inside a 'spider web of emotional frustration and failure'. Chapter 6 of the novel was published in the magazine *Akhbar al-Adab*, and includes a description of sex and drug use. As with any foreign printed book, it was approved by the Publications Censorship Authority before any copies were permitted to enter Egypt. Chapter 6 can be read [here](#). The book has not been banned or taken off the shelves. **Awards:** 2016 PEN/BARBEY Freedom to Write award **PEN Actions:** [RAN 05/16 and updates](#) [**Stop press:** Two motions for a stay of implementation of Naji's sentence filed by his lawyers have been rejected in July and August 2016. A successful stay would have allowed Naji to be free pending his appeal. A third motion for a stay on Naji's two-year sentence will be heard on 18 December 2016.]

**Youssef SHAABAN:**

**Profession:** Editor and reporter for the independent news website *Al-Bedaiah* **Sentence:** 15 months in prison **Date of arrest:** 11 May 2015 **Details of arrest:** Shaaban was briefly detained on 29 March 2013 when covering a protest at Alexandria police station and released on bail pending trial. **Details of trial:** Sentenced to two years in prison on 9

February 2015 for 'protesting without authorisation', 'disrupting traffic', 'damaging content of the Police Station', 'attacking security forces', 'spreading fear and terror among citizens' and 'attempt to smuggle prisoners' in connection with an event in March 2013 when he and other activists had gone to el-Raml police station in Alexandria to offer assistance to three detained lawyers. On 11 May 2015 a court of appeal in Alexandria reduced Shaaban's sentence to 15 months in prison, and ordered him to be held in custody. His lawyer has appealed to the Court of Cassation which is his last legal resort. According to [news reports](#), the el-Raml Misdemeanour Court of Appeal refused to permit Shaaban's release until the hearing before the Court of Cassation is held. The appeal had not been heard as of 30 June 2016. **Health concerns:** Shaaban has Hepatitis C and requires medical attention. On 29 February 2016, Shaaban's family reported that he had not been taking medication for 10 months and that a prison doctor had said that he needed to have his liver examined. **Background:** Shaaban was tried with nine other defendants. All of them have denied the allegations and claim that it was the police who assaulted them. Shaaban has stated that he attended the protest in order to cover it as a journalist, not to participate. [**Stop press:** Shaaban was [reportedly](#) released in August 2016 after serving his sentence]

**Emad (or Imad) Sayed Abu ZEID:**

**Profession:** Reporter in Bani Suef for the *Ahram Gate* Arabic news website and for *Suef Online* **Sentence:** Three years in prison **Date of arrest:** September 2014 **Details of arrest:** Abu Zeid was arrested when he appeared in court for trial **Current place of detention:** Prison in Fayyoun **Details of trial:** Abu Zeid was sentenced to three years' imprisonment in September 2014 after he was convicted of belonging to the outlawed Muslim Brotherhood. According to the Committee to Protect Journalists, quoting his daughter, his appeal was scheduled for 11 November 2015. No further news as of 30 June 2016. According to the Committee to Protect Journalists, Abu Zeid has denied any affiliation with the Muslim Brotherhood in a letter he wrote from prison on 8 December 2014, which was published on social media. **Background:** Abu Zeid was first arrested on 12 September 2013 in the Beni Suef governorate after the prosecution accused him of disturbing public order through publishing false news and articles on the website, in connection with an article he wrote in which he criticized the Egyptian authorities. He was released on bail on 13 October 2013 after three months in detention but was rearrested at his trial.

Imprisoned – investigation

**\*Abdullah AL-FAKHARANY**

**Profession:** Medical student, human rights activist and founder of 'RASSD' news network **Sentence:** Life imprisonment **Date of arrest:** 25 August 2013 **Details of arrest:** Al-Fakharany was reportedly arrested while visiting his friend Mohammed Soltan, who had been injured during the Rabaa Al-Adaweya sit-in. Police stormed the house and arrested both men, even though they were not in possession of an arrest warrant, and detained them in Tora prison. On 27 August 2013 al-Fakharany was transferred to Khalifa prison. On 1 September, he was transferred to Wadi el-Natrun prison, before being moved onto Al-Basatin prison. On 18 September 2013 he was transferred back to Tora prison, where he is still being detained. **Current place of detention:** Al-Aqrab High Security section of Tora Prison **Details of trial:** al-Fakharany was originally charged with spreading false information, but the charges were later substituted for 'membership of an unlawful organisation' (the Muslim Brotherhood), 'incitement to violence', 'unlawful gathering and sedition' and 'disturbing the public peace by spreading lies and rumours against the State of Egypt'. According to *Al-Karama* website, his charges relate to his activism and involvement with RASSD news network, in particular the coverage of the fatalities and injuries suffered by demonstrators at the Rabaa Al-Adaweya sit-in. He was also charged with 'forming an operations room to direct the Muslim

Brotherhood to defy the government’ at his first trial hearing in April 2014. The trial was postponed numerous times before Al-Fakhrany was sentenced on 11 April 2015. According to news [reports](#), his life sentence was reversed on 3 December 2015 and the Court of Cassation ordered a re-trial but he was not released pending a new trial. Al-Fakharany and the other defendants’ subsequent appeal hearing was postponed numerous times in 2015, and was most recently rescheduled for 7 June 2016. No further news as of 30 June 2016. PEN is seeking an update. **Conditions in detention:** Al-Fakharany and other journalists detained in Al-Aqrab prison were reportedly subject to ill-treatment from their prison guards. According to Al-Karama, the prisoners are kept in overcrowded, insect-infested cells, deprived of water and the right to see a doctor. He was not allowed to meet his family for [almost a year](#) after his arrest. **Background:** Al-Fakharany was one of nine journalists [prosecuted](#) in what was known as the ‘Rabaa Operations Room trial’. This trial sentenced a total of 84 defendants, including members of the outlawed Muslim Brotherhood, to either life imprisonment or the death penalty as a result of their [presence](#) at the Rabaa Al-Adaweya sit-in in August 2013. This protest was dispersed violently by the police and army, resulting in the death of over 1,000 demonstrators.

#### Detained – main case

##### **Ismail ALEXANDRANI**

**Profession:** Freelance investigative journalist and researcher **Date of arrest:** 29 November 2015 **Details of arrest:** Alexandrani was arrested on 29 November 2015 in Hurghada airport, when returning from Berlin. The prosecution seized his laptop, mobile phone and some personal belongings, which they took as evidence. Alexandrani’s wife reportedly suggested that after his detention he was questioned in New Cairo for more than 10 hours. He was later detained for 15 days pending further investigation. According to Al Jazeera, on 10 December 2015 Alexandrani was informed that his detention had been extended for another 15 days for investigation. On 27 December 2015, his detention was reportedly extended for a third time. In September 2013, regulations on pre-trial detention, previously set at a maximum of two years, were [amended](#) to allow for indefinite detention in some cases. **Details of trial:** According to news reports, he is accused of ‘releasing false news and spreading terror’ and ‘joining a banned group’. On 12 January 2016, Alexandrani’s hearing was postponed until 27 January. It was postponed once more and as of 30 June 2016 has still not taken place. **Background:** According to news reports, Alexandrani had allegedly attended a conference in Berlin regarding counterterrorism and he was considered an expert in ‘Sinai and Egypt’s extremities, Islamism and post-Islamism’. He is reported to have been critical of the Egyptian government and its policies aiming to defeat extremists in the Sinai. His wife also suggested that he had also been critical of the Muslim Brotherhood. **Awards:** Visiting Arab Journalist Fellowship, Middle East Program, Woodrow Wilson International Center for Scholars at the time of his arrest; Open Eye - Hany Darweesh Award for Exceptional Essay 2014; Global Winner in Youth Essay Contest on Democracy 2009; 2009 winner of the National Contest for Spreading Understanding and Mutual Respect of the Cairo Institute for Human Rights Studies.

\***Amr BADR, profession:** Journalist and editor of the news website ‘Yanair’

\***Mahmoud AL-SAKKA, profession:** Journalist

**Date of arrest:** 1 May 2016 **Details of arrest:** Badr and al-Sakka were reportedly arrested when Egyptian police stormed the Journalists' Syndicate building on the evening of 1 May, while the two journalists were staging a sit-in protest. They were initially detained for 15 days of investigation on numerous charges, including ‘spreading false news,’ ‘endangering national security,’ and ‘organising illegal protests’. On 14 May 2016, their detention was renewed for a further 14 days. In a statement made via his lawyers, Badr said that these

charges relate to his and Sakka's criticism of the government in articles written on the 'Yanair' website. On 25 May, a court upheld a 15-day extended detention despite an appeal for their release on bail. **Background:** According to news reports, Badr was staging the sit-in to protest against his continued surveillance by security forces, while al-Sakka was protesting the storming of his home because of the 'Yanair' website's stance on the recent handing over of two Egyptian islands to Saudi Arabia. The 'Yanair' website also released a statement calling for solidarity with the website, its editor and employees against the government crackdown on journalists which started in late April 2016. Between 30 December 2015 and 5 March 2016, al-Sakka was held in detention on charges of 'planning illegal protests to overthrow the government' and 'belonging to an illegal organisation (the 25<sup>th</sup> January Youth Movement)'. The news website *Yanair* focuses on political affairs including coverage of new political parties, parliament and labour rights. Al-Sakka's arrest came amid a renewed crackdown on critical voices ahead of the fourth anniversary of the 25 January revolution in Egypt which toppled former president Hosni Mubarak. He was released on bail pending trial (for more information see previous Case List). [**Stop Press:** Badr and Al-Sakka's detention was extended for a [further 15 days](#) on 12 July 2016]

#### **Hossam AL-DIN EL-SAYED (also spelt Hussam and Hossam Al-Din Al-Syaed)**

**Profession:** Journalist **Date of arrest:** 22 October 2015 **Details of arrest:** On 21 October 2015, the Mada Foundation was raided by security forces (see case below) who arrested the director, **Hisham Jaafar**. The following day, security forces also raided the home of Hussam el-Sayed which is in the same building and detained him, though he is not connected to the Mada Foundation. **Details of trial:** He has been charged in a state security trial (No. 720) along with Hisham Jaafar (see below under Detained-main case), despite the fact that he is not connected with the Mada Foundation. No further news as of 30 June 2016.

#### **Hisham JAAFAR**

**Profession:** Director of Mada Foundation for Media Development and editor-in-chief of OnIslam.net **Date of arrest:** 21 October 2015 **Details of arrest:** On 6 September 2015, the offices of Mada Foundation were raided by armed and masked security forces, who reportedly destroyed furniture and personal items, and questioned male staff members for several hours. The organisation was shut down immediately following the incident. **Details of trial:** Jaafar has been accused of 'receiving illegal foreign funding' and 'belonging to the banned group Muslim Brotherhood'. In March 2016, the Arabic Network for Human Rights reported that Jaafar continues to be arbitrarily detained in prison. **Conditions in detention:** According to the Committee to Protect Journalists, Jaafar has been prevented from receiving visits in prison and has not been allowed to receive clothes, his medication or a new pair of glasses, as his original pair was broken during the arrest. **Current place of detention:** Al-Aqrab prison **Other information:** The Mada Foundation is a non-governmental organisation that provides media training and support for journalists. It also runs a website, OnIslam.net, where news and articles about health, lifestyle and Islamic spirituality are published. Hisham Jaafar's arrest and the attack on the Mada Foundation was widely condemned by Egyptian and international human rights groups. [**Stop Press:** His detention was renewed for another 45 days in July 2016; his lawyers have [reportedly](#) still not had access to court documents. He was reported to be held in Qasr al-Aini hospital on account of his deteriorating health.]

#### **Mahmoud Mostafa SAAD:**

**Profession:** Journalist **Date of arrest:** 22 October 2015 **Details of arrest:** Saad was reportedly detained at Cairo airport when travelling to the UK on a student visa. According to Saad's wife, he was not informed of any charges brought against him. Saad's whereabouts are currently unknown. On 2 January 2016, the Stop Forced Disappearances campaign reported that Saad had appeared before a National Security Prosecutor and was remanded in custody

for 15 days in connection with alleged membership of a banned organisation. It is unclear if he is still being detained. **Background:** Saad was formerly a member of the Tamarod opposition movement which was founded to register opposition to former Egyptian President Mohamed Morsi by collecting signatures in a petition calling for his removal. It also organised the mass protests that led to Morsi's removal and the takeover of the government by the Armed Forces in 2013.

#### Detained - investigation

##### **Abdelrahman ABU OUF (also known as Abdelrahman Jomaa)**

**Profession:** Editor-in-chief of *Al Mesryoon* **Date of arrest:** 14 November 2015 **Details of arrest:** According to the [Committee to Protect Journalists](#), on 14 November 2015 Abu Ouf was detained after the Egyptian police raided his home. He was remanded in custody on suspicion of membership of a banned group, reportedly the Muslim Brotherhood. No further information as of 30 June 2016. **Other information:** The executive editor-in-chief of *Al Mesryoon* said that Abu Ouf had no political affiliations and his work was characterised for being critical of President Abdel Fattah el-Sisi, as well as the former President Mohamed Morsi and his Muslim Brotherhood. He also published many cases exposing corruption cases in Egyptian business. According to the Committee to Protect Journalists, the Egyptian government had already interfered in the printing of *Al Mesryoon* earlier in 2015 because of some articles critical of President Abdel Fattah el-Sisi.

##### **Hassan EL-KABBANI (or EL-QABBANI):**

**Profession:** Freelance reporter for several news websites, including *Freedom and Justice* (Muslim Brotherhood's news website) and *Rassd* **Date of arrest:** 22 January 2015 **Details of arrest:** El-Kabbani was arrested in his home in 6 October City by security agents in plainclothes. According to news reports, he was held in the local national security headquarters where he was abused. His wife and her brothers were also detained for one day. **Current place of detention:** According to his wife, el-Kabbani is being held in Scorpion prison. **Details of trial:** He was charged with espionage, joining an illegal organisation and disseminating false information to disturb people. Since his arrest, Cairo's National Security Court has renewed his pre-trial investigation detention several times (the last time on 5 May 2015). According to news reports, a trial has yet to be scheduled. **Background:** On 11 April 2015 he was sentenced in another case along with 50 other defendants charged for 'forming an operations room to direct the Muslim Brotherhood to defy the government'. El-Kabbani was previously arrested briefly for a few hours during the 25 January revolution of 2011.

#### On trial

**Alaa ABD EL-FATTAH, profession:** Blogger and activist (see also above under Imprisoned – main case)

**Abdel-Halim QANDIL, profession:** Writer and journalist for *Sawt Al-Omma* (see also below under Harassed and Sentenced)

**Abdul Rahman Yusuf AL-QARADAWI, profession:** Poet

**Details of trial:** The three are among 25 defendants (including former President Mohammad Morsi) accused of 'insulting the judiciary', 'attempting to influence public opinion' and 'attempting to influence the rulings of presidin'g via comments made on social media and in interviews with the press. All were banned from travel in January 2014; the ban was lifted in 2015. **Update:** Qandil's trial was still ongoing as of June 2016; his first hearing took place in May 2016, and on 14 June 2016 it was reported that the court had given him a fine of 10,000 Egyptian pounds (approximately 1,120 US\$) on a charge of 'negligence of his work'. Following a request from al-Qaradawi's lawyers for the defendants to receive a reply from

the court, it was reported that they were due to return to court on 2 July 2016. [Stop press: The trial was adjourned to 10 December 2016 according to [reports](#)].

**Ahmed Abu Zeid EL-TANOBI:**

**Profession:** Editor and cultural affairs correspondent for the Muslim Brotherhood daily, *Freedom and Justice* and researcher for Arab Media Freedom Monitor **Date of arrest:** 31 January 2015 **Date of release:** 9 June 2015 **Details of arrest:** El-Tanobi was reportedly arrested in Cairo metro station by the Egyptian police. He was later taken to his house, where several items were confiscated, and then to the police station. According to the Committee to Protect Journalists he was accused of ‘incitement against the government’, ‘participating in illegal protests’, and belonging to an ‘illegal organisation’. In addition, the authorities alleged that he had published false reports that harm Egypt’s image abroad, although it is not an official charge against him. According to news reports, his wife claimed that el-Tanobi was abused and beaten during his arrest and kept in crowded jail cells. **Details of release:** On 4 June 2015, a Giza court ordered his release on bail. News report state that he was released on 9 June 2015. No trial date has been scheduled. No further news as of 30 June 2016. **Other information:** El-Tanobi claims that he has been targeted because of his work as a journalist.

Brief detention

**\*Mina THABET**

**Profession:** Human rights activist and director of the Minority and Religious Groups Department at the Egyptian Commission for Rights and Freedoms (ECRF) **Date of arrest:** 19 May 2016 **Date of release:** 20 June 2016 **Details of arrest:** Thabet was reportedly [arrested](#) in his apartment on the outskirts of Cairo in the early morning of 19 May. An officer from the National Security Agency (NSA) went to Thabet’s apartment, which he shares with his mother and brother, to arrest him. When he did not find Thabet there, he threatened to arrest his brother instead. Thabet later returned home, despite receiving a phone call from his mother warning him not to return to the apartment, and was arrested at around 3am. He was taken to an undisclosed location and questioned for 12 hours. **Details of release:** On 20 June 2016, an Egyptian court rejected an appeal by the prosecution on Thabet’s release order, ordering his [release](#) on a bail of 10,000 Egyptian pounds (about US\$1120). He was released the following day. No date has been set for his next hearing. **Details of trial:** Thabet reportedly appeared in court on 22 May 2016, where a judge issued a temporary detention order against him, which was later extended for 15 days. He was held without bail in pretrial detention on charges of, amongst others, inciting violence, spreading false information and possession of leaflets undermining national security and the ruling regime. It is thought that papers written by Thabet on religious minority groups and a paper on the political party Bread and Freedom were used as evidence for these charges. **Health concerns:** During his detention renewal session, Thabet reportedly begged the judge to release him on account of his declining health condition. His lawyer reportedly said that Thabet attended the session with a walking stick, as the condition of his back and legs had worsened while in detention.

Harassed

**\*Khaled AL-BALSHY**

**Profession:** Editor of Egyptian news website Al-Bedaiah and board member of the Egyptian Journalists’ Syndicate. **Date of harassment:** 4 April 2016 **Details of harassment:** According to the Committee to Protect Journalists, a legal complaint was filed by the Assistant Interior Minister for legal affairs, resulting in an arrest order being sent to al-Balshy’s home in Menoufiya. According to Egyptian news reports, al-Balshy was accused of ‘libel and slander’

against the Ministry, 'insulting the police' and 'calling for the disturbing of public order and the overthrow of the regime' because of comments he made on social media. Several human rights groups, including Reporters Without Borders and the Egyptian Initiative for Personal Rights, called for the arrest warrant to be withdrawn. On 5 April, following an emergency meeting, the Egyptian Press Syndicate gave the Interior Ministry a 48-hour ultimatum, demanding the withdrawal of the arrest order. The complaint was subsequently withdrawn by the Interior Ministry on 6 April. According to [reports](#), Al-Balshy was summoned on 29 May 2016 along with two other syndicate leaders, Yehia Qallash and Gamal Abdel Rehim, and held overnight at the Qasr al-Nil Police Station. They were questioned in relation to the arrests of journalists Amr Badr and Mahmoud al-Sakka . They were released on Monday, 30 May.

**Omar HAZEK:**

**Profession:** Poet. **Date of harassment:** 14 January 2016 **Details of harassment:** Hazek was one of three writers to receive the Oxfam Novib/PEN Award for Freedom of Expression. He would have been the only one out of the three winners to be present at this evening, but he was stopped by the authorities in Cairo at the airport. **Background:** Omar Hazek is a writer of international acclaim and was formerly employed by the Library of Alexandria in Alexandria Egypt. His publications include a collection of poetry in Arabic and English entitled *Nota - Skies of Freedom* (Egypt 2011), which he co-published with Syrian poet Abdelwahhab Azzawi and two other poets from Italy and Portugal. Since the overthrow of President Mubarak in February 2011, Omar Hazek has been outspoken in his allegations of corruption in the Library of Alexandria, whose official head of the board of trustees was former first lady Suzanne Mubarak. On 23 September 2015, Hazek was released from prison following a Presidential pardon. Arrested in December 2013, he had been serving a two-year prison sentence for 'protesting without permission' (for more information, see previous Case List). **Awards:** 2016 Oxfam Novib/PEN Award for Freedom of Expression, Omar Hazek won the title of 'Poet of Romance' in the TV classical poetry competition 'Prince of Poets' in 2007, organised by the Abu Dhabi Organization for Culture and Heritage. **Honorary Member:** Austrian PEN and Danish PEN. **PEN Actions:** RAN 07/14 19 March 2014; [featured writer](#) May 2014; [PEN statement – 14 January 2016](#).

**\*Remy PIGAGLIO**

**Profession:** Journalist for French newspaper La Croix and RTL radio station **Date of harassment:** 23 May 2016 **Details of harassment:** According to Reporters Without Borders, Pigaglio was denied [entry](#) into Egypt after landing in Cairo on a flight from France, despite having worked in Cairo since August 2014 and being in possession of a valid visa and press card. When he presented himself to immigration police at the airport, Pigaglio's passport and phone were confiscated and he was detained overnight in the airport's international area without questioning. Pigaglio reportedly managed to alert his colleagues to what was happening before handing in his phone. Although the French embassy staged a high-level intervention to prevent his deportation, he was put on a return flight to France after being detained for a total of 30 hours. According to Reuters, Pigaglio was [told](#) by a security source that he was being deported because he had taken 'actions that harm Egypt and threaten its security'. No indication was given as to the nature of these alleged actions.

Judicial harassment

**Hossam BAHGAT**

**Profession:** Journalist at online news website *Mada Masr* and human rights defender **Date of harassment:** 22 April 2016 **Details of harassment** Front Line Defenders reported in February 2016 that Bahgat had been placed under a travel ban while traveling from Cairo to

Jordan to participate in a conference. Furthermore, it was reported that an investigating judge ordered Bahgat to be included on an asset freezing list targeting several human rights defenders and human rights organisations. Those on the list were charged with 'using foreign funding to foment unrest'. If charged, they could each face up to 25 years in prison. **Background:** Bahgat was detained for two days in November 2015 (see 2015 Case List). The trial was initially set for 23 May 2016 before being postponed to 2 June. No further news as of 30 June 2016. **Date of release:** 10 November 2015 **Details of arrest:** Bahgat was summoned by military intelligence in Nasr to be questioned regarding articles that he published about the army. According to news reports, he was then arrested pending investigation. The charges that have been brought against him are 'publishing false news', 'harming national interests' and 'disturbing the public peace'. **Details of release:** According to news reports, his lawyer stated that Bahgat was released without bail pending investigation. **Other information:** Bahgat is a prominent journalist and advocate of freedom of expression. He is the founder of Egyptian Initiative for Personal Rights (EIPR), an independent human rights organisation. In October 2015 he published an article about the trial of 26 military officials who had been accused of planning a coup. The article was based on official documents, including the military prosecutor's indictment, and interviews with the military officers' families. After his arrest, media and human rights organisations campaigned for Bahgat's release. The United Nations General-Secretary, Ban Ki Moon, also released a statement condemning his arrest. **Awards:** Winner of 2011 Human Rights Watch Allison Des Forges award for his activism.

#### Sentenced

##### **Karim AL-BANNA:**

**Profession:** Engineering student **Sentence:** Three-year prison sentence and a fine of 1,000 Egyptian pounds (approx. US\$140) **Details of arrest:** Al-Banna was arrested with a group of people in a cafe in November 2014. **Details of release:** He was released on bail on 10 January 2015 **Details of trial:** Al-Banna was convicted of religious insult charges in relation to posts he made on Facebook. In January 2015, he was sentenced to three years in prison, which was suspended on payment of a EGP3,000 (approx. US\$337) fine. However, the prosecution appealed against the suspension of the verdict, and the appeal was upheld on 9 March 2015, converting the sentence into an actual prison term. According to news reports, al-Banna went into hiding after this verdict. His lawyer stated that al-Banna was hiding as he had lost faith in fairness of this trial. His final legal recourse would be to appeal the verdict through the Court of Cassation. No further news as of 30 June 2016. **Background:** The accusation is based on Facebook posts in which he declared himself an atheist and allegedly insulted Islam. According to news reports, one of the posts features an image of a woman and a Quran and the comment 'It's OK to burn a woman... but it's NOT OK to burn a book. Something is wrong with your priorities.' He also posted an image with caricatures of bearded men pointing to each other and the comment 'A big reward to whoever represents Islam'.

##### **Fatima NAOOT (f):**

**Profession:** Poet, chief editor of *Qaws Qazah* and columnist for *El-Masry El-Youm* **Date of birth:** 18 September 1964 **Sentence:** Three years' imprisonment and a fine of US\$2,550. **Details of trial:** Naoot's trial began on 28 January 2015, in which she was allegedly charged with 'contempt of Islam', 'spreading sectarian strife' and 'disturbing public peace' in connection with comments she made on Facebook about the celebration of Eid al-Adha in October 2014. During her trial, Naoot acknowledged that she had written the post but denied that her intention was to insult Islam. On 26 January 2016 Fatima was sentenced to three years in jail and handed a fine of LE20,000 (about \$2,550). Naoot remains free. An

appeal was lodged but was subsequently [dropped](#) on 31 March 2016 as Naoot was out of the country at the time. **Background:** According to news reports, in October 2014 Naoot expressed criticism of the traditional sacrifice of sheep for the Eid al-Adha feast in a Facebook post and in the Egyptian daily newspaper *El-Masry El-Youm*. Naoot subsequently deleted her post on Facebook and insisted that her remarks were not intended as an insult to Islam. **Other information:** Naoot is an award-winning poet and has published seven poetry collections so far including *Finger's Pat*, *Upon a Woman's Palm* and *A Bottle of Glue*. She is also a former parliamentary candidate. **PEN Actions:** [Action](#) for International Women's Day

#### **Karam SABER:**

**Profession:** Author and Director of the Land Centre for Human Rights, which provides human rights assistance to farmers. Wrote a book of short stories in 2010 entitled *Where is God?* **Sentence:** Five years in prison and a fine of 50,000 Egyptian pounds (approx. 5600 US\$) **Details of trial:** On 12 April 2011, a group of individuals in Beni Suef governorate filed complaint No. 600/2011 accusing Saber of insulting religion in his book *Where is God?* Under Article 98 of Egypt's penal code, anyone convicted of contempt of religion in any form can face up to five years in prison. The prosecution launched an investigation which included consulting the Coptic and Muslim authorities in Egypt. The case was referred to the Misdemeanour Court which issued a sentence of five years' imprisonment on 7 May 2013. The sentence was issued in absentia, and Saber was unaware of the hearing before the sentence was passed. He presented himself to the authorities after the sentence and was briefly detained, but was released on bail pending his appeal. According to press reports, Saber's defence team suggested the testimonies against the writer are a result of personal feuds between Saber and police and Ministry of Endowments representatives because of Saber's work defending farmers' rights. The sentence was upheld by the Summary Court of Beba, Beni Suef, on 13 March 2014 and by the Court of Appeal on 5 June 2014, but he was remained free at the end of June 2016 pending a further appeal to the Court of Cassation.

#### Case closed

#### **Ibrahim AREF:**

**Profession:** Editor-in-chief of the privately owned newspaper *El-Bayan* **Date of arrest:** 18 May 2015 **Date of release:** 19 May 2015 **Details of arrest:** According to news reports, Aref was arrested by the police at *El-Bayan's* offices in the Dokki neighbourhood of Giza. **Details of detention:** According to news reports, Aref himself explained how he was taken to the High Court, where he was detained for nine hours without food or water. **Details of release:** He was released on bail. **Detail of trial:** News reports claim that Aref is currently under investigation by the prosecution. He faces charges for 'publishing false news which would disturb public security, spread terror among citizens and harm the public interests'. No further news as of 30 June 2016. **Background:** The detention came after the publication of an article exposing the killing of six prosecutors on the Cairo-Suez road on 15 May 2015 after the verdicts against former President Morsi and Muslim Brotherhood supporters. According to news reports, Aref denied writing the article, claiming that he was on vacation at the time. *El-Bayan* later issued a statement on its website retracting the article and demanding Aref's release. **Other information:** The Egyptian Journalists Syndicate criticised the arrest and declared it illegal as the syndicate had not been informed beforehand. **Case closed:** due to lack of information.

#### **IRAN**

## Imprisoned - main case

### **Abolfazl ABEDINI-NASR:**

**Profession:** Freelance journalist and human rights activist; former Public Relations Head of the Human Rights Association of Iran (HRA), an unregistered human rights group. **Sentence:** 12 years in prison **Expires:** 2022 **Date of arrest:** 3 March 2010 **Details of arrest:** Abedini-Nasr was arrested in Ahvaz on 3 March 2010 amid a wave of arrests of HRA activists and transferred to Evin Prison in Tehran. **Place of detention:** Reportedly transferred from Evin prison to Karoon prison in Ahvaz on 28 July 2013. **Details of trial:** In April 2011 an Ahvaz court reportedly sentenced Abedini-Nasr to 11 years in prison after conviction of 'membership of an illegal organisation [HRA]', 'spreading propaganda against the system' for talking to foreign media and 'contacts with enemy states', which may relate to the authorities' contention that HRA was set up by the CIA as part of alleged attempts to orchestrate a 'soft revolution' in Iran. Abedini-Nasr was not represented by a lawyer at trial. When Abedini-Nasr appealed, a Khuzestan provincial appellate court would not allow his defence lawyer to present arguments. The verdict was upheld by an appeals court. On 4 May 2011, a Revolutionary Court judge sentenced Abedini-Nasr to an additional year in prison on the charge of 'spreading propaganda against the system' for media interviews he had given in relation to his role in the HRA. The sentence was upheld on appeal in November 2011. **Conditions in detention:** In September 2010, it was reported that Abedini-Nasr had been beaten at Ahvaz Prison. He was transferred to Tehran's Evin Prison later that same month. Abedini-Nasr started a hunger strike on 28 July 2013 in protest at his transfer back to Karoon prison in reprisal for having testified in court about the torture marks he saw on the body of blogger Sahar Beheshti, who died in custody in 2012. He was granted two short periods of temporary release in March and May 2014. **Health concerns:** He suffers from a heart condition. **Other information:** Abedini-Nasr was a reporter for the provincial weekly *Bahar Ahvaz*, and known for his articles about labour issues. No further information as of 30 June 2016.

### **Arzhang DAVOODI:**

**Profession:** Writer and poet; Director of the Parto-e Hekmat Cultural Education Centre in Tehran **Sentence:** Death **Date of arrest:** October 2003 **Details of arrest:** Arzhang Davoodi was arrested for participating in a documentary *Forbidden Iran* in which he spoke out about human rights violations in Iran. **Current place of detention:** On 13 August 2014, Arzhang Davoodi was transferred from the central prison of Bandar Abbas to section 12 ward 4 in Gohardasht prison where political prisoners are held. **Details of trial:** In March 2005 he was sentenced to 25 years' imprisonment, reduced to 10 years on appeal, on charges of 'spreading propaganda against the system' and 'establishing and directing an organisation opposed to the government.' Following another trial in 2005 he was sentenced to 15 years' imprisonment and 75 lashes by Branch 26 of the Revolutionary Court on charges of 'spreading propaganda against the system', 'establishing and directing an organisation [the Parto-e Hekmat Cultural Education Centre] opposed to the government', as well as for participating in the making of the documentary; and because of his writings on a secular system of governance in Iran. In 2012, a fresh charge of 'enmity against God' was brought against Davoodi. In November 2012, Branch 15 of the Revolutionary Court in Tehran ruled that the case fell outside the court's jurisdiction, apparently due to lack of credible evidence. However, it is understood that the Ministry of Intelligence later arranged for the case to be sent to Branch One of the Revolutionary Court in Karaj, which in turn delegated the conduct of Davoodi's trial to Branch Three of the Revolutionary Court in Bandar Abbas. Following a court session held on 3 June 2014, the Revolutionary Court in Bandar Abbas relayed Davoodi's defence statement to Branch One of the Revolutionary Court in Karaj. Davoodi was not allowed to tell his lawyer to attend this session in Bandar Abbas until a few days

before its scheduled date, and met his lawyer in person for the first time only at the courtroom, leaving only an hour to prepare a defence. The Revolutionary Court in Karaj eventually sentenced him to death, without him or his lawyer being present. Davoodi learned from his lawyer on 20 July 2014 that he had been sentenced to death for his alleged membership and support of banned group People's Mojahedin Organization of Iran (PMOI). On 14 May 2014 Davoodi was also sentenced to a further two years' imprisonment, on a charge of 'insulting the Supreme Leader', by a Revolutionary Court in Tehran. The charge was imposed, apparently in relation to a phrase he wrote on the walls of the prison's bathroom, implying that rampant injustice and inequality are prevalent in Iran under the Supreme Leader Ayatollah Ali Khamenei. Davoodi has appealed the sentence. Amnesty International considers him to be a prisoner of conscience, with no links with the PMOI or any armed groups. Davoodi is believed to have been accused of having ties with the PMOI because in prison he insisted on calling the group by its official name, Mojahedin, rather than by the term used by the Iranian authorities, Monafeghin (hypocrites). **Conditions of detention:** Following his arrest, Davoodi was held in solitary confinement for prolonged periods of time, during which he said he was tortured and denied access to a lawyer and to his family. During his subsequent years of imprisonment, Davoodi has frequently been subjected to torture and other ill-treatment. He has been repeatedly shuffled between numerous prisons in Tehran and the Central Prison of Bandar Abbas, which is far from his family, and subjected to prolonged periods of solitary confinement. According to news reports, Davoodi began a hunger strike on 8 December 2015. **Update:** Davoodi's condition deteriorated as a result of his hunger strike and was transferred to hospital on 8 January 2016. He ended the hunger strike on 28 January 2016. **Health concerns:** Davoodi has suffered broken teeth and injuries to his eye, eardrum, shoulder and knee resulting from torture, and also suffers from renal failure. **Background:** The TV documentary *Forbidden Iran* was filmed in secret, and widely broadcast in northern Europe in December 2003 and in North America in January 2004. Davoodi assisted in the making of the documentary and was interviewed in the film, when he spoke about political prisoners and the death in custody of Canadian-Iranian photojournalist Zahra Kazemi.

**Yousef EMADI:**

**Hossein RAJABIAN:**

**Mehdi RAJABIAN:**

**Profession:** Musicians, founder of BargMusic and filmmaker and photographer respectively **Date of sentence:** December 2015 **Sentence:** Three years in prison and three years suspended **Details of sentence:** The trial started in May 2015 at Branch 28 of the Revolutionary Court in Tehran, and the three were reportedly sentenced to six years' imprisonment and 200 million Rials fine (approx. US\$6,650) for 'insulting the holy sanctities' and 'spreading propaganda against the system'. **Update:** Their six-year prison sentence was commuted at an appeal hearing in February 2016 to three years in prison and three years' suspended, conditional on their 'good behaviour'. Their fine was upheld. They were summoned to begin their three-year sentences in Evin Prison on 4 June 2016. **Current place of detention:** Evin Prison **Background:** The three of them work in BargMusic which is an online music distributor in Iran. Allegedly, they were accused of promoting underground music which promoted indifference towards religion. They had been arrested on this charge previously in October 2013 by the Revolutionary Guards Intelligence Organization. Their trial reportedly lasted 15 minutes and the charges were based on the confessions made under high pressure. They were after held in Evin Prison in solitary confinement for two months. **PEN Action:** Joint statement of [15 January 2016](#)

**\*Hesameddin FARZIZADEH**

**Profession:** Author **Sentence:** Sentenced to death for apostasy as well as seven years' imprisonment and 74 lashes **Date of arrest:** 21 November 2013 **Details of arrest:** Farzizadeh was reportedly arrested in a raid on his house by plainclothes Ministry of Intelligence (MOI) agents and held incommunicado at the MOI facility for several days before being transferred to Meshgin Shahr Prison in Ardabil Province, north-western Iran. **Current place of detention:** Meshgin Shahr prison **Details of trial:** Following a ruling from the Criminal Court of Meshgin Shahr in May 2015, Farzizadeh was reportedly convicted of apostasy and insulting the Prophet Mohammed, the Shi'a Imams, and Ayatollah Khomeini, the founder of the Islamic Republic of Iran. These charges stem from a book Farzizadeh wrote entitled *From Islam to Islam*, which reportedly examines the history of Shi'a Islam and raises questions about Shi'a ideology. In the book, Farzizadeh supposedly questions the existence of the Twelfth Imam, a messianic figure in Shi'a ideology who is supposed to reappear in the future as the saviour of humanity. The charge of apostasy carries the death sentence in Iran, while the additional sentences of imprisonment and lashing were related to the content of the book. **Conditions in detention:** A source for Iran Human Rights Documentation Center (IHRDC) has claimed that Farzizadeh has been threatened and assaulted in prison. Farzizadeh's brother also raised concerns about his safety in Meshgin Shahr prison, where Farzizadeh has been beaten and stabbed, according to Oyan News. **Health concerns:** The young writer reportedly suffers from depression and obsessive-compulsive disorder. According to an Iranian news report, Farzizadeh's brother contested Farzizadeh's death sentence on account of his mental condition, though the court has not lifted the charge.

**Adnan HASSANPOUR:**

**Profession:** Iranian Kurdish journalist, writer and human rights activist **Sentence:** 15 years in prison **Date of arrest:** 25 January 2007 **Details of arrest:** Reportedly detained on 25 January 2007 in Marivan, a small city in the north-western province of Kordestan. He was reportedly held incommunicado without charge in a Ministry of Intelligence facility in Marivan, and transferred to Marivan prison on 26 March 2007. In April 2007, the *Mehr News Agency*, which is said to have close links with Iran's judiciary, alleged that Hassanpour had been in contact with Kurdish opposition groups and had helped two people from Khuzestan province, who were wanted by the authorities, to flee from Iran. **Current place of detention:** Hassanpour was transferred from Sanandaj Central Prison to Zahedan prison, Sistan and Baluchestan province, on 13 March 2014. **Details of trial:** Hassanpour appeared before the Islamic Revolutionary Court in Sanandaj on 12 June 2007, in the presence of his lawyer. On 16 July 2007 he was told that he had been sentenced to death on charges of espionage and *moharebeh* ('waging war against God'). The sentence was confirmed on 22 October 2007, but was overturned by the Supreme Court in Tehran in August 2008 on procedural grounds. The case was returned to Sanandaj for a re-trial and heard on 7 September 2008 and 31 January 2009. He was sentenced to 15 years in prison on 1 July 2009. **Conditions in detention:** Reported to have been threatened by Intelligence Agency members with the withdrawal of his visiting rights and the right to temporary leave from prison for writing a letter to Hassan Rouhani in October 2013 calling for Kurdish and minority rights. **Background:** Adnan Hassanpour is a former member of the editorial board of the Kurdish-Persian weekly journal, *Aso* (Horizon), which was closed by the Iranian authorities in August 2005, following widespread unrest in Kurdish areas. He had previously been tried in connection with articles published in the journal. **Other information:** Hassanpour is a member of the Kurdish Writer's Association. **Honorary member of:** Swedish, American and Basque PEN. **PEN Actions:** RAN 11/07 and updates. No further news as of 30 June 2016.

**Ali Asghar HONARMAND, profession:** Blogger and activist. Founder of the technology website *Narenji*, which specialises in gadget news

**Hossein NOZARI, profession:** writer for the technology website *Narenji*

**Ehsan PAKNEJAD, profession:** writer for the technology website *Narenji*

**Abbas VAHEDI, profession:** writer for the technology website *Narenji*

**Sentence:** 11 years in prison, seven years, five years and two-and-a-half years in prison, respectively **Date of arrest:** 17 February 2016 **Details of arrest:** Hornamand was among at least 16 people to be arrested in the southern province of Kerman as part of a crackdown by the intelligence forces of the Revolutionary Guards. Others detained include the following Narenji staff members: Reza Nozari, Amir Sadeghpour, Mehdi Faryabi and Malihe Nakhaei. Half of those arrested have since been released on bail, although the rest, including Narenji's staff, are thought to remain in detention. The head of Kerman's justice department, Ali Tavakoli, alleged that those arrested had participated in projects run by the BBC and received funds deriving from London. Believed to have been released pending completion of trial proceedings on an unknown date. **Current place of detention:** A prison in Kerman province **Details of trial:** Sentenced along with seven others (five received suspended sentences) in June 2014 in connection with 'designing sites, websites, and creating content for media hostile to the system' apparently under the Cyber-Crimes Law. Honarmand's appeal was heard in Branch 1 of the Appeals Court in Kerman on 30 November 2015. **Update:** According to reports dated February 2016, Honarmand, Nozari, Paknejad and Vahedi were taken to prison on 17 February 2016 to hear the Court of Appeals' verdict, at which their sentences were reportedly upheld. No further information as of 30 June 2016.

**\*Roya SABERI NEGAD NOBAKHT (f)**

**Profession:** Netizen **Sentence:** Five years in prison **Date of arrest:** October 2013 **Details of arrest:** Arrested at Shiraz airport in October 2013 on arrival from Tehran **Current place of detention:** Evin prison **Details of trial:** On 27 May 2014, Branch 28 of the Revolutionary Court in Tehran reportedly sentenced Saberi Negad Nobakht to 20 years' imprisonment, which was subsequently reduced to five years in April 2015. She faced charges of 'plotting to commit crimes against security' and 'insulting the Holy sanctities', for a Facebook post she wrote criticising the Iranian authorities for being 'too Islamic', a crime which, under Article 53 of Iran's Penal Code, carries a prison term between one and five years and under some circumstances can be punishable by death. **Conditions of detention:** According to reports from July 2014, Roya was tortured in prison and was denied medication for depression. **Health concerns:** According to a report by Reporters Without Borders, Roya has fainted several times in her cell. After falling during a fit on 7 December 2015, she was taken to the prison infirmary where the doctor declared her to be in a 'normal' state, and injected her with a tranquilizer. The next day she had convulsions and lost consciousness. A neurologist said her fainting was due to a 'drug prescription error by the infirmary' and requested for her to be transferred to a hospital with specialised facilities. This request was refused by prison officials. She has also suffered significant weight loss during her time in prison. **Background:** Roya, a British national, was born in Iran, but has British citizenship and had been living in the UK with her husband since 2007.

**Mohammad Sadiq KABUDVAND**

**Profession:** Editor of *Payam-e Mardom-e Kurdistan* journal and Kurdish rights activist **Date of arrest:** 1 July 2007 **Sentence:** (1) 10 years' imprisonment (2) six months' imprisonment. **Details of arrest:** Security officers reportedly arrested Kabudvand at work in Tehran before confiscating computers, books, photographs, family films and personal documents from his home. He spent the first five months of his detention in solitary confinement. His family was unable to raise the bail to free him pending trial. **Current place of detention:** Section 350 of Evin Prison **Details of trial:** Kabudvand's trial began on 25 May 2008. On 22 June 2008, the Tehran Revolutionary Court sentenced him to 11 years' imprisonment for 1) establishing the Kurdistan Human Rights Organisation (10 years) and 2) propaganda against the system (1 year). The Tehran Appeal Court upheld and reduced the

sentence to 10 years on 23 October 2008. Kabudvand was reportedly recommended for conditional release by the chief warden of Evin Prison in February 2016, which was subsequently denied by the prosecutor. **Update:** Reports indicate that Kabudvand was summoned for interrogation three times in March 2016 in connection with investigations into whether he has been 'spreading propaganda against the system'. On 24 May 2016, Kabudvand appeared before a revolutionary court in Tehran in relation to these allegations, which accused him firstly of sending a message to the people of Kobani in Syria, praising their struggle against ISIS and calling for peace between the Kurds and the Turkish government, and secondly of writing a university paper on human rights in Iran's prisons. Kabudvand was also allegedly misinformed that aggregation rules would be applied to his case to reduce his sentence by six months. It was reported on 10 June 2016 that a court had rejected these new charges against Kabudvand. **Conditions in detention:** Kabudvand was allegedly held incommunicado and suffered ill treatment. **Health concerns:** Kabudvand suffers from high blood pressure, skin and kidney conditions and has lost considerable amounts of weight since his arrest. On 19 May 2008 he was denied medical care following a stroke; he suffered a second stroke in December 2008. In June 2011 an independent doctor stated that Kabudvand needed two operations for hardening of the heart arteries and an enlarged prostate, which is thought to be a result of cancer. In May 2012 he started a hunger strike to protest being denied permission to visit his son, who suffers from a rare blood condition, but ended it after 59 days on 27 July 2012 when he was granted leave. **Update:** On 8 May 2016, Kabudvand began a new hunger strike in protest at his continued imprisonment and the possibility of new charges being brought against him (see above). According to his family, following recent tests Kabudvand was due back in hospital on 17 May 2016 but was not taken to the appointment. Having been admitted to hospital on 22 May after falling unconscious, possibly from low potassium levels resulting from his hunger strike he was returned to prison on 5 June 2016. According to reports from 10 June 2016, Kabudvand ended his hunger strike when he heard the new charges brought against him had been dropped. He was released on a short furlough on 13 June 2016 and returned to prison on 19 June. **Background:** Kabudvand and several other Kurdish human rights defenders and journalists were detained on 2 August 2005 following protests in Kurdistan's capital, Sanandaj. Kabudvand was reportedly sentenced to 10 months' imprisonment on 18 August 2005 for 'separatist propaganda', and held in solitary confinement for 66 days before being freed on bail. Kabudvand was allegedly ordered by the Office for the Execution of Sentences on 22 September 2006 to serve out the remainder of his sentence, but was released in April 2007. **Other information:** Kabudvand was Chair of the Kurdish Human Rights Organization (RMMK) and formerly Editor of *Payam-e Mardom-e Kurdistan (Kurdistan People's Message)*, a weekly published in Kurdish and Persian, which was banned on 27 June 2004 for 'disseminating separatist ideas and publishing false reports'. Although the ban was subsequently lifted by the Supreme Court, the paper has not appeared again. He is also the author of three unpublished books, two on the subject of democracy and a third on the women's movement in Iran. The UN Working Group on Arbitrary Detention [found](#) his detention to be arbitrary, calling for his for release and right to compensation. **Awards:** Recipient of the 2009 Hellmann/Hammett prize and the 2009 International Journalists award. **Honorary member:** Austrian PEN and Swedish PEN. **PEN Action:** RAN 30/07 – 18 July 2007; Update #2 – 4 June 2008; Update #3 – 2 July 2008; Update #4 – 4 November 2008; [Update #5 – 7 June 2016](#); [Update #6 – 14 June 2016](#)

**Saeed MADANI:**

**Profession:** Sociologist and former editorial board member of the banned magazine *Iran-e Farda* and former editor-in-chief of the quarterly *Refah-e Ejtemaee (Journal of Social Welfare)* **Date of Birth:** 1960 **Sentence:** Six years in prison **Date of arrest:** 7 January 2012 **Current place of detention:** Madani was initially held in Section 209 of Tehran's Evin prison,

where he spent two-and-a-half months in solitary confinement. He was transferred to Section 350 on 15 December 2012, then moved to solitary confinement in April 2013 after taking part in a protest in prison. In March 2014, Madani was transferred to Rajee Shahr Prison in Karaj. He was transferred to Bandar Abbas prison on 16 March 2016. **Details of trial:** Madani was tried in January 2013 and sentenced to six years' imprisonment, to be spent in exile in prison in Bandar Abbas, and 10 years of enforced residency in Bandar Abbas city after a conviction of 'spreading propaganda against the system' and 'gathering and colluding with intent to harm national security.' These accusations are believed to relate to his activities in the National Religious Alliance and in the opposition Green Movement. According to the International Campaign for Human Rights in Iran, he was denied a retrial in October 2015 which he had requested on the basis of changes to the Penal Code. **Conditions of detention:** According to Reporters Without Borders, on 28 November 2015 Madani was injured in prison by other non-political inmates. Madani and Faghih, another political prisoner, were wounded in the face by a knife. They reportedly started a hunger strike in the aftermath of the attack in protest at the lack of protection from the prison guards. No further news as of 30 June 2016. **Other information:** Madani is a well-known researcher and sociologist and member of the National Religious Alliance (Melli-Mazhabi).

**Narges MOHAMMADI (f):**

**Profession:** Former Vice-President and spokesperson of the Defenders of Human Rights Centre and independent journalist **Sentence:** 10 years' imprisonment **Date of arrest:** 5 May 2015 **Current place of detention:** Evin prison **Details of trial:** Mohammadi's trial was initially scheduled for 3 May 2015 but was postponed; it was postponed twice more on 6 July and 7 October 2015. On 20 April 2016, a Tehran Revolutionary Court convicted Mohammadi of 'gathering and colluding with intent to harm national security,' (five years' imprisonment), 'spreading propaganda against the system' (one year's imprisonment) and 'founding and running an illegal organisation' for her work advocating against the death penalty with a campaigning organisation called Step by Step to Stop the Death Penalty (Legam), whose activities the Iranian authorities consider controversial (ten years' imprisonment). Although the total sentence is 16 years' imprisonment, under provisions within Iran's 2013 penal code, a person sentenced to several jail terms serves the longest sentence, meaning that if the sentence is upheld on appeal, she will serve 10 more years in prison. Mohammadi's family were notified of the sentence on 17 May 2016, and on 28 June 2016 Mohammadi's husband stated that she intended to appeal it. Evidence used against Mohammadi included media interviews she had conducted, her connections to human rights defenders, as well as her activities against the death penalty, including her work with Step by Step to Stop the Death Penalty. It also included her March 2014 meeting with the EU High Representative for Foreign Affairs & Security Policy Catherine Ashton. She is already serving a six-year prison sentence for similar charges. **Conditions of detention:** In May 2016, [Mohammadi wrote to the PEN membership](#) to express her concern for the use of solitary confinement as a form of torture. According to her family, Mohammadi has only been granted infrequent contact with her two children, despite repeated requests. According to her husband, in June 2016 Mohammadi started a hunger strike in protest at the lack of contact permitted with her children. **Health concerns:** Mohammadi suffers from a neurological disorder which causes muscular paralysis accompanied by seizures and temporary loss of vision. On 2 August 2015, Mohammadi was transferred to hospital after an attack. According to news reports, she was taken back to prison within few hours, against specialists' advice. Her husband states that the Judiciary is prohibiting her hospitalisation although it has been demanded by the prison's infirmary. She was hospitalised again on 11 October 2015 after suffering another seizure. On 20 October 2015, the International Campaign for Human Rights in Iran reported that Mohammadi was still in hospital, chained to a bed and that she was being denied adequate treatment for her

neurological condition. According to family members, Mohammadi is taking more than 20 pills a day to prevent seizures and other complications related to her neurological condition. Her doctors have said that taking this medication for a prolonged period of time could be detrimental, but continue to prescribe it as the authorities refuse to hospitalise her except for brief periods when her condition deteriorates. **Background:** Since 2009 Mohammadi has been banned from travelling abroad. In 2010 she was briefly detained and in April 2012 she was convicted for 'gathering and colluding against national security', 'membership of the Defenders of Human Rights Centre' and 'spreading propaganda against the system'. She spent several months in prison, but was later released on bail on medical grounds. Mohammadi is the mother of twins born in 2006, and the wife of prominent journalist and activist Taghi Rahmani (see previous case lists), who has spent a total of 17 years in prison. Taghi Rahmani left the country in May 2011 following escalating pressure from the authorities. Their children joined him in July 2015. **Other information:** During her time as Vice-President of the Defenders of Human Rights Centre, Mohammadi advocated for human rights reform, representing political prisoners and prisoners of conscience in legal proceedings pro bono. She is also the founder of Step by Step to Stop Death Penalty (Legam), an organisation that campaigns against the death penalty in Iran (see [2012 Case List](#)). **Awards:** 2009 [Alexander Langer Award](#), 2013 PEN/Oxfam Novib Freedom of Expression award, 2016 City of Paris award for persecuted journalists **Honorary Member:** Danish PEN, PEN Club Belgique, Swedish PEN **PEN Actions:** RAN 20/12 and updates; [International Women's Day Action 2016](#); [RAN 08/16](#) (12 April 2016); [update 1 to RAN 08/16](#) (24 May 2016)

#### **Saeed POURHEYDAR:**

**Profession:** Journalist for numerous reformist media outlets including *Hambastegi*, *Mardomsalari*, *Sobh-e Emrooz* and blogger **Date of Birth:** 1981 **Sentence:** Five years' imprisonment and a 10-year ban on working as a journalist **Date of arrest:** 4 January 2015 **Details of arrest:** Pourheydar had been living in Turkey and America since 2009. Upon his return to Iran he was detained. **Current place of detention:** Raja'i Shahr prison **Details of trial:** Pourheydar was charged with 'spreading propaganda against the state', 'insulting the president', 'spreading lies through cyberspace' and 'questioning Islamic principles'. On 3 August 2015, he was sentenced to five years in prison and a ban on working as a journalist. **Update:** Pourheydar appealed his conviction but has not received a date for his hearing. To protest delays in his trial, Pourheydar allegedly sewed his lips shut and started a hunger strike on 16 April 2016. **Health concerns:** According to Human Rights Activists News Agency (HRANA), Pourheydar was transferred to Imam Khomeini hospital on 2 May 2015, suffering from general weakness and physical problems following a hunger strike. **Background:** Pourheydar was detained twice after the disputed presidential election of 2009. On 6 February 2010, he spent one month inside Ward 240 of Evin prison and on 10 October 2012 he spent 52 days in prison. He was accused of various 'offences' including 'spreading propaganda against the system, insulting the Supreme Leader, and publishing falsehoods on the Internet' and was eventually sentenced to five years in prison for 'gathering and colluding against national security' for participating in protests, suspended for five years. His sentence was reduced to four years in prison on appeal, plus another three years' suspended sentence. Pourheydar left the country in 2011 when he received a summons to begin serving his sentence. While abroad, he testified to human rights organisations, including [Iran Human Rights Documentation Centre](#), about prison abuse and torture.

#### **Hossein RAFIEE:**

**Profession:** Retired Tehran University chemistry professor and writer **Sentence:** Six-year prison sentence, two-year ban on political and journalistic activities and a fine **Date of arrest:** 16 June 2015 **Details of arrest:** Rafiee was reportedly arrested on 16 June 2015 by

the Intelligence Ministry without an arrest warrant and taken to the Evin prison prosecution centre. **Current place of detention:** Section 8 of Evin prison **Details of trial:** On 25 May 2015, Branch 15 of the Revolutionary Court in Tehran sentenced Rafiee to five years in prison for 'membership of an illegal and anti-national security group' (Melli Mazhabi), one year for 'spreading propaganda against the system' by giving interviews to media 'who are against the state' and for 'issuing statements against the state's security'. He was also fined for possession of a TV satellite dish and receiver, and was sentenced to a two-year ban on political and journalist activities. **Condition of detention:** His family stated that Rafiee's 20-metre cell which he shares with 27 other prisoners is very crowded. He reportedly sleeps on the floor, as there are only six three-bunk beds in the cell. Evin prison is also known for being poorly ventilated, with filthy, insect-infested cells lacking proper sanitation facilities. According to Rafiee, there are only five toilets and showers for at least 200 prisoners. According to International Campaign for Human Rights in Iran, Rafiee's daughter is deeply concerned regarding the prison conditions in which Rafiee is being held. Some of the inmates in Section 8 of Evin Prison reportedly suffer from Hepatitis B and C and are HIV positive. They are not, however, receiving specialised treatment and the authorities do not take the necessary measures to prevent others from being infected. In addition, Rafiee is being held with drug traffickers and financial criminals, whilst Iranian law establishes that inmates should be separated according to nature of their crimes. Rafiee's daughter also claims that her father is not given dairy products or fruit and that the prison cells are not disinfected regularly. No further news as 30 June 2016. **Health concerns:** According to his son, Rafiee is over 70 years old and suffers from a heart condition, high blood pressure, thyroid problems and severe allergies. Rafiee began a hunger strike following his arrest, also refusing to take medication. Rafiee ended his hunger strike on 20 June 2015. His family was concerned due to the lack of medical equipment in the prison as Rafiee is not allowed to monitor his blood pressure regularly. **Background:** According to Amnesty International, one month after his arrest Rafiee was told that the reason for his arrest was a previous four-year sentence. In 2004 a Revolutionary Court convicted him of being member of an 'illegal group' Melli Mezhabi (National Religious Alliance). He had been arrested in February 2001 with other members of the banned political party Melli Mazhabi, which advocates for social and political reform. He spent six months in solitary confinement before being released on bail. **Other information:** Rafiee is a vocal supporter of the nuclear talks between Iran and the P5+1 (China, France, Russia, the United Kingdom, the United States plus Germany) which resulted in the lifting of sanctions against Iran. He is also a member of National Peace Council, founded in 2008 by Nobel Peace Laureate Shirin Ebadi. Rafiee believes that an agreement could reduce the threat of war and the easing of economic sanctions, outlined in a 120-page analysis of the nuclear situation (*The Geneva Agreement*). He sent the report to Iranian authorities and published it on his website; a few independent media also published a summary. He also stated that the release of political prisoners, free and fair elections and improvement of human rights in Iran were required for a sustainable future for Iran. According to his son, right after the analysis was published, the Intelligence Ministry threatened Rafiee and started limiting his activities. In June 2014 his residences in Tehran and Damavand were raided and archives, papers and laptops confiscated. Rafiee was then arrested, later released on bail and banned from leaving the country. It is believed that the Intelligence Ministry pressured the judiciary to re-open his case.

**Mahvash SABET (f):**

**Profession:** Teacher and poet **Date of birth:** 1953 **Date of arrest:** 5 March 2008 **Sentence:** 20 years in prison **Details of arrest:** Mahvash Sabet was arrested on 5 March 2008 while on a trip to Mashhad. She was imprisoned without charge for 20 months, during which time she was held incommunicado for several weeks and denied access to legal counsel. Sabet reportedly suffered from maltreatment while in detention. **Current place of detention:** Evin

prison, Tehran **Details of trial:** Sabet's trial began on 12 January 2010 along with that of the six other members of the Yaran-i-Iran (see below). The charges against the seven were as follows: espionage, propaganda against the Islamic republic, the establishment of an illegal administration, cooperation with Israel, sending secret documents outside the country, acting against the security of the country, and corruption on earth. Some of the charges, including the last one which carries a death sentence, were later dropped. All the defendants categorically denied the charges against them. The trial ended on 14 June 2010 after six brief sessions, characterised by their lack of due legal process. Each of the defendants was initially sentenced to 20 years' imprisonment. One month later, the appeal court revoked three of the charges and reduced their sentences to 10-year jail terms. In March 2011, the prisoners were informed that their original 20-year sentences were reinstated. In spite of repeated requests, neither the prisoners nor their attorneys have ever received official copies of the original verdict or the ruling on appeal. **Other information:** Sabet is one of seven Baha'i leaders known as the 'Yaran-i-Iran' – or 'Friends of Iran' – the now-disbanded group which worked to support the spiritual and social needs of Iran's 300,000 Baha'is. The other six are Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saeid Rezaie, Behrouz Tavakkoli, and Vahid Tizfahm, all of whom were arrested on 14 May 2008 at their homes in Tehran. Like Sabet, all were imprisoned without charge for 20 months and held incommunicado for weeks and denied access to legal counsel. All suffered appalling treatment and deprivations during pre-trial detention. The Baha'i faith has been the focus of systematic, state-sponsored persecution in Iran since the 1979 revolution, when all Baha'i-elected and appointed institutions were banned. The 'Friends in Iran' group was then formed with the full knowledge of the government and served as an informal council for the Baha'i in Iran until its entire membership was arrested in 2008. Sabet began her professional career as a teacher and also worked with the National Literacy Committee of Iran. After the Islamic revolution, she was fired from her job and blocked from working in public education. Before her arrest, she served for 15 years as director of the Baha'i Institute for Higher Education, which provides alternative higher education for Baha'i youth. She is married and has two children. Mahvash began writing poetry in prison, and a collection of her [prison poems](#) was published in English translation on 1 April 2013. In 2008, the UN Working Group on Arbitrary Detention, in opinion [34/2008](#) found the imprisonment of the seven Baha'i leaders to be arbitrary and requested their immediate and unconditional release. **Honorary member of:** Austrian PEN and Danish PEN. **PEN Action:** [Day of the Imprisoned Writer case 2015](#), [Open letter from Alberto Manguel](#); [International Womens' Day case 2016](#)

**Reyhaneh TABATABAEI (f):**

**Profession:** Journalist for *Shargh* and *Bahar* **Sentence:** One year in prison and a two-year ban on membership of political parties, groups, political associations and on activities in the media and cyberspace. **Date of arrest:** January 2016 **Details of arrest:** Tabatabaei was originally arrested on 21 June 2014 following a summons by the Office of the Prosecutor in Evin Prison informing her of new charges brought against her in a separate case from December 2010. She was reportedly released on bail after being informed of the new charges, but was then re-arrested the same day to serve her prison sentence in relation to the December 2010 arrest. **Details of trial:** After spending over four months in detention in 2014 (see 2014 Case list), on 30 November 2014 the Tehran Revolutionary Court sentenced Tabatabaei to one year in prison and a two-year ban on membership in political parties, groups, political associations and on activities in the media and cyberspace for 'spreading propaganda against the system'. The charges were allegedly brought against Tabatabaei due to an interview she led with a prominent Iranian Sunni leader. The ruling was made public on 28 December 2014. On 17 November 2015, the Tehran appeals court upheld the sentence of one year's imprisonment and a two-year ban of journalistic and political activity. **Update:**

Tabatabaei began serving her prison sentence in January 2016. **Background:** Tabatabaei was previously arrested in December 2010 for reporting on the arrest of political prisoners after the 2009 presidential election, when she spent 36 days in solitary confinement before her release. In January 2013 she spent another month in prison as part of a widespread clampdown on journalists. A Tehran Revolutionary Court sentenced her to a one-year prison term on 2 April 2012 for alleged 'propaganda against the system'. The opposition news site Kalame said the sentence related to her 'campaigning for free elections through [promoting] the elimination of the Council of the Guardians' vetting powers, [advocating for] reforms in the Council of the Guardians, free press, free political parties' and 'publishing the news of political prisoners'. Her sentence was later reduced on appeal to six months' actual and six months' suspended imprisonment which she served in 2014. She was arrested on 21 June 2014 and released on expiry of her sentence.

#### Detained - main case

**Afarine CHITSAZ, (f) Profession:** Journalist of daily *Iran*

**Ehsan MAZANDARANI, Profession:** Publisher of *Farhikhtegan*

**Saman SAFARZAI, Profession:** Journalist of monthly *Andisher Poya*

**Date of arrest:** 2 November 2015 **Details of arrest:** According to Reporters Without Borders, they were arrested on 2 November 2015 along with **Issa Saharkhiz** (see below) and another journalist who has not been named. Media outlets of the Revolutionary Guard such as *Tasnim*, *Fars News*, and national radio and TV, reportedly broadcast information about their detention even before their families were aware of their arrest. The Intelligence Unit of the Revolutionary Guards has accused the five arrested journalists of being members of an 'infiltration network' cooperating with hostile foreign governments. **Other information:** On 11 November 2015, the UN issued a [statement](#) denouncing the harassment and persecution against journalists in Iran ahead of parliamentary elections. It referred to their cases, along with **Issa Saharkhiz** (see below), who were all detained on 2 November 2015.

#### **Yaghma FAKHSHAMI:**

**Profession:** Journalist at the newspaper *Rouzan* **Date of arrest:** 25 December 2014 **Details of arrest:** After being detained for two days, Fakhshami was transferred to Evin prison without any charges laid against him. **Current place of detention:** Evin prison **Background:** Two days before Fakhshami's arrest, the Tehran prosecutor's office ordered *Rouzan* to be shut down. No reasons were given, although it is believed that was due to the publishing of a special edition on 20 December 2014 on the fifth anniversary of the death of Grand Ayatollah Hussein Ali Montazeri, who had been put under house arrest due to disagreements with Supreme Leader Khomeini and Supreme Leader Khamenei. No further news as of 30 June 2016.

#### **\*Homa HOODFAR (f):**

**Profession:** Academic **Date of arrest:** 6 June 2016 **Details of arrest:** Prof. Hoodfar was arrested and detained in Evin prison, Tehran on 6 June 2016. **Reason for arrest:** Although the exact reason for her arrest remains unclear, on 24 June 2016, the Tehran Public Prosecutor reportedly announced that Dr Hoodfar was under investigation for 'dabbling in feminism and security matters.' News reports released around this time suggest that Prof. Hoodfar is, more specifically, being charged with attempting to foment a feminist 'soft revolution' against the Islamic Republic. The family are concerned that the Iranian media seem to have access to Prof. Hoodfar's case file. **Place of detention:** Evin Prison **Conditions in detention:** According to the family, Prof. Hoodfar has been denied access to her family and the case file against her. She is reported to be held in solitary confinement. **Health**

**concerns:** Prof. Hoodfar suffers from the rare neurological illness Myasthenia Gravis. Last year, she suffered a mild stroke. Reports from her family suggest that she has not been granted access to her prescription medication while in detention. **Background:** Prof. Hoodfar is a professor of anthropology at Concordia University in Montreal, Canada. A renowned anthropologist, her work has focused on the role of women and the family in Muslim societies. She has published extensively on diverse topics including poverty, development, women's labor force and political participation, family law, and refugees in many different countries in the Middle East, Canada, and South Asia. Prof. Hoodfar had travelled to Iran in February 2016 to visit family members and to conduct research on women's participation in public life by accessing the Iranian parliamentary library. Her visit happened to coincide with the national elections in Iran, during which many women candidates were elected to parliament. She had recently published an interview in *Zanan* magazine. In the weeks before her arrest, Prof Hoodfar's family report that she had come under the scrutiny of the security forces of the Counter Intelligence Unit of the Iranian Revolutionary guards. Shortly before she was due to return to Canada, the authorities are reported to have raided her home on 10 March 2016, confiscating all of her personal belongings, including her passports, research documents and computer. Prof. Hoodfar was required to provide a bail and prohibited from leaving the country. She was subjected to at least 10 subsequent interrogations; her arrest on 6 June 2016 followed another such interrogation. **[Stop press:** Prof. Hoodfar was released from Evin prison on 26 September 2016.]

**Zahra RAHNAVAR (f):**

**Profession:** Academic, writer and politician **Date of arrest:** February 2011 **Details of arrest:** Rahnavard has been held under unofficial house arrest in Tehran since February 2011 for her and her husband's political activism. Rahnavard and opposition leaders Mir Hossein Mousavi and Mehdi Karroubi were placed under house arrest after calling for popular demonstrations on social media in support of the people of Tunisia and Egypt. There have not been any official legal proceedings against them. Both men had alluded to vote fraud in the [disputed 2009 presidential election](#), which was followed by a widespread crackdown on protests against the result. In the wake of the protests and Karroubi and Mousavi's criticism both of the election and alleged human rights violations by state agents, the authorities began tightly monitoring and controlling their and their wives' movements, also suspending the presidential candidates' newspapers *Etemad-e Melli* and *Kalame-ye Sabz*. **Update:** In an article published on *Kalame* website on 8 March 2016, Rahnavard's daughters reportedly said that her health is in decline under house arrest; Rahnavard is allegedly suffering from digestive and swallowing problems. Her daughters also expressed concern over Mousavi's heart complications, which are not being monitored while under house arrest. **Other information:** Dr Rahnavard is a leading Iranian academic, writer, artist and politician. She served as the Chancellor of Alzahra University from 1998–2006, becoming the first female chancellor of a university since the Islamic Revolution in 1979. During this time, she also served as political advisor to President Khatami. She is a member of the reformist opposition group, the Green Path of Hope, headed by her husband, Mir-Hossein Mousavi. Dr Rahnavard is also the author of 15 books. Born in 1945, and the mother of three daughters, Zahra Rahnavard is a committed women's rights activist. She broke convention by campaigning on her husband Mir-Hossein Mousavi's 2009 presidential campaign, becoming the first woman to do so in Iran. Her mantra on the campaign trail – that 'getting rid of discrimination and demanding equal rights with men is the number one priority for women in Tehran' – is credited with galvanising young women to vote. She is also a devout Muslim and [vocal supporter](#) of the hijab, arguing that it liberates women, though she has said it should be a woman's choice to wear it. On 30 March 2012, in its opinion [30/2012](#) the UN Working Group on Arbitrary Detention found the house arrest of the three to be arbitrary and requested

that they be released and afforded an enforceable right to compensation **PEN actions:** [Day of the Imprisoned Writer case 2013](#)

**Mohsen SADEGHINIA:**

**Profession:** Blogger of *Openeyes* **Date of arrest:** 5 September 2015 **Details of arrest:** According to Reporters Without Borders, Sadeghinia was arrested after his blog was shut down by Iranian authorities. Reportedly, Sadeghinia published articles about human rights violations in Iran and was particularly critical of the increase of public executions in the country. No further information as of 30 June 2016.

**Issa SAHARKHIZ:**

**Profession:** Journalist and political activist **Date of arrest:** 2 November 2015 **Details of arrest:** Saharkhiz was detained by the Islamic Revolutionary Guard Corps (IRGC), who accused him of 'insulting the Supreme Leader' and 'spreading propaganda against the state'. According to his son, Saharkhiz's home was raided and electronic devices confiscated. Saharkhiz was one of five journalists arrested at the same time (see **Afarine CHITSAZ**, **Ehsan MAZANDARANI**, and **Saman SAFARZAI** above). Media outlets of the Revolutionary Guard such as Tasnim and Fars News, as well as national radio and TV, reportedly broadcast information about their detention before their families were aware of their arrest. The Intelligence Unit of the Revolutionary Guards accused the five arrested journalists of being members of an 'infiltration network' cooperating with hostile foreign governments. **Details of trial:** Saharkhiz was reportedly charged with 'gathering and colluding against national security' and 'propaganda against the state.' Saharkhiz was due to face trial on 5 March 2016, but the proceedings were postponed when his lawyer complained that they had not been given access to his case file until the day of the trial. **Health concerns:** Saharkhiz suffers from heart disease, for which he was hospitalised while serving his previous prison sentence. He reportedly told his family when he was arrested that he would go on a wet hunger strike in protest at his arrest and that if he was not released after two weeks, he would go on a dry hunger strike. He ended the hunger strike on 19 December 2015 after 48 days at the request of family and friends who were concerned about his health. Saharkhiz resumed his hunger strike on or around 7 January 2016 in protest at the failure to bring any charges against him and when he was not released on bail as scheduled on 2 January 2016. **Background:** Saharkhiz was formerly Deputy Minister of Culture in Iran. Following the 2009 elections, he served a four-year sentence in Evin prison for 'insulting the Supreme Leader' and 'propaganda against the system'. On expiry of his sentence, he spoke publicly about prison conditions, referring to his frequent spell in solitary confinement and beatings by the guards. **Other information:** On 11 November 2015, the UN issued a [statement](#) denouncing the harassment and persecution against journalists in Iran ahead of parliamentary elections. The statement referred to the case of all four journalists detained on 2 November 2015.

**Arash ZAD:**

**Profession:** Blogger of *Weblogina* and *Arashzad* and information technology expert **Date of arrest:** 31 July 2015 **Date of detention:** Zad was arrested on 31 July 2015 in Tehran airport when he was travelling to Turkey, where he had been living for the past two years. According to Reporters Without Borders, Zad's whereabouts and any charges brought against him are unknown. No further news as of 30 June 2016. **Background:** According to International Campaign for Human Rights in Iran, he received a UN World Summit Youth Award in 2014 for *Ladybug* which attempted to increase the participation of Iran women in the information technology sector. The website is currently unavailable. Zad reportedly published his views on Iran governmental policies frequently on the Internet.

[Detained - investigation](#)

**Shayan AKBARPOUR and Mahmoud MOUSAVIFAR:**

**Profession:** Internet activists and bloggers **Date of arrest:** 31 May 2015 **Details of arrest:** Plainclothes men, believed to be from the Revolutionary Guards Corp, arrested the two bloggers at their Tehran home on 31 May 2015. Their families reported them missing because they still do not know why they were arrested or where they were taken. No further information on their place of detention as of 30 June 2016. **Background:** Shayan and Mahmud were the administrators of the Facebook page *Rahian* and ran a blog called *Rahi*, which cannot currently be accessed.

On trial**Atena DAEMI (f):**

**Profession:** Civil activist and social media user **Sentence:** 14 years in prison **Date of arrest:** 21 October 2014 **Date of release:** 15 February 2016 **Details of arrest:** Daemi was reportedly arrested by the Islamic Revolutionary Guard and detained in Evin Prison, where she allegedly spent 58 days in solitary confinement without access to a lawyer. **Current place of detention:** Evin prison **Details of trial:** Daemi's first hearing was held on 7 March 2015, although the Iranian authorities then reportedly postponed it. On 12 May 2015, Daemi was informed that a Tehran Revolutionary Court had sentenced her to 14 years in prison on charges of 'gathering and colluding against national security', 'spreading propaganda against the state', 'insulting the Supreme Leader and the holy sanctities' and 'concealing crime evidence'. The court did not grant Daemi release on bail as it was expected that she would flee the country. Daemi has not accepted any of the charges and has appealed her sentence. According to news reports, the charges are related to her Facebook posts, information stored on her mobile telephone and her participation in gatherings against the death penalty and in support of the children of Kobane (Syria). It is reported that Daemi has repeatedly apologised for jokes and protest songs found on her mobile telephone that have been used to accuse her of insulting the Supreme Leader. **Update:** It was reported in April 2016 that Daemi had been released on bail on 15 February 2016, while awaiting the outcome of her appeal hearing, which was set for 5 July 2016. No further information as of 30 June 2016. **Health concerns:** Human Rights Activists News Agency (HRANA) stated on 21 September 2015 that she had been sent to hospital, as she suffered from multiple sclerosis disease, although tests showed that her health problems were due to stress and psychological pressure. The International Campaign for Human Rights has reported that Daemi's health is deteriorating. She suffers from severe headaches and reduced vision, but has not received specialised treatment.

**Mashallah SHAMSOLVAEZIN:**

**Profession:** Prominent journalist **Date of arrest:** 28 June 2014 **Details of arrest:** On 21 June 2014, Shamsolvaezin received a summons to report for interrogation at Evin Prison, which he complied with on 28 June. **Date of release:** 28 June 2014 **Details of release:** He said he was released on bail of 2 billion riyals (approximately US\$80,000). **Details of trial:** On 28 June 2014, he wrote on his [Facebook page](#) that he had been charged with 'spreading propaganda against the system' related to his interviews with media and speeches he gave at two regional and international journalism conferences, including the IPI World Congress in South Africa in April 2014, where he was given an award. In his speech he had called for the release of journalists imprisoned in Iran. A trial hearing took place on 30 November 2014. No further news as of 30 June 2016. **Background:** Shamsolvaezin is the former editor, and in some cases founder, of four reformist dailies: *Kayhan*, *Jame'eh* (later *Tous*), *Neshat* and *Asr-e Azadegan*, which were all successively shut down by the Iranian authorities. Shamsolvaezin has been jailed three times since 1998 on vaguely worded national security charges for his criticism of government policies. The longest period being the 17 months he spent in Iran's

notorious Evin Prison in 2000 to 2001 in connection with an article criticising capital punishment that was deemed insulting to Islamic principles. He was most recently released in 2010. **Awards:** 2000 CPJ International Press Freedom Award, International Press Institute 2014 World Press Freedom Award

#### Sentenced

##### **Keywan KARIMI:**

**Profession:** Filmmaker and member of Iran's Kurdish minority **Date of sentence:** 13 October 2015 **Sentence:** One year in prison and 223 lashes, following an appeal **Details of trial:** Karimi was accused of 'spreading propaganda against the system' in connection with his 2012 film 'Neveshtan Rooy-e Shahr' (Writing on the City) which has never been shown in public, apart from a trailer on YouTube. Karimi describes the film as containing 'graffiti and wall painting that date back to 100 years ago in Tehran. It is the story of a wall and how it reflects what happened in society.' On 13 October 2015, after six trial sessions, he was sentenced by the Branch 28 of Tehran Revolutionary Court for 'insulting the holy sanctities', 'spreading propaganda against the system' and 'illegitimate relations'. Human rights organisations fear that he has been prosecuted because of some of the graffiti shown were connected to the unrest in the aftermath of the disputed 2009 presidential election. The charge of 'illegitimate relations' was brought because he shook hands with a woman to whom he was not related. Karimi's lawyer, Amir Raeisian, highlighted irregularities in the trial, pointing out that at the final session, the judge was reading from a verdict, even though the verdict should have been issued after the trial. This was corroborated by the date on the verdict when he received it, 22 June 2015, which pre-dated the final trial session on 22 September 2015. Raeisian has also pointed out that according to article 134 of Iran's Islamic Penal Code, an individual who faces multiple charges should not be sentenced to the heaviest penalty in more than one of the charges, whereas Karimi has been given the maximum sentence for both charges. **Update:** In February 2016, an appeals court reduced Karimi's sentence to one year in prison and 223 lashes, as per his original sentence. He is not known to have been summoned to prison as of 30 June 2016. **Background:** Karimi was arrested on 14 December 2013 and released on bail after 12 days in solitary confinement, during which he was accused of insulting the regime after a music clip and documentary were found on his hard drive, even though they had never been screened or shared online. The music clip, which had never been finalised or shown, was made for exiled Iranian singer Shahin Najafi and Karimi believes this video, which the authorities had learned about from other sources, led to his arrest. 'Neveshtan Rooy-e Shahr' was produced by Tehran University and provides an illustration of wall writing and graffiti in the city of Tehran. Human rights organisations fear that his detention is because of some of the writings are connected to the unrest in the aftermath of 2009 elections. Karimi had already been arrested and released on bail after the release of the film. There is also concern that Karimi's situation may be endangered because of his Kurdish Sunni background, which are discriminated against in Iran. **Other information:** Karimi is a prominent documentary and fiction films maker. His documentary 'The Broken Border' was awarded as best short documentary at the Beirut International Film Festival in 2013. This documentary portrayed the poor conditions of Kurdish population near Iranian borders. His film 'The Adventure of a Married Couple' was presented at the San Sebastian, Freiburg and Zurich Film Festivals. The film tackles the challenges of a working-class couple, and was inspired by the short story of the same name by the prominent writer Italo Calvino. In December 2015, more than 135 Iranian filmmakers released a letter demanding the judiciary to acquit Karimi of his sentence. **PEN Action:** [RAN 14/15](#); [joint letter](#) to Head of Judiciary.

#### Conditional release

**Atena FARGHADANI (f):**

**Profession:** Painter and womens' rights activist **Sentence:** 12 years and nine months in prison, reduced to 18 months on appeal **Date of arrest:** 10 January 2015 **Date of release:** 3 May 2016 **Details of arrest:** On 10 January 2015 Farghadani was reportedly summoned to a Revolutionary Court, where she was arrested. Her parents told reporters that she had been subjected to beating in the courtroom before being taken to Gharchak prison. **Details of release:** According to the International Campaign for Human Rights in Iran, Branch 54 of the Tehran Appeals Court reduced Farghadani's sentence to 18 months at an appeal hearing held in April 2016. Her release date was initially set at 11 May, before she was released early on 3 May. Farghadani was reportedly acquitted of her charges of undermining national security, while her three-year prison sentence for insulting the Supreme Leader was reportedly suspended for four years. Her nine-month prison sentence for 'insulting members of parliament through paintings', 'insulting the President' and 'insulting prison officials' was converted into a cash fine of one million Rials (US\$33). **Details of trial:** Farghadani was reportedly convicted of 'gathering and colluding against national security', 'insulting members of parliament through paintings', 'spreading propaganda against the system' and 'insulting the President and insulting the Supreme Leader', amongst other charges. According to Amnesty International, the trial lasted half a day and the 'evidence' against her was based on Farghadani's answers to long interrogations. In addition, she was charged with 'illegitimate sexual relationship short of adultery' and 'indecent conduct'. Amnesty International said that Farghadani and her lawyer were accused of this due to a handshake when they met to prepare her appeal. Her lawyer, Mohammad Moghimi, was arrested on 13 June 2015 and released on bail (for US\$60,000) three days later. Farghadani's case was referred to Branch 54 of the appeals court. In April 2016, Branch 54 of the Tehran Appeals Court reduced Farghadani's sentence to 18 months in prison and she was released on 3 May 2016 **Health concerns:** On 26 February 2015, Farghadani suffered a heart attack, briefly lost consciousness and was transferred to a hospital. She had gone on a three-week hunger strike to protest against the extremely poor conditions she was held in. On 13 August 2015, the International Campaign for Human Rights in Iran stated that Farghadani had developed signs of lymphatic disease and that she was waiting to be seen in the prison's infirmary or be sent to a specialist. **Conditions in detention:** In October 2015, Amnesty International reported that the Iranian authorities had confirmed that Farghadani was subjected to [virginity and pregnancy tests](#) in August 2015. **Background:** Atena Farghadani was first detained in August 2014 and held in solitary confinement for two weeks without access to her lawyer or family. She was released on bail after two months. She later published a [video on Youtube](#) in which she exposed how she had been mistreated physically in Evin prison. In the video she explained how she was beaten and interrogated for nine hours every day for six weeks. She also posted an open letter to Iran's Supreme Leader Ayatollah Khamenei on Facebook. Farghadani had also been in contact with some families of Iranians that had been killed during the unrest after 2009 elections; she was reportedly asked about these meeting during the interrogations. In addition, she was charged for an illustration in which she criticised parliament members that sought to criminalise voluntary sterilisation, as well as an art exhibition named 'Parandegan-e Khak' ('Birds of Earth') where she referred to those killed during the 2009 unrest and which was attended by relatives of political prisoners and members of the Baha'i community. **PEN Action:** Mentioned in [resolution on Iran](#) adopted at 81<sup>st</sup> Congress in Quebec; mentioned in [statement](#) on anniversary of attack on Charlie Hebdo.

**Keyvan MEHREGAN:**

**Profession:** Journalist for reformist media and former political editor of newspaper *Shargh* **Sentence:** One year in prison and a five-year ban on working as a journalist or engaging in political activities **Date of arrest:** 26 August 2015 **Date of release:** 11 May 2016 **Details of**

**arrest:** Mehregan was arrested at the Passport Office where he had gone to renew his passport. He was transferred to Evin Prison to serve a one-year sentence. This sentence reportedly relates to a case dating back to 2010, when he was working in *Shargh* and was arrested along with three other journalists of the newspaper. **Details of trial:** On 10 March 2012, Branch 15 of the Revolutionary Court in Tehran sentenced Mehregan to one year in prison and a five-year ban on working as a journalist for 'spreading propaganda against the system'. **Details of release:** Mehregan was reportedly conditionally released from prison on 11 May 2016 while on temporary leave. **Background:** Mehregan was first arrested on 28 December 2009 and released on bail in March 2010, having spent much of the time in solitary confinement. He was later sentenced to three years in prison, suspended for four years. Mehregan was rearrested on 7 December 2010 and released on 17 January 2011 on bail of 10 million toman (around \$7,500). He was again rearrested on 28 January 2013 and released a month later. His third arrest was on 13 June 2011 after he attended the funeral of Hoda Saber, a journalist and political activist who died due to medical neglect whilst on hunger strike in prison. He was released about two months later. Mehregan was arrested a fourth time on 27 January 2013 and released on 23 February 2013.

**Mohammad Reza POURSHAJARI (aka Siamak Mehr):**

**Profession:** Freelance journalistic blogger who wrote under the penname Siamak Mehr.

**Date of Birth:** 1960 **Sentence:** One year in prison and two years in enforced exile **Date of**

**arrest:** 30 September 2014 **Date of release into exile:** October 2015 **Details of arrest:**

According to his daughter, shortly after his release from a previous four-year prison term, Pourshajari was arrested on 30 September 2014 near the border with Turkey. He spent 14 days in solitary confinement in the Intelligence Ministry detention facility in Orumiyyeh. He was later transferred to Ward 8 of Rajai Shahr prison, where he was reportedly interrogated and suffered psychological pressure and death threats. **Details of release:** Pourshajari remained in detention in Karaj for a month after his one-year prison term expired on 23 September 2015, apparently because the authorities had not yet decided on his place of exile. A [Twitter](#) comment posted by his daughter on 31 October 2015 suggested that he had been released and transferred to Yazd to begin his two years in exile. **Conditions of detention:** In September 2015, he wrote a letter exposing the psychological pressure, torture and hard conditions suffered in prison which have affected his health. **Details of trial:** Pourshajari was sentenced on 11 March 2014 to one year in prison and two years of enforced exile after he was convicted of 'spreading propaganda against the state' and 'acting against national security'. **Health concerns:** Pourshajari has heart problems, having suffered two heart attacks during his previous prison term. According to International Campaign for Human Rights in Iran, on 12 October 2015 her daughter was informed that Pourshajari is being held beyond expiry of sentence as authorities are deciding his exile destination. Reportedly, he should have been freed on 23 September 2015 but her daughter fears that authorities are postponing the date in order to bring further charges against him.

**Background:** Pourshajari was previously arrested on 12 September 2010 at his home in Karaj, outside Tehran, in connection with articles he published on his blog *Gozaresh be Khaak-e-Iran (Reports to the Soil of Iran)*, which were critical of Iran's theological state. Intelligence agents reportedly confiscated a computer hard drive, satellite receiver, and numerous documents. Taken to Rajaieshahr Prison, he was held in solitary confinement for eight months. He claims that interrogators tortured him, including by subjecting him to a mock execution. Pourshajari was not allowed visitors, phone calls, or access to a lawyer. In December 2010, he was sentenced to three years in prison on charges of 'spreading propaganda against the system' and 'insulting the Supreme Leader'. On 21 December 2011, he was tried on an additional count of 'insulting the holy sanctities,' and was sentenced to an additional year in prison. The basis for the new charge was not disclosed. During his imprisonment, the Iranian authorities denied Pourshajari medical leave to receive the

treatment he needed, including for a blockage in his arteries, against the advice of prison doctors. He was also reportedly denied medication for high blood sugar. He was released on expiry of his sentence on 23 August 2014. **Other information:** His daughter Mitra, now residing abroad, wrote an [open letter](#) to Iran's Foreign Minister Javad Zarif in May 2015, detailing the torture her father had suffered and how she had been threatened with imprisonment and torture for publicising his case. **Awards:** 2014 Hellman Hammett award

**Hossein RONAGHI-MALEKI:**

**Profession:** Blogger **Date of Birth:** 1985 **Date of arrest:** (1) 13 December 2009 (2) 28 February 2015 (3) 20 January 2016 **Date of release:** (1) 3 September 2014 (2) 17 June 2015 (3) 4 May 2016 **Sentence:** 15 years in prison **Details of arrest:** Ronaghi-Maleki was arrested for discussing politics in a series of critical blogs which were blocked by the government. He is the founder of an anti-censorship group known as 'Iran Proxy', launched in 2003. He was held in pre-trial detention in solitary confinement at Evin prison for 10 months after his arrest. **Details of release:** The Iranian authorities released Ronaghi-Maleki on 4 May 2016 on a bail of 300 million tomans (US\$100,000), pending a review of his case. He was reunited with his mother and was taken straight to hospital. **Details of trial:** Ronaghi-Maleki was allegedly convicted of 'membership of the Internet group 'Iran Proxy' and spreading propaganda against the system', 'insulting the Supreme Leader' and 'insulting the President' and sentenced to 15 years in prison. An appeals court is said to have upheld his sentence. Ronaghi-Maleki was reportedly tried separately in two other cases in 2013. He was sentenced to two years for giving aid to earthquake victims and five months for disobeying the orders of police. The two-year sentence was overturned on appeal in September 2013. **Conditions of detention:** He was released for short medical furloughs on several occasions. He was reportedly released on 3 September 2014, returned to prison on 28 February 2015 and was released again on 17 June 2015. Amnesty International reported in January 2016 that in December 2015, Ronaghi-Maleki received a summons to report back to prison from this latest medical furlough by 20 January 2016. **Health concerns:** Ronaghi-Maleki developed kidney disease whilst in prison, possibly as a result of torture, and suffered from related complications from April 2010 onwards. He was hospitalised in March 2011 and underwent a kidney transplant in May 2011. He was said to have been transferred again to hospital in June 2012, and was given leave in July 2012. He was reportedly arrested again while on leave for participation in helping earthquake victims near his home town in East-Azerbaijan province in Sept 2012; then given leave in November 2012 for medical treatment. Ronaghi-Maleki was recalled to prison before the presidential election of 2013. He started a hunger strike on 9 August 2013 in protest at being denied medical leave, which he ended on 5 September 2013 after becoming critically ill. He was then released temporarily for medical treatment on 3 September 2014. He undertook a week-long hunger strike between 1 and 7 March 2015. Following his return to prison from medical leave in January 2016, Ronaghi-Maleki's family said that his condition worsened as the prison authorities consistently denied him medical care, with the exception of a short two-hour trip to a hospital on 5 March 2016 for tests. According to Amnesty International, Ronaghi-Maleki went on a hunger strike on 16 March 2016 which continued for 28 days, and ended only when he was released from prison on bail on 4 May. **PEN Action:** [RAN 10/15](#); [Update#1 to RAN 10/15 – 15 January 2016](#)

**Alireza ROSHAN:**

**Profession:** Poet, writer and head of the book section of the *Shargh* newspaper. Also an administrator for the Gonabadi Dervish website *Majzooban-e Noor* **Date of arrest:** 17 November 2012 **Sentence:** One year's imprisonment, plus four further years suspended **Date of release:** 16 October 2013 **Details of arrest:** Roshan was reportedly arrested at his home on 4 September 2011 after security forces raided the office of *Majzooban Noor*

website, and was also one of *Majzooban Noor's* 11 administrators to be detained in early September 2011 following a violent incident on 2 September in the city of Kavar, in which security forces allegedly opened fire on dervishes, injuring many. He was released on bail on 3 October 2011. No further news as of 30 June 2016. **Details of release:** Roshan was released on expiry of his one-year sentence. **Details of trial:** He was sentenced to five years in prison, four of which were suspended by Branch 26 of Revolutionary Court on charges of 'gathering and colluding with intent to harm national security'. The ruling was upheld by an appeal court on 16 October 2012. **Place of detention:** Evin prison, Tehran. **Other information:** Roshan is a poet who has published a collection of poems entitled *There is no Book*. His poetry has been translated into French. **Awards:** He received the [Prix André Verdet du Poète Résistant](#) in June 2013

**Ahmad ZAID-ABADI:**

**Profession:** Journalist who wrote for many newspapers and later a weekly column for *Rooz Online*, a Farsi- and English-language reformist news website **Date of Birth:** 1967 **Sentence:** Six years in prison **Date of arrest:** 21 June 2009 **Date of release:** 21 May 2015 **Details of arrest:** He was arrested in Tehran during the crackdown on protests following the disputed 2009 presidential elections. **Details of release:** On 21 May 2015, he was freed at the end of his sentence. He was immediately transferred to Gonabad to serve the five years of his sentence of forced exile. No further news as of 30 June 2016. **Details of trial:** Zaid-Abadi was among more than 100 opposition figures and journalists who faced a mass televised trial in August 2009 on vague anti-state accusations. In November, he was sentenced to six years in prison, five years of exile in Gonabad, in Razavi Khorasan province, and a lifetime ban on participation in social and political activities. His sentence was upheld on appeal in early January 2010. **Conditions in detention:** He was held in harsh conditions and suffered ill health while in prison. **Awards:** Golden Pen of Freedom Award 2010 and UNESCO/Guillermo Cano World Press Freedom Prize 2011

Released

**Mostafa AZIZI:**

**Profession:** Filmmaker and author **Sentence:** Eight years in prison, reduced to two years on appeal **Date of arrest:** 1 February 2015 **Date of release:** 9 April 2016 **Details of arrest:** Azizi, a permanent resident of Canada, was detained when he returned to Iran to take care of his ailing father. Azizi was initially held in Section 2A of Evin Prison, before being transferred some 33 days later to Section 8 of the same prison. The Committee to Protect Journalists believes that Azizi's charges may have related to his posts on social media, although it is not clear which particular posts or actions led to his detention. **Details of trial:** Azizi's trial began on 1 June 2015 at Branch 15 of the Revolutionary Court in Tehran. One week later, on 8 June 2015, Azizi was sentenced to a total of eight years in prison: five years for 'gathering and colluding against national security', two years in prison for 'insulting the Supreme Leader', and one year in prison for 'acting against national security by spreading propaganda against the system in cyberspace'. On 5 December 2015 he was denied release on bail and an appeal hearing against his conviction; he still had not been sentenced by the end of the year. On 19 March 2016, Azizi was given a two-week furlough for the Iranian New Year. Furthermore, on 24 March 2016, it was reported that an Iranian Appeals Court had upheld his conviction, but reduced his sentence to two years in prison. **Details of release:** Azizi was pardoned under an amnesty granted to several prisoners by Iran's Supreme Leader Ayatollah Khamenei on 29 March 2016. Azizi was released from prison on 9 April 2016, 10 months before the expiry of his sentence. **Health concerns:** Azizi suffers from several pre-existing health conditions, including asthma, diabetes, rheumatism, which are believed to have been exacerbated by the prison conditions. **Background:** Azizi is the author of a book of short stories entitled [My](#)

[Name is Raymond Carver](#), and is a well-known screen-writer and television producer, who has lived in Canada for the last four years. He was formerly chair of the Iranian chapter of the International Animated Film Festival. A prominent figure in the Iranian community within Canada, Azizi has over 1,000 followers on social media. Azizi had left Iran after the 2009 election protests. **PEN Action:** [RAN 09/15](#)

**Rouzbeh GILASIAN:**

**Elaheh SOROUSHNIA (f):**

**Profession:** Writer **Date of arrest:** 14 December 2015 **Date of release:** January 2016 **Current place of detention:** Gilasian was reportedly arrested along with **Elaheh Soroushnia** on 14 December 2015 and held at an intelligence service detention centre in Gorgan, before being transferred to Amir Abad prison. **Details of arrest:** Gilasian and Soroushnia were reportedly arrested at their home in Gorgan. No information has been released regarding the charges laid against them. **Details of release:** According to news reports dated 2 January 2016, Gilasian and Soroushnia were released on bail from Amir Abad prison in Gorgan. **Other information:** Gilasian's published works include *Philosophy on Street* and *Human of Bahman month*, which gives an overview over the educational policies in Iran after the revolution. Like many of his other books, these were not approved by the Ministry of Culture. PEN is seeking to establish whether Soroushnia is also a writer.

**Arash HONARVAR SHOJAEI:**

**Profession:** Blogger, writer, cleric and author of the book *Madar-e-Shari'at*, about the dissident cleric Ayatollah Mohammad Kazem Shariatmadari, who opposed the principle of *velayat-e faqih*, or 'the rule of the learned cleric', which is the basis of the political system in Iran. **Sentence:** Five years and three months in prison, 50 lashes, a fine, and a ban on wearing the clothes of a cleric **Date of arrest:** 28 October 2010 **Date of release:** 2 January 2016 **Details of release:** Honarvar Shojaei was released from Evin prison upon completion of his sentence on 2 January 2016. **Current place of detention:** Special Clerics ward of Evin Prison (Section 325). **Details of trial:** On 2 October 2011 the Special Court for the Clergy convicted him on multiple charges of 'acting against national security', 'espionage' and 'cooperation with foreign Embassies' and sentenced him to four years in prison, 50 lashes and a ban on wearing the clothes of a cleric. Honarvar Shojaei reported in October 2013 during a prison furlough that he had also been charged with 'insulting Imam Khomeini' after expressing his personal opinions in an interview, and was sentenced to a further year in prison, as well as three months in prison for wearing the clothes of a cleric during a furlough. According to the Committee of Human Rights Reporters on 12 June 2013, Honarvar Shojaei was sentenced to 15 additional months in prison: one year for 'insulting the Imam' and 91 days for wearing the clothes of the clergy in violation of the ban on him doing so. **Conditions in detention:** Honarvar Shojaei was reportedly held for several months in solitary confinement and was tortured. **Health concerns:** He reportedly suffers from a number of ailments including epilepsy. He has been granted several furloughs: after being granted medical leave in November 2011, he was returned to prison on 9 January 2012 before being able to complete his medical treatment. Shojaei was released for further treatment in July 2012, and returned to prison in January 2013. He was briefly hospitalised in February 2013.

**Saeed RAZAVI FAGHI:**

**Profession:** Professor of International Relations and PhD student at Tarbiat-Modarres University in Tehran. Member of the steering committee of Iran's main student union, the Office for the Consolidation of Unity. Faghi also worked as journalist for *Sobheh Emrouz*, *Bahar*, *Doraneh Emrouz*, *Bonyan*, *Nowruz*, *Yaseh No*, *Roozonline* and *Vagahyeh Etefaghiyeh* **Sentence:** Three and a half years in prison **Date of arrest:** 5 March 2014 **Date of release:** 6 April 2016 **Details of release:** Faghi reportedly began a hunger strike in April 2016,

during which he sewed his lips together in protest at the Iranian judiciary's lack of accountability. He was allegedly released following this, although the reasons for his release, as well as its conditions, are unknown. PEN is seeking further information. **Details of trial:** Faghi was sentenced to three and a half years in prison in September 2015 for 'insulting the Leader and the Assembly of Experts' and 'spreading propaganda against the system' for several speeches he gave and articles he wrote that were critical of government policy. The charges were brought after he had completed a separate one-year prison sentence for 'spreading propaganda against the system' in connection with the 2009 Green Movement. **Conditions in detention:** Faghi was knifed by other prisoners in November 2015 while trying to mediate a dispute. He subsequently went on hunger strike to protest the lack of action from the prison authorities. **Health concerns:** Faghi is in poor health, exacerbated by poor prison conditions. He underwent heart by-pass surgery in January 2015.

**Jason REZAIAN (US-Iranian national):**

**Profession:** Correspondent at the *Washington Post* **Sentence:** Prison term of unknown length **Date of arrest:** 22 July 2014 **Date of release:** 17 January 2016 **Details of arrest:** Arrested after Iranian security forces raided his home in Tehran in July 2014 along with his wife, **Yeganeh Salehi** (see under Brief detention below). Rezaian spent about five months in solitary confinement. **Details of release:** Rezaian was reportedly released as part of an Iranian prisoner swap with the US, to where he was sent back. **Current place of detention:** Evin Prison, Tehran **Details of trial:** Rezaian was charged in December 2014, most likely with national security offences; however, the charges against him were not made public. Rezaian was tried by Branch 15 of the Iranian Revolutionary Court, which deals with national security crimes and has in the past tried many cases of foreign nationals and Iranians with connections outside the country and accused of national security offences, including espionage. An MP has suggested that Rezaian is facing espionage charges. The Iranian authorities did not allow the first defence lawyer hired by the Rezaian family to represent him, and as Iran does not recognize dual nationality, Rezaian has not been granted any consular assistance. On 1 March 2015 a second lawyer, Leila Ahsan, was approved to represent him and is believed to have met him for the first time on 20 April 2015. Afterwards she said that he was facing four charges including espionage, 'collaborating with hostile governments' and 'spreading propaganda against the system'. Ahsan said that the case file presented no evidence to justify the accusations against Rezaian and that the charges were related to his journalistic pursuit of stories about Iran. Rezaian's trial reportedly ended on 10 August 2015. On 30 August 2015, his lawyer declared that verdict had been issued, but that it had not yet been made public. News reports published in October 2015 also outlined that the verdict was not public, meaning that Rezaian's sentence and the charges against remained unclear. His lawyer confirmed that the conviction included a prison sentence, the length of which was unclear. Although the charges brought against Rezaian remained secret, yet his family suggested that one of them was espionage. In November 2015, a judiciary spokesman confirmed Rezaian had been sentenced to a prison term but did not specify the length. His lawyer was unable to appeal as she had not been given the verdict. **Health concerns:** Rezaian's health reportedly deteriorated as a result of over five months' detention in solitary confinement. **Other information:** Rezaian's family set up an [online petition](#) which included updates on his case. **PEN Action:** Press statement [30 July 2014](#); RAN 06/15.

Case closed

**Fatemeh EKHTESARI (f) and Mehdi MOOSAVI:**

**Profession:** Poets and activists **Sentence:** 11.5 and nine years in prison respectively **Date of arrest:** 6 December 2013 **Date of release:** 14 January 2014 **Details of arrest:** Poets and

activists Fatemeh Ekhtesari and Mehdi Moosavi were due to travel to Turkey for a literary workshop. At the airport they were both informed that they had been placed under travel bans and were summoned for interrogation, which they chose not to attend. Within a few hours they had disappeared. There was no further news of them until 24 December 2014, when it was confirmed that they were being held in Section 2A of Evin prison, which is under the administration of the Intelligence Division of the Islamic Revolution Guards Corps, and where torture and other ill-treatment of detainees is common. The reason for their detention is not known, although some reports suggest that they could have been held because of their lyrics, which have been performed by the Iranian singer in exile, [Shahin Najafi](#). The two had previously made statements critical of the government and in support of pro-democracy movements, and were under escalating pressure in Iran at the time of their arrest. **Details of release:** Released on bail and have since left Iran **Details of trial:** Ekhtesari's lawyer was not granted access to her case file. She was also prevented from attending an appointment with her lawyer after she received a telephone call from her interrogators warning her that she would be killed if she went to Tehran for the appointment. The first session of Ekhtesari and Moosavi's trial took place at Branch 28 of the Tehran Revolutionary Court on 17 May 2014. The pair faced charges of cooperation with foreign media and artists and harming national security. During the hearing, in which the judge made Ekhtesari the focus after throwing Moosavi out of court, neither the defendant nor their counsel were allowed to speak. The court heard testimony, which Ekhtesari contends was falsified, from her interrogation sessions while she was detained in Evin Prison. At the end of the hearing, the judge reportedly ruled that a second hearing would need to take place owing to the seriousness of the case. Two additional charges of 'insulting the Supreme Leader' and 'preparation to carry out terrorism' have been laid against Ekhtesari and Moosavi. A court hearing reportedly took place in December 2014 but the trial had not concluded at the end of the year. On 12 October 2015, Ekhtesari and Moosavi were sentenced to 11.5 and nine years in prison respectively, for crimes including 'insulting the holy sanctities'. They were also sentenced to 99 lashes each for 'illicit relations'. An appeal against their sentence was heard on 23 December 2015. **Other information:** Even after their release, Ekhtesari reports suffering continued harassment at the hands of the security forces. Pressure from the authorities led to Ekhtesari being fired from her job as a midwife in a local clinic. She reports receiving regular harassing telephone calls from her interrogators, while news agencies allied with the authorities publish articles about her. Ekhtesari's computer was returned to her with the hard drive wiped, effectively destroying her entire catalogue of works. They were reportedly briefly detained on 3 July 2014 in the city of Khoy, in northern Iran, but were released the following day. On 8 May 2015, the 28<sup>th</sup> Tehran International Book Fair took place and Ekhtesari's selected poems were banned from the fair. **PEN Action:** [RAN 01/14](#) and updates [# 1](#) and [#2](#) and [#3](#), Statement [14 October 2015](#). Case closed.

**Solmaz IKDER (f):**

**Profession:** Journalist at newspaper *Farhikhtegan* and other reformist media **Date of sentence:** 9 November 2015 **Sentence:** Three years in prison **Details of sentence:** According to Reporters Without Borders, Ikder was arrested on 16 June 2015 in Tehran airport. Reportedly, she was later released on bail of 200 million toman (around \$150,000). Later, on 9 November 2015, she received a three-year jail sentence on charges of 'insulting the Supreme leader' and 'anti-government publicity'. She has left the country. **Background:** Ikder had already been convicted in 2008 for covering the demonstration in memory of political prisoners executed in 1998. According to International Campaign for Human Rights in Iran, she was given a six-month suspended prison sentence and was expelled from university. Ikder was also convicted in 2011 for attending the burial of Hoda Saber, a

journalist who had died after going on hunger strike and ill-treatment by authorities in Evin prison. Case closed.

**Shiva NAZAR-AHARI (f):**

**Profession:** Reporter for the Committee of Human Rights Reporters **Date of Birth:** 1985  
**Sentence:** Four years in prison **Date of arrest:** 8 September 2012 **Date of release:** Nazar-Ahari was temporarily released on bail in September 2013; could be returned to prison at any time. **Details of arrest:** She was arrested on 14 June 2009 at work following the disputed presidential election. She was charged with 'moharebeh' ('waging war against God'), 'spreading propaganda against the system' and 'gathering and colluding against national security' for her alleged participation in political gatherings in 2009. She was released on 13 October 2009 on bail equivalent to US\$200,000, but was re-arrested on 19 December 2009 on her way to Qom to attend the funeral of Grand Ayatollah Montazeri. According to her mother, in April 2010, Shiva Nazar-Ahari was charged with 'causing unease in the public mind through writing on the CHRR's website and other sites' and 'acting against national security by participating in [anti-government] demonstrations on 4 November 2009 and 7 December 2009.' Shiva Nazar-Ahari denied attending the demonstrations, saying that she had been at work on those days. Released on bail on 12 September 2010. No further news as of 30 June 2016. **Details of trial:** In a lower court hearing on 4 September 2010, she was sentenced to six years in prison, exile to Izeh, and 74 lashes. In January 2011, it was reported that Branch 36 of the Tehran Appeals Courts had acquitted Shiva Nazar-Ahari of the charges of 'gathering and colluding against national security,' reducing her sentence to four years in prison and also changed her exile location from Izeh to one of the prisons in Karaj. She remained free on bail until she was summoned to serve her four-year sentence on 8 September 2012. Nazar-Ahari was temporarily released on a three-day furlough on 12 March 2013 and in September 2013 and remains free on bail. **Awards:** 2011 Theodor Haecker prize **PEN Action:** International Women's Day action 2014. Case closed.

## IRAQ

*Since mid-2014 the armed group calling itself Islamic State (IS) has taken control of large areas of northern Iraq. Journalists, writers and human rights activists are amongst those to be targeted by IS, and the media landscape in areas of IS control is now desolate. Information is suppressed or inaccessible in the cities that Islamic State has seized or is besieging, and all independent media outlets have been closed down. Journalists are now forced to cover events from a distance and indirectly in order to protect themselves. There is a climate of censorship and terror in which journalists cannot function normally. Islamic State has held and killed journalists. In October 2014 it was reported that the group has also issued a list of names of 50 journalists and media workers who are personally threatened. An estimated 70% of journalists in Mosul have fled the city, and most of those who remain are in hiding and unable to work. Many journalists are reported missing or killed, though reports are difficult to verify.*

Killed: impunity

**Thaer ALALI:**

**Profession:** Editor-in-chief of the local independent newspaper *Rai' al Nas*. **Date of birth:** 1959 **Date of death:** 26 April 2015 **Details of death:** Alali was reportedly murdered by Islamic State in the northern city of Mosul days after being abducted while making phone calls in the city's al-Dawasa district. The militants reportedly confiscated his phone and,

upon finding contacts for Iraqi government officials, accused him of being an informant for the Iraqi government and the media. Several human rights organisations have requested that the Iraqi authorities start an investigation of Alali's death. As of 30 June 2016 it is not clear if any investigation has been carried out; PEN is seeking an update. **Background:** Alali had criticised the Islamic State group on his Facebook profile. On 9 June 2014, he wrote a post that called on Mosul residents to unite against Islamic State forces. The militant group completely overran the city the next day. He was also the vice president for the Iraqi nongovernmental organisation Iraqi Family, which advocates on behalf of Iraqi children and women

**Mohanad AL-AQIDI:**

**Profession:** The Sada news agency's Mosul correspondent and a former presenter on now closed Aa-Mowseliya TV **Details of killing:** Al-Aqidi was kidnapped in July 2014 on his way to Dohuk province, he was shot several times. According to Reporters Without Borders, sources close to his family suggest that al-Aqidi had been detained in Badush prison, used by Islamic State. His body was brought to a forensic medical centre in Mosul where signs of torture and gunshot injuries in his head were reportedly discovered. **Details of investigation:** There is no information about any investigation being opened.

**Raed AL-JOUBOURI:**

**Profession:** Journalist for the newspaper *Azzaman* and host of business program on Al Rasheed TV. **Date of death:** 5 May 2015 **Details of death:** Al-Joubouri was reportedly found dead in his home in the Qadissiyah district of east Baghdad. He had been shot several times. Several human rights organisations have requested that the Iraqi authorities start an investigation of al-Joubouri's death. As of 30 June 2016 it is not clear if any investigation has been carried on; PEN is seeking an update. **Background:** Al-Joubouri was critic of Iraqi politics and feared for his life, to the point that he had given those close to him a list of contacts to be alerted if anything happened to him, according to the Journalistic Freedoms Observatory.

**Samira Saleh AL-NAIMI (f):**

**Profession:** Lawyer and human rights advocate **Details of killing:** Al-Naimi was reportedly executed by armed men linked to Islamic State (IS) on 22 August 2014 in a plaza in the city of Mosul. Al-Naimi had been abducted from her home one week earlier, after she had written about the damages inflicted to the city of Mosul's landmarks, describing them as barbaric. Several human rights organisations have requested that the Iraqi authorities start an investigation of al-Joubouri's death. As of 30 June 2016, it is not clear if this investigation has been carried on; PEN is seeking an update. **Other information:** Al-Naimi was one of Iraq's most prominent activists, particularly in defending detainees and supporting deprived families in Mosul.

**Suahaah Ahmed RADHI (f):**

**Profession:** Newspaper editor in Nineveh **Date of death:** early July 2015 **Details of death:** According to the Iraqi Journalists Syndicate she was kidnapped from her home and killed by Islamic State extremists. As of 30 June 2016 it is not clear if any investigation has been carried on; PEN is seeking an update.

## ISRAEL

Detained- main case

**\*Dareen TATOUR (f)** (Palestinian)

**Profession:** Poet, photographer and activist **Date of arrest:** 10 October 2015 **Details of arrest:** Reports claim that Tatour was arrested from her home at 3am by the authorities, who possessed neither search nor arrest warrant. Tatour spent three months in detention in different Israeli prisons before being placed under house arrest outside Tel Aviv, where she was forced to wear an electronic surveillance device around her ankle. The immediate reason for Tatour's detention appeared to be a status she posted on Facebook in relation to a Palestinian woman who had recently been shot by Israeli police. Posting a picture of the injured woman, Tatour wrote underneath: 'I will be the next martyr'. On 2 November 2015, she was charged with 'support for a terrorist organisation' under articles 4(b) and 4(g) of the Prevention of Terror Ordinance (1948), and multiple counts of 'incitement to violence' under article 144(d)2 of the Penal Code, according to the indictment. These charges relate to a [Youtube](#) video posted on her own video channel in which Tatour recites a poem entitled 'Resist, my people, resist them'. In the video, the poem is set to music against a backdrop of video footage of Palestinian youths throwing rocks at Israeli soldiers, as well as to three of Facebook posts. Tatour denies the charges and claims the authorities have fundamentally misconstrued the meaning of her post and the poem. **Current place of detention:** House arrest in her home village of Reineh **Details of trial:** It has been reported that, during the first hearing of Tatour's trial on 13 April 2016, the policeman who translated her poem for the court was called as a witness to explain the alleged incitement contained in the poem. He reportedly cited his studies of literature at school and love of the Arabic language as the necessary qualifications for translating the poem. The next hearings are expected to take place on 17 July and 6 September. **Other information:** an editorial in the Israeli newspaper Ha'aretz has reportedly called for her release, calling her a 'political prisoner'. An interview with Dareen Tatour, after her return to her village, can be read [here](#). Tatour is the author of a book of poetry called *The Last Invasion* which was published by Mutbaat il-Balad in 2010. **Background:** According to the [Electronic Intifada](#), Tatour is also the director of a short documentary. [**Stop press:** Tatour's most recent hearing, to have her transferred from house arrest in Tel Aviv to Reineh, was set for 17 July, but postponed until 25 July. At the end of the 25 July hearing, Tatour was re-arrested and taken to Jelemech detention center, because the court was not presented with a report from the company which provided her ankle monitor. Tatour was returned to her home village of Reineh on 26 July to continue her house arrest after the court was presented with the report.] **PEN Action:** Mentioned in [25 April 2016 statement](#) **PEN Position:** After reviewing the charge sheet and the evidence against her, including the video and Facebook posts, PEN has concluded that Dareen Tatour has been targeted for her poetry and activism and is calling for her immediate and unconditional release.

#### Judicial concern

**PEN Position on administrative detention:** *PEN considers the use of administrative detention – a form of detention without charge or trial imposed for periods of up to six months, renewable an infinite number of times – to violate Israel's obligation to respect the right to a fair trial, as guaranteed by Article 9 of the International Covenant on Civil and Political Rights, to which Israel is a state party. It calls for the release of all writers held under administrative detention orders, unless they are to be charged with a recognisably criminal offence and tried promptly and fairly.*

**\*Omar NAZZAL:**

**Profession:** Director of ClacketMedia and communications office in Ramallah, freelance journalist and member of the General Secretariat of the Palestinian Journalists' Syndicate in the West Bank **Date of arrest:** 23 April 2016 **Details of arrest:** Arrested at Allenby Bridge

while crossing to Jordan en route to the General Meeting of the [European Federation of Journalists](#) in Bosnia-Herzegovina and taken to the Etzion detention centre. **Current place of detention:** Ofer Prison, West Bank **Details of trial:** Held under administrative detention without charge or trial. Order issued on 2 May for four months, expiring on 22 August 2016. On the grounds that Nazzal was an activist for the Popular Front for the Liberation of Palestine (PFLP) and posed a danger to regional security. The order was upheld on 8 May 2016 after a judicial review where no evidence was revealed to Nazzal and his lawyer. The detainee's lawyer, Mahmoud Hasssan, emphasized that since his previous arrest in 1988 Nazzal had not been arrested nor interrogated on security grounds; secondly, that Nazzal has been working as a journalist for years and has been a member of the Palestinian Journalists syndicate for six; and that he is a representative of the national syndicate to the International Journalists' Network (IJNET). Through this work, the lawyer argued, Nazzal is required to participate in various events and meet with a variety of individuals to gain access to verified information as a journalist. The lawyer further clarified that there is absolutely no evidence that Nazzal had deviated from his responsibilities as a journalist, and argued that his arrest was therefore political, intended to target Nazzal for his investigative journalism. **PEN Action:** [Statement](#) 25 April 2016 [**Stop Press:** Nazzal's administrative detention orders were renewed in August and November 2016]

**\*Musaab KHAMEES QAFESHA:**

**Profession:** Journalism student **Date of arrest:** 29 March 2016 **Details of arrest:** Qafesha was allegedly arrested by Israeli soldiers at his home in the town of Hebron. According to Quds news website, when Qafesha told the soldiers that he was a journalism student at Hebron University, they responded 'That's him'. He was held at the Elzion Detention Center for eight days until he was transferred to Ofer Prison in Ramallah. **Current place of detention:** Ofer Prison, West Bank **Details of trial:** According to his father, Qafesha appeared before a military court for a hearing on 6 April 2016, at which they ordered him to be held for four months' administrative detention for alleged ' Hamas-related activities'. Qafesha's arrest is thought to be in connection with his journalism. His most recent article for Quds news website was reportedly based on the translation of a video broadcast on Israel's Channel 2 news about an Israeli soldier who incorrectly believed he was about to be stabbed by a Palestinian man. According to reports, Qafesha's appeal was denied at a hearing on 1 June 2016, and he will remain in administrative detention. **Background:** Qafesha is a journalism student at Hebron University, and has written articles for Quds news website as well as the Filisteen Post, which publishes news reports through a Facebook page. He has been detained twice before; once for six months in 2012, and again for eight months in 2014.

**\*Mohammed AL-QIQ:**

**Profession:** Correspondent for Almajd TV network and journalist at Arabi21 news website **Date of arrest:** 21 November 2015 **Date of release:** 19 May 2016 **Details of arrest:** Al-Qiq was reportedly arrested by the Israeli military from his home in Ramallah. He was initially taken to a detention centre in the illegal Israeli settlement of Beit El, before being transferred to a detention centre in Jerusalem, and then the Kishon (Jalameh) detention centre, near Haifa in Israel. **Details of release:** On 26 February 2016, it was reported that a deal had been struck between the Israeli authorities and al-Qiq's lawyers in which al-Qiq would be released from detention on 21 May 2016 without charge or trial. His detention would not be renewed under the terms of the deal. Al-Qiq was in fact released two days earlier than the agreed date, on 19 May. **Details of trial:** On 17 December, al-Qiq received a six-month administrative detention order. On 24 December, at a hearing at Ofer Military Court, al-Qiq saw his lawyer for the first time. His administrative detention order was confirmed by a military judge on 30 December. His appeal, heard on 13 January 2016, was rejected by the Military Court of Appeals prior to the Supreme Court ruling of 4

February 2016. While the evidence against him remained secret, the military judge at Ofer Military Court reportedly told al-Qiq that he was accused of 'incitement', of working with media associated with Hamas and also of being a 'threat to the security of the area'. On 4 February 2016, al-Qiq's detention was suspended by the Israeli Supreme Court due to health concerns, leaving him in legal uncertainty. The authorities demanded that al-Qiq remain in HaEmek hospital in Afula. Al-Qiq rejected the suspension and asked to be transferred to a hospital in the occupied West Bank. The court did not comply but offered al-Qiq the option of being transferred to al-Makassed hospital in East Jerusalem, which al-Qiq did not accept. On February 7, it was reported that the Israeli military court had offered to release al-Qiq early on 1 May, an offer which he also rejected, instead demanding an immediate end to his administrative detention. Al-Qiq's lawyers demanded that a firm release date be set for 21 May. On 25 February 2016, Palestinian and Israeli officials reached an agreement to release al-Qiq on 21 May. **Conditions in detention:** According to Addameer, a Palestinian prisoners' rights organisation, and his lawyer, al-Qiq was tortured during his two-week interrogation by the Israel Security Agency, and denied access to his lawyer. Following his interrogation, he was transferred to Ramleh prison clinic. **Health concerns:** Al-Qiq began a hunger strike on 25 November 2015 in protest at his ill-treatment during interrogation. As his health deteriorated due to his hunger strike, he was transferred to HaEmek Hospital in Afula, in Northern Israel. On 4 February 2016, Israel's Supreme Court suspended al-Qiq's administrative detention as a result of the severe deterioration of his health. However, this suspension did not amount to a rescission of his detention order. He remained in hospital, reportedly shackled by his arms and legs to the bed, despite his medical condition. On 26 February 2016, Al-Qiq ended his hunger strike as part of a deal with Israel in which he was released from detention on 21 May 2016. **PEN actions:** RAN 03/16 - [9 February 2016](#).

#### Released

#### **Amin ABU WARDEH:**

**Profession:** Director of the privately owned news website *Asdaa Press* **Date of arrest:** 15 April 2015 **Date of release:** 26 November 2015 **Details of arrest:** Abu Wardeh was arrested in a dawn raid on his home in the West Bank city of Nablus by Israeli security forces, according to news reports and his employer. Abu Wardeh's wife, Um Omar, told local press freedom group the Palestinian Center for Development and Media Freedom (MADA) that Israeli security forces interrogated her husband for an hour at their home before taking him to an unknown location. Soldiers searched their home and confiscated three laptops and her husband's phone. **Details of trial:** Abu Wardeh was placed under administrative detention, a form of detention without trial, for six months (renewable). An Israeli military court reduced Abu Wardeh's administrative detention from six months to three in May 2015. The order was renewed for a further six months on expiry on 13 July 2015. On 2 July 2015 the Israeli military officials claimed that intelligence indicated he was a senior Hamas activist who posed a 'danger to the regional security.' Colleagues have pointed to his ongoing documentation of human rights violations by Israeli forces as a possible reason for his detention. According to news [reports](#), on 15 October 2015 his family was not allowed to visit him in prison. Reportedly, his wife was told that it was because he and other inmates were punished. **PEN Position:** PEN International opposes the widespread use of administrative detention to imprison journalists and other writers, and is calling for Amin Abu Wardeh to be released if he is not to be charged with a recognizably criminal offence.

#### **JORDAN**

## Detained – investigation

### **Ahmed AL-TALAWI**

**Profession:** Poet **Date of arrest:** 5 December 2015 **Details of arrest:** Local news reports suggest that al-Talawi was arrested in the city of Irbid on 5 December 2015. The reasons behind his arrest are unknown. No further news as of 30 June 2016; PEN is seeking information as to whether he is still detained.

## On trial

**Hashem AL-KHALIDI, Profession:** Owner of news website *Saraya News*

**Seif OBEIDAT, Profession:** Editor in-chief news website *Saraya News*

**Date of arrest:** 28 January 2015 **Date of release:** 8 March 2015 **Details of arrest:** Both were detained in relation to an article published in *Saraya News*. **Details of release:** After being held in Marka prison they were released on bail on 8 March 2015. **Details of trial:** The two journalists were accused of ‘spreading false news’ and ‘aiding terrorism’, charges which could carry a sentence of up to 15 years in prison. They were still awaiting trial before the State Security Court at the end of 2015. No further news as of 30 June 2016; PEN is seeking further information. **Background:** The article that was published reportedly claimed, incorrectly, that the Jordan government was in negotiations with Islamic State (IS) and that they had exchanged a woman involved in the 2005 Amman hotel bombings for a Japanese journalist held by IS rather than for al-Kasasbeh, the Jordan pilot abducted by IS. A few days later, the Jordan authorities executed the woman, proving that the news was incorrect.

## Released

### **Jamal AYOUB:**

**Profession:** Freelance columnist **Sentence:** Four months in prison **Date of arrest:** 22 April 2015 **Date of release:** 25 October 2015 **Details of arrest:** Ayoub was arrested on 22 April 2015 accused of ‘disturbing Jordan’s relation with a foreign state’ under the terrorism law. The case was brought before the State Security Court in connection with an article he published. **Details of trial:** According to the [Jordan Times](#), on 25 October 2015, Ayoub was sentenced to four months in prison by a military tribunal. This sentence was reportedly replaced by fines as he had already served the time in custody and he was released. The owner, **Hassan Sufeirah**, and Editor-in-chief, **Osama Al Ramini** (see below) of *Al Balad* news website that published Ayoub’s article were given three-months jail terms, which were also replaced by fines. In addition, the news website was fined with 200 Jordanian dollars (around US\$ 282) under the Electronic Criminal Law. **Other information:** Other Jordan journalists have been charged with the offence of ‘disturbing relations with a foreign state’, which prohibits journalists criticising other governments. According to Human Rights Watch, in early 2014 this charge was removed from the jurisdiction of the State Security Court. However, this reform was reversed in April 2014 when the provision was added to anti-terror legislation, with penalties from three to 20 years in prison. After his release, Ayoub [published a letter of thanks](#) to all those who had supported him. **Background:** The article that Ayoub published was very critical of Saudi Arabia’s role in the war in Yemen.

### **Zaki Bani IRSHAID:**

**Profession:** Senior leader for the Muslim Brotherhood **Sentence:** 18 months in prison **Date of arrest:** 20 November 2014 **Date of release:** 4 January 2016 **Details of the arrest:** Irshaid is said to have been arrested in relation to a comment he posted on Facebook and other social media which was critical of the United Arab Emirates. He was at a meeting at his

party's headquarters in Amman at the time of his arrest. **Details of release:** Irshaid was reportedly released from prison on 4 January 2016, after completing two-thirds of his 18-month prison term. **Place of detention:** Marka prison, east Amman. Irshaid requested his release on bail on 24 November 2014, but it was denied. **Details of the trial:** It has been reported that in one comment, Irshaid accused the UAE of allegedly sponsoring terrorism, as well as questioning the legitimacy of its leaders. He was charged on 8 December 2014 with committing acts not sanctioned by the government and harming relations with a friendly country. Irshaid's defence team issued a public statement defending his comments as exercising his freedom of expression. On 15 February 2015, it was reported that Bani Irshaid was sentenced to 18 months in prison (reduced from three years) by the State Security Court. His lawyer claimed that it is against the Jordanian constitution to be judged in a military court as a civilian; on 15 March 2015 he appealed the sentence. The sentence was upheld by the Court of Cassation on 15 April 2015. According to news reports, on 24 December 2015 a spokesperson of Islamic Action Front suggested that Irshaid would be released on 4 January 2016 on expiry of his sentence.

## KUWAIT

*According to the Arabic Network for Human Rights Information (ANHRI), Kuwait is at the forefront of the countries that prosecutes Twitter users. During 2013-2014, the number of cases reached almost 280 cases. It also has one of the highest number of 'insulting the Emir' cases, totalling some 160 cases over the last three years. According to a study conducted by ANHRI entitled #Turn\_Aroundand Go\_Back, most cases relate to tweets, whereas others relate to speeches and articles. A number of [books were also banned](#) from the 40<sup>th</sup> Kuwait International Book Fair held in 2015. A new law on cybercrimes was passed in 2015 which will come into effect in 2016, placing further restrictions on online freedom of expression.*

### Imprisoned - main case

#### **Hamad AL-NAQI:**

**Profession:** Blogger **Sentence:** 10 years in prison **Date of arrest:** 27 March 2012 **Expires:** 26 March 2022 **Details of arrest:** Al-Naqi was arrested on 27 March 2012 on charges of insulting the Prophet Muhammad, his wives and companions, and harming the interests of the country by allegedly mocking the rulers of two countries of the Gulf Cooperation Council (GCC) and 'publishing false news abroad' through his mobile phone via Twitter. Al-Naqi denied all charges and stated that his twitter account had been hacked. His mobile records were searched and it was confirmed that he did not use Twitter from the mobile. However, security forces claimed that he has another mobile in his possession which he had used to access a Twitter account. **Current Place of Detention:** Al-Naqi is believed to be held in Kuwait Central Prison **Details of trial:** On 4 June 2012, a criminal court in the capital, Kuwait City, sentenced Hamad al-Naqi to 10 years in prison. He was convicted for tweets criticising the rulers of neighbouring countries on the basis of article 15 of the National Security Law, which sets a minimum three-year sentence for 'intentionally broadcasting news, statements, or false or malicious rumours...that harm the national interests of the state.' The court also convicted al-Naqi for a tweet allegedly insulting the Prophet Mohammed and his wife Aisha under article 111 of the Penal Code, which prohibits mocking religion and carries a maximum one-year sentence. On 28 October 2013, the Kuwaiti Court of Appeals upheld al-Naqi's conviction and confirmed his sentence. On 21 July 2014, the Court of Cassation upheld his conviction and sentence. No further news as of 30 June 2016. **Conditions in detention:** On 18 April 2012, al-Naqi was stabbed in his neck by another prisoner who had apparently objected to what al-Naqi had written. According to al-Naqi's lawyer, the incident took place

after the prison's administration spread the news that al-Naqi had insulted the Prophet. **PEN Action:** RAN 31/12 – 26 June 2012

#### On trial

##### **Mohammed AL-AJMI (pen name: Abo Asam):**

**Profession:** Blogger, human rights activist and member of the National Committee for Monitoring Violations **Date of arrest:** 28 January 2015 **Date of release:** 1 February 2015

**Details of arrest:** According to the Gulf Centre for Human Rights (GCHR) al-Ajmi was arrested by unidentified men. His family later received a call from the State Security Apparatus demanding al-Ajmi's medication. On 29 January 2015, al-Ajmi was transferred to the Public Prosecution for Investigation without having access to a lawyer. He was later sent to the State Security Apparatus where he was detained until 1 February 2015. **Details of trial:** It is believed that al-Ajmi's arrest is related to tweets he published which allegedly insulted the late King of Saudi Arabia, King Abdullah. He has been charged with offending the Saudi royal family and harming the image of human rights in Saudi Arabia. If convicted, he could face a sentence of three years of prison. No further news as of 30 June 2016.

**Background:** Abo Asam is a well-known activist with over 115,000 followers in his Twitter account. In April 2014, he was briefly arrested for tweets which reportedly made fun of the Emir Sheikh Sabah al-Sabah and the royal family. On 27 August 2014, al-Ajmi was summoned by the Department of Criminal Investigation, and was arrested again on his arrival. His second arrest was linked to a comment posted on his Twitter account regarding the group Jamiya, from the Islam Salafi sect. This comment was seen as offensive by the authorities. On 31 August 2014, some of his followers and fellow activists demonstrated outside the National Assembly demanding al-Ajmi's release. Al-Ajmi was charged with 'blasphemy', and was released on bail on 4 September 2014, pending trial.

##### **Sagar AL-HASHASH:**

**Profession:** Online activist **Sentence:** 2 years in prison **Date of arrest:** March 2013 **Date of release:** 30 September 2013 **Details of arrest:** Al-Hashash was allegedly arrested for posting comments on his [blog](#) and via his Twitter account, in October 2012, which supposedly insulted Sheikh Jaber al-Ahmad al-Jaber al-Sabah, the country's emir, as well as calling for a coup in Kuwait. **Details of the trial:** On 7 March 2013, a criminal court sentenced him to two years in prison. On 30 September 2013, he was acquitted by a first instance court and released. In late 2014, Kuwait's Supreme Court was due to take a final decision. On 5 January 2015, the Supreme Court reportedly upheld al-Hashash's two-year prison sentence and ruled that he had to complete his remaining 20 months in prison. Al-Hashash is reportedly [outside the country](#). Al-Hashash was [acquitted](#) in May 2015 of charges that he had 'insulted Saudi Arabia' via Twitter. In April 2015, he was sentenced in absentia to 10 years in prison for a tweet allegedly giving information about how to make a Molotov cocktail. The case was returned [to the criminal court](#) by the court of appeal in July 2015.

#### Conditional release

##### **Abd al-Aziz AL-MUTAIRI:**

**Profession:** Social media user **Date of arrest:** 26 January 2015 **Date of release:** 15 March 2015 **Details of arrest:** According to ANHRI, al-Mutairi was arrested for posting a tweet about the death of Saudi King Abdullah bin Abdulaziz on a Twitter parody account called 'Carlos'. The Kuwaiti authorities saw the tweet posing a danger to Kuwait concerning severing ties with a brotherly country (Saudi Arabia). **Details of release:** Al-Mutairi was released on 15 March 2015 on a bail of 3000 Dinars (about 9000 US\$). **Details of trial:** Al-

Mutairi was accused by the Public Prosecution of harming the national interests of the country and insulting the late king Abdullah, and on 18 January 2015, he was sentenced to five years in prison. Al-Mutairi denied that he was the owner of the twitter account.

**Conditions of detention:** According his lawyer's statements to the media, al-Mutairi was subjected to torture during his detention at the state security service's building.

#### Released

##### **Saleh AL-MULLA**

**Profession:** Former member of parliament and social media user **Date of arrest:** 6 January 2015 **Date of release:** 11 January 2015 **Details of arrest:** Al-Mulla was held in connection with a series of tweets criticising the relationship between Kuwait and Egypt. **Details of release:** He was released on bail of 2000 Kuwaiti dollars (about US\$6,800) **Details of trial:** Al-Mulla was charged with 'insulting the Amir', 'insulting Egypt's president' and 'endangering bilateral relations', based on tweets he posted during Egyptian President el-Sisi's official visit in January 2015. Al-Mulla's trial was due to begin in February, but was postponed till 26 April 2015. **Update:** Al-Mulla appeared before the Appeal Court in Kuwait on 9 March 2016, and was acquitted of 'insulting the Amir'.

#### Case closed

##### **Saleh AL-SAEED:**

**Profession:** Blogger **Sentence:** Six years in prison **Details of trial:** Hani Hussain, al-Saeed's lawyer, said that Kuwaiti authorities charged al-Saeed after the Saudi embassy in Kuwait City complained to the Foreign Affairs Ministry and demanded his prosecution. On 30 December 2014, a court of first instance convicted al-Saeed under article 4 of the country's 1970 National Security Law, which makes it a criminal offence to commit a hostile act against a foreign country that disrupts Kuwait's political relations with that country or exposes Kuwait to a risk of war. The court sentenced al-Saeed to four years in prison and released him on bail pending an appeal. On 18 February 2015, an appellate court increased al-Saeed's sentence to six years and ordered his detention until a hearing before the Court of Cassation on 21 May. Al-Saeed appealed his sentence but Kuwait's Court of Cassation upheld the six-year sentence on 12 June 2015. He went into hiding after the rejection of his appeal. No further information on his whereabouts as of 30 June 2016. **Background:** A friend of al-Saeed told Human Rights Watch that he posted 16 tweets in October 2014 that accused Saudi Arabia of carrying out land grabs in the neutral zone between it and Kuwait to exploit the area's oil reserves, and criticised the Kuwaiti authorities for failing to speak out. Case closed.

## **LEBANON**

#### Harassed

##### **\*Nabil AL-HALABY:**

**Profession:** Lawyer and Director of the Lebanese Institute for Democracy and Human Rights [LIFE] **Date of arrest:** 30 May 2016 **Date of release:** 31 May 2016 **Details of arrest:** Al-Halaby was reportedly arrested by Internal Security Forces in a dawn raid of his home. His arrest was ordered after two libel suits were filed against him by the Interior Minister and one of his senior advisers in relation to Facebook posts he had made. **Details of release:** Al-Halaby was detained overnight and released the next day after signing a pledge to stop any

‘personal slander’ against the Interior Minister and agreeing to withdraw his Facebook posts. **Background:** The libel suits were reportedly filed on 12 April 2016 in response to Facebook posts al-Halaby wrote, alluding to Lebanese officials’ alleged complicity in a sex trafficking ring outside of Beirut which was exposed in March 2016. In one post, dated 4 April 2016, al-Halaby denounced corruption within the Interior Ministry and alluded to Interior Minister's knowledge of the sex trafficking ring.

**\*Christine TOHME (f)**

**Profession:** founder and director of the Lebanese Association for the Plastic Arts and author of many articles **Date of harassment:** 19 January 2016 **Details of harassment:** Tohme’s application for a renewal of her passport was suspended by the Directorate of General Security, and her passport confiscated due to a warrant against her. Tohme said in a Facebook post, ‘*I have no doubt that this warrant is directly linked to the domain of my work, as a director of the Lebanese Association for the Plastic Arts, Ashkal Alwan.*’ Her passport was returned on 24 January. According to the blog [Artinfo](#), the measure could have been linked to a crackdown on cultural activists following an anti-government ‘You Stink’ protest some months earlier in which many artists participated.

## LIBYA

### Sentenced

**Amara Hassan AL-KHITABI (also al-KHATTABI):**

**Profession:** Editor of the newspaper *Al-Umma* **Sentence:** Five years in prison **Date of arrest:** 19 December 2012 **Details of arrest:** Al-Khitabi was reportedly arrested in connection with an article he published on 21 November 2012, alleging corruption within the judiciary. He was held incommunicado in Hudba prison, Tripoli, until his release. **Date of release:** Released on bail on 23 April 2013. **Details of trial:** His trial on charges of ‘insulting the judiciary’ began on 18 February 2013. On 17 August 2014, the Court of Appeals in Tripoli sentenced al-Khitabi to five years in prison in absentia, along with a five-year suspension of his civil rights and a five-year ban on practising as a journalist. He was charged with Articles 195, 245 and 251 of the criminal code, which criminalise insults to judicial, legislative and executive bodies (Art. 195); insults to public officials and members of the judiciary (Art. 245); and exercising a profession without the required permission (Art. 251). The five-year prison sentence was notified to al-Khitabi on 17 November 2014. He announced he would appeal. Believed to remain free as of 30 June 2016. **Health concerns:** Al-Khitabi suffers from hypertension, diabetes and a prostate condition; his health deteriorated sharply in prison. His lawyer requested that a travel ban imposed on al-Khitabi be lifted to allow him to travel abroad for medical treatment. On 21 August 2013, the travel ban was lifted by a judge at the Tripoli Appeals Court, who ordered the return of his passports. He was then able to travel to Jordan for medical treatment, but later returned to Libya.

## MOROCCO

### Imprisoned – main case

**Mustafa EL-HASNAOUI (also EL-HESNAWI):**

**Profession:** Journalist for the Moroccan newspaper *Al Sabeel*, blogger, and a member of Al Karama Forum for Human Rights. **Sentence:** Three years in prison **Date of arrest:** 16 May

**2013 Details of arrest:** El-Hasnaoui was summoned to appear for interrogation by the National Brigade of the Judicial Police and placed under arrest. **Current place of detention:** Kenitra Prison **Details of trial:** El-Hasnaoui was convicted on 11 July 2013 and sentenced to four years in prison for 'creating a terrorist organisation that threatens national security and stability'. The sentence was reduced to three years' imprisonment on appeal on 28 October 2013. PEN International fears that el-Hasnaoui's imprisonment may be related to his human rights activities defending the rights of Islamist detainees and his public stance on the matter. During the trial, el-Hasnaoui was repeatedly questioned about 'the nature of his relationship' with leaders of Islamist groups. Amongst the specific activities on which the sentencing was based are meetings with detainees. **Conditions in detention:** In July 2015, El-Hasnaoui was placed in an isolation cell for 18 days, where he nearly suffocated due to a gas leak in the prison. Reports from early January 2016 indicated that el-Hasnaoui had been placed in the prison's isolation unit. **Health Concerns:** In July 2014, he was hospitalised two weeks after beginning a hunger strike in protest against his continued imprisonment. **Background:** El-Hasnaoui is known for defending the rights of detainees from the Islamic movement, as well as for being a vocal opponent of anti-terrorism legislation and its use against individuals not involved in terrorist activities. Shortly before his arrest, el-Hasnaoui published an article about veiled female students who had been banned from school because of the length of their veil. **Other information:** The UN Working Group on Arbitrary Detention (WGAD), in its opinion [No 53/2013](#), found el-Hasnaoui's imprisonment to be arbitrary, and called for his immediate and unconditional release and for him to receive compensation. WGAD considered that the accusations against el-Hasnaoui make no mention of any violent, let alone terrorist, activity; that he was not charged with any act of terrorism; that his activities as a human rights defender, an intellectual and a journalist appear to be entirely legitimate and that neither the examining magistrate nor the trial court found that any act that could be construed as a criminal offence had been committed.

#### On trial

##### **Ali ANOUZLA:**

**Profession:** Editor of the Arabic-language version of the news website *Lakome.info* **Date of arrest:** 17 September 2013 **Details of arrest:** Arrested for posting an article that contained a link to a video posted by Al-Qaeda in the Islamic Maghreb (AQIM). Access to both Arabic and French-language versions of the website have been blocked in Morocco since 17 October. **Date of release:** Anouzla was released on bail on 25 October 2013 **Details of trial:** He was charged with advocating terrorism and aiding terrorists. Facing charges of providing 'material assistance' to a terrorist group, 'defending terrorism' and 'inciting the execution of terrorist acts.' The charges carry a possible sentence of 10 to 30 years in prison. At a trial hearing on 30 October 2013, the case was adjourned till 23 December 2013, at which it was further postponed until 20 May 2014. On 21 May 2014, the judge further delayed the hearing indefinitely. As of 30 June 2015 he remained free but the case against him remains open. On 10 August 2015 Ali Anouzla decided to reopen the news site under the name *Lakome 2*. On 26 November 2015 he was summoned before the judge in relation to the case against him. **Update:** On 21 January 2016, Anouzla was reportedly charged with 'undermining national territorial integrity', though these charges were later dropped on 24 May 2016. Anouzla's original charge of defending terrorism remains outstanding. **Background:** On 24 December 2015, Anouzla was reportedly summoned for interrogation in relation to comments made during an interview with German newspaper *Bild* in November 2015. His summons was issued because he had allegedly used the term 'occupied Western Sahara' during the interview. **Awards:** On 13 November 2015 he received the Raif Badawi

award for journalists who defend freedom of expression. **PEN Actions:** [Joint statement](#) September 2013; [joint statement](#) 17 February 2014; joint statement [21 January 2016](#)

**Samad AYACH,**  
**Mohamed ESSABEUR**  
**Hicham KHREIBCHI,**  
**Hicham EL-MANSOURI**  
**Maati MONJIB,**  
**Maria MOUKRIM (f)**  
**Rachid TARIK**

**Profession:** Journalists and writers who are all members of the Moroccan Association of Investigative Journalism (AMJI) **Date of trial:** 19 November 2015 **Details of trial:** According to Reporters Without Borders, Hicjam el-Mansouri, Maati Monjib, Mohammad Essabeur, Hisham Khreibchi and Abdessamad lach have been charged with threatening the internal security of the State. Maria Moukrim and Rachid Tarik have been charged with 'receiving foreign funding without notifying the General Secretariat of the government'. Their latest hearing was set for 29 June 2016. No further information as of 30 June 2016.] **Other information:** Hicham el-Mansouri already served a prison sentence for other reasons (see released below). Kreibchi is the former director of the Digital Rights Association and Essabeur is the Director of the Moroccan Education and Youth Association.

#### Harassed

**Samad AYACH**

**Profession:** Journalist and human rights activist **Date of harassment:** August 2015 **Details of harassment:** Ayach was informed that he had been placed under a travel ban on 25 August 2015 when he was not allowed to travel to Tunisia and was questioned by authorities. He reportedly faces charges for 'promoting foreign agendas' and 'promoting social unrest'. It is thought that the charges relate to Ayach's work organising training workshops for journalists. Reporters Without Borders have suggested that the travel ban was issued 19 November 2015 because Ayach was going to a workshop on citizen journalism abroad. **Other information:** Ayach is also a member of the Moroccan Association for Investigative Journalism and writes for the online newspaper *Lakome 2*. The editor of this news website, **Ali Anouzla**, is also on trial because of his work (see Case List above). Ayach is on trial with six others (see above under On trial).

**Maati MONJIB:**

**Profession:** Journalist, academic and historian **Date of harassment:** 10 August 2015 **Details of harassment:** According to news reports, Monjib was informed that he had been placed under a travel ban on 7 October 2015 when he was not allowed to travel to Norway. He then started a hunger strike that lasted until 29 October 2015, when the authorities lifted the travel ban. Monjib is allegedly accused of 'financial violations' that took place when he was director of the Ibn Rushd Institute. Monjib's trial was scheduled for 19 November 2015 but it was reportedly postponed several times until 29 June 2016. No further news as of 30 June 2016. **Other information:** Maati Monjib is the president of Freedom Now, an association that works to defend freedom of expression and journalism in Morocco. He is also on trial with six other human rights defenders and journalists (See 'On Trial' above).

#### Released

**Hicham MANSOURI:**

**Profession:** Project manager for the Moroccan Association for Investigative Journalism (AMJI), a group formed in 2011 to support journalists reporting on a variety of issues in the country, some of which are politically sensitive. **Date of birth** c. 1980 **Sentence:** 10 months in prison and a fine of 40,000 dirhams (approximately US\$4000) **Date of arrest:** 17 March 2015 **Date of release:** 17 January 2016 **Details of arrest:** According to Alkarama, Mansouri was arrested by vice squad police officers, who forced open the front door of his residence. Having informed Mansouri that he was under arrest for 'complicity in adultery', without showing an arrest warrant, the policemen stripped him naked to take pictures before taking him to the police station, where he was beaten and insulted. **Details of release:** Mansouri was released on 17 January 2016 after serving his 10-month sentence. **Details of trial:** On 30 March 2015, Mansouri was sentenced by the Rabat Court of First Instance to 10 months in prison and a fine of 40,000 dirhams for 'complicity in adultery'. There were reportedly irregularities in the trial, during which the witnesses summoned to testify were not heard by the Court, and in which the physical evidence reportedly seized by the police was never presented to the Court. Mansouri appealed the judgment, but on 27 May 2015, the Appeals Chamber of the Rabat Court of First Instance upheld the criminal conviction. **Conditions in detention:** During his detention, Mansouri was denied any contact with his lawyer and was questioned on subjects unrelated to the motives of his arrest, particularly on his relations with media personalities, members of the 20 February Movement, or on his activities within the Moroccan Association for Investigative Journalism (AMJI). **Other information:** Mansouri is facing another trial along with six other Moroccan civil society activists, all members of AMJI. They have been charged with several offences, including 'threatening internal state security' relating to their work promoting journalism (see above under On trial). **Background:** Before his arrest, Mansouri had been working on a report about alleged Internet surveillance of activists and journalists by the Moroccan authorities.

Case closed**Taoufik BOUACHRINE**

**Profession:** Publications Director of newspaper *Akhbar al-Youm* **Sentence:** Two month suspended prison sentence and fine of 1.6 million dirhams (around US\$ 161,130) **Details of trial:** He has been accused of defamation by US journalist Richard Minter and Ahmed Charai, Editor of *al-Ahdath al-maghribiya* radio. Reportedly, the accusations emerge from an article where Bouachrine suggested that the budget director and other politicians had 'deceived' the prime minister. On 23 November 2015, he was sentenced to two months suspended sentence and a fine of 1.6 million dirhams (around US\$ 161,130) by the Casablanca first-instance tribunal. Bouachrine said he intended to appeal and was surprised at his conviction, pointing out that a journalist in Spain had been acquitted in a case involving the same story. **Background:** In 2009 he received a 4-year suspended prison sentence for the publication of a cartoon that was 'offensive for a member of the royal family' and 'disrespectful of the national flag'. In 2010, he was sentenced to six months in prison on charges of real estate and sales fraud on 10 June 2010, in what was said to be a politicised trial. He was also fined 500 dirhams (US\$56) and ordered to pay 10,000 dirhams (US\$1,120) in damages. The charges stem from Bouachrine's purchase of a house in Rabat three years before. See previous Case Lists [2011](#) and [2012](#).

**OMAN**Imprisoned – main case

**Saeed JADDAD:**

**Profession:** Blogger and human rights defender **Sentence:** (1) Three years in prison and a fine of 1,700 rials (US\$ 4,415), and (2) one year in prison and a fine of 1,000 rials (US\$ 2,600) **Date of arrest:** 25 November 2015 **Details of arrest:** Jaddad was arrested on 25 November 2015 by state security forces. He was reportedly later transferred to Arzat prison in the city of Salalah to begin serving his one-year sentence. **Details of trial:** Jaddad has faced charges in two cases; (1) 'undermining the prestige of the state', 'inciting protests', and 'using social media to circulate information liable to cause public disturbances' in his first trial. He was sentenced on 8 March 2015, by a court in Muscat three years in prison and a fine. (2) in his second trial he was convicted on 31 March 2015 by a court in Salalah in connection with an October 2014 blog [post](#) in which he compared the 2011 protests in Dhofar to the 2014 protests in Hong Kong. He has appealed in both cases. According to the Gulf Center of Human Rights, the second conviction and sentence was upheld by the Court of Appeal on 18 November 2015. **Background:** According to Reporters Without Borders, Jaddad had been in the government's sights for years and had often been arrested and then released on bail. In October 2014, he was prevented from travelling to Istanbul under a travel ban imposed in July 2014 without his knowledge. In December 2014 he was arrested and held incommunicado for 12 days for interrogation. Jaddad was very active during the 2011 protests and was banned from being published in the Omani media. He was arrested on 21 January 2015 and released on 7 April 2015 on bail of 500 Omani Rials (US\$1,300). On 21 June 2015, he was placed under house arrest.

**Hassan AL-BASHAM**

**Profession:** Online human rights activist **Date of arrest:** 3 May 2016 **Details of arrest:** According to the Gulf Centre for Human Rights, he was arrested on 3 May 2016 after the publication of some of his writings on Facebook and was taken to Liwa Province police station. **Details of trial:** On 18 September 2015 he was brought before the Public Prosecution Office in Sohar, where he was accused of 'insulting the Sultan' and 'undermining the prestige of the state', among other charges. His trial began on 30 October 2015. **Update:** Al-Basham was reportedly sentenced to three years' imprisonment on 8 February 2016 by the Court of First Instance in Sohar after conviction of 'the use of the Internet in what might be prejudicial to religious values.' He was also convicted of allegedly 'insulting the Sultan' and fined 500 Omani Rials (US\$1300). He appealed the verdict and was released on bail. On 13 June 2016, the Court of Appeal in [Sohar upheld the three-year prison sentence](#) although overturned the fine. **Conditions in detention:** The Gulf Centre for Human Rights has reported that al-Basham was denied access to a lawyer and family visits while in pre-trial detention. **Background:** Al-Basham has published several online articles defending the rights of prisoners of conscience and is involved in other humanitarian and social activities. According to the Gulf Centre for Human Rights, al-Basham was first detained on 17 September 2015 by the Internal Security Service in Oman. On 23 September 2015 he was released, only to be rearrested two days later. He was released in February 2016 pending his appeal.

Brief detention**\*Abdullah HABIB**

**Profession:** Author, film critic and director **Date of arrest** 15 April 2016 **Date of release:** 4 May 2016 **Details of arrest:** The Omani Internal Security Service (ISS) reportedly summoned Habib to appear for investigation before the Special Division of the Omani Police General Command in Muscat. He was allegedly arrested on account of a Facebook post he wrote in which he urged the Omani government to reveal the burial sites of 'Group 72' and 'Group

74', groups of rebels who were executed by the government during the Dhofar rebellion of the 1960s and 70s. **Details of release:** Habib was released without charge from detention. **Conditions of detention:** He was detained incommunicado at Omani Police General Command, Muscat, and was not granted access to his lawyer. **Health concerns:** A close friend of Habib reported that he is in a frail mental and physical condition, raising concerns for his safety in detention. **Background:** This is the first time Habib has been arrested, despite being reported as a prominent critic of the Omani government, as well as having taken part in the 2011 popular protests against poor living standards in Oman. **PEN Action:** [RAN 09/16 – 3 May 2016](#); [Update #1 to RAN 09/16 – 5 May 2016](#)

**\*Suleiman AL-MAAMARI:**

**Profession:** Writer and radio broadcaster **Date of arrest:** 28 April 2016 **Date of release:** 19 May 2016 **Details of arrest:** Al-Maamari was reportedly summoned by the Omani Internal Security Service (ISS) via telephone to appear immediately for investigation before the Special Division of the Omani Police General Command. According to the Gulf Center for Human Rights, he was not given access to his family or lawyer following his summons. Al-Maamari was allegedly summoned in relation to his recent activity on social media, especially on Facebook, where he had shown solidarity with his friend and fellow writer **Abdullah Habib** (see also under 'brief detention'), who was also detained at the Special Division of the Omani Police General Command between 15 April- 4 May 2016. According to the Arabic Network for Human Rights Information, al-Maamari was released without charge on 19 May 2016. **Conditions of detention:** It was reported that al-Maamari was held in solitary confinement. **Background:** Al-Maamari is an Omani novelist known in particular for his 2013 novel *He Who Does Not Love Gamal Abdel Nasser*. In 2007, he was the recipient of the Youssef Idris Prize for the Short Story for his collection of short stories entitled *Things Are Closer Than They Look in The Mirror*. He is also known within Oman for his work in radio, where he produces cultural programmes hosting prominent Arab artists. **PEN Action:** [RAN 09/16 – 3 May 2016](#); [Update #1 to RAN 09/16 – 5 May 2016](#)

## QATAR

### Released

**Mohammed Ibn AL-DHEEB AL-AJAMI:**

**Profession:** Poet **Date of Birth:** 1975 **Sentence:** 15 years' imprisonment, reduced from life imprisonment on appeal. **Date of arrest:** 16 November 2011 **Date of release:** 15 March 2016 **Details of arrest:** Al-Ajami was summoned on 16 November 2011 to the Qatari state security to be interrogated about a poem entitled 'Tunisian Jasmine', which he wrote in January 2011 and in which he criticised governments across the Gulf, stating that 'We are all Tunisia in the face of the repressive elite'. He previously recited a poem that criticised Qatar's Emir, which was posted online in August 2010. He was held incommunicado for four months before being allowed family visits. **Details of release:** Al-Ajami was [pardoned](#) and released on 15 March 2016. **Details of trial:** Al-Ajami was sentenced to life imprisonment on 29 November 2012 on charges of 'inciting the overthrow of the ruling regime' and 'criticising the ruler'. According to his lawyer, he was subjected to an unfair trial, held behind closed doors in the capital Doha. Al-Ajami was not allowed in court and the defence was barred from making oral arguments. The sentence was reduced on 25 February 2013 to 15 years' imprisonment, and upheld on appeal on 21 October 2013. **Honorary member:** Austrian PEN, German PEN and PEN American Center **PEN Actions:** RAN 72/12 and Update #1. Delegates from PEN

International and PEN American Center attempted to visit him in October 2013, but were denied access. [International Poetry Day](#) case 2014 and [2015. 16 March 2016 Statement](#)

## SAUDI ARABIA

Imprisoned - main case

### \*Mohanna ABDULAZIZ AL-HUBAIL

**Profession:** Writer, scholar and Director of the Islamic Orient Studies Bureau in Istanbul **Sentence:** Six years in prison and a six-year travel ban upon release **Date of arrest:** 21 April 2016 **Details of trial:** In early March 2016, the Specialised Criminal Court (SCC) in Riyadh sentenced al-Hubail to six years in prison and a six-year travel ban upon release, and ordered the closing of his Twitter account. He was convicted on charges of 'insulting the state and its rulers' and 'being in solidarity with imprisoned members of the Saudi Civil and Political Rights Association' for comments he had made on Twitter which were critical of Saudi Arabia. **Background:** Hubail was previously detained for two months in 2002 for leading a demonstration outside the US consulate in Dhahran, calling for a halt in oil exports to the United States. Moreover, in 2004 he was imprisoned for six months after publishing the founding document of the al-Ahsa National Islamist Forum, a group that he and fellow activist Dr Abdullah al-Hamid formed in 2004.

### Waleed ABU AL-KHAIR

**Profession:** Lawyer, human rights activist and founding member of the Monitor of Human Rights in Saudi Arabia (MHRSA) who has also written over 300 newspaper articles **Sentence:** (1) Three months in prison (2) 15 years in prison, a 15-year travel ban and a fine of 200,000 Saudi Riyals (approx.US\$53,000) **Date of arrest:** 15 April 2014 **Details of arrest:** According to PEN's information, Abu al-Khair was arrested at the Specialised Criminal Court in Riyadh to serve a three month sentence while he attended a trial hearing on other charges. **Current place of detention:** Abu al-Khair was initially held in Al Hair prison, where there were concerns that he may have been subjected to ill-treatment. He was transferred on 27 May 2014 to Briman prison in Jeddah. On 11 August 2014 he was moved again to al-Malaz prison in Riyadh, over 960 kilometers from his family in Jeddah. On 4 February 2015, he was moved again from al-Malaz prison back to Al-Hair prison in Riyadh. **Details of trial:** On 4 February 2014, the Court of Appeal confirmed a three-month sentence against Abu al-Khair, imposed after he had been convicted of contempt of the judiciary. According to PEN's information, Abu al-Khair was arrested to serve this sentence at the Specialised Criminal Court in Riyadh while he attended the fifth session of his trial for [other charges](#) made against him in 2013, which include: 'breaking allegiance to and disobeying the ruler and disrespecting the authorities', 'offending the judiciary', 'inciting international organisations against the Kingdom' and 'founding an unlicensed organization' (Monitor of Human Rights in Saudi Arabia), and supervising it and contributing to the establishment of another (the Saudi Civil and Political Rights Association - ACPRA); and 'preparing, storing and sending material harmful to public order'. On 6 July 2014, the Specialized Criminal Court, Saudi Arabia's terrorism tribunal, [sentenced](#) him to 15 years in prison, a 15-year ban on travel abroad, and a fine of 200,000 Saudi Riyals (approximately US\$53,000) on a number of broad and vaguely-worded charges that are believed to stem solely from his peaceful activism. This includes comments made to news outlets and on Twitter which criticised Saudi Arabia's human rights violations. According to MHRSA, Abu al-Khair refused to recognise the court's legitimacy or to defend himself against the charges. He also refused to sign a copy of the trial judgment or to appeal the conviction or his

sentence. MHRSA [stated](#) on 12 August 2014 that it believes his prison transfers are a punitive measure for Abu al-Khair's refusal to recognise the court. The Public Prosecutor appealed the sentence at the Court of Appeal in Riyadh, which on 15 January 2015 ruled that he should serve the entire 15-year sentence in prison, on the grounds that he had not shown any contrition for his 'offence'. On 15 February 2015, the Specialised Criminal Court of Appeal in Riyadh once again confirmed the sentence. **Conditions in detention:** In April 2015, Abu al-Khair was reportedly attacked by other inmates who were encouraged by the prison administration. According to Amnesty International, after receiving medical treatment he reported the attack to the prison authorities. The following day, three guards reportedly raided his prison cell and went through all his belongings, leaving them on the floor. They were supposedly looking for forbidden items, although nothing was found. Following this inspection Abu al-Khair denounced the corruption in prison, as well as the scarce access to adequate food and basic services. It is reported that Abu al-Khair has been subjected to torture during his detention, including beatings, being dragged along the ground whilst chained up, sleep deprivation and solitary confinement. In addition, Abu al-Khair has been repeatedly denied access to books and newspapers. **Health concerns:** According to the family, Waleed is suffering from colon complications as a result of the prison diet. He is denied access to food from outside the prison which would be beneficial for his condition. On 7 June 2016, Abu al-Khair began a hunger strike in protest at his treatment in Jeddah prison and the lack of medical treatment that he has received, despite his repeated requests. He ended his hunger strike on 11 June when the prison granted him medical checks, as well as a daily visit to the prison library and allowed him to begin receiving books again. **Other information:** On 3 December 2014, Abu al-Khair's wife was prevented from leaving the country to advocate for his release abroad and was told by officials at the King Abdulaziz International Airport in Jeddah that the ministry of interior had issued a travel ban. She was on her way to attend the European Union (EU) NGOs Forum on Human Rights. They have since divorced. **Awards:** Abu al-Khair is the recipient of the [2012 Olof Palme Prize](#); [Ludovic-Trarieux Human Rights Prize 2015](#). **PEN Actions:** [update #4 to RAN 02/13](#), [update #5 to RAN 02/13](#), [update #6 to RAN 02/13](#), [update #7 to RAN 02/13](#), [update #8 to RAN 02/13](#), PEN statements [17 June 2015](#), [2 November 2015](#), [27 November 2015](#), [13 January 2016](#), [31 March 2016](#), [17 June 2016](#)

**\*Alaa BRINJI:**

**Profession:** Journalist for *al-Biliad*, *Okaz* and *al-Sharq* newspapers **Sentence:** Five years in prison, an eight-year travel ban and a fine of 50,000 Riyals (approx. US\$13,300) **Date of arrest:** 12 May 2014 **Details of arrest:** Brinji was reportedly arrested by security forces, some dressed in civilian clothes, at a checkpoint on his way to Bahrain to visit family with his wife. He was detained incommunicado at the General Directorate of Investigations (GDI) prison in Damman. **Current place of detention:** General Directorate of Investigations (GDI) prison, Damman **Details of trial:** On 24 March 2016, Brinji was reportedly found guilty of 'insulting the rulers', 'inciting public opinion', 'ridiculing Islamic religious figures' and 'accusing security officers of killing protestors in Awamiyya'. These charges were brought against him because of various Tweets he posted relating to topics including defenders of human rights, prisoners of conscience, and Saudi Arabian women's right to drive cars, according to Amnesty International. Brinji was tried by Saudi Arabia's counter-terrorism court, called the Specialized Criminal Court. **Conditions in detention:** Brinji has been held in detention since his arrest in 2014. For the first 50 days of his detention he was held incommunicado, without access to a lawyer. He was only able to phone his wife after 50 days in detention. **Health concerns:** Brinji is reported to suffer from a skin condition. According to Reporters Without Borders, he was deprived of daylight for around three months during his detention, which may aggravate this skin condition.

**Raif BADAWI:**

**Profession:** Editor of the website *Free Saudi Liberals* **Date of Birth:** 1987 **Sentence:** 10 years in prison, 1,000 lashes and a fine of 1 million Saudi riyals (approx. US\$266,631) **Date of arrest** 17 June 2012 **Details of trial:** Raif Badawi was arrested on 17 June 2012 in Jeddah after organising a conference to mark a 'day of liberalism'. The conference, which was to have taken place in Jeddah on 7 May, was banned by the authorities. On 29 July 2013, a court in Jeddah sentenced Badawi to seven years and three months in prison and 600 lashes after he was convicted under the information technology law of 'founding a liberal website,' 'adopting liberal thought' and for insulting Islam. The online forum, Liberal Saudi Network - created to foster political and social debate in Saudi Arabia - was ordered closed by the judge. According to reports, the appeal, submitted by Badawi's lawyer, Walid Abu al-Khair, cited procedural and evidential reasons why the conviction should be overturned and Badawi should be freed. In December 2013, it was reported that the Court of Appeal had reversed the ruling of the District Court in Jeddah, dropped a charge of apostasy, and ordered that Badawi's case be sent for review by another court. However, on 25 December 2013 the newly-appointed judge reportedly remanded Badawi to the General Court on charges of 'apostasy', stating that the lower court was not qualified to deal with the case. On 7 May 2014, Jeddah's Criminal Court sentenced Badawi to 10 years in prison, 1,000 lashes and a fine of 1 million Saudi riyals (approx. US\$266,631) on charges of 'insulting Islam' and 'founding a liberal website'. According to PEN's information, when Badawi appeared in court to collect a written account of the verdict on 28 May 2014 he discovered the insertion of two additional penalties: a 10-year travel ban and 10-year ban from participating in visual, electronic and written media, both to be applied following his release. According to the Centre For Inquiry (CFI), in a [post dated 17 September 2014](#), the Saudi appeals court in Mecca confirmed the sentence against Badawi, and states that the lashes will be administered 50 at the time, in public, every week after Friday Prayers. On 9 January 2015, the Saudi authorities administered the first 50 lashes in a public flogging in Jeddah. The flogging reportedly lasted around 15 minutes, during which Badawi's hands and feet were bound. Further rounds of flogging were postponed for medical reasons, as his wounds had not healed sufficiently for more lashes to be given without jeopardising his health. New reports emerged on 1 March that he might undergo a re-trial for apostasy, which could lead to the imposition of the death penalty. In the beginning of June 2015 Saudi Arabia's Supreme Court upheld a sentence of 10 years in prison and 1,000 lashes for insulting Islam. He has no further recourse to appeal. According to news reports, the Swiss Secretary of Foreign Affairs suggested that on 28 November 2015 Badawi had been granted a pardon by King Salman bin Abdulaziz Al Saud of Saudi Arabia. However, he was not released. His wife was informed that he was transferred to an isolated detention facility in Shabbat Central prison. In protest, on 8 December 2015 Badawi started a hunger strike. According to news reports, Badawi's wife informed that he was in bad health after more than 20 days of the hunger strike. On 27 December 2015, she tweeted that he was 'losing conscious and passing out late night and this morning'. **Health concerns:** Badawi has gone on hunger strike several times while in prison. According to his family, Badawi started his latest hunger strike on 10 June 2016, which he ended when he was hospitalized on 12 June. He also suffers from diabetes, and is reported to be in poor health in prison. **Other information:** His lawyer Waleed Abu al-Khair was sentenced to 15 years in prison on 6 July 2014 (see 'main case' above). **Awards:** Reporters Without Borders -TV5 Monde Prize for Press Freedom 2014, PEN Canada 2014 One Humanity Award, 2015 Brussels University Alliance (VUB and ULB) Honorary Title for Freedom of Expression, Deutsche Welle Freedom of Speech Award 2015, Geneva Summit for Human Rights and Democracy Courage Award 2015, Scottish Secular Society Aikenhead Award 2015; Franco-German Prize for Journalism 2015; Sakharov Prize for

Freedom of Thought from the European Parliament 2015 **Honorary Member:** PEN Canada, Danish PEN, German PEN **PEN Action:** RAN 02/13 and 8 updates; Empty Chair 81<sup>st</sup> PEN Congress Quebec. [Interview](#) with his wife Ensaf Haidar [here](#). Press release [17 June 2015 Day of Imprisoned Writer case 2015; 17 June 2016 Action](#)

**Ashraf FAYADH** (Palestinian national):

**Profession:** Poet and artist **Date of arrest:** 1 January 2014 **Sentence:** Four years in prison and 800 lashes, converted to a death sentence following a re-trial which was then reduced to an eight-year prison sentence **Details of arrest:** Initial reports suggested the Fayadh was accused of ‘blasphemy’ due to the atheist content of his work as well as of ‘having long hair’. Court documents later showed that he was first arrested in the summer of 2013 because of a complaint that a citizen submitted to the Saudi Committee for the Prohibition of Vice and Promotion of Virtue. Allegedly, he was accused of ‘misguided and misleading thoughts’. He was later released on bail and rearrested on 1 January 2014 on charges of ‘insulting the divine self’ and ‘having long hair’. **Current place of detention:** He has been held in a prison in the city of Abha since his arrest. **Details of trial:** During his trial held over six hearings between February and May 2014, Fayadh stood accused of numerous blasphemy-related charges, including ‘insulting the divine self’ and the prophet Mohammed, spreading atheism, refuting the Quran, and insulting the King and the Kingdom, amongst other charges. Evidence compiled against Fayadh included at least 10 pages from his collection of poetry *Instructions Within*, published by the Beirut-based Dar al-Farabi in 2008 and later banned from distribution in Saudi Arabia. Also used as evidence against him were Twitter posts, and conversations he had in a coffee shop in the city of Abha, where he lived. Fayadh was also accused of having illicit relations with foreign women for having images on his mobile telephone. Witness testimonies reportedly claimed that the complaint submitted to the Saudi Committee for the Prohibition of Vice and Promotion of Virtue was the result of a personal dispute. During the last session, Fayadh expressed repentance for anything in the book that religious authorities may have deemed insulting, stating, according to trial documents, ‘I am repentant to God most high and I am innocent of what appeared in my book mentioned in this case’. According to court documents, on 30 April 2014, the General Court of Abha found proof of Fayadh having committed apostasy (ridda) and his repentance for it. The court therefore ruled to lift the penalty for apostasy, but sentenced him to four years in prison and 800 lashes – to be administered 50 at a time every 10 days – for storing images on his mobile telephone, and ordered for it to be confiscated. On 17 June 2015, the General Court of Abha sentenced Fayadh to death for the crime of being an infidel (kufr), following a re-trial. The court argued that Fayadh’s repentance for the crime of apostasy was a matter of the heart and should have no bearing in determining whether or not the crime had been committed. On 14 December 2015, news reports suggested that he was appealing his conviction. Reportedly, the appeal states that the accusations of public blasphemy and promotion of atheism are uncorroborated. This claim is based on the fact that the religious police officers detained Fayadh following the testimony of a man who had personal disputes with the poet and without corroborating evidence. Secondly, Fayadh’s lawyer suggested that he had converted several people to Islam and that the judge did not consider Fayadh’s mental illness. On 2 February 2016, a Saudi Arabian court commuted Fayadh’s death sentence to an eight-year prison term. **Conditions in detention:** According to PEN’s information, Fayadh has been ill-treated in prison and denied family visits and phone calls. **Background:** Fayadh is a member of the Shattah group, which belongs to the new generation of artists in Saudi Arabia and which has been engaged in well-known exhibitions of contemporary art. He also curated London’s [Edge of Arabia](#) exhibition and co-authored [Rhizoma](#), a book exploring the transformation of the arts scene in Saudi Arabia. English translations of the poetry used in evidence against him are available [here](#). Other examples of Fayadh’s poetry are available [here](#) and [here](#). The work upon which his charges

are based is a collection of poems published in 2008 entitled *Instructions Within*. Mona Karen, a Bedouin human rights activist from Kuwait who has been advocating for Fayadh's release, suggested that he may be imprisoned for also having published a video of Abha's religious police lashing a young man in public. **Other information:** On 11 February 2014, 100 intellectuals from the Gulf signed a [petition](#) demanding Fayadh's release. In addition, there has been significant support and campaigning through social media on his behalf. Mona Karen has also been engaged in a translation movement for Fayadh's work, and translated the poems '[Frida Kahlo's Mustache](#)' and '[Asylum](#)'. On 3 December 2015, the UN Office of the High Commissioner of Human Rights released a [statement](#) urging his release. **Honorary member:** German PEN **PEN Action:** RAN 13/15 press statement [27 November 2015](#), [joint letter](#) by writers worldwide, participation in global poetry reading of Fayadh's work on [14 January 2016](#); [17 June 2016 Action](#)

**\*Issa AL-HAMID:**

**Profession:** Human rights defender **Sentence:** Nine years in prison and a nine-year travel ban upon release **Date of arrest:** 21 November 2013 **Details of arrest:** Al-Hamid was reportedly summoned to the Bureau of Investigation and Prosecution in Al-Qassim, outside of Riyadh, where he underwent seven interrogation sessions, the last of which was on 14 January 2014. He was denied access to a lawyer throughout the investigation, and was also allegedly subject to ill-treatment. Amnesty International reported that his charges included 'defaming the Council of Senior Religious Scholars', 'insulting the judiciary', 'communicating false information to international organisations in order to harm the image of the state', 'violating Article 6 of the Anti-Cyber Crime Law' and 'participating in the establishment of an unlicensed organisation'. This last charge is thought to refer to the Saudi Civil and Political Rights Association (ACPRA), of which al-Hamid is a founding member and was serving as its President when he was arrested. The charges were reportedly brought against al-Hamid following the online publication of statements, made under ACPRA's name, covering issues such as the right to peaceful assembly and the Ministry of Interior's negative treatment of families of political prisoners. **Details of trial:** Al-Hamid's trial first began at Buraidah Criminal Court, although the case was referred to the Specialised Criminal Court (SCC) after two hearings. On 24 April 2016, and after 16 court hearings, al-Hamid was sentenced by the SCC in Riyadh. **Background:** Hamid's sentencing came amid a crackdown on freedom of expression in Saudi Arabia, in which the members of the ACPRA have been specifically [targeted](#). 11 of the organisation's members are currently in prison or on trial in connection with their work.

**Zuhair KUTBI:**

**Profession:** Prominent writer, commentator and critic **Sentence:** Four years in prison (with two suspended), a five-year travel ban, a fine and a 15-year ban on writing and giving interviews **Date of arrest:** 15 July 2015 **Details of arrest:** According to Amnesty International, Kutbi was arrested at his home in Mecca on 15 July 2015 by members of the security forces. It is believed that he was detained due to his appearance at *Fi al-Samim* (To the Point) on 25 June 2015, where he criticised political and religious repression and called for reforms such as to the constitutional monarchy in Saudi Arabia. **Current place of detention:** Mecca Prison **Details of trial:** According to Amnesty International, on 21 December 2015 the Specialized Criminal Court (SCC) in Riyadh sentenced Kutbi to four years in prison, followed by a five-year ban on overseas travel, a fine of 100,000 Saudi Arabian riyals (about US\$26,600), and a 15-year ban on writing and giving interviews to the media. The court also ordered him to erase his social media accounts. It suspended two years of his four-year sentence because of his health, but indicated it would re-impose them if he 'offended' again. **Conditions of detention:** Kutbi was reportedly beaten and ill-treated during interrogation. **Health concerns:** Kutbi requires medical attention, as he is recovering

from a cancer operation. He also has diabetes and high blood pressure. **Background:** Since the 1990's, Kutbi has been harassed, detained, fined and sentenced up to six times. The major reasons behind these attacks are his peaceful activism and his repeated demands for governmental reform and being critical of prison conditions in Saudi Arabia. He has reportedly already been asked to sign a pledge to not discuss public issues in social, written and broadcast media.

**Fadel AL-MANASEF:**

**Profession:** Human rights defender, blogger and founding member of Al Adalah Center for Human Rights. **Sentence:** 14 years in prison and a fine of SAR100,000 (approx. €19,300) **Date of arrest:** 2 October 2011 **Details of trial:** Fadel al-Manasef was originally sentenced on 17 April 2014 by the Specialized Criminal Court in Riyadh to 15 years in prison, a 15-year travel ban to commence on his release and a fine of SAR100,000 (approx. €19,300). The charges against him relate to incitement and participation in protests, writing articles against state security and publishing them online, signing an anti-government petition and contacting foreign media outlets without authorization and taking reporters to protests and giving them harmful information on the Kingdom. He has been in detention since his arrest on 2 October 2011. On 9 September 2014, the Specialized Criminal Court in Riyadh reduced the prison sentence and travel ban by one year, following reconsideration of the sentence by the Specialized Criminal Court of Appeal. The prison term and travel ban have now both been reduced to 14 years, but the fine remains the same. The reduction in al-Manasef's sentence was based on two main observations received from the Specialized Criminal Court of Appeal. Firstly, that there was no evidence for the accusation that the human rights defender was involved in the establishment of a prohibited human rights organisation. The Judge agreed with this observation and dismissed the accusation. Secondly, it was argued that the sentence was too harsh, as the judge decided to reduce the sentence. Al-Manasef's sentence is therefore now based on four charges: attempting to compromise the authority of the King and working against national security and stability; producing, storing and disseminating information prejudicing public order and mores in contravention of the Anti-Cyber Crime Law; communicating with foreign media in an attempt to exaggerate news of abuse by the government and to disrupt the citizens of Saudi Arabia; and signing a memorandum containing falsities directed at the government. In an appeal hearing on 22 December 2014, the Specialized Criminal Court of Appeal in Riyadh upheld the sentence. He remained in prison as of 30 June 2016.

Sentenced

**Mukhlif AL-SHAMMARI:**

**Profession:** Writer and activist **Sentence:** (1) Five years in prison (2) two years in prison and 200 lashes **Details of trial:** Al-Shammari was charged for articles he wrote and a video he posted on YouTube in which two girls described being mistreated. (1) He was sentenced on 17 June 2013 by a Jeddah court that specializes in national security and terrorism cases. His sentence was upheld by a Riyadh criminal court on 4 March 2014. Al-Shammari stands convicted of trying to discredit the reputation of kingdom in the eyes of domestic and international public opinion, insulting the clergy and inciting divisions within the people. As well as five years in prison, the sentence includes a ban on writing for newspapers or websites or appearing in the media, and a ten-year ban on travelling abroad. (2) Al-Shammari was reportedly sentenced by a special criminal court in Al-Khobar to two years in prison and 200 lashes on 3 November 2014. Al-Shammari was convicted and sentenced two weeks after being ordered to close his Twitter account in connection with a separate complaint. He was reportedly convicted of organising an unauthorised dinner with dissidents

following his release from prison in 2012, associating with Shiite clerics, agitating public opinion and reminding the public of the importance of coexistence between Sunnis and Shiites. In a letter to Saudi Arabia's human rights commission, he confirmed having sent a tweet calling for coexistence between Sunnis and Shiites. According to Amnesty International, al-Shammari was informed on 22 November 2015 that this sentence had been upheld by the court of appeal on 2 November 2015. He was believed to remain free at the end of June 2016, but at risk of arrest and flogging. **Background:** Al-Shammari has been the target of previous prosecutions and was arrested on 15 June 2010 for articles posted on the Saudiyyoon and Rasid news websites criticizing political and religious leaders.

### Released

**Walid Eldoud ELMAKKI ELHUSSEIN** (Sudanese national):

**Profession:** Journalist and editor of website *Al Rakoba* **Date of arrest:** 23 July 2015 **Date of release:** 13 March 2016 **Details of arrest:** According to Reporters Without Borders, Elhussein was arrested at home by six men in plainclothes and one police officer. The reasons behind his arrest are unclear and no charges are reported to have been brought against him.

Elhussein has not been able to contact his lawyer, although his family has been able to visit him. His family has reportedly said that he is being treated well in detention. No further information as 30 June 2016. **Details of release:** According to reports dated 15, 16 and 24 March 2016, the Saudi authorities released Elhussein unconditionally on 13th March.

**Background:** Originally from Sudan, Elhussein has been living in Saudi Arabia since 2000. In 2005 he launched the *Al Rakoba* website, which contains news and articles about Sudan and its regional development. The authorities have allegedly banned this website several times before. According to Reporters Without Borders, an officer informed el-Hussein that he could be deported to Sudan, where he may suffer torture. **Honorary member:** Austrian PEN

**Dr. Abdulrahman AL-SUBAIHI, profession:** Lawyer

**Bander AL-NOGAITHAN, profession:** Lawyer

**Abdulrahman AL-RUMIAH, profession:** Lawyer

**Sentence:** Eight years in prison followed by a 10-year travel ban (Subaihi), five years in prison followed by a seven-year travel ban (Nogaithan and Rumiah) **Details of Trial:** The three lawyers were sentenced by the Specialised Criminal Court in Riyadh on 27 October 2014 after they were found guilty of violating Article 6 of the cyber-crime law by 'impinging on public order' in their tweets. They were reportedly convicted on a list of offences including 'criticising the ruler's decisions,' 'criticising the judiciary and describing some judicial decisions as unjust,' 'accusing a court in Riyadh of losing files,' 'blaming the Ministry of Justice for lying and violating the law,' 'interfering in the independence of the judiciary by criticising a trial and accusing the Minister of Justice of being behind it', and 'accusing the Supreme Judicial Council of prosecuting upright judges and exonerating corrupted ones.' Prior to their convictions, on 1 June 2014, they were reportedly fined a combined total of 1,250,000 riyals (approx. US\$333,000) and banned from using social media. Their licences to practice have also been revoked, according to reports. According to Amnesty International, the tweets for which Nogaithan was sentenced included: 'Lawyers are monitoring the catastrophic performance of the Ministry of Justice, wrapped in lies and fraudulent media reports unique in the history of Saudi Arabian ministries.' They were reported to be planning to appeal **Update:** According to Amnesty International, the three lawyers' sentences were quashed by the Appeal Court of the Specialized Criminal Court (SCC) on 15 April 2015. Their social media bans and fines were lifted, and their law licences reinstated.

## SYRIA

*The country continues to be embroiled in an internal armed conflict which developed after widespread protests which erupted in February 2011, calling for an end to the regime of President Bashar al-Assad, were brutally repressed. The human rights situation in Syria remains appalling with widespread violations including war crimes being committed by all sides, some amounting to crimes against humanity. Tens of thousands of individuals in Syria have been arrested, often arbitrarily, in conditions amounting to enforced disappearance. They include writers and journalists. Some have been referred to the Anti-Terrorism Court in Damascus, which began work in September 2012. Torture and other ill-treatment in prison are believed to have caused or contributed to the deaths of thousands of individuals reported to have died in custody since March 2011. Armed groups, including the group calling itself Islamic State, have taken control of parts of the country and are also carrying out unlawful killings, arbitrary detentions as well as torture and other ill-treatment. The conflict took an international dimension in 2015, with Russia, the United States, Bahrain, Jordan, Qatar, Saudi Arabia, and the United Arab Emirate undertaking airstrikes in the country.*

*At the beginning of the uprising, the Syrian authorities imposed a media blackout in an effort to hinder the reporting of impartial news from the ground. This blackout paved the way for the emergence of a citizen journalism movement, as an alternative media, with individuals reporting what is actually happening on a daily basis. This new media is being operated mainly by young men and women. Syrian citizen journalists have been particularly targeted for attack by the government's forces. Since March 2011, hundreds of citizen journalists have been killed either by snipers from the security forces or under torture. Hundreds who have done nothing more than to witness, report, film, and photograph acts of violence have been arrested and many have been subjected to enforced disappearance. Writers and journalists are also amongst those at risk of political and sectarian violence from government forces, pro-government militias and armed opposition groups, both in Syria and neighbouring countries. Many of those seeking refuge in Europe in the ongoing global refugee crisis are from Syria.*

### Killed

#### **\*Mohammad Bashir AL-AANI:**

**Profession:** poet **Date of death:** March 2016 **Details of death:** According to news reports, Mohammad Bashir al-Aani and his son Elyas were executed in Deir al-Zour city by the armed group calling itself Islamic State (IS). They are reported to have been accused of 'apostasy'.

**Background:** Mohammad Bashir al-Aani, who was known for his opposition to the government of President Bashar al-Assad, had published three volumes of poetry and was said to be known for his lyrical style. According to family members interviewed by local media, Al-Ajani and Elyas had returned to the area to bury his wife who had died in Damascus. **PEN Action:** [14 March 2016 statement](#)

### Killed: impunity

#### **Kenji Goto JOGO:** (Japanese national)

**Profession:** Author and freelance journalist **Date of birth:** 22 September 1967 **Date of death:** 30 January 2015 **Details of killing:** Reportedly abducted by the group calling itself the Islamic State (IS) on 24 October 2015. Following failed attempts at a ransom and prisoner exchange, he was executed by IS near the city of Raqqa on 30 January 2015.

#### **Al-Moutaz Bellah IBRAHIM:**

**Profession:** Correspondent for the independent *Shaam News Network* and a freelance reporter **Date of death:** 4 May 2014 **Details of death:** Killed in Tel Abyad, a Syrian town north of the city of Raqqa, according to Shaam and the Beirut-based Skeyes Center for Media and Cultural Freedom. Ibrahim was kidnapped by Islamic State (then called Islamic State in Iraq and Sham) in March, two months before his death, according to news reports and local press groups. His family received his body on 7 May 2014.

**Ahmad Mohamed AL-MOUSA:**

**Profession:** Journalist member of Raqqa is Being Slaughtered Silently (RBSS) **Date of killing:** December 2015 **Details of killing:** He was reportedly killed by a group of masked men in Idlib. The information was forwarded by the Raqqa is Being Slaughtered Silently twitter account but no further details were provided. Reportedly, he is the organisation's third journalist to be killed. According to the Committee to Protect Journalists, no one has claimed responsibility for his murder, though it suggests Islamic State is responsible, as the group has already killed other members of Raqqa is Being Slaughtered Silently. Reportedly, Al-Nusra Front, the Al-Qaeda affiliate which controls Idlib, announced that they were going to investigate his killing.

**Ruqia HASSAN (f):**

**Profession:** Journalist member of Raqqa is Being Slaughtered Silently (RBSS) **Date of killing:** July 2015 **Details of killing:** According to news reports, a Syrian journalist organisation informed that she was the first female citizen journalist to be killed by the Islamic State. The exact date of her death is unknown, although her reporting through social media abruptly stopped on 21 July 2015. Reportedly, the founder of RBSS suggested that Hassan's last words were: *'I'm in Raqqa and I received death threats, and when Isis [arrests] me and kills me it's ok because they will cut my head and I have dignity its better than I live in humiliation with Isis [sic]'*

Abduction

**Jumpei YASUDA** (Japanese national):

**Profession:** Freelance journalist **Date of abduction:** July 2015 **Details of abduction:** According to Reporters Without Borders, Yasuda was kidnapped in an area near the Syrian border controlled by Jabhat al-Nusra. Reportedly, Yasuda went to Syrian in order to report about the death of another Japanese journalist, **Kenji Goto**, who was killed in early January 2015 in Syria (see Case List above). **Update:** In May 2016, a photo was [released](#) believed to be of Yasuda holding a placard stating 'Please help. This is the last chance'. Reports suggest that Yasuda was in the hands of Jabhat al-Nusra. Japanese officials were reported to believe the photo was genuine

Enforced disappearance

**Zaki CORDILLO:**

**Profession:** Cordillo is a playwright and a leading figure of Puppet Theatre (known in Arabic as Masrah Azil) **Date of arrest:** 13 August 2012 **Details of arrest:** He was reportedly arrested in Damascus on 13 August 2012 along with his son Mihyar, an actor. He is believed to be targeted for his writings about the current events taking place in Syria. **Other information:** Cordillo has written more than eight plays including *Shade and Light*, *Captain Caracoz* and *Alma'ar* and has directed and acted in his works. He has also written dramas for children such as *Watery Dreams*, *The Active Girl* and *The Kingdom of Ants*. Cordillo remains detained incommunicado at an unknown location as of December 2014, and is considered to be at

serious risk of torture and other ill-treatment. No further news as of 30 June 2016. **PEN Actions:** RAN 03/13

**Hussein ESSOU:**

**Profession:** Well-known writer from al-Hasakah, north-eastern Syria and member of the Kurdish minority. **Date of arrest:** 3 September 2011 **Details of disappearance:** Essou was reportedly arrested from his home by Air Force Intelligence agents, and allegedly detained for actively participating in anti-government protests and advocating reform in his writings. He was detained prior to the 2011 uprising for his dissident activities. Reports from released detainees who had been held with him suggest he may have been transferred to an Air Force Intelligence branch in Damascus. They say his health condition is very poor. His family has not been allowed access to him, and has not been informed of his whereabouts or the reason for his arrest. Still believed to be detained incommunicado as of 30 June 2016.

**Khalil MA'TOUQ:**

**Profession:** 54-year-old director of the Syrian Centre for Legal Studies and Research **Date of disappearance:** 2 October 2012 **Details of disappearance:** Ma'Touq was reportedly arrested along with his friend and assistant, 48-year-old Mohammed Thatha, at a government security checkpoint on their way to work in the capital Damascus. Despite repeated requests from family and lawyers, the Syrian authorities continue to deny they are in custody. In May 2013, people close to the two men received a tip-off suggesting that Khalil Ma'touq was indeed in detention and that he was in extremely bad health. According to news reports, torture and other ill-treatment are rife in detention centres operated by the Syrian security forces, and detainees are routinely subjected to appalling conditions. Former detainees at Branch 235, where Ma'touq was reported to have been seen, said that they were held in poor conditions in crowded cells with inadequate access to food, water and hygienic facilities. **Health concern:** Ma'touq's health is seriously at risk, as he suffers from advanced lung disease and has severe breathing difficulties. He takes regular medication and must be under constant medical supervision. Because of his human rights work as Executive Director of the Syrian Centre for Legal Studies, Ma'touq was banned from travelling between 2005 and 2011. He wrote and published articles and legal studies in several newspapers and websites such as *Al-Hiwar Al-Mutamiden*. This included a research paper in which he analysed the connections between the International Criminal Court constitution and Syria's Penal Codes. Family members and colleagues of Ma'touq and Mohammed Thatha have suggested that their current detention may be related to this human rights work. Shortly before his arrest, Ma'touq had returned from a trip to France to obtain medical treatment, which may also have raised the authorities' suspicions about him. In February 2013, in response to a request for information from a group of lawyers, a public prosecutor in Damascus denied that Ma'touq was being detained. However, detainees released at that time from the State Security branch 285 in Kafr Soussa in Damascus reported seeing him held there during that month. In April, Ma'touq's lawyer reported that a State Security officer had informed him of his client's transfer to an Air Force Intelligence branch in late March. Ma'touq is still believed to be detained incommunicado as of 30 June 2016. UN Security Council Resolution 2139 of February 2014 demanded the release of all those arbitrarily detained, a call reiterated by a UN Security Council Presidential Statement issued on 17 August 2015. On 2 October 2015, in the third anniversary of his disappearance, Human Rights Watch and Amnesty International published articles suggesting that he was still held incommunicado and demanding his immediate release. **Background:** Ma'touq, a prominent human rights lawyer has provided legal assistance to many victims of human rights abuses in Syria for many years. He has defended hundreds of political prisoners, journalists, and prisoners of conscience, including those tried by the Supreme State Security Court which fell far short of international standards of fair trial and was abolished in 2011. In

2012, he was involved in the trial of human rights defender **Mazen Darwish** and his colleagues (see below) after they were arrested during a raid on the Syrian Centre for Media and Freedom of Expression (SCM) in February of that year. The last reported sighting of Khalil was September 2013, and that there were signs he had been tortured. **Awards:** In 2015, he finished in second place on the shortlist for the Lawyers for Lawyers Award for lawyers 'who work to promote the rule of law and human rights in an exceptional way and are threatened because of their work.' **PEN actions:** joint statement [4 June 2013](#), [6 May 2014](#), [6 October 2015](#)

**Muheeb AL-NAWATHY:**

**Profession:** Palestinian journalist, used to work as a correspondent to *Al-Arabiya.net*, a Dubai-based news website **Date of arrest:** 5 January 2011 **Details of arrest:** Al-Nawathy was arrested in Syria nine days after arriving in Damascus to do research for a book he was writing about Hamas (the Palestinian Islamist group). On 9 January 2011, al-Nawathy was due to return to Norway, where he has resided as a political refugee since 2007. He is a former Gaza resident and is said to be a supporter of Fatah (a rival Palestinian group). **Update:** According to Palestinian news reports from January 2016, al-Nawathy is still being held in a Syrian prison, though his exact whereabouts still unknown. No further news as of 30 June 2016.

**Abd al-Akram AL-SAKKA:**

**Profession:** Islamic scholar **Date of arrest:** 15 July 2011 **Details of arrest:** On 15 July 2011, Air Force Intelligence arrested Abd al-Akram al-Sakka from his home without a warrant. His family has received no information about his fate or whereabouts, and official sources have never confirmed his detention. The only indication regarding his possible place of detention was received through a released detainee, who said he had seen Abd al-Akram al-Sakka at a military court in September 2012. This could indicate that he may be held at Saydnaya Prison, where detainees in military court cases are often held. No further information as of 30 June 2016. **Background:** Abd al-Akram al-Sakka, an imam from Daraya, a town on the outskirts of Damascus, has published several books and essays on a variety of topics, including feminism. He has a history of participating in awareness raising campaigns and community work framed by a group called Shabab Daraya (Youth of Daraya). As a result, security forces arrested him several times even before anti-government protests began in March 2011.

**Ali AL-SHIHABI:**

**Profession:** Syrian Palestinian political analyst and blogger **Date of arrest:** 17 December 2012 **Details of arrest:** Reportedly arrested on 17 December 2012 by the Palestine Branch of the Syrian Military Intelligence at a checkpoint between Al-Zahra district and Al-Yarmouk Refugee Camp. He is said to be among dozens of writers, poets and playwrights to have been arrested since the start of the conflict for peacefully expressing their views about the current events taking place in Syria. Remains detained in an unknown location as of 30 June 2016; there are unconfirmed reports that he may have been killed under torture. On 17 December 2015, several human rights organisations launched a campaign for his release or clarification of his situation, as it was the third anniversary of his disappearance. No further news as of 30 June 2016. **Other information:** Al-Shihabi is a leading writer and has published several books including *The World New Structure* and *Syria, Where to?*. He previously spent nine years in prison for his peaceful opposition activities. On 15 March 2013, AlKarama submitted his case to the UN Working Group on Enforced and Involuntary Disappearances (WGEID) and other UN Special Procedures and asked for their urgent intervention. In December 2013, the Syrian authorities responded to the inquiry by WGEID, stating 'he was arrested on the base of suspicions about his activities, and he still under investigation by the

competent judicial authorities.’ No further information about his fate or whereabouts has been revealed since then.

#### Reported missing

##### **Razan ZAITOUNEH (f):**

**Profession:** Human rights defender and writer **Date and details of abduction:** Razan Zaitouneh, along with her husband, Wa’el Hamada, and two colleagues, Nazem Hamadi and Samira Khalil, were abducted by unknown individuals on 9 December 2013 from a joint office for the Violations Documentation Center (VDC) and the Local Development and Small Projects Support (LDSPS) in the Damascus suburb of Douma, part of Eastern Ghouta, an area under the control of a number of armed opposition groups that is being besieged by government forces. Zaitouneh was forced into hiding in 2011 after receiving threats from the Syrian authorities. In the last few months before her abduction, she received threats from at least one armed opposition group in the Eastern Ghouta area. No further information as of 30 June 2016. **Awards:** Zeitouneh has received the 2013 International Women of Courage Award. She also has received the Anna Politkovskaya Prize and, in 2011, the European Parliament’s Sakhorov Prize for Freedom of Thought **PEN action:** In December 2013 PEN International signed a [joint statement](#) calling for her release; [29 April 2016 joint statement](#)

#### Detained - main case

##### **Tal AL-MALLOUHI (f):**

**Profession:** Student, poet and blogger **Date of Birth:** 1991 **Date of arrest:** 27 December 2009 **Details of arrest:** Al-Mallouhi was detained on 27 December 2009 after being summoned for questioning. **Current place of detention:** Branch 258 of the State Security Department, Damascus. **Details of trial:** On 5 October 2010 it was reported that al-Mallouhi had been charged with spying for a foreign country. She appeared before the State Security Court on 10 November 2010, and was sentenced to five years in prison by the State Security Court in Damascus on 14 February 2011, after conviction of ‘revealing information to a foreign country’. The court session was closed, and al-Mallouhi’s family were banned from attending; there was no possibility of appeal. The judge reportedly did not provide any evidence against her. On 19 October 2013, her name was included in a prisoner exchange agreement between the government and armed groups, and it was reported that she had been released. However, she was taken from Douma prison to the State Security Department in Damascus, where she is still believed to be held incommunicado. Despite the expiry of her sentence, she has not been released. No further news as of 30 June 2016. **Other information:** For the first nine months of her arrest, Al-Mallouhi’s family sought her release through diplomatic negotiations and therefore did not want any publicity on the case. However, on 2 September 2010, her mother published an open letter to the Syrian president, seeking information about her daughter’s welfare and calling for her release. Al-Mallouhi has no known political affiliations, and sources close to the family are baffled by the charges. In its opinion [No 38/2011](#), the UN Working Group on Arbitrary Detention found that al-Mallouhi was arbitrarily held and called for her immediate release and adequate reparation. **Honorary member:** PEN Canada and Danish PEN

##### **Adnan ZARRA'AI:**

**Profession:** Playwright and script-writer **Date of arrest:** 26 February 2012 **Details of arrest:** Zarra’ai was reportedly arrested on 26 February 2012 and detained incommunicado in the State Security detention centre in Damascus. He reportedly suffered a broken rib as a result

of torture during his detention. He remained detained incommunicado without charge or trial as of 31 December 2014, when reports suggested he may have been moved to Saydnaya prison. No further information as of 30 June 2016. **Background:** On 19 April 2013, it was reported that Zarra'ai's wife was arrested by security forces from in Damascus and later released on 14 May 2013.

#### Detained - investigation

##### **Jihad JAMAL (AKA Milan):**

**Profession:** A freelance journalist and blogger **Date of arrest:** 7 March 2012 **Details of arrest:** Jamal was reportedly arrested whilst having dinner at a restaurant in the Bab Sharqi district of Damascus with Sean McAllister, a reporter for Channel 4, a UK TV station, who was released six days later after being tortured and otherwise ill-treated in detention. Unconfirmed reports suggest that Jamal may have been transferred to the Ministry Intelligence's Branch 248 for interrogation before being brought before a military court in mid-May 2012, despite being a civilian and without access to legal counsel. This is his fourth arrest since the Syrian protests started in March 2011. He was previously detained without charge from 14 October-30 December 2011, and on 4 August 2011 when he spent 60 days in detention. He was also arrested in March 2011 and held for one month in a solitary confinement at the Military Intelligence security centre in Damascus. Jamal has actively engaged in online dissent and helped foreign journalists to gather information about the conflict in Syria, which is believed to have led to his numerous arrests after March 2011. He was transferred to Saydnaya prison on 21 December 2012 to await trial before a Field Court - a military court which can impose the death penalty. Sentences imposed by the court are final and not subject to appeal or review. Still believed detained as of 30 June 2016, PEN International is seeking further information.

#### Case closed

##### **Dia'a AL-ABDULLAH:**

**Profession:** Poet and blogger **Date of arrest:** 13 February 2012 **Details of arrest:** Al-Abdullah was arrested from his home in Asswaida by the Air Forces Intelligence after writing an open letter entitled *As A Syrian Citizen I Announce*, in which he demanded that the Syrian President step down in order to prevent further bloodshed. He was released on 19 April 2012 but faces charges. Dia'a is waiting to appear before a Military Court after being charged with 'insulting the President'. The date of the trial has not been set yet. According to Dia'a, he was subjected to torture in detention and all his front teeth were broken. No further news as of 30 June 2016. **Background:** Al-Abdullah was previously detained for his writing on 29 June 2011, and held incommunicado until his release on 13 January 2012. Dia'a reportedly went into hiding in 2014 as he was sought for arrest by the authorities. **Case closed:** Case closed due to lack of information.

## **UNITED ARAB EMIRATES**

#### Imprisoned – main case

##### **Osama AL-NAJJAR:**

**Profession:** Online human rights activist **Date of arrest:** 17 March 2014 **Sentence:** Three years in prison and a 500,000 dirhams fine (approx. US\$ 136,000) **Details of arrest:** Najjar

was reportedly arrested at his home by 10 state security officers. No reason was given for his arrest. **Details of trial:** Najjar was reportedly convicted on charges stemming from his defence of his father on Twitter. He first allowed access to his lawyer at the first hearing of his case on 23 September 2014. He was reportedly convicted on 25 November 2014 on charges of insulting the state, inciting hatred and violence, spreading false information and being a member of Al-Islah (a party affiliated with the Muslim Brotherhood). He does not have the right to appeal. No further information as of 30 June 2016. **Background:** Najjar's father, Hussain Ali al-Najjar al-Hammadi, was one of those convicted in the 'UAE 94' trial, a mass trial of 94 government critics and advocates of reform charged with endangering national security in 2013.

**Mohammed AL-ROKEN:**

**Profession:** Lawyer who has written a number of books and journal articles on human rights, freedom of expression, and counterterrorism laws **Date of birth:** 26 September 1962 **Sentence:** Ten years in prison followed by three years of probation **Date of arrest:** 17 July 2012 **Current place of detention:** Al-Razin prison **Details of trial:** Tried as part of the 'UAE 94' trial. Ninety-four defendants, including eight tried in absentia were charged with (a) Creating a secret organisational structure 'whose initial aim was to turn public opinion against the Government and the leadership of the State'; (b) Communicating with 'individuals and international and foreign entities and establishments based outside the State in order to distort the image of the State'; (c) Communicating with the international Muslim Brotherhood organisation and other similar organisations based outside the State, and seeking from such organisations 'help, expertise and financial support to serve [the group's] undeclared goal of seizing power'; (d) Investing 'the funds raised from ... subscriptions, alms money, Zakat and contributions in the establishment of commercial and real estate companies, the selling and buying of residential and industrial property and agricultural land and shares registered in [the] names [of group members], with the aim of hiding the same from the authorities of the State'. The trial before the State Security Chamber of the Federal Supreme Court began on 4 March 2013. Al-Roken was convicted on 2 July 2013 and sentenced to ten years in prison. The trial failed to meet international fair trial standards, including the acceptance of evidence alleged to have been extracted as a result of torture, and was widely condemned by human rights organisations. There is no right of appeal. No further news as of 30 June 2016. **Background:** Mohamed Abdullah al-Roken is a well-known human rights lawyer. He was the lawyer for some members of the 'UAE 5', five individuals sentenced to two to three years' imprisonment in 2012 for having expressed criticism of government policies. He also represented the 'UAE 7', a group of seven individuals whose United Arab Emirates citizenship the authorities attempted to revoke in 2011, owing to their membership in the Reform and Social Guidance Association (Al-Islah). **Other information:** The UN Working Group on Arbitrary Detention found al-Roken's detention and that of 60 other of the UAE 94 to be arbitrary of 61 of the UAE 94, in its opinion 60/2013.

**Khalifa Hilal Khalifa AL-NUAIMI:**

**Profession:** Student and blogger **Sentence:** Ten years in prison followed by three years of probation **date of arrest:** July 2012 **Current place of detention:** Al-Razin Prison **Details of trial:** Convicted as part of the 'UAE 94' trial on 2 July 2013 (see **Mohamed al-Roken** above for details). **Conditions of detention:** According to the Gulf Centre for Human Rights, al-Nuaimi was subjected to torture or other ill-treatment when first detained. According to The International Centre for Justice and Human Rights (ICJHR), he was placed in solitary confinement on 23 August 2015. It is believed that the punishment is due to his appearance before the general attorney and his demands related to his rights as prisoner of conscience. No further information as 30 June 2016. **Background:** Before his arrest, al-Nuaimi kept an active blog, on which he expressed criticism of the human rights situation in the UAE and the

heavy-handed approach of the State Security apparatus. A few days before his arrest in July 2012, al-Nuaimi had written about the wave of mass arrests by the UAE's State Security apparatus: 'You do not have the right to take a son from his father...a father from his son...a teacher from his students...a preacher from his audience...and imprison them unlawfully.'

**Other information:** The UN Working Group on Arbitrary Detention found al-Nuaimi's detention and that of 60 other of the 'UAE 94' to be arbitrary of 61 of the UAE 94, in its opinion 60/2013.

#### Detained - main case

##### **\*Nasser BIN GHAITH:**

**Profession:** Academic and human rights defender **Date of arrest:** 18 August 2015 **Details of arrest:** UAE security forces reportedly searched both Bin Ghaith's home and office on 18 August 2015 before arresting him that evening and taking him to an undisclosed location. He was allegedly arrested because of tweets he had posted which were critical of the UAE and Egypt. **Details of arrest:** Bin Ghaith was held in secret detention in conditions amounting to an enforced disappearance for around eight months after his arrest in August 2015 until his first trial hearing on 8 April 2016. **Current place of detention:** al-Sadr Prison in Abu Dhabi **Details of trial:** According to Amnesty International, Bin Ghaith appeared before the State Security Chamber of the Federal Supreme Court in Abu Dhabi on 4 April 2016. He is charged with: 'committing a hostile act against a foreign state' for his Tweets criticising the Egyptian Government, 'posting false information in order to harm the reputation and stature of the State and one of its institutions', in relation to Tweets stating that he had not been given a fair trial in the 'UAE 5' case, 'posting false information' regarding UAE leaders and their policies, and 'offensively criticizing the construction of a Hindu temple in Abu Dhabi and inciting UAE citizens against their leaders and government'. This charge brought against Bin Ghaith following a Tweet which he told the court had been misinterpreted and had been intended to promote tolerance. His final charges are of 'communicating and cooperating with members of the banned al-Islah organization' because of meetings he had with individuals who were tried in the 'UAE 94' case, and 'communicating and cooperating with the banned Emirates Ummah Party'. The judge allegedly turned off Dr. Bin Ghaith's microphone in response to his claims of torture. The hearing is reported to have taken place behind closed doors, in breach of international law. Bin Ghaith was only allowed to see his lawyer for the first time while in court. According to reports, on 6 May 2016, Bin Ghaith reappeared before the State Security Chamber of the Federal Court and repeated his claims of enforced disappearance and torture received while in detention. His allegations were not acknowledged, and his case was adjourned until 23 May. A further hearing took place on 20 June 2016; the next session is scheduled for 26 September 2016. **Conditions in detention:** Bin Ghaith reportedly told the court how he had been physically tortured, beaten and deprived of sleep for up to a week while being held in detention. **Background:** Bin Ghaith was one of five Emirati men (known as the 'UAE 5') who were arrested and detained in April 2011, accused of 'publicly insulting' United Arab Emirates officials in comments posted on an online discussion forum. All five men were convicted on 27 November 2011, with Bin Ghaith receiving a two-year prison sentence, before being released under a presidential pardon one day later following international outcry.

##### **\*Tayseer AL-NAJJAR (Jordanian national):**

**Profession:** Journalist and poet **Date of arrest:** 13 December 2015 **Details of arrest:** Al-Najjar reportedly received a phone call on 13 December, summoning him to the Security Department in Abu Dhabi at 7pm. He was arrested shortly after arrival. **Current place of detention:** al-Wathba prison in Abu Dhabi **Details of trial:** No formal charges had been

brought against him as of 30 June 2016. **Conditions of detention:** Al-Najjar allegedly told his family that he was initially held in solitary confinement at the State Security Department, where he was subjected to 'heavy pressure'. On 28 February 2016, he told his family that he had been transferred to al-Wathba prison. He has since been able to call his family on a weekly basis. **Health concerns:** Amnesty International reports that al-Najjar has told his family that he is suffering from severe toothache, for which he has been given a mild painkiller but has not been referred to a dentist. **Background:** Al-Najjar has reportedly said he has been accused of having links to the Muslim Brotherhood, of collaborating with Qatar and of insulting the UAE in connection with a Facebook post written in 2014 in which he praised the Palestinian's resistance in Gaza and criticised Israel and the UAE. According to his wife, al-Najjar wrote the post almost a year before he moved to the UAE from Jordan in April 2015 to join Al Jewa, a large publishing house in the UAE, ahead of the launch of al-Dar weekly newspaper in January 2016 for whom he was to write in the cultural pages.

#### Released

**Muawiyah AL-RAWAHI** (Omani national):

**Profession:** Writer, poet and blogger **Date of arrest:** 24 February 2015 **Date of release:** March 2016 **Details of arrest:** Al-Rawahi was reportedly detained after driving up to a checkpoint between Oman and UAE. He was not allowed to enter the UAE and his travel documents were seized, according to news reports. He was missing, held in incommunicado solitary confinement until 31 May 2015 when the Emirates State Security Apparatus transferred him to Al Wathba prison. **Details of trial:** He was charged with defaming the United Arab Emirates [UAE], its rulers and people on social media. His first court appearance was on 14 September 2015. On 14 March 2016, the Federal Supreme Court acquitted him of insulting state leaders on social media. **Conditions in detention:** According to Gulf Center for Human Rights, on 9 November 2015, al-Rawahi appeared before the Federal Supreme Court of UAE, which decided to refer him to Sheikh Khalifa Medical City hospital in order to be examined. The same day, he allegedly reported on social media that he was tortured in prison and that he had been placed in solitary confinement for four months. He also suggested that he would either start a hunger strike or even commit suicide in protest at the ill-treatment that he had suffered. **Health concerns:** On 20 June 2015, his mother sent an appeal to the competent authorities in the UAE and Oman to ensure that al-Rawahi is provided with his medication. He has reportedly been suffering mental health problems for which he receives treatment. **Other information:** Al-Rawahi has published eight books, both novels and poetry. **Background:** Al-Rawahi had already reportedly been arrested in Oman in connection with a post criticising the Omani authorities for detaining several teachers and activists entitled, 'Ahmed al-Bahri/Strike's Scapegoat,' on his blog 'Bo2 Bo2 Was3' on 12 July 2014. Al-Rawahi was reportedly summoned to appear before Omani intelligence officials for questioning about the post, and did not return home. According to the Committee to Protect Journalists, he spent four days in an Internal Security Service prison before being transferred to Al-Masarra psychiatric hospital. Then, a week later, he was reportedly transferred to the psychiatric department of Sultan Qaboos University Hospital. He was released on 11 August 2014 (see [2014 Case List](#)).

**Mohammed Salem AL-ZUMER:**

**Profession:** Blogger **Sentence:** Three years in prison and a fine of 500,000 Emirati Dirham (equivalent to US\$136,000) **Date of arrest:** 5 December 2012 **Date of release:** December 2015 **Details of arrest:** At approximately 9pm, Mohammed Salim al-Zumer and a friend were arrested on the street by plain-clothes security officials who took their personal belongings, including mobile phones and iPads. Al-Zumer was taken to an undisclosed location. **Details**

**of trial:** On 25 December 2013, the Federal Court in Abu Dhabi convicted him of insulting both the head of state and the Crown Prince of Abu Dhabi in critical comments published online regarding their relationship with the private security firm Blackwater. His allegations of torture and ill-treatment during his detention were never investigated by the court.

**Details of release:** Al-Zumer was reportedly released in December 2015 upon expiry of his sentence.

## YEMEN

*The situation for journalists and freedom of expression has declined sharply since late 2014 amid an on-going conflict between Houthi rebels and a Saudi-led coalition. Many reporters have been forced to flee, following the Houthis' occupation of the capital, Sana'a, in September 2014. After forcing the resignations of the President and the government, the Houthi forces dissolved parliament and established a Revolutionary Committee in February 2015 to govern the country. Journalists still working in Sana'a have been forced to follow the Houthis' editorial line. Journalists have also been killed during clashes or during airstrikes by the Saudi-led coalition.*

Killed: impunity

### **Abdul Karim Mohammed AL-KHAIWANI:**

**Profession:** Journalist, politician and former editor of *Al-Shoura* news website **Date of killing:** 18 March 2015 **Details of killing:** Two unidentified gunmen on a motorcycle reportedly shot dead al-Khaiwani in front of his home. No group has claimed responsibility for the attacks as of 30 June 2016. **Background:** Al-Khaiwani was known for criticising the policies of former President Ali Abdullah Saleh and became increasingly aligned with the Houthi movement after the uprising that ousted the Saleh. **Other information:** Al-Khaiwani was sentenced to six years in prison on the basis of interviews he conducted and articles he wrote, which authorities claimed showed he had conspired with a Houthi rebel leader. He served only four months before being pardoned. He was also imprisoned in 2004. In 2007 gunmen abducted, beat, and threatened him in connection with an article that criticised former President Saleh. [See Case List 2004](#) and [2007](#) **Awards:** Amnesty International's Special Award for Human Rights Journalism Under Threat (2008)

Detained – main case

- \***Hareth HOMID, Profession:** journalist for al RabihNet **D.O.B born 1989,**
  - \***Hasan ONAB, Profession:** TV journalist and scriptwriter **D.O.B approx. 1981**
  - \***Akram AL-WALEEDI, Profession:** journalist for newspapers *Al Sahwa* and *Al RabihNet* and the speaker of the Yemeni Congregation for Reform "the Muslim Brotherhood" **D.O.B born 1985**
  - \***Hashem AL-YOUSFI, Profession:** Journalist for *Alsahwa* newspaper **D.O.B: 1991**
  - \***AbdelKhalee OMRAN, Profession:** Editor of the online site *Al-Islah*
  - \***Toufic AL-MANSOURY, Profession:** the artistic director of the daily newspaper *Al Masdar* (closed down by the Houthi militia)
  - \***Haytham AL SHEHAB, Profession:** journalist at *al Ahali* newspaper
- Date of detention:** 9 June 2015 **Details of detention:** All seven were kidnapped by the Houthi rebels in Yemen on the same day (9th June 2015) alongside two other media workers

**Essam Bulgat** (journalist at the radio station Al NAS FM) and **Hisham Tarmom**. They were taken from a hotel in Sana'a where they felt safer and could work using electricity without interruption. **Current place of detention:** Unknown. Held in various locations and reportedly tortured after their detention, according to the International Federation of Journalists (IFJ), which has [launched a campaign](#) for their release, they were taken to al Habra prison, Sana'a. They were moved to an unknown location in May 2016 after beginning a hunger strike. **Conditions in detention:** All are reported to have been tortured in detention. They are reported to have begun a hunger strike on 9 May 2016, in protest at their continued detention.

#### Attacked

**\*Nabel SUBAYE:**

**Profession:** Journalist for several national newspapers and poet **Date of attack:** 2 January 2016 **Details of attack:** He was attacked by armed men on a motorbike while he was walking in a street in Sana'a. According to IFJ, the men shot him twice in both legs, and beat him for several minutes with batons on his head and back, causing him to be hospitalized. **Other information:** Since the late 1990s, Subaye's writings have focused on human rights and the fight against oppression. His writings criticized power inheritance, the war in Sadaa, and the brutal crackdown on peaceful protests in South Yemen. He also published writings critical of the Transitional Process (2012-2014) and condemned the rise of armed groups in 2014 and their take over the state's institution and capital in January 2015. Recently, Subaye became even more vocal against all sides to the Yemeni conflict, which led to a catastrophic humanitarian crisis.

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