

International PEN
Writers in Prison Committee
Day of the Imprisoned Writer
10 November 2005

Usually marked annually on 15th November each year, International PEN's Day of the Imprisoned Writer 2005 is being held on 10th November, the 10th anniversary of the execution of Nigerian author Ken Saro Wiwa. Actions by writers and members of PEN world wide supporting other writers and journalists who are detained and attacked today will run alongside the commemorative events being held in honour of Ken Saro Wiwa being held in the weeks around this date.

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Ten years ago, on 10 November 1995, Ken Saro Wiwa, a Nigerian writer, environmental activist and campaigner for minority rights was executed, an act that shocked the world. Ken Saro Wiwa has since become emblematic to writers, environmentalists and others world-wide who seek to expose inequality and who confront abuse of power. Ken Saro Wiwa's memory is alive today. A decade on, his life is being celebrated and the anniversary is an opportunity for writers to renew their pledge support for others who today, like Saro-Wiwa, use the writing and the written word in their struggle for a better world.

For information on what PEN Centres are doing to remember Ken Saro Wiwa, are available from the International PEN website, which also includes links to PEN centre websites world wide.

This paper looks at the cases of five writers who are now in prison, or facing imprisonment. These people serve to illustrate the fact that despite the fact that governments increasingly claim to be committed to protecting basic human rights, such as that of freedom of expression, prison is still used as a tool of silencing those who speak out. In some cases murder is the preferred tool of oppression. Also included in this paper is a list of 28 writers and print journalists were killed in the practice of their professions since the last Day of the Imprisoned Writer in November 2004.

The writer focus cases for 2005 are:

- **Turkey – Orhan Pamuk**, world famous writer on trial for “insulting” the Turkish state
- **China – Shi Tao**, poet and activist sentenced ten years for internet writing
- **Iran – Dr Roya Toloui**, writer and women's rights activist imprisoned for her support of minority rights
- **Sierra Leone – Paul Kamara**, dissident journalist held in isolation for article on fraud
- **Cuba – Victor Rolando Arroyo** – journalist serving 26-years prison term in harsh conditions

Turkey - Orhan Pamuk



Orhan Pamuk, one of Turkey's most well known authors, is to be brought before a Turkish court on 16 December. He faces up to three years in prison for a comment published in a Swiss newspaper earlier this year. His case has led to international protests.

The charges stem from an interview given by Orhan Pamuk to the Swiss newspaper *Tages Anzeiger* on 6 February 2005 in which he is quoted as saying that "thirty thousand Kurds and a million Armenians were killed in these lands and nobody but me dares to talk about it". Pamuk was referring to the killings by Ottoman Empire forces of thousands of Armenians in 1915-1917. Turkey does not contest the deaths, but denies that it could be called a "genocide". His reference to "30,000" Kurdish deaths refers to those killed since 1984 in the conflict between Turkish forces and Kurdish separatists. Debate on these issues have been stifled by stringent laws, some leading to lengthy lawsuits, fines and in some cases prison terms.

The trial against Orhan Pamuk is likely to follow the pattern of those against other writers, journalists and publishers similarly prosecuted. Karin Clark, Chair of PEN's Writers in Prison Committee points out that "*PEN has for years been campaigning for an end to Turkish courts trying and imprisoning writers, journalists and publishers under laws that clearly breach international standards to the Turkish government itself has pledged commitment.*" Although the numbers of convictions and prison sentences under laws that penalise free speech has declined in the past decade, PEN has on its records over 50 writers, journalists and publishers currently before the courts. This is despite a series of amendments to the Penal Code in recent years which were aimed at meeting demands for human rights improvements as a condition for opening talks into Turkey's application for membership of the European Union. The most recent changes were enacted in June this year. Journalists in Turkey have staged protests against the fact that there remain considerable problems in the revised Penal Code. In April International PEN joined its the International Publisher's Association in a statement to the United Nations Commission on Human Rights which described the newly revised Penal Code as "deeply flawed".

Orhan Pamuk is one of Turkey's most well known authors, whose works have been published world wide in over 20 languages. In 2003 he won the International IMPAC award for *My Name is Red*. His 2004 novel *Snow* has met with similar acclaim. His most recent book, *Istanbul*, is a personal history of his native city.

In early 2005, the interview for which Pamuk will stand trial led to protests and reports that copies of his books were burned. He also suffered death threats from extremists. PEN members world-wide then called on the Turkish government to condemn these attacks.

Writing sample

...in the streets of Istanbul you could hear Turkish, Greek, Armenian, Italian, French and English (and more than either of the last two languages, Ladino, the medieval Spanish of the Jews who'd come to Istanbul after the Inquisition); noting that many people in this 'tower of Babel' were fluent in several languages, [Gautier] seems, like so many of his compatriots, slightly ashamed to have no language other than his mother tongue....After the founding of the Republic and the violent rise of Turkification, after the state imposed sanctions on minorities – a measure that some might describe as the final stage of the city's 'conquest' and others as ethnic cleansing – most of these languages disappeared. I witnessed this cultural cleansing as a child, for whenever anyone spoke Greek or Armenian too loudly in the street ... someone would cry out, 'Citizens, please speak Turkish!' You saw signs everywhere saying the same thing. From Pamuk's "Istanbul: Memories of a City 2005 (pp214-215)

What you can do

Write to the Turkish authorities to protest the decision to take Orhan Pamuk to trial on charges that clearly breach international human rights instruments that safeguard the right to freedom of expression. Most notable are Article 19 of the International Covenant on Civil and Political Rights, and Article 10 of the European Convention on Human Rights and Fundamental Freedoms. Turkey is a signatory to both. Express the sincere hope that the court hearing on 16 December 2005 will recognise that to proceed with the trial would be to bring Turkey into contravention of the ICCPR and ECHR and order Orhan Pamuk's acquittal.

Prime Minister Rəcəp Tayyip Erdoğan
TC Easbakanlık
Ankara
Turkey
Fax: +90 312 417 0476

Cemil Cicek
Minister of Justice
TC Adalet Bakanligi
Ankara
Turkey

Fax: + 90 312 417 3954

Similar appeals should be sent to the **Turkish Embassy** in your own country.

China – Shi Tao



Journalist, poet and dissident writer Shi Tao was sentenced on 27 April 2005 to ten years in prison for “leaking state secrets abroad”. The prosecution of Shi Tao was based on an email Shi Tao sent to the editor of a New York-based website detailing media restrictions imposed by the Chinese authorities prior to the fifteenth anniversary of the 3 June 1989 crackdown on the pro-democracy protests.

Shi Tao was detained near his home in Taiyuan, Shanxi Province, on 24 November 2004, several months after he e-mailed notes detailing the propaganda ministry's instructions to the media about coverage of the anniversary of the crackdown at Tiananmen Square. His computer and other documents were also confiscated. Shi Tao was formally charged on 14 December with 'leaking state secrets'. On 27 April 2005 Shi Tao was convicted by the Changsha Intermediate People's Court and sentenced to a 10-year prison term. On 2 June, the Hunan Province High People's Court rejected Shi Tao's appeal without giving the journalist a hearing. His mother has applied for a review of the appeal hearing on the procedural grounds.

The San Francisco-based Dui Hua Foundation, which advocates for the release of political prisoners in China, has translated into English the court's verdict. According to this translation, the verdict reveals that Yahoo! Holdings (Hong Kong) Ltd provided Chinese police with detailed information that enabled them to link Shi Tao's personal email account and the specific message containing the alleged 'state secret' to the address of his computer. Yahoo! has refused to offer any details beyond the following statement: 'Just like any other global company, Yahoo! must ensure that its local country sites must operate within the laws, regulations and customs of the country in which they are based.'

Shi Tao, aged 37, worked for the Changsha-based daily *Dangdai Shang Bao* (*Contemporary Business News*) until May 2004, when he became a freelance journalist and writer. He is a published poet, and is known for his social commentaries published on overseas Chinese language media such as Democracy Forum (www.boxun.com). He is a member of the Independent Chinese PEN Centre.

Sample writing

June

*My whole life
Will never get past "June"
June, when my heart died
When my poetry died
When my lover
Died in an abandoned pool of blood
June, the scorching sun burns open my skin
Revealing the true nature of my wound
June, the little fish swims out of the blood-red sea
Toward another place to hibernate
June, the earth changes shape, the river falls silent
Piled up letters unable to be delivered to the dead*

Shi Tao, 9 June 2004. Translated from the Chinese by Chip Rolley of Sydney PEN, Centre.

What you can do

Send protests to the Chinese authorities that Shi Tao has been sentenced to ten years in prison solely for having practiced his right to freedom of expression. Urge that he be immediately and unconditionally release.

ALSO write to Terry Semel, Chairman of Yahoo! at the company's US headquarters to express dismay that the company had agreed to provide information enabled his conviction.

Join PEN's Internet Campaign where Shi Tao's case is featured among many other internet dissidents held in China. Contact cmccann@wipcpenn.org for further details.

Government addresses:

His Excellency Hu Jintao
President of the People's
Republic of China
State Council
Beijing 100032
P.R.China.

His Excellency Zhang Fusen
Minister of Justice
10 Chaoyangmen Nandajie
Chaoyang-qu
Beijing-shi 100020
P.R.China.

Please copy appeals to the diplomatic representative for China in your country if possible.

Chairman of YAHOO!

Terry Semel
Yahoo! Inc.
701 First Avenue
Sunnyvale
California 94089
USA
Fax: +408 349 330

Iran/Kurdistan - Dr Roya Toloui



Writer and women's rights activist Dr. Roya Toloui, was among several prominent Kurdish human rights defenders and journalists to be detained on 2 August 2005 following protests in the city of Sanandaj, capital of Kurdistan. Dr. Toloui remains held without charge or trial. Until her release on bail on 5 October, she was held amongst common criminals in Sanandaj prison, where conditions are said to be harsh. She is awaiting trial.

According to PEN's information, those detained on 2 August in Sanandaj alongside Roya Toloui include **Mohammad Sadeq Kabudvand**, journalist and co-founder of Kurdistan Human Rights Organization; **Jalal Qavami**, editor of the journal *Payam-e Mardom*, writer **Said Saidi** and journalist **Media Ahmadi**. All were arrested at their homes or offices and charges against them are thought to include 'disturbing the peace' and 'acting against national security', although the judicial authorities have not provided any further details. On the same day the government also shut down two Kurdish newspapers, *Ashti* and the weekly *Asu*.

There has been mounting unrest in Iran's Kurdish region since the presidential elections in late June, which saw the election of Mahmoud Ahmadinejad, a candidate closely identified with Iran's ruling clerical establishment who is viewed as hostile to Kurdish demands for greater political and cultural recognition. The protests have reportedly been violently suppressed by the Iranian security forces, resulting in over twenty deaths and hundreds of arrests. Martial law is said to be effectively in place across the region. Organisations such as Amnesty International (www.amnesty.org) and Human Rights Watch (www.hrw.org) have reported in detail on the background to the unrest.

Dr. Toloui is editor of the monthly cultural magazine *Rassan* and founder of the Association of Kurdish Women for the Defense of Peace and Human Rights. According to Human Rights First (formerly the Lawyers' Committee on Human Rights), the authorities have refused to legally register this organization and its members have been repeatedly harassed and threatened in recent months. Dr. Toloui is known for her outspoken criticism of the Iranian authorities and defence of the rights of women and religious and ethnic minorities. Her public comments have brought her to the attention of the authorities and she was summoned to appear before a Revolutionary Court in April 2005 to face accusations that her non-violent activism "endangered national security." She is also a member of the Kurdish PEN Centre.

What you can do

Send protests to the Iranian authorities that Dr Toloui was arrested apparently for her support for women's and minority rights, and urging that she be immediately and unconditionally freed. Also seek assurances that she is being treated humanely while in detention.

Leader of the Islamic Republic
His Excellency Ayatollah Sayed 'Ali Khamenei
The Presidency
Palestine Avenue
Azerbaijan Intersection
Tehran, Islamic Republic of Iran
Fax: +98 216495880

Head of the Judiciary
His Excellency Ayatollah Mahmoud Hashemi Shahroudi
Ministry of Justice,
Park-e Shahr,
Tehran,
Islamic Republic of Iran.
Email: irjpr@iranjudiciary.org

Sierra Leone – Paul Kamara

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Journalist Paul Kamara, a long standing critic of the Sierra Leone government, is in prison or having suggested that the country's President was unfit for office. He is held in solitary confinement, and that his trial was far from fair.

On 5 October 2004, nearly a year to the day after he was arrested, *For Di People* editor Paul Kamara (48) was sentenced to two concurrent two-year prison sentences. It is not the first time the journalist had seen the inside of Pademba Road prison in Sierra Leone's capital Freetown. Aside from the month he spent there while he and three printing press employees attempted to raise bail after their initial arrest, he had previously served out a six-month sentence in 2002/3 on eighteen counts of criminal libel for allegedly defaming a judge.

Kamara's most recent sojourn – currently in solitary confinement – stems from a report *For Di People* ran in October 2003 highlighting a 1967 Commission of Inquiry into fraud allegations concerning the Sierra Leone Produce Marketing Board and the Ministry of Trade and Industry. President Kabbah had been a Permanent Secretary at the Ministry before taking presidential office and was then found guilty of fraudulent dealings by the Commission. The article went on to claim that the president should be exempted from holding political office because those convicted of offences that involve fraud are constitutionally barred from standing for election. Excerpts from the Commission's report were also published to back up this assertion. Nevertheless, Kamara was found guilty of "seditious libel" by a judge who had apparently made scathing remarks about Kamara in open court and whose impartiality has been called into question. The prison term is a clear violation of United Nations Security Council Resolution 1562 which calls on the Sierra Leone government to 'decriminalise press offenses, as other African countries have done'.

With Kamara in prison, his place at the editor's desk of *For Di People* was filled by 34-year-old Harry Yansaneh. On 10 May 2005, Yansaneh was attacked by a gang reportedly acting on the orders of member of parliament Dr Fatmata Hassan. The journalist died of kidney failure on 27 July as a result of injuries sustained during the assault. An inquest ruled that his death amounted to manslaughter. Hassan was arrested and has since been bailed pending charges, and arrest warrants have been issued for the alleged members of the gang, including three of Hassan's children, two of whom are currently resident in the United Kingdom.

Meanwhile, Kamara's appeal process, including several attempts to have him released on bail pending a review of the case, continues to meander along fruitlessly. One could be forgiven for thinking that the Sierra Leonean judiciary is content to drag proceedings out long enough so that Kamara completes his two-year sentences in their entirety before his appeals come to anything.

Sample writing

*I now appreciate better the words of a Senegalese journalist, Abdoul Rahman Ceesay, who in the 80s – noting the numerous difficulties encountered by our newspaper – said that had Christ been alive today, he would have loved to be a journalist. At the time, I had already tasted the bitter pill of how dehumanizing and a death trap our prisons could be and I remember writing an article titled *The Walls of Silence* in which I compared Pademba Prisons to a silencer that whispers a soft and agonizing death.*

Message from Paul Kamara on World Press Freedom Day, 3 May 2005

What you can do

Write to the Sierra Leone authorities Calling for the release of Paul Kamara and for the cessation of attacks against the *For Di People* newspaper and its staff. Also calling for all those involved in the killing of Harry Yansaneh to be brought to justice.

His Excellency Ahmad Tejan Kabbah
Office of the President
State House
15 Siaka Stevens Street
Freetown,
Sierra Leone

Fax: +232 22 225615

Cuba – Victor Rolando Arroyo



Cuban writer Victor Rolanda Arroyo, was served with a staggering 26-year sentence in 2003 for “treason”. The reasons for his arrest was his work for the Independent Cuban Journalists and Writers Union. His is imprisoned far from his family and has suffered harsh reprisals for protesting against inhumane treatment of prisoners.

Victor Rolando Arroyo (53) first became acquainted with the inside of a Cuban prison in 1996. Shortly after the launch of his book *El Tabaco* – a critical analysis of tobacco cultivation in Pinar del Río, home of the famous Havana cigar – he was sentenced to 18 months’ imprisonment for an unauthorised publication. Four years later, he received a six-month sentence after a bizarre trial at the end of which he was found guilty of “hoarding” on the grounds that toys had been found at his house. The fact that Arroyo had been in the process of distributing these toys to poor children as part of a charitable effort held no sway with the judge.

However, these sentences pale into insignificance when compared with that handed down to him on 4 April 2003. Arroyo had been arrested the previous month along with scores of unofficial journalists and members of the opposition in what later became known as La Primavera Negra (The Black Spring). His 26-year sentence was one of the harshest meted out in the summary one-day trials that were the lot of the so-called ‘75’.

Arroyo had been found guilty under the provisions of Article 91 of the Penal Code which covers crimes against “the independence of the territorial integrity of the state” and which carries the death penalty. In effect, he was tried for treason, his work as director of the Union of Independent Cuban Journalists and Writers (Unión de Periodistas y Escritores Cubanos Independientes – UPECI) and the many articles he has published since 1996 on the Miami-based website Cubanet (www.cubanet.org). This has painted him in the eyes of the authorities as a collaborator with the United States. The US government maintains an economic embargo against Cuba and has made concerted efforts to remove President Fidel Castro from office.

Arroyo’s latest term has proved somewhat torrid, even by Cuban standards. Housed in the Combinado prison in Guantánamo – not far from the infamous Camp Delta – he finds himself over a thousand kilometres from his home in Pinar del Río. Since travel around Cuba is an expensive and rigorous pastime, this means that his wife finds it very difficult to visit him on the rare occasions when she is granted permission..

Furthermore, the journalist has earned himself a bad boy reputation with the prison authorities for his refusal to be cowed by them. He has spent time in punishment cells – one reportedly too small to lie down in – for, among other crimes, refusing to stand to attention in front of a prison guard. He has also allegedly been beaten by guards and in September this year went on a 25-day hunger strike to demand adequate medical attention.

In November 2004, Arroyo was transferred to Havana where he was diagnosed with pulmonary emphysema. Although other prisoners who were moved to Havana at the same time were subsequently released, the writer was returned to his cell in the far south-east of the country. In August 2005, he reported that a prison guard called Armesto had repeatedly threatened him that he would not leave the prison alive.

Of the 35 journalists, librarians and writers imprisoned in April 2003, 26 are still serving sentences. The Working Group on Arbitrary Detention of the United Nations Commission on Human Rights has formally declared that all those sentenced in the March 2003 clampdown are being detained arbitrarily.

Sample writing

I live in a walled cell. It is a rectangle, 3.30 metres wide by 10.4 metres long, divided into two areas. In one, the bedroom with a length of 7.7m and a total area of 25.4 m² in which there are two rows of bunk beds, each bunk with three beds, where 18 people sleep. The bunk beds have a surface area of 1.95m by 70cm. The bunk beds occupy an area of 8.2 m², leaving space for a central passageway between both rows of bunk beds that has an area of 17.2 m², which, in theory, allows each prisoner a 90cm² living area when not in his rickety bed.

The bunk beds are breeding places for cockroaches but these are tolerated because they prevent the bedbugs, fleas and such like from spreading. The mattresses, which not everybody owns, are of foam or padding, or simply a nylon sack filled with pieces of sponge.

Letter from prison, February 2005

What you can do

Write to the Cuban authorities calling for the immediate and unconditional release of Victor Rolando Arroyo; Also calling for the immediate and unconditional release of all journalists and librarians in Cuba.

His Excellency Fidel Castro Ruz
President of Cuba
c/o Cuban Mission to the United
Nations
New York , NY
USA
e-mail: cuba@un.int
Fax: +1 212 779 1697

Minister of Foreign Affairs
Sr Felipe Pérez Roque
Ministro de Relaciones
Exteriores
Ministerio de Relaciones
Exteriores
Calzada No. 360, Vedado
La Habana
Cuba
Fax: +53 7 8333 085
Email:
cubaminrex@minrex.gov.cu

Copies may also be sent to the Cuban representation in your country.

(Information on Arroyo is also available in Spanish – contact Dixe Wills on dwills@wipcpn.org)

More information on all cases

- Photos in electronic form are available of all the persons featured in this year's Day of the Imprisoned Writer – contact intpen@gn.apc.org
- Writing samples are available (not for Dr Toloui) – contact intpen@gn.apc.org
- International PEN Web-site – www.internationalpen.org.uk
- Also PEN Centre web sites – see link on International PEN Web Site

For further information please contact Sara Whyatt at the Writers in Prison Committee of International PEN, 9/10 Charterhouse Buildings, London EC1M 7AT, United Kingdom. Tel: +44 (0) 207 253 3226 Fax: +44 (0) 207 253 5711 email: swhyatt@wipcpn.org