

Resolutions passed by the Assembly of Delegates of International PEN

Meeting at its 77th Congress in Belgrade, Serbia,

12 September to 18 September 2011

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1. Resolution on Bahrain

The Assembly of Delegates of PEN International, meeting at its 77th International Congress in Belgrade, Serbia September 12-18, 2011

Shocked by the life sentence handed down to academic and human rights activist Dr Abdul-Jalil Alsingace on 22 June 2011 for his peaceful opposition activities. He is among twenty-one activists convicted of 'plotting to overthrow the government' after a violent crackdown on peaceful opposition protestors in the capital, Manama.

Alarmed at the apparent use of excessive force to suppress peaceful dissent.

Calls for the immediate and unconditional release of Dr Alsingace and all those currently detained in Bahrain for the peaceful exercise of their opinions.

Reminds the Bahraini authorities of their obligations to protect the right to freedom of expression as guaranteed by Article 19 of the International Covenant on Civil and Political Rights, to which Bahrain is a signatory.

2. Resolution on Basque Issues

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Noticing the important steps taken these last months to end more than four decades of violence in the Basque Country;

Considering the declarations of the armed separatist group ETA (Euskadi Ta Askatasuna, Basque Homeland and Freedom) calling for a ceasefire on the 5 September 2010, and for a permanent truce on the 10 January 2011;

Acknowledging the victims of this tragedy, with more than 1,000 deaths and tens of thousands of injured;

Aware of the International Crisis Group, with its mandate to expedite and facilitate political normalisation in the Basque Country, and the Brussels Declaration (“this commitment can be a major step in ending the last remaining conflict in Europe (...) the coming months may present a situation where the commitment to peaceful, democratic and nonviolent means becomes an irreversible reality”) with the endorsement of Nobel Prize Laureates FW De Klerk, John Hume, Archbishop Desmond Tutu, Betty Williams and the Nelson Mandela Foundation;

The General Assembly of PEN International:

- **Shows** its sympathy and solidarity with all those suffering from more than four decades of violence;
- **Calls** upon all the parties involved in the conflict not to waste this opportunity to achieve a lasting peace for the Basque Country;
- **Calls** upon ETA to, adhere to its permanent ceasefire, acknowledge the suffering caused by its activities, to disarm and to disband;
- **Calls** upon the Spanish Government, to also take all necessary steps towards a lasting peace, apply the recommendations on change the anti-terror law, specifically on removing the practice of torture against terrorism suspects, as raised by Theo van Boven, United Nations Special Rapporteur on Torture; put an end to the banning of political parties and newspapers, and adapt the penitentiary policy to the newly transformed political situation. Those imprisoned for political, social or professional activities should be freed, among them the journalists Teresa Toda (PEN Member) and Xabier Salutregi, and Egin newspaper staff;
- **Urges** the international community to endorse the peace process and support a final democratic solution to this conflict.

3. Resolution on Belarus

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

On the day of the Belarusian Presidential election, 19 December 2010, the Belarusian KGB maltreated and later kidnapped from hospital one of the presidential candidates, writer Uladzimir Niaklajeu (Vladimir Nekliajev). He was held in KGB secret custody for several weeks without proper medical attention and his relatives were not informed of his whereabouts. After several months under house arrest, Niaklajeu was, in May 2011, convicted and sentenced to three years in prison. However under a new law especially designed for silencing opposition voices he will not be required to enter prison, but will live under surveillance and other restrictions under the terms of a two year suspension of the sentence. He now lives under constant threat of imprisonment and is denied the right to leave the country.

Belarusian PEN has elected its former president Niaklajeu as honorary president, and has also nominated him as a candidate for the Nobel Prize for Literature. In Belarus Niaklajeu is one of the most important role models in the struggle against President Lukashenko's ever more brutal and violent regime.

PEN considers the treatment of Uladzimir Niaklajeu a crime against human rights and a disgrace unworthy of any state. PEN calls on the immediate rehabilitation of Uladzimir Niaklajeu, the lifting of all restrictions against him, and that the Belarusian state gives him fitting compensation for the time spent in jail, under appalling conditions.

4. Resolution on the People's Republic of China

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Congratulates Dr. LIU Xiaobo, the former and honorary president of Independent Chinese PEN Centre, on his honour as the laureate of Nobel Peace Prize in 2010.

Welcomes the releases of GUO Xianliang, LI Hai, LIU Zhengqing, LUO Yongquan, AI Weiwei, Ran Yunfei and XU Zerong, either on bail or due to sentence reduction, since the last Congress of PEN International in September 2010.

Considers the increasing suppression of the right to freedom of expression throughout China, from its capital city of Beijing to the inland province of Sichuan and Guizhou, to the coastal province of Guangdong and Zhejiang, to the Autonomous Regions of Tibet, Xinjiang, and Inner Mongolia, particularly since the announcement of awarding Dr. LIU Xiaobo the Nobel Peace Prize in October 2010.

Shocked by the relentless harassment and widespread attacks against Chinese intellectuals and human rights activists, which has intensified since mid-February 2011 in response to anonymous calls for 'Jasmine Revolution' protests.

Disturbed by the continuous use of administrative detention, including the infamous "Re-education Through Labour" (RTL) system, to jail dissident writers for up to 3 years without the due process guaranteed under its own laws.

Further Disturbed by the increasing misuse of China's Criminal Law to arbitrarily charge dissident writers, outspoken journalists and independent publishers with criminal offences to suppress freedom of expression and the press, in particular "endangering the social/national security", "(inciting) subversion of state power", "illegally holding/leaking state secrets" and "illegal business practices", or alleged "economic crimes", including the sentencing of HUANG Xiaomin (2.5 years), Kalsang Jinpa (3 years), Jangtse Donkho (4 years), Buddha (4 years), Tashi Rabten (4 years), Dokru Tsultrim (4.5 years), WEN Yan (6 years), QI Chonghuai (additional 8 years), LIU Xianbin (10 years), Memetjan Abdulla (life) and Gulmira Imin (life) as well as the prosecutions and trials of, ZUO Xiaohuan, TANG Cailong, LI Tie, CHEN Wei and WANG Lihong (f).

Worried about the growing censorship of the Internet throughout the country, in which more than 40% of websites were blocked and closed in 2010, and online writers and journalists harassed and imprisoned for their publication of critical reports and commentaries on overseas websites.

Shocked by the increasing persecution of Independent Chinese PEN Centre (ICPC) members, including the ongoing imprisonment of LIU Xiaobo (11 years), SHI Tao (10 years), YANG Tongyan (12 years), and ZHU Yufu who has been detained since last March after having twice served imprisonments of 9 years in total; the interrogation, harassment, threats, attacks, brief detentions, meeting and travel restrictions of more than 60 members, including WU Yangwei, Coordinator of ICPC Network Committee, and Dr. TENG Biao, Legal Consultant of ICPC-WiPC, who were respectively detained

for 2 and 3 months since last February and who are still under tight residential surveillance.

Particularly alarmed by the situation of the imprisoned writers whose health has been in decline without proper treatment. Most of their applications for medical parole have been repeatedly rejected, or only approved at a terminal stage of illness. A typical case is **Zhang Jianhong**, a prominent writer and a member of ICPC, who was arrested when completely healthy in September 2006,¹ but who was diagnosed in May 2007 with muscular atrophy and amyotrophic lateral sclerosis, a progressive degenerative disease of the central nervous system. In October 2007 he was transferred to a prison hospital because his condition had rapidly deteriorated in prison. His applications for medical parole were rejected until he was finally released in June 2010, requiring intensive care and dependency on a life support system with a ventilator. He died six months later, on New Year's Eve.

PEN International therefore urges the government of the People's Republic of China to:

- Stop the harassment and persecution of ICPC members, and lift all restrictions on their freedom to exit and enter mainland China, particularly to attend PEN International conferences and to return home;
- Cease its efforts to censor cyberspace and to immediately release all Internet writers jailed for peacefully expressing their opinions;
- Release all prisoners in the autonomous regions of Tibet, Xinjiang Uyghur and Inner Mongolia who have been detained in violation of their right to freedom of expression, including Tibetan writers and journalists Dawa Gyaltzen, Dolma Kyab, Kunchok Tsephel, Paljor Norbu, Tashi Rabten, Kunga Tseyang, Kalsang Jinpa, Jangtse Donkho, Buddha and Dokru Tsultrim; Uighur writers Abdulghani Memetemin, Nurmuhemmet Yasin, Nureli Eli, Dilshat Perhat, Nijat Azat, Gheyret Niyaz, Memetjan Abdulla and Gulmira Imin, and Mongolian writer Hada;
- Release all imprisoned writers and journalists in China, including LIU Xiaobo, SHI Tao, YANG Tongyan, ZHU Yufu, HUANG Jinqiu, ZHENG Yichun, KONG Youping, LU Jianhua, WANG Xiaoning, YANG Maodong, QI Chonghai, YUAN Xianchen, ZHANG Qi, HUANG Xiaomin, ZUO Xiaohuan, TANG Cailong, LIU Xianbin, WEN Yan, LI Tie, RAN Yunfei, CHEN Wei and WANG Lihong.
- Ratify the International Covenant on Civil and Political Rights, which was signed by the People's Republic of China in October 1998;
- Engage in a complete and meaningful reform of the Chinese legal system in accordance with international standards and its own Constitution to guarantee fair trials, the full rights of defence and appeal, the legal practices of attorneys, and a prison system that ensures the health and safety of inmates; particularly to cease the practice of using the charge of "subversion" against writers and of "holding/leaking state secrets" against journalists; and to abandon the infamous RTL system.

5. Resolution on China – Uyghur Issues

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Alarmed by the continued persecution of Uyghur writers, journalists and webmasters/web editors who are particularly targeted by the Chinese authorities solely for practising their right to free expression. The authorities in the Xinjiang Uyghur Autonomous Region of China subject Uyghur journalists and writers to harassment, arbitrary detention and flawed trials for publishing anything related to current political concerns in the region, including Uyghur ethnic identity, beliefs, history, etc. Overall, the crackdown on Uyghur intellectuals has intensified after the 2009 protests; the number of sentences handed down to Uyghur intellectuals convicted of so-called “separatism” is alarming.

Appalled over China’s extrajudicial punishment of Uyghur journalists and web editors. We estimate that at least 300 Uyghur Web moderators may have been detained and jailed in the Uyghur region over the “5th July” 2009 protest. We are unable to confirm this estimate because of the Chinese government’s lack of transparency and accountability.

Calls on the Chinese authorities:

- To stop the ill treatment and torture of Uyghur writers, journalists and all other political prisoners in China’s jails.
- To stop targeting Uyghur intellectuals including writers, journalists and web editors. Urges China to ratify the First Optional Protocol of the ICCPR (International Covenant on Civil and Political Rights) providing for the abolition of the death penalty in line with the growing trend in international law.
- Fulfill its obligations to Article 19 of the International Covenant on Civil and Political Rights, to which it is a member state, and implement the immediate and unconditional release of all those currently detained in China’s prisons for peacefully exercising their right to free expression.
- Respect the right to freedom of expression, as required by international law including Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 19 of the Universal Declaration of Human Rights (UDHR).

6. Resolution on Cuba

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Welcomes the release from jail not only the journalists, librarians and dissidents of the Group of the 75, but all political prisoners.

PEN International is

Disappointed because despite the fact that the government of Cuba, under pressure from international public opinion, arrived at an agreement with the government of Spain and the Catholic Church there are still many more who are suffering the inhumane conditions of Cuban jails;

Concerned because the European Union, in order to regularize its relations with the government of Cuba, demanded not only these releases, but an end to all repression against dissidents, however other forms of repression of dissidents, independent journalists and human rights activists persist and may actually have increased;

Worried because dissidents who publicly advocate for freedom of expression and respect for human rights are still frequently arrested by the police, taken to the Department of State Security, sometimes for several days, and then released under a “judicial warning” document, containing the threat of starting a criminal court case against them if they continue with their dissident activities;

Alarmed by other repressive acts against dissidents, such as the well-known “acts of repudiation” by paramilitary groups and mobs organized by the Department of State Security, harassing and physically attacking dissidents in front of their homes and as they perform peaceful acts in public;

Shocked because police repression has increased in such a way that they carry out frequent beatings of dissidents; the political dissident Juan Wilfredo Soto García died in May 2011 allegedly as the result of a police beating;

Dismayed because the Cuban government continues to deny exit visas to writers and journalists who have won international awards for their civic and intellectual work and who as a result cannot go abroad to receive those awards, for example the blogger Yoani Sánchez, who won an international award for her journalistic work, Bernardo Arévalo Padrón, who won the Barbara Goldsmith award, granted by the American PEN Center, and the dissident Guillermo Fariñas, who won the Sajarov Award given by the European Union;

Dissatisfied with the treatment that the government of Spain has given to the Cuban political prisoners who, with the collaboration of the Cuban government, were released from prison on the condition that they accept their deportation to Spain, where they have not received the status of political refugees and therefore are in an uncertain legal situation and difficult circumstances;

Alarmed because the government of Cuba keeps in force Law 88 of 1999 that sets sentences of up to 20 years’ imprisonment for independent journalists and opposition members trying to exercise their right to freedom of expression, and also keeps in force the so-called Law of Security of Information, restricting Cubans’ access to internet, which it is largely available for government officers;

PEN International URGES the Cuban government:

- To free the remaining political prisoners from prison and allow them to remain in the country or to travel abroad, in compliance with Article 13 of the Universal Declaration of Human Rights;
- To cease all acts of repression outlined in this resolution against independent journalists and peaceful dissidents who exercise their right to freedom of expression and other human rights;
- To allow the Cuban citizens Yoani Sánchez (blogger) and Bernardo Arévalo Padrón (independent journalist) to leave the country and travel abroad to receive the awards they have won for their work in favour of freedom of expression. The same should be made a precedent for those who in the future are granted similar awards;
- To abolish Law 88 of 1999 and the Law of Security of Information which restricts Cuban individuals' access to the internet.

7. Resolution on Eritrea

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

September 23, 2011 will mark the 10th anniversary of the arrest in Eritrea of the journalist, playwright and writer Dawit Isaak. Despite many efforts to raise his case at the international level, Dawit remains the only Swedish citizen who is a prisoner of conscience anywhere in the world.

Ten years ago, Mr. Isaak was detained with a large number of other journalists, writers and opposition politicians after his newspaper published a letter which criticized President Isaias Afewerki. Despite serious concerns for their health and well-being, Isaak and his colleagues have reportedly been held without charge or trial in extremely harsh conditions ever since. At least four of the journalists arrested with Isaak are believed to have died during their detention and, according to news reports in 2010, only 20 out of the original 35 political prisoners held at Eira Eiro prison camp, where Isaak is allegedly detained, remain alive.

Dawit Isaak was born in Eritrea in 1964. He immigrated to Sweden as a refugee from Eritrea's War of Independence in 1987 and became a Swedish citizen five years later. When Eritrea gained independence in 1993, Isaak returned to his native country and became a part-owner of *Setit*, the country's first independent newspaper.

Concerned by the reported deaths of Dawit Isaak's colleagues, and by a longstanding lack of medical treatment at the prisons where he has been held, Swedish PEN wishes to submit a further resolution on Eritrea.

PEN International calls on the government of Eritrea:

- To honour its obligations under international law by granting the International Committee of the Red Cross, or some other reputable and independent organization, access to Mr. Isaak and those detained with him;
- To provide independent assessments of their health and any medical treatment they require;
- To grant the immediate and unconditional release of Dawit Isaak and the at least 15 other Eritreans who have also been imprisoned for their writings since 2001.

8. Resolution on the Islamic Republic of Iran

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Two years after the mass demonstrations in protest against the results of the 10th presidential election 2009, the Iranian government is continuing a comprehensive crackdown on independent voices inside Iran. Imprisonment, the threat of prosecution, and harassment have become part of the daily life of independent writers, journalists, filmmakers, labour activists, human rights and ethnic rights activists. At least 29 Iranian journalists have fled into exile since the June 2009 crackdown.

Censorship of books in Iran is more widespread and severe than ever. The government has proclaimed that books should include Islamic values and threatens to force the publishers to withdraw “inappropriate books” from the market. It requires renewed publishing permits to print new editions of already published books. In addition, some independent publishers have received warnings, and many of them risk bankruptcy.

PEN International is

Alarmed about the increasing and widespread violations of the right to freedom of expression in Iran.

Troubled by the arrest and 11-year prison sentence handed down to the lawyer, writer, and human rights advocate Nasrin Sotoudeh, who is accused of “spreading lies against the regime”. Nasrin Sotoudeh, the award winner of 2011 PEN/Barbara Goldsmith Freedom to Write, has been imprisoned solely for exercising her right to freedom of expression, as guaranteed by Article 19 of the International Covenant on Civil and Political Rights, to which Iran is a signatory.

Also Troubled by the verdict against the film directors Jafar Panahi and Mohammad Rasoulof, who have been sentenced to six years in prison in Iran. Jafar Panahi is also prohibited from directing, writing and producing films for 20 years and may not give interviews or travel overseas after the sentence is served. The reason is said to be their criticism of the government of Iran.

Also troubled by the verdict against the economist, writer and active member of the banned Iranian Writers Association Fariborz Raeis- Dana. He has been sentenced to one year imprisonment by the Revolutionary Court in Tehran after he criticized the economic policy of the Iranian president Ahmadinejad.

Concerned about book censorship at the 24th International Book fair in Tehran from 4-14 May 2011. The Committee for Control and Evaluating confiscated books by several Iranian writers including 15 books by prominent Kurdish writer Ali Ashraf Darvishian, who is also a board member of the banned Iranian Writers association.

Alarmed by the continued persecution through harassment, arbitrary detention and flawed trials carried out against Kurdish and other minority writers, journalists and political prisoners. They are particularly targeted by the Iranian regime for practicing their rights to free expression, to publish in their own languages, and activism on minority rights.

Deeply concerned about the detention and 10-year jail term handed down by the court in the Kurdish city of Sanandaj to Kurdish journalists Adnan Hassanpour and Abdolvahed “Hiva” Botimar.

PEN International

Calls for the immediate and unconditional release of all journalists and all human rights and women's rights activists who have been arrested in Iran in violation of Article 19 of the International Covenant on Civil and Political Rights, to which Iran is a signatory.

9. Resolution on Iraq

The Assembly of Delegates of PEN International, meeting at its 77th International Congress in Belgrade, Serbia September 12-18, 2011

Appalled by the murder of prominent journalist, playwright, filmmaker and member of Iraqi PEN Hadi al-Mahdi, who was found dead at his home in Baghdad on 8 September 2011. He had been shot in the head.

Calls for a full and transparent investigation into his murder, so that those responsible can be brought to justice.

Background

Hadi al-Mahdi, aged forty-four, hosted a popular radio talk-show *To Whoever Listens* which was aired three times a week on the independent radio station *Radio Demozy*, and on which he was known for his outspoken criticism of the government. He had been receiving threats since 25 February 2011, when he was arrested after calling for peaceful anti-government protests. In the days leading up to his murder the threats escalated, and he wrote the following message on his Facebook page just hours before his killing

I have lived the last three days in a state of terror. There are some who call me and warn me of raids and arrests of protesters. There is someone who is saying that the government will do this and that. There is someone with a fake name coming on to Facebook to threaten me.

Hadi al-Mahdi spent six months in prison in the late 1980s for his play *Farewell, Strange Old World*, which was a re-telling of Machiavelli's *The Prince*. He lived in exile in Europe throughout the 1990s, returning to Iraq after the fall of Saddam Hussein in 2003. He leaves behind a wife and three children.

10. Resolution on Mexico

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

PEN International is **saddened, deeply worried** and **angry** over the continued violence against journalists and writers, and particularly over the impunity which prevails despite numerous assurances of investigation and respect for freedom of expression.

PEN International's Congress in Belgrade **condemns** the lack of action from the Mexican government to stop killings of journalists and writers.

Mexico has not only become one of the most dangerous countries in the world for journalists, it has also become a champion in impunity. Since January 2004, 42 print journalists and two writers have been murdered, while 10 print journalists have gone missing in the same period. Seventeen of the killings and four of the disappearances have occurred since January 2010, and an increasing number of journalists have been threatened, harassed and attacked amidst an atmosphere of growing violence. Furthermore few if any of these crimes have been properly investigated or punished, leaving the authors of the crimes free to strike again.

The Assembly of Delegates of PEN International is **saddened** and **outraged** by the continued murders and disappearances of journalists and writers, by the continued threats and harassment against them and by the Mexican authorities' notorious passivity in investigating these crimes. The state seems to lack the will to protect journalists and writers in danger, even after they have received explicit threats.

This stands in a grotesque contrast to official Mexican discourse which presents Mexico as a human rights champion. Mexico has signed and ratified more than 20 human rights treaties and considered more than 1,000 recommendations from various national and international human rights organizations. That is the humane façade the Mexican government presents to the world.

An increasing number of delegations from international organizations and institutions have visited Mexico in recent years to investigate and protest the continued and increasing violations of human rights and freedom of expression. The government has responded with toothless reforms and a rhetoric of high-sounding recommendations, a strategy which according to the report *Corruption, Impunity, Silence: The War on Mexico's Journalists*, published in a joint effort by the Faculty of Law at the University of Toronto and the Canadian Centre of PEN International, has led to more deaths, human rights violations and limitations on freedom of expression (the report is available in both [English](#) and in [Spanish](#)).

A few recent examples:

In 2006 a special prosecutor's office for attention to crimes committed against freedom of expression, FEADL (Fiscalía Especial para la Atención de Delitos Cometidos Contra la Libertad de Expresión), was created, and in July 2010 further strengthened as a response to increasing pressure and criticism. However, this apparently encouraging initiative has proven to be hollow and all but worthless. The special prosecutor has no formal powers to investigate crimes or to lay charges and since its creation the office has averaged only one prosecution a year. Thus crimes against freedom of expression remain unpunished. The special prosecutor's office is an insult to the victims.

When journalist and writer **Lydia Cacho Ribeiro** published her 2005 book on child pornography in Mexico (Los Demonios del Edén: el poder detrás de la pornografía -

The Demons of Eden: the power behind pornography), she was illegally arrested, detained, abducted and ill treated before being subjected to a year-long criminal defamation lawsuit. She was cleared of all charges in 2007, but her attempts to gain legal redress for her treatment have been thwarted and she continues to be the target of harassment and threats. On 14 June 2011 Cacho again received anonymous death threats. Mexican authorities have failed to take adequate measures to protect Cacho, who believes that the threats, which made direct reference to her journalism, stem from her naming alleged sex traffickers in her writings.

In 2009 the Inter-American Commission on Human Rights (IACHR), hearing of her harassment and monitoring by armed men outside her apartment, granted Cacho precautionary protective measures and asked the Mexican government to take action to protect her. However, to date reportedly only half of the measures have been implemented. With the new threats, she clearly remains at risk. The Assembly of Delegates of PEN International strongly demands that the Mexican government fully and immediately implement the mechanisms for journalists that it promised in November 2010.

Lydia Cacho's case is far from an isolated one. The fact that two Mexican journalists were murdered and another was abducted the same month that she received the latest threats is clear evidence that these must be taken seriously and not only met with more hot air declarations from politicians and authorities.

On 7 June 2011 news editor for the daily paper *Novedades Acapulco*, **Marco Antonio López Ortiz** (42) was reportedly kidnapped in Acapulco, Guerrero state. That night he left work and was later assaulted on the street by unidentified men who took him away. Among other duties, López Ortiz was responsible for overseeing the paper's coverage of crime. According to local journalists, they are constantly threatened by organized crime groups to keep coverage to a minimum. *Novedades Acapulco's* reports on crime are accordingly kept brief and do not probe the facts reported, in order to avoid angering and being targeted by the groups.

On 13 June 2011 **Pablo Ruelas Barraza**, journalist for the regional daily newspapers *Diario del Yaqui* in Huatabampo and *El Regional de Sonora* in Hermosillo, both in Sonora state, was found dead on a street in Huatabampo. He had apparently been shot by two gunmen who had first attempted to abduct him. Ruelas (38) had received death threats from both politicians from both Sonora and criminal groups, according to local media reports.

In the early hours of 20 June 2011 unidentified gunmen broke into the house of *Notiver* columnist and editor **Miguel Ángel López Velasco** in Veracruz, Veracruz state, killing López Velasco (55), his wife Agustina Solano de López, and their son Misael (21). López Velasco was a well known journalist whose column for the daily, "Va de Nuez", written under the pseudonym Milo Vela, dealt with politics, police and security issues. Local journalists have suggested that the killings could be retaliation for a recent column about drug trafficking in the region. López was the second journalist to be found dead in Veracruz state in June, following the appearance on 1 June of the body of *La Verdad de Jáltipan* columnist **Noel López Olguin**, who went missing on 8 March.

The Assembly of Delegates of PEN International **calls** on the Mexican authorities to

- take efficient steps to end impunity, to investigate the murders, disappearances, threats and harassment of journalists and writers, to bring those responsible for

these crimes to justice and to procure an apology and a just indemnity for the families of the victims.

- take the necessary steps to protect those journalists and writers who need protection. As a signatory to the IACHR Declaration of Principles on Freedom of Expression, under Principle 9 the Mexican government is obliged to prevent and investigate murders and acts of aggression against journalists, punish their perpetrators, and ensure that victims receive just compensation.

PEN International demands more action, fewer words.

For more information about the situation of journalists in Mexico see:

PEN Canada & International Human Rights Program, University of Toronto: Corruption, Impunity, Silence: the War on Mexico's Journalists (June 2011) (English:

<http://www.internationalpen.org.uk/files/dmfile/CorruptionImpunitySilencereportEnglish.pdf>;

Spanish: <http://www.internationalpen.org.uk/files/dmfile/CorruptionImpunitySilencereportSpanish.pdf>)

Article 19 & Cencos: Violence and Press Freedom in Mexico: Still in the Line of Fire (May 2011) (<http://www.article19.org/pdfs/press/violence-and-press-freedom-in-mexico-still-in-the-line-of-fire.pdf%3C/p%3E>)

Committee to Protect Journalists: Silence or Death in Mexico's Press. Crime, Violence, and Corruption Are Destroying the Country's Journalism (September 2010) (<http://www.cpj.org/reports/2010/09/silence-or-death-in-mexicos-press.php>)

11. Resolution on South Africa

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

PEN International is deeply concerned that South Africa's Information Protection Bill still embraces too much "secrecy" despite changes.

Delegates at the annual congress of PEN International in Belgrade from 12-18 September 2011 expressed deep concern that while recent amendments to the draconian Protection of Information Bill now passing through the South African Parliament have accommodated some of the opposition to the Bill by journalists, lawyers and non-governmental institutions, it continues to contain provisions that threaten the freedom of writers and journalists.

The amendments have reduced the scope of the legislation and have thus limited the classification of material as secret. Two changes last November resulted in the removal of commercial information and information impacting on the national interest as subject to classification which had the effect of encompassing almost all categories of information.

Another change in June, this year, limited the more than 1,000 organs of state that may classify information to only departments dealing with intelligence and national security. These amendments and the removal of mandatory prison sentences of up to 25 years as well as the appointment of a retired judge to adjudicate on appeals against classification have been welcomed as important reforms. However, a close watch will be maintained over the definitions to be applied to intelligence and national security matters and material classified by those departments.

However, despite these revisions journalists and writers are continuing to voice strong protest at many of the remaining features of, or omissions from, the Bill.

Among these are:

- The retention of harsh prison sentences;
- No indication whether a judge may impose a fine as an alternative to a prison term;
- Excessive powers of the Minister of State Security to classify or de-classify material, duties that should be performed by civil servants according to regulations with the minister maintaining oversight; indeed, his extensive powers to classify information nullify to a large extent the positive effects the removal of "national interest" has on the range of classifiable material;
- Judicial officers required to exclude public from courts when classified information is involved in cases;
- The omission of a requirement that written reasons be provided by persons classifying information so that these may be reviewed by a senior official;
- Omission of a review committee headed by a retired judge; and
- Omission of a public interest defence for publishing classified information.

The inclusion of a public interest defence has been a persistent demand by critics, especially those concerned at the vulnerability to prosecution and imprisonment that the withholding of such a defence holds for whistle-blowers and investigative journalists.

PEN International is concerned that the reason advanced by the government for not including this defence in the Bill is that similar legislation in other parts of the world do not have a public interest defence provision. PEN International notes that some countries such as the United States do not have such a defence in their legislation

because the law does not have content that calls for one. The Minister believes such a defence would nullify much of the legislation.

A feature of the Bill that is seldom alluded to but which can have fearsome consequences for journalists and the public is clause 30 (6), sometimes referred to by lawyers as the “double jeopardy clause”. It is retained and reads: “In response to a request for the review of the classified status of information in terms of this Act the head of an organ of state may refuse to confirm or deny the existence or nonexistence of information whenever the fact of its existence or nonexistence is itself classified as top secret.”

That means that a person may find himself or herself in the frightful position of being in possession of a classified document without knowing that it is classified and, more importantly, with no means of finding out what the status of the document is.

PEN International calls for the Bill to be withdrawn and drafted afresh taking into account the fact that criticisms are still being levelled at the Bill. The changes that have been made – and the others that are being called for – suggest that the remaining Bill is being dealt with in a piecemeal fashion and requires proper appreciation of its purposes to be reflected in the content.

PEN International emphasizes that though it accepts that governments have the right to classify security information, this should be defined in the narrowest possible way and ensure that the media’s and writers’ freedom of expression and independence should be upheld to the fullest extent to enable democracy to flourish.

12. Resolution on Syria

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Welcomes the release of writers journalists and bloggers Raghdah Sa'id Hassan, Mahmoud Issa, Khaled Sid Mohand, Zaid Mastu, Khaled Sid Mohand, Mohamed Dibo and Dorothy Parvaz.

Protests the continued detention of all those currently held solely for the peaceful expression of their opinions, including writer and editor Najati Tayara and blogger and poet Tal- Al-Mallouhi.

Condemns the widespread arrest of journalists and bloggers for their reporting on the recent protests, in violation of their right to freedom of expression.

Calls on the Syrian authorities to investigate allegations of torture of detainees, and to release all those currently detained in violation of Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Syria is a signatory.

13. Resolution on Syria – Kurdish Issues

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Noticed the peaceful and democratic uprising of the mass population in Arab countries against their regimes, demanding freedom, democracy and justice;

Alarmed by the latest extensive actions launched by Syrian Security and armed forces against the civilian participating in protest against the Government;

Acknowledging the particular target to the Kurdish community, which started long before the recent uprising in Syria, resulting in clashes, arbitrary arrests, displacement, and torture;

Concerned about the living conditions for thousands of refugees, who left the country as a result of latest unrests and the real danger of cross border operations between the neighboring countries and Syria which will have a sever impact on the life of people on border lines and beyond;

Knowing that in 1965, the Syrian government decided to establish an Arab belt (al-Hizam al-Arabi) in the Jazeera along the Turkish border. The belt was 300 km long and 10-15 km wide and stretching from the Iraqi border in the east to Serê Kaniyê (Ra's al-'Ayn) west.

The General Assembly of PEN International

- While welcoming the recent call of the government to grant the hundreds of thousands of Syrian Kurds the citizenship they were denied, it calls upon the Syrian regime for the grant of full and guaranteed political, cultural and economical rights of the country's citizen with Kurdish origin;

- Welcomes the decision to lift the emergency law by the Syrian government and calls to expedite the real and genuine reforms, including basic changes in the Constitution;

- Calls upon the Syrian regime to stop all forms of aggression against the civilians in all parts of the country, and guarantee a safe and unconditional return of those been displaced;

- Urges the Syrian regime to take the necessary steps to abandon the Arabization measures in the Kurdish regions including the lifting of the Arab Belt to normalize the situation in these regions and extend the reforms to these regions.

14. Resolution on Turkey

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Troubled by the existence of numerous laws and practices that allow the prosecution of writers solely for their writings,

Noting the unacceptably high number of writers and journalists in prison in Turkey today – around 70 are detained and many more are on trial;

Referring specifically to the case in Christmas 2009 where the Turkish government arrested around 80 persons, ranging from local politicians and mayors to lawyers and writers, associated with different organizations supporting the Kurdish speaking population in Turkey.

Among the people arrested were the writer and lawyer **Muharrem Erbey**. Erbey has for the last few years been the president of the Diyarbakir branch of the Human Rights Association (IHD), whose main purpose is to provide legal advice to Kurdish citizens. One of the tasks this organization has performed is to find unmarked graves of abducted and murdered Kurds, so that their relatives can give them a proper burial – a task that they have been quite successful in performing.

Muharrem Erbey, the author of several short story collections and a well-known lawyer, was arrested on Christmas Eve 2009 and charged with belonging to an organization affiliated with the illegal Kurdistan Workers' Party (PKK). As far as PEN has been able to determine, there is no evidence of Erbey's association with PKK. However, among the accusations brought against him is the charge that he has been "slandering the Turkish state". One of the examples of this is a lecture he gave to the Swedish parliament in 2009, where he, as an invited guest, talked about the harassment of civilians with Kurdish background in today's Turkey. This seems to be enough to keep an renowned writer and lawyer in prison for one and a half years without trial. Muharrem Erbey has been elected as honorary member of Swedish PEN.

Also concerned about the imprisonment of writers Ahmet Sik and Nedim Sener who have been arrested and formally charged and are awaiting trial for writing books and articles disclosing police and other high level links to others arrested in the 'Ergenekon' case under which over 200 people are accused of being involved in coup plots. Paradoxically they themselves are now accused of links to this organization, leading to widespread condemnation in Turkey that they are being penalized for disclosing aspects of the 'Ergenekon' case that do not concur with the official views.

The Assembly of delegates of PEN International calls upon the government of Turkey:

- Similarly to release PEN Turkey members Muharrem Erbey, Ahmet Sik, Nedim Sener and Mustafa Balbay and all other writers and journalists detained or on trial in violation of their right to freedom of expression;
- During the work for a new Constitution, which is promised by the Prime Minister Recep Tayib Erdogan, review all relevant articles of the law with a view of bringing them into accord with international human rights standards, in particular the ICCPR and European Convention on Human Rights, to which Turkey is a signatory.

15. Resolution on Turkey – Kurdish Peace Issues

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Concerned about the consequences of ongoing armed conflict between the Turkish authorities and the Kurdish movement on human rights conditions, civil society and political and economical development of the region,

Alarmed by the continual clashes between parties involved in the conflict, the air strikes by Turkish aircraft against targets in Iraqi Kurdistan, cross border clashes, and extensive Turkish military operations,

Knowing that the human losses as a result of this conflict has exceeded 40 000 lives on both sides of the conflict,

Noticed the restriction measures against the elected representatives of the Turkish Parliament, thus resulted in a crises in the Turkish Parliament, hence directing a blow to democracy and transparent election process,

Assured that the solution to the Kurdish question in Turkey can only be through dialogue and peaceful means,

We recommend through the PEN International to call upon the Government of Turkey:

- To start real attempts of ending the status of war in the Kurdish regions,
- To stop the cross border military operations, including military actions against Iraqi Kurdistan,
- Start a process of reconciliation and dialog, and take genuine attempts towards removing barriers on the way of finding a political solution to the Kurdish question in the country,
- Pave the way and provide incentives for the displaced Kurdish villagers to return back to their villages, and help them to reconstruct their homes and regions,
- Take advantage of the opportunity available with Kurdish people genuinely wanting to engage in a democratic political process.

16. Turkey – Turkey Language Issues

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Knowing that the Kurdish language is one of the very ancient languages, rooted to the Indo - European (Indo – Iranian section), which is spoken by millions of people in Kurdish regions and the Middle East, with its historical contribution to the common culture, history and civilization in these regions.

Assured about the long term persecution against the Kurdish language in Turkey since 1924, depriving the countries' around 20 millions Kurdish citizens from studying and developing their language,

Concerned about the long term policy of ignoring the Kurdish identity, banning the Kurdish language officially and as a language of education, as well as changing the names of all what is Kurdish into Turkish names;

PEN International

Welcomes the reforms by the Turkish Government that allowed broadcasting in Kurdish on the state TV, but criticizing the fact that Kurdish children are not allowed to learn their language in kindergartens and at schools.

The Assembly of delegates of PEN International calls upon Turkey:

- To publicly and officially recognize the status of the Kurdish Language,
- To start real attempts towards assuring the Kurdish language as a language of education in the regions populated by the Kurds in Turkey,
- To allow using the Kurdish language officially in the public sphere,
- To correct the historical persecution measures initiated by consecutive Turkish governments against the Kurdish identity envisaged in the forms of banning the language, banning the use of Kurdish names, and denying the Kurdish identity and culture, by recognizing the Kurdish Identity and language and renaming all the places and names by their original names.

17. Resolution on Viet Nam

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Deeply disturbed that violations of the right to freedom of expression and opinion continue to occur in Viet Nam. Print and audiovisual media, Internet and publishing houses are under strict State control and subject to severe censorship. There is arbitrary restriction on freedom to seek, receive and impart information, in particular relating to accountability for human rights violations, corruption and social injustice.

Seriously concerned by the persecution of writers, journalists, bloggers dissidents and human rights defenders, who have been sanctioned notably by article 88 of the Penal Code (Propaganda against the Socialist Republic of Viet Nam) carrying penalties of 3 to 20 years in prison, in violation of Article 19 of the ICCPR.

Troubled by the fact that most detainees spend several months in pre-trial detention during which, they have no right to be presumed innocent and are denied access to their independent lawyers who are subject to threats and harassment. They are defamed by official media. Their right to a fair and public trial by independent judges is not guaranteed.

Shocked and indignant by the fact that many writers, journalists, bloggers and human rights defenders serve heavy prison sentences in forced labour camps, where they are not protected from attacks by common law prisoners and are denied their right to receive adequate medical treatment and family visits. Some are held incommunicado or in solitary confinement. Several former writers in prison, authors and bloggers have been attacked or subjected to brief detention, among others: Le Thi Cong Nhan (f), Pham Hong Son, Le Quoc Quan, Bui **Chat** (2011 IPA Freedom to Publish Prize), Bui Thanh Hieu, blogger Nguoi Buon Gio, Nguyen Ngoc Nhu Quynh , blogger Me Nam, Ta Phong Tan , blogger Cong Ly Su That.

Deplores that writer Tran Khai Thanh Thuy's release in June 2011 was conditional on her forced exile, after serving 18 months of her 42-month prison sentence.

Alarmed by the state of health and the detention conditions of the following prisoners, among others : Nguyen Van Ly, priest and editor of the underground review Freedom of Opinion (8 years in prison and 5 years in probationary detention); Nguyen Xuan Nghia, poet and novelist, member of the Hai Phong Association of writers and the banned human rights defenders network (Bloc 8406), co-editor of the underground journal To Quoc (6 years in prison and 3 years in probationary detention); Truong Minh Duc, journalist and cyberdissident (5 years in prison and 3 years in probationary detention).

Further concerned with the following cases: Nguyen Phong, Nguyen Binh Thanh, Tran Quoc Hien, Truong Quoc Huy, Pham Ba Hai, Pham Thanh Nghien , Vu Van Hung, Pham Van Troi, Tran Duc Thach, Nguyen Van Tinh, Nguyen Manh Son, Tran Huynh Duy Thuc (16 years in prison), Le Thang Long, Le Cong Dinh, Nguyen Tien Trung, Tran Anh Kim, Vi Duc Hoi, Pham Minh Hoang, Lu Van Bay and Cu Huy Ha Vu currently serving their unjust prison sentence; still yet, Dang Phuc Tue (Ven. Thich Quang Do, 83-year-old, Buddhist monk and poet, in house arrest since 2003, Nguyen Van Hai (blogger Dieu Cay), journalist, maintained in prison instead of being released since October 2010 after serving a prison term of 2 and half years, Phan Thanh Hai (blogger AnhBa SaiGon), lawyer and journalist, arrested in October 2010, Pham Minh Hoang (blogger Phan Kien Quoc), internet writer, arrested in August 2010, Nguyen Kim Nhan, former writer in prison, re-arrested in June 2011.

Strongly urges the Socialist Republic of Viet Nam to:

- Release, immediately and unconditionally, the above-mentioned writers, journalists, bloggers and human rights defenders, and all other persons currently in prison or in probationary detention for having exercised their right to freedom of expression and opinion.
- Cease all attacks, harassment, threat of arbitrary arrest or preventive detention against all persons who hold dissenting views or who call for freedom of thought, conscience, religion and belief.
- Lift all arbitrary restrictions imposed on former writers in prison, including those who have not yet served their entire probationary detention terms.
- Improve conditions in prisons and in forced labour camps, stop acts of aggression perpetrated by common law detainees, ban and punish all forms of torture and ill-treatments, allow sick prisoners of opinion to be hospitalized and receive adequate medical care as well as facilitate their family visits.
- Abolish all censorship and lift all restrictions on freedom of expression and opinion, freedom of the press, freedom to create and to publish, the right to be informed by all means including the Internet, and freedom of association, in compliance with the Articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR).

Annex: State of health and the detention conditions of the writers in prison, among others

Nguyen Van Ly, priest and editor of the underground review Freedom of Opinion. He was sentenced in 2007 to 8 years in prison and 5 years in probationary detention. He previously served 15 years in prison between 1977 and 2005. In November 2009, a stroke paralyzed the right side of his body. Fearing that he would die of other strokes, the Public Security transferred him to Huê city in March 2010. He was placed under police surveillance for 12 months in order to seek medical treatment before his return to the camp. On 25 July 2011, a police ambulance brought him back of the camp to serve the rest of his prison sentence until 2015. He still suffers from partial paralysis and an inflamed prostate that may be cancerous ;

Nguyen Xuan Nghia, poet and novelist, member of the Hai Phong Association of writers and the banned human rights defenders network (Bloc 8406), co-editor of the underground journal To Quoc, author of several poems, short stories, notes, memoirs and articles. He was sentenced in 2009 to 6 years in prison and 3 years in probationary detention. He is suffering from haemorrhoids, stomach ulcers, renal calculus and rheumatic inflammations;

Truong Minh Duc, journalist and cyberdissident. He was sentenced in 2008 to 5 years in prison and 3 years in probationary detention for his numerous articles about corruption and abuse of power. He broke his left arm in prison. He is confined together with 60 high recidivist criminals in a camp deep in the jungle. Already limited, access to his family's visits and supply of food and medicines (a 7 kg pack per monthly visit) became more difficult and costly. He is suffering from high blood pressure and gastrointestinal diseases.

Nguyen Van Hai (blogs as Die Cay), independent journalist and blogger, who should have been released on 20 October 2010 on completion of a two-and-a-half year sentence. However, on 18 October 2010 he was reportedly transferred to a Public Security detention camp in Ho Chi Minh City, apparently on charges under the Criminal Code. The charges are said to be based on his online writings for the Free Journalist Network in Viet Nam, published prior to his arrest in 2008. He has been held incommunicado, without access to family visits, letters or medical and food supplies

since 18 October 2010. A recent unconfirmed report claims he lost an arm in prison. Concerns for his welfare are acute.

18. Resolution for the European Union

The Assembly of Delegates of PEN International, meeting at its 77th World Congress in Belgrade, Serbia, 12 September to 18 September 2011

Worried by increasing attempts by European governments to constrain the right of artists and writers from outside Europe to travel freely to and within the European Union to participate in cultural events, to carry out research and undertake other activities essential for the practice of their profession;

Alarmed by the rise of antidemocratic and racist sentiments expressed in the media in many member states of the European Union;

Deeply concerned about the insufficient protection of freedom of expression prevalent in a growing number of member states;

Shocked by the fact that, in some member states, legislation has lately been passed or is in preparation which could curtail the freedom of the press and the right to information;

The Assembly of Delegates at the 77th PEN International Congress in Belgrade calls upon the European authorities, namely the European Parliament, the European Commission and the European Council:

- To strengthen the commitment to fundamental democratic values in the European Union;
- To urge member states to adhere to the standards of the *acquis communautaire*;
And, in case of severe violation of fundamental democratic principles, to impose effective sanctions

19. Resolution for the European Union – Roma Issues

The Assembly of Delegates of PEN International, meeting at its 77th International Congress in Belgrade, Serbia, 12-18 September 2011

- Alarmed by the growing mistreatment of gypsies, or Roma people in many countries of the European Union;
- Observe and denounce the growing ostracism of gypsies in many countries of the European Union;
- Point out that the human person has inalienable rights to
 - Freedom of expression
 - Freedom of movement
 - Education in their own language and to have their culture respected
 - To healthcare and to housing
- Point out that every individual member of this ethnic group is a European citizen, like any other, and should be treated as such, which also means that they have a right to live in every country of the European Union, while respecting their laws;
- Urge that the institutions of the European Union – the Commission, the Parliament and the Court of Justice – ensure that the rights of gypsies, cigany, Roma, who are European citizens like all others, be respected, and that any state that does not respect these rights be firmly sanctioned.

20. Recommendation for a Review of the Constitution of the Board of PEN International

The Assembly of Delegates of PEN International, meeting at its 77th International Congress in Belgrade, Serbia September 12-18, 2011 makes the following recommendation

We call for a review of the constitution of the Board of PEN International, to examine the effectiveness of the present set-up with reference to the Board's size, composition and representation. Specifically we call for a small working group to be established for this purpose, that it include a board member, a chair of a sub-committee and other key parties wanting to contribute.

This working group should report back to Congress at Seoul 2012.

21. Recommendations for events surrounding the 90th Anniversary of PEN International

The Assembly of Delegates of PEN International, meeting at its 77th International Congress in Belgrade, Serbia, 12-18 September 2011

We call on the new Director, the President and the Board to use the opportunity of PEN International's 90th anniversary year in 2012 to focus on building its profile as a human rights and literary organisation, exemplified by the 2010 Nobel Prizes to Liu Xiaobo and Mario Vargas Llosa. In particular we ask for plans be put in place for major fundraising activities, including an exhibition of 'empty chairs' commissioned by leading artists around the world to feature in a public exhibition and sale of the works with the majority of the proceeds to go to PEN International as unrestricted funds for future activities."