Karima Bennoune

Special Rapporteur in the field of cultural rights

Via email: srculturalrights@ohchr.org

13 November 2020

Dear Karima Bennoune,

**Commentary on impact of COVID-19 on writers at risk**

Following the excellent on-line discussion at the Safe Haven’s conference earlier this week, as promised here are examples of writers in prison who are at additional risk due to the prevalence of COVID-19 in many prisons. While the dangers they face reflect those of prison populations as a whole, their cases are raised as an example of the additional dangers posed to cultural and human rights defenders who challenge government policies.

During the 86th Annual Congress of PEN International held online between 2-6 November 2020 a resolution was passed focussing on freedom of expression in the time of COVID-19.

<https://pen-international.org/who-we-are/annual-congress/2020/pen-resolution-on-freedom-of-expression-in-the-time-of-covid-19>

Among the cases referred to in the statement is the tragic death of **Egyptian** film-maker, **Shady Habash**, who died in prison in May 2020. According to the prison authorities, he died by drinking hand sanitizer. Habash was among a group of writers and artists arrested in March 2018 for their reported involvement in producing and distributing a song by the exiled musician Ramy Essam. Since the coronavirus outbreak, human rights groups have documented multiple cases of COVID-19 inside Egypt’s crowded prisons, as well as several deaths.

In **Iran** the spread of COVID-19 in prisons is such that in early October 2020 UN High Commissioner on Human Rights, Michelle Bachelet, called for the release of all rights defenders, lawyers and political prisoners, citing serious concerns over their situation and heightened risk of contracting the virus. **Nasrin Sotoudeh**, writer and rights activist, imprisoned in 2018 to serve a 38-year sentence and whose health was already precarious, spent several days in a prison hospital where some of the guards were later diagnosed as COVID positive. She was returned to her prison cell against medical advice, then subsequently freed on temporary medical leave. Reports suggest that she has since been shown to have the virus and is receiving treatment at home. Another writer and rights activist, **Narges Mohammadi** , imprisoned in 2015, was also diagnosed with COVID shortly before she was freed in October 2020.

An additional case to those referred to in the Resolution is that of Indian poet and radical left activist, **Varavara Rao** [detaine](https://www.englishpen.org/posts/news/india-poet-and-activist-varavara-rao-tests-positive-for-covid-19/)d since 2018 who fell ill with COVID-19 in July 2020. It is believed that he has since recovered from the virus but concerns remain high because of his advanced age and other [health issues](https://timesofindia.indiatimes.com/india/bombay-hc-directs-immediate-virtual-examination-of-jailed-poet-varavara-rao/articleshow/79194224.cms).

The Resolution also refers to two instances where commentary on COVID-19 has led to writers being arrested and charged.

In June 2020, the Chinese government formally arrested writer and civil rights advocate Xu Zhiyong under charges of “inciting subversion”. A civil rights activist, lawyer, and essayist, he was detained in February after publishing an online essay criticizing President Xi Jinping’s handling of the COVID-19 crisis and other matters and encouraging him to resign. Xu had been in hiding since December 2019, fearing arrest for his work: police used the pretext of "coronavirus prevention checks" to search for him at the homes of his friends and colleagues. Xu is currently being held incommunicado and has been charged with “inciting subversion against state power”.

In May 2020, Ugandan author and activist Kakwenza Rukirabashaija was arrested by military police at his home and detained in military barracks outside Kampala. He was charged with COVID-19 violations and cyber-related crimes for a post made on Facebook, although his interrogation and torture by state security agents centred on his newly published political satire, *The Greedy Barbarians.* Rukirabashaija was released on bail and is on trial for what the authorities frame as `doing an act likely to spread the infection of disease (COVID 19)’ and that Rukirabashaija ‘...unlawfully/negligently posted messages on his Facebook account mobilising the public against complying with directives and public health guidelines issued to prevent the spread of COVID19, and knowing or having reason to believe that such actions would lead to further spread of COVID 19, a disease dangerous to human life.’

In both these cases, criticism of government COVID-19 response has led to imprisonment, thus stifling further critical commentary and investigation into the handling of this most important and urgent health crisis.

I hope that this commentary is of use for your reporting on the impact of the pandemic on cultural and human rights defenders. Please do not hesitate to contact me should you have further questions,

Sara Whyatt

Research coordinator

PEN International