

IN SUPPORT OF



# Right Words<sup>11</sup>

## freedom of expression

the 2011 Human Rights schools' writing competition

### CASE STUDIES: FREEDOM OF EXPRESSION

## 1. Capture and release of Chinese artist Ai Weiwei

Ai Weiwei is a Chinese artist and political activist who has spent many years using his art to criticise the Chinese government for corruption and human rights violations. For example on 12th May 2008 a huge earthquake hit the Chinese province of Sichuan killing over 80,000 people. Among the dead were several thousand children, buried by rubble from their school walls. As all of the buildings surrounding the schools appeared relatively unharmed accusations were levelled against the Chinese authorities that the schools had been badly built, leading to the deaths of all those children. In protest at this Ai Weiwei designed an installation to be built on the side of the Haus der Kunst facade comprised of 9,000 backpacks recalling all the children who died as a result of the earthquake. The backpacks were arranged to spell the words “she lived happily for 7 years in this world” in Chinese characters.

To see Ai Weiwei's 'Remembering' as part of the 'So Sorry' exhibition go to <http://goo.gl/VGv31>

Ai Weiwei was arrested by the Chinese authorities on 3rd April 2011 at Beijing airport. He was detained for almost three months without charge. Many believe his arrest was retaliation for his protest against the government. See below for some of the movies/ protests and articles about his arrest.

To see pictures of the Tate Modern Protest go to <http://goo.gl/IXv8G>

To see video “International Pressure grows for release of Ai Weiwei” go to <http://goo.gl/egfbB>

Ai Weiwei was released on bail on 22nd June 2011. The Chinese Government claimed he was detained for tax reasons.

## **2. Zarganar; Burma – Still imprisoned (Case Study provided by PEN)**

Zarganar, born in 1961, is Burma's best known comedian, as well as a highly accomplished actor, director, singer, musician and writer. Since the beginning of his career, he has skillfully used his artistic talents to draw attention to political repression in Burma, to critique the military government through subtle but biting satire, and to raise the morale of millions of his Burmese fans, and encourage them to speak out against injustice.



As a result of his criticism of the government, Zarganar has spent some eight years in prison on four occasions, and remains there today, serving a reduced sentence of 35 years. He was first arrested in October 1988, following the pro-democracy demonstrations, in which he played a leading role. He was sent to Insein Prison where he wrote poetry in the dust and committed it to memory. International PEN, the worldwide association of writers, campaigned for his release; he was freed after six months.

After a series of arrests for drawing attention to political repression in Burma, Zarganar was sentenced to 59 years in prison in November 2008. This sentence was reduced on appeal to 35 years in February 2009. Late in 2008, he was moved from Insein to Myitkyina Prison in northern Burma. Myitkyina is 1500 kms north of Rangoon, where his sister-in-law and brother, the only family members authorised to visit him, live. His wife and two children have lived in exile in the USA since 2006. His parents, who had relied on him for support, have both died during his current imprisonment. He was unable to attend their funerals. According to recent news, he is currently unable to receive family visits, having stood up for the rights of a fellow political prisoner, to the annoyance of the prison governor.

Through his satire and his social activism, Zarganar has made a fundamental contribution to the defence of human rights and the promotion of freedom of expression in Burma, daring to speak out at great risk to himself.

## **3. Eynulla Fatullayev; Azerbaijan (Case Study provided by PEN)**

Eynulla Fatullayev is a former reporter for independent newspaper Monitor and founded two other independent newspapers in Azerbaijan. Both of these newspapers have been openly critical of the government, its policies and corruption in Azerbaijani society. As a result of his reporting Fatullayev is deeply unpopular with the President's government and the security forces. He faced lawsuits, was violently attacked and faced death threats. In 2007 he was sentenced



to 8.5 years in prison for defamation, terrorism, incitement of ethnic hatred and tax evasion. In 2010 this was extended a further 2.5 years for drug possession which was allegedly found in his cell. Huge numbers of people around the world called for his release.

*PEN protestors wear masks bearing Eynulla's face at a protest outside the Azerbaijani Embassy in London on 20 April 2011, just weeks before his release from prison.*



In April 2010, the European Court of Human Rights (ECHR) decreed that Fatullayev should be released immediately. As a member of the Council of Europe, Azerbaijan is obliged to conform with European Court decisions. Despite an appeal by the Azerbaijani authorities in October 2010 this was rejected and they were instructed once more to release Fatullayev, which happened in May 2011.

## 4. Super injunction

A super injunction is a court order preventing newspapers or any media printing certain information. These are usually used in the context of prohibiting the release of information relating to someone's personal life.<sup>1</sup>

In April 2011 a footballer was (secretly) awarded a super injunction which prohibited the publication of his name and any allegations that he had an affair. In May 2011 a Twitter user listed the names of people who he claimed had taken out super injunctions, something which the injunction process prohibits. Later on in May the footballer took legal action to find out information on the Twitter user claiming that he may have breached the court order. Towards the end of May a Scottish newspaper partially revealed his identity.<sup>2</sup>

The footballer was named for the first time in public in the House of Commons during a debate on injunctions.

<sup>1</sup> <http://goo.gl/1aUUe>

<sup>2</sup> <http://goo.gl/SBBJQ>