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ARTICLE 19

Artist Alert
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Art, in any form, constitutes a key medium through which information and ideas are imparted and received. Artist Alert, launched by ARTICLE 19 in 2008, highlights cases of artists around the world whose right to freedom of expression has been curtailed and abused, and seeks to more effectively promote and defend freedom to create.

Thailand: beware imprisonment for authors mentioning head of state

Australian author and university lecturer Harry Nicolaides has now been sentenced to three years imprisonment for defaming the King of Thailand in his 2005 book.

Nicolaides was arrested at Bangkok airport in 2008 under Article 112 of the Criminal Code and has pleaded guilty on charges of slandering the King. According to Nicolaides the book named *Verisimilitude* is a contextual political examination of Thailand.

ARTICLE 19 reported on the case in *Artist Alert: September 2008* and highlighted how the Thai authorities use *lese majeste* or “insulting the King” legislation to limit free speech in a country where the King is also the head of state.

Nicolaides is not the first foreigner to be sentenced in Thailand under *lese majeste*. In 2007 a Swiss national was also given 10 years imprisonment for a similar reason.

The Thai government decided in January to create an extraordinary Senate committee to continue to administer the restrictions on free speech, and block 10,000 websites deemed offensive under *lese majeste* legislation. The Foreign Ministry consequently agreed to build a public relations campaign through its embassies to educate foreigners about the restrictions.

Turkey: famous poet welcomed back after 45 years of exile

After receiving a petition with over 500,000 names Turkey has reinstated the citizenship of deceased poet Nazim Hikmet. Hikmet’s poems, plays and novels were banned and he was imprisoned for a decade before being exiled to the Soviet Union for alleged communist views in 1951. The Turkish

*“Shut the gates of plutocracy,
Don’t let them open again,
Annihilate man’s servitude to man,
This invitation is ours.*

*To live like a tree single and at liberty
And brotherly like the trees of a forest,
This yearning is ours.”*

Nazim Hikmet (1902-1963)

government has acknowledged that the charges can no longer be considered a crime, and are in fact an illegitimate restriction of free expression.

China: artists detained for the Olympics are still imprisoned

Seven months after the end of the Beijing Olympics Chinese painter Wang Mingyue and photographer Jin Xiaohui are still imprisoned in Tuanhe forced labour camp under the pretext of “safeguarding the Olympic Games”. Wang and Jin, both alleged members of the banned organisation *Falun Gong*, were arrested in July 2008 in the run up to games along with many other activists and minority groups. Wang in particular is an internationally acclaimed painter and was asked to paint the portrait of former British Prime Minister Edward Heath.

Lebanon: Golden Globe winning film banned

Israeli film *Waltz with Bashir* has been banned in Lebanon despite documenting an important period of modern Lebanese history and winning a Golden Globe for Best Foreign Film. The film observes the 1982 killings of Palestinians in refugee camps that took place by Lebanese militias following the assassination of Lebanese President Bashir Gemayel. The film’s director Ari Folman also briefly examines the role of the Israeli government in the killings, as Lebanon was under Israeli occupation at the time. The ban is part of a larger prohibition of any goods that originate from Israel.

Mexico: publication reveals many fines for perverting traditional songs

The publication of the extent of fines imposed on broadcasters for playing *Narcocorrido* music in Mexico has revealed far higher levels of curbing than was previously assumed. *Narco-corrido* is a modern adaptation of a very popular oral tradition from northern Mexico that explores stories about the poor and destitute as well as criminal leaders, similar to some urban rap and hip-hop music. The music is banned in Mexico under the pretext that it glamorises criminals and aids in the recruitment of new gang members.

India: police guard *Slumdog Millionaire* from slums

Following the ransacking of a theatre in Bihar Indian police are guarding cinemas across eastern India. The protesters argue that the title of newly released film *Slumdog Millionaire* is derogatory toward the millions of people in India that reside in slums. Civil society activists have also filed public interest litigation against the film.

Yemen: singer faces trial again despite Presidential pardon

Yemeni comedian and singer Fahd al Qarni is yet again facing a court case for insulting President Ali Abdullah Saleh, despite a presidential pardon when the case was brought to court in 2008. Al Qarni’s music is a combination of traditional folk music laced with humour and political criticism of government policies. As the music

was not authorised by Yemen's Ministry of Culture, both vendors and al Qarni have been investigated and charged, and al Qarni was sentenced to 18 months imprisonment and a fine in 2008 before being pardoned.

China: international authors call for release of Chinese dissident

International authors including Margaret Atwood, Wole Soyinka, Salman Rushdie and Ian McEwan have called for the release of well-known Chinese activist Liu Xiaobo. Liu is a former president of Chinese PEN and was arrested in December 2008 for his part in the production of a publication calling for reforms in China titled *Charter 08*. Liu, who originally spent years in prison for taking part in the 1989 Tiananmen Square protests in Beijing, is the only author of *Charter 08* to have been arrested.

FOR MORE INFORMATION:

- ARTICLE 19 considers that freedom to create is an essential attribute of freedom of expression, a fundamental human right. It is guaranteed under Article 19 of the *Universal Declaration on Human Rights* (UDHR) as follows: *Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.* ARTICLE 19 considers that, in the absence of a specific intention to promote hatred or to commit a recognised criminal offence, censorship or criminal measures against artistic expression are illegitimate. We recognise that art may at times be offensive to some or even to many, but mere offence is not an appropriate threshold for curtailing freedom of expression.
- For more information: please contact Oliver Spencer, oliver@article19.org, +44 20 7278 9292
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.