

# Acts of Resistance: Literature, Journalism and Censorship in Venezuela



This report is the result of a mission conducted by PEN International in Venezuela between February-March 2018, as well as interviews with writers, journalists and other stakeholders.

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# With PEN in Venezuela

From the airport to Caracas, one passes through many tunnels to reach the city. They draw attention for their monumental and solid construction. On the way, one looks at the scenery and is impressed by the hills upon which sit poor hamlets. It is difficult to imagine how they get up to their houses, those ones who live on high. On entering the city, the eyes of Chávez are painted on several buildings; they are a watchful presence, the ghost of the time in which this country is living.

Alicia Quiñones, Carles Torner and I, the three musketeers without muskets, set out on a round of meetings with different Venezuelan civil society groups, in order to understand their issues in relation to communication, freedom of expression and freedom of the press. Our guide, Carlos Correa of Espacio Público, an NGO that records violations of freedom of expression and that works in the field of communications, explained to us, from the first night, that one eats early and that walking through the streets late at night was not recommended owing to the rise in crime. From the first restaurant that we went to, we left at 8 in the evening, when the vast majority of regular customers had already left. "They have taken away our nights", said Carlos.

During the days which we spent in Caracas, we realised that they hadn't just lost their nights. Freedom in Venezuela is besieged from almost all sides. Nicolás Maduro's government has put into effect a number of laws and coercive measures so that the siege isn't just external, there has also been a process of internalisation. The lack of freedom and the need to protect oneself from legal traps, which are a sort of minefield for thought, teaches people special skills to tiptoe around and skirt these dangers. But in the process, there is a sadness and desperation which seeps into one's being, it is like learning to live in a jail, it is learning to fly without crashing into the bars.

**"Only those who fight for freedom and life each day deserve it."**

Johann Wolfgang von Goethe

But as history has shown us, freedom is also a type of faith. And this is what left the greatest impression on me from our mission in Venezuela. The people we met, writers, human rights defenders, journalists like Milagros Socorro, president elect of PEN Venezuela, which was re-established while we were there, have belief in freedom, the commitment and the stubbornness of freedom. Each person that we met had their war story, their way of facing the limitations. Within the reduced space that they are left with, as much as this discourages them, no one loses the awareness that, as Goethe said: "Only those who fight for freedom and life each day deserve it." These Venezuelan colleagues, in their conversations, in the telling of what they have done to break or free themselves from the bars of the jail, showed the resolute decision to fight each day for their freedom. And in many ways, through networks, through cultural spaces, meeting places, they have begun to circumvent the restrictions.

The establishment and resumption of the Venezuelan PEN Centre was not at all complicated. Edda Armas, writer and poet, former president of PEN, seconded a majority motion that Milagros Socorro should steer the future efforts. We laughed afterwards, we took photos. I felt that another small seed of freedom had been planted in the good garden.

Carles Torner and I gave a reading that was well attended, in a small, but welcoming bookshop-cum-café. With Carlos Correa we walked through the centre of Caracas, passing historical sites touched by the life of Simón Bolívar, the Academy's beautiful building, leafy parks, and many people walking down the streets in the necessary daily hustle to survive in a rich country where, however, scarcity abounds.

Carlos Correa, on the night we parted ways, took us to buy the famous Venezuelan rum and gave us several bottles. I didn't know that Venezuelan rum was of such high quality and had such renown. I knew it as soon as I returned to my home and tried it.

Alicia, Carles and I bid each other farewell. Each one of us headed in a different direction. We left Venezuela with the joy of having met such brave people, with the satisfaction of having fulfilled our mission, but also with the sadness of the country's situation; a country which, as much as it may be being drowned by mistaken politics, the hearts of its people have an unwavering freedom, like a flame that won't be extinguished.



**Gioconda Belli**  
President PEN Nicaragua

# Lazarus' Gaze

PEN International, together with Oxfam-Novib, awards an annual prize to a writer who stands out for their bravery in the face of repression. The Venezuelan novelist and journalist Milagros Socorro received the award in January this year. When receiving her prize in The Hague, Milagros surprised the more than five hundred people who attended the event, because she did not present herself as a victim, but as someone who came to offer help instead:

"My last name is Socorro, which in Spanish means help: Help! My country has been destroyed by a dictatorship that has devastated our institutions, our economy and our freedoms. In the streets of Venezuela there are thousands of people every day searching in the garbage for something to eat. But I did not come to ask for help for myself or for my beloved and tortured country. I have come to The Hague to help you."

She had achieved it: all the faces in the public were on edge, waiting to learn what help was Milagros bringing from Caracas:

"I've traveled here to warn you that everything you take for granted can be stolen in a minute."

At the end of February, PEN International sent a mission to Venezuela with the aim of revitalising Venezuelan PEN, which had been put to the test in recent years by the harsh conditions for freedom of expression that threaten even the mere survival of journalists and writers. The mission was comprised of Gioconda Belli, President of PEN Nicaragua and a great connoisseur of the social, political and literary life of Venezuela; Alicia Quiñones, a journalist and member of the team coordinating PEN in Latin America, who is energising PEN's campaigns in defence of freedoms, from Mexico; and myself, as the executive director of PEN International. The mission was prepared six months beforehand, in close coordination with Espacio Público, a prestigious NGO whose mission is to investigate, denounce and advocate for freedom of expression. The organisation also carries out great journalistic research through the Chronicle One internet portal.

The members of the mission met with Venezuela's network of freedom of expression organisations; with the Caracas Press Club; with a panel of academics from the University Andrés Bello, that analysed the human rights situation in the country; and with lawyers with experience of the Inter-American Commission on Human Rights and the Human Rights Council of the United Nations.

The mission got a good start, since the first meeting with writers already showed that many people wanted to revitalise PEN Venezuela, in order to face the many serious challenges to freedom of expression in the country together. With the active participation of Edda

Armas, who has served as president of PEN Venezuela and who has represented Venezuelan writers at many international conferences and meetings in the past; and together with forty journalists, with writers and with 'artists without a gag', there was a real enthusiasm for Venezuelan authors to return to PEN International, to work hand-in-hand with their colleagues from around the world. Only two days later we were able to hold a second meeting in which we already resolved - in detail - the process for PEN Venezuela to rejoin PEN International. And we celebrated it at the end of the meeting by launching the new @PENVenezuela twitter, with their beautiful logo.



That is the soul of our organisation: fight with the word in defense of freedom of expression, and to do it always hand-in-hand with the writers of each country. The report Venezuela: Literature and journalism, an act of resistance will be presented to PEN delegates from more than a hundred countries around the world at our next international Congress in India, at the end of September 2018. A first draft version of this report was already the subject of a session of the Congress of PEN Centers in Latin America, held in Buenos Aires 25th to 28th July. The fact that Milagros Socorro was there to present it, as the new president of PEN Venezuela, was a real joy. Milagros questioned the whole room again, which was full of journalists, novelists, essayists, poets and academics, from seventeen countries of Latin America, by finishing her speech with these words:

"You do realise, don't you? You realise that I find it hard to talk. I am a witness of the civil, democratic and cultural tradition of Venezuela, and it is very difficult for me to come here to talk to you about the numbers of children dying of hunger, about the lack of calories, about the centimeters missing on the skull of Venezuelan children at birth. I can hardly do it because it is unspeakable, it is nontransferable. Now I know what Piety means. The image of Piety in Western tradition: the woman who holds her dead child. Now I know the burden of that dead child. We know about it, because we - Venezuelans - are a kind of Lazarus. Now I know that, when Lazarus returned from death and his friends then said to him: "So, are we going for a beer?" Lazarus's gaze would scare them away. Because they would think: what can we tell Lazarus that he doesn't know now? What are we going to entertain him with? What words will amuse him and take him out from his visions? So me, a Venezuelan, what did I come here to do? I do not want to add to the inflation of misery, to tell you how far totalitarianism, lies and the confiscation of liberties can drag us all. Who invited me to tell you about what it is unspeakable?"

**Carles Torner**  
Executive director of PEN International

# Introduction

Over the last five years, censorship – both state-enforced and self-imposed – has become increasingly prevalent in Venezuela. Whether it takes the form of direct attacks on journalists, restrictive legislation and lawsuits against media outlets, or whether it is experienced psychologically as a kind of ‘internal policeman’ controlling one’s private conversations and exercising an inhibitory pressure over what one writes, the effect on writers, the media, and society more generally, has been devastating. This report is the result of PEN International’s mission to Venezuela in February/March 2018, and is intended to provide an overview of the current situation in the country as it pertains to freedom of expression, censorship and writers. It includes numerous case studies which serve to demonstrate the personal consequences of both state and self-censorship and ends with a series of recommendations.

Under the governments of Hugo Chávez (1999-2013)<sup>1</sup> and Nicolás Maduro (2013 to date), Venezuela has suffered an ongoing assault on freedom of expression and other rights. Under both administrations, the intimidation and persecution of critics has been encouraged; newspapers, radio stations and cultural spaces have been closed down; the shortage of printing paper (which is under state control) has resulted in a reduction in newspaper circulation and in the almost total disappearance of the publishing industry; and the threat of violence directed at critical voices has been ever present. As a result, writers, editors and journalists are now living and working in a highly restricted, precarious environment – worse, many say, than any they can remember. This is certainly how Eurídice Ledezma, the distinguished – and frequently attacked – investigative journalist, sees it. She places the current climate in its historical context:

**It is interesting to take a wide-ranging look back at Venezuela. We have always had problems with free expression. The Fourth Republic<sup>2</sup> was not particularly open. In the 1970s there were paramilitary groups that targeted people. There were moments when one had to defend oneself from guerrillas, but you could say it: independent media that dared to speak of the realities existed. Journalists have always faced risks in the country, but not like now. Today, the idea is to destroy one’s adversary, be it an opponent, a politician, a non-governmental organisation, a journalist or writer; the persecution has been – and is – very difficult ... If you are here you realise the level of devastation of the country, of the Venezuelan people, as individuals, as citizens ... the situation has deteriorated in terms of freedom of expression, and in terms of civil, political and economic liberties.**

Faced with threats to their freedom and safety – and forced by the current political and economic crisis into prioritising securing life’s basic necessities over their creativity, writers, journalists and editors face bleak choices: express oneself freely and risk being targeted, self-censor or go into exile. Edda Armas, poet and honorary president of PEN Venezuela, describes the Venezuelan writer’s predicament:

**Many writers have self-censored. Some prefer not to speak out, others do, and there are others still that have not been able to accept the situation, who have decided to leave the country and from exile are able to maintain a critical position in their books, blogs, twitter feeds or in their long-form essays in which they analyse the restrictive aspects of what is happening to us today in Venezuela; they have done it and they continue to do it from the cities and countries in which they live. One can feel the self-censorship, you live it, you touch it, you can see that people are careful of what they say and that it isn’t because of cowardice.**

## Censorship in numbers

Since Nicolás Maduro assumed the presidency, there has been intensification in the repression of freedom of expression in Venezuela.

According to local freedom of expression NGO, Espacio Público, 2014 saw 350 cases<sup>3</sup> and 579 reported violations of free expression – the largest number since 2002: the most common violations recorded included arrests, threats, acts of violence, obstructing journalists from doing their work, confiscating, stealing or destroying journalists’ equipment or material, and forcing journalists and others out of public spaces. The following year, 2015, saw 287 violations relating to 234 cases. And in 2016, there were 366 violations and an increase in “institutional and physical violence which criminalises the seeking and diffusion of information.”<sup>4</sup>

However, 2017<sup>5</sup> – a year which saw mass anti-government protests and severe state repression in response – proved to be the worst for free expression since 2001. Not only did it see 1002 recorded violations of free expression (up 173% on the previous year), but also the passing of legislation and a series of state actions that further reduced space for exercising free speech and other rights. These included: 1) the declaration of a new state of exception<sup>6</sup> and economic emergency, which grants extra powers to the executive to repeal human rights through “special and forceful measures”; 2) the passage of the Anti-Hate Law for Tolerance and Peaceful Coexistence; 3) the issuing of a decree<sup>7</sup> authorising government surveillance and censorship online; 4) the refusal to renew the licenses of radio broadcasters, leaving them in legal limbo; 5) the decision by the National Telecommunications Commission (*Comisión Nacional de*

*Telecomunicaciones, Conatel*) to order 54 broadcasters (49 national, 5 foreign) off the air<sup>8</sup>; 6) more than 70 legal proceedings enacted by the government, among them the recent case of *Armando.info*.

In addition to this, the ongoing restrictions on printing paper have, according to the Venezuela Press and Society Institute (Instituto Prensa y Sociedad de Venezuela, IPYS), forced 35 newspapers to cease circulation in the period 2013-2018.<sup>9</sup>

## International Obligations

Venezuela is obligated to uphold fundamental human rights as a state party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

As a member state of the Organisation of American States (OAS), Venezuela is subject to the jurisdiction of the Inter-American Commission on Human Rights (IACHR) and the obligations vested in the OAS Charter and American Declaration, which the Venezuelan state ratified in 1951.

Although the Maduro government initiated proceedings to withdraw from the OAS Charter in April 2017<sup>10</sup> – an unprecedented occurrence in the Inter-American system – it will take two years before the process is complete. In the meantime, Venezuela is still required to respect its international obligations to protect human rights.

A 2017 IACHR report neatly summarises Venezuela’s fractious relationship with the court and its unwillingness to comply with its obligations:

<sup>1</sup> Hugo Chávez (1954-2013), was president of Venezuela from 1999 until his death in 2013. Leftist leader whose ideology (“Chavismo”) was based on the ideals of Simón Bolívar - “bolivarianism”- combined with humanist, socialist and nationalist elements favouring participatory democracy and promoting indigenous peoples. Some journalists critical of Chávez remark that he respected their rights and that they were never afraid to critique the Bolivarian government; others disagree. Statistics from 2006 show 134 attacks on journalists; in 2008 the Ministry of Commerce of Venezuela designated books as “items of low priority” for import; in 2009, 34 radio stations were closed; in 2010, the Supreme Court ruled that the right to information was not absolute and that any individual that sought information would have to declare their reasons for doing so; in 2012, CPJ published its report in which it stated: “In actual fact, many of the most critical media no longer exist or have been silenced.” In addition, in September 2012, the Venezuelan state denounced the American Convention on Human Rights, to which it had been a state party.

<sup>2</sup> The Fourth Republic is understood to be the period spanning from the end of the Marco Pérez Jiménez dictatorship in 1958 until the formation of Chávez’ National Constituent Assembly in 1999.

<sup>3</sup> A “case” is understood as the act, situation or circumstance that compromises the right to freedom of expression. One or more violations can be identified from the same case, according to the categories or types of violation.

<sup>4</sup> “Institutional violence” is defined by Espacio Público in its 2017 report as censorship “via restrictions, either direct or indirect, from state bodies.” <http://espaciopublico.org/informe-anual-2017/#.Wy-YwKdKjIX>

<sup>5</sup> <http://espaciopublico.org/informe-anual-2017/#.WvYC-adKjIV>

<sup>6</sup> In May 2017, Presidential Decree No. 2849 established a new state of exception and economic emergency, granting the president powers to arbitrarily restrict human rights. The declared aim of the decree is to combat the “hostile and destabilizing attitude against the Republic” promoted by “opposition political sectors, with the support of foreign spokespersons and institutions.” <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>

<sup>7</sup> <https://www.accessnow.org/civil-society-letter-agains-Internet-censorship-in-venezuela/>

<sup>8</sup> <http://espaciopublico.org/informe-anual-2017/#.Wy-YwKdKjIX>

<sup>9</sup> [www.el-nacional.com/noticias/politica/ipys-medios-impresos-cerraron-pais-entre-2013-2018\\_225025](http://www.el-nacional.com/noticias/politica/ipys-medios-impresos-cerraron-pais-entre-2013-2018_225025)

<sup>10</sup> [www.bbc.com/mundo/noticias-america-latina-39753590](http://www.bbc.com/mundo/noticias-america-latina-39753590)

Venezuela has set a serious precedent by failing to comply substantively with judgements handed down by the Inter-American Court of Human Rights and its judicial organs have even declared certain decisions of that Court to be unenforceable given that they consider them unconstitutional. The Commission reiterates that the position adopted by Venezuela of not accepting or complying with the decisions and recommendations of international human rights organizations, especially the organs of the inter-American system, arguing that they contravene national sovereignty, is seriously at odds with applicable principles of international law.<sup>11</sup>

## Laws

As well as receiving threats or suffering violence, those who criticise the actions of the government also run the risk of prosecution under an increasing number of laws that are often weaponised by the authorities in order to silence independent voices. What follows are examples of some of the most troubling types of legislation that the IACHR<sup>12</sup> lists in its 2017 report on human rights in Venezuela:

- The *Law regarding Social Responsibility on Radio, Television and Electronic Media*: this law has been used to close, or threaten with closure, audio-visual media and also to block online media. It establishes that radio, television and electronic media providers may be punished with large fines and suspension of transmission if they are considered to “promote, advocate, or incite disturbances of public order,” or “promote, advocate, or incite crime,” or “foster distress in the public or disturb public order,” “ignore the legitimately constituted authorities,” or “are contrary to the safety of the Nation.”
- *Desacato offences and other offences against honour*: this legislation protects the honour and reputation of state functionaries from criticisms deemed offensive in a broad range of situations; in addition, the Penal Code upholds the crime of criminal defamation which carries punishments ranging from fines to five years in jail<sup>13</sup>.
- *Crimes against national security*: according to the IACHR, the provisions in this legislation “typify behaviours in a broad, vague, and ambiguous way that lend themselves to abuse in order to suppress political and critical expressions that have nothing to do with national security, from a democratic perspective.”

- *States of exception*: in May 2017, Presidential Decree No. 2849652 established a new state of exception and economic emergency, granting the president powers to arbitrarily restrict human rights. The declared aim of the decree is to combat the “hostile and destabilizing attitude against the Republic” promoted by “opposition political sectors, with the support of foreign spokespersons and institutions.” It has been used to restrict the right to freedom of expression and has authorised the filtering, blocking and monitoring of content on the Internet. Venezuela has been under a state of exception since 2016<sup>14</sup>.
- *Anti-Hate Law for Tolerance and Peaceful Coexistence* (better known as the “Hate Law”): this controversial law, passed by the National Constituent Assembly in November 2017, calls for the punishment of those who “foment, promote and incite hatred.” It has been criticised for the vagueness of its language (it provides no definition of ‘hate speech’ for example) and there are fears that this lack of clarity will be used as a tool to restrict free expression, and target critics of the government. In February 2018 it was used to investigate a newspaper that published a critical comment piece on the economy.<sup>15</sup> The law provides for punishments of between 10 and 20 years in prison, administrative sanctions, fines and the blocking of content.<sup>16</sup>

## The publishing industry and cultural rights

Laws, harassment and violence are not the only factors that push writers and other creators into exile; the wider political and economic crisis has forced many businesses, including publishing companies, to leave Venezuela. At the present time, almost all transnational publishing houses have ceased working in the country, leaving much of the task of printing and distributing literature to independent publishers. However, independent publishers have been hit by the high cost of paper, binding and distribution, all of which reduces profit margins to virtually zero. With little money to pay creators, severe shortages of the necessary materials and services necessary to disseminate their work, and a shrinking cultural space for literary expression, Venezuelan intellectual and artistic life is in crisis.

11 Situation for Human Rights in Venezuela, (December 2017) IACHR (paragraph 56) <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>  
 12 <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>  
 13 <https://cpj.org/reports/2016/03/south-america.php>  
 14 [http://www.oas.org/en/iachr/media\\_center/PReleases/2016/071.asp](http://www.oas.org/en/iachr/media_center/PReleases/2016/071.asp)  
 15 <https://cpj.org/blog/2018/02/venezuelas-anti-hate-law-provides-maduro-with-anot.php>  
 16 <https://ipysvenezuela.org/alerta/gobierno-aumenta-contrroles-la-libertad-expresion>

# Case Studies

What follows are the personal stories of writers, journalists, editors and others who have witnessed the drastic erosion of free expression and other rights in Venezuela since the turn of the current century.

## Journalists in exile

Venezuelan citizens are fleeing their homeland in vast numbers due to the economic crisis and the ever-worsening human rights situation. According to the UNHCR,<sup>17</sup> the period 2014-2018 saw almost 280,000 Venezuelans seek asylum abroad, with another 567,561 leaving the country for ‘other forms of legal stay’ (ranging from work to humanitarian reasons). Journalists and writers – driven by economic necessity and the desire to be able to write and report freely – have joined the ranks of those fleeing, although it is difficult to find accurate statistics showing exactly how many have chosen this route.<sup>18</sup>

17 <https://data2.unhcr.org/en/situations/vensit>  
 18 <https://www.hrw.org/news/2018/03/19/venezuelas-journalists-cant-be-silenced>  
 19 <https://armando.info/Reportajes/Resume/167>

Alfredo Meza,  
*Armando.info*

## “We believed that the only way to keep working was to go into exile”

In February 2018, it was revealed that Roberto Deniz, Joseph Poliszuk, Alfredo Meza and Ewald Scharfenberg – four journalists of the independent news portal *Armando.info* – had fled Venezuela. They were facing a lawsuit brought by a Colombian businessman and potential lengthy prison sentences if the court ruled against them; they had also been subjected to months of harassment and death threats. The lawsuit and harassment were a response to a two-part corruption investigation<sup>19</sup> published by *Armando.info* in 2017, which alleged that those close to the Maduro regime had been benefitting from the Venezuelan government’s purchases of food (intended for national, subsidised distribution) from a Colombian businessman named Alex Saab. In September 2017, after the publication of the second part of the investigation, Saab filed a lawsuit alleging aggravated defamation and aggravated insult (which carry prison sentences of between 1 and 6 years and fines of up to 2,000 tax units, equivalent to approximately US\$59,000). From exile, Alfredo Meza, a founding member of *Armando.info*, recounts the experience:

During our investigation we discovered that the food came from Mexico and we were able to confirm that it came to Venezuela via companies that were registered in tax havens, and that the beneficiaries were businesses close to the Nicolás Maduro government. The investigation and its publication led to a lawsuit claiming defamation and insult against the editor of the piece, Roberto Deniz, against the Armando.info team, and against myself and my colleagues Joseph Poliszuk and Ewald Scharfenberg. We decided to face trial in Venezuela and employed a team of lawyers; it was decided that one of us, the editor, Deniz, would appear before the court first and that we would gradually follow. The decision to face the charges was taken even though we knew there were no guarantees. They wanted to teach us a lesson with a sentence which meant, in the worst-case scenario, prison, or, in the best-case scenario, disruption of our ability to publish online. (In Venezuela, online media is very important because supporters of 'chavismo' have bought up the main newspapers.) The lawsuit had serious implications for our finances, but we had means to pay for it. In the interim, the lawsuit called for the freezing of our bank accounts in order to prevent the transfer of funds; our lawyer was denied access to the court documents, without which we couldn't know the identity of the petitioner [and] didn't know what was happening.

Frozen bank accounts meant that they wouldn't be able to pay staff. On top of this, they realised that their passports were in danger of being confiscated. Meza and his team there was only one realistic choice.

**"We decided to leave the country in December," he says. "One of my colleagues had gone in November, another one and the editor left in January. We believed that the only way to be able to continue our work was to maintain full possession of our capacities and to have the freedom to meet and organise our work. We took the decision to keep working, to protect ourselves, to provide the public with information that can help them understand a little of the nature of the Maduro regime."**

## Working in exile

What has working in exile meant for these investigative journalists? For Meza, the first loss was one of his jobs – he had been a correspondent for *El País* and had to stop: "you can't do it" from outside Venezuela. Securing the resources to ensure that *Armando.info* continues to operate in the country and to maintain four journalists in exile has been challenging: "It is a difficult situation, but we accept it and we view it with the understanding that living in exile – swallowing the bitter pill of exile is better than writing whatever Maduro wants ... Exile gives you perspective on your country."<sup>21</sup>

**Censorship for Alfredo Meza  
Swallowing the bitter pill of exile is better than writing whatever Maduro wants**

**Attacks and intimidation of journalists and writers**

Generally, writers and journalists work in a climate where they are at risk of threats, lawsuits, physical assault and other violations of their rights, especially if they criticise the government. Harassment and intimidation of journalists by state agents is very common during protests and other moments of high tension. As already noted, the year 2017 – with over 1,000 violations of the right to freedom of expression reported – was the worst year for journalists since 2001; the atmosphere was particularly fraught during the months of June and July, when the country was gearing up for the electoral process that would result in the creation of the National Constituent Assembly (on election day itself, a reported 27 journalists were attacked). Among 2017's most troubling violations of freedom of expression, the IACHR<sup>20</sup> has highlighted the closure of at least 50 media outlets in connection with their editorial line and a growing trend in detentions and expulsions of foreign journalists.

## Eurídice Ledezma

### "To be a journalist in Venezuela today is an act of resistance"

Eurídice Ledezma is one of Venezuela's most distinguished investigative journalists; she has written for newspapers such as *El Universal*, *El Nacional* and a wide range of magazines. On 18 May 2017, she left her home with the intention of covering one of the many anti-Maduro demonstrations that were taking place in Caracas during April to May 2017 (and which resulted in at least 80 people being killed). However, finding that the government had already begun to suppress the protest, she returned to her home, from where she had a good view of the events that were unfolding:

**I began taking photos of the protests. I was interested in documenting the scale of the demonstrations, the historic aspect of the collective movement. Then another issue arose, that of documenting all of the paramilitary groups, the intelligence, the personnel of the Directorate of Intelligence and Prevention Services (Dirección de Servicios de Inteligencia y Prevención)<sup>21</sup> [now SEBIN] who followed behind the National Guard and the crowd. While I was documenting it all, I realised that there were people photographing the protestors (in order to target them afterwards). Someone saw me but I was defiant – it was a civilian, not a soldier. He ordered my neighbours standing in the doorway of my building to pass on a message: "Tell her to stop taking photographs because she isn't a reporter, or I'll return with SEBIN." Not half an hour had passed before they were at the door of my building. I was cleaning something in the garage, together with family members, and I realised that outside was the man who had threatened me. He arrived with two or three others on bikes and in a truck without a licence plate. I was terrified.**

Ledezma and her family hid for 45 minutes; they feared that the men were going to break down the gate to the garage. She believes that their intention was to take her with them, "and not just me, but my photographic record – because I had been filming them with their faces uncovered." Finally, the agents departed but they left the truck parked in front of her house; they also smashed a window in her car as a warning.

### Restrictions on the media: the sale of paper, taxes and the purchase of media outlets

Ledezma has witnessed the space for free expression shrink over the last few years. She describes the shortage of paper, the closure of newspapers and magazines, the shutting down of radio frequencies leading to the silencing of many community radio stations, the high taxes and fines imposed on certain media outlets, and the purchase of media by frontmen using government capital. But she also highlights the state's use of technology to target writers: "You begin to be the object of online harassment by government bots," she says, "which has been a very efficient tactic across social networks. As a journalist you feel defenceless, vulnerable."

**Censorship to Eurídice Ledezma  
Censorship today is an official mechanism that gets under your skin and results in self-censorship. I wrote my novel – still unpublished – about the Revolution and everything that is going on here. Do you think I'd dare publish that novel now? No!**

20 <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>

21 In Venezuela there are various security forces: 1) the police; 2) the National Bolivarian Guard, GNB; 3) National Bolivarian Police; 4) the National Anti-extortion and kidnapping command, Conas; 5) the Bolivarian service of National Intelligence, SEBIN; 6) General Management of Military Counterintelligence, DGCIM.

## Laureano Márquez

### “The law in Venezuela is made to persecute opinion”

Laureano Márquez – commentator, director, playwright, actor and humourist – is no stranger to state harassment. In February 2007, *Tal Cual*, the newspaper for which he writes, received a fine of 40 million Bolívares (approximately US\$18,600 at that time) after it published a humorous letter Márquez had addressed to the daughter of President Hugo Chávez (the letter contained no insulting material);<sup>22</sup> the following March, he was the recipient of threatening telephone calls and text messages because of opinions he had expressed; in 2010, after *Tal Cual* published another comment piece by Márquez, Venezuela’s Ministry of Information initiated legal action against the newspaper; in 2011, (along with other media personalities) Márquez’s email was hacked and his identity hijacked on social media networks; in October 2013 his website was hacked; in 2015, two days after publishing ‘Letter from God to Maduro’, he received a fine related to tax returns that had been filed two years previously.

And, as if this litany of harassment wasn’t enough, the day before PEN International interviewed Márquez, the theatre at which he was due to perform a monologue was surrounded by soldiers and police. As the humourist recounts:

**I am on my way back from Maracaibo, a city in Northeastern Venezuela, where we were performing in Baralt Theatre, an old theatre that belongs to Zulia University. Last night, when we were readying ourselves for a performance of *Laureamor y Emidilio* – a work that I developed with Emilio Lovera, and which is about love not politics – police arrived at the theatre; we were warned not to carry out the performance. However, we began, even though we supposedly had to wait for some military authority that was coming to the theatre: we decided that we’d deal with the situation as it developed. My colleague Emilio said that there were military and armed police outside. But inside we had 500 people armed with mobile phones, cameras and we continued with the performance.**

Working across virtually the whole spectrum of journalism and the arts, Márquez is particularly well positioned to assess the state of free expression in Venezuela:

**There are spaces that I cannot enter and theatres where I cannot perform; any theatre that belongs to the government will not offer its stage to those who think differently or who might say something contrary to the official line. Also, there are topics that have been progressively silenced in the Venezuelan media, or – to be more exact – through financial suffocation, the denial of a supply of paper, the expropriation of media, the pressure exerted by state-controlled agencies. The pressure is extreme. Caricaturists now live outside the country and hosts of some emblematic programmes broadcast from abroad; those who remain here work in fear.**

Márquez’s newspaper, *Tal Cual*, has ceased its print edition owing to the lack of paper and, like many Venezuelan newspapers, has moved to a digital platform. “One writes cautiously,” says Márquez, “for fear of the consequences of what you write: we face penalties.” He continues:

**Lesser-known individuals are the least protected. Putting me in prison would cause problems for [the authorities] – they could do it but it would be a last resort. But lesser-known people are easily imprisoned for publishing their opinions on Twitter. The Venezuelan political phenomenon is a very specific phenomenon because democracy was dismantled democratically, that is to say, we ended our democracy with our vote, and what remains is a masquerade. The media is threatened, but not completely destroyed. One used to have a small margin in which to speak, to act, to criticise, but in recent times, with Nicolás Maduro, that margin has greatly narrowed. In my book *SOS Venezuela*, I call the chapter on Chávez “la dicta blanda” [the soft dictates], and the one on Maduro “la dicta dura” [a pun, which literally means ‘the hard dictates’, but when all words are read together means ‘dictatorship’]: why? Because even if the Chávez government was absolutely authoritarian, arbitrary, the blanket of democracy still just about covered him; today, we live within a legal system [that operates] at the whim of the regime. The situation has changed dramatically: it has changed brutally.”**

### Penalties and lawsuits against writers

For Márquez, “The law in Venezuela is made to persecute opinion,” and there is little you can do to protect yourself from those who employ it cynically.

**The regime that we have operates in the following way: it doesn’t always take action immediately, they take precautions; they create laws that may not be applied immediately but that are ready to be applied when the moment arises. The ‘Hate Law’ – just the promulgation of that law scares people and I think that they have already started threatening to apply it.<sup>23</sup> One of the steps I take to protect myself is to avoid naming or addressing government employees; I avoid naming people who might sue me. Those in power are watching you and this has an effect. From the very first lawsuit, I began to take more care.**

### Censorship for Laureano Márquez

**One of the steps I take to protect myself is to avoid naming or addressing government employees; I avoid naming people who might sue me. Those in power are watching you and this has an effect.**

### The shrinking space for cultural freedoms

Venezuela’s economic crisis has had a devastating impact on its cultural life. Public spaces dedicated to the preservation and promotion of the country’s heritage, such as museums and libraries, are struggling to continue functioning. Similarly, cultural programmes – previously state-funded – are being cut. Writers who spoke to PEN International talked of an increase in students dropping out of university.

## Edda Armas

### “Thinking differently is a crime” Edda Armas

Edda Armas is a poet and editor. She was president of PEN Venezuela from 2005 to 2009. When asked for her initial thoughts on freedom of expression in her country she says:

**Here there is no freedom of expression because thinking differently from what the current government prescribes is forbidden. It isn’t just forbidden; speaking ill of current government functionaries – starting with the president – is punishable by law.<sup>24</sup> You cannot write any message against him, not even on Twitter – it will be categorised as a crime and they can imprison you. In Venezuela we have had serious cases of young Twitter users who have been imprisoned for over a year. What should we call this if not an attack on freedom of expression? You cannot have an alternative thought, and if you do, you can’t express it because it is punishable and, well, they’ve gone in search of people in their homes and taken them away without them having committed any other infraction.**

In addition to her other activities, Armas is also a curator of cultural events and has witnessed the terrible impact of the current political-economic crisis on Venezuela’s artistic and cultural life; this ranges from the cutting of government cultural programmes, to the collapse into dilapidation of museums and other cultural spaces, and even to the suspension of literary prizes such as the Rómulo Gallegos Prize (suspended in 2016).

Like so many writers that PEN International spoke to, Armas highlights the crushing effect of the paper shortage on Venezuela’s cultural life:

**Regarding magazines, there are few left. Publishing is increasingly difficult. As everyone knows, we have problems with foreign currency, with money, and this crisis prevents the importation of paper, which we don’t produce here. The cost of imported paper is unaffordable. We have digital editions, nothing is printed anymore, and, well, it’s good because digital media is infinite, it is free, but it requires people to have the technology to access it. The Internet is a good tool for us to communicate among ourselves and with the outside, but the Internet that we have here is**

22 <https://rsf.org/es/noticias/excesiva-multa-al-diario-de-oposicion-tal-cual-reporteros-sin-fronteras-teme-que-se-trate-de-una>

23 The law was used against the journalist Yndira Lugo, editor of *Diario Región*, in February 2018; <https://cpj.org/blog/2018/02/venezuelas-anti-hate-law-provides-maduro-with-anot.php>

24 <https://cpj.org/reports/2016/03/south-america.php>

**the slowest in the world;<sup>25</sup> sometimes you can't send an attachment, an email, because it won't load; there are days in which there is no Internet, or it comes and goes, or it is weak: it isolates us.**

The paper crisis doesn't just affect publishing. It affects universities, academics, students, journalists, writers. Universities in Venezuela used to print contemporary literature collections, but they have stopped doing this. "University prizes have gone the same way," says Armas: "It is such a simple problem: although a literary prize promises the winner the editing of their book, the universities cannot edit them, so they end up doing it digitally. Before there were alliances between institutions and private business, but this has been lost."

Spaces for literature have been lost too. The National Library of Venezuela, home to three million books, including one very precious volume from 1471, is in a precarious position. According to Armas, "Neither the computers or lifts work anymore, nor do they have qualified staff; it is an [example of] institutional dismantling. Today we cannot hold any event in the library; ten years ago you could hold any event there, even if you supported the opposition."

### University and public life

Young people in Caracas are dropping out of university and trying to leave the country. Writers who work as professors or in academia, consulted by PEN International, have noted the high drop-out rate; one of the degrees with the highest drop-out rate is journalism – a result of the ongoing climate of censorship and the absence of opportunities for professional development.

"When I speak with my writer friends who are university professors," says Armas, "they tell me: 'I have three students in class.' Many academics and professors hold postgraduate degrees but it is all falling apart. Censorship touches all areas of our lives. In the street, for example, you wouldn't speak to a stranger [now]; Venezuelans like to chat, they like to express themselves, but right now you're careful about who you speak to because you don't know who's who; and whoever is listening could turn you in. In Venezuela there is a law that we call the "Snitch's Law" (*Ley Sapo*), which means that your neighbour could inform on you."<sup>26</sup>

<sup>25</sup> In February 2018, IPYS Venezuela published its report on the access to the Internet and bandwidth. the study is available here: <https://ipysvenezuela.org/2018/02/27/navegacion-la-minima-expresion-condiciones-la-calidad-Internet-venezuela>

<sup>26</sup> The "Snitch's Law" refers to the Popular Protection System, created and later derogated by Hugo Chávez. In 2014 and 2016, the initiative was taken up by Nicolás Maduro and entails the public and the Armed forces working together to "keep an eye on the right".

**Censorship for Edda Armas  
Censorship is a straitjacket that tries to cross our arms and seal our mouths. In part, this has led to a stampede for the diaspora, because writers need to have the freedom to express themselves, to criticise, to comment, to propose solutions. Unfortunately, almost everything you say is a criticism of the actions of the government and so you fall into the trap of committing a thought crime.**

### The book and publishing

The political, economic and intellectual crisis in Venezuela has affected all business and commercial sectors, including the publishing industry. Various publishing houses have shut down their operations in the country, among them Grupo Alfadil, Grupo Norma, Ediciones B and Penguin Random House; the only consortium that still publishes and holds events is Planeta. Smaller, independent publishers have to deal with the shortage of paper and the increasingly high costs of production, all of which converts books into luxury items. Large numbers of writers have given up the dream of publishing their books – at least in the traditional format.

### Kira Kariakin

#### "The book is a luxury item"

Poet, editor and literary agent, Kira Kariakin currently works as an independent publishing and Internet consultant. When asked about threats to free expression in Venezuela, she talks about writers and social media users being harassed for tweeting criticism of the regime or – as in the case of the infamous social media 'personality', Inéz González (known online as 'La Terrible') – jailed.<sup>27</sup> She describes serious physical attacks, highlighting, for example, the experience of journalist Marta Colomina who has been the target of numerous acts of violence, including a car bomb attack in 2002<sup>28</sup>. Kariakin also points to the rise in trolling by "government bots" and the hacking of writers who work in digital media.

Because of her work, Kariakin is uniquely knowledgeable about the impact of Venezuela's current crisis on the publishing and literary spheres:

**The lack of paper, hyperinflation and the restriction of government subsidies for independent publishers has had a great effect. When this government came to power, all alternative publishers dependent on government subsidies disappeared, because they no longer received support. [In additions to this problem], there are exclusionary situations; for example, there is a Socialist Association of Venezuelan Writers (Asociación Socialista de Escritores y Escritoras Venezolanos), and if you are not a member of the ruling party, if you aren't socialist, you can't be a part of it. This group has published dictionaries of Venezuelan writers, but they don't list writers who are against the government, nor are they recognised at festivals, book fairs etc. The situation we live in makes it very difficult to publish, including self-publish, because there aren't, for example, ink cartridges for printers. A crate of paper costs two million Bolívares, which is about US\$ 200,250, and the minimum wage is one US dollar. How can we buy paper or ink cartridges? We in publishing don't know what we're going to do. Let's suppose that you publish a book outside the country and you ask that it is sent to you in Venezuela, the problem is how to pay 100 US dollars abroad. We used to have bookshop chains like Nacho, which had 35 bookshops last year. Now only 6 remain.**

<sup>27</sup> <https://armando.info/Reportajes/Resume/295>

<sup>28</sup> <http://www.oas.org/es/cidh/decisiones/2014/VEAD519-03ES.pdf>

But Kariakin's outlook is not entirely negative. Despite the restrictions imposed by the government and the obstacles placed in the way of publishers and writers by the economic crisis, the Internet and human ingenuity are providing spaces for free expression:

**The things that remain are digital – through blogs, Twitter, Facebook and other platforms. Instagram has made large gains in Venezuela as a place to write and express your ideas. Before, we relied on official spaces like FUNDARTE or the Casa Rómulo Gallegos to conduct literary workshops, and from these emerged writers with strong careers such as Edda Armas, Armando Rojas Juárez, Patricia Guzmán, Rafael Cadenas, Igor Barreto; of course, there aren't any more publications because of the costs at the moment. [But] something good has come of this; it has forced us to be more creative. Before, the government gave all the money to subsidise publication, the money to travel, for festivals, for recitals – it gave funds for any initiative. Now, we have to do it for ourselves, so fanzines, pamphlets, blogs, independent digital magazines have emerged. These options have been the refuge of the young and also for writers like myself who are not so young. Bookshops have become cultural entities; before, one went to a bookshop and there was just the odd presentation of a book, but now bookshops host two or three events daily. Bookshops have given space to the concerns of writers that don't want to align themselves with the regime. I have a project at a small publisher that publishes pamphlets. I bought a printer via a friend – it has enough ink for two years – and with it I hope to start up a home publishing project making beautiful, limited editions. The other side of the situation is that, in our economy, the unit cost of each book grows exponentially; we are talking about a small book of maybe 60 pages that could cost around a million Bolívares, approximately US\$100,150. Who is going to pay that when it's better to buy milk or meat to eat? The book is a luxury item.**

**Censorship for Kira Karianin  
It is the absence of freedom to speak, to express ourselves, manifested through a system of coercion. Or when a person is inhibited from saying or doing something because of the threat that hangs over them.**

## The future for young writers

### Carlos Katam and Carlos Egaña

#### “The Internet is the second plane of our existence”

Carlos Katam is a student and poet. In 2015, he published the only book he has been able to print; in 2011, he edited two more in pamphlet form.

In 2014, Katam was part of a small student organisation that published poems and shared them as an act of protest. They planted the texts inside books sold at book fairs so that when the readers opened their copies, they would find something extra inside. “In the last meeting that I can recall,” says Katam, “which was moderately public, something unusual happened. Our group was affiliated with a larger group, to the student movement known as the 14 Generation. We had never had problems with state bodies before, but this time we met in a café opposite the university and sitting at the table opposite us were two people. We were talking about whether we should stay a part of the movement, whether it was going to dissolve or not ...[and] the people sitting opposite began to talk loudly about the movement in a derogatory and aggressive manner; we understood that this was intended for us. Of course, we left. We were pretty frightened.”

Katam points to polarisation as being one of the biggest problems facing Venezuela. This view is shared by Carlos Egaña, a poet, cultural journalist and editorial coordinator at the magazine *Desorden* (associated with the NGO Sin Mordaza, whose focus is on freedom of expression).

Egaña fears that the state – “undoubtedly authoritarian” – could become “totalitarian.”

The economic crisis and paper shortage make it extremely difficult for anyone, never mind a young, critically-minded poet to get their work published in book form. Egaña, like many writers, emphasizes the opportunities presented by the Internet: “As Carlos Katam says, in this country there are many young writers with really interesting ideas. Many of these young people are very shy, insecure and in the Internet they have found a place in which they can spread and share their writings. Publishing activity today has been appropriated by the state establishment, and it’s never going to publish anything that questions this ‘utopia’; on the other hand, the private publishing industry opts to publish those who are already known and doesn’t promote new writers.”

One of the sites which publishes contemporary Venezuelan literature is *Letralia*. Egaña is also establishing his own critical magazine for the arts and literature, *Desorden*, which will focus on the theme of political uncertainty. “We want to establish this space for the new generation. To do it physically is difficult right now, we don’t have spaces like we did. We want to get them back. The Internet is the second plane of our existence.”

**Censorship for Carlos Egaña**  
**It affects my work while it exists, because I am always going to want to propose an alternative vision for how to do things. But while censorship exists I will always have something to attack.**

**Censorship for Carlos Katam**  
**Censorship is when you say nothing and it has got to a point in which you no longer need the figure of the censor; people censor themselves.**

# Conclusion

Over the last five years, Venezuela has witnessed an unprecedented deterioration in freedom of expression specifically and in human rights generally. The writers, journalists and editors who spoke to PEN International all bore testimony to this decline, which is also demonstrated in statistics collected by the local NGO Espacio Público and the IACHR.

Venezuela’s political-economic crisis, its ongoing state of exception and economic emergency, and its decision to withdraw from the OAS, are not only symptomatic of what is going wrong in the country, but are also causal factors in the ongoing deterioration of rights. Violations of the right to free expression have rocketed in the last few years, with 2017 seeing the highest number of violations of this right since 2001. A particularly troubling aspect of the government’s assault on independent, critical voices is the ever-expanding array of legislation intended to censor various kinds of speech; this ranges, for example, from laws criminalising defamation and insult to the recent ‘Anti-Hate’ law. Hand-in-hand with this legislative assault on free expression goes the assaults, detentions, confiscations of equipment and threats that writers/journalists risk in the course of their everyday work. Media outlets have been shut down in connection with their editorial line and, in 2017, over 50 broadcasters were forced off the air.

What has been the effect of all this on Venezuela’s writers, journalists and publishers? Everyone PEN International spoke to had experience of censorship, whether state or self imposed, and faced very difficult choices: stay quiet, speak out and face harassment, arrest or worse, or go into exile. The economic crisis, with its extreme shortages of life’s basic necessities, has pushed many ordinary citizens into leaving Venezuela and many writers have joined them.

One of the key problems for anyone who writes or who works in the publishing sector in Venezuela is the current shortage of printing paper (over which the state exercises a monopoly); this has led to newspapers drastically reducing their size or ceasing to circulate altogether. The paper crisis and the increasingly high costs associated with producing books have resulted in major publishing businesses shutting down operations and the book becoming – in the words of one writer – “a luxury item.” The promotion of literature has become extremely difficult because of this, but also because writers who are not aligned with the regime are often marginalised by writers’ associations supportive of the government. Cultural spaces where writers, artists and other creators can promote their work, where citizens can enjoy their cultural rights, are shrinking too; libraries, for instance, are falling into a state of dilapidation.

Faced with these challenges, writers and journalists are increasingly looking to the Internet as a space where they can exercise their right to freedom of expression. However, the Internet in Venezuela is slow, often unreliable, and has become another battlefield where government supporters can wage war on critics through the use of trolls, ‘bots’ and hackers. Twitter-users have also been targeted, and in some cases jailed, for messages criticising the government.

# Recommendations to Venezuela

**PEN International notes the extreme deterioration in the right to freedom of expression and consequently all other human rights in Venezuela and makes the following recommendations.**

**The Government of Venezuela should:**

- Overturn the decision to withdraw from the Organisation of American States, through which the Venezuelan state protects its citizen's human rights, established in the Charter of the OAS and the American Declaration of the Rights and Duties of Man.
- Respect its international obligations to uphold fundamental human rights as a state party to the ICCPR as well as the International Covenant on Economic, Social and Cultural Rights.
- Consider and implement the recommendations made by various national and international human rights organisations in relation to freedom of expression.
- Respect and guarantee human rights in the country, including the rights protecting free expression, protest, association and access to information and the Internet; overturn any law which obstructs free expression and the right of every Venezuelan citizen to freedom of thought.
- Cease the harassment, intimidation and blocking of writers on all media, be it in print or online, as well as the economic penalisation of freedom of expression; guarantee that any investigation of attacks committed against journalists and writers is impartial and transparent; cease the practice of legal persecution and prosecution of print and digital media who criticise the official or governmental position.
- Repeal the Anti-Hate Law for Tolerance and Peaceful Coexistence, so long as such legislation threatens the freedom of expression, opinion, thought and right to dissent of citizens, journalists and writers, including by establishing sanctions against citizens, the media, organisations and service providers
- Adopt the necessary legislative measures to decentralise access to paper to print books and newspapers and provide just and transparent measures for its acquisition. Ensure that public resources designated to culture are accessible to all journalists, writers or citizens regardless of their political opinion or allegiance to the state
- Decriminalise defamation in the Penal Code and remove sentences which protect the honour of officials in the interest of transparency, accountability and freedom of information
- Abstain from employing mechanisms of direct and indirect pressure designed to silence the work of writers and journalists, in conformity with Principle 13 of the IACHR's Declaration of Principles on Freedom of Expression.



[www.pen-international.org](http://www.pen-international.org)