

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Briefing
on
Imprisoned Writers and the Right to Freedom of Expression

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Virtual via Zoom

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Thank you to the Tom Lantos Human Rights Commission for organizing this briefing. Thank you, also, to my colleagues at PEN America and Reporters Without Borders for their excellent work supporting the right to free expression and those who put themselves at risk in exercising and embracing that right.

My name is Clare Robinson and I am Advocacy Director at Scholars at Risk, a Defending Freedoms Project Coalition member. Scholars at Risk is an international network of over 550 higher education institutions in 40 countries committed to protecting scholars and the freedom to think, question, and share ideas.

Since 2011, Scholars at Risk has reported on a global phenomenon of attacks on academic freedom, including freedom of expression, within the higher education sector. These attacks manifest as killings, violence, and disappearances; loss of position and expulsion; travel restrictions; and, as we are discussing today, prosecution and imprisonment.

Why target scholars?

Scholars question dominant discourse and bring attention to a variety of important issues through their academic work, expression, and associations. We, as society, benefit from their findings, which are made possible by the free space to ask questions and discuss ideas.

Over the last decade, Scholars at Risk has documented hundreds of incidents involving the wrongful imprisonment or prosecution of scholars and students. Prosecutions of scholars are typically brought under laws aimed at restricting critical inquiry and expression. These include

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especially opaque and overbroad blasphemy laws, lèse-majesté, civil and criminal defamation, sedition, espionage, national security, and terrorism laws that criminalize the mere expression of opinions or ideas on certain topics, without any link to violent or otherwise criminal acts or intentions whatsoever. Such laws raise concern for entire higher education communities in that they sanction and impose artificial boundaries on research and writing, undermining quality, creativity, and innovation that can benefit society at large. They signal to an entire community that certain questions cannot be asked.

Looking at it from a global perspective, the imprisonment of a scholar demonstrates a state's lack of respect for—and in some cases, even fear of—academic freedom. Without academic freedom, higher education cannot fulfill its role in society; and the quality of education suffers, diminishing the media and human rights spaces, government, and other sectors needed for democracy to function. The university space is foundational, and it must be protected.

Keeping in mind that state authorities imprison one to silence all, what are some of these individuals facing?

Among the many cases represented by the Defending Freedoms Project, I would highlight Professor Ilham Tohti, an economist imprisoned in China for promoting dialogue between Uyghurs and Han Chinese, and speaking out about economic inequalities faced by Uyghurs. Rep. James Langevin represents Professor Tohti in the Project. Sentencing Professor Tohti to life in prison sends a signal to others that exploring these issues would come with severe consequences.

In several cases, scholars are tried by military tribunals or courts whose decisions cannot be appealed, as we have recently seen in Egypt with postgraduate student Ahmed Samir Santawy, who was detained in apparent connection with his studies on women's rights.

In prison, scholars may be held in overcrowded cells or solitary confinement, and denied access to legal counsel and family, as conservation scholar Niloufar Bayani has experienced in prison in Iran since 2018. Scholars are often denied appropriate medical care—which is of particular concern during the COVID-19 pandemic. Dr. Abdul Jalil Al-Singace, a Bahraini scholar represented in the Defending Freedoms Project, has experienced worsening health without appropriate medical care for his several chronic illnesses, including polio.

It cannot be understated the serious damage wrongful imprisonments cause to a scholar's physical and psychological well-being, as well as that of their family, friends, and colleagues.

In conclusion, the use of coercive legal actions to punish or deter the individual scholar's words and ideas threatens the heart of higher education and the reason for its existence, and deprives

society of important voices that drive progress. Without an open space for research and writing, knowledge production halts. Society is left at a stand-still. What happens when there are fewer discussions of economic or religious inequality within minority communities, following the imprisonment of Professor Tohti? Or less research on disaster medicine due to Dr. Ahmadsreza Djalali's imprisonment in Iran? Or censored discussions of politics in Belarus, following the mass detention of students? The discouragement of research and writing on specific topics through the imprisonment of those who explore these ideas should be alarming to each and every one of us.

Scholars at Risk calls on Members of Congress to seek the release of imprisoned scholars and call for the implementation of protections for academic freedom.

- First, Members can and should become advocates for scholars through the Lantos Commission's Defending Freedoms Project.
- Second, Congress can encourage the Department of State to raise concerns about scholars within the context of the UN's Universal Periodic Review. There is a great need for this, to signal to states that academic freedom is of critical concern to the United States. To date, there have been fewer than ten recommendations made regarding scholars as part of the UPR, compared to over 700 regarding journalists.
- And finally, Congress can encourage the Department of State to participate in regional and international efforts to implement protections for academic freedom.

We are witnessing a phenomenon of attacks on freedom of expression within the higher education sector. These attacks come at a time of increased authoritarianism across the globe, and this is no accident. We must take collective action to defend the space for inquiry, expression, and debate—to defend the space where we can be free to think.

Thank you.