

Challenges and effects of terror on arts and culture

Stakeholder submission

Freemuse welcomes the opportunity to contribute to the call of the Office of the High Commissioner for Human Rights to provide contributions related to best practices and major challenges in addressing the negative effects of terrorism on the enjoyment of human rights, particularly to the right to life, liberty and security of the person.

Freemuse defends and advocates artists' rights to freedom of expression and the right of civilians to access culture and arts without fear. Freemuse publishes annually a report¹ on violations on artistic freedom. The report includes verified attacks on artistic freedom. However, attacks are under-reported and the magnitude of the problems and the effects on societies are under-researched.

Terrorism has affected and damaged cultural industries and artistic freedom on several continents over the past 20 years. However, few studies have described the short as well as the long-term effects of this terror on arts and culture. Freemuse has collated examples for more than a decade and further detailed descriptions can be found at www.freemuse.org and <http://artsfreedom.org> .

This submission does not define “terror” nor analyse or describe the roots to terrorism. The submission describes various examples of terror on artistic expressions and suggests a number of recommendations to the UN and the international communities.

Freemuse is an independent international membership organization advocating and defending the right to artistic freedom worldwide. Freemuse has held Special Consultative Status with the United Nations Economic and Social Council (ECOSOC) since 2012.

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The Universal Right to Artistic Freedom

1. The freedom to create art is increasingly recognized as an important human right under international law. In a 2013 report, “The Right to Artistic Freedom and Creativity”, the UN Special Rapporteur in the field of Cultural Rights, Ms Farida Shaheed, observed that the “vitality of artistic creativity is necessary for the development of vibrant cultures and the functioning of democratic societies. Artistic expressions and creations are an integral part of cultural life, which entails contesting meanings and revisiting culturally inherited ideas and concepts.”²
2. The right to artistic freedom and creativity is explicitly guaranteed by international instruments: most importantly, Article 15(3) of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), under which state parties to the treaty “undertake to respect the freedom indispensable for . . . creative activity” and in International Covenant on Civil and Political Rights (ICCPR) Article 19(2), which provides that the right to freedom of expression includes the freedom to seek, receive and impart information and ideas of all kinds “in the form of art”.
3. Under UNESCO’s 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, States shall endeavour to create “an environment which encourages individuals and social groups to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples”.
4. According to UNESCO’s 1980 Recommendation concerning the Status of the Artist, “freedom of expression . . . is the essential prerequisite for all artistic activities, Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights”.
5. Furthermore, artistic freedom is protected by other fundamental rights: chiefly, liberty and security of persons; freedom of association, assembly, and movement; freedom of thought, conscience, and religion; and equal protection of the law. The exercise of artistic freedom supports these fundamental rights and freedoms by witnessing their violation and by engendering cultures that affirm the inherent and equal dignity of the person.
6. At the Human Rights Council’s 30th session, an oral statement joined by 57 states reaffirmed the right to freedom of expression including creative artistic expressions
7. In her latest report, “Intentional destruction of cultural heritage³”, The UN Special Rapporteur in the field of cultural rights, Ms. Karima Bennoune, states that the intentional destruction of cultural heritage is a human rights issue, and calls for national and international mechanisms to prevent such destruction, hold those accountable who have caused the destruction and support and protect those who defend cultural heritage.”
8. The Special Rapporteur notes in the report that cultural heritage “is a broader concept which does not rest upon one agreed definition: it includes tangible heritage composed of sites, structures and remains of archaeological, historical, religious, cultural or aesthetic value, as well as intangible

² Farida Shaheed, UN Special Rapporteur in the field of cultural rights, “The Right to Artistic Freedom and Creativity,” <http://artsfreedom.org/?p=5311>

³ <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/IntentionalDestruction.aspx>

heritage comprising traditions, customs and practices, vernacular or other languages, forms of artistic expression and folklore”

Terror on artistic expressions

9. Terror and attacks on artistic expressions may derive from state as well as non-state actors. In recent years non-state actors such as the Taliban, Al Shabaab, Da'esh/IS and Ansar ud-Dine have made numerous attacks on artists, cultural events and citizens attending theatre's, movies, concerts etc.
10. Citizens and artists in Afghanistan, Pakistan, Somalia, Syria and Mali have particularly been severely affected by religious motivated attacks. However also European countries have witnessed severe attacks leading to fear, self-censorship and financial loss.

Non-state actors' wars on artistic and cultural expressions

Afghanistan

11. When Herat fell to the Taliban in September 1995, one of the first edicts issued by the Taliban was to ban television. The local television station was closed and aerials pulled down from every house. To prove they were serious, the Taliban fighters made public examples of those caught defying the ban. They blackened the faces of offenders, tied video cassettes round their necks, and led them through the city on the end of a rope.
12. The fighters outlawed music, dancing, picnics and kite flying. Stereo systems, video cassette players and television sets were destroyed in public and western books confiscated. Gunwielding soldiers broke up wedding parties, ordering festivities to stop.
13. Kabul fell to the Taliban in 1996. A middle-aged tabla player from the musicians' quarter was shown burying his drums in order to hide them, just as many people of Afghanistan bury armaments. Young Taliban from the Amr Bil Marof Wa Nahi Anil Munkar (Office for the Propagation of Virtue and the Prevention of Vice) were described, driving around in their Hilux pickups, with armed men in the open backed vehicles on the lookout for miscreants. The image of “executed” audio and video tapes was also a favourite topic for the press: One visible proof [of the ban] was the black and brown streamers hanging from poles and trees. They were the innards of cassettes that had been ripped out and 36 “hanged” as a reminder to travellers of the ban imposed on music throughout their territory.
14. Although the Taliban do not control Afghanistan anymore attacks continue on artistic expressions, artists and cultural producers. As supportive examples:
15. In August 2012 17 civilians were assumed killed by Taliban insurgents in Afghanistan's southern Helmand province for having been attending a party with music in an area under the control of the Taliban. The bodies of two women and 15 men were found by the side of a road in the Musa Qala district. They were either beheaded or had had their throats cut. Some showed signs of beatings or had gunshot wounds. Local officials said the men had gathered to listen to music and watch the women dance when they were attacked. Other sources said the reason for the slaughter was a fight between two Taliban commanders over women, or an insurgent crackdown on suspected government informers.

16. On 11 December 2014 a 17-year-old suicide bomber blew himself up inside a school auditorium in Kabul where a theatre play condemning suicide bombing, 'Heartbeat: Silence After the Explosion', was being presented by students of Kabul University's Cinema and Theatre Department of Fine Art Faculty. Several persons were killed by the bomb blast, which came about 20 minutes into the performance. About 500 people were in the auditorium of Isteqlal High School, which is attached to the French Cultural Centre. Musicologist Dr Ahmad Naser Sarmast and professor Hussainzadah, head of the university theatre department, were amongst the wounded. Dr Sarmast was hospitalised, injured on the head with temporary damaged hearing. Also a journalist, a cameraman, and 10-15 students and spectators were wounded and rushed to hospital. A Taliban spokesman Zabihullah Mujahid claimed the bombing in an email statement sent to media. He said the theatre show was "desecrating Islamic values" and "propaganda against jihad", particularly suicide attacks.

Pakistan

17. When the Taliban lost control in Afghanistan some of them expanded their activities and terror on arts and culture to neighbouring country, Pakistan, allying with local jihadist and terror groups.
18. Freemuse has published two reports on terror attacks on arts and culture in the FATA and Khyber Pakhtunkhwa provinces of North Western Pakistan in collaboration with local cultural organisations
19. Published 17 March 2014 'Music and Militancy in North Western Pakistan (2001-2014)'⁴ by Center for Peace and Cultural Studies (CPCS), Peshawar, in collaboration with Freemuse, the report documented that since 2001, 12 women have been reportedly killed because of their direct involvement in music in North Western Pakistan. Approximately 600 musicians suffered due to the closure of Dabgari Bazar during the MMA government. Around 50 Sufi shrines have been attacked and an estimated 150 attacks on CD shops and music centres have left an estimated 1,000 to 1,500 shops and centres destroyed.
20. Published in 2016 a "Study on Effects of War and Repression of Musicians, Performers and the Public of Swat, Pakistan"⁵ "reveals how artistic life and the cultural industry is still suffering immensely after the Taliban were ousted more than seven years ago. The study documents that although music slowly returned to Afghanistan after the Taliban regime in Afghanistan was overthrown, a renewed wave of terrorism began on the Pakistani side of the border.
21. Cinema houses and exhibition centres were set on fire. Billboards that displayed images of women were smashed. CD and DVD shops were bombed.
22. To this day public concerts have almost ceased in Swat. Prolonged unstable conditions have resulted in the dwindling of professional musicians' families – once a major feature of cultural life in the region. The number of families has fallen drastically, from 80 in the 1980s to 25 today. Due to fear of terrorists, shopping complex owners no longer allow the trade of CDs.
23. Terror on arts has not been limited to the North Western regions of Pakistan. On 22 June 2016, one of Pakistan's most famous singers, Amjad Sabri, died in the port town of Karachi after two gunmen on a motorbike shot the singer in his car just a kilometre after leaving his home. The Taliban has claimed responsibility for the killing, reported Pakistan daily The Express Tribune on 22 June 2016.

⁴ <http://freemuse.org/archives/7322>

⁵ <http://freemuse.org/archives/12305>

A spokesperson for a branch Taliban group in the country said they targeted the singer because they consider his music to be blasphemous. Amjad Sabri was a leading and respected Qawwali singer, a Sufi spiritual music, who came from a family of respected Qawwali

Mali

24. Northern Mali was hugely affected by the invasion of various terror groups in 2012. Cultural life came to a standstill and a Freemuse report⁶ ‘Music, Culture and Conflict in Mali’, analysed the background of the conflict. Report writer Andy Morgan interviewed 20 of Mali’s most acclaimed musicians, artists and observers on how music and culture had been affected as a consequence of the crisis in the northern part of the country. The report included eyewitness reports:
25. On Wednesday 22 August 2012, the following announcement was made by Osama Ould Abdel Kader, a spokesperson for MUJAO based in the city of Gao: “We, the mujahedeen of Gao, of Timbuktu and Kidal, henceforward forbid the broadcasting of any western music on all radios in this Islamic territory. This ban takes effect from today, Wednesday. We do not want Satan’s music. In its place, there will be Quranic verses. Sharia demands this. What God commands must be done.”
26. During the following period of terror, cultural monuments were destroyed and cultural life came to a standstill widely affecting musicians’ livelihood, civilians access to make use of music at weddings and financially affecting those delivering services and goods to festivals and events (technicians, engineers, catering, transport etc).
27. In the days after the announcements, several incidents of the nature of repression and terror were reported. Illustrating examples:
28. In Gao, a group of teenagers sat around a ghetto blaster listening to Bob Marley. A Landcruiser pick-up loaded with tooled-up Islamic police comes by, stops and accosts them. “This music is haram” says one of the MUJAO men as he yanks the cassette out of the blaster and crushes it under his feet. “Listen to this instead,” he barked, handing the startled reggae fans a tape of Cheikh Abderrahmane Soudais, the highly revered Quranic chanter from Mecca in Saudi Arabia.
29. In Timbuktu, a young teenager receives a call on his mobile phone. As the tinny ringtone sends out a looping riff lifted from a song by local singer Seckou Maiga, it is overheard by a group of Ansar ud-Dine soldiers who are standing nearby. One of them takes the phone, picks out the SIM card, and grinds it into the dust with his feet. He then gives the phone back in pieces. “None of that Godless music, understand?!”
30. In Kidal, a group of women gather on the dirt airstrip to the east of the town. One woman starts to beat the tindé drum, whilst another sprinkles water on its goatskin to keep it taut and resonant. The tindé is the mitochondrial DNA of all Touareg music. Its horizontal beat powers the communal joy of major feasts and gatherings in Touareg lands. Like so much traditional Touareg music, it is played by women and only women. Ansar ud-Dine militiamen with black headbands and AK47s strapped to their chests slice into the crowd and order the women to stop what they’re doing and go back to their homes as well.

⁶ <http://freemuse.org/archives/2068>

31. As a consequence of the ban on music hundreds of musicians lost their livelihood in the region. Others were exiled and family celebrations such as weddings were prevented from upholding traditions of dance and music as an essential part of the celebrations.
32. Since 2012 Mali's famous "Festival au desert" has been cancelled due to threats from terror groups. As a consequence many people have lost their income. Not only musicians, but all people involved in the sectors serving and creating the festival – catering companies, the transport sector, hotels, engineers etc. The festival created in 2001 to celebrate Touareg culture soon attracted international artists and audiences.

Somalia

33. War stricken, Somalia for several years has been dysfunctional. Religious extremism has terrorized the people of the country and spread fear amongst artists, especially musicians.
34. On 14 April 2010, radio stations in the country's capital Mogadishu were ordered to cease playing all music. In a nation under a government that had already banned wearing bras, musical ringtones and in some areas made growing a beard compulsory, this was the latest blow to individuality in Somalia.
35. Hezb al-Islam leader Sheik Mohamed Ibrahim told AFP that the ban was an appropriate move in an attempt to stop "evil deeds". In extremist governed, southern regions of Somalia; listening to music became illegal. Practicing music was illegal.
36. Somali poet, playwright and songwriter Warsame Shire Awale was killed in the country's capital, Mogadishu, on 29 October 2012 in the evening. Warsame Shire Awale who was in his 60s worked for the Radio Kulmiye where he wrote and acted in radio plays critical of the militant group, al-Shabab, who he accused of misleading people in the name of Islam.
37. The National Union of Somali Journalists said he had received death threats because of his work and songs calling for people to join the police. Warsame Shire Awale was said to have been shot several times by two masked gunmen near his home in the Waberi district.

Syria

38. The war in Syria has affected artistic expressions immensely. The government has brutally imprisoned, killed and persecuted many artists. Hundreds of artists have left the country due to the interior conflict.
39. Areas dominated by Da'esh/IS has experienced harsh attacks on monuments as well as living art. The effects of the war on artistic expressions is a matter for a complete study so the following are just illustrations.
40. In a statement in January 2014, the organisation Da'sh/IS "banned music and songs in cars, at parties, in shops and in public, as well as photographs of people in shop windows, warning that "whoever violates these rules will subject themselves to the necessary Sharia punishment." The statement added "Songs and music are forbidden in Islam, as they prevent one from the remembrance of God and the Koran and are a temptation and corruption of the heart."

41. January 2015: In Bujaq, a few miles to the east of Aleppo in Syria, the Da'esh/IS religious police was reported to have beaten up four young men for playing music using so-called 'un-Islamic' instruments such as a keyboard and lute. Images posted on a popular file sharing site showed IS policemen hitting the young men on the back and on their legs with a stick in square filled with onlookers, and two keyboards and a lute smashed and destroyed. According to Arabic script posted alongside the pictures, the men were given 90 lashes. Da'esh/IS has further brutally silenced cultural expressions in several other countries as the following examples illustrate.

Libya

42. In February 2015 an information office of Da'esh/IS in Libya published photos of its militants burning musical instruments they said were confiscated in line with the radical group's interpretation of Sharia law.

Iraq

43. According to news sources, Da'esh/IS militants publicly executed a 15-year-old boy in the northern Iraqi city of Mosul on 16 February 2016 for listening to "Western music". A spokesman for the Ninevah media centre told the new outlet that the boy, Ayham Hussein, was caught listening to pop music in his father's grocery store when the militants arrested him. In late January 2016, a 14-year-old was reportedly beheaded on similar charges.

Transnational Terror

44. Millions of people living in countries such as Mali, Syria, Somalia, Afghanistan and Pakistan are the most affected by terror attacks on artistic expressions. It is the artists, the cultural industries and the citizens of these, which face daily threats and attacks – severely affecting their daily lives and livelihoods.
45. But, transnational terror even affects the lives of millions of people living outside these conflict zones. In some countries acts of terror has unfortunately also led to abuse of national legislations to silence oppositional voice.
46. In recent years Europe has witnessed several attacks on artists and cultural events sparked off by religious extremism. This has affected the artists and the cultural industries negatively, led to self-censorship, fear, decreased income and increased security costs. The following examples illustrate the type and nature of this terror – mostly performed by terrorists living in Europe. Terrorists, who are either directly inspired by non-state actors such as Da'esh, Al-Qaeda or activated by such non-state actors.

France

47. A black Volkswagen Polo pulled up outside the Bataclan concert hall in Paris at 21:40 (20:40 GMT) on Friday 13 November 2015, and three heavily armed gunmen got out. Less than three hours later they were dead, having killed 90 people at the venue and critically injured many others. In the communiqué Da'esh/IS transmitted on 14 November, via Twitter, they wrote: This attack is the first of the storm and a warning to those who wish to learn." Several months' after the Da'esh coordinated blitz against the French capital, resulting in almost 500 people dead and wounded, the

country's population remained in a state of shock. The massacre at the Bataclan concert hall spread fear and generated huge financial losses to the culture and tourism sector.

Denmark

48. On 14 February 2015 a 55-year-old film director was killed and three police officers injured after an armed man, Omar Abdel Hamid El-Hussein, opened fire at the lobby of a café in Copenhagen where a public debate meeting was being held in the theatre next to the lobby. The Copenhagen event, titled 'Art, blasphemy and freedom of expression' featured a panel discussion about the limitations of freedom of speech and artistic expression in the wake of the 7 January massacre at the Charlie Hebdo paper in Paris. The panellists were discussing whether any limits should be placed on artistic expression. The attack was aimed at targeting the Swedish artist, Lars Vilks, In 2007 Vilks caused an international controversy when he depicted Muhammad as a roundabout dog in three drawings.

Sweden

49. Several religious motivated attempts have been made to kill Lars Vilks. On social media, various campaigns have called for his killing. On 24 November 2010, a video produced by the Somali Islamic organization Al-Shaabab appealed to "all the Somali brothers and sisters" in Sweden, to leave that country and come to Somalia to fight for Al-Shabaab. The video announced a death threat against Vilks. On 11 December 2010, a suicide bomber in Stockholm said in a message to media and the Swedish Security Police that "Now will your children, daughters and sisters die the same way our brothers and sisters die. Our actions will speak for themselves. As long as you don't end your war against Islam and degradation against the prophet and your foolish support for the pig Vilks". In 2010 Anwar al-Awlaki published an Al-Qaeda hit list in Inspire magazine, including Vilks.

Belgium

50. In January 2015 'The Ramdam festival of disturbing films' in the Belgian town Tourni has been closed after terrorist threats. After a court decision, Police sealed the area around the cinema complex Imagix for the entire duration of the festival
51. "Since its foundation in 2011, the festival Ramdam has given word to pluralistic sensitivities and values advocating openness to the world, dialogue, tolerance, freedom and exchange. Its success with a growing audience and support of artists are testament of everybody's commitment to freedom of expression," said a press release from the organisers on the festival's home page: "The court decision reinforces us more than ever in the desire to continue the work of the festival and hold our values high. The soul of the festival will be strengthened from this incident.
52. The Swedish filmmaker Andreas Rocksén told the national Swedish radio, SR, that a film festival like Ramdam "tells important stories about what it means to be human, which now are not going to reach an audience. That the organisers in this way have been forced to close the festival is a great loss for freedom and for democracy.

Germany

53. A 27-year-old Syrian asylum seeker blew himself up outside an open air music festival in the southern German town of Ansbach on 24 July 2016 after security guards turned him away for not

having a ticket. The incident happened on the final evening of the three-day Ansbach Open music festival that drew a crowd of 2,500 people. The blast killed the man and injured twelve bystanders, three of them seriously. The man had been seeking asylum in the country, but was due to be deported to Bulgaria, his first point of entry into the EU. Before detonating the explosives in his backpack, the bomber left a message pledging allegiance to the Islamic State, reported the BBC on 12 August 2016.

Anti-terror legislation and artistic expression.

54. Terror legislations are abused in some countries to silence oppositional voices. The UN Special Rapporteur in the field of Cultural Rights in her report 2013 report “The right to freedom of artistic expression and creativity”⁷ wrote: “The suppression of political dissent, the quest for nation-building and pursuit of hegemonic policies have always been prominent reasons for art censorship. In some countries, artistic expressions openly critical of a Government are still systematically suppressed. Lyrics, visual and performance art criticizing public figures or institutions (such as the police), or using national symbols (such as flags, the image of a monarch or head of State and/or Government, or the national anthem), may be censored.
55. In countries engaged in armed conflicts, artistic expressions questioning the legitimacy or the conduct of the war are frequently marginalized or suppressed. The accusation of “separatism” or “terrorism” or being “unpatriotic” can be levelled at artworks criticizing the Government.
56. The Rapporteur expressed concern that “The suppression of political dissent, the quest for nation-building and pursuit of hegemonic policies have always been prominent reasons for art censorship. In some countries, artistic expressions openly critical of a Government are still systematically suppressed. Lyrics, visual and performance art criticizing public figures or institutions (such as the police), or using national symbols (such as flags, the image of a monarch or head of State and/or Government, or the national anthem), may be censored.
57. In countries engaged in armed conflicts, artistic expressions questioning the legitimacy or the conduct of the war are frequently marginalized or suppressed. The accusation of “separatism” or “terrorism” or being “unpatriotic” can be levelled at artworks criticizing the Government.” Freemuse notices that this is particularly the case in Turkey, but it is important to note that Iran has historically sparked off state terror on artistic expressions.

States using terror legislation as an excuse to suppress freedom of artistic expressions

Turkey

58. Turkey’s anti-terror legislation as well as provisions concerning public order are frequently employed to legitimize censorship and limitations of the freedom in the arts. These interventions are – for the most part – arbitrary and employed for political and ideological reasons, and often for seemingly contradictory ends. Non-state and state actors alike have increasingly used especially the notion of societal sensitivities to delimit freedom of arts.

⁷ http://artsfreedom.org/wp-content/uploads/2013/04/A-HRC-23-34_en.pdf

59. Anti-Terror Law – TMK (1991 Law no.3713), Turkey’s Anti Terror Law (TMK) has been subject to acute criticism for its overly broad definition of what comprises an offence under this law, and has brought to prosecution numerous artists and writers accused of activities for or membership of a terrorist organisation with little or no evidence of links to terrorism.
60. In the Kurdish regions of Turkey, freedom of expression and assembly are specifically monitored and affected by Turkey’s anti-terror legislation. In practice this has meant that any cultural (e.g. language) and artistic expression within the Kurdish rights movement can be construed as illegitimate ‘separatist propaganda’ and hence outside of the protection of freedom of expression and the arts.
61. Statements made by leading political figures serve to deepen the problems of equation of arts with terrorism. Notable is former Minister of the Interior, Dr. Naim Erbakan’s declaration of art as “the backyard of terrorism” in December 2011, where, among other comments, he accused artists of promoting terrorism “...through painting; they [the artists] depict it on a canvas. Through poetry; they reflect it in words.” He went on to accuse artists of trying “...to demoralize the military and the police who fight against terrorism by making them the subject of their art”.
62. Artists are seen as duplicitous. “If they say ‘good’, they mean ‘bad’, and vice versa. If they say ‘peace’, it means ‘war’. If they say ‘democracy’, they mean ‘oppression’”. Erbakan’s chilling solution to this problem is for the government “to weed these [troublemakers] out with the precision of a surgeon”. These, and other similar comments made by officials, serve to target artists, and provide a climate under which they feel threatened, and encourage self-censorship.
63. The Fourth Judicial Reform Package has done little to address the problems of ambiguity and lack of definition of terrorism. Worrying, especially for those working in the visual arts, is that the reforms added an additional regulation against the ‘hang[ing] of pictures or symbols’ of a terrorist organisation, even if these pictures are not displayed during public meetings or protests. This offence carries a prison term of up to five years.
64. Film director and writer Mizgin Müjde Arslan and photography director Özgür Arslan were taken into custody in 13 February 2012. They were arrested under the Kurdistan Communities Union (KCK) case, one of the most high profile TMK cases in recent years.
65. Investigations carried out over several months from late 2011 to early 2012, led to the arrests of 1,000s of pro-Kurdish activists, including writers, journalists and artists, hundreds of whom were imprisoned, and hundreds more put on trial. All were accused under the TMK for membership or activities for ‘illegal’ organisation, charges that are widely seen to have been misapplied and used to penalise Kurdish activists and their supporters. Arslan and Erbakan were arrested during a trip to Northern Iraq to shoot a Turkish Culture Ministry financed movie. They were held for five days before being released.
66. The Anti Terror Law has been applied against members of the music band Grup Yorum, who have been repeatedly taken into custody, arrested, and allegedly ill-treated by police on accusation of being members of a terrorist organization, committing an illegal act for terrorist organization and making terrorist propaganda. In May 2011, the Kültür Center in Istanbul, of which Grup Yorum and other arts organisations are members, was raided by police.

67. On 27 June 2012, the Dersim Malatya Third High Criminal Court sentenced Kurdish singer Ferhat Tunç to two years in prison under Article 7 of the TMK for 'propaganda' for having paid tribute to a revolutionary fighter who died in prison in 1973, allegedly under torture. Tunç had made the statement while performing at a concert on 1 May 2011.
68. The sentence has since been turned into a three year ban on speaking about the same subject. This is just one example of the numerous cases brought against Tunç in recent years. 14 19. It is clear that the definition of 'terrorism' in the application of anti-terror laws is ambiguous. The notions such as 'terror', 'terrorist organization', 'membership of a terrorist organization', and 'making propaganda of terrorist organization' needs to be clearly defined.

Greece

69. A stage play revolving around the Greek 17 November urban guerrilla group entitled 'Nash's Balance' was shut down four days early due to threats to actors and theatregoers. The play opened on the National Theatre's experimental stage in Athens on 15 January 2016 and was supposed to run through 31 January 2016, but closed on 27 January 2016.
70. According to the director Pigi Dimitrakopoulou, the political play was "inspired by literary and historical texts, the minutes of the 17 November trial and Savvas Xiros's [a key member of the group] book" that he wrote while in prison; and attempts to raise questions about "moral codes, justice and terrorism in recent Greek history". The violent far-left 17 November group formed in 1975, which has been linked to the assassinations of 23 people, including British and U.S. diplomats, disbanded in 2002 after several of its members were arrested.
71. Greek authorities define the group as a terrorist organisation. Protestors of the play – including Terrorism Victims' Relative Group 'Os Edo' (Enough), conservative lawmakers, and the U.S Embassy in Athens – consider it to be insensitive to the survivors and families of the victims the group targeted, and also see it as an unacceptable use of state money since the theatre is government-funded, reported the Independent Balkans News Agency.
72. "The National Theatre, in particular its experimental stage, which is funded with state funds, opens the opportunity to Mr. Xiros to create Art," Os Edo said in a statement, and continued to say that the play gave Xiros the "chance to become likeable"
73. The U.S. Embassy in Athens stood by the group in their statement via Twitter: "While art should not be censored, we join 'Os Edo' in questioning if the public should fund the art of a terrorist".
74. The National Theatre said the following in its statement defending the play: Justice has tried and convicted the criminals – terrorists. Theatre as an Art does not intend to try them again, but to highlight key human problems. It is a public debate room. The Experimental Theatre, as a place of research of young artists, must grapple with dangerous issues; even it stands on the razor's edge. Art should host the voices of those wronged and those who have been wronged; otherwise none of Shakespeare's plays would have ever been performed.

Transnational state sponsored terror on artistic freedom

75. In 1989 the Ayatollah Ruhollah Khomeini issued a fatwa ordering Muslims to kill author Salman Rushdie after the publication of his novel “Satanic Verses”. Numerous killings, attempted killings, and bombings resulted from Muslim anger over the novel.
76. The Iranian Government backed the fatwa against Rushdie until 1998, when the succeeding government of Iranian President Mohammad Khatami said it no longer supported the killing of Rushdie. However, the fatwa remains in place and it has inspired many terror organisations to attack artistic expressions.

Conclusions

77. Artistic freedom and citizens’ access to participate in cultural life have been severely damaged in the past decades in the light of internal conflicts and terrorism.
78. When terrorists target the arts, the global community suffers. As stated by Special Rapporteur in the field of Cultural Rights, Farida Shaheed, “art constitutes an important vehicle for each person, individually and in community with others, as well as groups of people, to develop and express their humanity, worldview and meanings assigned to their existence and development. People in all societies create, make use of, or relate to, artistic expressions and creations.
79. Artists may entertain people, but they also contribute to social debates, sometimes bringing counter-discourses and potential counterweights to existing power centres. The vitality of artistic creativity is necessary for the development of vibrant cultures and the functioning of democratic societies.
80. It is difficult to estimate the short- as well as the long-term effects of this. It may be possible to measure direct negative effects on the cultural economy, but how do you measure the effects on life-quality, identity and lack of safety?
81. Freemuse reiterates the Special Rapporteurs recommendation that, “states should abide by their obligation to protect artists and all persons participating in artistic activities or dissemination of artistic expressions and creations from violence by third parties. States should de-escalate tensions when these arise, maintain the rule of law and protect artistic freedoms. The police should not charge artists and cultural institutions for the costs of their protection.” Freemuse proposes the following additional recommendations:

Recommendations

82. UN member states must put stronger attention to violations on artistic freedom. Most UPR submissions focussing on freedom of expression are purely discussing media and neglect attacks on artistic freedom
83. The universal right to artistic freedom of expression reaffirmed at the United Nations Human Rights Council on 18 September 2015 should be supported by all UN member states
84. UN Special Rapporteurs and Treaty bodies should put more attention to violations on artistic freedom

85. A special task force should analyse in depth the nature, size and effects of terror on artistic freedom and the (ab)uses of terror legislations
86. International donor communities should establish more support programmes for artists and cultural industries victimized by terror.
87. Support to organisations documenting and monitoring violations on artistic freedom should be established
88. The UN Human Rights Council should host a hearing on terror and artistic freedom
89. Inspired by the 'UN Action Plan on the Safety of Journalists and the Issue of Impunity', UNESCO should develop an action plan in collaboration with the artistic civil society to secure artists' safety.
90. UN Member States should - in accordance with their obligations under international conventions- take concrete measures to secure artists and audiences can express themselves freely and take part in cultural activities without fear of reprisal.
91. UN Member States should guarantee that current and new anti-terror legislation is not being used to silence peaceful artistic expression