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PEN

PEN magazine

The Hon. Michael Kirby delivers PEN's Free Voices



Chilling Effects: How surveillance is driving U.S. writers to self-censor • 'Enemies of the Internet' report tracks countries that suppress freedom of speech online • PEN community supports Ukraine's rights to free expression, assembly and peace

Invasions of privacy by State only



Michael Fraser

In a democracy, there is a place for a limited amount of authorised surveillance by state agencies that are empowered to conduct surveillance in certain circumstances that are sanctioned by law. Such surveillance is legitimate provided it is done lawfully, with due process and for legitimate purposes that are in the public interest. It must be conducted within proper limits, well targeted and proportionate and within a framework of responsible management, reporting, oversight and accountability to the executive, judiciary and ultimately the parliament. For example, in democracies we have legislation to empower the state's law enforcement agencies to conduct surveillance and intercept communications of people suspected of serious crimes if law enforcement officers have obtained a warrant from a judge and the surveillance is conducted within the terms of the warrant.

Of course, criminals value their privacy but society considers that in such circumstances the public interest in law enforcement and preventing crime outweighs suspects' right to privacy. Similarly, in a democracy, through statutes, we empower our domestic and international intelligence agencies to conduct authorised surveillance in the interest of national security and to protect citizens from harm by enemies. Again, such activities must be lawfully authorised and accountable.

It has long been argued by privacy and civil rights advocates that law enforcement and intelligence

agencies have conducted too much surveillance and interception of communications and data about individuals' communications and that there have been unnecessary intrusions into citizens' privacy. Invasions of privacy by the state can only be justified in circumstances where there is an overwhelming public benefit.

Today, we confront routine unwarranted mass surveillance of every citizen. Giant and wealthy social media and search engine corporations gather our personal and sensitive information from our online searches, transactions and communications and from data collected about us in the physical world at cash registers, ATMs, by tracking the position of our mobile phones and other devices, and by our interactions with machines, cameras and other devices that are connected to the internet.

They gather and build a very detailed and rich profile of us that is exploited and traded online by search engines, social media, ad server networks, information brokers, advertisers and other corporations to generate billions of dollars of revenue.

Our private information should only be used with our prior, informed consent. But few people understand the ubiquity and extent of corporations' surveillance and analysis of their identities and their lives and so they are not in a position to give informed consent. Our individual privacy is being exploited by corporations to increase their revenue on a systematic mass scale called "big data".

Throughout history, authoritarian regimes' secret police forces have used surveillance and interception

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To create her image, photographer Jill Carter-Hansen exposed photographic paper through various thickness of tissue paper to form a dove-like image. She regards the technique as painting with light.

justified if for public benefit



Australians: potential suspects in the eyes of the state.
Image by Truthout used under Creative Commons license

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of communications to collect private and sensitive information about their own citizens: their lives, thoughts, habits and associations, in order to manipulate, control and terrorise them and to do worse.

These nefarious organisations could never in their wildest dreams have imagined gathering so much and such detailed private information about so many people as the online social media, search engines and other associated corporations collect about us today.

We are under constant ubiquitous global surveillance by corporations that are the wealthiest and most powerful companies that have ever existed. This corporate surveillance amounts to an attack on our individual human dignity and right to privacy.

We have recently learned that government domestic and international security agencies in the USA are intercepting and analysing online communications and activity done through telecommunications, social media, email, search engines and other online services around the world.

In effect, the US government has outsourced its surveillance to these corporations, which it then taps into to review and analyse our private information.

The information they collect is shared with allied governments; for example, under the Five Eyes

Agreements with the UK, Canada, Australia and New Zealand. It appears that our law enforcement and security agencies may be able to obtain information about citizens in this way, circumventing the requirement to obtain a warrant, with all the legal and procedural protections it affords citizens.

We are all now subjected to continuous surveillance by the state. We are all potential suspects in the eyes of the state. This fundamentally alters the relationship of the citizen and the state into an authoritarian relationship that undermines the foundations of our freedom.

We must have privacy to think. Without the ability to think in private, we cannot formulate our ideas and we lose the capacity for freedom of expression.

Corporate and state surveillance reduces us to mere consumers and suspects. It has gone too far. We are not consumers or suspects who are to be watched, manipulated and controlled. We are citizens and we assert our right to privacy because we value privacy itself and because it is an important part of our individual autonomy and freedom.

Michael Fraser

Award winning journalist and broadcaster is PEN/Keneally recipient

The biennial PEN/Keneally Award was set up by Australian PEN in 2004 to recognise significant achievement in promoting freedom of expression, international understanding and access to literature, as expressed in the Charter of International PEN. At Sydney PEN's Day of the Imprisoned Writer event in November, author Thomas Keneally presented the 2013 PEN/Keneally Award to Richard Ackland, the Walkley Award winning broadcaster, *Sydney Morning Herald* columnist and publisher of the law journals *Justinian* and *The Law and Journalism*. Here **Richard Ackland** responds to his award.

“**T**hank you for this award. It's a wonderful encouragement at a time when journalism is in a sea of uncertainty. When news trickled to me that in its wisdom the PEN Committee had nominated me as the PEN/Keneally recipient, my wife breezily said, “Oh, another garland.” Actually, I have never worn a wreath of flowers or leaves on my head, so this is an absolute first.

It means a lot because as journalists we slave away in our garrets, workplace pod or hot desk, fingers to the bone, words flying on to the computer screen and then who knows where? It's uplifting when someone notices. The fact I know some of the people on the PEN Committee may give the impression this occasion has a certain unexplained symmetry. Not so, this is not the Logies.

Thanks to Random House for its support of PEN and this award. I would also like to thank Thomas Keneally for being such a beacon of light in the free speech landscape. Together they have stumped up what Sandy Symons, Sydney PEN's Vice-President, described as a “gratuity”. This is amazing, wonderful and unexpected.

When I was with the ABC's Media Watch team we received a Walkley Award for the Cash for Comment story. The award was sponsored by Rams Home Loans. We shook our envelopes containing the gilded certificates vigorously. Alas, no gratuity fell out. No cash for that comment.

Tom Keneally has meant so much to our literature and to our history. At the moment I'm dipping into *A Country Too Far*, a book of essays about asylum seekers, which he edited with Rosie Scott. Some of the stories of dispossession cut pretty deep.

I asked Professor Jane Adams, the director of the newly created Andrew and Renata Kaldor Centre for International Refugee Law, whether she thought we would ever get a fair refugee policy in this country.

She said, “Eventually, yes. I think one day Australians will look back and wonder how we did what we did, much as we have done with the Stolen Generations, White

Australia Policy, forced adoptions, etc.” There are humane ways to stop the boats without incarcerating people in offshore “processing centres”.

Transferring much of our UNHCR refugee intake and putting it in Indonesia would make a credible difference. It was something explored in the Expert Panel Report on Asylum Seekers.

The only reason asylum seekers get on boats is because they have no hope of starting an ordinary, decent life in any other way. If you provide hope that they will be processed in an orderly fashion, in a UNHCR queue, then that alone would deflate the “people smugglers' business and the risks associated with arriving by boat.

But we have never sat down with Indonesia and negotiated a humane solution. Both sides of Australian politics are invested in punitive deterrence.

We're gathered here to recognise the Day of the Imprisoned Writer. In this country, we are relatively fortunate, which makes it more incumbent on us to stand up for those writers who work under oppressive regimes.

One of the most terrifying places to be a journalist today is Sri Lanka. Journalists and editors who have opposed the regime of Mahinda Rajapaksa have been murdered, beaten and forced to flee.

The Financial Times reported last week that, following the civil war, while on the surface the media there shows signs of health with around two dozen different mastheads in the country, the pattern of violence has chilled many who work for non-government newspapers. It is simply too risky to be critical of this deeply unpleasant regime.

It was A.J. Liebling who famously said, “Freedom of the press is guaranteed only to those who own one.” Now just about everyone owns a press or a megaphone, via social media, blogs, and so on. At a time when the traditional press is withering, there has never been so much journalism.

In this era, it's all about engagement with the audience. No longer are journalists meant to deliver great tablets of wisdom to their readers. It's been discovered, by means



Richard Ackland (centre) with Michael Fraser, President of Sydney PEN, and author Tom Keneally who presented the PEN/Keneally Award to Mr Ackland.

of people being able to comment and provide feedback, that many readers know more about a given topic than the journalist who has pontificated on it.

One of the ways in which journalism has changed was explained by Alan Rusbridger, the editor of *The Guardian*, when he was on a tour Down Under.

The paper hired Glenn Greenwald, a former American lawyer who lived in Brazil. Greenwald was a prolific blogger and writer for *Salon* on national security, privacy, surveillance and state intrusion. Rusbridger discovered that Greenwald had this amazing online following and he could bring that to *The Guardian*.

Edward Snowden, the NSA sub-contractor who lived in Hawaii got in touch with the documentary maker Laura Poitras, saying he had a story of enormous significance - how the NSA had sucked-up most of the world's electronic traffic and metadata and put huge chunks of the world's population under surveillance.

It was Laura Poitras who persuaded Greenwald that this was a significant story, and off they went to Hong Kong to meet Snowden and thereafter develop the story. Much of the editing was done in the New York office of *The Guardian* in order to try and get First Amendment protection.

In Britain, the implications for the newspaper were altogether different, with GCHQ (British intelligence) supervising the smashing of *The Guardian*'s hard drives in the basement of the newspaper.

I went back to Anthony Lewis's great book on the First Amendment and found there was a problem. It was introduced into the House by James Madison and there seemed to be little of note discussed in the Senate. It passed, but there are no records of the debate. Far from being a problem for judicial originalists, it meant they could inject just about any meaning they want into First Amendment cases.

Here in Australia, the Attorney General, Senator George Brandis, has said that his first legislative duty is

to amend the Racial Discrimination Act. These are the Bolt amendments, to remove the words "offend and insult" in section 18C of the Act.

Why is there this obsession with free speech in the context of the Racial Discrimination Act? What is it that this new breed of free speech advocates would like to say about matters of race and colour that they are throttled from saying now?

Brandis' speech last May to the Sydney Institute was called 'The Freedom Wars'. It was a confusing oration.

The essential thesis was the Liberals look after your freedoms, whereas Labor "is engaged in a multi-front war against the traditional liberal concept of freedom of speech". Presumably he was referring to Senator Conroy's proposals, which sought only to create a self-regulating mechanism for enforcing the standards that journalists themselves say they adhere to.

Anyway, hearing Senator Brandis, I kept thinking of all those efforts by Liberal spear carriers to advance the cause of free speech, such as former Coalition Attorney General Philip Ruddock, who fought like a tiger to retain the right of the dead to sue for defamation. And the Howard era national security laws that could see reptiles of the press banged-up in the nick for five years if they trespassed onto investigations concerning the war on terror.

In the new attorney general's pantheon of freedom fighters, we find columnists Andrew Bolt and Janet Albrechtsen and the IPA (Institute of Public Affairs).

Bolt is a victim of his own factual errors, which culminated in an adverse Federal Court finding under the Racial Discrimination Act. The IPA's recent contribution to the cause was to give Rupert Murdoch a platform to lecture about the 'morality' of free markets. And Ms Albrechtsen, who campaigned against judicial activism, the landmark moments of which included the implied constitutional right to freedom of speech on governmental and political matters.

It is difficult to know where this confused cry for free speech on race and ethnicity will lead us, but it's likely to be into a very dark place indeed.

So, here are my free press, free media predictions:

- The era of the current batch of ageing ideological media barons will fade.
- Others corporatists will take their place.
- Mogul media will decline in influence, because people are sick of its virulent nature and its basic dishonesty.
- The format and platforms will change and become more enlivened.
- Books will be delivered differently.
- And maybe we'll return to an era of Swiftian pamphleteering – delivered online.
- Journalism and writing will still be with us.

One good thing is that the Internet has made it a little easier for writers who live in totalitarian countries. I know the web can be blocked, but servers in other countries can still get the material out. The important thing is that journalists and writers should not be under the wing of the regime, whatever regime that is.

United Nations Human Rights Commission of Inquiry investigates abuses in North Korea

PEN's Free Voices lecture series was designed to explore the diverse perspectives of a range of writers on concepts of freedom to read, freedom to write, freedom to speak. In the final Free Voices lecture for 2013, the Hon. Michael Kirby, a former Justice of the High Court of Australia, talked about the Commission of Inquiry established in May 2013 by the Human Rights Council of the United Nations to investigate alleged human rights abuses in the Democratic People's Republic of Korea (North Korea). Appointed to chair the commission, he embarked on the investigation with his colleagues under the spotlight of global media. The hearings are now available to millions of viewers everywhere who have access to the Internet (not available to most people in North Korea). By refusing to engage with the Commission of Inquiry, the North Korean Government has made it more difficult to discover the serious state of human rights in the country. In his talk, **Michael Kirby** described his work on the Commission.

Both parts of the Korean peninsula claim they are the legitimate government of the entirety of Korea. They do not call themselves South Korea or North Korea. One is the Republic of Korea, the other is the Democratic People's Republic of Korea. If you want to tell the difference between those two countries, the way to do so is to look at the peninsula from space, from a satellite. There is a very famous image of the Korean peninsula at night. It shows the area surrounding North Korea: China a blaze of light, South Korea a fantastic place of light. And then, in between, is North Korea. And it is full of darkness. And the darkness is an attempt to hide the wrongs which are alleged to be happening there.

Those wrongs have been voiced, but not from within North Korea, because there is very little access to media. There's virtually no access to the Internet except for the elite who favour the government of North Korea and the Korean Worker's Party, which is the party of government.

For people who have left North Korea, generally through China during the winter when the river dividing the two countries freezes over and they can walk across, (that journey has been made more difficult lately by new barbed-wire fences to try and

cut down this exodus of people) many of them end up in the Republic of Korea in the south.

The Commission of Inquiry (established by the Human Rights Council of the United Nations) decided from the outset that it would follow essentially a British way of inquiry. It would not follow the normal way the United Nations conducts its inquiries, which is behind closed doors with people talking and getting information without any public ceremony or public involvement. But we decided, my colleagues and I, the three commissioners, that we would have public hearings. And we did that to encourage people to come forward, but also to put online and make available throughout the world the testimony of the people who came forward to speak of the wrongs they suffered in North Korea.

We did this for two reasons essentially; first, so that the world would have access to their testimony. The diplomatic strategy of North Korea has been brilliant – it has sailed under the radar for a very long time. People know something is going on, but they don't really quite know what it is. People are concerned, but they don't quite know why they are concerned.

Well, the object of the Commission of Inquiry was to make the testimony available to everyone. You can



The Hon. Michael Kirby. Photograph: Marcus Mok

“The Constitution of the Democratic People’s Republic of Korea contains a promise of freedom of expression, and it’s expressed in admirable terms, and yet the Freedom House analysis of political control of the media throughout the world determined in 2012 that North Korea’s was the most controlled media in the whole world.”

go to the website, the Council of Human Rights of the United Nations, and you can go to the testimony of the North Korean inquiry, and you can see the people who speak of horrible things that they have experienced in or by North Korea. And it’s left to you, as the viewer, the watcher, and listener, to reach your own conclusion.

North Korea denounces those who have spoken to the Commission of Inquiry as “human scum”, claiming that the testimony they have given is totally forced, and they are betrayers of their country, and so on. But it’s left not only to the Commission, you don’t have to accept our judgment, you can make your own conclusions. That’s the way in many countries – in our countries – we normally do things. We let people judge for themselves.

But there was a second reason. The second reason was so the Commission of Inquiry itself could be under scrutiny. That’s the great value of public proceedings. It’s the great value of the principle of open courts. The great value of allowing anybody, almost any day at any time, to go into any court, and see how the court is conducting itself. When I was a judge for 34 years, I was always on trial. I was sitting in a public place. I could be seen. If I misbehaved, if I was rude, if I was a

bully, that would become known. And so it is with the Commission of Inquiry; it is on show, it is available. So this was the methodology we adopted. It’s a new methodology that allows the world, journalists and writers analysing the world, to have access and reach their own conclusions, not just have it served up to them.

The Commission of Inquiry had an eight-point mandate. But there was a ninth point – freedom of expression. The other points included abductions; North Korea has had a strategy of seizing people (in Japan and South Korea), including school children on their way home to their parents after playing basketball, abducting them to take them to North Korea. We’ve had testimony on the detention camps, where large numbers of people have been detained because they are guilty of anti-state crimes. We’ve had testimony on the inability to move around the country; you have to get permission to move outside your prefecture. The testimony has dealt with the impossibility of leaving the country unless you are in favour with the government. We’ve had issues on our mandate concerned with public executions; and the way in which the media is so strictly controlled in North Korea.



➤ *Continued from 7*

In the many matters in our mandate, the issues of freedom of communication and freedom of expression have not been the major topic of the investigation. Why is that so? Well, it's so because it's unthinkable in North Korea to have access to a free media. It's unthinkable to have completely free entitlement to public association and meetings to criticise and question the government. It's unthinkable to rise against the Korean Worker's Party, to express dissatisfaction with the Party or the Kim family.

In North Korea, there is a kind of worship of the members of the Kim family, the three iterations – Kim Il Sung, the original founder, who was brought there within days of the division of the Korean peninsula by the Soviet Union, and who was the founder of the modern North Korean state; Kim Jong-il, his son, who was the leader of North Korea from the 1990s until 2011, when he died, and who was the leader during the North Korean famine which, together with the accompanying general economic crisis, is known as the Arduous March, from 1994 to 1998; and now, Kim Jong-un, the current leader of North Korea.

The hope was that when he came to power he would bring the attitudes of a younger generation, he would bring the ideas of a person who had been partially educated in Switzerland, and known to be a great user of the internet, mobile telephones, and that this would allow him to see the modern world, and bring it to North Korea. So far that has not been what has happened.

The hopes that there would be a revolutionary change from within, or even an embrace of the type of changes for economic reasons that have occurred in China, have not been fulfilled.

The Constitution of the Democratic People's Republic of Korea contains a promise of freedom of expression, and it's expressed in admirable terms, and yet the Freedom House analysis of political control of the media throughout the world determined in 2012 that North Korea's was the most controlled media in the whole world. They have criminal laws that make listening to, or watching foreign media, crimes against the State, and very serious penalties are imposed for doing so. The penalties include hard

labour, imprisonment and even the death penalty in some cases.

You may have seen a report in the local media in Australia that 80 people were chopped to death by machine guns before 10,000 witnesses, who were brought to Wonsan, a port city in North Korea. One has to be a little careful with news report of that kind. One learns when visiting the Korean peninsula that it is a place of rumours. If you don't have a free media, then you live on word-of-mouth. But the reports appeared to be traced to a single story, a single source in South Korea. Therefore one cannot be absolutely sure that the story is accurate.

You understand that the Commission of Inquiry has to be very careful about accepting every story that is put before it, concerning what is happening in North Korea. But we did have believable evidence, given to us by witnesses whose testimony appeared

to be truthful, that in their childhood, at school, they were on a number of occasions rounded up and taken to the local football ground, there to watch the execution of a prisoner, normally by a firing squad, by members of the Korean People's Army.

Whether right or wrong, the fact is the public executions happen, that children are brought to watch them, not a normal thing for children to do on a Wednesday afternoon. And it's not a particularly healthy thing

to do but it's an effective way of indicating the power of the state, and what happens to you if you do things that are unlawful, including watching foreign DVDs, even foreign DVDs of soap operas from South Korea. Soap operas can be very powerful.

Only the leaders or their families have free access to the Internet. There are now two million mobile phones and Kim Jong-un constantly speaks of the great advantage of mobile phones and of text messaging. But that is by use of the intranet, confined within North Korea. It still has a value, because they can text the prices of goods in the free market, which is growing up. So it does have a value, but it's a limited value as there's no access to the outside world.

The Government itself has access to the outside world. It has a YouTube account, Twitter account, and it puts out messages, but it doesn't allow its citizens to



use these social networks. The erosion of the control of access to media and free information has begun within the Republic of Korea, South Korea, where radio stations have sprung up in the 2000s to send messages into North Korea. There are jammers operating, of course, but the South Koreans are extremely skilful in computers and computer technology, and they can get the messages through.

But there's a problem because radios in North Korea are fixed with a seal. If you break the seal, it will be inferred you have had access to foreign broadcasts such as Free North Korea Radio. A third of the population now lives close to the Chinese border, or to the border of the Republic of Korea, and they can sometimes get access to the outside world. But Group109, set up by Kim Jong-il, is cracking down on those who are trying to jump the borders and get access to the outside world, and to outside news.

When a survey was performed by InterMedia in 2012, it found that 48 per cent of the North Koreans who were asked said that they had watched foreign DVDs and understood the risk but 84 per cent said they got news about the outside world by word of mouth. That was how they had to do it. There is very little independent reporting of what goes on in North Korea. It comes from the North Korean newsagency, which is strictly controlled by the Government.

One of our witnesses was Yung Jin Kwa, who said, "There is no freedom of media in North Korea. If you look to the Constitution of North Korea, it says the press, media are guaranteed freedoms but that is not true. When it comes to the media, there is no freedom." The same witness told to the Commission of Inquiry, "They would tell us what article to read at school, and at what time, and we would simply read those articles. What is dealt with in North Korean newspapers today is exactly the same as it was 20 years ago."

The National Human Rights Commission of Korea, an independent body, but funded by the government of South Korea, said citizens are not allowed to have freedom of speech, or the press, or the right to demonstration or association or assembly; only the North Korean government is allowed to have any sort of media for day-to-day activities.

I was constantly reminded that one has to be careful to base conclusions on objective facts, so far as one can gain objective evidence. And also to remember that there is a group in North Korea, the children of the power elite, who would live quite a normal life, have three square meals a day, go to university, and have a relatively, though not completely, normal life. But objective evidence is available via satellites of the strong repression that exists in North Korea.

Those satellites show what appear to be the detention camps described in the testimony given to the Commission of Inquiry. There's also objective evidence in the form of high levels of stunting of children under the age of five years, because of the mothers' malnutrition, that will affect them right through life. Unlike virtually every other country, where child height has grown enormously, in North Korea child height has actually dropped and that is

because of the starvation conditions.

North Korea spends a huge amount on military. It has the fourth largest army in the world and it has access to nuclear weapons, and other weapons of great destruction. It's a country that spends its money on that but closes off its citizens from hearing the rest of the world. It closes off contact with the rest of the world. It closes off contact to great ideas, the idea of freedom, of universal human rights, and justice everywhere.

So that's basically what I came to tell you. It's not a happy story. We are now in the process of analysing the testimony we have received. You can have a look at it. You can reach your own conclusions. You can decide if these people are "human scum", or whether they are brave people who've come forward, sometimes at some risk to themselves and their families left in North Korea, to tell the truth, to bear witness. To bear witness – it is a very important feature of the United Nations system, to be sure that in the end, bearing witness and engagement with the rest of humanity will see a change in the Democratic People's Republic of Korea.

This is an edited excerpt from Michael Kirby's 'Free Voices' talk delivered on the Day of the Imprisoned Writer, November 15, 2013, recorded by PEN and transcribed by Tiffany Lau.

"The object of the Commission of Inquiry was to make the testimony available to everyone. You can go to the website, the Council of Human Rights of the United Nations, and you can go to the testimony of the North Korean inquiry, and you can see the people who speak of horrible things that they have experienced in or by North Korea."

The Golden Pen of Freedom for 2014 awarded to jailed Ethiopian journalist

ESKINDER NEGA, an Ethiopian publisher, journalist and blogger who is serving an 18-year jail sentence under anti-terror legislation, has been awarded the Golden Pen of Freedom for 2014, the annual press freedom prize of the World Association of Newspapers and News Publishers (WAN-IFRA).

Mr Nega was arrested on September 14, 2011, after publishing an article criticising his government's use of the 2009 Anti-Terror Proclamation to jail and silence critics. He was sentenced on 23 January 2012 and denounced as belonging to a terrorist organisation.

In making the award, the WAN-IFRA Board sent a message to the Ethiopian government that misusing anti-terror legislation to jail journalists and those critical of the government is unwarranted and against international protocols, including the Vienna Declaration on Terrorism, Media and the Law.

"This award recognises the courage of Eskinder Nega to speak out despite the risks that saw him jailed under his country's draconian and overly broad anti-terror laws," said WAN-IFRA President Tomas Brunegård. "We call on the Ethiopian government to release Eskinder Nega and all journalists convicted under the sedition provisions, including Solomon Kebede, Wubset Taye, Reyot Alemu, and Yusuf Getachew." Mr Brunegård recently visited Ethiopia as part of an international mission that found the country's publishers and journalists practise journalism in a climate of fear.

The Golden Pen of Freedom, instituted in 1961, is awarded



Eskinder Nega

in recognition of the outstanding action in deed or writing, of an individual, group or institution in the cause of press freedom.

The award will be presented on June 9 during the opening ceremonies of the World Newspaper Congress, World Editors Forum and World Advertising Forum, the global summit meetings of the world's press, to be

held in Torino, Italy.

In an opinion piece published in *The New York Times*, Mr Nega said of his imprisonment, "I've never conspired to overthrow the government; all I did was report on the Arab Spring and suggest that something similar might happen in Ethiopia if the authoritarian regime didn't reform. I also dared to question the government's ludicrous claim that jailed journalists were terrorists."

WAN-IFRA has been vocal in its opposition to Ethiopia's misuse of anti-terror legislation, writing to the late Prime Minister H.E. Meles Zenawi in 2012 requesting the immediate release of Mr Nega.

Arab-Iranian poet Hashem Shaabani executed

International human rights activists have strongly condemned the execution of Iranian poet Hashem Shaabani, 32, who was a prominent member of a banned cultural organisation run by the country's Ahwazi Arab ethnic minority. He was arrested in 2011 and sentenced to death in a trial described as grossly unfair.

Mr Shaabani was hanged after being found guilty of Moharebeh (war against God) for allegedly having links with a separatist terrorist organisation. He was executed along with another cultural activist and colleague, Hadi Rashedi.

Activists say the two were merely members of a cultural institute called Al-Hiwar (Dialogue), dedicated to the promotion of Arabic literature and art. The institute, initially founded under the reformist mandate of former president Mohammad Khatami, was banned in 2005 after widespread protests in Ahwaz



Iranian poet Hashem Shaabani

by the Iranian Arab community.

Justice for Iran, an Iranian human rights organisation, which has studied the struggle of Iranian Arabs for cultural identity, said Mr Shaabani was married, had a three-year-old daughter and was studying for a master's degree in politics from Ahwaz University before to his arrest. Drewery Dyke, Amnesty International's Iran expert, said, "His

secret execution is just one of a long line of judicial killings of members of Iran's Ahwazi Arab minority."

Pen International condemned Mr Shaabani's death sentence. "We condemn this execution as the ultimate violation of the right to life of a fellow poet," said Marian Botsford Fraser, chair of PEN International's Writers in Prison Committee. "In addition, there are serious concerns that Hashem Shaabani was tortured after his arrest to pressure him to make a televised 'confession' which was subsequently shown on national television.

"While the releases last year of prominent writers such as lawyer Nasrin Sotoudeh and journalist Jila Baniyaghoub were welcome, the authorities must show that they are truly committed to respecting freedom of expression and other fundamental rights," she said.

IFJ charts ongoing press freedom violations in Hong Kong

THE International Federation of Journalists (IFJ) recently released a catalogue of press freedom violations in Hong Kong dating back nine months and called on the Chief Executive of Hong Kong, Leung Chun-Ying, to take steps to protect freedom of expression in Hong Kong.

The list of incidents between June 2013 and February 2014, paint a concerning picture of constricting press freedom in Hong Kong, with the IFJ receiving reports of incidents at least every month over the past nine months.

“The IFJ is concerned at the frequency and pattern of media incidents that range from physical attacks and death threats through to attempts to influence media independence by economic forces and direct political interference,” the Federation said.

In issuing the list of incidents, the IFJ said the violations show a media that is under pressure and potentially under influence to self-censor in the face of threats from a multitude of fronts.

“While Hong Kong’s Chief Executive and its Legislative Councillors have publicly claimed their respect and support for press freedom in Hong Kong, that commitment also requires concrete action to ensure the principles of press freedom are defended,” the Federation said. “It is critical that Hong Kong observes Article 27 of the Basic Law, which functions as the constitution of Hong Kong, and Section 16 of the Hong Kong Bill of Rights Ordinance says that Hong Kong enjoys freedom of opinion.”

Press freedom violations in Hong Kong June 2013 – February 2014

June 2013: Prominent publishers were attacked or received death threats, but no-one was prosecuted in any of the cases. The home of Jimmy Lai, chairman of the Next Media Group, was attacked and an axe and a knife were left in the driveway. The publisher of e-magazine *iSunaffairs*, Chen Ping, was beaten up.

July: The founder of free newspaper *am730*, Shih Wing-Ching, was attacked in his car.

August: Two photographers were verbally abused, obstructed and kicked by a retired policeman when they were trying to report on a scuffle at Mongkok, Hong Kong. A trial found the assailant not guilty.

September: An opinion piece by the deputy chief editor of the *Hong Kong Economic Journal*, Yuen Yue-Ching, was withdrawn by the editor-in-chief. The piece criticised Hong Kong’s largest free-to-air television station, TVB, for reporting only comments supportive of the Hong Kong chief executive, Leung Chun-Ying, when he appeared at a meet-the-public event.

October: Hong Kong Television Network (HKTV) was unsuccessful in its application for a free-to-air broadcast



Hong Kong broadcaster Li Wei-Ling holds a sign that reads, “Without press freedom, Hong Kong is in catastrophe”. Photograph: The Epoch Times

licence. Reports suggested the decision not to grant the licence was made arbitrarily by the chief executive.

November: Yao Wen-tian, a Hong Kong publisher, was detained in China after he agreed to publish a new book by a prominent dissident writer, Yu Jie, entitled *Xi Jinping: The Chinese Godfather*.

December: Shih Wing-Ching, the owner and founder of the free Hong Kong newspaper *am730*, said several mainland-backed companies had suddenly stopped advertising in his newspaper without explanation. A number of advertisers also stopped advertising in the outspoken newspaper *Hong Kong Apple Daily*.

January 2014: The Commerce and Economic Development Bureau, a section of the administration, decided not to submit a revised application to the Legislative Council Public Works Subcommittee for funds to build the New Broadcasting House for Radio Television Hong Kong (RTHK), the public service broadcaster. The bureau said consensus could not be reached within the Committee.

February: Li Wei-Ling (pictured), outspoken radio talk show host with Commercial Radio of Hong Kong, was sacked after she was suddenly removed from her popular morning show. Li said she believed the Chief Executive of Hong Kong was suppressing press freedom and Commercial Radio had bowed to government pressure in order to renew its licence, which is due in 2016.

Egyptian poet Omar Hazek imprisoned



Egyptian poet Omar Hazek

PEN protests the two-year prison sentence handed to Egyptian poet Omar Hazek, who has been held in custody since his arrest in early December 2013 for taking part in a protest. Omar Hazek was held in Hadra prison in Alexandria until February 21, 2014, when he was moved to Burj Al-Arab prison also in Alexandria, where he remains. PEN believes Mr Hazek was imprisoned for peacefully exercising his right to freedom of expression and assembly, and therefore calls for his

immediate and unconditional release.

Omar el Hazek is a writer of international acclaim and was formerly employed by the Library of Alexandria in Egypt. His publications include a collection of poetry in Arabic and English entitled *Nota – Skies of Freedom* (Egypt 2011), which he co-published with Syrian poet Abdelwahhab Azzawi and two other poets from Italy and Portugal.

Mr Hazek won the title Poet of Romance in the television classical poetry competition ‘Prince of Poets’ in 2007, organised by the Abu Dhabi Organization for Culture and Heritage.

Since the overthrow of President Mubarak in February 2011,

Omar Hazek has been outspoken in his allegations of corruption in the Library of Alexandria, whose official head of the board of trustees was former first lady Suzanne Mubarak. Her close associate, Dr Ismail Serageldin, remains the Director of the Library despite multiple calls for his resignation over alleged abuse of funds and power, and an ongoing investigation into allegations of misappropriation of state funds.

During 2011, Omar Hazek produced some 15 articles alleging corruption at the Library, but in spite of an investigation by the District Attorney’s office, which recommended that Dr Serageldin should be prosecuted, no action was taken, and Dr Serageldin remains in the post.

Omar Hazek was arrested, along with a number of other activists, for “protesting without permission” in front of the Alexandria Criminal Court in solidarity with the family of Khalid Said during a re-trial of his alleged killers. Khalid Said was beaten to death in police custody in 2010, and his death sparked anti-government protests. Omar Hazek was initially charged with beating a policeman, destroying a police vehicle, and carrying weapons, among other things, though these charges were subsequently dropped. PEN is unaware of any other information suggesting that Omar Hazek advocated violence.

In January 2014, Omar Hazek and three other activists were sentenced by the lower court to two years’ imprisonment and a 50,000 EGP fine (equivalent to US\$7000), for violating a new law that prohibits demonstrations without written permission from the Ministry of Interior. On February 16, 2014, the Alexandria Appeal Court upheld their sentences. The only remaining course of legal redress is to bring a case in the Court of Cassation, challenging the constitutionality of the protest law.

Journalist Mohamed Mudey jailed in Ethiopia

ETHIOPIA recently imposed a 27-year sentence on veteran Somali journalist, Mohamed Aweys Mudey, 48, in Addis Ababa, Ethiopia. He was accused by the Ethiopian prosecutors of having information about Al-Shabaab operations in Ethiopia and was charged for participating in terror activities.

There was no lawyer with Mr Mudey during this trial, and he was later shifted to an undisclosed place for people accused of terrorism to serve his jail term.

The International Federation of Journalists (IFJ) said the guilty verdict and prison sentence given to Mr Mudey is unacceptable and appealed to Ethiopian authorities to quash his sentence and release him with immediate effect.

“We are dismayed at this unbelievably severe ruling against the respected veteran

journalist, Mohamed Aweys Mudey, who is not guilty of any crime,” said IFJ President Jim Boumelha. “The charges against him are ludicrous and we urge the relevant authorities in Ethiopia to release him immediately and unconditionally.”

As pointed out by the African Freedom of Expression Exchange (AFEX), Ethiopia’s anti-terrorism law is overly broad and ambiguous and undermines the international guarantees of freedom of expression, especially through its broad definition of “terrorism”. AFEX is concerned about how the Ethiopian media environment has been characterised by arrests and prosecution of journalists recently.

The National Union of Somali Journalists (NUSOJ) condemned the guilty verdict and prison sentence.



Journalist Mohamed A. Mudey

“This is a very severe ruling because Mohamed Aweys Mudey is not guilty of anything. The charges against him are ludicrous. We firmly condemn the continued detention of Mudey, and call for his immediate release,” said Omar Faruk Osman, NUSOJ Secretary General.

Uyghur writer and academic detained



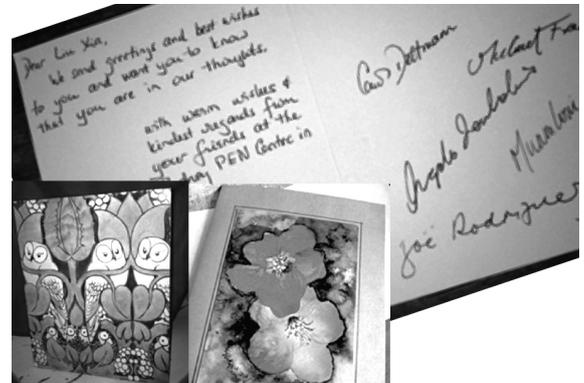
Uyghur PEN member Ilham Tohti

PEN International is seriously concerned for the well-being of Uyghur writer, academic and Uyghur PEN member, Ilham Tohti, who was formally charged with “splittism” on 20 February, amid a crackdown on Chinese Uyghurs critical of the government. His wife received formal notification of the charges on 25 February.

Arrested at his home on January 15, Mr Tohti remains detained incommunicado in an Urumqi detention centre. His lawyer has yet to be granted access to his client. Three of his students arrested around the same time have been formally charged with “splittism” and “revealing state secrets”. PEN believes that Mr Tohti is held for peacefully exercising his right to free expression and calls for his immediate and unconditional release.

A message of solidarity for Liu Xia

AS part of a series of campaign actions last December, International PEN called PEN Centres around the world to send messages of solidarity to poet and artist Liu Xia, wife of imprisoned Nobel Peace Prize winner Liu Xiaobo. Liu Xia has now been held under house arrest at her home in Beijing for over three years. The Centres not only sent beautiful cards, letters and poems, but also translated Liu Xia’s own poetry.



One Bird after Another

Liu Xia

We saw it

A little reflection left on the glass

*It had been printed there for a long time
without leaving...*

Every year on July 15 of the lunar calendar

*The river would be covered with water lanterns
But they could not call back your soul...*

The train heading for the concentration camp

*Sobbingly ran over my body
But I could not hold your hand...*

Translation by Yu Zhang



A distraught Liu Xia (above). Sydney PEN’s card to Liu Xia (top)

PEN mourns death of writer and blogger Dinh Dang Dinh

PEN International mourns the death of blogger Dinh Dang Dinh from cancer on 3 April. He was granted an amnesty from a six-year prison sentence on 21 March, and was released home to die.

On 9 August 2012, Mr Dinh, 51, (pen name: Van Nguyen) was sentenced by the Dak Nong province's People Court to six years in prison for "conducting propaganda against the Socialist Republic of Viet Nam".

Defending himself at the half-day closed trial, he pleaded not guilty. His sentence was upheld on appeal at a 45-minute hearing on 21 November 2012. The charges were brought against him after he published on his blog articles tackling corruption and environmental issues, deemed as anti-government on his blog.

Until recently, Dinh Dang Dinh was detained in the Public Security Police Cong An detention camp, Dak Nong province. He underwent an operation for liver and stomach cancer in November last year, but his health continued to rapidly decline and on 15 February he was granted a one-year "temporary suspension" of his prison sentence and



Dinh Dang Dinh was arrested in December 2011 and sentenced to six years in jail in August 2012 for "conducting propaganda against the state".

transferred to Ho Chi Minh's Oncology Hospital, where his wife reported that he was kept under close guard.

Amnesty International paid tribute to Dinh Dang Dinh. Rupert Abbott, Amnesty International's Deputy Asia-Pacific Director, said, "We join human

rights defenders in Vietnam and across the world in mourning the loss of Dinh Dang Dinh. Vietnam must immediately and unconditionally release all prisoners of conscience who, like Dinh Dang Dinh, have done no more than peacefully express their opinion."

Vietnamese poet freed after 30 years in prison



Nguyen Huu Cau in a cell at the Xuan Loc prison in Dong Nai last year. Photograph taken by his granddaughter Tran Phan Yen Nhi with her cell phone during her first meeting with him.

ONE of Vietnam's longest-jailed political prisoners has been freed after receiving an amnesty from President Truong Tan Sang while battling severe illness. Poet Nguyen Huu Cau, 68, a former officer in the South Vietnamese Army who has spent more than 30 years behind bars, was released into his family's care from the Xuan Loc prison in southern Vietnam's Dong Nai province on March 21.

His discharge, which follows repeated pleas from his family for medical parole to treat his heart condition, came on orders for his permanent release signed by President Sang. The amnesty was the second given to a Vietnamese political prisoner after President Sang quashed the jail sentence of cancer-stricken dissident teacher Dinh Dang Dinh. Cau has been imprisoned since 1982, when he was arrested over poems and songs he wrote about corruption and abuse of power by officials. He was given a death sentence which was later reduced on appeal to life in prison.

Continued calls for release of poet Father Nguyen Van Ly

PEN continues to call for the immediate and unconditional release of all those currently imprisoned for the peaceful exercise of their right to freedom of expression in accordance with Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a state party.

PEN reiterates its call made on behalf of Vietnamese poet, essayist, scholar, and priest Father Nguyen Van Ly, who continues to serve a lengthy prison sentence, and is seriously ill.

Father Ly, 67, a Catholic priest and co-editor of the underground online magazine *Tudo Ngôn luan* (Free Speech), was arrested on February 19, 2007, and sentenced to eight years in prison on March 30, 2007, for “conducting propaganda against the State”.

A leading member of the pro-democracy movement Bloc 8406, he

was previously detained from 1977 to 1978 and again from 1983 to 1992 for his activism in support of freedom of expression and religion.

He was sentenced again in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Vietnam, before being released under amnesty in February 2005.

On March 30, 2007, a People’s Court in Hue sentenced him for “conducting propaganda against the Socialist Republic of Vietnam” under Article 88-1 (c) of the Criminal Code.

On November 14, 2009, he reportedly suffered a stroke in prison. Nguyen Van Ly was granted provisional release so that he could seek medical treatment unavailable in prison on March 15, 2010, but was returned to a labour camp in Ha Nam province on July 25, 2011.



Father Thadeus Nguyen Van Ly.
Photograph courtesy FreedomNow.org.

War on books being fought in Nigeria

IN Nigeria, a war is currently being waged against books on two fronts. The first war involves the militant Islamic group Boko Haram (literally “the book is forbidden”), which has engaged in a violent assault in the economically deprived north of the country, slaughtering school children in their sleep. The second war against books has been launched by Minister of Finance Ngozi Okonjo-Iweala, who levied a 62.5 per cent tax against imported books with little warning on February 28. The Boko Haram conflict is a genuine national security crisis, but Okonjo-Iweala’s decision is seen as a misguided, low-level assault on the culture of reading in the country.

There is also widespread concern that the Nigerian Government’s response to the threats by Boko Haram – to occupy regions of the north – has been a distraction from other more fundamental problems in the country.

Reacting to the book ban, PEN Nigeria Secretary General Oluwafiropo Ewenla said, “This anti-intellectual legislation is not just going to push books out of the reach of Nigerians, it would practically kill the Nigerian publishing industry.”

In October, PEN America joined PEN Nigeria in Geneva to press for freedom of expression at the UN Human Rights Council. They issued recommendations related to Internet

freedom, religious censorship, and impunity for crimes against journalists. Last week, Nigeria came once again before the UN to accept or reject the official recommendations made by delegates. PEN Nigeria’s joint statement with PEN America and a host of other local human rights organisations called for free expression online and an end to government surveillance.

At first glance, the levy on imported books might seem like a way to protect local publishers from an influx of foreign texts. But experts on the Nigerian publishing industry do not see it that way, citing the lack of affordable printers and other important factors in production and distribution chains. The tax will harm both local and foreign publishers.

Like many countries, Nigeria is not without its contradictions. UNESCO named the city of Port Harcourt the 2014 World Book Capital (an honour which PEN Nigeria helped to secure) and there will be a major book festival there later this year.

The federal government also recently vowed to distribute three million academic exercise books to students across the country in pursuit of the Millennium Development Goals. These are positive developments, but don’t be fooled: the bigger war on books in Nigeria is far from over.

Chilling Effects: NSA surveillance drives U.S. writers to self-censor

The world's leading literary and human rights organisation, PEN works in more than 100 countries to protect free expression and to defend writers and journalists who are imprisoned, threatened, persecuted, or attacked in the course of their profession. PEN America, the largest branch of PEN International, commissioned the report, *Chilling Effects*, to try to find out just how surveillance conducted by the state limits discourse and distorts the flow of information and ideas.

In the human rights and free expression communities, it is a widely shared assumption that the explosive growth and proliferating uses of surveillance technologies must be harmful – to intellectual freedom, to creativity, and to social discourse. But how exactly do we know, and how can we demonstrate, that pervasive surveillance is harming freedom of expression and creative freedom?

The question of the harms caused by widespread surveillance in democracies, like the surveillance being conducted by the U.S. National Security Agency, is under-explored. In October 2013, PEN partnered with independent researchers to conduct a survey of over 520 American writers to better understand the specific ways in which awareness of far-reaching surveillance programs influences writers' thinking, research, and writing. Eighty six per cent of participants described themselves as writers, the remainder are editors, translators and agents.

The initial survey results show that writers are significantly more likely than the general public to disapprove of "the government's collection of telephone and Internet data as part of anti-terrorism efforts" – 66 per cent of writers vs. 44 per cent of the general public; only 12 per cent of writers approve, compared with 50 per cent of the general public. Eighty five per cent of writers responding to PEN's survey are worried about government surveillance of Americans, and 73 per cent of writers have never been as worried about privacy rights and freedom of the press as they are today.

According to the report, writers are not only overwhelmingly worried about government surveillance, but are engaging in self-censorship, with the result that 28 per cent have curtailed or avoided social media activities, and another 12 per cent have

seriously considered doing so. Twenty four per cent have deliberately avoided certain topics in phone or email conversations, and another nine per cent have seriously considered it. Sixteen per cent have avoided writing or speaking about a particular topic, and another 11 per cent have seriously considered it.

PEN has long argued that surveillance poses risks to creativity and free expression. The results of this survey – the beginning of a broader investigation into the harms of surveillance – substantiate PEN's concerns: writers are not only overwhelmingly worried about government surveillance, but are engaging in self-censorship as a result.

The survey allowed participants to offer long-form comments on surveillance. PEN also invited members to share their thoughts and personal experiences via email. In reviewing the responses, themes emerged centering on writers' self-censorship and fear that their communications would bring harm to themselves, their friends, or sources.

PEN writers now assume that their communications are monitored. The belief that they are under surveillance is harming freedom of expression by prompting writers to self-censor their work in multiple ways, including reluctance to write or speak about certain subjects, reluctance to pursue research about certain subjects, and reluctance to communicate with sources, or with friends abroad, for fear that they will endanger their counterparts by doing so.

Many PEN writers remarked that they simply take for granted that the government is watching everything. As one writer commented, "I assume everything I do electronically is subject to monitoring."

This assumption is striking: in a short span of time, the United States has shifted from a society in which the right to privacy in personal communications was



Surveillance, an American obsession. Image by Truthout used here under Creative Commons license

considered inviolate, to a society in which many writers assume they have already lost the right to privacy and now expect to be spied upon almost constantly.

PEN's research begins to document the chilling effect of encroaching surveillance on creativity and free expression. Fear and uncertainty regarding surveillance is so widespread that several survey respondents expressed fear at using email or an online survey format to articulate their concerns in writing or to explain what they have done in response to the reports of government surveillance. As one writer noted, "Even taking this survey makes me feel somewhat nervous."

Writers are self-censoring their work and their online activity due to their fears that commenting on, researching, or writing about certain issues will cause them harm. Writers reported self-censoring on subjects including military affairs, the Middle East North Africa region, mass incarceration, drug policies, pornography, the Occupy movement, the study of certain languages, and criticism of the U.S. government. The fear of surveillance – and doubt over the way in which the government intends to use the data it gathers – has prompted PEN writers to change their behavior in numerous ways that curtail their freedom of expression and restrict the free flow of information.

The results of the survey regarding forms of self-censorship were particularly striking – and troubling. One in six writers has avoided writing or speaking on a topic they thought would subject them to surveillance.

One writer said, "In my limited experience, the writers who feel most chilled, who are being most cautious, are friends and colleagues who write about the Middle East." Another said, "I have made

a conscious, deliberate choice to avoid certain conversation topics in electronic emails out of concern that those communications may be surveilled."

Writers' ability to do research is also hindered by a fear of surveillance. Writers reported avoiding Internet search tools, email, and online communication tools for fear that their research would be monitored.

One writer said, "I was considering researching a book about civil defense preparedness during the Cold War: what were the expectations on the part of Americans and the government? What would have happened if a nuclear conflagration had taken place? What contingency plans did the government have? How did the pall of imminent disaster affect Americans? But as a result of recent articles about the NSA, I decided to put the idea aside because, after all, what would be the perception if I Googled 'nuclear blast,' 'bomb shelters,' 'radiation,' 'secret plans,' 'weaponry,' and so on? And are librarians required to report requests for materials about fallout and national emergencies and so on? I don't know."

Another said, "I feel that increased government surveillance has had an effect on my research, most of which I do on the Internet. This includes research on issues such as the drug wars and mass incarceration, which people don't think about as much as they think about foreign terrorism, but is just as pertinent."

Part of what makes self-censorship so troubling is the impossibility of knowing precisely what is lost to society because of it. As the report says, we will never know what books or articles may have been written that would have shaped the world's thinking on a particular topic if they are not written because potential authors are afraid that their work would invite retribution. We do know that our studies of the private papers of generations of past luminaries have



» *Continued from 17*

yielded valuable information that aids not only our understanding of their work and lives, but also our own thinking on contemporary problems.

One writer noted, “As a professor of literature, I lament that contemporary writers’ papers (hard copy and electronic) will potentially be less useful to future scholars because of self-censorship in the face of these governmental surveillance programs.”

Self-censorship in communicating with friends abroad and sources

Writers expressed fear that contact with friends or sources abroad could result in harm either to themselves or to their friends or sources, further evidence that U.S. surveillance programs cast a shadow over writers’ daily communications.

Forty-four per cent of writers thought it was “very likely” that an email to someone abroad who was affiliated with an anti-American organisation would be read by the government, and another 48 per cent described it as “realistically possible.”

Thirty-nine per cent of writers thought it was “very likely” that a phone call made to someone living in an area of the world known for its antipathy toward the U.S. would be monitored and recorded by government officials, and another 52 per cent thought it was “realistically possible.”

The impact extends beyond curtailing writers’ everyday freedom of speech. It affects their work, and the harm done to their work impacts society at large “because writers develop ideas through conversations, including conversations with radicals, dissidents, pariahs, victims of violence, or even outlaws, and chilling their exchanges will impoverish thought”.

As one writer said, “In preparing for the Translation Slam at this year’s PEN World Voices Festival, I Skyped a writer, a Palestinian who lives on the West Bank. I was tempted to ‘talk politics,’ since the West Bank was so much in the news, but I deliberately steered clear of the topic, figuring that our conversation was being monitored.

“I normally wouldn’t have skirted such an obvious topic, but I was concerned about keeping him out of trouble – thinking any controversial remark might make it harder for him to travel.”

Protecting sources is a long-standing concern for journalists and non-fiction writers. The details of the NSA surveillance program have heightened this concern and left many writers wondering how to protect sources in this new environment, or if it is even possible to protect them.

Eighty one per cent of writers responding to PEN’s survey are very concerned about government efforts to compel journalists to reveal sources of classified information, and another 15 per cent are somewhat concerned – 96 per cent in all.

Among survey respondents who are journalists, 93

per cent are very concerned about such efforts. Thirty per cent of journalists reported having taken extra precautions to protect sources’ anonymity.

The NSA’s surveillance will damage the ability of the press to report on the important issues of our time if journalists refrain from contacting sources for fear that their sources will be found out and harmed, or if sources conclude that they cannot safely speak to journalists and thus stay silent.

One writer commented, “I write books, most recently about civil liberties, and to protect the content of certain interviews, I am very careful what I put in emails to sources, even those who are not requesting anonymity. I’m also circumspect at times on the phone with them – again, even though they may not be requesting anonymity and the information is not classified. Some of those precautions remind me of my days as Moscow Bureau Chief under Communism, when to communicate with dissidents and refuseniks we had to avoid substantive phone conversations, meet in person in public, etc. It’s not a good feeling to have reporters’ work in your own country’s capital resemble ours in Moscow in the bad old days.”

The report acknowledges there are some limitations to the research that are worth mentioning. For one, this is a survey of writers who are PEN members and thus not necessarily a reflection of the views of all writers in the U.S. For another, the survey was conducted exclusively online, which means that those who don’t have an e-mail address – or who don’t check their e-mail regularly – may be under-represented in the data. Thirdly, some who received the e-mail may have had no interest in the topic of government surveillance and its impact on writers so reflexively hit delete before ever viewing the first survey question. Finally – and perhaps somewhat ironically – this is an *online* survey about surveillance, surveillance that mostly takes place *online*; thus, it is likely that those PEN members who are especially concerned about Internet surveillance and the vulnerabilities of online data may have elected not to participate.

However, the findings of the survey and subsequent responses from PEN writers substantiate significant impingement on freedom of expression as a result of U.S. Government surveillance.

While it may not be surprising that those who rely on free expression for their craft and livelihood feel greater unease about surveillance than most, the impact on the free flow of information should concern us all.

As writers continue to restrict their research, correspondence, and writing on certain topics, the public pool of knowledge shrinks. What important information and perspectives will we miss? What have we missed already?

This excerpt from the report ‘Chilling Effects’ is published with permission of PEN America.

Coetzee, Grunberg, Liao speak out against surveillance

Nobel Laureate J.M. Coetzee, award-winning Dutch novelist Arnon Grunberg, and exiled Chinese writer Liao Yiwu have joined with PEN America in expressing profound disappointment at the limited reach of President Obama's newly announced measures on surveillance reform, leaving the future of dragnet surveillance in the hands of Congress and the Justice Department.

In its November report on government surveillance, *Chilling Effects*, PEN called particular attention to the President's failure to adequately address the concerns of writers in the United States and abroad who rely on the expectation of privacy for their craft and livelihood.

"The President's announcement today leaves crucial unanswered questions about the future of the right to privacy and free expression eroded by mass collection of private communications," said Suzanne Nossel, Executive Director of PEN American Center.

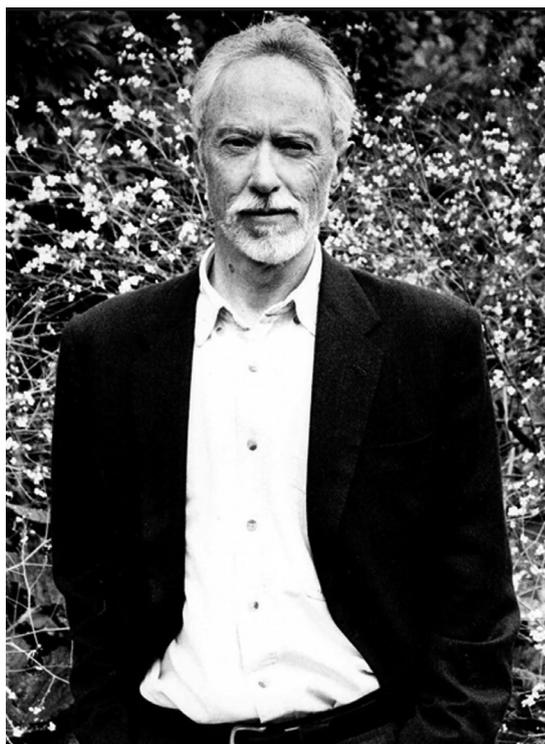
The PEN report documented the first tangible evidence that writers are engaging in self-censorship as a result of NSA surveillance. "The whole world loses out if writers, intellectuals, and ordinary individuals lack the freedom to imagine, argue, and debate without worrying that their unpublished words may someday be held against them," Ms Nossel said.

Novel Prize Winner J.M. Coetzee said, "Mass, untargeted surveillance is a clear attack on the creative freedoms guaranteed across the globe by innumerable international conventions.

"Assurances that ongoing surveillance will not target a 'person's political views or religious convictions' ring hollow when not subject to legal action or review," he said.

The President's reforms leave intact two of three primary sources of authority used to watch individuals overseas: FISA Act Section 702, which confers nearly boundless authority for surveillance pertaining to loosely defined "foreign intelligence information," and Executive Order 12333, which accords the President blanket authority to carry out surveillance free of Congressional or court oversight. His announced changes to the third, Section 215 of the Patriot Act, have far-reaching potential, but their impact lies in the hands of future reports, proposals, and legislation that offer no firm guarantees.

"A decent government should know the difference between surveillance that is necessary to provide its citizens some security, and industrial espionage



Nobel Prize winner J.M. Coetzee Picture: Bert Nienhaus/Random House

and frivolous peeping into other people's lives," said novelist Arnon Grunberg, of the Netherlands. "It's questionable whether the NSA is aware of this difference."

Exiled Chinese poet, Liao Yiwu, was especially disheartened. "I lived under the constant surveillance of the Chinese government," he said. "I escaped to the West because of its promise of a free society that guarantees a citizen's right of free expression. I was apparently wrong."

President Obama's announcement of reforms directed at the communications of foreign leaders offers no protection to ordinary citizens outside the United States. Even the extension of the Privacy Act provides no right to legal recourse for non-Americans.

"With the President having punted on the shape a reformed NSA surveillance program will take, it is now up to the Congress and the courts to ensure that the U.S. doesn't forfeit its position as the global champion of free expression and a beacon to dissidents worldwide," Suzanne Nossel said.

Turkish writer and activist Ayşe Berktaş talks to PEN

Writer Ayşe Berktaş, currently on trial under Turkey's controversial anti-terror law, has been awarded the 2013 PEN/Barbara Goldsmith Freedom To Write Award. Arrested in October 2011, and facing charges under what is known as the Kurdistan Communities Union case (KCK), Ms Berktaş spent more than two years in prison before being released in December as the trial against her continues. In early February, Ms Berktaş spoke from Istanbul with **Sarah Hoffman** of PEN America and **Sara Whyatt** of PEN Norway.

Only weeks out of prison, Ayşe Berktaş was clearly undiminished by her experience, leaping straight back into politics to stand as candidate for mayor in the Istanbul district elections.

Asked about how much the public knows of the scale of the imprisonment of Kurdish activists, she said that it has become “a normal state of affairs, a part of everyday life. Everyone knows somebody in prison. So what? You get used to it, but it is not something to get used to”.

The KCK trials, like most political trials in Turkey, are complex and often baffling. Since June 2012, hearings have been held every few weeks, and after each, typically, a handful of defendants are released. For months PEN expected to see Ayşe Berktaş among them, but each time hopes were dashed until, finally, she was freed 27 months after her arrest.

PEN has puzzled over why certain prisoners were freed while others remain in prison. Ms Berktaş questions this herself: “Why wasn't I released three months ago? Why wasn't I released after I made my defence statement? Why was I arrested at all?”

She spoke of the psychological impact that this uncertainty has. The fact that it is not rational and is very arbitrary makes it worse. “Not for us, but for our families,” she said. “They cannot understand what is going on. They cannot guess, cannot predict. So there is a sense of this as an indefinite situation. This is why we kept saying they are holding us hostage. This is a political trial, this is a political case.”

Ayşe's father, now in his 80s and in poor health, had himself been a political prisoner many years ago, yet this did not make the imprisonment of his daughter any easier, and it took its toll. This saddens her. “When I came home, I realised how traumatic the situation was for them [her husband and father]. My handbag was as I had left it. They had not touched it. Things were still inside. The newspapers I had left on my desk – they had not moved them. They piled more newspapers on top of them for over two years. So it is like they just hung onto my previous life – it was difficult.”

Held in Bakırköy Women's Prison in Istanbul, Ms Berktaş shared a block with around 24 other women, sharing 12 rooms set around a common hall and kitchen. There are five such blocks. As well as weekly visits from friends and family, each week two inmates from each of the five blocks are allowed to come together for an hour to exchange news. Common halls and prison block exchanges create a meeting place for the women to exchange ideas, read, and hold discussion forums.

Ms Berktaş describes it as “interesting being together with women of all ages and from different backgrounds. Some were textile workers. Some from universities. Some teachers, mothers... We were all political prisoners, coming from similar political groups. Some of us knew each other and others we got to know there. It was good. You get to read a lot. You get to discuss a lot”.

This relative freedom to mingle within prison walls



Writer, translator, academic, women's rights and anti war-activist Ayşe Berktaş

enabled collective action, such as in September 2012 when the women went on a hunger strike for the right to defend themselves in Kurdish in court and against the isolation under which the imprisoned leader of the banned Kurdistan Workers Party (PKK) Abdullah Öcalan was then held.

Ms Berktaş describes how the other prisoners “didn’t let me go on hunger strike because they said I am older than the others and because my health was not very good. They said they needed some people to look after them when they were on hunger strike. It was emotionally very difficult. But we succeeded in getting the right to make defence statements in our mother tongue and also for dialogue with Abdullah Öcalan. So it succeeded”. She adds, “Luckily we did not lose anyone. No deaths, but it was hard.”

Other times, resistance was more mundane. While books were allowed, soil in which to grow plants was forbidden, so the women set about making their own. “We made our soil from tea leaves. We would add vegetable peelings, and then get mothers to bring some seeds secretly during the visits and these we would plant.”

Asked why, as a non-Kurd, she goes to such lengths to support Kurdish rights, she replied, “It was a reaction to all the oppression and misery being forced upon the Kurdish people here in Turkey. It was a matter of equality and democracy. I do not want to live in a country that is like this. I think the Kurdish issue and their struggle is a situation that should be solved. If the Kurdish problem can be solved many

Asked why, as a non-Kurd, she supports Kurdish rights, Ayşe Berktaş said, “It was a reaction to all the oppression and misery being forced upon the Kurdish people. It was a matter of equality and democracy.”

other issues will be solved. It is all about democracy in Turkey as a whole.”

Meanwhile the trial drags on. More than 70 people are still in prison in Ms Berktaş’s case alone. She believes that it will be many months more before the verdicts are announced.

Asked what needs to be done to end the long imprisonment and trials such as the one against her, Ms Berktaş referred to PEN’s international campaign.

“Pressure from the world outside and inside Turkey helps and is important. Inside Turkey there are so many cases, so many people in prison that other people don’t know about. So it is not about putting on pressure for one individual case or for another, but it is about putting pressure on the anti-terror laws. This is what we need. This will be the real pressure and this will help all of us, inside and outside.”

Syria, Iraq, Egypt most deadly nations for journalists

The conflict in Syria, a spike in Iraqi bloodshed, and political violence in Egypt accounted for the high number of journalists killed in 2013. A special report by **Elana Beiser**, editorial director of the Committee to Protect Journalists.

Syrria remained the most deadly place for journalists on the job in 2013, while Iraq and Egypt saw a spike in fatal violence. Two-thirds of journalist killings during the year took place in the Middle East.

Seventy journalists were killed for their work in 2013, down from 74 in 2012, the Committee to Protect Journalists found in its annual analysis. CPJ is investigating the deaths of 25 more journalists to establish whether they were work-related.

Pakistan, Somalia, India, Brazil, the Philippines, Mali, and Russia also saw multiple journalist deaths during the year, although the number of deaths in Pakistan and Somalia declined significantly. Mexico was notably absent from the list, with no deaths confirmed as work-related.

The proportion of victims who were singled out for murder was 44 per cent, less than the historical average. Thirty-six per cent of the journalists were killed in combat or crossfire, while 20 per cent died during some other type of dangerous assignment.

The long-standing conflict in Syria claimed the lives of at least 29 journalists in 2013. That brings the number of journalists killed covering the conflict to 63, including some who died over the border in Lebanon or Turkey. Among the victims was Yara Abbas, a correspondent for the pro-government TV channel Al-Ikhbariya, who was killed when her crew's vehicle came under rebel sniper fire in the city of Al-Qusayr.

Yet the huge number of deaths in Syria does not tell the complete story of the danger to journalists there. The country saw an unprecedented number of kidnappings in 2013; about 60 journalists were abducted at least briefly during the year, according to CPJ research.

Late in 2013, at least 30 were still missing. Most were believed held by rebel groups. However, at least one journalist died in government custody during the year: Abdul Raheem Kour Hassan, the director of broadcasting for opposition station Watan FM, was arrested in January. Authorities informed his family of his death in April, but did not give any details.

The station said he was tortured to death at Palestine Branch, a feared Damascus prison operated by Syria's Military Intelligence Security.

At least 10 journalists were killed for their work in Iraq, nine of them murdered, and all during the final quarter of the year. Unidentified gunmen opened fire on cameraman Mohammed Ghanem and correspondent Mohammed Karim al-Badrani of the independent TV channel Al-Sharqiya as they filmed a report on Eid al-Adha holiday preparations in Mosul in October. It is unclear why they were targeted; the station has attracted ire from both Iraqi authorities and anti-government militants.

Amid stark political polarisation and related street violence, things deteriorated dramatically for journalists in Egypt, where six journalists were killed for their work in 2013. Three were killed in a single day, August 14, as they covered raids by Egyptian security forces on demonstrating supporters of ousted President Mohamed Morsi and the Muslim Brotherhood. Since 1992, CPJ has documented the deaths of 10 journalists for their work in Egypt – nine of them since anti-government protests began in 2011.

Iraq and Egypt displaced Pakistan and Somalia, the second and third most deadly countries for journalists in 2012. Five journalists were killed in Pakistan in 2013, the lowest number since eight died for their work in 2010. While about half of the victims in Pakistan over the years have been singled out for murder, according to CPJ research, four of this year's five deaths came in bomb blasts. The fifth was murder: Ayub Khattak of the *Karak Times* was shot to death outside his home in October after reporting on the local criminal drug trade.

While Somalia continues to be a very dangerous place to practice journalism, the number of confirmed work-related deaths declined to four, plus one media worker, in 2013, compared with a record 12 in 2012. In both years, all of the victims were singled out for murder. Somalia's government has made repeated pledges to fight the cycle of impunity in journalists'



This image provided by Aleppo Media Centre shows Syrians helping a wounded man from the scene of a government airstrike in Aleppo on December 17. Citizen journalists have been central to documenting the conflict's death and destruction.

killings, but has made almost no progress in solving any of the crimes. In the meantime, CPJ research shows that journalists have stepped up their own security measures, while political groups and Al-Shabaab insurgents – believed responsible for many of the murders – have wielded less lethal influence since 2012 elections.

As most of the deadly countries for journalists are or have been recently a setting for conflict or severe political turmoil, Brazil is a standout as a stable democracy where several journalists nonetheless have been killed for their work in recent years. In 2013, three were killed for their work – all of them provincial journalists murdered after reporting on local crime and corruption – compared with four in 2012 and another three in 2011. CPJ continues to investigate the motive for another five deaths during those three years.

Mali in 2013 saw its first journalist deaths since CPJ began keeping records in 1992. Ghislaine Dupont and Claude Verlon, veteran journalists at Radio France Internationale, were kidnapped as they finished an interview at the home of a Tuareg separatist leader in the remote Sarahan town of Kidal. The bullet-ridden bodies of the journalists were found next to their vehicle outside the town.

While those killed in Mali were on international assignment, most journalists who die for their work are local people covering local stories, according to CPJ research. In 2013, nine out of 10 journalists killed were local, in line with the historical trend.

Some other trends that emerged from CPJ's research:

- In the Philippines, a country long plagued by deadly, anti-press violence, CPJ confirmed that three journalists were killed in reprisal for their work, and is investigating the motive in another six murders. Although it is difficult to determine the motive in many cases in the Philippines, the total number of journalist killings was the highest in four years.
- In Mexico, another country where motives in journalist murders is hard to determine, CPJ could not confirm that any single journalist was killed for his

or her work for the first time in a decade. However, CPJ is still investigating three killings to determine the motive.

- Eight of the countries that saw a journalist murdered during 2013 are listed on CPJ's most recent Impunity Index, which spotlights countries where journalists are regularly murdered and the killers go free.

- CPJ documented the deaths of four media workers in 2013. One of them, José Darío Arenas, was a newspaper vendor who was murdered after helping a reporter write a story on mistreatment by prison guards in his town.

- During 2013, CPJ documented the 1,000th death since it began keeping records in 1992.

- Prior to the 2011 uprising against the government of Syrian President Bashar al-Assad, CPJ had not documented a single work-related death of a journalist in Syria since the organisation began keeping detailed records in 1992.

- The worst years on CPJ's record are 2009 and 2012; 74 journalists were confirmed killed because of their work in each of those years.

CPJ began compiling detailed records on all journalist deaths in 1992. CPJ staff members independently investigate and verify the circumstances behind each death. CPJ considers a case work-related only when its staff is reasonably certain that a journalist was killed in direct reprisal for his or her work; in combat-related crossfire; or while carrying out a dangerous assignment.

If the motives in a killing are unclear, but it is possible that a journalist died in relation to his or her work, CPJ classifies the case as "unconfirmed" and continues to investigate. CPJ also maintains a database of all journalists killed since 1992.

*Reporters Without Borders' Report,
Enemies of the Internet, page 24*

*International Federation of Journalists' Report,
In Mortal Danger, page 26*

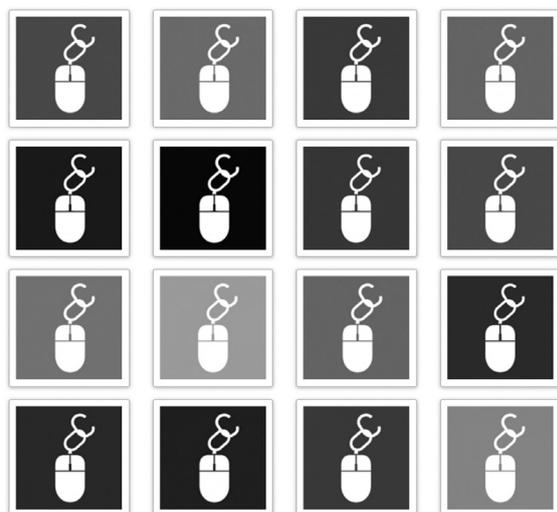
A short guide to the Internet's biggest enemies

Reporters Without Borders (RSF) released its annual report, *Enemies of the Internet*, in March. First launched in 2006, its purpose is to track countries that repress online speech, intimidate and arrest bloggers and conduct surveillance of their citizens. **Jillian York**, from the Electronic Frontier Foundation, reviews the latest index.

Some countries have been mainstays on the annual *Enemies of the Internet* index, while others have been able to work their way off the list. Two countries particularly deserving of praise in this area are Tunisia and Myanmar (Burma), both of which have stopped censoring the Internet in recent years and are headed in the right direction toward Internet freedom.

In the former category are some of the world's worst offenders: Cuba, North Korea, China, Iran, Saudi Arabia, Vietnam, Belarus, Bahrain, Turkmenistan, Syria. Nearly every one of these countries has amped up their online repression in recent years, from implementing sophisticated surveillance (Syria) to utilising targeted surveillance tools (Vietnam) to increasing crackdowns on online speech (Saudi Arabia).

These are countries where, despite advocacy efforts by local and international groups, no progress has been made.



The newcomers

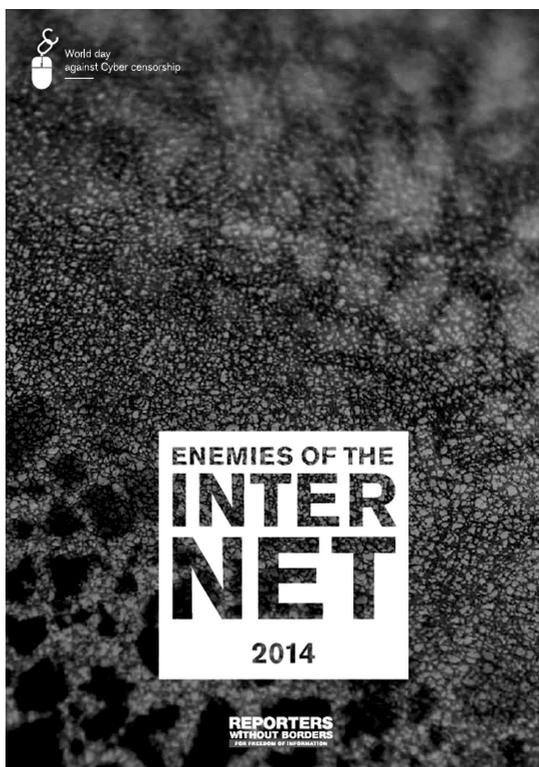
A third, perhaps even more disheartening category, is the list of countries new to this year's index. A motley crew, these nations have all taken new, harsh approaches to restricting speech or monitoring citizens.

The RSF report breaks down the institutions that pose the biggest threat to Internet and press freedom in each country on the list.

Russia: Russia has been on a downward slope for more than a decade. Until fairly recently, however, the Russian government did not directly censor the Internet, preferring instead to employ subtle strategies to control online discourse. In 2012, that changed, when the Russian Duma passed a bill allowing the creation of a national blacklist of websites. Today, that blacklist continues to grow, while the government continues to seek new ways of limiting online speech.

Pakistan: We've expressed concerns about Pakistan many times before, so we're glad to see the country called out for its repressive behaviour. Despite significant opposition from inside the country, the Pakistan Telecommunications Authority continues to add sites to its opaque blacklist, most notably YouTube, following the 'Innocence of Muslims' debacle in 2012. Efforts from local activists have also demonstrated the willingness of foreign companies — in particular Canadian company Netsweeper — to aid in Pakistan's repression of speech.

United States: This is the first time the U.S. has made it onto RSF's list. While the U.S. government doesn't censor online content and pours money into promoting Internet freedom worldwide, the National Security Agency's unapologetic dragnet surveillance and the government's treatment of whistleblowers have earned it a spot on the index.



United Kingdom: The UK has been dubbed by RSF as the “world champion of surveillance” for its recently-revealed strategies for spying on individuals worldwide. The UK also joins countries like Ethiopia and Morocco in using terrorism laws to go after journalists. Not noted by RSF, but also important, is the fact that the UK is also cracking down on legal pornography, forcing Internet users to opt-in with their ISP if they wish to view it and creating a slippery slope toward overblocking. This is in addition to the government’s use of an opaque, shadowy NGO to identify child sexual abuse images, sometimes resulting instead in censorship of legitimate speech.

India: A country that has long censored certain types of speech, it’s surprising that India has never made it onto RSF’s list before. Still, in the past two years, things have gotten significantly worse as the Indian government has enacted new laws to limit online speech and has slouched toward the NSA at a time when its neighbors have spoken out against surveillance.

Ethiopia: On a downward spiral for the past few years, it has been blocking VoIP services, sentencing bloggers to long prison sentences and enacting laws to block online content. Most recently, EFF filed a lawsuit accusing the Ethiopian government of installing spyware on the device of an American citizen of Ethiopian origin. In a similar case, Privacy International filed a criminal complaint alleging the use of FinSpy on the device of a UK resident.

“While the U.S. government doesn’t censor online content and pours money into promoting Internet freedom worldwide, the National Security Agency’s unapologetic dragnet surveillance and the government’s treatment of whistleblowers have earned it a spot on the index.”

Missing from the list

Since 2011, RSF has been researching and producing the ‘Enemies of the Internet’ report annually. There are a few countries that were left out of this year’s index that we think should have been included. They include:

Turkey: Although Turkey has shown up on RSF’s watchlist before, and despite a spate of arrests of social media users during last summer’s protests, Turkey managed to stay off this year’s index. The country has come under fire from human rights advocates for its online repression, and in 2012 the European Court of Human Rights found that Turkey had violated its citizens’ right to free expression by blocking Google sites. Turkey is definitely an enemy of the Internet.

Jordan: Despite local protests and international opposition, in June 2013 Jordan initiated a ban on more than 300 news sites that refused or failed to register with the Press and Publications Department. Those sites remain blocked.

Morocco: The North African nation’s approach to the Internet had improved somewhat in recent years, with the government unblocking sites that were formerly censored. The arrest of journalist Ali Anouzla in September 2013 and subsequent blocking of Lakome, the publication he co-founded, however, seems to signal a new era. Activists have expressed concern that bad legislation is just around the corner.

We urge the countries that find themselves on RSF’s “Enemies of the Internet” list this year — as well as those that are glaringly missing from the list — to take note of countries, such as Tunisia and Myanmar (Burma), that have taken steps to ameliorate violations of Internet freedom and remove themselves from RSF’s annual index.

Jillian C. York is the director of International Freedom of Expression at the Electronic Frontier Foundation.

In mortal danger: a time of reckoning

The latest figures from the International Federation of Journalists (IFJ) of media staff killed bring to light the gravity of the safety crisis around the globe. The report, *In Mortal Danger: Journalists and Media Staff Killed in 2013*, demonstrates how conflicts, wars and political unrest provide the backdrop for risky assignments that often lead to tragic ends for journalists who stray onto the turf of men of violence. **Beth Costa**, IFJ General Secretary, reports on the implications of the latest figures.

The IFJ documented 105 killings of journalists and media staff, in murders and cross-fire incidents resulting in deaths. Twenty more colleagues lost their lives in accidents. As usual, the IFJ report comes with a warning that the cases we report are those known to us, and no organisation can say for certain that they have counted everyone. But there are good reasons to be alarmed at the current levels of violence in journalism.

As was often the case in years gone by, 2013 had its fair share of shocking assaults on journalists, such as the summary executions by Al-Qaïda au Maghreb Islamique (AQMI) of RFI reporters Ghislaine Dupont and Claude Verlon in Kindu in Mali. There was also the raid at the end of December by insurgents on Salaheddin TV in the northern Iraqi city of Tikrit, in which five journalists and employees of the TV station were killed. These cold-blooded murders capped a year that saw a resurgence of excessive violence against media workers in Iraq, with 13 killed.

In Syria, there was no let-up as journalists continue to pay a heavy price in the bloody civil war which has ripped the country apart. The regime and the armed opposition, as well as the myriad of Islamist militias have turned their guns on journalists in their attempts to control the reporting on the conflict and its catalogue of gross violations of human rights. For the second year running, the IFJ has ranked Syria as the deadliest country in the world for journalists in 2013, with 15 dead recorded.

Meanwhile, the toxic combination of armed insurgencies, corruption, ethnic and religious tension in the Asia Pacific area turned the region into a killing field for journalists. With a death tally of 10 each, Pakistan, India and The Philippines make Afghanistan, which posted one killed only, look comparatively safer.

The seemingly never-ending descent into chaos and violence in Somalia again claimed more journalists'

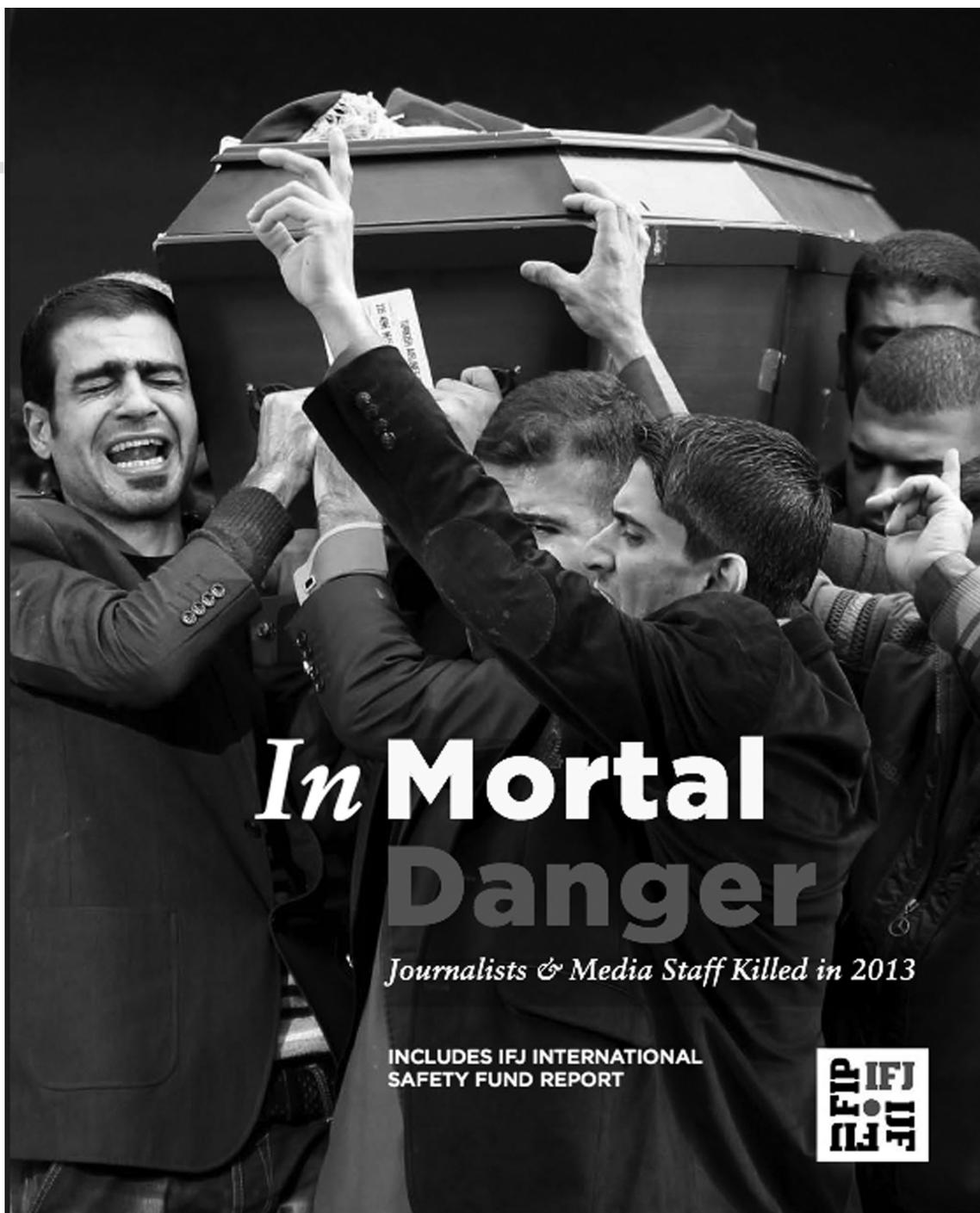
lives than any other country on the African continent. Seven died in violent incidents last year, one more than in Egypt where journalists and media staff were caught up in the deadly violence caused by the political turmoil.

The IFJ sent a solidarity mission to Cairo, arranged in cooperation with the Federation of Arab Journalists (FAJ), at the height of the attacks on journalists. The delegation heard accounts of journalists who had been forced into hiding, fearing for their lives after their names and addresses had been published in some media, exposing them to mob violence. Women journalists were particularly at risk of sexual attacks while covering the protests.

Meanwhile, in Mexico, it is hoped that the downward trend of murder rates in media will continue after a relatively calm year in which four died, in contrast to the situation in Colombia, Honduras and even Brazil where the numbers of victims of violence suggest the murky politics in Latin America still carry safety challenges for media professionals. In 2013, Brazil posted four killed against three in Honduras and Colombia.

The IFJ and its unions campaign every year to end impunity (where perpetrators face no redress) which, by all accounts, remains the biggest contributing factor for violence targeting journalists. In June, the IFJ World Congress in Dublin resolved to step up its efforts to tackle this major issue. A new campaign against impunity was launched in November, urging countries with the poorest records of media safety, starting with Iraq, Pakistan and Russia, to hold accountable those who attack journalists as a means of addressing the issue of rampant impunity.

While our actions alone are unlikely to yield an immediate and positive reaction from governments, they offer an opportunity to promote legal guarantees for the protection of journalists as civilians which



Mourners carry the coffin of Yasser Faysal al-Jumaili during his funeral in Falluja, 50 km west of Baghdad, on December 8, 2013.

states are duty bound to enforce under domestic and international law.

The prospects for the kind of global action we have been calling for looked more promising towards the end of 2013. On December 18, the United Nations General Assembly established an International Day to end impunity for crimes against journalists. The UN Day will be marked on 2 November each year, the date of the murders of the two RFI reporters in Mali.

However, the temptation to declare victory in the battle over the safety of journalists should be resisted, as it is far too premature to determine the impact of this latest decision of the world body.

While the resolutions of the UN General Assembly carry some authority, they are not binding on states and it remains to be seen whether the recent decision will be a catalyst for a genuine commitment to the safety of journalists or just another self-congratulatory exercise.

This latest resolution comes seven years after the adoption of Security Council Resolution 1738, adopted unanimously on 23 December 2006, urging governments to respect the rights and professional independence of journalists.

Contrary to the UN General Assembly's resolution, Member States are bound by the Security Council resolutions and Resolution 1738 was hailed as a historic UN action to fight impunity for killings of journalists and media staff.

Unfortunately, the ensuing years have been marked by consistently high levels of violence targeting journalists, in scant disregard for the lofty recommendations of the Security Council.

The media death toll of 2013 confirms the abject failure of governments to hold accountable those who are responsible for violence against journalists, which has entrenched the culture of impunity for attacks on media professionals.

Saudi writer's sentence prompts plea for "absolute freedom"

Raef Badawi, editor of a liberal Saudi Arabian website, was arrested in Jeddah in 2012. Mr Badawi was convicted under Saudi Arabia's anti-cybercrime law and found guilty of "insulting Islam", "founding a liberal website" and "adopting liberal thought". He was also convicted of "insulting religious symbols" and criticising the religious police and officials calling for gender segregation in the Shura Council. The website, Liberal Saudi Network – created to foster political and social debate in Saudi Arabia – was ordered closed by the judge.

Last December, the Saudi Court of Appeal overturned editor Raef Badawi's conviction and sentence on grounds of insulting Islam and adopting liberal thought, and ordered a review of the case. On 25 December, 2013, a judge recommended that Raef Badawi should be referred to the General Court on charges of "apostasy". If convicted, he could face the death penalty. PEN spoke with Mr Badawi's wife, Ensaf Haider, about her husband's case and her family's experience since his arrest.

Why did Raef decide to set up Free Saudi Liberals?

For Raef, liberalism is an intellectual project, which aspired to achieve an official status and to represent Saudi liberals on the ground and to fight injustice wherever it exists. This was the idea in 2008 when Raef first set up the Free Saudi Liberals website as a platform for this project to take shape.

Can you talk about the aims and objectives of the 'day of liberalism' conference that Raef was organising? Why was it important to him?

The idea for the 'day of liberalism' conference came from the belief, held by Raef and by Saudi liberals specifically, as well as others in the Gulf more generally, that there is a need for our voice to be heard in the international and local communities. It also accused the opponents of liberals of distorting the image of liberalism by claiming that this thought leads to degeneration, vice and so on.

The 7th of May, which was chosen as 'the day of liberalism', was the bomb that began the war against Raef as an individual, launched by the authorities and the official religious establishment.

What happened when he was arrested?

How did you find out?

I was not with Raef in Saudi at the time; I left for Lebanon after the threats against Raef had increased. I went to Lebanon with my children, for the sake of our safety and until Raef could somehow solve the problem of his travel ban. He was put on a travel ban at the end of 2008, after he had returned to Saudi from the UK. The news of his arrest was very shocking for me, and there were many questions in my mind, especially as I was not with him at the time.

How did you find out that Raef may face apostasy charges in court? What were your reactions?

What are the legal next steps? Are you in contact with his lawyer?

I am in regular contact with his lawyer, and that is how I found out. We are currently waiting for the Court of Appeal to make a decision on his case. I consider Raef's trial as an inquisition, just like the ones that took place during the European Dark Ages. To kill a person just for their opinion, that is the real crime.

Has Raef been allowed any visitors since his arrest?

Raef's family has not been allowed to visit him; in fact his sister was prevented from visiting him on a number of occasions.



Editor and blogger Raef Badawi

How is his health? Do you know if he has faced any torture or ill-treatment?

Raef's health has deteriorated; he developed diabetes when he was first arrested, and he has faced problems with his heart. He also suffers from unsanitary detention conditions and from malnutrition, but I have not heard anything about him being subjected to torture or anything of the sort.

Despite all of this, his morale is very high and he is not broken.

How has your life changed since Raef's arrest?

My life has changed 180 degrees. It is enough to say that overnight I became both mother and father to my children, and I live in a daily nightmare of questions from my children about Raef.

The biggest change in my life has been Raef's absence.

Have you received threats from the Saudi Arabian authorities before/after leaving?

Yes, of course, I have been threatened in different ways. I received a court verdict that would force me and Raef to separate, on the basis of him being an Apostate. I also received threats from the Saudi embassy in Lebanon that they would kidnap my children and forcibly return them to Saudi Arabia. This was just before I arrived in Canada, where I now reside permanently.

Did you or Raef ever imagine the magnitude of the government's reaction to his website?

I did not expect the reaction of the Saudi authorities to the website, or that it would cause this crisis for Raef. But of course, the route to freedom requires sacrifices.

Do you believe the legal consequences faced by Raef and other prisoners of conscience in the country will work to deter or frighten others from engaging in similar activism?

No, not at all, I believe that there is a will for freedom in the country that will not be deterred. When Raef heard the judge tell him 'we will kill you', he responded with a wide smile and the victory sign.

What do you hope for the future of freedom of expression in Saudi Arabia? Do you know of any other detained writers/bloggers/editors there?

I wish that one day there will be real freedom, a constitution, a parliament, and absolute freedom. There are too many prisoners of conscience, for example there is Dr Mohamad al-Qahtani and many others.

As you know, PEN members around the world have been campaigning for Raef's release. What do you think would be the most effective steps they could take to pressure the Saudi authorities to release Raef? Do you have a message for them?

I used to believe it was a fantasy for a person to stand in support of another person regardless of geographical, racial, religious, linguistic and other differences, but what you have done for Raef's case has taught me that I knew nothing about humanity. You are the noble ones and I owe you great thanks.

PEN community calls for peaceful resolution of Ukraine crisis

John Ralston Saul, the President of PEN International, issued a statement on March 5 urging supporters around the world to heed the appeals made by Russian PEN, Polish PEN and the PEN Writers for Peace Committee.

All three had called for a peaceful, negotiated solution to Ukraine's crisis and for respect for Ukrainian citizens' rights to free expression, assembly and peace.

Mr Ralston Saul said that PEN International was deeply concerned by the escalating political situation in Ukraine, which had seen Russian forces in de facto control of much of Crimea.

"All individuals and peoples have a right to peace, free expression and free assembly. Military action rarely solves conflict, which should instead be resolved by peaceful dialogue and full respect for freedom of expression, in line with the PEN Charter. We urge all sides in the conflict to begin, as a matter of urgency, meaningful discussions towards a peaceful solution which respects the rights of all in Ukraine," he said.

"As outlined in PEN International's Girona Manifesto on Linguistic Rights, respect for all languages and cultures is fundamental to the process of constructing and maintaining dialogue and peace in the world. Every

linguistic community in Ukraine – whether Ukrainian, Russian or Crimean Tatar – should have the right for its language to be used as an official language in its territory

"We call on the governments of Ukraine and the Russian Federation to ensure that freedom of expression and access to information is fully protected."

Statement from Russian PEN, addressed to fellow writers, journalists and bloggers on March 3, World Writers' Day

"During these difficult days – when at any moment a civil war could start in Ukraine, or a war between Russia and Ukraine, or a war in the centre of Europe, when there is greater aggression in the relationships between nations, states, peoples, persons – the word has extreme power: the word pronounced on TV or in a political meeting, the word printed in a newspaper, the word posted on the internet.

The word can be used for the manipulation of public understanding, for propaganda instead of information, as a source of hate. But it can also be used for truth, understanding and positive thinking.

In the history of our country there are too many examples of how state propaganda poisoned the thinking of our citizens and led to the deaths of millions of our people and people from other countries.

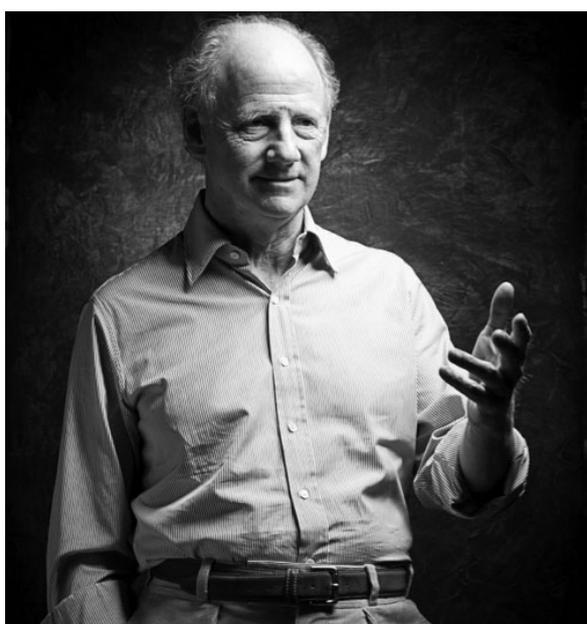
Now, we face a similar danger. We see around us a crisis of language which was described by Orwell. Such words as peace, war, fascism and democracy, protections and invasion are shamelessly misused.

Lies add the illusion of legality to actions, which are not legal. And each of us is personally responsible – before history and before him/her self, for everything he or she says or writes today."

Statement from Polish PEN

"The Polish PEN Club strongly protests the Russian Federation's invasion of the territory of Ukraine.

We are warning the public about the nature and scope of the current events.



John Ralston Saul, president of PEN International.



People gather in the streets in protest in Ukraine. Photograph by Iv Bogdan, used here with Creative Commons license

We support the stand of the authorities of the Republic of Poland who indicate that the objective of the aggression is to dismantle the existing international order. This order is based on the principles of the United Nations Charter, the International Convention on Civil and Political Rights, agreements of the Organisation for Security and Co-operation in Europe and the entire system of legal treaties and conventions which govern inter-state relations.

We oppose the provocative and ostentatiously mendacious war propaganda that has been set in motion on a mass scale with the aim of concealing the aggressor's actions and intentions.

We express our solidarity with Ukrainians who are defending the independence and unity of their own country.

In line with the principles of the International PEN Charter: "Members of PEN should at all times use what influence they have in favour of good understanding and mutual respect among nations; they pledge themselves to do their utmost to dispel race, class, and national hatreds and to champion the ideal of one humanity living in peace in the world. [...] Members pledge themselves to oppose such evils of a free press as mendacious publication, deliberate falsehood, and distortion of facts for political and personal ends."

Statement from The PEN Writers for Peace Committee

"The Writers for Peace Committee (WfPC) of PEN International is deeply concerned by the political crisis,

the rise of political passions, intolerance and violence in Ukraine and the disintegration of its unity and sovereignty.

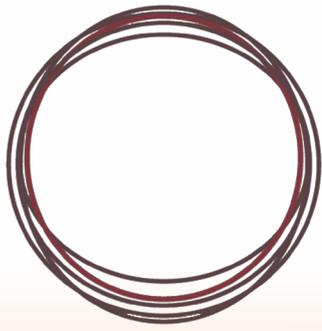
The WfPC calls on all Ukrainian writers and other intellectuals in Ukraine to do everything they can to assert the principles of a democratic dialogue about the situation in and the future of Ukraine.

The Committee calls upon the new government of Ukraine, the leaders of political parties and other interest groups, the Verkhovna Rada of Ukraine and all responsible political and opinion leaders to do everything in their power to calm their people, respecting at the same time freedom of speech and thought, and, above all, to strive for a peaceful dialogue between all political groups in Ukraine. We also urge the Verkhovna Rada to pay special attention to the linguistic rights of those speaking Russian and other languages and the fact that the rights of all ethnical minorities in Ukraine are to be recognised.

The Committee also urges all responsible state representatives in Europe, and particularly in the Russian Federation, not to get involved in conflicts and to avoid any attempt to take advantage of the situation in Ukraine for their own benefit. We strongly appeal to all sides to decline any violence or military intervention. We call upon them to respect the territorial unity and sovereignty of Ukraine, the right of the Ukrainian people to decide their own future and to respect the freedom of expression of all people in Ukraine and in their own countries."

Tone Peršak

Chair of the Writers of Peace Committee



s y d n e y
PEN

Sydney PEN needs you!

By joining Sydney PEN you will be showing your commitment to reading and writing as human rights to be undertaken in the spirit of freedom.

Go to: pen.org.au/ to join.

Sydney PEN also needs
a Writers in Prison Campaign Officer to join its Management Committee!

If you have the time and commitment to work on campaigns to draw attention to the plight of persecuted writers, contact us on: sydney@pen.org.au

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