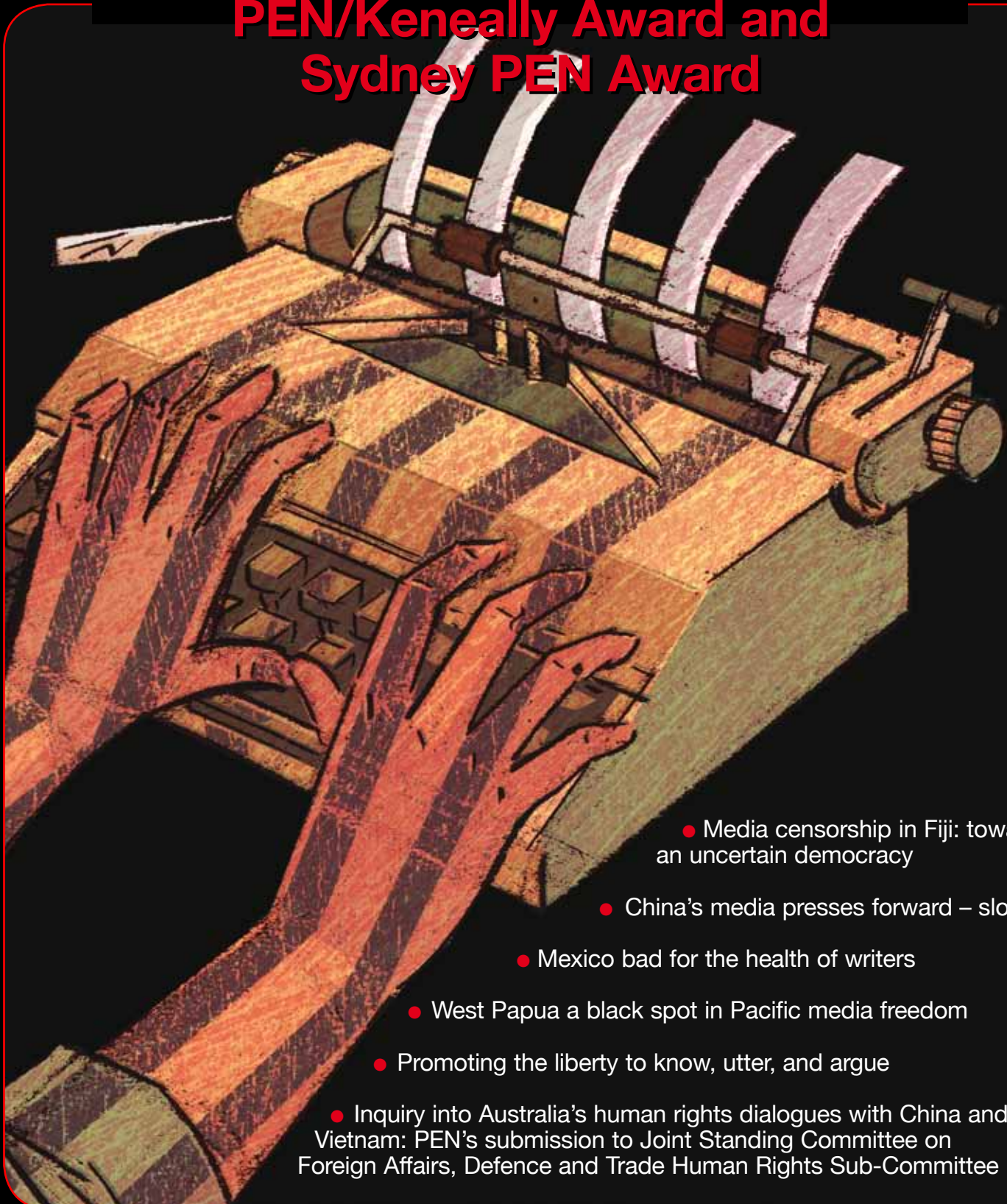




PEN magazine

Acclaimed writers win prestigious PEN/Keneally Award and Sydney PEN Award



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Need for an international body to protect writers' rights



International institutions and governance have grown increasingly important as we connect with each other across the world. Consequently, the role of international non-government organisations (INGOs) is of greater importance as governments and citizens look to them for international policy development, advocacy and advice.

New communications services cross borders and many important issues that confront authors today are international in nature, including responsible freedom of expression, access to books and the internet, cultural diversity, copyright and how we maintain our cultures, traditional knowledge, censorship and literacy. Powerful new intermediaries between authors and their readers have appeared. Litigation and settlements covering authors' rights in one jurisdiction have international application that set important precedents for authors and condition authors' voices in society. How will we sustain creativity in a network communications society?

PEN International, as a worldwide association of writers working to promote literacy and oppose restraints on freedom of expression, is one of many important INGOs doing great work both in our region and throughout the world. PEN International was founded in 1921 and is an authoritative source on matters of free expression. PEN campaigns on behalf of writers who are silenced by persecution, exile or imprisonment, and promotes the written word. It fulfils a crucial mission in freeing writers and advocating on behalf of prisoners of conscience.

There are other important international bodies that also act on behalf of writers, such as The International Federation

of Journalists (IFJ) and Reporters Sans Frontières (RSF). The IFJ was founded in Paris in 1926 and is now the world's largest organisation of journalists, representing around 600,000 members in more than 100 countries. The IFJ advocates for international action to defend press freedom and social justice. Reporters Sans Frontières, or Reporters Without Borders, is a France-based international non-governmental organisation founded in 1985 that also advocates for freedom of the press.

In addition to international journalists' associations, the European Writers' Congress (EWC) provides an important service for European authors on the international stage. Established in 1977, the European Writer's Congress (EWC) is a Brussels-based organisation representing 60,000 members including writers from 58 member organisations and 30 European countries. The EWC campaigns for authors' rights, cultural policy and cultural exchange.

Publishers benefit from the work of the International Publishers' Association (IPA) and the Scientific Technical and Medical Publishers' Association (STM) among others. PEN's vital role is a specialised one and authors do not have a broad world international peak organisation to represent us in international fora.

I call upon authors and their national and regional organisations to form a truly international authors' organisation to protect authors' rights and foster respect for works of the mind. The establishment of an international authors' peak body would complement the work of PEN and other INGOs in protecting the rights of authors everywhere, in the interests of authors and the wider interests of people throughout the world who want to read.

Michael Fraser

Sydney PEN

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Advocate for freedom of speech wins award



Dr Katharine Gelber, Associate Professor in the School of Political Science & International Studies at the University of Queensland.

Freedom of speech is a crucial issue in the national human rights debate in Australia. It is at the apex of the core freedoms considered to warrant protection in any mechanism designed to protect human rights. It is a recognised right in international human rights documents, including in Article 19 of the International Covenant on Civil and Political Rights, but it is not absolute. In international standards as well as national norms and charters, the right to freedom of speech is qualified and restrictions are permitted as long as they are reasonably appropriate in a democratic society, according to Dr Katharine Gelber, Associate Professor in the School of Political Science & International Studies at the University of Queensland.

Dr Gelber, who has long argued the case for protecting human rights in Australia and focused on the challenges and strategies involved in the issue, has been awarded the 2011 the PEN/Keneally Award. The award, presented to Dr Gelber by Tom Keneally at special event marking The Day of the Imprisoned Writer at UTS on November 15, recognises achievement in promoting freedom of expression, international understanding and access to literature as expressed in the Charter of International PEN.

Dr Gelber has spent well over a decade researching and examining freedom of speech. This has resulted in numerous academic publications, including the recently published book *Speech Matters: How to Get Free Speech Right* (University of Queensland Press, 2011), and articles in academic journals including *Political Studies*, *Contemporary Political Theory*, *Melbourne University Law Review*, *Review of International Studies*, *the Australian Journal of Human Rights* and the *Australian Journal of Political Science*.

She is currently engaged in an Australian Research Council funded research project into hate speech laws and their effect on public discourse over time with Professor Luke McNamara (University of Wollongong), and she has recently completed another large ARC-funded project on freedom of speech in Australia.

Dr Gelber has consistently tried to make a difference to freedom of speech beyond the university sector. In 2011 she was the Australian Expert Witness at a United Nations' regional meeting discussing States' compliance with the free speech and racial hatred provisions of international law (specifically, Articles 19 and 20 of the ICCPR).

In 2009 she presented the prestigious Mitchell Oration in Adelaide on the topic of 'freedom of speech and its limits'. She has also made numerous submissions to government

inquiries. Dr Gelber also has an interest in the development of closer links between legal and political scholars, having collaborated extensively with legal scholars in her work. In September 2011 she, with Professor Helen Irving (Sydney) launched the 'Politics and Law Network' to foster collaboration between these two disciplines in Australia.

On receiving the award, she was both honoured and humbled.

"It is wonderful to have my work appreciated. I've been a dedicated promoter of free speech for many, many years in various ways including my writings, submissions to government inquiries and so on. I've also argued for an understanding of freedom of expression that doesn't see it as absolute, but that recognises that, like any other freedom, freedom of expression carries with it responsibilities. This is especially the case for people in the public domain. That's why receiving the award is an honour, to have my work recognised," she said.

"It's also humbling because my contribution in many ways is quite small. I was recently a participant at a United Nations meeting in Bangkok, with activists from the Asia-Pacific region talking about their country's implementation of the free speech and racial/religious hatred aspects of international law. There was a woman Muslim activist from Malaysia, another from India, and a woman MP from a secular party in Pakistan who takes her life into her hands every day simply by expressing her views. It was an eye opening experience that reminded me, again, that so many people do not have freedom of expression."

The biennial the PEN/Keneally Award was established in 2004 in honour of Thomas Keneally AO for his lifetime commitment to the values of PEN. The Award is made possible through the generosity of Mr Keneally and Random House Australia.



Author Tom Keneally, a member of the Sydney PEN Writers' Advisory Panel, and champion of the right to free speech and freedom of expression.

Cover illustration acknowledging *The Day of the Imprisoned Writer* by Tom Jellett

Neurosurgeon wins translation prize

A Hobart doctor with a passion for language and translation won this year's NSW Premier's Translation Prize. Dr Ian Johnston was awarded the \$30,000 prize which is offered biennially by Arts NSW and the Community Relations Commission in association with Sydney PEN.

In congratulating Dr Johnston, the Chair of the Commission, Stepan Kerkyasharian, said, "Dr Ian Johnston is a super-star of translation. He works in fields where few of us could dream of entering – classical Chinese and Classical Greek. Yet, he renders ancient works from those languages in English which makes them accessible to all and eagerly sought out by scholars.

"Australia, with its millions of bi-lingual and tri-lingual citizens, ought to be a world leader in translation but we also have practical needs for this art form. Because we have a continuing migration from non-English speaking source countries, there is always a need for day-to-day translation of documents and of official proceedings, to help the settlement process for new arrivals and to oil the wheels of justice and commerce.

"But on a higher plane we also have a need to know the histories and cultures of our fellow Australians. We ought to be encouraging the study and the love of other languages and of other stories from other places.

"People like Dr Johnston are helping us do that and I am very pleased to see that the judges for this prize described Dr Johnston as a world-class translator whose work is not just scholarly but beautiful, because translation is not just a mechanical process."

Mr Kerkyasharian said the prize is designed to foster the appreciation of the translation profession which is both a key tool of government, business and the law but also purveyor of culture, philosophy, science and history from every sector of mankind.

According to the judges, economist Patricia Azarias, who is a SBS board member and Deputy Chair of the Community Relations Commission, writer and reviewer Sally Blakeney and translator Julie Rose, a former PEN committee member, Dr Johnston's background in medicine informs his work as a translator, bringing the sharpness and precision of a neurosurgeon's scalpel to the extraordinary translation projects he undertakes in both Classical Chinese and Greek.

These include the only complete translation to date into the English language of *The Mozi*, the monumental treatise on the philosophy of Mo Di (c.470BC - c.391BC). Dr Johnston's amply annotated resurrection of this classic is a landmark event, even in China, where Mo Di is known about but little read. It establishes his status as a world-class translator.

They said Dr Johnston's translation involves a mammoth feat of interpolation from the spare Chinese characters, with their minimal 'information', to produce a text that is not only scholarly but beautiful; and that he captures

Dr Ian Johnston accepts the NSW Premier's Translation Prize from the NSW Minister for the Arts, George Souris. Photography courtesy Community Relations Commission.



both the austerity and vivacity of the original without sounding a false note, either of archaism or modernity, making a complex and demanding philosophical tract not only accessible and readable, but compelling.

The same acute sensitivity to tone and nuance and genre is brought to bear on the classical Chinese poetry Dr Johnston has translated, they continued. Two anthologies – *Singing of Scented Grass: Verses from the Chinese* and *Waiting for the Owl: Poems and Songs from Ancient China* – together cover a very broad swathe of time, from the Han dynasty (206BC-221AD) through to the ninth century, each period of language use and style presenting different aesthetic and linguistic challenges for a translator, which Dr Johnston meets with a quietly powerful and humble intelligence that reinvents each poem anew, charging it with life.

Ian Johnston was born at Collaroy, NSW in 1939. An eminent neurosurgeon, he was appointed a member the Order of Australia (AM) for services to medicine. Throughout his career, he pursued a life-long passion with ancient languages, completing a BA Hons in Chinese at Sydney University and a PhD in Chinese.

He says, "Despite the great gulf in time and culture, I find a resonance in the writings of these poets, especially Wang Wei; the feeling of increasing disaffection with public life and sadness at the 'strange mutations' of the world, leading to the wish to spend my life in relative solitude, immersed in the beauties of nature, the writing of verse, and the study of Zen Buddhism.

"If these books have a primary purpose it is to introduce readers to the beauties of Chinese verse as I was introduced to them almost 50 years ago. The richness of the poetic tradition, the variety of form and subject extending back to the *Classic of Poetry* from early in the first millennium BC is unparalleled in any other literature, offering endless reward to those who explore it, either in translation or in the original."

Supporting justice and the power of the individual voice

Professor Gail Jones, Professor of Writing in the Writing & Society Research School at the University of Western Sydney, was awarded the Sydney PEN Award by Professor Julian Disney at the event at UTS marking The Day of the Imprisoned Writer. The Sydney PEN Award was instituted in 2006 to acknowledge outstanding work by a Sydney PEN member in support of PEN's aims.

"My ideological and ethical devotion to PEN has had an ineradicable effect on my thinking about literature," Professor Jones says. "I'm sure that reading each week about the persecution of writers has heightened my sensitivity both to the privileges writers in Australia enjoy and to the deprivations and sufferings that still exist in our global literary community.

"Freedom of speech is something we take for granted; elsewhere it is the site of truly heroic struggles and deeply dangerous, brave and extraordinary acts of cultural assertion. I've always thought that literature might function as a mode of solidarity inasmuch as we're obliged to imagine the lives of others; this is the ethical capacity of writing that PEN recognises and vouches safe in its internationalist charter and spirit."

Gail Jones' engagement with PEN has been at several levels – from the largely invisible act of activist letter writing to a role on the Sydney PEN executive. She says she has a particular commitment to inter-cultural dialogue and exchange, so work on the translation committee has been an important focus of her interests. She believes the inequity in international translations is one of the ways in which broader inequities and silences are perpetuated.

Last year, Professor Jones attended the 76th International PEN Congress in Tokyo with the past President of Sydney PEN, Dr Bonny Cassidy and together they tried to inaugurate a translation exchange with Japan. Dr Cassidy says they had a positive response from the Australian Embassy in Japan and hope it still might one day come to fruition.

Dr Cassidy says she first got to know Gail at PEN through talking with her about ideas for a translation project involving Australian and Chinese writers. "She had a wonderfully open yet real perspective on the challenges and needs of such projects, and generously brought all sorts of contacts and links to the table," she says. "The experience I really treasure, however, was travelling with Gail to the PEN International Congress. As the Sydney PEN delegates, we represented the centre in the congress votes and got to meet other PEN delegates from all over the world.

"We also had lots of talks about writing, teaching and PEN, and felt we spent a productive week wrestling with the organisation's issues and making our voices heard in

the Congress community. I have been very grateful to Gail for generous advice and suggestions that she has made to me as an emerging poet and writer. Most of all, she has an extremely keen sense of diplomacy, justice and the power of the individual voice. These values underpinned her work for PEN, and make her a deserving candidate for the Award."

Gail Jones, who grew up in rural and remote areas of Western Australia, is the author of two books of short stories, a monograph on Jane Campion's *The Piano*, and five novels, *Black Mirror*, *Sixty Lights*, *Dreams of Speaking*, *Sorry* and *Five Bells*.

Her work has been widely translated and short-listed internationally for the Dublin IMPAC and the Prix Femina Etranger. Her most recent novel, *Five Bells*, arose in part as the consequence of a writers' residency in Shanghai in 2008, one of three inaugural Chinese invitations. She has also worked in India, Ireland, the USA and France and lectures and speaks on literature across the globe.

According to Dr Virginia Lloyd, a past President of Sydney PEN, Professor Jones has displayed commitment to the mission of PEN through longstanding membership of the management committee of Sydney PEN. "She has provided ideas, expertise and advice in relation to campaigns and events relating to Chinese writers under threat, detention or harassment, and was especially valuable in developing PEN events at the Sydney Writers' Festival."

As Gail Jones says, "It seems strange at times to write a letter to Hu Jintao, President of the Peoples Republic of China, or to send a Christmas card to a prison in Vietnam or Mongolia, on the fragile hope that someone may read it at the other end, or indeed to volunteer in some local social enterprise simply to enlist more to our cause, these are confirmations of this solidarity and of a kind of ethics of hope. A quote from Walter Benjamin is important to me: 'It is only for the sake of the hopeless ones, that we have been given hope'."

The Sydney PEN Award has been made possible by the generosity of Sydney PEN member Jane Morgan and the support of Mr Charles Wolf, of The Pen Shop, Sydney.



Professor Gail Jones, Professor of Writing in the Writing & Society Research School at the University of Western Sydney.

Passionate defender of human rights

He's been working in the field of digital content and copyright law for over 20 years, but Professor Michael Fraser, Director of the Communications Law Centre, Faculty of Arts and Social Sciences at UTS, fell into his career by answering a consultancy ad for the Australian Copyright Council while working as a part-time philosophy tutor at Sydney University.

"There was a concern about photocopying machines, which were a new technology, and the impact they were having on the livelihood of authors and publishers," Professor Fraser recalls. Although a temporary consultancy position, it was the beginning of his life's work.

"Then the Australian Society of Authors and the Australian Publishers Association asked me if I'd like to put my recommendations into effect," he says. So in 1986, Professor Fraser, the recently appointed President of Sydney PEN, helped establish the Copyright Agency Limited (CAL), a non-profit organisation devoted to protecting the rights of authors, journalists and publishers.

"I saw it as a way of fostering and protecting human rights," he says. "I thought it was important that the community should be able to use the new technologies, but it wasn't fair to the authors and publishers if it destroyed their livelihood."

As the chief executive of CAL, Professor Fraser quickly became aware of the legal side of copyright protections. "I found that in order to do my work," he says, "I needed to study law, because most of the work was legal work."

He then began taking part-time classes at UTS to obtain his law degree while still running CAL. A strenuous schedule, since his duties as CEO required many meetings and much international travel.

"I submitted essays in those days by fax around the world," he joked. "I think I'm the only person who has done a New South Wales property law exam while in Copenhagen with jetlag."

Recalling his careful juggling act of coursework with his CAL responsibilities, Professor Fraser says he was grateful for UTS for its flexibility and practical subject material. "I found that what I learned one day I could apply the following day in my work, so it was a fantastic opportunity."

Despite the gruelling schedule, Professor Fraser admits that acting as the company's CEO for 21 years has awarded him some invaluable experiences.

"The great thing about it is that to work with other people, and to achieve results, you really have to understand other people – their language, their culture, their social, economic and legal framework – and it is very difficult," he says.

Through running CAL, he also came to learn much about the nature of leadership and collaboration.

"You find out that there's nobody in a room, in a tower, with the answers," he says. "That's an important part of being a mature person, to discover that there aren't people somewhere who actually know the answers, that we all have to work to meet the challenges that confront us. And if you don't contribute to it actively, it won't happen."

Professor Fraser has put this lesson into practice through his work in copyright and media law, and has come to be a passionate defender of human rights.

"You know, people have been prepared to die, in fact wars have been fought about privacy, about whether state organisations could collect information about your private life and keep it on file, about the way you lived and the things you did, and what you read," he says. "People have fought hard to protect their privacy so that their lives weren't kept on file."

An outspoken advocate of the human rights of writers, Professor Fraser has chastised companies and government agencies for improperly handling the creative works of authors and journalists, and has warned that copyrights and digital content laws will only become more important as communication technology continues to evolve.

"It's the question of our age," he says. "Will the technology manage us, or will we manage the technology? There are public issues at stake as to how this technology is deployed, and who benefits by it. Do we in effect want any corporation to control the most precious resource of mankind, or is this something that we want to manage through the public lending library system, with public interest norms driving the public policy development?"

For his continued service to the arts and promoting the interests and rights of authors and artisans, Professor Fraser was awarded the Member of the Order of Australia on Australia Day last year. When



Michael Fraser

asked about the award, he smiled but refused to take full credit.

"I think it was because of the contribution of the work I did with my team for copyright law and practice in Australia to protect and drive creativity and innovation in Australia," he says.

Michael Fraser now helps teach his students at UTS about the need to maintain the rights and liberties of artists throughout Australia. He also remains deeply committed to his work in copyright law and digital content rights: he is the chairman of many organisations, including the Australian Communications Consumer Action Network, the primary body that represents consumers in communication issues. He also continues to contribute to government policy development and act as an international speaker.

Currently, his focus has been on ensuring the rights of consumers and companies on the Internet.

"Large swathes of the Internet are becoming badlands, where some of people's worst impulses are on display and criminals take advantage of people, hiding behind anonymity."

According to the Professor, defending and protecting the rights of all who use the web is more important now than it's ever been. "If we don't, it will be just a third rate place where people will be afraid to go, and all the infinite potential that it has for creativity, commerce and social development will not bear fruit. It's a question of how we handle the wonderful prospects of the new technology."

James Hart

Profile: Zoe Roberts

Taking a stand against the status quo

Zoe Roberts, the newly appointed Executive Officer of Sydney PEN, grew up in the close-knit community of Surry Hills in Sydney and attended Sydney Girls' School. She graduated from Sydney University in 2005 with a degree in Economic (Social Sciences) and First Class Honours in Gender Studies.

It was her Honours thesis, on the politics of compassion in Australia, which started her on a track towards campaigning and advocacy. "As part of my thesis I learned about Aid/WATCH and other organisations that don't have a high profile in mainstream media, but really punch above their weight in terms of research and campaigning," she says. The thesis was written in the aftermath of the Boxing Day tsunami of 2004, and Zoe says she was fascinated by the outpouring of compassion. "Everyone had been talking about 'compassion fatigue' when it came to refugees, like the Tampa affair in 2001. Then the tsunami happened, and ordinary people came out and organised these huge fundraisers. Why are Australians so generous and yet sometimes so xenophobic?"

At 23, she began volunteering for Union Aid Abroad-APHEDA, the overseas humanitarian aid agency of the ACTU, and eventually became the National Administration Officer. "APHEDA works by partnering with existing organisations in low-income countries, so it really is about solidarity and self-reliance. I've been inspired by the projects I've seen and the people who work there are really commit-

ted," Zoe says. She counts herself fortunate to have seen the organisation's success on the ground on her trip to Timor-Leste in 2008, where she visited projects including a literacy program for rural women, and vocational training sites in carpentry, bike mechanics and agriculture. A highlight was seeing the women's literacy program operated by a group of women volunteer students from the University of East Timor, Grupo Feto Foins'ae Timor Leste (GFFTL).

In mid-2011, Zoe joined PEN as Executive Officer, and says she enjoys it immensely. "I get to communicate with people from all over the world, and hear and share the latest updates about events and news from writers." She is particularly enjoying the fresh challenge of campaigning on behalf of PEN and is passionate about working towards freedom for imprisoned and persecuted writers. "It's encouraging to know what we can do with International PEN to make a difference," she says.

Today Zoe also serves as Treasurer on the Committee of Management for Aid/WATCH, an independent watchdog of Australian aid.

Kate Naughton



Zoe Roberts

The pursuit of ideas

Jennifer Hamilton, appointed this year to Sydney PEN's management committee, is in the process of finishing a PhD in English at the University of New South Wales. She is also an external director at Serial Space in Chippendale – an artist-run initiative facilitating sound, experimental music, electronic, new media and performance art.

Earlier in the year she devised the work 'Walking in the Rain' for Sydney's Performance Space and she is currently working on a performance lecture piece exploring the relationship between the form and content of lectures as well as writing freelance pieces for *New Matilda*, *Southerly* and the *Australian Reader*.

Not surprisingly, she acknowledges she's terrible at over commitment, but revels in all her current projects, saying, "I enjoy all of them so it's not like work."

Pia van Gelder, one of her oldest friends and a colleague at Serial Space thinks curiosity drives Jennifer's diversity of pursuits, saying: "She has an unnaturally large retention for information; it must be like a thick jungle in that brain. She has an enormous amount of things that motivate her, but her thirst for knowledge and to support others seems the most prominent to me."

And it's her curiosity and fascination with meteorology and weather that spawned her thesis topic – the storm in Shakespeare's *King Lear*.

"I'm looking at the history of meteorology and how radically it's changed over time, and how our understanding of the weather has changed, and how that's impacted on the way in which we understand the Lear story, which is kind of like a master narrative in our western imagination," she says.

Jennifer worked at Tamarama Rock Surfers (TRS) Theatre Company from 2007 to 2009 and eventually took over as general manager. She left to return to her studies and artistic pursuits and describes the decision to do so as one of her most difficult.

"It was probably the most important decision I've made to date," she says, adding that she had put her PhD on hold while she

was at the theatre company so had to make a clear and intentional decision to go back to it.

Previously she directed a play by Australian author Linda Jaivin. Titled *Halal el Mashakel*, which literally translates as 'problem solvers', the play was about the experience inside the Villawood detention centre. When PEN contributed funding toward the production, it was the first time she came across the organisation.

Having joined PEN, Jennifer says human rights have always been a keen interest of hers. Her friend Pia says she was interested in human rights even as a teenager. "We were in the Amnesty International club together in high school. We attended protests together. She has always made an effort to practice her politics and work towards social justice," Pia says.

In describing her duties as a PEN committee member, Jennifer says, "Earlier in the year we had to write submissions for the Australian Government's enquiry into the relationship between Australia and China. I helped draft some profiles on some writers in prison, Liu Xiaobo and Tibetan writer Tashi Rabten."

In discussing her views around the impact of technology on freedom of expression, she says, "This is something I'm really interested in. On the one hand it [technology] opens up new avenues for speech, and on the other hand it opens up new avenues for oppression and so it's tricky. Constant vigilance is required from people who care about the issue."

Jennifer says through her work with PEN she is hoping to attract a younger, new generation to the organisation while remaining focused on the writers in prison program.

"It's constantly on the table. We talk about how we need to keep PEN on the radar, and keep pressure on governments to bust people out of gaol. That's kind of our ultimate function, it's not just to advocate free speech," she says.

"PEN expresses this fundamental political belief that I have in freedom of speech which, you know, relates to my academic writing."

Emily Cantrill

An idealist with a realistic approach

Joel Gibson is tall, with smiling blue eyes and a head of strawberry-blonde curls, and for someone whose job keeps him perpetually busy, he comes across as remarkably laid back. He is the Opinion Editor at the *Sydney Morning Herald*, and recently appointed committee member of Sydney PEN. Despite his casual demeanour, he is strongly committed to the ideals of his profession.

"I wanted to get involved with PEN because writing is my passion, and I'm appalled that people can have their liberties deprived because of what they've written," he says.

It was while studying arts and law at Sydney University that this passion for writing took hold. He majored in English literature and wrote his honours thesis on film adaptations of literary novels, with a focus on Jane Austen's *Emma*.

"I really enjoyed writing my thesis, being able to work on something without being given too many parameters, being left to come up with an idea and research it," he says.

It was a stroke of luck for him that *Emma* appeared as an elective on the HSC syllabus the following year, resulting in a plethora of speaking engagements and other opportunities for him to share his specialist knowledge of the book.

He also began to get articles published. "That's probably when I got the bug," he recalls. He had planned to go back to complete his final two years of law, but decided he wanted to pursue a writing career instead.

Two years after completing his honours, he scored a cadetship with the *Sydney Morning Herald*. He has worked there ever since, including a stint as the Legal Affairs reporter and, prior to that, Indigenous Affairs reporter. He also spent a year in Fiji and continued to work for the newspaper, filing stories on everything from sipping kava while island hopping, to attending the funeral of the King of Tonga.

What does he like most about being a journalist? "The people, mainly; they're interesting people. They're engaged, they think about things," he says. "But also, you get to meet interesting people you may not otherwise get to meet. And you get to ask them impertinent questions. Sometimes they answer them," he laughs.

When he was five, Joel Gibson's family moved from Jindabyne to Sydney's inner west, where they lived in various suburbs including Burwood, Strathfield and Leichhardt. He now lives in Maroubra with his wife, Louise Pounder, who is a government lawyer, and their 16-month-old daughter, Frankie.

According to his wife, Joel is a devoted father. When his daughter was six months old, he took up his newspaper's

offer of 10 weeks paid paternal leave for new fathers. Of his time with Frankie, he says,

"We got to know each other pretty well. It was in the summer last year, so we went down and swam in the rock pool every day. It was good."

Now he is so convinced of the benefits of paid parental leave, he believes it should be much farther reaching.

"I gave a talk at an industry event called the Battle of Big Ideas. My big idea was that it should be compulsory for everyone to take family leave every year, even non-parents, to help a family member or a friend."

He also thinks Australian fathers could take a leaf out of the books of Dutch dads. In the Netherlands, one third of men work part-time or fit a full-time job into four days.

"There's no reason why it couldn't work here," he says. "But you'd need a massive change of culture and someone would have to take it up as an issue politically."

Joel Gibson admits he has an idealistic streak. "I think you can still afford to be pretty idealistic at a broadsheet. Sometimes there are commercial realities, you can't always publish what you like, but we don't get a great deal of interference which is refreshing," he says of the *Sydney Morning Herald*.

It is this appreciation of press freedom that motivates his work with PEN, and he hopes to use his media skills, knowledge and networks to promote the organisation.

"I want to help get the message out there more broadly in the media, in both mainstream media and social media. Also to help get more journalists involved, because I think a lot of journalists would appreciate the goals of PEN," he says.

"We take it for granted in Australia that you can say and write what you want. I can't even begin to imagine living in a place where you can be locked up for what you've written."

Amy Janowski



Joel Gibson is committed to spreading the PEN message.

Photograph by Amy Janowski

Comedian and poet Zargana released

PEN International welcomed the release of leading Burmese comedian and poet Zargana on October 12 as part of a widespread general amnesty and now calls for all restrictions against Zargana to be lifted, and for the immediate and unconditional release of all those who remain detained in Myanmar in violation of Article 19 of the United Nations Universal Declaration of Human Rights, protecting the right to freedom of expression.

According to International PEN's information, Zargana, who is an honorary member of English, German, Canadian, Swiss-Italian, Sydney, American, Scottish and Danish PEN, was among the first to be freed as part of a widespread general amnesty that started on 10 October. Speaking to the BBC shortly after his release, Zargana described his release as conditional: "If I do something wrong they will send me back. I'm not happy today because there are so many of my friends still in prison," he said.

Zargana is Burma's leading comedian, popular for his political satires. He spent several years in prison in the early 1990s for his opposition activities, when PEN first took up his case. Zargana, whose pseudonym means 'tweezers' and refers to his years spent training as a dentist, was first arrested in October 1988 after making fun of the government, but freed six months later. However, on 19 May 1990, he impersonated General Saw Maung, former head of the military government, to a crowd of thousands at the Yankin Teacher's Training College Stadium in Rangoon. He was arrested shortly afterwards, and sentenced to five years in prison.

He was held in solitary confinement in a tiny cell in Rangoon's Insein Prison, where he began writing poetry.

After his release from prison in March 1994, Zargana was banned from performing in public, but continued to make tapes and videos which were strictly censored by the authorities. In May 1996, after speaking out against censorship to a foreign journalist, he was banned from performing his work altogether, and stripped of his freedom to write and publish. He was briefly detained from 25 September to 18 October 2007 for his support to the monks demonstrating in the capital, Rangoon.

Zargana was arrested on 4 June, 2008, after leading a private relief effort to deliver aid to victims of Cyclone Nargis which struck on 2 May. He was sentenced to 59 years in prison, commuted to 35 years, for his outspoken criticism of the government's slow response to

the cyclone, and his opposition activities.

He is among a number of leading dissidents to have been convicted in November 2008 in special courts in held inside Insein prison, many to staggeringly harsh sentences. They include journalist Zaw Thet Hwe, poet Saw Wei and musician Win Maw. It is not known whether they are to be included in the amnesty. On 11 October, a government spokesman said that over 6,000 prisoners would be freed, although a list of those to be released has not been published and it is not clear how many will be political detainees.

Anna Politkovskaya remembered

October 7 marked the fifth anniversary of the murder of acclaimed journalist, author and human rights advocate Anna Politkovskaya who was shot dead in the elevator of her Moscow apartment in 2006. To mark the occasion PEN International renewed its calls on the Russian authorities to end the impunity of those responsible for the killing.

Anna Politkovskaya had been receiving threats since 1999 when she began chronicling the alleged human rights abuses by the Russian armed forces in Chechnya. However, she continued to cover the conflict, publishing *A Dirty War: A Russian Reporter in Chechnya* in 2001 and *A Small Corner of Hell: Dispatches from Chechnya*, 2003. She has also been a highly vocal critic of Vladimir Putin, describing the then President as a 'power-hungry product of his own history in the armed forces', in her powerful 2004 book *Putin's Russia*. Her work led to severe harassment at the hands of the Russian authorities.

The trial of three men accused of carrying out the killing, Rustam Makhmudov, Dzhabrail Makhmudov and Sergei Khadzhiburbanov, began on 17 November 2008. All three were acquitted due to a lack of evidence on 19 February 2009 after a trial which has been described as seriously flawed.

However, in May this year, one of them, Rustam Makhmudov, was rearrested and three months later, in August, the former head of surveillance at Moscow's Main Internal Affairs Directorate Lt. Col. Dmitry Pavlyuchenkov was also detained. Convicted criminal Lom Ali Gaitukayev was also named as having been involved.

Despite this apparent progress in the case, it remains unclear whether the investigative committee plans to charge Gaitukayev in connection with the killing and the identity of those who approached him in order to carry out the murder still remains unknown.

"We honour Anna Politkovskaya's memory with vigilance and we insist upon justice for her," said Marian Botsford Fraser, Chair of Writers in Prison Committee of Pen International, "She was a fearless defender of the truth, and so we must continue to demand the truth behind her murder".



Zargana



Anna Politkovskaya

Media censorship in Fiji: towards an uncertain future

Freedom of expression is often cited as the cornerstone of democracy, and the enjoyment of the right to freedom of expression is necessary for the enjoyment of a number of other rights. Fijian Prime Minister Commodore Frank Bainimarama has promised democratic elections in 2014, however without a functioning media and the effective protection of freedom of expression, these elections will be inherently undemocratic. The World Bank has highlighted independent media as an essential factor in good governance: "independent media are a crucial pillar of good governance, and a critical link in the accountability chain between the government and the governed." The UK Department for International Development has also emphasised the importance of a strong media in effective governance and the elimination of poverty. Recent calls for Australia's increased engagement and dialogue with Fiji must therefore crucially be accompanied by a multifaceted, comprehensive strategy supporting media freedom.

Despite isolationist measures by Australia and other actors within the region, along with the clearly deteriorating status of media freedom in Fiji, public outcry is still lacking in the region. A more collaborative approach must be coupled with the removal of media regulation and increased dialogue within the region about the actions of the regime – including publicising clear human rights violations.

Although Bainimarama has voiced his commitment to holding democratic elections in 2014 a number of times, he has also said that he doesn't trust the people of Fiji and that in order to restore democracy the government would need to "shut some people up". Even in the unlikely eventuality that a different government is elected in 2014, Bainimarama has indicated that the military would monitor the new government "to see the path taken by the new government is on the same track". Notwithstanding the potential that the promised democratic elections of 2014 will not occur, Australia must nonetheless capitalise on Fiji's stated need for assistance, by providing support in exchange for guarantees of progressive removal of media censorship.

Freedom of expression in Fiji – just the good news, thanks.

Fiji has ratified a number of international conventions, including those on the Rights of the Child, the Elimination of Racial Discrimination and the Elimination of Discrimination against Women. Fiji's 1997 Constitution also has a Bill of Rights and guarantees the fundamental rights to freedom

of expression, assembly and association. However, prolonged internal tensions between the indigenous Fijian and Indo-Fijian communities have led to escalating political instability and a context in which human rights protections are increasingly disregarded.

Fiji has experienced four coups in the last 14 years – in May and September of 1987, another in May 2000 and most recently in December 2006.

This unrest has particularly impacted upon the right to freedom of expression, with media censorship now the norm. In the 2010 Press Freedom Index, Fiji ranked 149 out of 178 countries. Censorship of the media began with the first military coup,

which resulted in the closure of the Fiji Sun, Fiji's second oldest newspaper, in addition to the beginnings of self-censorship in other media outlets. Amnesty International, Human Rights Watch, the US State Department and other observers have reported violations of a number of human rights protections including those against arbitrary arrest and detention, freedom of assembly and freedom of speech and the media.

The abrogation of the constitution and the response from the media.

In April 2009, the Fiji Court of Appeal ruled that the interim government was unlawful. In response, President Iloilo abrogated the constitution, terminated the appointments of all judicial officers appointed under its provisions and reappointed Bainimarama as Prime Minister. The government then instituted the Public Emergency Regulations (PER) and gave unprecedented powers to the Permanent Secretary for Information, Lieutenant Colonel Neumi Leweni. Under the PER, a media outlet may have its license revoked if it prints, publishes or broadcasts anything considered to portray the government negatively. Bainimarama stated publicly that freedom of speech "causes trouble" and had to be curbed to allow the military government to do its work.



Alison Martin, a postgraduate student at the University of NSW, completed this study on media censorship in Fiji as part of her participation in the Human Rights Internship Program offered by the UNSW Faculty of Law in co-operation with Sydney PEN.

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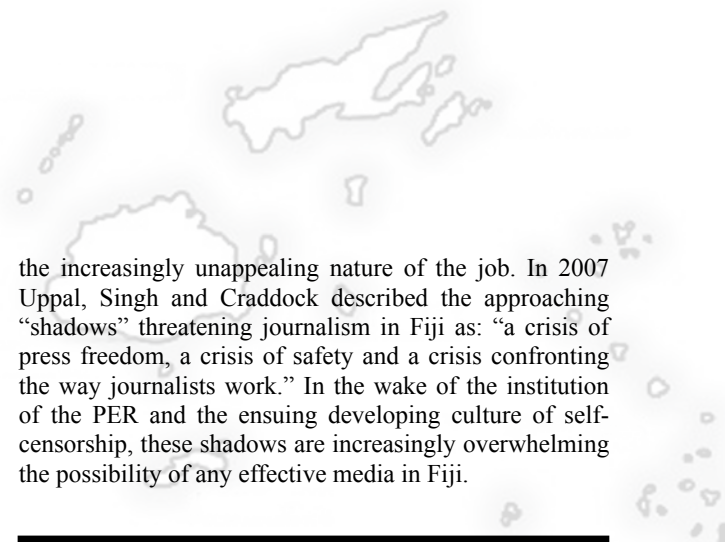
Amnesty International reported on the intensification of media scrutiny and censorship immediately following the abrogation of the constitution, when police and government officials entered newsrooms: “Journalists who failed to adhere to the PER were detained, threatened and intimidated by government and security officials.” In its Universal Periodic Review before the UN Human Rights Council in February 2010, the regime stated it would cease extending the Public Emergency Regulations, however has done so every month since.

The Media Industry Development Decree 2010 (MIDD) further entrenched existing censorship with the establishment of the Media Industry Development Authority (MIDA) and a statutory Media Tribunal to judge complaints against media. Aimed predominantly at controlling media ownership and management, the MIDD restricts foreign ownership to 10 per cent of a media organisation. This provision is considered to have specifically targeted the oldest and most influential daily paper, the Fiji Times, then owned by News Limited and which consequently had to sell its majority share to local interests. A number of journalists have responded by going online, however internet cafes have been shut down to restrict independent news bloggers.

Arguably the greatest threat to media freedom in Fiji is now self-censorship, with the MIDD creating compelling deterrents to incisive reporting on the military and the government in particular. Former deputy editor of the Fiji Times Sophie Foster cited a survey she carried out, in which all journalists questioned stated they were not able to report freely. Such “self-censorship” may manifest in journalists being selective about the type of stories they cover, or simply about the way in which they cover stories about the government and military. Another danger is the loss of quality journalists in Fiji – those who may have been either expelled or chosen to leave due to the regulations, or those who will choose not to become journalists due to



Fijian Prime Minister Commodore Frank Bainimarama



the increasingly unappealing nature of the job. In 2007 Uppal, Singh and Craddock described the approaching “shadows” threatening journalism in Fiji as: “a crisis of press freedom, a crisis of safety and a crisis confronting the way journalists work.” In the wake of the institution of the PER and the ensuing developing culture of self-censorship, these shadows are increasingly overwhelming the possibility of any effective media in Fiji.

Response from the United Nations, civil society organisations and regional institutions: “the long-term damage of undermining such fundamental institutions as the judiciary and the media cannot be underestimated.”

Navi Pillay, UN Human Rights Commissioner (2009)

The UN Human Rights Commissioner has called for the return to the rule of law, the reinstatement of judges and the lifting of restrictions on the media. In its submission to the UN Universal Periodic Review in 2009, Human Rights Watch reported: “The Fiji government is habitually violating rights to freedom of expression, association, and assembly by arresting and detaining people under the Public Emergency Regulations.” Amnesty International also noted: “short term arrests and intimidation are used to suppress freedom of expression.”

Following the 2006 coup, both the Asia Pacific Forum of National Human Rights Institutions and the International Coordinating Committee of National Institutions questioned the independence of the Fiji Human Rights Commission. In response to calls for its review, the Commission resigned from both. Explicit evidence of the Fiji Commission’s lack of objectivity can be seen in a letter sent from the Commission to Mr. Rahul Krishna Raju in regards to alleged assaults, abuse and harassment by members of the military and police. The letter states that the Commission could not proceed with the claims: “as the suspects in this case are the agents of the State [...] currently protected against any investigation, prosecution and investigation under the Public Emergency Decree 2009, the Crimes Decree 2009 and the Fiji Human Rights Commission Decree 2009.”

The regional media body, the Pacific Islands News Association, PINA, although once respected as a defender of media freedom in the Pacific, has since had its independence compromised. Despite initial attempts by the PINA board to suspend Fiji, its secretariat is still based in Suva and the Fiji Ministry of Information (the body responsible for censoring the media) continues to be a financial member. PINA’s president, Moses Steven, also failed to criticise the draft media decree.

“the entrenchment of authoritarian rule indifferent to criticism has become a dangerous model for the region and the global community.”

Kurt Campbell, United States Assistant Secretary of State for East Asian and Pacific Affairs.

It is clear that measures taken by the international community have thus far been ineffective. Australia’s policy toward Fiji is largely unchanged since the 2006 coup: “Canberra’s response to the coup – then and now – is designed to persuade the Fiji government to hold elections, protect the Fiji people and restore democracy to the country.” Australia’s inability to encourage Fiji to hold democratic elections has been noted as a major diplomatic failure. Australia condemned the military’s unconstitutional removal of Fiji’s elected government in 2006, the abrogation of Fiji’s Constitution in April 2009, and abuses by the military government. In response to the events of 2009, Fiji has had sanctions imposed by Australia, New Zealand, the United States and the European Union. Fiji has been suspended from the main regional group, the Pacific Islands Forum, in addition to the Commonwealth of Nations.

As it becomes increasingly clear that existing measures and sanctions have been ineffective in protecting human rights and reinstating democracy, there have been recent calls for policy change: “Australia’s tough-love policy towards Fiji has failed to persuade the government of Voreqe Bainimarama to restore democracy to Fiji and may even be helping to entrench his regime. The Fiji government, resistant to external pressure, has instead developed new allegiances and partnerships which undermine Australia’s influence.”

Australia’s isolationist policies appear to have fortified Bainimarama’s regime against outside influences – a concerning trend that must be addressed: “crucially, is Fiji veering towards a long-term authoritarian regime, as in Burma or under Suharto in Indonesia? If so, presumably the best policy would be to keep channels as open as possible, and to try to counter trends towards isolationism.”

However, an approach which involves opening dialogue with the military regime would be at odds with Australia’s reluctance to be seen as supportive of it: Foreign Minister Kevin Rudd has said that Australia is “not in the business of legitimising what has been a very ugly military coup.”

Australia is clearly reluctant to impose measures that will create suffering for the Fijian people, however this reluctance – although well founded – has served only to strengthen Bainimarama’s position. An unwillingness to punish the Fijian people for the stance of its government has manifested in the softening of sanctions and other isolationist measures, thereby hampering their effectiveness by weakening and limiting their impacts.

Instead of continuing with variations on already ineffective policies, Australia should instead adopt entirely different strategies which embrace a more collaborative and objective-oriented approach. United States Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell recently stated that the US would now: “seek more direct engagement with Prime Minister Bainimarama to encourage his government to take steps to restore democracy and freedom that would allow movement toward normalization of Fiji’s relations with other countries in the region.”

The ineffectiveness of current measures is becoming increasingly clear and accordingly acknowledged, with recent calls for Australia to focus on supporting democracy rather than continuing to make ineffectual demands for elections. Hayward-Jones states that Australia should build a coalition of partners to assist with constitutional drafting and electoral reform and should also begin an Australia-Melanesia-Indonesia leadership dialogue: “the Australian government should build and lead a new coalition with traditional and non-traditional partners which works with Fiji to develop a package of assistance for electoral and constitutional reform. The Foreign Minister should foster support for this new approach in the region and with other key international partners.”

It is imperative that such collaborative approaches must be balanced by the need to reinstate media freedom, remove draconian media laws and ensure that all Fijian citizens can access unbiased information. The proposed elections cannot be genuinely democratic unless great progress is made in media freedom.

Fraenkel also argues this approach is a “rehash” of a failed policy adopted immediately following the 2006 coup. This involved the adoption of a “road map” toward elections in 2009, allowing the continued flow of aid. Fraenkel argues this approach is fundamentally flawed because it requires the prospect of genuinely democratic elections; however Bainimarama has stated that he will not allow any established politicians to contest the elections.

If Fiji’s regional neighbours – led by Australia – are willing to take a stronger line on requiring the removal of draconian media censorship laws in exchange for providing practical support and cooperation on a timeline for democracy, they can expect support from Fijian citizens. Australia could therefore garner great support from the Fijian people, who are clearly frustrated with the state of their media. Considering the moral imperative to

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encourage the protection and promotion of freedom of the media, there must be some show of solidarity from the international community in helping to address the power imbalances that allow such regulations to persist.

Thus increasing collaboration and dialogue is in Australia's interest, whilst being aligned with its objectives of supporting a transition to democracy. Similarly, however, the danger of increasing collaboration and dialogue without an attendant focus on lifting media censorship is that such dialogue might be confused with legitimisation of the regime's draconian actions. Further, the one-sided nature of publicly available information means that the regime has everything to gain from its cooperation with its regional neighbours, without any risk of scrutiny over its actions.

The United States has already taken a more inclusive position, accepting Bainimarama's timetable for elections and stated it will cooperate to support its achievement. Clearly, Australia's current strategy of isolating Fiji can only be effective if it operates as part of a broader regional strategy – therefore the clear moves by other countries to increase cooperation with Fiji (most notably the United States and also nearer neighbours such as Indonesia) must accordingly influence a reshape of Australia's approach. Policies must incorporate organised and coordinated regional responses which balance pressures on the Fijian government with capacity building and direct engagement with the media to work toward reinstating freedom of expression.

Crucially, this strategy must involve the reintegration of the Fijian Human Rights Commission into the regional and global associations of human rights institutions (the Asia Pacific Forum and the International Coordinating Committee of Human Rights Institutions). Relationships must be re-established to work toward the full independence and effective functioning of the Commission, including a cooperatively formulated road map for its reaccreditation of the Fiji Commission, in line with the Paris Principles. Without such reintegration, the Fiji Commission will continue to lack independence,

effectiveness and accountability (as clearly evidenced in Rahul Raju's unattended complaint).

Similarly, Fiji should be progressively incorporated in the regional media association PasiMA, which might in turn be empowered to greater influence and effectiveness in the region as part of a more concerted strategy for building media capacity within Fiji. Support and assistance provided by PasiMA must again be proffered in exchange for increased accountability in regards to standards of media freedom.

Imperative to this discussion is a deeper consideration and examination of the intrinsic role of the media within a nation of such political upheaval as Fiji. Interestingly, Shailendra Singh from the University of the South Pacific Journalism School contends that "western-style" reporting is not necessarily appropriate in countries such as Fiji, where political instability can be further fuelled by the media: "Misreporting, hyping up, or sensationalising conflict may not result in a coup or riots in well-entrenched democracies, or homogenous societies. But it can devastate fragile, multiethnic societies such as Fiji. And, we have seen some terrible examples of this in some African countries."

Indeed, encouraging revolutionary protest may serve to heighten the regime's existing censorship and increase the incidence of human rights violations. Singh says that calls for Fijians to stand up to Bainimarama and the government are ill-advised and potentially dangerous, noting Fiji's propensity to violence and unrest: "A rebellion is the last thing Fiji needs. Citizens would only be exposed to more violence and suffering." Similarly, although clearly coming from a different perspective, Professor Subramani (Fiji's Media Industry Development Authority chair) has criticised the media for covering a disproportionate number of stories about conflict. Singh highlights the importance of education of media professionals: "we have to groom people who can analyse and comment on the media — people trained to carry on discussions and debate such as this one because such dialogue has to be ongoing."

security forces in countries where Australia assists such forces. Indeed, as a close neighbour and one with specific interests within Fiji, Australia is both morally and often also practically responsible for the actions of the regime.

Moving forward: media development, good governance, democracy.

Actors within the Asia Pacific region, as well as those further afield, clearly have political and moral imperatives to act. Recognising the extreme difficulty of engaging

with a military dictatorship, actors within the region must nonetheless formulate strategies to do so effectively within a broader plan to progressively support the reinstatement of democracy and media freedom. The region must work to facilitate capacity building and empowerment of the media through methods such as journalist exchanges and creating opportunities which optimise the possibilities of social media. In contrast to supplanting "western-style" reporting expectations onto Fijian media, a more collaborative approach could progressively create a framework better suited to supporting Fiji's "fragile multi-ethnic" society.

This would work toward a more achievable and relevant form of media freedom; one less threatening to the existing regime and therefore more likely to inspire collaboration and cooperation. It has been noted within broader development discussion (not specific to Fiji) that engagement in media and communications assistance from development agencies is fragmented and marginal. It is therefore particularly crucial that strategies are carefully developed in line with development objectives.

One potential avenue for engagement that would be unthreatening to the regime might be increasing local media capacity to cover international news stories with relevance to Fiji. The MEDleA research has highlighted the need for more local coverage of major external issues: "The lack of local media coverage of the external driving forces of change on poor countries – international trade, climate change and global health, for instance – is generating deficits in governance through continued public disengagement in these issues." Contributing to programs which broadly support media capacity building within Fiji can potentially create flow-on effects when the country's governance is more stable, by supporting more robust reporting and scrutiny.

Alongside working to improve media freedom in mainstream outlets, Australia's approach must also include innovative strategies for connecting directly with Fijian citizens and disseminating unbiased information to allow them to make informed decisions. Strategies aimed at engaging Fiji's youth are imperative in improving governance and supporting the development of democratic processes. However, alternative media avenues such as blogs and Twitter also have their own dangers and limitations.

Although providing valuable and accessible avenues for citizens to voice dissent, if left unregulated they can also become tools for inciting violence or further destabilising the country. Such channels may also further entrench censorship by strengthening the government's resistance to freedom of the media, in addition to provoking increased incidences of human rights violations: "in the absence of a free media, blogging becomes a favourite mechanism for political resistance and this has provoked the fury of the interim government to take draconian steps to block and close down antigovernment blogs." In Fiji, bloggers critical of the military government have also been censored. Nonetheless, the negatives aspects of

utilising social media channels are outweighed by their far-reaching potential: Hayward-Jones notes that a recent study found that 110,000 Facebook accounts originate in Fiji, with annual growth is expected to exceed 75 per cent.

Removing censors from newsrooms

There appears to be some consensus around the need to remove censors from Fiji's newsrooms. The International Federation of Journalists and the Pacific Freedom Forum both say that official censorship of the country's media by the coup-installed interim government should be lifted. Fiji's own Media Industry Development Authority chair, Professor Subramani, has said he also would like to see censors removed eventually, but first there needs to be a dialogue about the way the media operates."

In summary, current measures adopted by Australia and other actors within the region have been clearly ineffective in supporting democracy and freedom of the media within Fiji. Recent calls from within Australia for an increased dialogue with Fiji are well founded and aligned with the approaches of a number of other actors in the region and internationally. However, recommendations to re-engage with Fiji only address part of the problem.

It is increasingly clear that existing challenges are worsened by the absence of an effective media, which is free to facilitate crucial dialogue and inform citizens. Increased dialogue with the regime must be accompanied by requirements for the progressive removal of media censorship laws, including the removal of censors from newsrooms.

Challenges clearly exist in engaging with the Fijian regime. However, through utilising a number of innovative strategies concurrently – including social media, blogging and other avenues – Australia can operate more constructively within a context in which its motives are clearer to Fijians, who are in turn better informed on their democratic options. The absence of a focused and diversified strategy for the achievement of media freedom in Fiji will serve to strengthen and further entrench Bainimarama's authoritarian regime. By blindly engaging with the government, Australia risks implicitly legitimising it.

Any strategy aimed at improving dialogue and engagement with the Fijian government must be directly associated with concerted, comprehensive programs supporting the protection and promotion of freedom of the media. This must also include strict stipulations around the provision of support and assistance for the transition to democracy being conditional upon the progressive removal of draconian media censorship laws.

Alison M. Martin

When Mexico is bad for the health of writers

PEN International continues to protest against violence against journalists and writers, and particularly over the impunity that prevails despite numerous assurances of investigation and respect for freedom of expression. PEN International's Congress in Belgrade on September 12-18 condemned the lack of action from the Mexican government to stop killings of journalists and writers.

Mexico has not only become one of the most dangerous countries in the world for journalists, it has also become a champion in impunity. Since January 2004, 42 print journalists and two writers have been murdered, while 10 print journalists have gone missing in the same period. Seventeen of the killings and four of the disappearances have occurred since January 2010, and an increasing number of journalists have been threatened, harassed and attacked amidst an atmosphere of growing violence. Furthermore few if any of these crimes have been properly investigated or punished, leaving the authors of the crimes free to strike again.

The Assembly of Delegates of PEN International said it is saddened and outraged by the continued murders and disappearances of journalists and writers, by the continued threats and harassment against them and by the Mexican authorities' notorious passivity in investigating these crimes. The state seems to lack the will to protect journalists and writers in danger, even after they have received explicit threats.

This stands in a grotesque contrast to official Mexican discourse that presents Mexico as a human rights champion. Mexico has signed and ratified more than 20 human rights treaties and considered more than 1,000 recommendations from various national and international human rights organizations. That is the humane façade the Mexican government presents to the world.

An increasing number of delegations from international organizations and institutions

have visited Mexico in recent years to investigate and protest the continued and increasing violations of human rights and freedom of expression. The government has responded with toothless reforms and a rhetoric of high-sounding recommendations, a strategy which according to the report *Corruption, Impunity, Silence: The War on Mexico's Journalists*, published in a joint effort by the Faculty of Law at the University of Toronto and the Canadian Centre of PEN International, has led to more deaths, human rights violations and limitations on freedom of expression (the report can be viewed at <http://tinyurl.com/6bmcqk>).

A few recent examples

In 2006 a special prosecutor's office for attention to crimes committed against freedom of expression, FEADL (Fiscalía Especial para la Atención de Delitos Cometidos Contra la Libertad de Expresión), was created, and in July 2010 further strengthened as a response to increasing pressure and criticism. However, this apparently encouraging initiative has proven to be hollow and all but worthless. The special prosecutor has no formal powers to investigate crimes or to lay charges and since its creation the office has averaged only one prosecution a year. Thus crimes against freedom of expression remain unpunished. The special prosecutor's office is an insult to the victims.

When journalist and writer Lydia Cacho Ribeiro published her 2005 book on child pornography in Mexico (*Los Demonios del Edén: el poder detrás de la pornografía - The Demons of Eden: the power behind pornography*), she was illegally arrested, detained, abducted and ill treated before being subjected to a year-long criminal defamation lawsuit. She was cleared of all charges in 2007, but her attempts to gain legal redress for her treatment have been thwarted and she continues to be the target of harassment



Mexican writer Lydia Cacho Ribeiro was detained and ill-treated before being subjected to a year-long defamation lawsuit after she published her 2005 book on child pornography in Mexico.

and threats. On 14 June 2011 Cacho again received anonymous death threats. Mexican authorities have failed to take adequate measures to protect Cacho, who believes that the threats, which made direct reference to her journalism, stem from her naming alleged sex traffickers in her writings.

In 2009 the Inter-American Commission on Human Rights (IACHR), hearing of her harassment and monitoring by armed men outside her apartment, granted Cacho precautionary protective measures and asked the Mexican government to take action to protect her. However, to date reportedly only half of the measures have been implemented. With the new threats, she clearly remains at risk. The Assembly of Delegates of PEN International strongly demands that the Mexican government fully and immediately implement the mechanisms for journalists that it promised in November 2010.

Lydia Cacho's case is far from an isolated one. The fact that two Mexican journalists were murdered and another was abducted the same month that she received the latest threats is clear evidence that these must be taken seriously and not only met with hot air

declarations from politicians and authorities.

On 7 June 2011 news editor for the daily paper *Novedades Acapulco*, Marco Antonio López Ortiz (42) was reportedly kidnapped in Acapulco, Guerrero state. That night he left work and was later assaulted on the street by unidentified men who took him away. Among other duties, López Ortiz was responsible for overseeing the paper's coverage of crime. According to local journalists, they are constantly threatened by organized crime groups to keep coverage to a minimum. *Novedades Acapulco's* reports on crime are accordingly kept brief and do not probe the facts reported, in order to avoid angering and being targeted by the groups.

On 13 June 2011 Pablo Ruelas Barraza, journalist for the regional daily newspapers *Diario del Yaqui* in Huatabampo and *El Regional de Sonora* in Hermosillo, both in Sonora state, was found dead on a street in Huatabampo. He had apparently been shot by two gunmen who had first attempted to abduct him. Ruelas (38) had received death threats from both politicians from both Sonora and criminal groups, according to local media reports.



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In the early hours of 20 June 2011 unidentified gunmen broke into the house of *Notiver* columnist and editor Miguel Ángel López Velasco in Veracruz, Veracruz state, killing López Velasco (55), his wife Agustina Solano de López, and their son Misael (21). López Velasco was a well known journalist whose column for the daily, “Va de Nuez”, written under the pseudonym Milo Vela, dealt

with politics, police and security issues. Local journalists have suggested that the killings could be retaliation for a recent column about drug trafficking in the region. López was the second journalist to be found dead in Veracruz state in June, following the appearance on 1 June of the body of *La Verdad de Jáltipan* columnist Noel López Olguin, who went missing on 8 March.

The Assembly of Delegates of PEN International calls on the Mexican authorities to

- take efficient steps to end impunity, to investigate the murders, disappearances, threats and harassment of journalists and writers, to bring those responsible for these crimes to justice and to procure an apology and a just indemnity for the families of the victims.
- take the necessary steps to protect those journalists and writers who need protection. As a signatory to the IACHR Declaration of Principles on Freedom of Expression, under Principle 9 the Mexican government is obliged to prevent and investigate murders and acts of aggression against journalists, punish their perpetrators, and ensure that victims receive just compensation.

PEN International demands more action, fewer words. Write to:

Her Excellency Mrs Maria Luisa Beatriz Lopez Gargallo
Embassy of Mexico
14 Perth Avenue
Yarralumla ACT 2600

Your Excellency,

At the recent World Congress of Delegates of International PEN in Belgrade, Serbia, PEN International passed the attached resolution regarding violence against journalists and writers in Mexico. It was agreed that PEN Centres around the world would send copies of this resolution to the Mexican Embassy in their country to show the international support for the resolution.

The resolution condemns the lack of action from the Mexican Government to stop killings of journalists and writers. It identifies specific cases including writer Lydia Cacho Ribeiro, who continues to be subjected to harassment and death threats; newspaper editor Marco Antonio López Ortiz, who was reportedly kidnapped in June; journalist Pablo Ruelas Barraza, who was found dead in the street in Huatabampo in the same month; and columnist and editor Miguel Ángel López Velasco, who was killed with his wife and son in his own house by unidentified gunmen.

Sydney PEN joins the Assembly of Delegates of PEN International in calling for the Mexican Government to take efficient steps to end impunity, to investigate the murders, disappearances, threats and harassment of journalists and writers, to bring those responsible for these crimes to justice and to procure an apology and a just indemnity for the families of the victims.

We ask that the Mexican Government take the necessary steps to protect those journalists and writers who need protection. As a signatory to the IACHR Declaration of Principles on Freedom of Expression, under Principle 9 the Mexican government is obliged to prevent and investigate murders and acts of aggression against journalists, punish their perpetrators, and ensure that victims receive just compensation.

Yours sincerely,

No one shall be subjected to enforced disappearance

As the world marked the International Day of the Disappeared on August 30, Reporters Without Borders noted that many countries are still violating international law on this matter, including the International Convention for the Protection of All Persons from Enforced Disappearance, which the UN General Assembly adopted in 2006.

Reporters Without Borders has called for the universal ratification of this convention, which has so far been signed by 91 countries and ratified by 29. Combating enforced disappearance is vital in the struggle against dictatorships and arbitrary rule.

Enforced disappearance includes both secret imprisonment and secret house arrest, in which the families of the victims are denied any information about their fate or where they are being held. It is a form of abduction and sometimes ends in murder.

It is a radical method of oppression in which human rights defenders, opposition activists, free speech activists and independent journalists are removed from society because they are often on the front line of the struggle against authoritarian regimes. As well as censoring calls for freedom and justice, dictatorships target those who make the calls.

Enforced disappearances, which contravene international law and often the law of the countries where they take place, must be condemned firmly. Without an effective struggle against this evil, without binding measures that require respect for the basic legal rules on arrest and detention, any improvement in fundamental freedoms is impossible. The widespread or systematic practice of enforced disappearance is a crime against humanity. The prosecution of those responsible should be a priority.

Article 2 of the convention defines “enforced disappearance” as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with

the authorization, support or acquiescence of the state, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

Iran and China have turned enforced disappearance into a favoured method of censoring free speech. The uprisings in Libya and Syria have led to extra-judicial arrests of many journalists. Mexico has many cases of unsolved disappearances of journalists. The inhumane prison conditions in Eritrea, a small country forgotten by the international community, must be condemned. And finally, disappearances are also common in Pakistan, the world’s most dangerous country for journalists. Reporters Without Borders highlights several key cases below.

Iran

Human rights and pro-democracy activist Pirouz Davani, editor of the paper *Pirouz*, vanished in late August 1998. The paper *Kar-e-Karagar* said on 28 November that year he had been executed. Akbar Ganji, of *Sobh-é-Emrouz*, who was investigating the case, confirmed this in late November 2000 and accused the then prosecutor of the special ecclesiastical court, Mohseni Ejeji, (the current prosecutor-general) of being involved in his death. The judiciary has not investigated.

Journalist Kouhyar Goudarzi has been held in secret since 1 August 2011 for unknown reasons and justice officials have not said where he is being held.

China

Human rights campaigner Govruud Huuchinhuu, of the Southern Mongolian Democratic Alliance (SMDA), has been missing since she was released on 27 January 2011 from Tongliao hospital, Inner Mongolia



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(northern China), where she was being treated for cancer. She had been under house arrest since November 2010 for urging online that Mongolian dissidents celebrate the release of journalist and cyber-dissident Hada, who heads the SDMA and defends China's Mongolian minority. Officials say he was freed after more than 15 years at the end of his sentence on 10 December 2010 but he is still in prison. There has been no news of him for several weeks.

Pakistan

Journalist Rehmatullah Darpakhel was kidnapped in North Waziristan on 11 August 2011.

Sri Lanka

Prageeth Ekneligoda, journalist and cartoonist with *Lankaenews*, vanished in Colombo on 24 January 2010. No progress has been made in efforts to find him.

Eritrea

Most of the 30 or so journalists in prison are considered to have disappeared because of the problems of finding them and the regime's refusal to give any information about where they are and their state of health. The best known is Dawit Isaac, founder of the now-closed weekly *Setit* and holding dual Eritrean and Swedish nationality, who since his arrest on 23 September 2001 has alternated between prison and hospital spells in the capital, Asmara. He was transferred in 2009 from a provincial prison in Embatkala to the air force hospital in Asmara, where he was treated for several months. Then he vanished and nobody has been allowed to visit him. He may be in Asmara's Karchelle prison or in the Eiraeiro prison, northeast of the capital.

Other vanished journalists include the editor and co-founder of the fortnightly *Meqaleh*, Mattewos Habteab, arrested in Asmara on 19 September 2001, and sports writer Temesgen Gebreyesus, of the

fortnightly *Keste Devena*, who was arrested the next day.

Mexico

Journalist María Esther Aguilar Cansimbe, of the daily papers *Diario de Zamora* and *Cambio de Michoacán* (in the southwestern state of Michoacán), disappeared in 2009. Marco Antonio López Ortiz, news editor of the Acapulco paper *El Sur* (in the southwestern state of Guerrero), vanished in June 2011. No official investigation has produced any results.

The Middle East

Many foreign and Libyan journalists were detained for several days by supporters of the Gaddafi regime with no news of where they were being held or their conditions of detention. Disappearances are also frequent in Syria of journalists, activists and witnesses to the repression by the regime of President Bashar al-Assad.

reporters
without borders



Nobel peace laureate still in prison

In the wake of the recent announcement that this year's Nobel Peace Prize has been awarded jointly to Liberian President Ellen Johnson Sirleaf, Liberian peace activist Leymah Gbowee and Yemeni rights activist Tawakkul Karman, Reporters Without Borders urged the laureates to press the Chinese government to free last year's winner of the award, Liu Xiaobo.

A dissident writer and intellectual who is serving an 11-year jail sentence, Liu is the only Nobel peace laureate currently in prison.

"We congratulate this year's laureates and welcome the fact that this triple award pays tribute to their work on behalf of women's rights, a vital cause," Reporters Without Borders secretary-general Jean-François Julliard said. "We urge Sirleaf, Gbowee and Karman to bring all their moral weight to bear on the Chinese government so that Liu can be released and the harassment of his family and friends can end.

"Liu's continuing detention and the especially strict surveillance of his family should be the subject of a major campaign by all human rights activists. A year after being awarded the Nobel Peace Prize, Liu is not only still detained but is also subject to most strict solitary confinement and is being denied the family visits that the law allows

him. This situation is unacceptable."

Jean-Philippe Béja, a French sinologist who is a friend of Liu, said: "The situation of human rights activists has deteriorated a great deal in the course of 2011. Some have 'disappeared', others have been beaten or threatened. Liu's wife is still under house arrest and is being denied any contact with the outside world. She can only leave her home once a week."

In conciliatory gestures apparently designed to defuse tension in the run-up to the announcement of this year's Nobel Peace Prize, the authorities allowed Liu to attend his father's funeral in August and let him have two family visits in September, the first since he was convicted in 2009.

Arrested in December 2008, Liu was sentenced on 25 December 2009 to 11 years in prison on a charge of subverting state authority for posting outspoken articles online and for helping to draft Charter 08, a call for democratic reform.

Inspired by Charter 77, the charter circulated by Czechoslovak dissidents in 1977, Charter 08 was released on 8 December 2008, two days before the 60th anniversary of the Universal Declaration of Human Rights. Originally signed by some 300 intellectuals and human rights activists, it now has more than 10,000 signatures

Mumia still on death row, but executions of journalists on the wane

On the eve of the 9th World Day Against the Death Penalty on October 10, Reporters Without Borders and the Paris-based NGO Together Against the Death Penalty (ECPM) pointed out that being a journalist, editing a website or keeping a blog can still expose a person to the possibility of the death penalty in some countries.

The charges of "subversion", "endangering state security" and even "apostasy" can be used in some countries to convict and execute someone who has criticized the government, made fun of a leader in a cartoon or just covered a highly sensitive subject.

Around 10 people, mostly bloggers and netizens, are awaiting execution or are facing the possibility of a death sentence in Iran and Vietnam. What will become of Vahid Asghari, 25, who has been jailed since 2008 in Tehran and who was sentenced to death on a date that was never made public?

As well as a negation of justice, capital punishment is also a deadly threat that encourages self-censorship. China, which

leads the world in executions, has no fewer than 55 capital offences of which three are direct threats to freedom of expression: "endangering public security", "instigating the country's division" and "divulging state secrets."

In Uganda, the imprisoned journalists Augustine Okello and Patrick Otim are still waiting to know whether the charges of subversion and treason that have been brought against them will cost them their lives. Abdelrahman Adam, a Sudanese radio journalist who has been held since October 2010 on a charge of violating state secrets, is in the same situation.

Nonetheless, the number of journalists being sentenced to death is declining. Even in Iran, which ranks second in the world in the number of executions, death sentences are being commuted or quashed. Capital punishment neither deters crimes nor compensates for the damage caused. Still less can it destroy the inalienable right to inform, question and speak out.

China's media presses forward – slowly

The 100th anniversary of China's Xinhai Revolution that overthrew the last emperor provides an opportunity to reflect on the critical role of the media in encouraging political change in China and around the world. Late imperial reformers founded newspapers and often used them to advocate for contemporary political reform, a change scholars argue led to a cultural shift that eventually brought on the Revolution. More recently, media changes in the Middle East, including the rise of social media, are widely believed to have contributed to overthrowing the long-standing dictatorial regimes in Tunisia, Egypt and elsewhere. The media, in other words, can be key players in fomenting revolution.

A (short) history of the Chinese media

So what are some similarities and differences between Mexico, the Middle East, or Chinese newspapers of 100 years ago? Before answering this question, it is helpful to trace a brief history of the Chinese media since the Communist Party takeover of 1949. The Chinese media today differs dramatically from the situation during the Mao era (1949 to 1976), when the state tightly controlled all media outlets, restricting not only their numbers, but also their content, length and format. From 1949 until the mid-1990s, the Chinese Party state-funded all news providers directly or indirectly through a policy of forced subscriptions that kept circulation numbers artificially high. All told, these mechanisms meant that control of information was close to total until the start of the reform era.

Many aspects of the relationship between state and press began to change with Deng Xiaoping's reforms of the late 1970s. Commercialisation, advertisements and market competition all flourished, and the number of news providers and range of acceptable content dramatically increased.

While Mao-era journalism relied entirely on Party/state funding, today the Chinese news business is market-driven, with advertising revenue increasing from zero at the start of the reform era to billions of dollars today.

But economic liberalisation does not mean political freedom. Beijing has made clear that it will continue to exercise very tight control over the news media by banning wayward publications, jailing dissident journalists and attempting to consolidate papers into large, easily-monitored conglomerates. This is not to downplay the changes; compared to the Maoist era, an enormous amount of progress has been made. The road toward Chinese media freedom, however, has been long and uneven.

Advocate journalists

One of the most important changes in recent decades has been the re-emergence of what I call "advocate journalists" who are willing to stand up for and promote even politically sensitive causes. Although these reporters tend to believe strongly in media independence, they also are not interested in following Western norms of journalistic neutrality and separating "objective" reporting from "biased" editorial opinion. Their commitment to (relative) journalistic independence does not mean that these journalists recklessly challenge the Chinese Communist Party (CCP) on every issue they feel passionate about – such an approach would be quite foolhardy. Instead, these advocates tend to carefully wait for openings that will allow them to "play edge ball" (*da cabianqiu*), or publish articles touching on the very limits of what the CCP might see as acceptable.

China's advocate journalists, then, tend to have an exquisite sense of political timing. When former Shanghai Party boss Chen Liangyu was put on trial in 2008 for massive corruption, for example, the feisty *Caijing* magazine, then headed by journalism pioneer

Hu Shuli, was the one paper in China that managed to do an in-depth investigative report on Chen's rise and fall. Immediately after *Caijing* published its expose, the CCP clamped down on further publication, ensuring that articles near completion – or even in press – would be suppressed. By anticipating the Party's actions, Hu Shuli and her colleagues were able to bravely expose some of China's massive corruption problems. And just as importantly, *Caijing* managed to do so without getting into any trouble.

The most prominent example of advocate journalists achieving large-scale social change in recent years happened in 2003, when graphic designer (and migrant labourer) Sun Zhigang was arrested by Guangzhou police for not having a local residence permit (*hukou*). Put in a temporary detention facility for migrants, Sun was beaten to death by officials and inmates before any of his friends and family were aware of his plight. After the aggressive *Southern Metropolis Daily* published an exposé on Sun's case, a national uproar in other newspapers and online led to the central government's abolishing the 20-year old law authorising such detentions. Many Chinese citizens saw this as a large step forward in human rights, and a validation of the power of investigative journalism. Illustrating some of the potential dangers of advocate journalism, though, the editors and journalists responsible for the initial reporting were all sent to jail just a few months later in a crackdown that most Chinese journalists saw as retaliation for the Sun case and other embarrassing reports.

When such journalists talk about representing the people, often they clarify this to mean the *ruoshi qunti* or vulnerable social groups. Such groups include the poor, migrant labourers, farmers, victims of environmental disasters and others often left behind by China's tremendous economic progress. But advocate journalists are not restricted to speaking on behalf of the underprivileged –

many of them work for middle class rights, legal reforms, greater arts funding, an improved transit system, clean energy, and other issues. Advocate journalists, in other words, are those who act in the face of CCP discouragement to publicise any problem they feel greater publicity can help resolve.

The rise of the advocates

One key driver in the surge of advocacy journalism in recent decades is the commercialisation and multiplying competition in the Chinese news media market. China's 1900 newspapers are in an increasingly cutthroat business, and attracting readers is critical for maintaining advertising revenue, especially with the recent challenge of Internet-based news services. Scandal sells, but tight censorship ensures that most newspapers concentrate on tabloid-inspired celebrity gossip and self-help columns. Nonetheless, there is now a real market for investigative journalism.

Coupled with these market changes is the changing view of the government, especially the central government, towards the press. As news outlets have moved off the state payroll, local officials have started seeing them with increasing suspicion at the same time that the central government has recognized the press as a valuable source of information. With only 52,000 central functionaries attempting to control and monitor the actions of 32 million civil servants, it is little wonder that Beijing sometimes encourages the press to report on local issues. So long as reporters "swat flies, not tigers" and expose the corruption of local officials rather than powerful Beijing cadres, censorship authorities are usually happy to encourage this behaviour.

But while these two factors clearly facilitate the rise of advocacy journalism in the long term, the real impetus comes from the journalists themselves. My research has



Xinhua logo

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shown that professional orientation and a sense of nationalism, rather than economic necessity, is what spurs advocate journalists on. Chinese reporters are now more networked than ever, and the constant exchange of information about breaking stories and best reporting practices helps create a more coherent core of “professional” journalists at the heart of the field. Advocate journalists, although they may not strive for objectivity, certainly see themselves as serving the public.

A large part of this public service ethos is related to advocate journalists’ sense of being intellectuals who are entitled to comment on and solve China’s political problems. This historical role has deep relevance for contemporary advocate journalists, and in interviews many mentioned explicitly being inspired by journalists of the late imperial. The potent combination of Chinese intellectuals’ historical role, media inspiration from abroad, and the nature of a tight, networked profession all mean that an advocate orientation is slowly spreading, and is almost certainly here to stay.

The future of Chinese journalism?

While undeniably powerful, and probably representing a growing proportion of Chinese news workers, advocate journalists hardly monopolise the Chinese media world. Most reporters are what I call “workaday journalists,” concerned only with making a living and staying out of trouble. Corruption among Chinese newspaper workers is shockingly high, and in surveys a large majority of reporters indicate that taking bribes, blackmailing companies with negative publicity, plagiarism, fake news and other

unsavoury activities are rampant.

Many of the challenges toward universalising the advocate orientation, in other words, come not from the CCP’s onerous censorship apparatus, but from within the Chinese media itself. Until more of China’s journalists agree to shun illegal and corrupt activities, it will remain easy for rich and powerful wrongdoers to pay the media to look the other way. As long as corruption in the media runs rampant, China will be unable to solve many of its most pressing economic, social, political and environmental needs.

Advocate journalists, while still relatively rare, provide a ray of hope in this gloomy outlook. They face constant dangers from angry officials, cautious editors, corrupt colleagues and powerful opponents, but are slowly reshaping the Chinese social landscape. With the public on their side, these brave reporters are capable of pushing real change and helping some of China’s most vulnerable citizens. Their task remains difficult; let us wish them luck.

Jonathan Hassid

Jonathan Hassid is a Postdoctoral Research Fellow at UTS. His research interests centre around the politics of authoritarian consent and dissent, and he is involved in projects examining how public professionals control their own behaviour (with Rachel E. Stern) and how states can exert control over time zones and other symbolic resources to ensure obedience (with Bartholomew Watson).

West Papua a black spot in Pacific media freedom

Three killings at a Freeport copper mine strike recently and protests by journalists after one was beaten up have put the spotlight on media freedom and freedom of expression in West Papua. A new report by Alex Perrottet and David Robie, of the Pacific Media Centre, published by the *Pacific Journalism Review* on October 20 examines media freedom across the South Pacific and it is grim reading.



Malcolm Evans, 2007

The state of Pacific media freedom is fragile in the wake of serious setbacks, notably in Fiji, with sustained pressure from a military backed regime, and in Vanuatu where blatant intimidation has continued with near impunity.

Apart from Fiji, which has a systemic and targeted regime of censorship, most other countries are attempting to free themselves from stifling restrictions on the press. But the Indonesian-ruled Melanesian territory of West Papua has emerged this year as the Pacific’s worst place for media freedom violations.

Amid a backdrop of renewed unrest and mass rallies demanding “merdeka”, or freedom, with two bloody ambushes in Abepura on the outskirts of the capital Jayapura in early August and security guards firing on strikers at the giant Freeport copper mine last week, repression has also hit the news media and journalists.

In the past year, there have been two killings of journalists, five abductions (including attempted), 18 assaults (including repeated cases against some journalists), censorship by both the civil and military authorities and two police arrests (but no charges).

Besides criminal libel, Papuan journalists

are forced to contend with the crime of makar (subversion) as applied to the media.

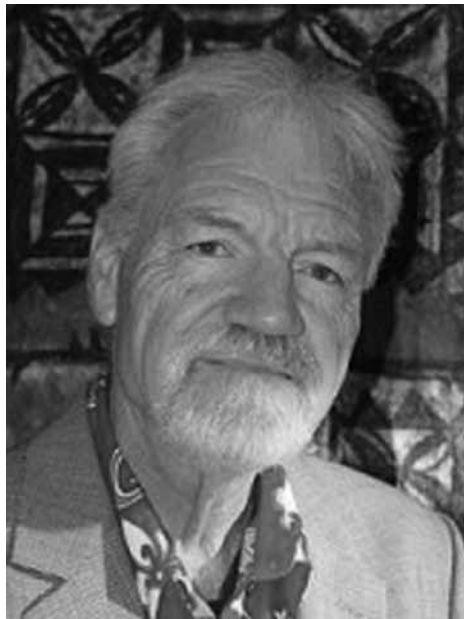
“Also,” according West Papua Media editor Nick Chesterfield, “regular labelling of the Papuan press as being pro-separatist is another significant threat against journalists seen to be giving too much coverage to self-determination sentiment”.

Indonesia became rulers of the previous Dutch colony of West Papua, which shares a frontier with Papua New Guinea, through a flawed and manipulated referendum in 1969—the so-called “Act of Free Choice”.

Coupled with governments that are sluggish to introduce freedom of information legislation and ensure the region-wide constitutional rights to free speech are protected, there are few Pacific media councils and advocacy bodies with limited resources to effectively lobby their governments.

Those that do, run the risk of inviting backlashes by government figures who have a poor appreciation of the role of independent media in national development. For smaller countries, media is still largely under the thumb of governments and mainly an instrument for uncritically disseminating official information.

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Professor David Robie

Since the military coup in December 2006, Fiji has faced arguably its worst sustained pressure on the media since the original two Rabuka coups in 1987. The Bainimarama regime in June 2010 promulgated a Media Industry Development Decree.

The new law enforced draconian curbs on journalists and restrictive controls on foreign ownership of the press.

This consolidated systematic state censorship of news organisations that had been imposed in April 2009. The Public Emergency Regulations have been rolled over on a monthly basis ever since. Promised relaxation of state censorship after the imposition of the decree never eventuated.

A controversial issue about the decree was a limit imposed on foreign ownership of not more than 10 percent, a clause vindictively aimed at the country's oldest and most influential newspaper, The Fiji Times (founded in 1869) because of its unrelenting opposition to the regime.

This newspaper company was then a subsidiary of News Ltd, the Australian branch of Rupert Murdoch's US-based News Corporation.

News Ltd sold the newspaper to Fiji's trading company, the Motibhai Group, and managing director Mahendra "Mac" Motibhai Patel, a director on the Times for more than four decades, took control.

Patel said: "Fiji without the Fiji Times is

unthinkable". He hired an Australian former publisher, Dallas Swinstead, to lead the newspaper in a more "accommodating" direction to safeguard the survival of the business.

Ironically, Patel himself was imprisoned for a year after being found guilty of corruption in April 2011 in his role as chairman of Fiji Post—nothing to do with the newspaper. But the impartiality of the judiciary since the 2006 coup has been under question.

"During its history," said a longstanding former editor, Vijendra Kumar, "The Fiji Times has changed hands at least five times and has been none the worse for it. Each new owner infused it with new fresh ideas and better resources to ensure its continued growth and expansion".

Fiji journalists themselves are divided about the impact of the regime. Some have taken the view that faced with the reality of working under a military regime, they would strive towards rebuilding the independence and integrity of Fiji's news media with the promised return to democracy in 2014.

According to Fiji Broadcasting Corporation news director Stanley Simpson, who has recently resigned: "In the main, journalists today are not as confident (or as aggressive, as some would describe it) as their counterparts were prior to 2006, and in the 1980s and 1990s.

"I am not saying that current journalists lack courage—in fact it is a courageous thing to be a journalist at this time.

"However, given the PER [Public Emergency Regulations], we are constantly checking ourselves and asking ourselves if the stories we write will breach the PER and what the consequences may be."

While the region's media freedom status may appear relatively benign compared to other countries, such as in the South-east Asian democracies of Indonesia and the Philippines, which enjoy a nominally free press but pose serious dangers to journalists, there remain significant media freedom issues



Alex Perrottet

in most Pacific Island countries.

Cultural issues involve the reconciliation of the ideals and values of a burgeoning media with the entrenched practices of compliance with traditional tribal or communal authority and for the most part, small communities with many conflicts of interest.

Other issues include problems of educating populations about dealing with the media, and a lack of access to media experienced by many communities.

An ongoing feud exists between the Suva-based Pacific Islands News Association and its breakaway former members and detractors who would like the body that runs the regional Pacnews agency to pull out of Fiji rather than risk being compromised by its proximity and collaboration with the military regime that is so blatantly restricting freedom of the press.

In its defence, PINA argues it can only convince the regime to respect freedom of the press by working with it as it prepares to draft the country's new constitution in the lead up to elections.

Clashes over media issues are not new, although they came to a head in Vanuatu last November when crusading Vanuatu Daily Post publisher Marc Neil-Jones was strongly opposed by the Media Association Blong Vanuatu (MAV) when he applied for a radio licence.

Vanuatu provides an example of an intense

media climate without any official censorship such as in Fiji.

Neil-Jones's case in March this year when he was assaulted by a group of men at the behest of a government minister was another event in a saga of violent reactions to his publication's reports.

A minor fine for his political attacker prompted further dismay from international media freedom and human rights advocacy groups.

In East Timor, the vibrant local media scene continued to grow this year with the launch of the island nation's fourth daily newspaper, The Independente. But a controversial new documentary, Breaking the News, highlights the dangers for Timorese journalists.

Other countries and territories of the Pacific with burgeoning media outlets experience development issues that restrict their ability to bring news to both their people and diaspora who live abroad. The Territorial Assembly of French Polynesia decided this year to drop the popular online news agency Tahitipresse and to scale back the national broadcaster Tahiti Nui TV as part of a raft of public spending cuts brought on by pressure from France.

Alex Perrottet is an Australian journalist and contributing editor of the Pacific Media Centre's Pacific Media Watch project. Professor David Robie is director of the centre at New Zealand's AUT University and has lived and worked as a journalist in the Pacific for many years. Full Pacific media freedom report: <http://www.pmc.aut.ac.nz/research/pacific-media-freedom-2011-status-report>

Promoting the liberty to know, utter, and argue

Parts of the Middle East remain in political incertitude after a succession of uprisings managed to overthrow longstanding oppressive regimes. Countries such as Egypt and Libya are attempting to scramble out of the acrimony and stronghold of far-flung dictatorships amid volatile landscapes of religious flux and political upheaval in a bid to salvage their fundamental human rights. The question that now remains is whether or not the sacrifices of their compatriots will be in vain, as certain national political parties try to curtail the path of reform.

The successful ousting of Tunisian President Zine El Abidine Ben Ali in January after 23 years in power triggered an outburst of anti-government protests across the Middle East, including the Egyptian revolution that overthrew President Hosni Mubarak after an intransigent civil resistance in Cairo's Tahrir Square. The uprising saw a number of bloody clashes between protesters and security forces across Cairo, Alexandria and the provinces and is approximated to have left 840 dead and 6000 injured.

The view that freedom of expression embodies many of the same virtues as the press prompted a series of lurid attacks against foreign and national journalists under blame from the Mubarak regime for encouraging Egypt's state of upheaval. Despite parliamentary elections being announced last month for November 28 this year, no date was set for presidential elections that would bring an end to military rule. Concern now surrounds little being done by the military-headed by Mubarak's old defence minister- to dismantle the former dictator's legacy.

As with the overthrowing of Colonel Gaddafi in Libya, the true challenge for the revolutionaries of these countries is to ensure that the rifts inherent in their political landscape are bonded by a transparent political system that grabbles at the true ideals of democracy.

Differing views, opinions and disagreement among a country's people have long fuelled the battle against indoctrination and oppression. Dissent is a vehicle of change, an arena for eclectic views that help to build a society's morale and unearth the *vox populi*.

Power to the people is at the crux of a democracy but what happens when this power enables expression that cuts against the grain of convention. Is its use misappropriation of the power bestowed by democracy, or is it permissible regardless of perhaps perceptibly dogmatic or bigoted undertones?

Denise Leith, author and academic, colligates this to the series of controversial cartoons published by the Danish newspaper *Jyllands-Posten* in 2005, depicting the Islamic prophet Muhammad. The depictions permeated international media, creating a stir of controversy and provoking a number of violent protests across the Middle East, including a bombing on the Danish Embassy in Pakistan. It is estimated that nearly 100 people died as a result.

"Should we support what he (the cartoonist) did?" she

asks. "Some people said yes but there were just as many people saying no, because what he'd done was dangerous and could cause harm to people."

Critics labelled the cartoons "Islamophobic" and racist, blasphemous to the people of Muslim faith.

"I think in freedom of speech there is a responsibility. It goes against everything I wish to believe in but I think that there are limits, few limits, but there are limits," she says. Dr Leith and Dr Paolo Totaro were special guests at the recent Manly Arts Festival and spoke to me about issues related to social justice, freedom of expression and the right to free speech.

Dr Leith believes that it bores down to ethical judgment and the use of one's own moral compass.

"I have certainly used it in my writing. I will not deliberately hurt anyone for the sake of hurting them. Time and again, I have held back information to protect people because they've given me information that if I made public would make them incredibly vulnerable, and they haven't realised this at the time," she says.

These limits are necessary on both sides of the fence; a dichotomy of power between government and individuals in society. When limits are forsaken on either side, the risk of isolating a certain group or groups is severely heightened.

"Unfettered freedom of speech is always transgression on the freedom of others," says Dr Paolo Totaro, a poet and a writer who was born in Italy during the 1940s, when the country was under Mussolini's rule.

Dr Totaro believes a totalitarian regime creates a state that "recognises no limits to its authority".

"Fascism influenced all of my rational life as an abhorrent force. It is intolerance of diversity," he says.

Dr Totaro came to Australia in 1963 and later chaired the Ethnic Affairs Commission from 1976 to 1989, a body that advocated reform and modernisation in society, a stark contrast to fascism's superior single race ideal.

"I saw much value in our work that started nearly 35 years ago, when Australia's immigration policy was just starting to move beyond fear of diversity, in schools, in hospitals, in the courts, in the public administration in general, and saw a need to expurgate laws and policies that were based on maintenance of intolerant principles."

Denise Leith believes that the progress made in the years following the abolition of the 'White Australia' policy in 1973 was hard hit by the rise of Pauline Hanson and the One Nation party in the late 90s.

"In my opinion, [Pauline Hanson] was incredibly racist and divisive. That was very damaging to our country. Should she have the right to say it? Yes. She lifted the lid and the genie came out of the bottle and it was okay to be racist, to be anti-refugees, to be anti-anyone who wasn't white Australia."

Dr Leith, who served on the management committee of Sydney PEN for six years and in 2004 shared the Human



Photographs: Dr Leith: Anky; Dr Totaro: Richard Barry

Dr Denise Leith and Dr Paolo Totaro were special guests at the Manly Arts Festival

Rights and Equal Opportunity Community Award for PEN's effective campaign of raising asylum seeker issues within the Australian conscience, feels that this was a step backward for Australian society and has directly impacted public opinion on asylum seekers up unto today.

"There's no political voice to say that asylum seekers have a right to seek refugee status. Most of them come from places like Iraq and Iran that we say are terrible places – we condemn the regimes that run these places for human rights violations yet we're not going to give them asylum. I think we need to look ahead at a different future for our country rather than the short-term: how many boats are arriving next week."

Political asylum is essentially a substratum of the right to freedom of speech and expression. Tolerating the cacophony of views on refugees constitutes a small part of the freedom asylum seekers flee persecution to find. Rather than shunning such acts, a more diplomatic and humane approach should be adopted to accommodate those who seek a fundamental human right that some take for granted.

Dr Totaro refers to part of a speech made by French author Andre Gidé to the Nobel Committee in 1947 to hinge his point of view when Gidé said, "If I have really represented anything, I think it's the spirit of free inquiry, of independence and even of insubordination, of protest against the things the heart and reason refuse to approve".

Dr Totaro believes it is this spirit that new fundamentalisms are "trying to gag- in religion as well as politics". He believes education as a laudable antidote to indoctrination.

"Education is more likely to bring out the values of freedom as it is based on training the mind to search for evidence on which to base conclusions... Indoctrination is less likely to for the fact that it asks for a suspension of reason," he says.

Censorship effectively chokes free expression while promoting indoctrination. The contention between secularism and religious indoctrination emerged in 1501 when Pope Alexander VI issued a Bill against the unlicensed printing of books in a bid to control thoughts and opinions and suppress views that challenged the doctrines of the Roman Catholic Church. This acted as the harbinger to the Church's introduction of the *Index Expurgatorius*, a list of prohibited books, which banned or censored those considered polemical or heretical.

Subsequently writers such as Voltaire, Descartes, Locke and Rousseau became taboo.

The advancements made by the printing press in the mid-15th Century meant that books, once rare and limited, could suddenly be mass-produced and circulated freely, including those with subversive and dissident agendas. Church authorities were chafed and sought further control by partnering with the government to establish a licensing policy for printers.

John Milton, English renowned polemicist and poet, publicly promoted the idea that dissent should be tolerated rather than condemned or punished. In 1644, Milton published *Areopagitica* - sans license - as a response to the English Parliament's reintroduction of government licensing for printers. In *Areopagitica* Milton made a vehement plea for the right to freedom of expression and for toleration of a wide range of views: "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."

Printers echoed this plea by becoming increasingly radical and rebellious, and by 1789, 800 authors, printers and book dealers were incarcerated in the Bastille in Paris before it was stormed.

More than 500 years on from the *Index Expurgatorius*, freedom of expression is still vigorously being sought in countries plagued by draconian legal codes, totalitarian regimes and intolerance of dissent.

Dr Totaro explains that literature and the arts "are an expression of both a society's power structures and of those who rebel against them.

"Evidence shows that most great works of art, even if created to celebrate a tyrant, had in them the kernel of rebellion. Beethoven's works, written for Emperors and Feudal Lords, were hymns to freedom of expression," he says.

In today's oppressive regimes also lies a kernel of hope – the internet.

The internet has become an instrument of free speech, fortified by the recent surge in social media and mobile devices that give formerly voiceless people an international audience.

"I don't know if we have any stops on freedom of speech with this new technology," Dr Leith says. "People can write and say anything, and they do."

Richard Barry

Inquiry into Australia's human rights dialogues with China and Vietnam

Sydney PEN campaigns on behalf of writers in the Asia and Pacific region who have been silenced by persecution or imprisonment, and promotes the written word in all its forms. Freedom of expression is expressly recognised and accepted by the international community and is included in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), which has been signed by China, ratified by Australia, and acceded to by Vietnam. Several cases of writers imprisoned in China and in Vietnam have been of immediate concern to Sydney PEN over the past few months, and details of these cases are provided below. A constructive dialogue on these important human rights issues would be of significant mutual benefit. In August, PEN made the following submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade as part of its Inquiry into Australia's Human Rights Dialogues with China and Vietnam in August 2011.

Sydney PEN is an association of Australian writers and readers, publishers and human rights activists. It emphasises the role of literature in mutual understanding and world culture; and promotes literature in various ways, including opposing restraints on freedom of expression and working to promote literacy itself.

Sydney PEN is an affiliate of International PEN which is a worldwide association of writers with 145 centres in 104 countries across the globe. PEN is a powerful voice on behalf of writers who are harassed and imprisoned and who sometimes die because of the words they write.

Sydney PEN supports the setting of agreed human rights standards and principles by the international community through the United Nations and hopes that more and more countries around the world can accept and apply those internationally recognized standards and principles to their fullest extent. It supports the application of those standards

and principles equally in Australia, China and Vietnam.

Sydney PEN campaigns on behalf of writers in the Asia and Pacific region who have been silenced by persecution or imprisonment, and promotes the written word in all its forms. It has adopted as its central theme the words 'Freedom to write ... freedom to read'. We see it as part of our mission to also campaign on behalf of writers who are silenced by persecution, exile or imprisonment.

We undertake this work by speaking publicly on matters of freedom of expression, particularly those concerning Australia and the Asia and Pacific region and undertaking public letter campaigns to Australian diplomats, foreign ambassadors and governments on behalf of imprisoned writers in the Asia Pacific region. We also engage in community events focused on literature, literacy and freedom of expression and promote Indigenous literacy in Australia and the translation of literary works to foster international understanding, particularly in our region. Our 'Empty Chair' campaign in libraries, universities and festivals throughout Australia has highlighted individual writers who are imprisoned for their words.

Supporting Imprisoned Writers

Sydney PEN joins other PEN centres in letter-writing campaigns for imprisoned writers. Through its letter-writing campaigns and lobbying of foreign and local governments, PEN seeks to end both custodial and non-custodial forms of repression of writers' free expression. Over the years, many writers have been released from prison, largely due to the international pressure brought about by PEN and other organisations. Nevertheless, these abuses show no sign of abating.

At the end of 2010, International PEN had officially registered the imprisonment of 148 writers. In addition it reported the deaths of eleven writers killed because of their

writing, and listed another 28 writers' deaths as suspicious. International PEN has logged dozens of other writers as having endured brief imprisonments, death threats and harassment for speaking freely. In 2010 our advocacy work, together with that of our colleagues at International PEN, helped to release 104 writers from prison. Sydney PEN has sought to achieve the release of a number of writers who have been imprisoned, both in China and in Vietnam. We set out some specific examples of writers of whom we know and on whose behalf we have campaigned.

International Standards

At the core of Sydney PEN's mission is the promotion of freedom of expression. That freedom was expressly recognised and accepted by the international community and is included in Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR):

Article 19

Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order, or of public health or morals.



The ICCPR has been ratified by approximately 167 State parties. Australia ratified the Covenant on 13 August 1980. China signed the ICCPR on 5 October 1998 but has yet to ratify it. Vietnam acceded to the ICCPR on 24 September 1982, but, as the cases below show, Vietnamese authorities continue to detain writers and journalists against the import of Article 19.

Sydney PEN encourages China to do all things to move from signature to ratification of the Covenant and to then pursue its obligations under that instrument. It is with some regret that the standards so widely accepted as fundamental principles throughout the world have yet to be formally accepted in China. Still we are hopeful that as so many things change in one of the most dynamic countries of the world that China too will accept those international standards as a vital part of protecting the interests of its people.

Sydney PEN argues that the promotion of freedom of expression includes the ability of writers to be able to publish and read their work in public. Those writers cannot exercise their freedom to do so if they are routinely punished or fear such punishment as a result of engaging in and promoting and publishing their work. In extreme cases writers are



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prevented from exercising their freedom of expression by being imprisoned or even executed because of their work. Sydney PEN opposes all such restrictions and prohibitions placed on the work of its fellow writers.

Sydney PEN extends that opposition to the impact of such restrictions on the freedom to seek and receive information and ideas, undertaken by readers and audiences. It diminishes humanity when ideas and works are suppressed and people are unable to freely express themselves or to access the expressions and accounts provided by one another. Such matters are as important in Australia as they are in China and Vietnam.

The Need for Dialogue

Sydney PEN has been working with other PEN centres worldwide to express support for Chinese writers and journalists who appear to have been imprisoned or persecuted for peacefully exercising their right to freedom of expression. In particular, Sydney PEN has sought to enter into a dialogue with the Chinese authorities to seek clarifications about the detention of a number of writers and journalists. To this end, Sydney PEN's Writers in Prison Program has repeatedly written to the Ambassador of the People's Republic of China in Australia. It has also raised cases of concern with the Australian government. However, none of Sydney PEN's letters has led to any reply from the Chinese government. The lack of response on the part of the Chinese authorities is disappointing.

Sydney PEN considers written communications with the Chinese government as an

essential component of an open and constructive dialogue between the peoples of Australia and China. We thus call on the Chinese authorities – the Ambassador of the People's Republic of China in Australia in particular – to engage with Sydney PEN and to address our concerns about the treatment of several Chinese colleagues, writers and journalists.

Dialogue between Chinese authorities and representatives from the Australian non-government sector is often deferred or arranged at very short notice. If China is serious about its commitment to the ICCPR, Chinese authorities need to commit to engaging with organisations like Sydney PEN over human rights issues.

Liu Xiaobo and Liu Xia

Sydney PEN protests the ongoing imprisonment of Chinese writer and Nobel Peace Prize laureate, Liu Xiaobo, and the house arrest of his wife, Liu Xia. In December 2009, Liu Xiaobo was sentenced to 11 years imprisonment on charges of "subverting state power". Liu was detained shortly before the publication of Charter 08, a petition he co-wrote and which was also signed by numerous Chinese intellectuals and writers in December 2008 calling for political reforms, including an end to the Communist Party's single-party rule. Liu was awarded the Nobel Peace Prize in 2010 while in detention, at which time his wife was placed under house-arrest in order to prevent her from travelling to Norway to accept the prize on his behalf.

In July 2011, panel of human rights experts working for the United Nations found that China is violating international law by detaining of the couple. The panel, comprised of members from Chile, Norway, Pakistan, Senegal and Ukraine, called on the Chinese government to "immediately release" the couple and to provide "adequate compensation." The publication of this report was endorsed by the U.S. State Depart-

ment, which also called for an end to the "arbitrary detention".

Since Liu's detention, Sydney PEN has joined International PEN, Independent Chinese PEN Centre (ICPC) and other PEN centres in the region and worldwide in publicly protesting the charges against him. Liu Xiaobo is one of the Honorary Members of Sydney PEN.

Tashi Rabten

Sydney PEN protests the June 2011 sentencing of the 25-year old Tibetan man Tashi Rabten (aka Tashi Te'urang) to four years in prison, for his work as a writer and editor. According to information supplied by International PEN, Tashi Rabten was the co-editor of a banned Tibetan-language literary magazine *Shar Dungri (Eastern Snow Mountain)*. He was arrested on 6 April 2010 and held without charge at Ngaba Prefecture's Barkham County Detention Centre, Sichuan province, western China. He was tried behind closed doors at a court in Aba prefecture on 2 June 2011 and his conviction was not reported until 2 July 2011.



Details of the charges against him have not been officially confirmed, although he is thought to be convicted of inciting separatism for a collection of political articles entitled *Written in Blood* on the suppression of the March 2008 protests in Lhasa and surrounding regions. Prior to his arrest Tashi Rabten, aged twenty-five, was a student at the Northwest Minorities University in Lanzhou, and had reportedly been under surveillance for some time.

Sydney PEN joins International PEN in the region and worldwide in publicly protesting the charges against him.

Father Nguyen Van Ly

Sydney PEN is deeply concerned about the re-arrest of editor and Catholic priest Father Nguyen Van Ly by Vietnamese authorities on 25 July 2011, allegedly for distributing anti-government leaflets during his parole. Fr Van Ly is a leading member of the pro-democracy movement "Bloc 8406" and was co-editor of the underground online magazine *Tu do Ngôn luan (Free Speech)*. He was sentenced in October 2001 to 15 years in prison for his online publication of an essay on human rights violations in Vietnam, and was a main case of International PEN. He was released under amnesty in February 2005. He was arrested again on 19 February 2007 and sentenced to eight years in prison on 30 March 2007, for allegedly 'conducting propaganda against the State'.

From 2007 Fr Van Ly was held at Trai Giam Detention Camp, K1 Ba Sao, Kim Bang District, Municipality of Phu Ly, Ha Nam Province. In February 2010 Fr Van Ly's sister reported that on her visit to K1 camp she and other family members discovered that Fr Van Ly's right arm and leg were paralysed, apparently following a stroke in November 2009. In March 2010 he was given conditional release from prison for 12 months in order to receive urgent medical attention, and was living

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under house arrest and constant surveillance. Fr Van Ly has now been forcibly returned to prison to serve out the rest of his sentence to 2015. His personal health is at serious risk, as he suffers from partial paralysis and an enlarged prostate.

Nguyen Van Hai

Sydney PEN is deeply concerned about the continued detention of independent journalist and blogger Nguyen Van Hai (aka Nguyen Hoang Hai/Dieu Cay) by Vietnamese authorities. According to our information, on 5 July 2011, when Nguyen Van Hai's wife attempted to bring food and medication to her husband in prison, she was again denied access to him as she has been for the past ten months. She was then told by a prison security guard that he had lost an arm or a hand in prison (the Vietnamese word "tay" can mean either "arm" or "hand"). No further details were given about his condition or how and when the accident happened, and the report has not been officially confirmed. Nguyen Van Hai should have been released on 20 October 2010 on completion of a two-and-a-half year sentence.

However, on 18 October 2010 he was reportedly transferred to a Public Security detention camp in Ho Chi Minh City, apparently on charges of 'Conducting propaganda against the Socialist Republic of Viet Nam' under Article 88 of the Criminal Code. The charges are said to be based on his online writings for the Free Journalist Network in Viet Nam, published prior to his arrest in 2008. He is known for his critical internet postings calling for greater democracy and human rights in Vietnam and his participation in protests against Chinese foreign policy. He has been held incommunicado, without access to family visits, letters or medical and food supplies since 18 October 2010. Concerns for his welfare are acute.



The Way Forward

China and Vietnam are countries with long traditions of great thinkers, artists and writers. They have a moral and historical duty to set a good example in the Asia-Pacific region and in the world. This duty includes an obligation to respect freedom of expression for artists, writers and journalists. Australia, a relatively young country, has always placed great importance on guaranteeing the right to freedom of expression. This has contributed to the development of a prosperous and peaceful Australian society. Sydney PEN thus encourages the government of the People's Republic of China to ratify the ICCPR and give domestic effect to internationally recognized standards and principles.

Sydney PEN also calls on the government of the Socialist Republic of Vietnam to honour the import of Article 19 of the ICCPR to which Vietnam is a signatory. As far as further concrete steps for improved dialogue are concerned, Sydney PEN calls on Chinese and Vietnamese authorities to address our concerns regarding the above-mentioned cases. A constructive dialogue on these issues would be an important contribution to inter-cultural relations between Australian and Chinese and Vietnamese citizens. As such it would be of significant mutual benefit.

Simeon Beckett
Secretary
Zoe Roberts
Executive Officer

Give a PEN gift for Christmas

Zoe Roberts, Sydney PEN's executive officer, wears the new black PEN T-shirt. It is available in men's and women's styles, sizes Small, Medium, Large and Extra-Large. Cost \$37 including postage. If you wish to order a T-shirt and promote the PEN message, please email Zoe at sydney@pen.org.au with your name, address, telephone contact number, size and style.



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Your membership allows PEN to raise awareness and campaign governments about imprisoned writers in our region.

If you know someone who cares about the freedom to read and write, visit www.pen.org.au to purchase your gift of membership and we'll arrange a seasonal welcome card that can be delivered to your loved one, including information about

Sydney PEN and membership benefits. You can even join or renew your own membership at the same time.