

SYDNEY

PEN magazine

November 2018

Online trolling threatens writers



- Report from PEN International Congress in Pune, India
 - Protecting the human right to freedom of expression
 - Peter Greste's Free Voices: The War on Journalism
 - Behrouz Boochani: Truth to Power
 - The chilling effect of criminalising journalism
 - Biography and an unauthorised perspective
 - Writers at risk: a year of oppression

When writers are perceived as enemies of the state, not members of the state



Pune, India: The annual report by Salil Tripathi, Chair of the Writers in Prison Committee, paints a grim picture for freedom of expression and freedom of press in 2018. In the past year, Salil says, "The world has become more divided and more hostile to free expression, with fewer

states willing to speak for freedom of expression, fewer governments willing to take in writers who are fleeing persecution, and more heads of government embracing propaganda. Writers and journalists continue to be gaoled, harassed, prosecuted and, in some cases, murdered."

In the Asia-Pacific region, the right of freedom of expression continues to be marked by entrenched repression, political crackdowns, prosecution and long-term imprisonment. There are cases of persecution in most countries in the region, including Australia.

The Australian government has been increasing its attacks on the ABC, the national public broadcaster, in an effort to suppress criticism and media accountability. Meanwhile, Kurdish-Iranian journalist and PEN International prisoner of conscience, Behrouz Boochani, remains indefinitely detained on Manus Island.

Increasingly we are seeing governments view writers as enemies of the state, not members of the state. It is in this context that PEN International members joined together in Pune.

This year in Pune the PEN International community welcomed five new centres: Cape Verde, Guinea Bissau, Iraq, Moscow and Perth. The congress was hosted by one of PEN's newest centres, South India. Pune was a significant location for a congress on freedom of expression.

It was in Pune in 1942, where Mohandas Gandhi and his wife, Kasturba Gandhi, were gaoled in the Aga Khan Palace.

Pune is also a city that has a history of attacks on journalists. In 2013, a scholar, Dr Narendra Dabholkar, was shot and killed there after receiving numerous threats from Hindu far-right groups because of his work debunking gurus and religions.

Behind the prose of resistance, PEN International is engaging in concrete action. Its relationship with ICORN, the International Cities of Refuge Network, provides safe resettlement for writers in more than 60 cities around the world.

Kurdish writer and lawyer, and former prisoner of conscience, Burhan Sonmez of PEN Turkey, was elected to the PEN International board with overwhelming support. This was particularly significant considering the current state of politics in Turkey where over 170 journalists and writers are in prison, making the country the biggest gaoler of journalists in the world.

There were a number of positive resolutions to cases of imprisoned writers in the Middle East. Journalist Muhammed al-Qiq was released from Israeli prison following a hunger strike. Yemeni journalist and writer Mohammad Yahya al-Jubaihi was released after his death sentence was quashed. Teacher, poet and Baha'i leader Mahvash Sabet was released in Iran.

Two resolutions drawn up by PEN Melbourne and endorsed by PEN Sydney presented at the congress were passed.

The first resolution, 'On The Silencing Of Indigenous Voices In Australia', urges the Australian government to reconsider its decision to reject the key recommendations of the Uluru Statement from the Heart.

The second resolution, 'The Erosion Of Civil Liberties In Australia', condemns recent actions of the Australian government that pose threats to freedom of expression in the country.

Sydney and Melbourne PEN centres took the opportunity to promote Behrouz Boochani's book, *No Friend But the Mountains*. Kurdish PEN thanked the PEN centres in Sydney and Melbourne for their work on behalf of Behrouz Boochani.

And Zoe Rodriguez, former president of Sydney PEN, was elected chair of the PEN International Women Writers Committee.

Our work is not just writers trying to free writers. When a writer goes to prison, their readers go to prison as well. And therefore, when our writers are persecuted, the global community should be active in their release.

Mark Isaacs

- PEN's annual congress

Affirmative action seeking gender equality at PEN's annual congress

The 84th PEN International Congress, hosted by PEN South India for first time in Pune, India, started with a with a silent prayer offering tribute at Kasturba Memorial, Agakhan Palace on 25 September. The Congress, which focused on truth, freedom and diversity, coincided with the year-long commemoration of the life of Mahatma Gandhi, whose celebrated autobiography *My Experiments with Truth* was the theme of this year's Congress, with events and panels focusing on the values of truth and non-violence. Zoe Rodriguez, vice-president of PEN Sydney, reports.

With PEN International's annual Congress being held in Pune, India, there were far more delegates from the Asia Pacific region than in previous years when distance from events held in Europe largely prohibited them from attending.

Along with delegates from neighbouring countries' centres, the number of representatives from Australia was wonderful – three PEN Sydney members attended, along with two representatives from PEN Melbourne, and two from the newly formed PEN Perth, which received resounding support for its re-establishment in the PEN family after many years' dormancy.

I completed my three-year term as Search Committee Chair of PEN International – tasked with running the PEN electoral process – at the Congress. This role involves looking for quality candidates who represent the geographic, language and gender diversity of PEN membership. After this year's elections the Board includes representatives from Mexico, Myanmar, Lebanon, Turkey (a Kurd, supported by the PEN Turkey centre), Sierra Leone, South Africa, and the more traditional Europeans – from Estonia, Germany and Sweden.

Of the Chairs of Committees (the groups that carry out the work of PEN), the geographic diversity is slightly less representative – me from Australia, a Welsh woman based in Turkey, a Slovenian based in Catalonia, a Slovenian, and a British Indian. Eight of 14 elected roles are held by women – and the two most senior roles (PEN President and PEN International Secretary) are held by women.



Carles Torner, executive director, PEN International; Jennifer Clement, president, PEN International; GN Devy, PEN South India, offering tribute at Kasturba Memorial, Aga Khan Palace in Pune. (Picture: PEN International)



As a part of the congress, 180 trees were planted by delegates from around the world, including PEN Sydney members Gil Appleton and Zoe Rodriguez, on the campus of Pune University's International Centre. (Picture: Gil Appleton)

I was elected to Chair the Women Writers Committee of PEN International in Pune. The WWC was formed in 1991 following the repeated experience of women writers being woefully under-represented at PEN Congresses.

I ran for the role of Chair of the WWC because I believe gender equality in the writing community is important (we need to hear a diversity of stories from a diversity of writers), and because I don't believe it has been achieved.

The annual Stella Count documents the under-representation of women in Australia's literary prizes, in review pages and in the books taught in schools. The 2017 Stella Count surveyed 12 publications in print and online in order to assess the extent of gender biases in the field of book reviewing in Australia. For the second time, the Count also surveyed the cover-to-cover bylines in leading magazines and journals. A similar count by the American group VIDA (Women in Literary Arts) documents a similar pattern of under-representation of women in literary journal pages. Similar surveys of representation of women in writing in other countries substantiate similar disparity.

Along with following the cases of women writers silenced through imprisonment or murder, the WWC has undertaken to institute VIDA-style counts of representation of women writers from PEN centres across the world. Relying on data, we can quantify the problem and promote positive change.

The 2018 Congress offered encouraging developments. The newly formed PEN South India

centre, bringing together six language groups, hosted delegates from around the world over the last week in September. It is an immense undertaking to host a gathering of writers from diverse backgrounds, and programming cultural events to interest the idiosyncratic writer activist membership of PEN International.

However, positive event was one-sided – that is, male-sided. The optics of an opening ceremony with predominantly men honoured on a stage with the sole woman there being PEN International's President Jennifer Clement were not good for anybody looking for gender representation. The other women involved in the formal opening ceremony were young women carrying books to the stage for men, and Jennifer Clement, to give to each other.

Women did little better in other aspects of the host's programming: no female writer was entrusted with delivering a solo lecture; the books on display and celebrated were by a tight band of male Indian authors. Given that there are so many quality women writers in India, it's amazing to think they were not by necessity on the program.

And what's so wrong with excluding women writers? This hardly seems a question that should need asking. For the women writers of India the PEN Congress held in their home country should have provided an opportunity to discuss issues of concern to them, to reveal to the world the diversity and sophistication of Indian literature, and to showcase the women's work along with that of their male colleagues.

The 2018 PEN Congress was a missed opportunity



**Top: Shaniwarwada Garden, Pune. Picture: Mark Isaacs
Above: Writer SaliTripathi and Zoe Rodriguez at the Pune Congress.**

for the women writers of India and for the delegates gathered who only heard from representatives of one half of the population of writers. However, the Women Writers Committee must condemn this seemingly unwitting absence of women. For a professional writers' human rights organisation that has just entered into a partnership with the VIDA Count to review the representation of women in the writing ecologies of PEN member countries, it's clear our work needs to start with PEN's flagship event of the year – the congress.

According to acclaimed poet Judith Rodriguez (Vice President of PEN International and, incidentally, my mother), who was unable to attend this year, this was disturbingly familiar. She recalls the 1986 PEN

Congress in New York and the furore that erupted over the overwhelming predominance of male representation on panels.

This is recounted in PEN Vice-President Joanne Leedom Ackerman's account published in the 25th anniversary newsletter of the WWC, where the excuse given by the then President of PEN America Norman Mailer that there were not enough women who filled the bill of being both writers and intellectuals seems unbelievable today.



The Parvati Temple, Pune (Picture: Mark Isaacs)

That a similar absence of women writers given space to express their ideas and share their literature at the Congress in Pune over 30 years after the documented experience in New York explains why the WWC is still relevant and needed. It's also the reason the VIDA count and similar initiatives have been established: we have not achieved the gender equality sought for so long.

The WWC aims to present a checklist for PEN badged events (in fact for any literary events) to ensure this does not happen again.

The checklist is as follows:

- Ensure there is an equal representation of men and women across programming. If for some reason this is not achieved, re-examine the list of possible women writers in order to achieve gender balance. If this is not achievable, explain in the program notes why (and expect critical reaction).
- Involve women in the design of events and programming.
- Find female and male writers to speak on topics covered – there are women writing on every topic, and it should not be assumed that certain topics are the exclusive domain of either.
- Where books are showcased or presented for sale as part of an event or program, ensure that works from women and men are included – again in all genres and in equal numbers.
- If essays and papers are published as part of a conference or program, ensure that works commissioned are by an equal representation of male and female writers.
- Moderators and Chairs for sessions should reflect gender diversity – where these roles are properly carried out they direct the flow of discussion and it's important that women participate equally in them.
- If there's a need for disparity, say because of odd numbers, err on the side of over-representation of women in order to make up for historic imbalance.

Writers and online harassment: when trolls go to work

By Laura Macomber, manager of the Journalism and Press Freedom Project at PEN America

Novelist and editor Stephanie Feldman was at work when she first learned that her identity had been stolen. Except in her case, it wasn't a Social Security number or banking information the culprit was after — it was her livelihood.

With nothing but a Twitter login and a headshot swiped from Stephanie's professional website, an anonymous figure had launched an effective impersonation campaign, painting Stephanie — quite falsely — as a misandrist in support of white genocide.

"Feminist to do list: abort all white male babies," Stephanie's avatar tweeted, unleashing a torrent of hateful messages and direct threats in the real Stephanie's direction. But her attacker didn't stop there. Next they contacted the university where Stephanie works in a bid to get her fired. Then they went after her publisher.

In the weeks and months following her attack, Stephanie was forced to field comments and messages that at turns caused her to fear for her safety, take breaks from social media, and censor what she published online. Still, she knew that to withdraw from online discourse altogether would be professional suicide.

"I can't quit social media, because otherwise how do I do all this?" Stephanie says, genuinely perplexed. "That's how I connect to other writers. That's how I promote my book." Even so, she's been too scared to tweet out the book cover for her forthcoming anthology, *Who Will Speak for America?*, for fear that her contributing writers will become targets of similar online harassment campaigns.

Unfortunately, Stephanie's case is far from unique. Many writers today, like Stephanie, rely on social media to promote their work and make connections in the industry. Presence on social media has become a professional imperative. Book publishers pressure their

authors to maintain an active social media presence ahead of book releases. Freelance journalists, in a constant hustle to secure work, are often forced to rest on the laurels of their Googleability.

But online abuse can force writers to disappear from online communities or refrain from publishing altogether, with serious personal and professional consequences. A new study from PEN America finds evidence of a chilling effect taking hold in our online communities.



Writer Stephanie Feldman: stolen identity



Writers Lindy West, Roxane Gay, and Jessica Valenti : sounding alarm bells about online harassment

Writers like Lindy West, Roxane Gay, and Jessica Valenti have been sounding alarm bells about online harassment for years now, yet inconsistent responses from social media companies, an outdated yet prevailing attitude that online abuse is not a “real life” problem, and the ongoing amplification of hate against marginalised communities have allowed online harassment to thrive.

Meanwhile, victims have been left to hack their way through the hate jungle largely on their own, trying to ensure their voices are still heard and their reputations remain intact. It’s exhausting work, particularly for freelancers, emerging writers, queer writers, and writers of colour who may lack institutional support.

PEN America’s study surveyed more than 230 writers and journalists in 2017 about how online abuse affected their work and presence online. The survey specifically targeted writers and journalists who had been previously harassed. For the purposes of the survey, “online harassment” was defined to include the following behaviours carried out in an online setting: the repetitive posting of inflammatory or hateful comments (“trolling”); cyberstalking; physical threats; the publishing of sexually explicit images without consent (“revenge porn”); and the public posting of private information (“doxing”).

A full two-thirds of survey respondents reported experiencing severe reactions to online harassment, including refraining from publishing their work, permanently deleting their social media accounts, and/or fearing for their safety or the safety of their loved ones. More than one-third of survey respondents reported avoiding certain topics in their writing due to online harassment, while 16 per cent reported permanently deleting a social media account. Thirty-seven per cent felt that online harassment had damaged their reputations. Another 62 per cent reported that online abuse had taken a toll on their personal lives or their health.

Although the survey respondents skewed older and whiter than expected (a result that does not reflect the general reality of how online harassment breaks down demographically), the results of this survey are nonetheless alarming from a free expression perspective.

All persons have the right to express themselves freely through digital media without fear of reprisal or persecution.

The PEN Declaration on Digital Freedom

The numbers reported above would be troubling coming from any community of internet users. But applied to writers and journalists, evidence of a chilling effect deserves a serious conversation between writing communities, technology companies, and advocacy groups, about where we go from here. “How can technology companies effectively and transparently reduce abuse on their platforms?” What recourse do victims have when tech platforms remain unresponsive to their cries for help? How can publishers and newsrooms support their writers during episodes of harassment — including their freelancers? What happens when one person’s so-called free speech impinges on another’s?



The world of internet trolling is a whirlpool of malice. (Picture: Adobe)

These questions are not new, nor are there obvious solutions. PEN America's Online Field Manual, has made every effort to provide some answers. Sourced from research as well as conversations with writers, journalists, editors, mental health professionals, university faculty, online harassment experts, and cyber security experts, the digital Field Manual offers tactics and resources to targets of online harassment, their allies, and their employers, including:

- Step-by-step guides for enhancing individual cybersecurity and preventing doxing
- Ideas for establishing supportive cyber communities to deploy during episodes of online harassment
- Information about wellness and self-care, including crisis support and tips from a formerly harassed psychologist
- Guidelines for talking to professional contacts and loved ones about online harassment
- Guidelines for allies and witnesses interested in intervening in online harassment
- Best practices for news organisations and publishers to improve institutional support during episodes of online abuse
- Information about possible legal recourse for online harassment and pro bono legal resources for writers without legal representation
- First-hand accounts of online harassment from a diverse group of writers

In conversations with writers and journalists, an appalling number of them expressed how alone, isolated, and helpless they felt during episodes of online harassment. PEN hopes its Field Manual will offer solidarity to such writers and empower them to take steps to protect themselves and even fight back against online abuse. Most of all, it hopes the Field Manual has the power to help prevent writers' voices from being silenced in the face of online hate.

Laura Macomber's work focuses on the impact of hate speech and online harassment on writers and journalists, and on the development of approaches to curb the spread of fraudulent news and promote the importance of a free press. This article first appeared in the Columbia Journalism Review. The Online Field Manual may be found at: onlineharassmentfieldmanual.pen.org

- Communication rights of all people

Protecting the human right to freedom of expression in international law

Since its inclusion in Article 19 of the Universal Declaration of Human Rights, the right to freedom of opinion and expression has been protected in all of the relevant international human rights treaties, writes Emily Howie, of the Human Rights Law Centre.

In international law, freedom to express opinions and ideas is considered essential at both an individual level, insofar as it contributes to the full development of a person, and being a foundation stone of democratic society.

Free speech is a necessary precondition to the enjoyment of other rights, such as the right to vote, free assembly and freedom of association, and is essential to ensure press freedom. However, there is a clear and worrying global trend, including in Western democracies, of governments limiting vibrant discussion and debate within civil society and among civil society, political leaders and government.

Two examples illustrate this trend. First, anti-protest laws in Australia and the United States threaten the ability of people to stand together and express views on issues they care deeply about. Secondly, metadata retention laws jeopardise press freedom by undermining the confidentiality of journalists' sources and dissuading people from speaking freely on matters of public importance.

The Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations General Assembly in 1948 in the wake of the holocaust, expressed a commitment by the world to promote and observe a full suite of fundamental human rights.

Article 19 of the UDHR protected freedom of opinion and expression in the following terms: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Seventy years later, the rights contained within the UDHR, including freedom of opinion and expression, are firmly protected in international treaties, regional human rights instruments and newly established domestic human rights laws.

Freedom of opinion and expression are fundamental rights that contain both a personal and a social dimension. They are considered "indispensable conditions for the full development of the person", "essential for any society" and a "foundation stone for every free and democratic society" (UN Human Rights Committee, 2011). All forms of communication are protected, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching and religious discourse".

Under the ICCPR (The International Covenant on Civil and Political Rights), freedom of expression includes the "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 a person's choice".

Without free speech, the enjoyment of other rights is not possible. For example, freedom of speech, along with freedom of assembly and association, are necessary for the effective exercise of the right to vote. The right to vote is compromised in a society that does not have a free exchange of ideas and information on public and political matters between citizens, candidates and elected representatives.

However, free speech is not an absolute right and can be limited where it is necessary and done in a proportionate manner. Under the ICCPR, freedom of expression can only be restricted by law and where necessary to respect the rights or reputations of others; or for the protection of national security or of public order, or of public health or morals.

By reason of those parameters, defamation and hate speech laws can be justifiable as protecting the reputation and rights of others, so long as they are not overbroad. However laws, for example, that restrict door-to-door canvassing in an election or activities such

as blocking access to media sources are likely to violate the freedom.

Finally, freedom of expression plays an important role upholding other human rights. Transparency and accountability for human rights abuses are enhanced by freedom of expression, making it an essential precondition to ensuring the proper protection of rights.

The defence of freedom of expression and other democratic rights is strongly associated with Western democracies, as a legacy of the Cold War era. Whereas

UN expert on freedom of expression reported that individuals seeking to exercise their right to expression face all kinds of government-imposed limitations that are not legal, necessary or proportionate, noting that the “targets of restrictions include journalists and bloggers, critics of government, dissenters from conventional life, provocateurs and minorities of all sorts”.

Recent laws and policies show that Western democracies are not immune from this trend, with governments increasingly willing to limit the freedom of

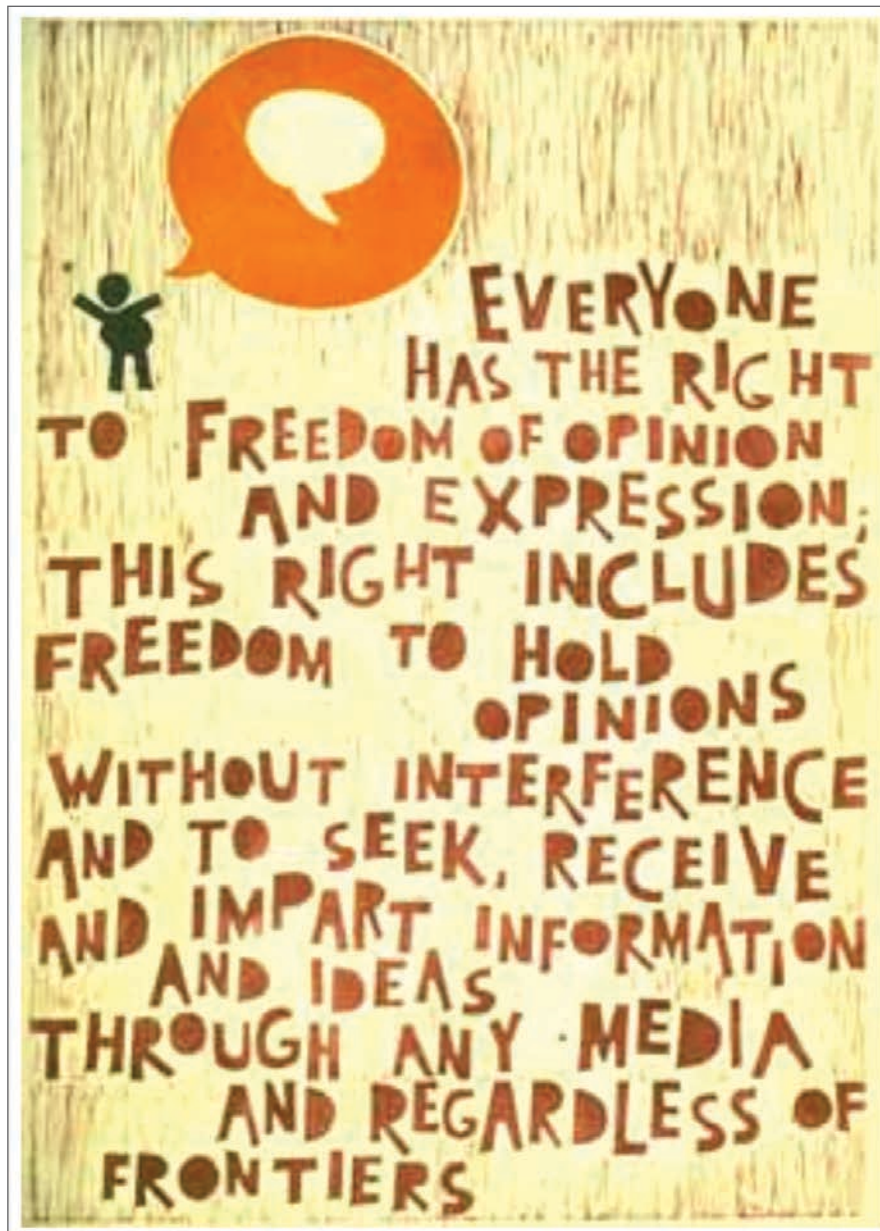
civil society to participate in public debate and discussion. Two examples illustrate this trend: the rise of anti-protest laws and the government surveillance of citizens’ telecommunications metadata.

Protests engage both freedom of expression and assembly. In the context of protests, people will express themselves verbally, as well as through non-verbal expression, such as raising banners or placards.

In 2017 in the United States, in response to large-scale protests arising out of emerging peoples’ movements such as Black Lives Matter and the opposition to the Dakota Access Pipeline, at least 20 states proposed new laws to limit peoples’ ability to protest. The laws proposed to limit protest rights in a range of ways, including by prohibiting the wearing of masks or hoods in public; establishing mandatory penalty enhancements for obstructing commercial vehicles or interfering with pipelines or oil-related facilities; and, the most extreme, providing immunity for drivers who accidentally run over protesters who are obstructing a highway.

As at June 2017, anti-protest bills remain pending

in seven states, were passed in five states and 12 states failed to pass any of the anti-protest laws introduced. These laws are being proposed in a country whose Supreme Court has held that both the rights to freedom of speech and assembly encompass the right to peaceful social protest, which in turn is critical to the preservation of “freedoms treasured in a democratic society”.



the Soviet Bloc largely promoted treaties that protected economic and social rights (such as rights to housing, education and health), the West prioritised civil and political rights (such as free speech, freedom of assembly and rights to participate in public life).

However, freedom of expression is currently under assault across the world. In October 2016, the

Two UN experts made a joint statement of concern in relation to the proposed anti-protest laws, stating that: The bills, if enacted into law, would severely infringe upon the exercise of the rights to freedom of expression and freedom of peaceful assembly in ways that are incompatible with US obligations under international human rights law and with First Amendment protections. The trend also threatens to jeopardise one of the United States' constitutional pillars: free speech.

Similarly in Australia, state-based anti-protest laws are criminalising peaceful protest. In the state of Tasmania, for example, a 2014 anti-protest law effectively criminalises peaceful protest on public land, even for a short time. The laws criminalise all protest activity, peaceful or otherwise, that occurs on or near certain business premises and which "prevents, hinders or obstructs" access to business premises. This law applies to both public and private property and carries with it substantial penalties of up to \$10,000 and four years' imprisonment.

Three UN experts on freedom of opinion and expression called the laws "disproportionate and unnecessary". In October 2017, Tasmania's law was struck down by Australia's highest court for violation of the implied freedom of political communication in Australia's constitution.

Another alarming trend in Western democracies is metadata retention laws that jeopardise free speech and press freedom, and which could dissuade people from sharing information on matters of public interest. Freedom of expression requires a free, uncensored and unhindered press in which the media can comment on public issues without censorship or restraint and can inform public opinion.

A fundamental tenet of journalism is the ability to access information and, in doing so, to keep sources safe and confidential. Yet governments in Western democracies are jeopardising the confidentiality of journalists' sources through increased surveillance of peoples' telecommunications metadata. Metadata is not the content of communications, but the details around it – the time and place you made a phone call, the length of the call, the recipient, or the web browser you visited and for how long.

Metadata can reveal an enormous amount about a person's habits, private life and social life. The European Court of Justice said: "That data, taken as a whole, is liable to allow very precise conclusions to be drawn concerning the private lives of the persons whose data has been retained, such as everyday habits, permanent or temporary places of residence, daily or other movements, the activities carried out, the social relationships of those persons and the social environments frequented by them. In particular, that data provides the means...of establishing a profile of the individuals concerned, information that is no less sensitive, having regard to the right to privacy, than the actual content of communications."

Unsurprisingly, schemes that require the mass collection and retention of metadata and allow authorities access without appropriate safeguards have been declared by courts in Europe to be invalid due to

the severe impact on the right to privacy.

However, there is also an impact on freedom of expression in circumstances where metadata retention laws are actively used to pursue journalists' sources, thereby undermining press freedom. This is because by looking at a journalist's phone or email metadata, authorities can quickly see who has been in contact with them, revealing the identity of sources and whistleblowers. In Australia, although there are some protections in place for accessing the metadata of journalists that require law enforcement agencies to obtain a special warrant, in at least one case the Australian Federal Police have admitted to unlawfully accessing a journalist's metadata without the relevant warrant.

Further, government reporting shows that authorities were granted warrants to access two journalists' data on at least 33 other occasions.

The European Court of Justice has also noted that the invasion of people's privacy through metadata collection can also dissuade people from speaking freely. It stated: "The fact that the data is retained without the subscriber or registered user being informed is likely to cause the persons concerned to feel that their private lives are the subject of constant surveillance... The impact of this scheme could have an effect on the use of means of electronic communication and, consequently, on the exercise by the users of their freedom of expression."

The extensive, intrusive nature of data collection regimes, in combination with a lack of transparency over which bodies are able to access it and for what purposes, risks discouraging the legitimate exercise of freedom of expression.

Freedom of expression is a fundamental human right that must be upheld in democratic societies. Yet there is a worrying global trend of governments unjustifiably limiting freedom of speech, targeting journalists, protesters and other persons considered to be dissenting from government views. Even in Western democracies, laws are curtailing protest activities and threatening press freedom and free speech through mandatory metadata retention schemes. It is imperative that civil societies across the globe are vigilant in defending freedom of expression. This is necessary for the enhancement of people's lives and the creation and maintenance of strong, healthy democratic societies.

The author thanks Ivy Keane for research assistance on this commentary. This is an edited version of the piece that appeared in International Journal of Speech-Language Pathology, Volume 20, 2018, Issue 1

When an acclaimed journalist finds himself in the headlines

Natural curiosity and a yearning for discovery and adventure led Peter Greste to a life reporting the headline news from around the world. But in 2013, he became headline news when Egyptian authorities arrested him and two Al Jazeera colleagues for news reporting that was “damaging to national security”. After an eventual retrial, Peter Greste was released and deported home to Australia.

It comes as no surprise to find that acclaimed journalism academic Peter Greste was an adventurous young boy with a penchant for voicing his opinions.

His father Juris, an architect and academic, says he used to come home from school with tales of perceived injustices and unfair treatment. Even at this stage, his parents mused that he might become a lawyer.

Born in Sydney in 1965, Peter grew up near Lane Cove River National Park and spent much time roaming through the bush there with his two younger brothers, Andrew and Mike. Like many Australian lads, he joined the local Boy Scouts and when the family moved to Brisbane, he signed up with the Indooroopilly Scouts.

In Year 12 he was made school captain and became a finalist in the Lions Club Youth of the Year Awards. He was awarded a Rotary International Exchange Scholarship and spent a year as an exchange student in South Africa, living with local families.

Peter Greste, appointed UNESCO Chair in Journalism and Communications at the University of Queensland in February this year, delivered the PEN Free Voices lecture at the 2018 Sydney Writers’ Festival. The Australian-Latvian journalist and correspondent has worked as a correspondent for Reuters, CNN and the BBC and Al Jazeera, predominantly in the Middle East, Latin America and Africa.

On 29 December 2013, Peter and his Al Jazeera English colleagues,

journalists Mohamed Fadel Fahmy and Baher Mohamed, were arrested by Egyptian authorities, accused of news reporting that was “damaging to national security”. Six



Free at last, Peter Greste enjoys the open space of beach and sea.

months later they were found guilty by the court, and sentenced to long gaol sentences, in Peter Grete's case, seven years of incarceration. The men were seen internationally as political prisoners due to the nature of the trial, the lack of applicable evidence presented and the sentences. The United Nations High Commissioner for Human Rights urged the authorities in Egypt to "promptly release" the journalists. The US Secretary of State John Kerry was highly critical of the sentences, terming them "chilling and draconian"

The men appeal the sentence and eventually were granted a retrial. However, in a surprise turn of events, Peter was released from prison after more than 400 days behind bars and 1 February 2015 deported two weeks before the retrial began. As Peter explains, "Bizarrely, we were all defendants in the retrial, despite the fact that I had been deported on a presidential order. At the end of the retrial, we were all reconvicted, but with reduced sentences. Baher and Fahmy were pardoned and released about three weeks after the verdict. The pardon did not extend to me, so I remain a convict, with an outstanding prison sentence to serve."

Since his return to Australia, Peter Grete has advocated widely for freedom of the press and free speech. In recognition of his efforts, he was awarded the 2015 Australian Human Rights Medal.

In 2016, Penguin published a biographical account of his family's efforts to free him from incarceration entitled *Freeing Peter*, and a year later Peter's book

The First Casualty, a "first-hand account of how the war on journalism has spread from the battlefields of the Middle East to the governments of the West", was also published by Penguin.

As a boy in Lane Cove and Brisbane, Peter grew to love the outdoors and adventurous activities, like kite boarding. His father Juris says, "While Peter could not be described as a thrill seeker, he has never shirked away from challenges and difficult projects."

As it happens, his childhood recognition of social justice and the need for a sense of purpose grew with him into young adulthood. When he finished high school and contemplated university study, he couldn't decide what to do. He says he fell into journalism by default. Just before enrolment, he started to eliminate courses he knew he did not want to do, like architecture, accountancy, law. "I came to journalism and after reading about the course, I knew it was what I wanted to do."

Graduating from the Queensland University of Technology in 1987 with excellent results and a special award for photography, he first worked at a local television station in Shepparton in rural Victoria, moved to Darwin and then to Adelaide with Channel 10.

He says after a couple of years working in Adelaide, he found he was doing the same sort of stories over and over and determined to change his professional path. He had recently read Tim Bowden's book *One Crowded Hour* about Australian photojournalist Neil Davis, known particularly for his work covering the Vietnam War. "It was an incredible inspiration," he says. "Neil Davis had enormous integrity and covered big stories." Peter says he wanted to do the same; he wanted to be a foreign correspondent.

So Peter quit Channel 10, went to London and offered to work as a freelancer for

the Ten Network. "I was willing to take the risk knowing that if it didn't work out I could ask mum and dad for a return ticket to Australia – part of the privilege of a middle-class upbringing."

But he did not have to ask for a ticket home. By 1993, he was working for the BBC in London; two years later he got a posting to Kabul, covering the emergence of the Taliban and later, the start of the post 9/11 war.

He says he does not see himself as a risk taker and certainly not as an adrenaline junkie. While he acknowledges a desire for excitement and adventure, he is mindful of his own safety. "Over the years, I learned how to manage risk," he says, explaining that being a foreign correspondent is a bit like being an electrician – both may be dangerous.

"I do not think I am impulsive, rather I regard myself as responsive." After Afghanistan, he worked in Bosnia as a freelancer for Reuters, then the Middle East and Mexico City, Santiago and Buenos Aires for the BBC.

He acknowledges life as a perpetual nomadic correspondent takes a personal toll, especially of relationships, but in 2004 he followed his girlfriend to Kenya and once again set up as an intrepid freelancer, this time based in Mombasa. While he had covered the big stories of civil war in various African countries and the end of apartheid in South Africa, he took time out to work on a 'soft' story, the story of orphaned hippopotamus named Owen and his friend, 103-year-old Aldabra giant tortoise Mzee (wise old man in Swahili).

Owen was separated from his herd as a juvenile following the December 2004

tsunami and was brought to the Haller Park nature reserve run by Peter's partner Dr Paula Kahumbu. Having no other hippos to interact with, Owen immediately attempted to bond with Mzee, whose large domed shell and brown colour resembled an adult hippo. Mzee was wary of the little hippo at first but grew to like him and having Owen around him.

Peter later took the photographs for a 2006 book Paula co-authored about the pair, *Owen and Mzee: The True Story of a Remarkable Friendship*. It was on *The New York Times* best seller list of children's books for 48 weeks. It was, Peter says, the product of a unique experience and he does not see himself pursuing further adventures in children's publishing.

Instead he is focused on his new appointment as a journalism academic and press freedom advocate. His role now includes teaching, research and engagement activities and campaigning on key issues in the media. He says that after spending more than a quarter of a century on the road, covering international affairs for the BBC, Reuters and Al Jazeera, it felt like the right time to change gears and give something back to journalism.

"With the University's incredible research capacity, and the platform that the UNESCO Chair of Journalism and Communication gives me, I am also looking forward to using those resources to help shape the future of an industry that is so vital to a functioning democracy."

Sandra Symons

- Free Voices address: Peter Greste

The War on Journalism: how 9/11 changed everything

Australian journalist Peter Greste, the former Al Jazeera correspondent who spent 400 days in an Egyptian prison, delivered the Sydney PEN Free Voices address at the 2018 Sydney Writers' Festival. Mr Greste, who also worked as a foreign correspondent for Reuters, CNN and the BBC, predominantly in the Middle East, Latin America and Africa, joined the University of Queensland as Professor in Journalism and Communication since his release from prison and return to Australia.

The world is changing – we all know that – but in what direction? In 2011, President Obama addressed a joint session of the Australian parliament, in which he said, “The currents of history may ebb and flow, but over time they move – decidedly, decisively – in a single direction. History is on the side of the free – free societies, free governments, free economies, free people.”

Democracy 101 tells us that central to a free, democratic society is a free press, able to do its job as the public watchdog, keeping track of what governments do in our name. Well, if that's the case, and freedom does indeed move in a single direction, we ought to be seeing a trend towards greater press freedom, greater diversity...

Each year, Freedom House does a survey of media freedom around the world. It puts together a matrix of factors such as government censorship, concentration of ownership, media laws and so on, and then draws up a map to give us a sense of what's going on around the world.

Its latest report, published last year, declared “Global press freedom declined to its lowest point in 13 years in 2016 amid unprecedented threats to journalists and media outlets in major democracies and new moves by authoritarian states to control the media, including beyond their borders.”

More recently, Reporters without Borders published its 2018 World Press Freedom Index. RSF's grim summary said the report “reflects growing animosity towards journalists. Hostility towards the media, openly encouraged by political leaders, and the efforts of authoritarian regimes to export their vision of journalism pose a threat to democracies”.

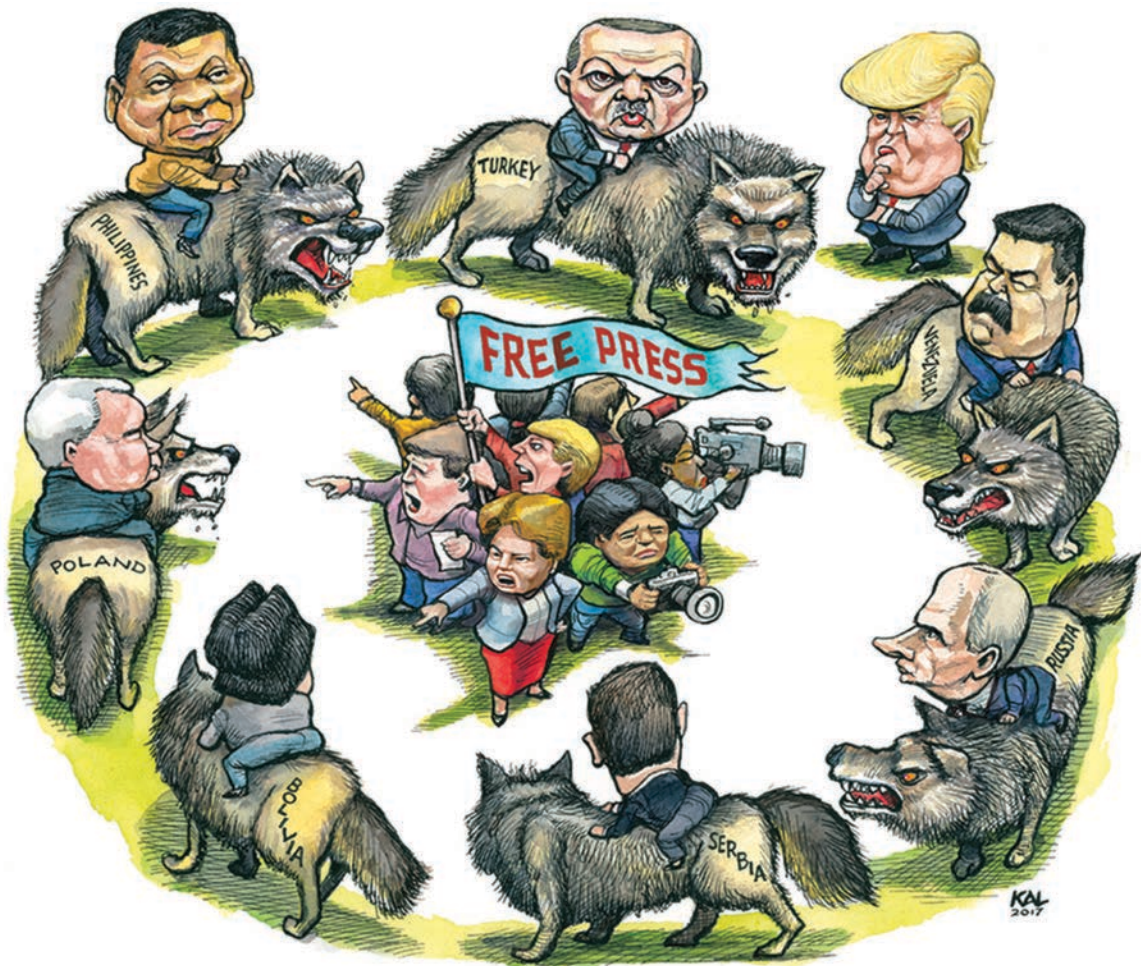
What's instructive is how things have changed over time. According to Freedom House, 25 years ago areas deemed to have a genuinely free media covered North and South America, southern Africa, Australasia and Europe. States that had a partly free media covered pockets of Latin America, gratifying chunks of west and east Africa, and north and south Asia. The problem areas ran across north and central Africa, the Middle East, and central and east Asia, while the worst of the worst were Afghanistan, Pakistan, Libya and Myanmar.

Five years later, in 2000, media repression had extended to north Asia and to some extent areas in Africa and Latin America. In 2005, there was a brief fight back for media freedom in Africa, but otherwise the world remained disturbingly bleak. By 2015, the situation had grown progressively worse.

The Committee for the Protection of Journalists has also been tracking the numbers, especially attacks on journalists, and found they broadly relate to the regions that Freedom House has marked as trouble-zones.

Last year was a record for journalist deaths. In fact, the past two years have seen record highs, with 262 journalists behind bars as of December 1, 2017. So, what has happened? Well, let me point to one year in particular which I think was the turning point – 2001. Nobody needs reminding that it was in that year that Al Qaeda brought down the Twin Towers, and George W. Bush declared War on Terror.

The Committee to Protect Journalists (CJP) has analysed the charges that imprisoned journalists are facing. Just over a third of them were on charges specifically related to their work – things like slander, defamation, and false news, as well as a range of other charges.



Graphic illustration of press under threat, by KAL

But almost three quarters are in prison on what the CPJ broadly defines as “anti-state” charges. That’s things like treason, sedition, and terrorism.

My Al Jazeera colleagues and I were in this sector. In our case, we were charged with supporting a terrorist organization, being members of a terrorist organisation, financing a terrorist organisation, and broadcasting false news with intent to undermine national security. We were convicted and sentenced to seven years in prison.

The Egyptian authorities were right in a way, when they insisted that they had never imprisoned journalists for their journalism. All of us – the journalists involved in the Al Jazeera case – were accused of some very serious criminal activity. In their eyes, the fact that we were journalists was incidental. That is true of most of the cases that the CPJ has been tracking.

So, what’s going on here?

In my view, the turning point seems to be around 9/11. The wars that we covered before then, especially through the 1990s, were conflicts over land or water or ethnicity. They were wars with front lines that were relatively easy to define. Bosnia was, of course, one of those

conflicts. And although some groups like the Serbs came to see journalists as threats in themselves, by and large our presence was accepted. In those wars, journalists are considered as observers, which of course carries its own risks in an environment where belligerents often want to cover things up, but they are not seen as participants. Both the belligerents and governments had come to recognise the role of journalists as legitimate if annoying actors on the battlefield, just as aid workers and medical staff were.

But when Al Qaeda attacked Washington and New York, President George W. Bush declared “you are with us or you are with the terrorists”. With that single statement, the world changed for journalists. Instead of a conflict that could be defined in terms of physical space, or clearly demarcated resources, we saw a war over a set of ideas – a battle between two opposing world-views. The “War on Terror” has become, as a friend of mine once quipped, a war on an abstract noun.

In this conflict of ideas, the battlefield is, by definition, the space where those ideas are prosecuted – through the media itself. The media is the battlefield.

And journalists have become the unwitting and unenlisted foot soldiers.

This is not an abstract idea. This is a very real problem with some very serious flesh-and-blood consequences.

Let me give you a few examples. In 1995, I worked in Afghanistan as the BBC's Kabul correspondent. That was back during that golden age of journalistic freedom. In those days, we crossed the front lines with impunity. Western governments hated the Islamist Taliban, but seemed to recognize the value of clear, independent reporting to help make sense of the rise of the organisation. We were encouraged to cover the crisis and interrogate the Taliban with all the professionalism we could muster. And while the Islamist militants didn't necessarily like us or understand our values, they weren't openly hostile to us. As long as the two sides weren't shooting at each other, we could and did drive over the lines (with our backsides tightly clenched) to report from both sides as genuinely neutral journalists.

But in the war in Afghanistan after 9/11, a few things happened that had a significance few of us recognised at the time. The first was a US airstrike that hit the Al Jazeera bureau. The US said it was a mistake, but the incident has never properly been investigated, and there are plenty of us who suspect it was because the bureau had extraordinary access to Al Qaeda sources. Then there was the murder of four journalists driving from Pakistan

to Kabul. Among them was a very good friend of mine, the wonderful Italian freelance reporter Maria Grazia Cutuli. The leader of the group who was convicted of the killings said they carried them out on explicit orders by the Taliban leadership to go after journalists.

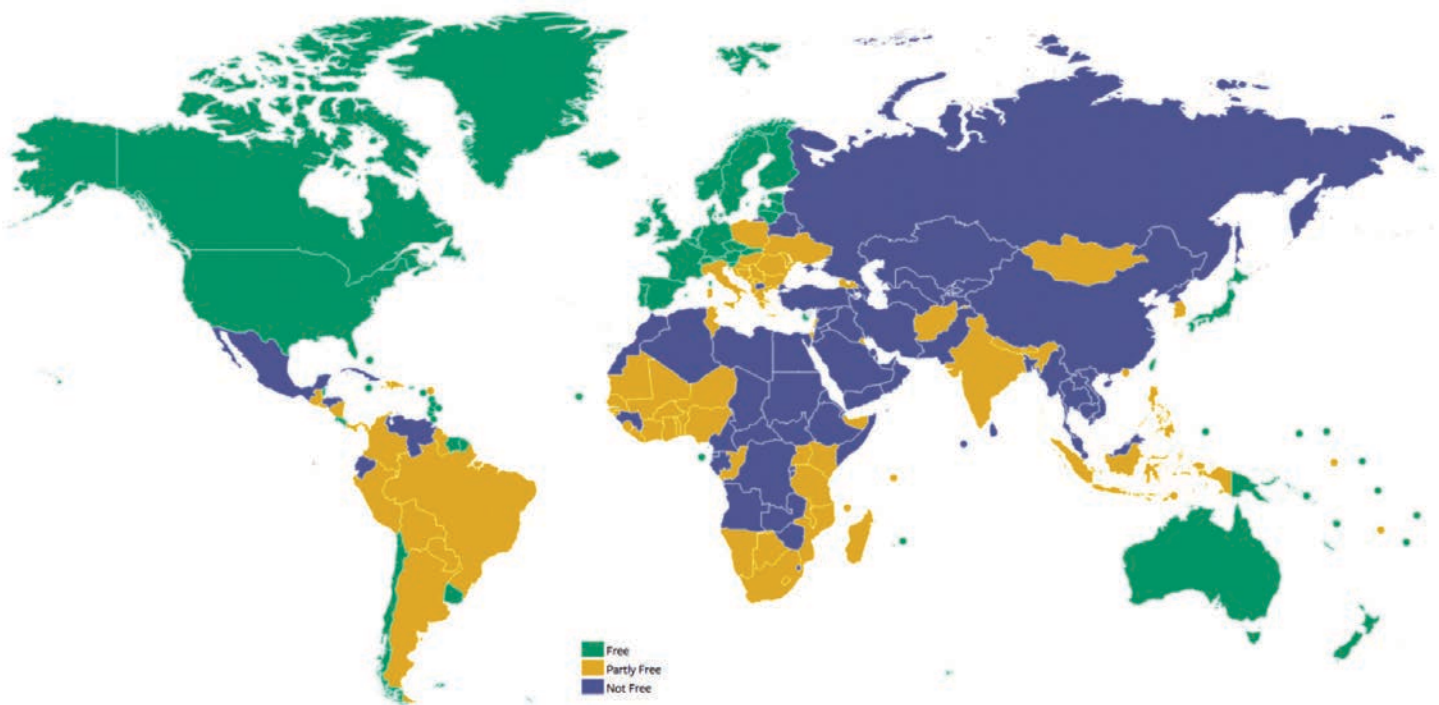
In effect, both sides came to regard journalists as legitimate targets in ways that we haven't seen before. And the trends have continued ever since.

Since the War on Terror began, governments across the globe have used the "T" word to excuse all manner of attacks on human rights and press freedoms. It almost feels like a kind of globalised McCarthyism, where simply invoking terrorism is enough, in some cases, to get away with murder. And it is pretty easy to get away with murdering a journalist. Just as a brief aside, roughly 90 percent of all journalist murders remain unsolved.

I do not mean to minimise the risks of terrorism, or blame governments alone. The Islamic State's executions of American freelancers James Foley and Steven Sotloff and the Japanese photographer Kenji Goto are some of the most shocking examples of the problem on the other side of the ledger.

But in this new world, to simply ask questions about the conflict, or to seriously investigate either extremism or the government's handling of it, you make yourself a target. In the view of both sides, if you cross the lines in pursuit of our most fundamental principles of balance,

Freedom of the Press 2017



Freedom House's 2017 global analysis of the state of the free press: Green countries have a free press, Yellow are partly free, and Purple denotes countries without a free press.



Demonstrators in Warsaw protest government plan to restrict journalists' work in the Poland's parliament building.
(Photo by NuPhoto/Getty)

fairness and accuracy, you effectively join the enemy. As I said earlier, in effect, it has made the media itself the battleground. It is a chilling re-definition of Marshal McLuhan's famous phrase – "the medium is the message".

Now, for me this is not hypothetical. This is deeply personal. In 2015 I came out of 400 days in an Egyptian prison for collaborating with Islamic extremists.

In prison, I often thought about what we had done to upset the government. We were there to cover the unfolding political struggle between the remnants of the old Mubarak regime, the secular revolutionaries and the Muslim Brotherhood supporters. I'd been sent to fill in the bureau for a few weeks over the Christmas/New Year period, so I wasn't an expert. In a way, I might not have minded being in prison so much if we had genuinely pushed the boundaries. I've done that plenty of times in places where my own radar was much more finely tuned; where I was far more aware of where the boundaries lay; of what might upset a government or a warlord; of what their response might be; and of what I could get away with.

But in Egypt we quite deliberately played with a straight bat. I'd only been there two weeks before our arrest, so I really wasn't in any position to probe the edges. I was simply treading water. My work was, I'd have to admit, rather routine and certainly nothing special.

The trouble is that Egypt back then was the most polarized society I'd seen that wasn't in a civil war.

Remember, barely six months before our arrest, the Muslim Brotherhood had been in power as the first legitimately elected government in the nation's history. They remained the single largest and best organised

political force in the country. So in the pursuit of balance and fairness, it made sense to pick up the phone and talk to them. It seems that that act alone made us targets of the government.

I am not going to suggest here that Western democracies like the US or Britain or Australia are anywhere near that situation. But what concerns me is that we are failing to defend those things that have genuinely helped keep successful democracies safe, stable and truly free. In the wake of the terror attacks of the past decade and a half, we've seen legislation introduced ostensibly to tackle terrorism. But there are several pieces of legislation that have dramatically served to limit the work that journalists do. I won't go into them all, but I do want to give you just some examples that I think are troubling but also typical.

Here in Australia, we like to think of ourselves as a model liberal democracy – open and free, with deeply embedded protections for human rights and freedom of the press in particular.

And yet... and yet... over the past few years, we've seen a whole raft of laws being introduced, all in the name of national security, and most with bipartisan support, that all chip away at freedom of the press. The government has written a new law that allows the minister to declare any operation by the security services a Secret Intelligence Operation – an SIO. If a journalist or a source exposes information about an SIO, they can be thrown in prison for five years or 10 if it's judged to be "aggravated disclosure". The problem is that an SIO by definition is secret – so journalists looking into security service work will never know whether they are breaking the law until they wind up in court. That designation also

remains in perpetuity, so even if we want to look back at the history of a particular branch of the security services, we run the risk of unwittingly winding up in prison.

Then there is the data retention bill that gives a host of government agencies – not just the security services but others, like customs, the power to dig into the metadata of any Australian, without a warrant. Now, the (former) attorney general George Brandis said that's necessary.

The government argues that it isn't intended to shut down media scrutiny but rather to protect sensitive security operations and that might well be true, but you can imagine the effect that legislation will have on any reporter interested in keeping track of how the Australian government is using its intelligence and security services, and whether those operations are effective or not. And surely that's got to be one of the most important functions of a watchdog media.

**The media is the fourth estate,
the fourth pillar of a healthy,
functioning democracy alongside
the executive, the legislature and the
judiciary. The more you weaken any
one of those, the more you destabilise
the whole lot.**

I have no problem with the need to keep our societies safe from attack and, like most journalists, I've got no interest in needlessly exposing security operations or risking the lives of people involved in protecting us. But there are plenty of existing restraints that have done a pretty good job of stopping that kind of reporting.

In the arguments about defending national security, I think we can lose track of some of the most basic principles that helped make our states some of the most prosperous, stable and peaceful places on earth.

Remember, the media is the fourth estate, – the fourth pillar of a healthy, functioning democracy alongside the executive, the legislature and the judiciary. The more you weaken any one of those, the more you destabilise the whole lot.

In my work in more authoritarian places I've often noticed that in the relationship between the government and the media, there is a sliding scale that defines the way power is distributed. If you take power from one, you tend to give it to the other.

In the current environment, it is all too easy, too tempting for governments to use the war on terror as a convenient excuse for dragging the slider to the right, to claim more power in the interests of national security, trading off the media's oversight role in the process.

Even if we wanted to live in a police state, history suggests that can never really deal with terrorism, and that perversely the best way to tackle extremism of any sort is to keep an open, accountable society with a media free to do its job, interrogating not just governments, but those whose opinions tend to drift off into the political extremes.

Of course, everyone in the media is under stress at the moment. The digital revolution has radically changed the way media companies do business, and news that has never made money on its own is under enormous pressure. Everyone is fearful for their jobs – that's one reason I'm in academia now. We all know people who've lost their jobs, and I bet there are a few here who are pretty worried about their own right now. There are plenty of experiments out there at the moment, but I have yet to hear of an alternative that makes me feel confident we've got a way of financing great journalism. But among all the stress and angst around adapting to the new digital environment and surviving against our competitors, I think we are failing to make a collective case for our role in our democracies. We have to remind both our audiences and our political leaders that a free, robust, healthy media is a fundamental reason why democracies have been so stable, prosperous and, yes – relatively safe.

So, my appeal to you today – to all of us who are in this business – is to take every opportunity to make the case for media freedom, to push back whenever there seems to be a move to limit the work that we do, to set aside our competitive instincts for a while and join our rivals to argue loudly and clearly about why we need to be able to get on with our jobs as freely as possible.

It was the French philosopher Albert Camus who said that a free press can, of course, be both good and bad but a press that is not free can never be anything but bad.

This is an edited version of Mr Greste's Free Voices presentation. His book, Freeing Peter, written with his family who spearheaded an international media campaign to champion his release, was published in 2016. In 2017, his book, The First Casualty, published by Penguin, offers a "first-hand account of how the war on journalism has spread from the battlefields of the Middle East to the governments of the West".

Our man in Cambodia

Australian documentary filmmaker James Ricketson spent 15 months inside a Cambodian gaol after being arrested on charges of spying. Sentenced in August to six years in prison in a trial condemned by human rights activists, he was freed to return to Australia in late September after being granted a royal pardon. Fellow documentary maker Curtis Levy visited Ricketson in the notorious prison where the veteran filmmaker was held along with 30 other political prisoners.

My friend James Ricketson has been making films in Cambodia for over 20 years. It was James' interest in the plight of street kids that first led him to visit Cambodia. He had heard about an inspiring program helping street kids in Phnom Penh. It was while he was exploring this program that he met Chanti. He has been supporting Chanti and her family and many other families in need ever since. Prior to his arrest he had been filming Chanti's life for a documentary film Chanti's World.

When I finally did visit James, he was locked away in the grim Prey Sar prison. The government had taken exception to him using a drone to film a political rally.

At the time of my visit articles in the local papers reported crackdowns on protesters and those opposed to the government.

While James was awaiting trial, the government featured his name and image in propaganda films accusing the opposition party and the CIA of colluding to foment a coup. During his trial James would complain to the court and the Australian government about the Cambodian government blackening his name and reputation while court proceedings were still going on.

In Prey Sar James lived in a cell 16 by 5 metres which housed 140 prisoners sleeping on plastic mats on the floor. There were at least two mentally ill prisoners in the gaol who were chained to a pillar most of the time. Their screams could be heard through the night. In the last weeks of his incarceration, James was transferred to the prison hospital with lung and skin problems.

Setting out each day to visit James meant an hour by tuk tuk over bumpy dusty roads, stopping at local markets to buy the fresh fruit and vegetables suggested by his son Jesse who had had moved to Phnom Penh to help James with his trial.

Eventually James appeared in his orange prison garb, hair largely shaven because of the heat. We hadn't seen

each other for several months. It was great to see that he still had his energy and a degree of optimism. I was seeing him on a good day in terms of his mood. Over a period of three visits and a hurried conversation at the Appeals Court, I saw his mood change from one of almost constructive optimism to anger and frustration. It was fast becoming clear to him that despite the fact that the government had no real evidence against him, he would in all likelihood be stuck in Prey Sar prison for some time.

During James' seven-day trial (lengthy, for Cambodia), there was very little evidence presented for the prosecution, despite the fact that they had trolled through all his emails and Facebook entries. James had published four blogs and posted several YouTube videos, many of which had not been favourable to Hun Sen's government. The prosecution seized on an email James wrote to then Prime Minister Malcolm Turnbull that suggested he should refuse to meet Hun Sen because "a photograph of Turnbull and Hun Sen will last forever". He said it would be inappropriate for the Prime Minister to be seen to be friendly with the leader of a country where there was very little rule of law. James also made the point that it was wrong for Australia to dump refugees in such a poverty stricken lawless country. The Cambodian government had been willing to take the refugees after the Australian government had paid \$40 million to Hun Sen's government to facilitate the deal.

In the end, despite sentencing James to six years gaol, the court came up with no evidence either that James was a spy or which country he was supposed to be spying for. James Ricketson is outspoken about his personal beliefs in human rights and campaigning for justice for the poor. Even now that he has been pardoned and is safely back in Australia, he is determined to continue his work for Chanti and other poor people in Cambodia.

- Helping Behrouz speak out

Truth to power: translating Behrouz Boochani's masterpiece

Sydney academic Omid Tofighian writes about his role as translator of the book, *No Friend but the Mountains: Writing From Manus Prison*, by refugee Behrouz Boochani who has been incarcerated on Manus Island for five years.

The GM picks me up from the airport. I call him the GM because after the PNG Supreme Court ruled the Manus Island immigration detention centre illegal, this man was able to leave the prison and find work as the general manager of a lodge in Lorengau town. Behrouz Boochani has arranged for me to stay at that lodge.

The GM's Manusian colleague and another refugee accompany him. Driving into town we see police blocking part of the road beside a school; some locals are dispersing, others are gazing over at a cluster of trees.

I find out afterwards that the body of Hamed Shamshiripour has just been discovered among those trees beaten and with a rope around his neck.

Hours later, I meet Behrouz for the first time at the central bus stop in Lorengau. I always imagined him holding his smart phone – an inseparable union. A Kurdish journalist, writer and refugee from Iran, Behrouz has been incarcerated on Manus for five years. Since the start of 2016 I have been translating his journalism, communicating with him through WhatsApp.

During this time, his phone has been a lifeline to the outside world. He has shot a film and written articles on it – texting them to those beyond the prison fences – and now his book, *No Friend but the Mountains*.

We greet each other as he finishes a phone call. Australia's border regime has stolen prime years of his life – he is weary and famished, but proud, vigilant and resolute. This is despite having had nothing to eat all day, the heat and sweat, being traumatised at the loss of a friend and the responsibility of reporting and communicating with the Australian and international media.

Over some days we get to know each other personally for the first time, and I meet others and translate articles in response to this latest tragedy. Then after the intensity, stress and anger have faded a little, we begin reviewing the chapters of *No Friend but the*



Behrouz Boochani and Omid Tofighian pictured in 2017. Picture: Dr Omid Tofighian

Mountains. I have already translated about 80%.

Behrouz began writing from the very beginning of his exile and incarceration; he persevered after his phones were confiscated twice and stolen once. I began translating in December 2016; for one year I translated as he wrote using his smart phone.

Behrouz had text-messaged parts from various chapters to Moones Mansoubi, his very first translator beginning in 2015 and a translation consultant on this project. She would sort the texts into chapters on his instructions. Mansoubi then emailed me the PDFs – each chapter was one long text message of between about 9,000 and 17,000 words.

As I was translating from Farsi to English, I consulted regularly with Behrouz through WhatsApp. He would often add sections and make changes.

My translation process also involved weekly sessions with either Mansoubi or Sajad Kabgani, an Iranian researcher living in Sydney. While I translated, Behrouz continued to finish the book while communicating with his friends and literary confidants, Janet Galbraith, Arnold Zable, Kirrily Jordan and Mahnaz Alimardanian in Australia, and the intellectuals and creative thinkers Najem Weysi, Farhad Boochani and Toomas Askari in Iran.

Here on Manus, Behrouz reads the Farsi while I check the English. We stop and discuss sections, meanings, nuances and changes; we also digress and explore ideas, symbols, stories and theories far beyond the pages of the text. Describing his thinking and writing process, he explains: "The book is a playscript for a theatre performance that incorporates myth and folklore; religiosity and secularity; coloniality and militarism; torture and borders..."

The translation method requires a form of literary experimentation. And the process is a form of shared philosophical activity.

Trying to preserve the sentence structure when translating Farsi literature into English results in unnecessarily long and cumbersome passages. Literature written in Farsi mostly consists of sentences with many elaborate and varied consecutive clauses. The subject is at the beginning and the verb is usually placed at the end.

The patterns and flow of adjectival clauses, synonyms and poetic and cultural images and allusions enable Farsi readers to move smoothly through the extended sentences due to a combination of melody, imagination, anticipation and consolidation.

In English, the same chain of clauses within a sentence becomes too awkward to read, losing much of its rhythmic thrust. Splitting sentences into many smaller ones is helpful. It also reflects the disrupted and fractured subjectivity and modes of knowing of those who are imprisoned refugees.

In this book, political commentary and historical account meet philosophical and psychoanalytic examination; these are framed or supported by myth, epic and folklore from various traditions, particularly Kurdish, Persian and Manisian. It is an anti-genre. I call the style "horrific surrealism".

In significant places, noun phrases and monikers are also capitalised to emphasise personhood and Farsi prose is translated into English verse. For instance:

Killing time involves a simple trick
Reach out and hold another sunset
Another one of the thousand-colour Manisian
sunsets
Then, reach out and hold another night
Another one of the dark island nights
A futile cycle ...
Night and day revolving
Under the shade of an old tree.
Behrouz and I had a mutual understanding;



Hussein Shamsheeripour alongside a picture of his deceased son Hamed in August 2017. Picture: AAP

in fact, the translation team embodied a kind of collective intention or shared agency. Our literary and philosophical interpretations evolved throughout the process. But the shared goal from the start was to produce a visceral narrative, a riveting masterpiece that exposed one central aspect of the detention regime: systematic torture.

Behrouz Boochani appeared by audio link at a Sydney PEN event at the University of Technology, Sydney, when his book was published recently. Dr Omid Tofighian is a lecturer at the University of Sydney.

It's now time to bridge the Indigenous literacy gap

Only 34 per cent of Indigenous Year 5 students in very remote areas are at or above national minimum reading standards, compared to 95 per cent for non-Indigenous students in major cities, according to the 2017 National Assessment Program for Literacy and Numeracy (NAPLAN).

Although the situation is improving, there is still a long way to go and the challenges are immense. Apart from the historical, health, social, and educational disadvantage issues, many remote communities don't have many, if any, books. Most of the remote communities report there are less than five books in family homes.

The Indigenous Literacy Foundation (ILF) celebrated the eighth year of Indigenous Literacy Day at the Sydney Opera House on September 5. It is a national celebration of Indigenous culture, stories, language and literacy. Through activities on the day, the focus is on the disadvantages experienced in remote communities; the Foundation encourages the rest of Australia to raise funds and advocate for more equal access to literacy resources for remote communities.

This year's event was introduced by ILF Ambassador and NITV news presenter Natalie Ahmat who welcomed students and teachers from 20 schools. A highlight of the celebrations was the launch of nine new books for children. Written in Kriol, the Binjari Buks – three board books, three picture books and three chapter books – were developed and illustrated by a group of women from the Binjari community near Katherine in the Northern Territory.

ILF Lifetime Ambassador and renowned author and illustrator Alison Lester launched the book and spoke about the field trips she has been on with the Foundation to remote communities, and the joys of helping people turn their stories into books.

"It's very important for kids to see their own lives reflected in books," Alison said. "And it's vital that they are able to learn to read in their first language because this is what makes literacy and learning more accessible."

The audience was then treated to *Fishing: lenimbat ola biginini* (Fishing know-how — teaching children), *Moli det bigibigi* (Molly the Pig) and *Tudei an longtaim* (Now and Then). Each book was read in Kriol and translated into English by the authors and a group of students from St Joseph's Catholic College in Katherine.



Children of the Yakanarra Community at Sydney Opera House. Credit: Prudence Upton Photography and the Indigenous Literacy Foundation.

Later Natalie Ahmat introduced the six New South Wales ILF Student Ambassadors for 2018. Each one of the young people has been working hard over the past few weeks, raising awareness about Indigenous literacy and organising fundraisers and Great Book Swaps in their schools and local areas.

Learning new skills towards a new start

In Mt Isa in far western Queensland, books from the Indigenous Literacy Foundation Book Supply are being used in a living skills program for women and their families who have become homeless as a result of domestic violence.

At Nawamba House, which provides shelter as well as support, staff visit families who have moved into the crisis accommodation. Along with giving practical help, the staff model learning games and conversational reading with the mothers and their children. Books from ILF are matched up with the games, and then left in the home so they can be used between visits.



ILF Ambassadors Justine Clarke and Josh Pyke sang the ILF song, 'Words Make the World Go Around' at Indigenous Literacy Day at the Sydney Opera House. Credit: Indigenous Literacy Foundation

"The children love reading the books," said Be Keillor, one of the support workers, who adds that having the books is encouraging the women, some of whom speak Eastern Arrernte as well as English, to engage directly with their kids.

"Having the library sets up the habit and routine of borrowing books," Be said. And learning the concept of having to bring them back "helps develop responsibility."

The joy of picking up a book to read

No books are sold in the small store at Haasts Bluff, in the MacDonnell Ranges, 230 kilometres west of Alice Springs. But since 2008, children living in the remote community of Ikuntji have had access to a steady stream of literacy resources through the ILF Book Supply Program.

"The supply of books has ensured our students receive quality and engaging new books throughout the year, equal to their city counterparts," said Kandi Thorpe, the Teaching Principal at Haasts Bluff School. "These books have stimulated literacy development, student interest and a love of reading in our students."

Haasts Bluff is a small, two-classroom school, with just 41 students from Kindergarten to Year 6. Buddy reading time is after lunch each day. The children select a book and read it with either an older student or an adult from the community.

The staff at Haasts Bluff are passionate about sharing the joy of reading and over the years have been able to build up a school library in a corner of the staffroom. In the classroom, they've seen the development of both literacy skills and a love of books among the students.

Some books from ILF are set aside each year to be used for student-of-the-week prizes or end-of-term

awards. Books with Indigenous content are especially appreciated, such as those by author and artist Bronwyn Bancroft.

Encouraging reading in the East Kimberleys

At Bayulu Remote Community School in the East Kimberleys, books from the ILF Book Supply Program are fostering literacy among preschoolers and Kindergarten to Year 6 kids alike.

Around 100 students are enrolled in the school that is on Gooniyandi country, 15 kilometres south of Fitzroy Crossing. Most of the children travel into school each day by bus from one of six outlying communities: Bayulu, Gillaroong, Karnparmi, Joy Springs, Ngalingkadji and Mimbi.

Kriol is the first language spoken here, with Standard Australian English an additional language. Once a week, the children also take lessons in either Gooniyandi or Walmajarri.

The school is on Gogo cattle station, and early each term teachers visit the various communities to meet and get to know the children's parents. A box of books from the Foundation is taken out each time and the teachers talk to the parents about ways they could use the books at home with their children.

Engaging the parents is also a priority in the school readiness program for 3- to 5-year-olds that is run at Bayulu one day each week.

"It might just be sitting and looking at the pictures and talking about them," said Jane Salt, the Deputy Principal. "We give them books from ILF to take home and keep, and encourage them to share them around with others in the community."

Sandra Symons

- An inconvenient necessity?

Shooting the messenger: the dangerous effect of criminalising journalism

The clamour in the west is for more controls on those who use the internet for communications, but little control of governments that use it for surveillance, according to Andrew Fowler.

At a time when journalists have never been more needed to explain the complexities of an increasingly integrated world, they have never been more under threat: jailed in increasing numbers by some of the more authoritarian administrations, threatened with prosecution in the countries which have democratic governments.

There is a real possibility that the overreach of national security laws in the west will damage the very commodity that heightened internet surveillance is supposedly designed to protect: security and liberty.

The ultimate absurdity is that the most extraordinarily liberating communications system invented since the printing press could bring the west down by being turned into a tool of oppression and censorship. Created originally as a way for signals between military commanders to withstand the destructive electromagnetic forces unleashed during a nuclear war, it became a beacon for democracy, encouraging an uninhibited flow of information around the planet.

From a San Francisco newspaper which provided the first online version in the early 1980s, the internet eventually allowed readers to subscribe to just about any newspaper, anywhere in the world. Television went online, transmitting its programs across international borders. Information stored in the world's libraries was available at the click of a mouse.

But now the internet, which couldn't be shut down by a nuclear attack, is subject to assault from within. The offices of government that played a role in its building want to take back the control they lost when the public gained access and embraced it as its own.

Yet the clamour in the west is for more controls on those who use the internet for communications, but little control of the governments who use it for surveillance.

The role of journalists is grudgingly accepted by western nations as an inconvenient necessity, a measure of democracy, but the fact is executive

government has done all it can to manage the news, to restrict what journalists can reveal about the secret activities of state.

One well-tried method is to "shoot the messenger", or at least cripple his or her capability to reveal important and unpleasant truths. Which is why laws passed in so many jurisdictions around the world give little cover for journalists carrying out their important role of holding the powerful to account. Journalists and journalism suffer from a "chilling effect" where sources are afraid to speak for fear that surveillance will capture either their movements or their communications, and journalists are worried they may inadvertently reveal the identities of their sources to the authorities.

The fact that during the 10 years he was in office, the US president, Barack Obama, prosecuted more whistleblowers than all the presidents in US history combined is an indication of the increasing threat to journalism.

In 2017 the head of the CIA questioned the first amendment rights which protect free speech, and the US attorney-general threatened that the WikiLeaks founder, Julian Assange, would be prosecuted (for what he was not clear). Both are acts of intimidation designed to silence.

It has been argued that governments are not that concerned about most of the work that journalists do so, for most, concerns about surveillance are unnecessary. But the problem there is that, generally speaking, if governments are not worried about what journalists are doing, the journalists are not doing their jobs.

Reporting local news may be a useful social function, but the issues that arise where nations go to war, or where countries are involved in breaking the law, or plundering the treasure of other nations, are of great importance and need investigating.

It is in these significant areas that journalists must be protected from the vested interests of the executive state; where the very people who make the decisions,

as in the Iraq war, need to be exposed and held to account before the event, not after it.

What is so disturbing is that the media has often aided and abetted governments and the intelligence agencies – who always want more access to information – as they invoked the fear of terrorism as grounds for introducing tougher surveillance laws.

The most egregious exponents of this form of complicity in spreading the false hope of complete safety can be seen in the UK where right-wing newspapers, in league with a conservative government, prosecuted a nationalist case: the state will guarantee security if the subjects give up their privacy.

Journalists who expose unpalatable issues are faced with hysterical charges of treason for helping expose the blatant disregard for the laws, as revealed by Edward Snowden.

Where does this leave journalists? Already in a weakened position because of the devastation wrought on the profitability of newspapers and other media by Facebook and other news aggregators, many have turned to collective action using the internet to work cooperatively.

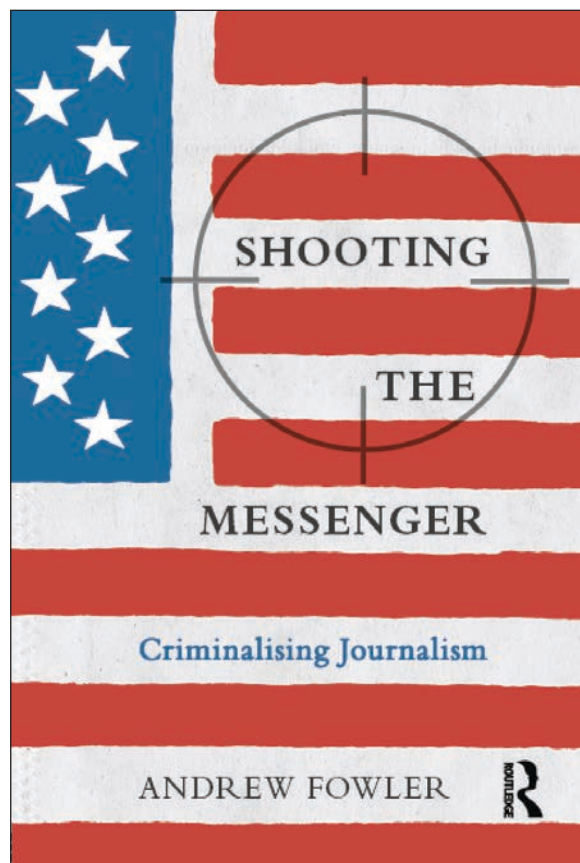
Organisations such as WikiLeaks led the way by providing documents and analysis, partnering with newspapers such as *The Guardian*, *The Washington Post*, *The Sydney Morning Herald*, *Le Monde*, *Der Spiegel* and Spain's *El Pais* to produce outstanding and revelatory journalism.

Snowden's disclosures came to light through the activities of a then online blogger, Glen Greenwald, who in turn teamed up with *The Guardian*. With *The Washington Post* they produced the greatest series of scoops in the history of journalism, the Panama Papers.

But even the International Consortium of Journalists, whose reports did not deal with matters of state security, needed to be extremely careful about protecting their information and their sources. They used encryption and apparently stored some of their information on computer systems in Iceland, using the friendly environment that exists in that country to protect data and privacy.

It should not come as a surprise that western governments increasingly vilify the use of secure encrypted communications, but it is a dangerous argument, both at home and among the less democratic nations that copy their every move to clamp down on dissent.

Yet here the role of the journalist, with the need for confidentiality, sharply conflicts with the desire of the state for secrecy. States which should be publicly accountable demand privacy, while only allowing limited privacy to those who hold them to account. As we have seen in recent history, there is little new in this dilemma, from the prosecution of those such as Duncan Campbell, who exposed the increasing surveillance powers of the UK government in the mid-1970s, to the present-day hounding of journalists even in the United States, where free speech and the right to publish are enshrined in the constitution.



Top: Investigative journalist Andrew Fowler. Image courtesy of Walkley Foundation.

Below: Cover of *Shooting the Messenger* by Andrew Fowler



Journalists who expose unpalatable issues are faced with hysterical charges of treason. (Picture: Adobe)

But since the days of fax machines and letters gave way to digital transmissions, communication now has only one highway. Since it is largely impractical to use an alternative method of delivering information, it is necessary to change the form that the message takes. A system of encryption is the simplest way for journalists to protect information, from a simple direct message system such as WhatsApp or Signal to the more complex Pretty Good Privacy (PGP). But even encryption, with its greatly increased use since the Snowden revelations, is not foolproof, and can expose the source to the attention of security agencies because their activities stand out from the crowd as, even now, all too few people use any form of encrypted technology.

What we do know is that information so far made public in the US reveals that dragnet surveillance did not help the FBI to stop terrorists. And a detailed analysis I carried out on the dozens of terrorist attacks on western countries since 9/11 revealed that nearly three-quarters of the people who committed those atrocities were known to the authorities, suggesting that the “collect it all” process is both inefficient and does not protect nations from attack.

Much of the evidence suggests that diverting money from surveillance systems that randomly collect information on everyone on the planet to investigating known suspects would be a more efficient way to combat political violence. But the powerful industrialised countries – the most notable of which are the Five Eyes: the US, the UK, Canada, Australia and New Zealand – use their unquestioned surveillance powers in cyber space for other reasons: to gather

industrial information, and to potentially prepare for cyber war.

As Snowden said in answer to the question why does the US National Security Agency capture all this material: “Forget about terrorism completely ... This is not effective for [counter]-terrorism ... These programs never save lives.”

Stirring up the fear of terrorism simply made it easier to get funding by arguing: “If you don’t do this your children will die.”

The argument that government intelligence oversight committees can control executive power is provably wrong, given what we know about what happened in the aftermath of the 2001 terrorist attacks. Even a great democracy like the US can be subverted by wilful politicians and a sometimes compliant media.

Unless there is a concerted effort by the west to abandon the surveillance state into which we are all being drawn, it is highly likely that the journalism that relies on dissent to expose the great injustices perpetrated by governments, particularly when they hide behind the cloak of national security, will be journalism of the past. It won’t disappear overnight, but will fade slowly over the years, like the democracy it defends.

This is an edited extract from Shooting the Messenger: Criminalising Journalism by Andrew Fowler (Routledge)

- Muzzling the fourth estate

Journalism should not be a crime

National security laws are being used by the Australian parliament to increase jail terms for journalists in order to stifle the public's right to know what governments are doing in our name, writes Paul Murphy, chief executive of the Media, Entertainment, Arts Association.

There's almost universal acceptance of the maxim "Journalism is not a crime". One exception is Australia's parliament – it begs to differ.

Legislating for Australia's national security has drifted a long way from the fight against terrorism. Increasingly, the Parliament passes laws that are about suppressing the public's right to know and criminalising anyone who reveals information the Government would prefer was locked up.

How else can you explain how a draft law could be introduced into the Parliament that would allow for journalists to be locked up for 20 years for reporting information in the public interest? In the name of keeping the people safe, the Government now wants to keep information hidden from view, and punish the whistleblowers who disclose the information and the journalists who work with them.

In an even more egregious example of legislative overreach, under the guise of combating "espionage" and "foreign interference", journalists, editorial production staff, media outlets' legal advisers and even the office receptionist could be locked up for merely handling that information.

The draft law that heralded this appalling new assault on press freedom in Australia, the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017 and the Foreign Influence Transparency Scheme Bill 2017, was rightly met with a storm of protest, not least from MEAA but also from media outlets, the Law Council of Australia and human rights organisations. Even the Commonwealth Ombudsman and the Inspector-General of Intelligence and Security were quick to identify and condemn adverse consequences of the legislation.

When four United Nations' special rapporteurs (privacy; human rights defenders; freedom of opinion and expression; and protecting human rights while

countering terrorism) made submissions protesting aspects of the Bills it was clear the Government had stepped far beyond Australia's obligations under international law and human rights standards.

In the face of such a spectacular own goal, it is reasonable to ask how the Government could draft laws that could attract such opprobrium. After all, the Bills were overseen by the then Attorney-General George Brandis, approved by the Cabinet, and introduced to the House of Representatives by the then Prime Minister Malcolm Turnbull, himself a former journalist.

The pushback against the Bills has culminated in journalists and media groups insisting on a media exemption – a move supported by the chair of Transparency International Australia, former NSW Supreme Court judge Anthony Whealy QC.

Sadly, the head of ASIO Duncan Lewis rejected the idea, saying exemptions would leave the door wide open for foreign spies to exploit, adding that it may also increase "the threat to journalists" – a startling claim from the spymaster, given that the Bill seeks to allow the Australian Government to be the one that imprisons journalists, muzzles their journalism and hounds their sources.

It is also concerning that the new Attorney-General Christian Porter insisted that the government never intended to jail journalists for simply "receiving documents" – even though that is precisely what the Bill said. Porter added prosecutions of journalists would not proceed without his sign-off. But we've heard such an offer before – his predecessor George Brandis said he wouldn't lock up journalists convicted under the Brandis-designed section 35P of the ASIO Act. And yet, 35P and its penalty of up to 10 years in jail, remains on the statute books.

It must be remembered that these latest "national security amendments" that criminalise legitimate public interest journalism are simply the most recent

of an emerging pattern of government attacks on press freedom and freedom of expression, attacks that were initially triggered by 9/11 but which dramatically escalated with the WikiLeaks and Edward Snowden revelations about the levels of government surveillance and scrutiny of their citizens' telecommunications data.

With governments around the world having been embarrassed by these disclosures about what they secretly get up to in the name of their citizens, there has come a response to keep these activities hidden and to tighten control over government information. Simply by declaring something is "secret" government can hide from legitimate scrutiny, intimidate whistleblowers, punish disclosure and muzzle legitimate public interest journalism.

With legislation being drafted offering 20 years gaol for journalists, Australia has consciously wandered into the arena populated by serial press freedom abusers. Countries like Egypt, Turkey, China, Myanmar and Cambodia that lock-up journalists who disclose what their governments are up to.

Australia has done so, in part, because media organisations and the community have let it happen. Governments have used the "war on terror" as an excuse to fashion a legislative muzzle on the fourth estate in an effort to fend off legitimate scrutiny. Media organisations have been weakened by digital disruption and have, at times, put up an ineffective opposition to laws that curtail press freedom.

Indeed this year, in the first press freedom survey MEAA has conducted, it appears that journalists are also more relaxed about assaults on press freedom than the community at large. The survey, which was completed by working journalists as well as members of the public, highlighted a division between journalists and their audience about press freedom problems.

From just shy of 1300 completed surveys, almost 21 per cent came from working journalists with the balance from members of the public or non-working retired/unemployed journalists or journalism students. While 72 per cent of the public rated the health of press freedom in Australia as poor or very poor, only 60 per cent of journalists thought so – even though 90 per cent thought press freedom had worsened over the past decade.

Indeed, national security laws ranked first as the most important press freedom issue for journalists (21 per cent) and non-journalists (20 per cent); followed by funding for public broadcasting, government secrecy, freedom of information and defamation. It may be a sign that journalists and their employers have been too complacent about the steady drip of assaults on press freedom, distracted by the other issues besetting the media industry.

Thankfully though, in the past 12 months there has been some good news on the press freedom front.

The Northern Territory Parliament passed shield laws recognising journalist privilege, with the new South Australian Government to follow. That will leave just Queensland as the only jurisdiction still demanding

journalists disobey their ethical obligation to never reveal the identity of a confidential source thus facing the threat of a jail term or fine or both for contempt if they fail to do so. There has also been a recognition that the courts, particularly those in Victoria, need to address the use of suppression and non-publication orders if the judicial system is to operate openly and transparently.

Sadly, the highly politicised attacks unleashed on the ABC have continued. The ABC has been fiscally hurt to the extent that it is now struggling to meet its charter obligations, particularly in rural and regional Australia. But in the past 12 months, the political attacks have become more desperate and unhinged, resulting in lengthy inquiries that waste public money that could be spent on adequately funding the increasingly crucial role being played by public broadcasters in providing public interest journalism.

Crucial because, as we have also seen, the heavy round of redundancies have continued at the leading media houses – not least at Fairfax which triggered a snap seven - day strike by its journalists when it slashed 125 jobs – that's one in four editorial staff—from its metro newsroom on UNESCO World Press Freedom Day in 2017.

But looking at the long-term, there is still plenty more to be done. A Senate Select Committee inquired into the future of public interest journalism and adopted most of MEAA's recommendations, including the need for reform of Australia's uniform national defamation law regime.

The digital platforms, whose power has done much to cripple media outlets while riding the coat-tails of the latter's editorial content, needs to be addressed. So too the other MEAA recommendations for government support for the media industry. There is much work to be done to ensure the media can meet the challenges ahead but, at last, government is being forced to listen.

Encouragingly, the combined response by media organisations including MEAA to the government's unjust national security laws has demonstrated that vital press freedom principles are important and must be championed.

Slowly, political leaders may be realising that the fourth estate must be allowed to continue to scrutinise the powerful if we are to continue as a healthy, functioning democracy. To do otherwise would mean Australia drifts into the ranks of a rogues' gallery of press freedom abusers.

The Media, Entertainment & Arts Alliance (MEAA) is the union and industry advocate for Australia's journalists. Earlier this year, it published the 2018 edition of Criminalising Journalism, its annual report into the state of press freedom in Australia. Read an online version at pressfreedom.org.au.

- Biography Award address

unAuthorised: commissions, omissions and unpublished books

Tom D.C. Roberts, winner of last year's National Biography Award for *Before Rupert: Keith Murdoch and the Birth of a Dynasty*, delivered this year's National Biography Award Lecture.

I'll start if I may, with a little story from 2015. A few months before my biography on Keith Murdoch was published, I sought to pay an archive image service for the rights to reproduce two high-resolution photographs of Keith and one of his family within the book. The photographs had been taken over 70 years ago, and so were not bound by copyright. They were widely available on the Internet but I wanted to do the right thing. To be precise, I didn't want to do anything wrong at this delicate final stage that could scupper publication of the book. And so I emailed the British agent for the image service to request a quote.

He replied:

Hi Tom, We may have issues supplying these images to you – they're from Newspix who are based in Australia so I may need to double check that they're happy for us to supply these images for a book being published in their territory. I'll email them now so I should have a reply in the morning as to whether we can go ahead for you...

I thanked the rep but did not have to wait long for his reply:

Just to double check – is it a biography of Sir Keith Murdoch you're writing? I've checked Newspix's website and one of the images doesn't seem to be available on there anymore (the family group shot) so I'm wondering if this one has been withdrawn for whatever reason. I'll see what the status of this one is.

I wrote back, confirming that yes, it was a biography of Sir Keith.

The rep replied:

I've had word back from the Australian agents and unfortunately they don't want us to supply these images for your book – I had a pretty definite email response from them. I'm not sure there's anyway forward from this...

I thanked the rep for his efforts and asked whether Newspix had given a reason.

Back came the reply:

No there wasn't. Between you and me though,

the agency we're talking about I believe are Murdoch owned so there may be a reason there. ...

A case of "authorisation denied" if ever there was one. But was I succumbing to a little bit of paranoia? Reading too much into things? When I explained to UQP, my brave and brilliantly supportive publisher, that we would have to find another source for the images they revealed they'd come up against the same problem with the high resolution image rights for the photograph that was to be used for the cover image.

It was a disconcerting experience. But as I checked and triple checked every assertion of fact and source in the book in the final weeks before its publication, the experience served to reinforce for me that I had taken the right approach from the start. I had not sought the Murdoch family's support. I was unapproved, unvetted, unfettered.

I had sidestepped 'Authority' – with all its definitional weight (of the granting or bestowing or allowing, from persons in a position of power). I had instead plumped for 'Authorship' (of creating, free from binds and prescription).

As we shall hear, my book was not the first unapproved biography of Sir Keith Murdoch to be written, but it would be the first that would finally reach publication.

There are some points we can perhaps ponder on:

- How not all commissioned biographies end up being approved or published
- How authorised biographies can, sometimes unintentionally, be just as enlightening as those that are unauthorised

Now, this is where I am expected to cite some literary luminaries – quote some of their witticisms on the tensions and issues inherent in the process of biography. Stir in a little academic theory.

Well, you can't go wrong with Shakespeare. In Sonnet 66 he writes of "art made tongue-tied by authority". That sounds about right to me.

Or how about the eternally quotable Oscar Wilde: "Every great man nowadays has his disciples, and it

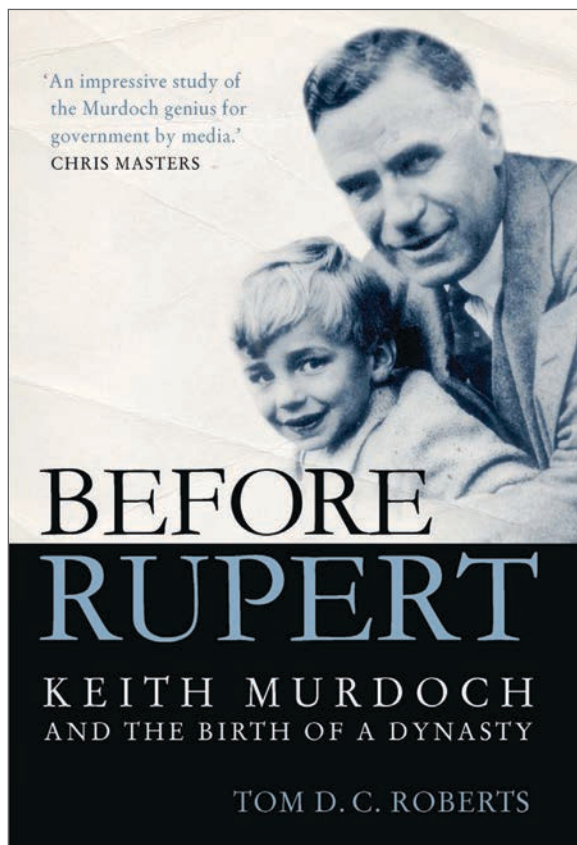
is always Judas who writes the biography." I'm not so sure about that one.

Instead, I'm going to quote someone rather different: "The best way to tell a life story is from the outside looking in, and so I choose to write with my nose pressed against the window rather than kneel inside for spoon-feedings."

The quote is by the American writer Kitty Kelley, probably the most infamous "unauthorised biographer" of modern times. Something for which she's received a lot of flak, particularly from her powerful targets, Oprah Winfrey among them. Oprah told her legion of fans not to buy the book that revealed the identity of her biological father, slamming it as a "so-called biography". Kelley has been called the 'colonoscopist to the stars', a Poison Pen Writer, her output derided as 'kitty litter'.

It is ironic, given Kelley's unpicking of the Kennedy dynasty's carefully crafted image, that she holds as a guiding tenant a quote by President John F Kennedy. But it is a good one. JFK said: "The great enemy of the truth is very often not the lie – deliberate, contrived and dishonest – but the myth – persistent, persuasive and unrealistic."

I certainly found I had to wade through layers of Murdoch mythology in my effort to research and reach Keith.



Before Rupert: Keith Murdoch and the Birth of a Dynasty
by Tom D.C. Roberts

Kelley concedes that her championing of unauthorized biography "might sound like a high-minded defence for a low-level pursuit", but she stresses she does not relish "living in a world where information is authorised, sanitized, and homogenized".

For Kitty Kelley the unauthorised biography, which in her encapsulation requires a combination of scholarly research and investigative reporting, is best directed at those figures still alive and able to defend themselves, who exercise power over our lives.

But I believe Kelley misses out on a crucial factor here. It's not just living figures that hold the power. It's their legacy holders, the powerful dynasties and families, who wish to preserve and mould the myth of their dead. And it's certainly not a hindrance in their task if those families happen to control a global media and publishing empire.

Returning to Australia last week, filling out the landing card section that asks for 'Occupation', I entered 'Researcher' as I always do. The space provided wouldn't allow for "Unauthorised Biographer", even if in my jetlagged fog I had been foolhardy enough to try to write that in!

But it got me thinking of my first involvement 20 years ago, with the writing of a biography. It was one that was very much unauthorised. Fresh out of university, I was employed as researcher and general factotum to a political journalist who was writing a biography of Tony Blair's feared spin-doctor, Alastair Campbell. Part of my task meant loitering guiltily outside his family house from before dawn in order to observe the comings and goings during a sample '24-hours-in-the-life' of the New Labour government power figure.

The next book I worked on would be a very different one: one that was authorised down to a tee. The experience would ignite my interest in the Murdoch family.

I was employed as the researcher for a book celebrating the twentieth anniversary of Sky News in the UK. The book was a jaunty corporate history designed by committee to be published by the News Corporation subsidiary HarperCollins. At editorial meetings there was constant anticipation of how the Murdoch family and particularly James Murdoch, then BSKyB's chief executive, would view the publication. I was fascinated by the way respect for the family, and perhaps a little fear, was bound into the corporate psyche. How had the Murdoch family risen to this position of gate-keeping authority over public debate and the political landscape – and from what?

I soon realised the 'from where...' and 'from who...' originally were the key. Whole shelves of books have been written on Rupert but I became fascinated by the figure of his father Keith. The only full-length published works I could find on his life were two accounts commissioned by the family and another very early account by the Herald & Weekly Times.

That first book-length biography of Keith had been

published in December 1952, just weeks after his death in October. With quite astonishing speed Keith's former staff had managed to write and publish a 60-page illustrated life. The book presents itself "as an early permanent record for those who worked with him and for him".

Henry James once wrote that death "smooths the folds" of the person who has died, and debate is ironed away, and that first book on Keith helped set the process of smoothing those folds away. Its closing pages were taken up with reproductions of obituaries from around the world. That of *The New York Herald Tribune* is typical: "All who cherish the unity of the English-speaking world are in his debt."

In 1985 George Munster published his unauthorised biography of Rupert Murdoch – a book I still feel is among the best of the myriad on Murdoch junior. Titled *A Paper Prince*, it focused attention on the dynastic inheritance Rupert had received. Munster pointed to the legacy and untouchable myth set in train on Keith's death: "The obituaries started a legend. Sir Keith's career was presented in stereotype: by dint of hard work and talent, a lowly reporter became the head of the largest media group in the country. He had transplanted modern popular journalism to Australia. The legend omitted some essentials. Sir Keith owed his rise to an intimacy with politicians; and once he was on top another generation of politicians was in debt to him."

A few years later, in 1960, John Hetherington, a journalist who worked for Keith, was another who did not stint when writing after Keith's death. In his seminal series of character studies *Australians: Nine Profiles*, Hetherington asserted that under his employer's guise of a benign newspaper chief there hid "a calculating, undeviating, insatiable seeker after worldly riches and temporal power". A recent commentator acknowledged that Hetherington might have had an axe to grind, but still saw the profile as comparing "favourably with some of the subsequent flattery passed off as biography of Murdoch".

However in 1964 Rupert had launched *The Australian*, so fulfilling his father's ambition to see an Australia-wide daily newspaper. Perhaps the time was now right to revisit his father's life. Elisabeth and Rupert commissioned Charles E. Sayers, a journalist who had recently published a biography of the crusading owner of the Melbourne Age, David Syme. Sayers was enthusiastic, hopeful, as he wrote privately to a colleague, that his study would "be wide ranging and far reaching: a warm human document".

As I discovered, Sayers's papers, now safely held in the State Library of Victoria, reveal a tragic tale. The process seems to have been a difficult one from the start. In 1966 Rupert writes to Sayers admitting you "must be getting impatient with me", but for five years Sayers doggedly went through a huge amount of family papers and persisted with what he termed in his diary "the Murdoch chore".

By 1969 he felt he had managed to build his

dossier of research into a "formidable thing" though he conceded that there were still blanks he had to leave. In 1970 Sayers was rewarded with the Victorian Government's Captain James Cook Bicentenary Prize for Biography for the unpublished manuscript, an event he described in his diary as the "most gratifying single event of the year".

However, despite there being a book contract in place with William Heinemann since 1967, Rupert would not agree to publication. Understandably keen that half a decade of hard work should not be buried, Sayers was still hopeful that Rupert would finally give his approval. But as the letters and Sayers' diary reveal, he was finding it harder and harder to pin Rupert down. His desperate attempts were rebuffed. Finally, in March 1971 Rupert wrote to Sayers in polite but emphatic terms: "Alas, I am still not prepared to agree to publication of the manuscript."

Sayers stuck to the agreement. The archive he had consulted was placed in the National Library by Rupert, the finished manuscript itself placed under a 'not to be accessed or consulted' restriction.

We can only speculate on the reasons Sayers' manuscript proved unpublishable for Rupert and Elisabeth. But we can perhaps gain a glimpse by comparing what Sayers wrote with the contents and tone of the accounts in the two subsequent commissions by the Murdoch family that they gave the stamp of authority to and allow to be published.

While Keith Murdoch's name is now forever associated with Gallipoli, the plucky colonial telling truth to power thanks to a constant reinforcement of the tale of his famous letter, Sayers pushed a little beyond the myth. He stressed Keith was already in the habit of carrying out "gentle espionage" for the Australian Prime Minister even before landing at Gallipoli. From 1916 to the end of the conflict, Keith would continue to rouse his countrymen in the cause of an increasingly mindless war. Through the tests of conscription referenda and a controversial election, Keith's promotion and protection of Australia's reputation would be bound with his own standing and accruing of contacts and power, a point Sayers implied. In Sayers's view, Keith would act "far outside the line of his duty as a journalist".

Of Keith's relationship with his fellow World War 1 propagandist, the megalomaniac and unstable media baron Lord Northcliffe, Sayers wrote: "The influence of Northcliffe on Murdoch was almost obsessive. His admiration of the man amounted to flattery, unashamed."

In 1978 Desmond Zwar, another author and journalist, was approached to write Keith's biography. He was handed Sayers's manuscript but regarded the prize-winning 600-plus-page manuscript as "a skeleton without much flesh". Zwar, who claims to have been the last cadet reporter hired by Keith before his death, had already done interviews with other former staff. These created a few delicate problems, since some of Keith's recorded behavior "bordered on the eccentric".



Tom D.C. Roberts

A self-declared “warts-and-all biographer” (Zwar’s last work had been a biography of Rudolph Hess), he did not know whether Rupert would allow such a book about his father to be published. Neither party should have been worried. Zwar produced a lavishly illustrated, photograph heavy slip of a book that ran to barely 120 pages. And nearly of tenth of those were taken up with a verbatim reproduction of Keith’s ‘Gallipoli letter’.

After Zwar finished the manuscript it had been air freighted to Rupert in New York. A nervous Zwar was later summoned to Cruden Farm, the Murdoch family’s country seat on the Mornington Peninsula, to meet with Elisabeth and her son. According to Zwar, the only question they raised was on the accuracy of how often Rupert was spanked by the nanny. Publication in 1980 and blanket promotion of the book in the Murdoch press rapidly followed. The timing was certainly fortuitous given the upcoming release of Rupert’s first, and only as it would turn out, film as a producer, Peter Weir’s *Gallipoli*. Zwar’s biography may have been titled *In Search of Keith Murdoch* but it was not greeted as a probing or revelatory account of the life by reviewers. One review bore the headline ‘The search for Keith Murdoch continues’.

During my own search for Keith, I attempted to communicate with Desmond Zwar to check some facts and his sourcing; there is, after all, not a single footnote or reference in the whole text. I sent what I considered a friendly message, eager researcher to esteemed biographer. In return I received an a curt two lines in which Zwar stated he had written “the book 40 years ago, so my research is obscure”. He had “no notes”.

While it might have been too much to hope for friendly encouragement, I did find Zwar’s total lack of recall of the process by which he researched and wrote the book curious. He has since managed to write a couple of feature articles, published in News Limited titles, on the entertaining experience of writing the biography – including driving Rupert in his Mini Moke.

Zwar had ended his book with a curious statement for a professed warts and all biographer: “If Sayers and I have brought the memory of KM a little closer to those who knew him, worked for him or loved him, both our jobs have been done.”

Whether Sayers still agreed with this sentiment is impossible to know. He had died the preceding year. Tragically The Australian Dictionary of Biography entry on Charles Sayers still ends with the misleading assertion that his “major work, a biography of Sir Keith Murdoch, remained unfinished”. (However, following this address by Tom Roberts, the entry was corrected).

In 1986 the task of writing Keith’s entry for The Australian Dictionary of Biography fell to Geoffrey Serle, the biographer of General John Monash. Serle stressed privately to the ADB editor that he had been “exceedingly careful” when writing it: “I am worried about (not Rupert’s but) Dame Elisabeth’s reactions. Does it read too much like an assassination?.” He felt that the upcoming publication of George Munster’s book on Rupert would “help to reduce any flak”. Still, some phrases were struck from the draft: “He was farsighted and ruthless, and when great power came he used it unblushingly”; and “his intellectual qualities were limited”.

In the mid-1980s John Avieson, head of journalism at Deakin University, researched the primary records relating to Keith's famous 'Gallipoli letter'. Having informed Rupert of the details of the project, he was provided with a desk in the London office of News Limited to use as a research base. For six months he travelled the country, managing to access previously unconsulted archives, before writing a manuscript which, though broadly sympathetic, nevertheless forcefully questioned key aspects of the myth that had been spun around Keith's actions.

Avieson was initially confident that his openness with the Murdoch family on the nature of the project meant the path to publication would be untroubled. However, he gradually realised that his attempts to place the manuscript with a publisher were being blocked. Indeed, Dame Elisabeth warned him at a social gathering that the book would never see the light of day as long as she lived. The manuscript was never published.

Avieson had been unable to consult Sayers' manuscript of course. The access restriction to Sayers' manuscript was only lifted towards the end of the 1980s, when the National Library learned that another copy of Sayers' manuscript, held with his personal papers at the State Library of Victoria, was already available to researchers.

A decade later, as the half century anniversary of Keith Murdoch's death approached, the Murdoch family commissioned another, trusted biographer: Ronald Younger. The book was to be published by News Corporations' HarperCollins and it appeared designed to reinforce the received history of Keith as war hero and benevolent media boss. At the Herald and Weekly Times in Melbourne staff members were given copies as Christmas presents.

On my one research trip as a lowly postgraduate student to the offices of the Herald and Weekly Times, I was given presentation box bound copies of both Zwar's and Younger's books. An assistant assured me this was no trouble for her as "there was a whole storage room" stacked with them!

Reviewing Younger's authorized biography for The Australian newspaper, Evan Williams (its film critic and a former press secretary to Gough Whitlam) wrote it was a pity that the book "for all its solid detail and considerable merit, is so often uncritical of Murdoch and marred by lapses into hagiography ... containing paeans of adulatory prose".

Less surprisingly Bruce Page, a long-term critic of Rupert Murdoch, was struck by key omissions in the book, including Keith's machinations during World War I, and also troubled by its overriding sense of reverence. The prose, Page thought, was more suited to North Korean tributes to its leaders, being "resolutely sycophantic".

For all its 420 pages, Younger's work – a business heavy biography - does not contain a single mention of the word "monopoly". The contrast with Sayers' account of how Keith built up his media power and

political influence during the 1920s and 30s, helping chose and install Joseph Lyons as Prime Minister, is stark. "MONOPOLIST" was the unflinching title Sayers gave his chapter covering the period – a period that saw Keith dubbed 'Lord Southcliffe' and his cross-country media network labelled simply 'The Murdoch Press'. Sayers wrote of how Keith "liked to keep all the strings in his own hands". Younger instead stressed how Keith was able to benefit from a process of "amalgamation".

**"The obituaries started a legend...
The legend omitted some essentials.
Sir Keith owed his rise to an intimacy
with politicians; and once he as on
top, another generation of politicians
was in debt to him."
George Munster in *A Paper Prince***

Another striking omission in the two authorised biographies is any consideration at all, let alone in depth, of Keith's notorious battles during the 1930s with the ABC – a topic that has received significant attention and critical assessment since the early 1970s. And a topic of acute relevance for the present! Younger made a single reference to the ABC, while Zwar does not once mention the public broadcaster, let alone Keith's attempts to neuter it.

But perhaps the greatest omission in the previous, authorised biographies has been any serious consideration of Keith's interior life. But surely there is a happy middle ground between this and an all-out Kitty Kelley rummaging around in the sheets. Keith certainly remains something of an enigma, and probably will remain unknowable in this context: but for the authorised biographies to have failed to even mention, yet alone explore, the fact that he had been engaged to be married twice prior to meeting Elisabeth is surely an omission beyond comprehension. And these fiancées were indeed consequential, and revealing choices. One was the most politically connected young woman in Britain during WWI, the other an eligible heiress of Australian sheep squatting royalty during the 1920s.

Sayers took care on this ground too. During his research he was informed by Ralph Simmonds, the former editor-in-chief of *The Herald* and the family confidant tasked with assessing Keith's papers, that a file of correspondence dated 1919 should be treated "as private and confidential". Simmonds stressed that he would explain the reason in person. "This, I feel, will be no difficulty." Sayers agreed to hand over material on any other matter which Simmonds felt should be passed to Elisabeth Murdoch as being of a personal nature.

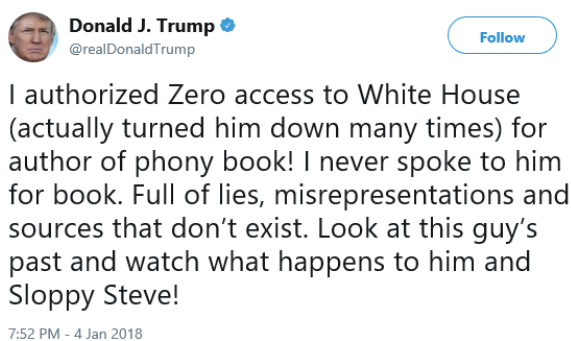
The threads of Keith's secret engagement at the end of World War 1 to Isabel, daughter of then Chancellor

of the Exchequer and future British Prime Minister, Andrew Bonar Law, have certainly been well tidied. But it was thankfully here in the archives of the State Library, in the diary of George Ernest Morrison, that I was able to find corroborating information to the snippets I had picked up. The journalist and adventurer proved wonderfully indiscrete in his diary, that form in which one has full and complete authority as author.

Morrison, in recording a first lunch meeting with Keith in the Parisian spring of 1919, described him as “a rather common ugly man” who took pains to emphasise the level of his salary, shareholdings and connections – the fact he saw and studied “all highly confidential documents on British desiderata” and was, indeed, engaged to marry Bonar Law’s daughter.

I found another insight into the tension between Keith’s interior life and insecurities given in the unpublished memoirs of Charles Bradish, a thrusting young man handpicked by Keith. At their first meeting, Keith had impressed Bradish “as a man of many hollow snobberies and pretences”. But looking back 30 years later, Bradish felt more charitably that “the man’s opulence and success were partly inspired by a hunger for money and position”, but also by “a desire to stifle and ultimately choke a lurking inferiority complex which caught him pitifully in sundry sad encounters”.

But as a final thought, ... here’s Donald Trump berating both his most recent biographer, Michael Wolff, and the member of Trump’s core team, Steve Bannon who the President blamed for granting the authorisation to be a fly on the wall that Wolff made such rich use of in his book *Fire and Fury: Inside the Trump White House*.



Donald Trump: I authorised Zero access to White House for author of phony book.
(Picture: Gage Skidmore, used under Creative Commons licence)

Well, Trump could have saved himself a deal of trouble if he had simply checked on Wolff’s past performance as an “authorised” biographer during one of his regular conversations with Rupert Murdoch. After all, Rupert, despite all his care over the years, had come a cropper after agreeing to fully authorise Wolff to write his own biography *The Man Who Owns The News*, first published in 2008. Rupert was livid at the result. As his PR head complained to Wolff: ‘It’s all about him!’ Wolff could only reply, “Well, it is a biography.” To which the PR shot back “but it’s so personal”.

With his telling insights, such as tales of the septuagenarian billionaire in front of the bathroom mirror, dyeing his own hair as he pursued wife number three while still married to number two, Wolff had diverged from the traditional idea of a weighty business biography, particularly one that had the co-operation of the subject: something dignified and formal, a self serious compendium of chronology and details, deals and achievements.

Wolff recalled how for three months his originally (at least) authorised biography of Rupert was not mentioned in any of the Murdoch media outlets anywhere in the world.

For my book, the silence lasted until a year ago when I was fortunate enough, and remain incredibly grateful, to have been awarded the National Biography Award. The following day *The Australian* newspaper acknowledged the book’s existence for the first time though, perhaps unsurprisingly, the report opened with the words: “An unauthorised biography ...”

- Free speech as truth to power

The weaponisation of free speech in Australian public debate

Although free speech was traditionally not on the radar of Australian politicians, concerns over it have reached a high water mark in Australian public debate in recent years, says Professor Katharine Gelber, of the School of Political Science and International Studies, University of Queensland.

Included in the debate are two attempts by the Federal Government, one in 2014 and one in 2016 to repeal s18c of the Racial Discrimination Act 1975 (the federal civil law that protects the community against racial vilification), and a marriage equality debate during which former Prime-Minister Tony Abbott said that the marriage equality survey was actually about free speech, and advocates of a 'no' vote in the survey warned that the realisation of marriage equality would place freedom of speech at risk. And there were the homophobic comments made this year by Wallabies star Israel Folau that stirred a national conversation.

As these debates have developed, it has become clear that the catch cry of 'free speech' came to be used often as a catalyst for wider political objectives, many of which have very little to do with free speech at all.

There has been an obvious and clear shift in the profile of 'free speech' in public debate, and in its durability and force as a discursive weapon. Those who claim to have 'free speech' on their side use the term as a mantra as though saying those words ought to be enough to convince both naysayers and fence-sitters to share their position.

This shift has been interesting in terms of demonstrating the power of words in action – which is the strongest argument for the robust protection of free speech. Words do things and can achieve things – they can convince, persuade, judge, shame, persecute, applaud, extol, adjudicate, convict, and much more. They are not simply an expression of one's opinion, or an externalisation of one's thoughts.

But those who now wield 'free speech' like a metaphorical sword proffer a superficial form of free speech. Ironically, many of those who speak the words 'free speech' most often, most loudly, and most vociferously themselves, tend to have little interest in the free speech of others.

Most particularly, they have little interest in the free speech of those whom their words can harm. And make no mistake about it – once we recognise and accept that words can do things, then we must logically recognise and accept that just as words can do good things, so they can do bad things as well. They can harm, in concrete and tangible ways.

What leads me to say this about the new free speech warriors? I will give four examples.

When the federal government attempted in 2014 to amend section 18C of the Racial Discrimination Act, the Attorney General George Brandis now infamously stated in parliament that people have "a right to be bigots". On one level, his statement is correct – no Australian vilification law challenges people's personally held political views, even bigoted ones. Vilification laws only require that people engage in public debate and discussion in ways that do not harm others.

But it is unlikely Attorney General meant only this. Rather, he was conveying the view that the law had no place in regulating public expressions of bigotry, even where and when those public expressions are capable of the serious public harm that is required for section 18C to be invoked successfully. He suggested that the free speech of bigots ought to be protected. Yet the research shows that being targeted by vilification can silence targets, and marginalise and exclude them from public debate. Logically, this means that he intended that it would be legitimate in a democratic society to compromise the free speech of targets of vilification, in favour of the free speech of bigots.

Secondly, Tony Abbott declared that the 'real issue' in the 2017 marriage equality survey was freedom of speech, and that a 'yes' vote would have perilous consequences. Of course, many disagreed and noted that the survey had only one necessary consequence – that of ensuring same sex couples can marry. Official records show that in the first six months after



Spreading the word in public space. (Image: Fukt)

the legislation came into effect, approximately 2500 same sex couples were legally married in Australia. Thus far, predictions that parents would lose rights, especially in relation to sex education content or inclusivity programs in schools, have been completely unsubstantiated.

Thirdly, in the face of widespread criticism that the marriage equality survey would open the floodgates for hate speech against the LGBTQI community, Prime Minister Malcolm Turnbull expressed a desire that the campaign be undertaken 'respectfully', and his Government passed the Marriage Law Survey (Additional Safeguards) Act 2017.

This is the anti-vilification law you have when you don't want an anti-vilification law. The law says a person must not 'vilify, intimidate or threaten to cause harm' to someone on the basis of their views in relation to the survey. However, the law does not define these terms, noting only in the definitions that a broadcaster does not vilify, intimidate or threaten to cause harm merely because it broadcasts or reports on such material.

The law also says a person does not vilify, intimidate or threaten to cause harm just by expressing their views, and the law contains defences for conduct done reasonably and in good faith to report the news, or for satirical, academic or artistic purposes. Finally, the law requires that a complaint must be approved by the Attorney General in order to proceed – the death knell for any meaningful complaints process.

A fourth example is the religious freedoms inquiry, submissions to which claimed that existing anti-discrimination law in Australia is restricting the freedom of speech of those holding religious views opposed to, for example, same sex marriage. This issue has also recently been raised in the well-known cake maker's case, where a baker in Colorado in the

US refused to provide a wedding cake to a same sex couple on the ground that doing so violated his right to freedom of expression. These issues remain as yet unresolved in the courts in that country. What is clear is that, in these cases, the right to freedom of expression is being used as a trump card against the principle of non-discrimination.

Genuine free speech should be premised on providing the means by which the largest number of citizens can participate in public debate. To use one's own free speech to shut down the free speech of others is a superficial view of freedom of speech indeed, one that prioritises the voices of the loudest or most powerful over the voices of others.

Free speech should allow everyone to participate in decision-making and debate about issues that materially affect their lives. For example, the modest, primarily civil, vilification laws that we have both federally and in most states and the ACT place a modest limit on how public debate is conducted. This enhances free speech by ensuring that as many people as possible are able to participate in public debate on matters of public interest. No topic is off limits, but the manner in which debate is conducted is required not to harm others. This is how democracy is practiced.

In current public debate, 'free speech' has come to mean something else. It has become weaponised as a tool for the powerful to resist social change that challenges their comfortability with, and benefits from, the status quo. This is not what free speech should mean. Free speech should be a means by which all people can speak truth to power, thereby expanding the possibilities and potential of their lives.

An earlier version of this article appeared as 'Using Free Speech as a Weapon' in Policy Forum, 27 October. Reprinted, as amended, with permission.

A year of oppression, collusion and lethal threats

The statistics for 2017 are numbing enough: 218 attacks on freedom of expression documented by PEN in a year. Writers have been murdered. Many writers and journalists have been imprisoned, detained without trial, and threatened with lawsuits, and the powerful continue to attack those who express themselves freely. But these numbers tell only a partial story, reports Salil Tripathi, Chair, Writers in Prison Committee PEN International.

If the figures go up this year, it does not mean the previous years were somehow better; it may only mean that more incidents are being reported now. And if the figures go down, it does not mean the situation has necessarily improved; it still means that journalists and writers are threatened. It also means that in some societies blunt force and pressure are so successful that few dare to speak up. It is silence, but of the graveyard.

Writing, reporting, and truth-telling remain dangerous. Older forms of suppression – solitary confinement, defamation and criminal libel suits, religious defamation and blasphemy laws, abuse of anti-terror laws and emergency provisions, and threats of physical violence continue. But more governments are using more laws and ingenious methods to stifle free speech. To that, now add outrageous charges, callous states, impunity for non-state actors, state collusion with crime, ‘universalisation’ of repression, and threats from unexpected quarters – it is a grim world. And the Internet, once considered the bastion of free expression, has seen rampant proliferation of lies, euphemistically referred to as ‘fake news,’ as well as ceaseless trolling and bullying as a weapon, particularly targeted at women and women writers, often threatening them with sexual violence.

As we look back at the dismal narrative of 2017, patterns of oppression – through violence and intimidation – stand out. While these tactics are used across the globe, and have been for many years, they are emerging in new places and regions.

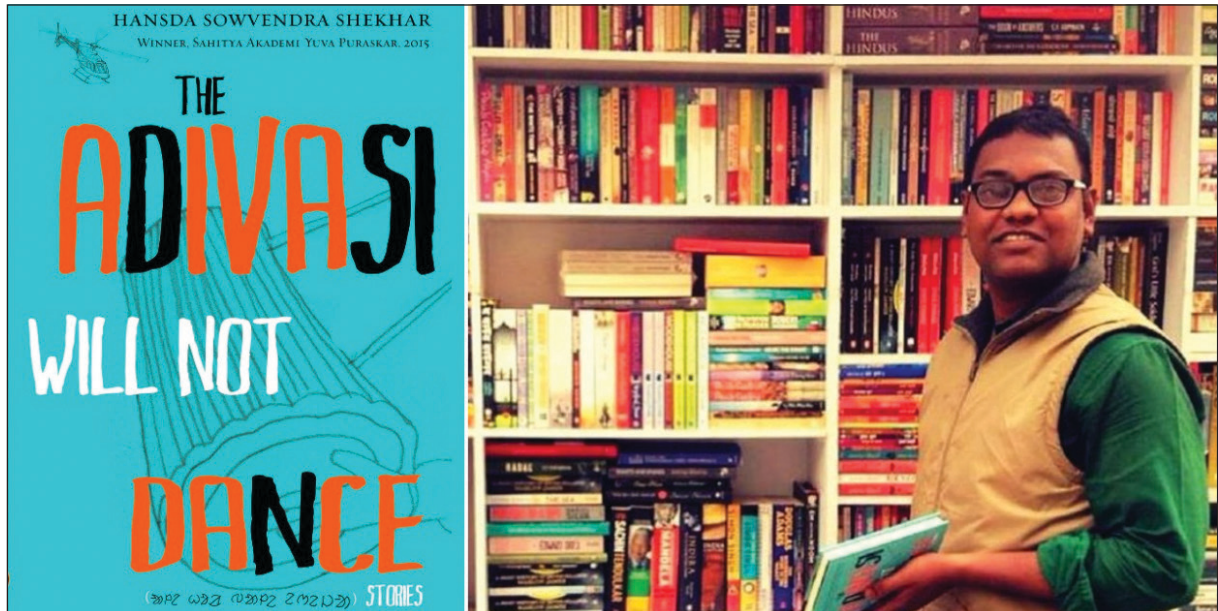
Collusion between the corrupt and the criminal has long been apparent in countries in the Americas and Africa, and investigative journalists (like Rafael Marques de Morais in Angola, for example) have been targeted for exposing such ties, but such collusion has recently revealed itself in Europe.

The Maltese journalist Daphne Caruana Galizia was exploring – and exposing – those named in the Panama Papers (a leak of 11.5 million files from the database of one of the world’s largest offshore law firms) who were shielding their business and financial affairs from the reach of authorities. In October 2017 she was killed in a car bomb. That a murder like this could occur in the European Union was cause for alarm, revealing the inability of its human rights charter and ideals to protect a journalist. In late February 2018, a Slovak journalist Jan Kuciak and his partner Martina Kusnirova were murdered, execution-style, most probably because he was investigating the siphoning off of European Union aid money by government officials colluding with gangs).

Repressive laws, the use of which we might expect in countries such as Ethiopia, are being applied in unexpected places like Spain. True, Spain is undergoing political turmoil, with the prosperous Catalan region seeking secession. In this charged atmosphere, Spanish police attacked and intimidated journalists and writers reporting on the referendum on Catalan independence, once again revealing how the commitment of some governments which profess human rights and freedoms gets diluted, even evaporated in times of crisis.

In February last year, musician and poet Valtonyc (the stage name of Josep Miquel Arenas Beltrán), was sentenced to three-and-a-half years in prison on several grounds, including insulting the crown, charges that are more reminiscent of the *lèse-majesté* laws in Thailand.

The case of Liu Xiaobo is a striking example of the state’s callous disregard for the well-being of a writer in prison. The Nobel Laureate Liu Xiaobo died a prisoner – China granted him so-called medical parole days before his death last year, to influence public perception that China was being compassionate, when the reality was that Liu should never have been in



Book of short stories by award-winning Indian writer Hansda Sowvendra Shekhar seized by the state authorities.

jail in the first place. Liu was an honorary member of the Independent Chinese PEN Centre, and one of the architects of Charter 08, which Chinese intellectuals had drafted in 2008, commemorating the 60th anniversary of the Universal Declaration of Human Rights.

China jailed Liu, and in jail his health deteriorated. Fearful of protests at his funeral, China had him cremated and his ashes were released in the ocean, as if to erase him. His widow, the poet Liu Xia, is living under police watch without any charges. Liu's was not the only such case. In late 2017, writer Yang Tongyan too died, succumbing to brain cancer, while on medical parole just weeks before his 12-year sentence was due to expire.

Violence perpetrated by non-state actors is widespread across the globe. In Iraq, Saad Saloum, who runs a cultural organisation and has written extensively on the human rights of minorities, has received death threats from unknown Islamic groups.

Shockingly, in India, we are witnessing a growing public sympathy with the perpetrators. Gauri Lankesh was a fearless Indian journalist who wrote passionately and aggressively. She condemned politicians who sowed religious discord, and she championed young progressive activists. In a murder that followed the pattern of other recent murders of writers and intellectuals in India, a man came to her doorstep on a motor scooter and shot her. While tens of thousands across India mourned Gauri's murder (PEN South India announced an award in her memory), many people in India professing Hindu nationalist ideology, on social media in particular, celebrated her death, because she was critical of their politics.

Notable is the placing of outrageous charges on those who dissent, and using the power of national

security laws in courts to browbeat critics. Nowhere is that more visible than in Turkey, where writers, translators, journalists, and editors have been facing ridiculous charges which unconvincingly attempt to link up reporting of facts and expressing dissenting opinion with undertaking propaganda for extremist organisations. PEN International has attended several of their trials and has grave concerns over due process in all cases it has observed.

We stand in solidarity with all those writers. Our weapons are our words – governments and others with power have tried, for centuries, to silence them, but they know we will resist, we will persist, we will insist on freedom.

PEN's members and centres stand shoulder-to-shoulder with the writers whose freedom they campaign for – by picketing in front of Chinese and Saudi embassies, by writing letters and postcards, by holding candle-light vigils, by observing trials, by providing financial assistance, by assisting in finding shelters and placements for writers at risk, by publishing reports, by organizing fund-raisers, by arranging public readings of jailed writers and poets, by celebrating the creativity of cartoonists and playwrights in prison, by intervening and advocating for freedom of expression at the Human Rights Council, by lobbying home governments and embassies, and by bearing witness.

We will continue to do so, as long as those threats remain, and so long as writers are in prison. We will raise our voices, until every one of our brothers and sisters is free, until the threats, intimidation, and violence disappear.

Repression in Asia Pacific Area

In 2017, the freedom of expression landscape

in Asia and the Pacific continued to be marked by entrenched repression, political crackdowns, prosecution and long-term imprisonment. The failure to protect writers and journalists from reprisals for their writing has also contributed to a climate of fear and self-censorship.

The year bore witness to the relentless crackdown on freedom of expression in such countries as the People's Republic of China and the Socialist Republic of Viet Nam, where long-term imprisonment is deeply entrenched and ill-treatment of detainees is commonplace.

Here, writers, bloggers, and journalists regularly face severe penalties following prosecutions under vague national security provisions, such as 'inciting subversion of state power' and 'conducting propaganda' against the state, or even 'abusing democratic freedoms'.

Rulings made by international bodies seem to have little influence on the use of such legislation. In November 2017, the Vietnamese courts confirmed the sentence served against blogger Nguyen Ngoc Nhu Quynh – popularly known by her pen name Me Nâm (Mother Mushroom) – despite the United Nations Working Group on Arbitrary Detention (UNWGAD) ruling in her favour.

It concluded that the provision 'is so vague and overly broad that it could result in penalties being imposed on persons who have merely exercised their legitimate rights to freedom of opinion and expression.' Me Nâm will now serve out her 10-year sentence.

The June 2017 passage of the Anti-Terror Conspiracy Law in Japan – ostensibly aimed at tackling organised crime ahead of the 2020 Tokyo Olympics – brings with it concerns that its definitions are overbroad and could weaken civil liberties.

The dire consequences of such prolonged detention and neglect in prison are no better exemplified than by the deaths in China of award-winning writers and PEN members Liu Xiaobo and Yang Tongyan. Each were released on medical parole but too late to receive what might have been life-saving treatment. They died shortly afterwards.

Their cases bear resemblance to the death of Huuchinhuu Govruud, who succumbed to chronic illness exacerbated by her long-term house arrest in Inner Mongolia in October 2016.

Such patterns of repression have long been apparent in the autonomous regions of China, including Tibet and the Xinjiang Uyghur regions, where ethnic minority writers are often accused of 'inciting separatism' in retaliation for asserting their cultural and linguistic identities.

However, writers and journalists in Hong Kong appear to be facing increasing pressure from the mainland: recent reports suggest that there has been a decline in the number of books on display at the Hong Kong Book Fair that might be deemed to be politically sensitive or otherwise 'indecent'. Such inclinations towards self-censorship can only be exacerbated by the cases of three Hong Kong publishers Gui Minhai, Yao

Wentian (Yiu Mantin) and Wang Jianmin, two of whom are imprisoned while the third was released under restrictions in October 2017.

Journalists attempting to cover the ongoing conflict in Rakhine state – which has seen the mass exodus of at least 380,000 Rohingya refugees – have faced prosecution in both Myanmar and Bangladesh, indicating a new arena for the repression of those who attempt to investigate human rights abuses.

Across the Asia and Pacific region, writers are threatened, intimidated and subjected to physical and sometimes lethal violence. The failure of the relevant authorities to tackle such attacks and bring the perpetrators to justice can often create a climate of fear and impunity.

Instead of protecting peaceful expression, the authorities often seek to limit expression that is considered by some to be offensive. This is exemplified in the case of award-winning Indian writer Hansda Sowvendra Shekhar, who, in the context of growing intolerance and vigilantism, has written works that were deemed to be pornographic and misrepresentative of his own community.

In response to protests, which included the burning of Shekhar's effigy and his books, the state authorities seized all copies of his collection of short stories *The Adivasi Will Not Dance* and suspended him from his work as a medical doctor while they evaluated whether to press charges.

Such patterns are also evident in Bangladesh where the authorities have thus far failed to provide sufficient protection to secular writers targeted by non-state actors. Instead, such writers have been advised by police to avoid contentious topics. Although the fact that no writers were killed in Bangladesh in 2017 is welcome in light of the murders of previous years, the failure of the Bangladeshi authorities to protect its writers from attack has continued to feed the climate of fear and perpetuate self-censorship.

Impunity is a theme that resonates across Asia, where murders, such as those of Cambodian scholar Kem Ley in 2016 and Indian epigraphist Dr Malleshappa Madivalappa Kalburgi in 2015, remain unresolved. Suggestions of authorities' ineptitude at best or collusion at worst can also contribute to a climate of fear. The murders of bloggers and print journalists in India, the Maldives and Myanmar this year adds to the toll.

Writers and journalists also face prosecution under outdated or vaguely-worded and overbroad provisions such as criminal defamation, insult, blasphemy, and obscenity.



Make a difference, join us

Any true democracy respects and protects freedom of expression. Without this, social justice is at risk. Yet this freedom is great danger. Every day, people are persecuted simply for speaking out, and governments and others in positions of power continue to gag, imprison, murder and silence individuals who have the courage and honesty to speak and to write about what is happening in the world around them.

By joining Sydney PEN you will be supporting the work of an historical Australian organisation, with a focus on advocating for these rights in our Asian and Pacific region.

You will be the first to receive invitations to hear our guest speakers participate in local letter-writing evenings, and receive campaign alerts to take action.

Join today at www.pen.org.au/join

Sydney PEN

Management Committee

Mark Isaacs (President)
Zoë Rodriguez (Vice-President)
Sandra Symons (Vice-President)
Jenelle Dellar (Secretary)
Aleesha Paz (Treasurer)
Debra Adelaide
Gillian Appleton
Emily Banyard
Melissa Bruce
Susie Eisenhuth
Daniel Rowland
Dragana Zivancevic

Writers' Advisory Panel

Geraldine Brooks
JM Coetzee
Tim Flannery
Helen Garner
Kate Grenville

Tom Keneally AO
David Malouf AO
Frank Moorhouse AM
John Tranter
David Williamson AO

Life Members

John Bennett
Angela Bowne SC
Mona Brand (1915-2007)
JM Coetzee
Bruce Dawe AO
Deirdre Hill
Nicholas Jose
Tom Keneally AO
Mabel Lee
Ruby Langford Ginibi (1934-2011)
David Malouf AO
Frank Moorhouse AM
Wilda Moxham

Chip Rolley
Vincent Serventy AM (1916-2007)
Roberta Sykes (1943-2010)
Katherine Thomson
Stella Wilkes MBE (1914-2008)
Rosie Scott (1948-2017)

Editor

Sandra Symons

Copy Editor

Aleesha Paz

Art Director

Laura Drewe

Front cover Illustration

Adobe

Printer

UTS Printing

Sydney PEN is supported by the Faculty of Arts & Social Sciences, University of Technology Sydney

COPYRIGHT AGENCY
CULTURAL FUND

 **UTS**
UNIVERSITY OF TECHNOLOGY, SYDNEY