



## Defending Writers in Prison for 50 Years

*PEN CANADA ANNUAL REPORT 2009-10*

PEN Canada is a non-profit literary and human rights organization that works on behalf of the right to freedom of expression. We assist imprisoned or otherwise persecuted writers internationally through campaigns combining public awareness and quiet diplomacy. We also work to ensure that those responsible for the deaths of writers are brought to justice. At home, we provide opportunities for writers in exile to find a place within Canadian society and monitor issues of censorship. PEN Canada is a registered charity.

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The empty chair on the stage at all PEN events serves as a reminder to the audience that as we are all enjoying an evening of readings and conversation there are those who cannot be with us because they are in prison simply for having the audacity to express their views.

Just as the empty chair is central to every PEN event, the Writers in Prison Committee is at the heart of PEN's raison d'être. 2010 marks the 50th anniversary of the creation of the committee that formalized the tradition of helping fellow writers in peril.

The year-long celebration of the most important work PEN does is being orchestrated to a great part by the chair of the International Writers in Prison Committee, PEN Canada past president Marian Botsford Fraser. We at PEN Canada are particularly proud of her contribution, as we are of other PEN Canada members involvement at the international level, most notably, PEN International President John Ralston Saul. Haroon Siddiqui, another PEN Canada past president, serves on the international board, and Margaret Atwood is an international vice president.

This edition of the PEN Canada Annual Report is dedicated to the Writers in Prison Committee, and spotlights some of the historic cases of the past half century.

# BECAUSE WRITERS SPEAK THEIR MINDS

One bitterly cold day in the first week of January 2010, the writer, playwright and former president of the Czech Republic, Vaclav Havel, and two fellow dissidents walked down a snow-edged street in Prague to deliver a letter to the Chinese Ambassador. They rang the bell several times. No one came to the door, so they left their letter in the letterbox.

# THE

letter from Havel and his friends, co-signatories of Charter 77, requested a fair and open trial for Liu Xiaobo, who had been sentenced to 11 years in prison on December 25, 2009: “We are convinced that this trial and harsh sentence meted out to a ... prominent citizen of your country merely for thinking and speaking critically about various political

and social issues, was chiefly meant as a stern warning to others not to follow his path.”

Havel’s gesture on behalf of a fellow writer illustrates exactly the spirit of PEN International (from its founding in 1921) and the kind of action taken by the Writers in Prison Committee. Havel (1979) and Liu (2009) are both emblematic cases in WiPC’s year-long campaign celebrating 50 years in PEN International of defending freedom of expression.

Freedom of expression has always been a linchpin of PEN International. Concerns for colleagues imprisoned, executed, tortured through times of war, peace, revolution, and détente took the form of speeches at congresses, resolutions, letters of support, telegrams to offending



governments and an embrace of exiled writers. But in 1960 this tradition of solidarity and compassion became, formally, a Committee.

On July 24, 1960, at a congress in Rio de Janeiro, PEN's General Secretary David Carver produced a list of imprisoned writers created by a committee of three writers. The list circulated to delegates that day contained 56 names—seven writers imprisoned in Albania, 25 in Czechoslovakia, 13 in Hungary, two in France and nine in Romania.

Carver proposed that where there were PEN Centres, in countries “where writers had been imprisoned because they spoke or wrote their minds,” those centres should work to improve the situation and report to PEN. In countries where there were no centres, International PEN should act through a Writers in Prison Committee.

The original committee of three writers is now a committee of more than 70 PEN centres, including PEN Canada, one of the most active centres fighting for freedom of expression since its formation in 1984. The WiPC casebook now frequently contains the names of more than 900 writers, journalists, publishers, editors, bloggers.

To celebrate the 50th anniversary of the WiPC, for each year between 1960 and 2009, one writer has been chosen whose case demonstrates the work of the Writers in Prison Committee. Albanian poet Musine Kokalari was serving a 20-year sentence for being an “enemy of the people” when the WiPC was formed in 1960. Vietnamese poet Nguyen Chi Thien (1971) spent almost twenty-seven years in prison for his “politically irreverent poems;” Egyptian writer and physician Nawal El Saadawi (1981) wrote *Memoirs from the Women's Prison* during her incarceration for “crimes against the state;” Ogoni environmental activist, novelist and dramatist Ken Saro-Wiwa was hanged in 1995 in Nigeria despite unprecedented outcry over his summary murder trial. In 2008, young student Parwez Kambakhsh was sentenced to death in Afghanistan for blasphemy.

The record of many other writers — including Josef Brodsky, Salman Rushdie, Taslima Nasrin, Wole Soyinka,

Alicia Partnoy, Breyten Breytenbach — and their own words have much to say about the nature of persecution and challenges to freedom of expression in modern times. These 50 have been chosen as representative of PEN's work; for each of them, there are hundreds more who have been imprisoned, killed, disappeared or otherwise punished simply for speaking their minds. But these cases are not just about history; the murders of Anna Politkovskaya and Hrant Dink remain unresolved, and at least six of the 50 writers are either still in prison, or under threat.

People sometimes ask, what is special about the WiPC's work, in what has become since 1960 a veritable constellation of freedom of expression organizations? First, our work is very much focused on the individual writer, his or her family. It is sometimes as simple as writing a letter, or as large as organizing a petition. It is about taking the case of the writer through diplomatic channels (Parwez Kambakhsh), right into the office of a president (that of Fujimori of Peru, in the case of Yehude Simon Munaro). It's about the naming of names.

The other hallmark of our work is that we never ever give up; once a writer has become part of our case book, we work for that writer until the day he or she is released, or dies.

The Syrian poet Faraj Bayrakdar spent 13 years in prison for the crime of belonging to an illegal political organization. When asked recently for his thoughts about that experience, in the context of our 50th anniversary, he wrote: *During the first ten years of my detention I felt that I was part of that same tragedy by which many throughout history have been oppressed by blind forces from which there is no escape. [But] later when news leaked through about what PEN International [and other organizations] were doing for me ... completely different feelings arose within me. I realised that I had not been forgotten ... for prisoners, **the thought that they are forgotten is a sort of spiritual death.***

You can learn more about the 50th Anniversary Commemoration and the 50 exemplary cases on our website: [www.pencanada.ca](http://www.pencanada.ca).





# JOSEF BRODSKY

## RUSSIA

*JUDGE:* What is your profession?

*BRODSKY:* Translator and poet.

*JUDGE:* Who has recognized you as a poet?

Who has enrolled you in the ranks of poets?

*BRODSKY:* No one. Who enrolled me in the ranks of the human race?

**JOSEF BRODSKY WAS** 23 years old in 1963 when he stood before a Soviet court charged with “parasitism,” because of his neglect of his “constitutional duty to work honestly for the good of the motherland.” (The above excerpt from his trial transcript was leaked to the west and later published in the *New York Times*.)

Brodsky, a school dropout and self-taught poet and translator, had been earlier denounced in the *Evening Leningrad* newspaper, which called his poems “pornographic and anti-Soviet.” When several periods of incarceration in asylums for the mentally ill did not effect the desired attitude adjustment, he was arrested, tried and sentenced to five years hard labour at a prison camp near Arkhangelsk.

His was one of the early cases championed by the Writers in Prison Committee of International PEN and one of the most famous and most successful. As a result of international pressure, much of it orchestrated by PEN, Brodsky was released after 18 months.

His “freedom” was hampered by constant harassment from the authorities, but he continued to write. His international reputation continued to grow, despite his inability to travel abroad, and he became an embarrassment to Soviet authorities. After seven years, in 1972, he was finally given a visa to leave the country, then taken to the airport and deported to Vienna. While there, he met the poet W.H. Auden, who helped arrange transit to the United States, where he became poet-in-residence at the University of Michigan. He never returned to his homeland, even after the collapse of the Soviet Union.

Brodsky eventually settled in New York City, and became a U.S. citizen in 1977. He continued to teach at a number of Universities, and wrote in both Russian and English, translating his own poetry. He won many major literary prizes, including the Nobel Prize for Literature in 1987. Perhaps the most significant honour from his adoptive country was his appointment as the first foreign-born Poet Laureate of the United States in 1991. He died of a heart attack in 1996.

THIS  
PRISON  
WHERE

I LIVE



Prison is essentially a shortage of space made up for by the surplus of time; to an inmate, both are palpable ... Prison is indeed a translation of your metaphysics, ethics, sense of history, etc. into the compact terms of your daily deportment. The most effective place for that is of course solitary, with its reduction of the entire human universe to a concrete rectangle permanently lit by the sixty-watt luminary of its bulb under which you revolve in pursuit of your sanity ... On the whole, poets fare better in solitary confinement than do fiction writers, because their dependence on professional tools is marginal: one's recurrent back-and-forth movements under that electric luminary by themselves force the lyric's eventual comeback no matter what. Furthermore, a lyric is essentially plotless and, unlike the case against you, evolves according to the immanent logic of linguistic harmony.

*JOSEF BRODSKY*

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# *PEN INTERNATIONAL PRESIDENT'S MESSAGE*

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Many of you, like me, have been active in PEN, both in Canada and internationally, for decades. PEN Canada was built on the early leadership offered by Margaret Atwood, Graeme Gibson, Timothy Findley, June Callwood, to name only four among many.

I have clear memories of the early writers in exile — cases like Duo Duo and Martha Kumsa; of fighting libel chill; of Salman Rushdie's secret visit; of our running Chinua Achebe for President of PEN International as the first step to reforming the whole movement; of setting up the formal Writers in Exile Network. So many of you were involved in all of this and in literally hundreds of other PEN actions. And the important thing is that many of the original members are still active while our new president, Ellen Seligman, is now reaching out to a whole new wave of writers and supporters.

PEN International is wonderfully complicated, with 145 centres in 102 countries. The needs, the problems, the role of literature are as varied as you would imagine. This complexity, these differences — even our disagreements — are a great force. There are other NGOs involved in similar areas, but there is no other international force for literature and therefore for freedom of expression. And most important, there is no other fully grass roots organization struggling for free expression everywhere in the world. What is our power? As president I know that in a crisis we can call on our 18,000 members — from Nobel Prize winners to unknown writers, on every continent. We can call on them — on you — to speak out. The public space depends on the voice of writers!

One of the truly moving details for me over the last few months has been to see PEN Canada working so

closely with Émile Martel, president of PEN Québec, first on the Montreal leg of the three-city PEN Canada/ Japan PEN event in April, and more recently on an initiative to raise money from memberships to assist the newly established PEN Haiti centre to reopen after the earthquake that tragically took the lives of its president Georges Anglade and his wife Mireille. Their deaths were a real loss, both personally to all of us who knew them, and in terms of PEN's work.

I have talked everywhere about expanding our understanding of Freedom of Expression to include the health of minority languages and cultures. In Canada alone some 50 Aboriginal languages are in danger. Surely the disappearance of a language is the ultimate loss of Freedom of Expression. These are after all, the fundamental Canadian languages.

This annual report is focused on the 50th anniversary of the Writers in Prison committee. It is wonderful to be working with Marian Botsford Fraser at the international level. The Writers In Prison committee remains at the core of what PEN does. This is our day to day down to earth work. Almost 1000 writers in prison or in danger. Many others in exile. The power of the word lies in these stories. These writers suffer because the word is so strong.

There is a refrain which constantly goes through my mind. Without literature there is no freedom of expression. Without freedom of expression, there is no literature.

ARTICLE

# 19

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*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.

# *PRESIDENT'S MESSAGE*

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The year since the 2009 AGM has been marked by challenges, but also by a sense of pulling together and a renewed commitment to PEN and its causes. At one of the most difficult moments in the organization's history, we are nonetheless poised – with positive energy, creative vision, and a sense of determination – to grow and to move into the future.

Last year, due to the economic downturn, along with other NGOs we faced a serious financial crisis and had to take immediate steps to lower operating costs. We reduced staff, reduced our rent by consolidating our working space, and members of the Board and others stepped in to take over what needed to be done to ensure that the work of the organization continued. My thanks to the Board as a whole for their specific help in responding to this situation, in particular to Treasurer Hank Bulmash, who has pretty well been on call every day for the past year with invaluable help and advice; to Vice President Charles Foran for his support and help; to Jared Bland for his advice, action and assistance with general office management and with various technologies; to Martha Butterfield and Anna Porter for their generosity and tireless fundraising work; to Bruce Walsh for his work on fundraising events and sponsorship; to Sarah Elton for innovative help and generosity in the membership drive; to Alison Gordon for her wisdom and for her willingness to help where it was needed. Thanks to Marian Botsford Fraser, for her generous help and support and for monitoring issues domestically and abroad. To Kendra

Ward for her part-time administrative assistance with the running of the office and with board-organized fundraising events.

In January, after almost eighteen years with the organization, Executive Director Isobel Harry left PEN Canada to pursue other projects. I want to take this opportunity to once more express my gratitude, and that of the Board, to Isobel for her absolute belief in and dedication to PEN and its causes. She contributed greatly to PEN Canada's role as a human rights organization and has been well-respected within the community of PEN International. For five years, she represented the international organization at the UN Commission on Human Rights. She contributed significantly to our effectiveness in assisting writers in prison and under threat and was instrumental in developing PEN's work with writers in exile living here in Canada. She also helped to create the PEN centre in Jamaica and supported the new PEN centre in Haiti. We wish her all the best in her next undertaking.

Below is an overview of some of our freedom of expression work over the past year:



With the dedicated efforts and work of past president Nelofer Pazira, who had adopted his case as part of PEN's Advocates Program, PEN Canada International played a significant role, with the help of the PEN Canada International office and Marian Botsford Fraser, in the recent release of the young Afghan journalism student Sayed Parwez Kambakhsh, who had been sentenced to death without trial for allegedly downloading and forwarding material that was thought to be blasphemous.

On December 22, 2009 the Supreme Court of Canada created a new libel defence in landmark decisions handed down in *Grant v. Torstar Corp.* and *v. Cusson* — cases in which PEN Canada intervened, as part of a media coalition. The rulings recognize a defence of “responsible communication” in the public interest. This decision is discussed more completely in the National Affairs report on page 36.

Last year, we spoke out against the arrest and detention of the Canadian-Iranian journalist and film-maker Maziar Bahari. After being released on bail in October 2009, Bahari bravely continued to work with free expression organizations like International PEN and the Committee to Protect Journalists in condemning the government crackdown on the media in Iran. In May 2010, Bahari was sentenced, in absentia, to thirteen and a half years


in prison, and an extended flogging, for crimes against national security. PEN Canada continues to support Bahari and all other journalists who have been arrested and detained in Iran for nothing more than the peaceful exercise of their right to freedom of expression.

Four of the nine Eritrean journalists who are Honorary Members of PEN Canada are believed to have died in prison since their summary arrest in September 2001. Dawit Isaak, one of the survivors, is a Swedish citizen — and currently the only prisoner of conscience from that country anywhere in the world. Although Isaak has developed serious medical problems while in prison, the Isaias government has given no indication that it will consider his release on compassionate grounds. Working with Swedish PEN, PEN Canada hopes to raise public awareness of Isaak's plight throughout 2010 and to encourage Canadian companies with business interests in Eritrea to take up human rights concerns about the journalists' continued detention — without formal charges — directly with the government.

Several years ago, PEN established the One Humanity Award, given to someone “whose work has transcended the boundaries of national divides and inspired connections across cultures.” This \$5,000 award is made possible by the generosity of PEN Canada supporter Florence Minz, who is actively engaged in the community and dedicated throughout her work to enabling people to reach their potential through the arts. This prize has been awarded three times so far: to distinguished Chinese Journalist Jiang Weiping, before PEN finally succeeded in reuniting him with his family in Toronto, and to Burmese poet and comedian, Zargana (who was and is still serving a prison sentence). This year for the first time we were able to award the prize in person, to Mexican writer Lydia Cacho, an award-winning journalist and women's and children's rights activist whose book exposing child abuse and pornography rings in Mexico, led to her arrest and ill-treatment. Although she was ultimately acquitted of all charges, and the United Nations advised her to leave Mexico and offered her political asylum, Cacho has chosen to stay in Mexico, even though she remains under threat. Her appearance in Toronto to receive the award was extraordinarily moving, and her passion and commitment to her cause was and is inspiring.

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**BEING CONVINCED THAT** the potential for PEN's membership hasn't yet been reached, and that we're undersubscribed in relation to the current community of writers in Canada, including playwrights, songwriters, translators and journalists (all of whom are potential voting members of PEN), I formed a special committee comprising the Membership Committee Chair Sarah Elton; Communications Chair Jared Bland; Diana Kuprel of the University of Toronto; Kendra Ward (former Outreach and Events Coordinator at PEN) and editor Anita Chong. We worked over a period of months to structure a multi-layered membership drive, which would target various constituencies of potential members, and to develop the best means of reaching them, and then to carry out the plan, which we did, with the help and support of publishers McClelland & Stewart, where President Doug Pepper piloted an incentive program, offering to pay half the membership fee of any employee wanting to join PEN Canada. This plan was quickly adopted by other publishers, Douglas & McIntyre, House of Anansi Press, Penguin Canada and Random House of Canada. Thanks too to literary agents for their help in circulating letters to their clients: Anne McDermid Agency, Bella Pomer Agency, Beverley Slopen Literary Agency, Rick Broadhead, The Bukowski Agency, The Cooke Agency, Frances Hannah, The Rights Factory, Transatlantic Literary Agency, and Westwood Creative Artists. Thanks as well to Carolyn Wood, Executive Director of the Association of Canadian Publishers and to Carolyn Burke, Executive Director of the Editors Association of Canada for bringing our call for membership to the attention of their members.

Developing a sustaining membership has never been more vital, not only in terms of financial support but as an expression of acknowledgment of PEN's important mission and to increase our effectiveness as we work to defend freedom of expression at home and abroad. We are optimistic that we will see a significant increase in the coming year.

As well as membership, we have been working hard to increase our patron and donor base, and will be looking to other provinces outside Ontario. We have also been active in exploring additional opportunities for grant support for our operations and for the development of our projects and programs, and we will benefit from a series of strategic planning exercises for which we received a grant from the Ontario Arts Council. We are hopeful that our Writers in Exile Placement Program (a program piloted by PEN Canada and now replicated by other PEN centres) will be rejuvenated and brought back to its past level of participating universities and institutions.

We have rearticulated what PEN Canada stands for and does to make clear that the organization is inclusive and that as well as writers, it also welcomes associate members into the PEN community, working to defend freedom of expression, advance literature, and foster international exchange and understanding, and which for more than 25 years has helped to free writers from prison and support those who live in exile in Canada.

Recently, PEN International invited its centres to help them re-title their magazine *PEN International* to better evoke their work: "maintaining a commitment to freedom of expression; declaring literature as a force for global culture and dialogue; introducing established and new writers from everywhere to readers everywhere, from the linguistic cultural margins as well as the mainstream of society; reinforcing the role of translation ... as an urgent, necessary and supremely beneficial activity; celebrating the vitality of languages, words, and the plurality of ideas." I take time to repeat this here because it helps to remind us that the work of PEN should not be narrowly defined and should not be seen as restrictive. And it is interesting that this comes now, at a time when PEN Canada has been thinking about these very things and has been striving to communicate them, including through the number and variety of its activities and events, in order to enliven these concepts as intrinsic to what defines our organization.

I believe that our events and activities are an incredibly effective way of reaching people and bringing PEN's work to wider attention and that, in featuring writers and their



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work, and in stimulating dialogue, our events are an important way PEN carries out various aspects of its mandate. I also believe that we should be holding events in other parts of Canada. Events are a means of raising funds and attracting new membership, but they are extremely valuable in other, perhaps less measurable ways as well.

In 2009, we began the PEN Canada Literary Events Series and had four events; in 2010 we will have double that number. Following last fall's annual benefit event at the International Festival of Authors, featuring Alice Munro and Diana Athill, and a stand-alone event with Bruce Cockburn and Michael Ondaatje, this spring we participated in Freedom to Read Week at the Toronto Reference Library with a panel discussion on the politics of language; Yann Martel launched his new novel in St. John's, Newfoundland and was interviewed by Ian Brown; in our first cross-cultural event of this kind, and in association with another PEN centre, Japan PEN, a delegation of Japanese writers appeared in conversation with Canadian writers, with the aid of interpreters, about literature, language and freedom of expression at an afternoon-long event at the Munk School of Global Affairs. The visiting writers participated in two other PEN Canada/Japan PEN events — one in Montreal at Concordia University, with the support of PEN Quebec and in collaboration with the Consulate General of Japan in Montreal and The Japan Foundation in Toronto, and in Vancouver at Simon Fraser University which was also supported by the Japan Foundation.

Earlier in June, we launched a new event in our literary series, Ideas in Dialogue, in which Lawrence Hill appeared in conversation with Charles Foran. This event will happen twice a year, in June and November, in partnership with Ben McNally Books in Toronto (and we are looking to expand Ideas in Dialogue events into other cities soon). PEN will have its big fall benefit again at IFOA.

In October, we will be undertaking the second part of the well-received TAXI project, written and participated in by writers in exile on the themes of freedom of expression and exile.

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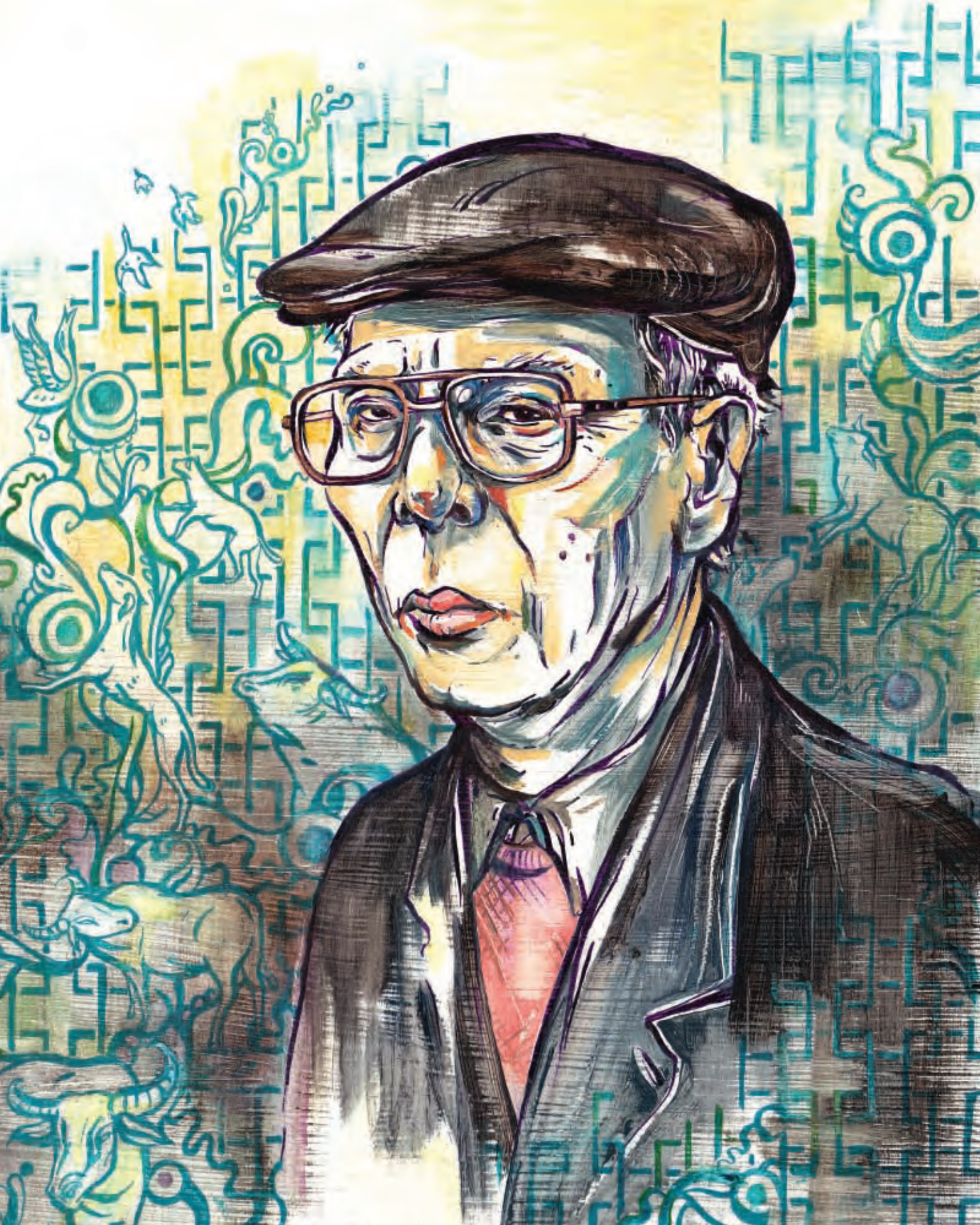
**THERE IS CERTAINLY CAUSE** for optimism, and there is an exciting sense of rebuilding. We are extremely pleased to have Brendan de Caires back in the office as Program Coordinator. Many thanks to him for his ideas, his initiative and helpfulness, his true commitment to literature and freedom of expression and his work on behalf of persecuted writers. We have also hired a new Administrator, Katie Addleman, whose dedication, gifts, and organizational abilities are greatly valued and much appreciated.

I'd also like to express thanks to Kendra Ward for her dedication and generosity during a difficult transitional time. And to Janet Somerville and Diana Kuprel for their phenomenal work with events. Thanks too to Laura Houlihan for excellent event assistance, and to all our volunteers.

A very special thank you to Soapbox Design Communications Inc. for their brilliance and innovation, and for their generosity in donating their design of this annual report as well as all our event programs, posters, ads, and other materials that help to support all of PEN Canada's initiatives. Thanks to Alison Gordon for her skill and patience in editing this annual report.

Finally, a heartfelt and sincere thank you to PEN members and patrons, who have responded to our calls for support, have given generously over the past year, and have been integral to the important work of the organization.







# NGUYEN CHI TIEN

## VIETNAM

ON JULY 16, 1979, a desperate man forced his way past security guards and threw himself on the mercy of employees of the British Embassy in Hanoi, Vietnam. He was Nguyen Chi Thien, a 40 year old poet, and he had with him a manuscript of 400 poems, representing 20 years of work. He wanted to send them out of the country so his work would not die with him if he was sent to jail once again.

The diplomats were unable to offer him asylum, but spoke with him for several hours and promised him that his poems would be published. When he left the Embassy, the police were waiting for him.

Nguyen Chi Thien first came to the attention of the communist authorities in 1960, when a sick friend asked the then 21-year-old to take over a history class for him. Seeing that the official textbook claimed that Japan's surrender in World War II was a result of the Soviet Army's victory in Manchuria, he informed the students that it was, in fact, the bombing of Hiroshima and Nagasaki by the Americans that led to Japan's surrender.

Nguyen was soon arrested and sentenced to two years imprisonment on the charge of spreading "anti-propaganda." During what turned out to be a three and a half year incarceration he began to compose poetry by repeating the lines until he had committed them to memory, then reciting them to other prisoners with whom he would meet in the prison yard.

Briefly released in 1964, he was soon re-arrested in February 1966 on the charge of producing "politically irreverent poems." This time he served 11 years in prison camps before being temporarily released in July 1977 to make room in the crowded camp for new prisoners coming from South Vietnam.

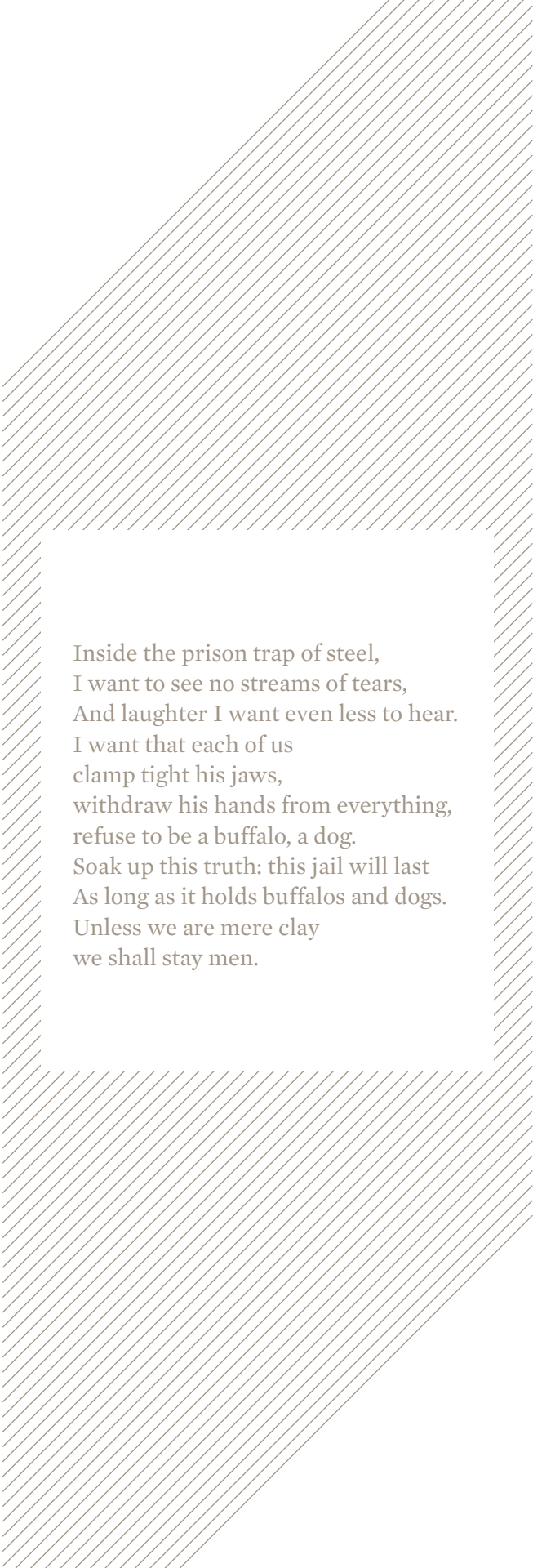
After his release, he lived with family members and struggled to survive doing odd jobs under the table, since it was forbidden for him to be employed. Continued harassment and surveillance by authorities led him to his dramatic appearance at the British Embassy two years later.

Good to their word, even as Nguyen Chi Thien was being sent to prison for another 12 years, the embassy officials with whom he had spoken saw to it that his poems were translated into English and published, as *Flowers from Hell*. Translations into eight languages followed, and he was awarded the International Poetry Award in Rotterdam in 1985. His case caught the attention of writers all around the world, but Nguyen Chi Thien was unaware of his growing fame until international interventions, including those by PEN members led to his release in 1991.

He was granted asylum in the U.S.A., and aside from a three-year stay in France on a fellowship from the International Parliament of Writers, he has lived in California. An American citizen now, he continues to write.

*INSIDE*  
*THE*  
*PRISON*  
*TRAP OF*  
*STEEL*

*from Flowers from Hell*  
*by Nguyen Chi Tien*  
*translated by Huynh Sanh Thong*



Inside the prison trap of steel,  
I want to see no streams of tears,  
And laughter I want even less to hear.  
I want that each of us  
clamp tight his jaws,  
withdraw his hands from everything,  
refuse to be a buffalo, a dog.  
Soak up this truth: this jail will last  
As long as it holds buffalos and dogs.  
Unless we are mere clay  
we shall stay men.

# WRITERS IN PRISON COMMITTEE REPORT

“They wanted me to say that I was the writer and publisher of the article. I received electrical shocks, was beaten with a stick and hung upside down for hours at a time. Finally, I gave in and confessed to writing something I had not written.”

SAYED PARVEZ KAMBAKSHI

*Afghani Honorary Member*

# IN

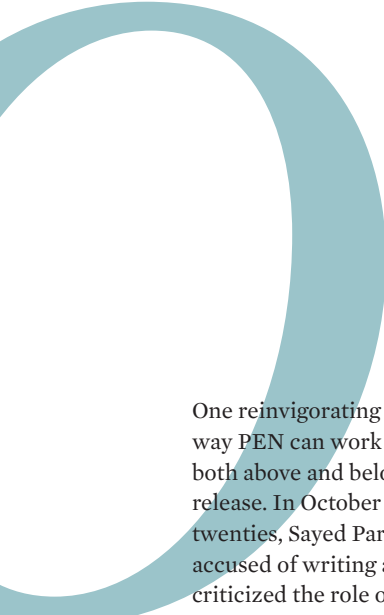
this, the 50th Anniversary year of the establishment of the International PEN Writers in Prison Committee, it has been most evident that the need for such a group to exist has never been more pressing. At PEN Canada, in my concluding year as chair of our writers in prison committee, it felt like there were almost weekly bulletins from my counterparts in London informing us that yet another Mexican journalist had been murdered, a Syrian novelist detained, a Columbian newspaper publisher

shot dead, Cuban internet writers plunged into Cuban jails and so on, a constant ticker tape of days when freedom of expression had taken another punch. The members of PEN were sometimes asked to intervene in these injustices, and they did so enthusiastically, pushing back with many hands. The point is to keep pushing, and I was heartened, after a forced respite, to feel that we are growing stronger, our Canadian voice louder. There are many doors yet to pry open with our words and best wishes.



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One reinvigorating case this year for me exemplifies the way PEN can work against the tidal force of imprisonment both above and below the horizon and gain a successful release. In October 2007, an Afghan student in his early twenties, Sayed Parwez Kambakhsh was detained and accused of writing and distributing an article that criticized the role of women in the Quran, an article he merely downloaded from the internet and sent to friends. While in detention he was forced to sign a confession under duress (see the opening quote of this report.) then sentenced to death for blasphemy in a trial that lasted only a few minutes. No evidence was presented, and he was not given access to legal representation. In October 2008, the Court of Appeal upheld the conviction but commuted his sentence to 20 years in prison.

Once the Court of Appeal upheld the conviction, Kambakhsh's only hope was to be granted a pardon from President Hamid Karzai. Facing pressure from PEN Canada, among others, and facing an election, Karzai evaded making any decision until, in September 2009, news reached PEN that Kambakhsh had been pardoned and, his life still threatened, granted asylum abroad. I am proud to say that PEN Canada's hand, both in front and behind the scenes, was well involved in obtaining that release. One step forward ...

As chair of the WiPC committee, and living a short ride from Ottawa, I occasionally attend meetings or visit with delegations concerned with human rights and freedom of expression particular, and I attended one such ominous gathering of the still forming "Voices" committee, an ad hoc group concerned with assaults on freedom of expression on our own doorstep. These

are growing in number, and though there is no-one yet behind bars in Canada for speaking or writing out, that impossibility seems less impossible with each instance. Grounds for concern.

It's customary for me now to report on the Minders program, our inner circle of members who have gladly taken to heart and mind the plight of one of our honorary members, the title we give to the global community of thirty or so imprisoned expressionists. (A list of those members, including those happily released over the last twelve months, concludes this report.) Here I can report much. The air had definitely gone out of the program, which once boasted 20 in its ranks, and so with the aid of Marian Botsford Fraser, programs coordinator Brendan de Caires, Ron Graham, board member Susan Coyne, and summer student Polina Kukar, a revival was effected. The Advocates program, a name chosen to bring us in line with this worldwide device of PEN's, now numbers eight and rising. It cannot rise too far, since it is PEN's reason for being and continuing to act on behalf of free expression.

(And may I offer an apology here for my reference last year in these pages to 'the Ukraine.' Quite rightly a member from Ukraine, asked me to drop the 'the' before the country name, a redundant reference to days of Russian occupation.)

I rise from the chair of the Writers in Prison Committee after three years upon it. As it is helpful to have an active member in Ottawa, I hope to remain on the committee as just that. My gratitude goes to Marian for wise council, and Brendan for philosophical reassurance and to all my fellow vigilant members. Let us push on.

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*MEMBERS*

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## CANADA

In July 2003, the Canadian/Iranian photojournalist **Zahra Kazemi** died in Baghiyyatollah al-Azam Military Hospital, 19 days after being detained by Iranian authorities for photographing a protest outside Evin prison. She was buried in Shiraz, southern Iran, on July 22, 2003, contrary to the wishes of her son, Stéphane Hachemi. In April 2007, a former Iranian military doctor disclosed that he had treated Kazemi for injuries consistent with torture, including a fractured skull, broken fingers, and missing fingernails. In November the Supreme Court of Iran ordered a new investigation into her death. (The government had previously claimed that her death was an accident, despite evidence that she was brutally tortured and raped while in custody.) Her family remained “very skeptical” about the prospects of the new investigation. In 2004 a show trial ended with the acquittal of an Iranian security agent. To date, nobody in Iran has been brought to justice for her murder.

## CHINA AND AUTONOMOUS REGIONS

On December 9, 2010 the Mongolian rights activist and writer **Hada** will complete a 15-year prison sentence for “separatism” and “espionage,” and begin four years’ deprivation of political rights. In 1992 Hada helped to found the Southern Mongolian Democratic Alliance (SMDA), for the peaceful promotion of Mongolian culture and human rights. Chinese authorities alleged the SDMA’s underground journal was a threat to “national unity” and were further provoked by Hada’s publication of a book recounting official campaigns to suppress Mongolian culture through mass killings and political repression. Human Rights in China reports that while in prison, Hada has been routinely mistreated, placed in solitary confinement and handcuffed overnight to a metal shackle board for “resisting reform.” Other reports indicate that he has been denied proper medical care for a stomach ulcer and coronary heart disease, prevented from talking to other inmates, and allowed only limited contact with his family. His health has deteriorated significantly in prison.

**Shi Tao**, a freelance writer and head of the news division at *Dangdai Shangbao* (Contemporary Trade News) in Hunan, was charged in November 2004 with “illegally divulging state secrets abroad” after emailing the propaganda ministry’s list of prohibited subjects to foreign media contacts. The Chinese authorities seized Shi’s computer and private documents and warned his family to keep quiet about the matter. On April 30, 2005, the Changsha Intermediate People’s Court sentenced Shi to ten years in prison. The sentence was upheld at an appeal in June. Shi’s mother has applied for a review of the appeal on procedural grounds. Court documents revealed that a Hong Kong subsidiary of Yahoo! helped Chinese police link Shi’s computer to the allegedly classified email. (In November 2007, at a US congressional hearing, two of Yahoo’s senior executives apologized to Shi Tao’s mother, but did not confirm whether their company would reject similar requests in the future.) Shi’s mother and lawyer report that his access to reading material has been restricted, and that his health has deteriorated because of forced prison labour.

**Yang Tongyan** (aka Yang Tianshui) was convicted of subversion in a three-hour closed trial on May 16, 2006 after being charged with posting anti-government articles on the Internet, organizing branches of the outlawed China Democracy Party, and accepting illegal funds from foreign sources. He was sentenced to 12 years in prison and four years “deprivation of political rights.” A freelance writer and member of the Independent Chinese PEN Centre (ICPC), Yang had previously published criticism of the Chinese government in the *Epoch Times* and at websites like Boxun.com. Between 1990 and 2000 he was jailed on counter-revolution charges because of his involvement in the 1989 Tiananmen Square protests. His previous conviction may have contributed to the severity of his current sentence. He was also previously held incommunicado from December 24, 2004 – January 25, 2005. While in prison, Yang has received the 2006 Independent Chinese PEN Centre’s Writer in Prison Award and the 2008 PEN/Barbara Goldsmith Freedom to Write Award.

Uighur writer **Nuremuhamet Yasin** is three years away from completing a ten year sentence he received in November 2004 during a closed trial, with no legal representation, for “inciting Uighur separatism” in a short story published in a literary journal. Korash Huseyin, chief editor of the Kashgar Literary Journal, was released in February 2008 after serving a three-year prison sentence for publishing the story. Wild Pigeon, the story in question, tells of a young pigeon who is trapped, and caged, by humans while trying to find a new home for its flock. But instead of forfeiting its freedom, the pigeon kills itself by swallowing a poisonous strawberry, a choice that Yasin’s own father had made in similar circumstances several years earlier. Yasin is an award-winning and prolific freelance writer with a well-established literary reputation among Uighur readers. Since his arrest, he has been permitted no visitors and there are serious concerns for his well being.

The poet and essayist **Zheng Yichun** was arrested by the security services in Yingkou, Liaoning Province on “suspicion of inciting subversion of state power” in 2004. At his trial the prosecution exhibited 63 postings, signed by Zheng, which had appeared on dajiyuan.com, a website popular among China’s intelligentsia. Several hundred other articles were confiscated during a police raid on Zheng’s home. A Professor of English at the University of Liaoning, Zheng has long been a prominent critic of the government. In one essay he refers to China’s one-party system as “the root of all evil” and the title of one of his self-published books of poetry is *The Era of Brainwashing*. On April 26, 2005, at a trial attended by senior authorities from Liaoning Province, Zheng pleaded guilty. Although his lawyer argued that Zheng’s work was protected by Article 35 of the Chinese Constitution, which guarantees freedom of the press, Zheng was convicted in July 2005 and later sentenced to seven years in prison. Zheng suffers from diabetes and his health has deteriorated since his arrest. In May 2008 there were reports that he had suffered cerebral thrombosis, which caused paralysis in part of his face and constrained movement in his right arm. He was sent to a hospital outside the prison, but was returned when doctors concluded that his condition was not serious. Medical facilities in the prison are not able to treat his condition and his relatives are said to be requesting his release on medical parole.

## CUBA

In the “Black Spring” of 2003, **Normando Hernández González**, Director of the Colegio de Periodistas Independientes de Camagüey, was arrested and charged under Article 91 and other provisions of the Criminal Code, for criticizing the government on Radio Martí. After a one-day closed trial for which he was reportedly given insufficient time to prepare a defence, Hernández received a 25-year jail sentence. In prison, Hernández has suffered several medical complaints including hypertension, heart, stomach, digestive and respiratory problems, back pain and significant weight loss. He has also experienced mental health issues related to his long illness and mistreatment in prison. Hernández has also reportedly suffered assaults by staff and attacks and harassment by other inmates. He has been confined with prisoners who suffer from acute psychiatric disorders, some of whom are extremely dangerous. After many reports of his failing health, in October 2009 Hernández was said to have been admitted to the hospital at Combinado del Este Prison in Havana suffering from left ventricular atrophy, a heart condition, and from polyps (growths) on his gall bladder. Hernández’ family is allowed to visit him every six weeks.

## ERITREA

In September 2001, 13 newspaper journalists were arrested after President Issaias Afewerki closed Eritrea’s independent newspapers, leaving only the state-run *Hadas Eritrea*. PEN Canada adopted the following journalists as Honorary Members: **Yusuf Mohamed Ali** (editor-in-chief, *Tsigenay*), **Mattewos Habteab** (editor-in-chief, *Meqaleh*), **Dawit Habtemichael** (reporter, *Meqaleh*), **Medhanie Haile** (editor-in-chief, *Keste Debena*), **Emanuel Asrat (Zemen)**, **Temesken Ghebreyesus (Keste Debena)**, **Dawit Isaac** (co-owner of *Setit*, writer), **Fesshaye Yohannes “Joshua”** (publisher, *Setit*, playwright and poet), and **Said Abdelkader** (writer and editor, *Admas*, and owner of the press that printed most of the independent newspapers). In 2003, the journalists were moved to the Era’eRo prison, and have been held there since, reportedly in dark and airless cells. Many prisoners have died at Era’eRo, several by suicide. The stifling temperatures within the prison are believed to have contributed to the deaths of Yusuf Mohamed Ali, Medhanie Haile, Said Abdelkader and Fesshaye Yohannes. In January 2009 the website Eritrea Watch reported that Dawit Isaac had been moved with more than a hundred other political prisoners to a maximum security prison in Embatkala, 20 miles northeast of the capital Asmara. In March more than 250 Swedish MPs wrote directly to the Eritrean government to ask for Dawit Isaac’s release.

## IRAN

The Iranian-Canadian journalist and weblogger **Hossein Derakhshan** was arrested by Iranian authorities on November 1, 2008 and has been held incommunicado since then. The reasons for his detention are unclear – he is not thought to have been formally charged – but initial reports suggested that he may have been detained for ‘insulting religion’ or ‘spying for Israel.’ A pioneering weblogger, nicknamed “the Blogfather,” the 35-year-old Derakhshan is best known for online diaries published in English and Farsi. While these have been critical of the Iranian authorities, more recently they have been sympathetic to President Ahmadinejad. In November 2007, Derakhshan told the *Ottawa Citizen* that he was worried about the demonization of Iran in the West and had “ceased all criticism of his homeland in English”.

## MEXICO

**Lydia Cacho**, the recipient of PEN Canada’s One Humanity Award for 2009, is an award-winning author, journalist and women’s rights activist. She was illegally arrested, detained and assaulted while in custody following the 2005 publication of *Los Demonios del Eden: El Poder Que Protege a la Pornografía Infantil* (The Demons of Eden: The Power That Protects Child Pornography), an exposé of child abuse networks in Mexico. Cacho’s book alleged that prominent businessmen and politicians were involved with child pornography and prostitution networks in Cancun. Defamation charges were brought against her by textile businessman José Camel Nacif Borge. According to Cacho, she was tortured during her detention. The charges against Cacho were dismissed on January 2, 2007 and the trial was discontinued. In April 2008, the Attorney General’s Office issued arrest warrants for five public servants from Puebla allegedly involved in Cacho’s illegal detention in 2005. These were said to include the former attorney general, a minister, a police commander and various criminal justice system officials, who allegedly falsified paperwork in order to facilitate Cacho’s arrest. To date, none of these men has been detained. After further legal setbacks, Cacho was preparing to submit her case to the Inter-American Commission on Human Rights (IACHR). On 16 March 2009, Mexico’s National Human Rights Commission (CNDH) concluded that Cacho had been tortured and her right to freedom of expression had been violated and it recommended that the governors of the Puebla and Quintana Roo states investigate the police officers responsible for her arrest and to provide Cacho

with compensation. Cacho has received numerous death threats. In May 2009 she reported being followed and watched by unknown individuals, some of them armed. On August 10, 2009, the IACHR granted Cacho, her family and the staff of the centre she founded for abused women cautionary protective measures and asked the Mexican government to take action to protect Cacho. As of January 2010, these measures had not yet been implemented.

## MYANMAR

**Aung San Suu Kyi**, leader of the National League for Democracy (NLD) in Myanmar, has been held under de facto house arrest since May 30, 2003 when she was taken into “protective custody” following violent clashes between opposition and government supporters at a political rally. In August 2009, Suu Kyi was sentenced to 18 months’ house arrest following an incident in which a US citizen swam to her lakeside home and violated a ban on her meeting anyone without prior permission from state security agents. In April 2010, following a new law which would have prevented Suu Kyi from remaining the head of the NLD, because of her recent conviction, she was said to be considering withdrawing her party from Myanmar’s upcoming elections.

**Ko Aung Tun**, a student activist and writer, was arrested in February 1998 and sentenced in March to 13 years in prison for writing and “illegally distributing” a history of the student movement in Myanmar. Co-author U Myo Htun was reportedly given a seven-year sentence. According to opposition sources, six other people were also arrested in connection with the case and received prison sentences ranging from seven to ten years for supplying information to Ko Aung Tun. All were reportedly refused access to legal counsel during their trials. While in prison, Ko Aung Tun has reportedly been held incommunicado in solitary confinement and suffered severe beatings which have caused him to vomit blood. He is also said to be suffering from severe asthma and tuberculosis.

**Maung Thura** (“Zargana”) is currently serving a 35-year sentence following his arrest for leading a private relief effort to deliver aid to victims of Cyclone Nargis which struck on May 2, 2008. The Asian Human Rights Commission reported that Zargana had ridiculed state media accounts of the impact of the cyclone, and criticized the inadequacy of the government’s relief efforts during interviews with foreign media. In August, Zargana was charged with seven offences under the Criminal Code, the Unlawful Associations Act, the Video Act and sections of the Electronics Act. On November 21, 2008 he was sentenced to 45 years for violating the Electronics Act.

Days later, he was given a further 14-year sentence for offences under the criminal code related to his peaceful opposition activities. In 2009 the news agency Mizzima.com reported that on February 13, the Rangoon Division Court reduced the sentence by 24 years, leaving Zargana to serve 35 years in prison. In late April 2009 Zargana reportedly collapsed at Myitkyina prison due to heart problems, jaundice and a stomach ulcer which pre-date his current imprisonment. He was taken to Myitkyina Hospital where he underwent some tests, although the specialist medical care he requires was reportedly not available at this hospital. However he subsequently received medication and in early May 2009 was returned to prison. On October 22, 2008 PEN Canada presented the One Humanity Award to Zargana *in absentia*. He was also awarded the Imprisoned Artist Prize, as part of Artventure's Freedom to Create Prize, on November 26, 2008. He is also the recipient of the 2009 PEN/Pinter Prize awarded by English PEN.

#### RUSSIA

**Anna Politkovskaya**, one of the most admired journalists of her generation, was shot dead in the elevator of her Moscow apartment building on October 7, 2006. She had been receiving death threats since 1999, after reporting on human rights abuses committed by Russian troops in Chechnya. In May 2008, the Russian Prosecutor-General announced that Rustam Makhmudov, a Chechen, had been charged *in absentia* with Politkovskaya's murder. An international warrant was issued for Makhmudov's arrest. In June the Investigative Committee laid murder charges against three men, a former police officer and two ethnic Chechen brothers. In November, after jurors refused to enter the courtroom in the presence of the media, the judge continued the trial behind closed doors. On February 19, 2009 after a Moscow jury acquitted the three suspects of Politkovskaya's murder, a spokesman from the Organization for Security and Co-operation in Europe called the government's failure to resolve the case "a human rights crisis."

#### TURKEY

**Ragip Zarakolu**, owner of the Belge Publishing House, has been subject to repeated harassment, trials and periods of imprisonment since the 1970s for publishing books that violate Turkey's repressive censorship laws. Since May 2009, he has been on trial for "spreading propaganda for a terrorist organization," for publishing the novel *More Difficult Decisions than Death* by N. Mehmet Güler. Previously Zarakolu was prosecuted for publishing a book which alleges that leading figures in the Ataturk government were responsible for the mass deportation of Armenians in 1915. This claim is an offence under Article 301 of the Turkish Penal Code which forbids "insulting the State and the memory of Kemal Ataturk." In December 2008, Zarakolu and Cevat Düşün, the chief editor of the *Alternatif* newspaper, were indicted for "making propaganda for a terrorist organisation" (Anti Terror Law 7/2), alienating people from the military (Penal Code Article 318) and praising crime and criminality (Article 215). The charges arose from articles published in *Alternatif* (which Zarakolu owns and edits) in August 2008. In March 2010, Zarakolu stated that his trial seemed to be following the shifting moods of public opinion, "When the case was opened, there was a cold strong wind blowing in the courtroom and also in the country. When our acquittal was demanded in November, the atmosphere was warm and soft. Today, though, a harsh wind is blowing again. I think the atmosphere of the trial reflects the climate of the country." Both Zarakolu and Cevat Düşün face up to seven and a half years in prison under Turkey's Anti Terror Law. A verdict is expected at their next trial hearing, scheduled for June 2010.



## UKRAINE

In March 1999 **Muhammad Bekzhon** (“Bekjanov” was deported from Ukraine following accusations of his involvement in a series of explosions in Tashkent. Several others were arrested in connection with these events, including writer Mamadali Makhmudov and the journalist Yusif Ruzimuradov. Bekjanov’s arrest is thought to be linked to his association with the exiled opposition leader Muhammed Salih (his brother), and to his work for the opposition party’s newspaper *Erk*, which has been banned since 1994. Bekjanov’s co-defendants testified that they were subject to torture during their interrogation including beatings, electric shock and the threat that female family members would be raped. In August 1999, Bekjanov was sentenced to 15 years in prison, for “publishing and distributing a banned newspaper containing slanderous criticism of President Islam Karimov; participating in a banned political protest; and attempting to overthrow the regime.” In 2003 a report by the UN Special Rapporteur on Torture referred to allegations of torture that had resulted in Bekjanov’s leg being broken and mentioned reports that he had contracted TB while in prison. The government denied that “moral or physical pressure” had been applied but also provided details of Bekjanov’s medical treatment and reduced his sentence by three years. In October 2006, Bekjanov’s wife visited him in prison and reported that he was still suffering beatings, and had lost most of his teeth.

## UZBEKISTAN

**Mamadali Makhmudov**, a well-known Uzbek writer and opposition activist, was arrested in February 1999 after a series of explosions in Tashkent. He was charged with “threatening the president,” “threatening the constitutional order,” “organising banned public associations and religious organizations,” and “organising a criminal group.” On August 3, 1999 he was found guilty and sentenced to 14 years in prison. Makhmudov was previously imprisoned between 1994 and 1996 for alleged embezzlement and abuse of office. At the time, these charges were considered by PEN and Amnesty International to have been fabricated in order to persecute Makhmudov for his association with Salih. This view was supported by the United Nations Working Group on Arbitrary detentions. A successful international campaign was launched and Makhmudov was released early as part of a presidential amnesty. Makhmudov is currently being held at a high security prison in Tashkent. He was hospitalized in July 2000 reportedly for facial and throat surgery made necessary by extreme ill-treatment and neglect during his detention at another prison. His sentence will expire in 2013.

## VIETNAM

**Nguyen Van Hai**, better known by his pen name “Dieu Cay,” is a renowned blogger, journalist, and democracy activist in Vietnam. As one of the founding members of the Club of Free Journalists (Cau Lac Bo Nha Bao Tu Do), founded in 2006, he is well known for reporting on human rights abuses and corruption and for his participation in protests against Chinese foreign policy. He was arrested on April 19, 2008 for “tax fraud” in Dalat city, south of the country, after participating in protests against the police in Ho Chi Minh City, earlier in 2008. There are reports that he had been closely watched by the police and threatened with death prior to his arrest. On September 10, 2008 the Vietnamese People’s Court at Ho Chi Minh City sentenced Mr. Hai to two and a half years-imprisonment for tax fraud. He is widely believed to have been targeted for his criticism of Vietnamese government policy. In April 2009, Mr. Hai’s family learned of his transfer to Cai Tau prison. The prison is nine hours’ travel from Mr. Hai’s home and in order to visit him the family must apply for travel permits which are difficult to obtain. Cai Tau prison is notorious for the brutal treatment of prisoners and for its internal corruption. Mr. Hai’s family believe he was transferred there to limit the frequency of their visits. In late September 2009, after being denied two visits, Mr. Hai’s family expressed concerns for his safety and health.



"Even despite all of this,  
I am an optimist.  
In the end, the  
reality is that  
hope is power."

# NAWAL EL SAADAWI

## CAIRO

**THE TINY VILLAGE OF** Kafr Tahla, just outside Cairo, is an unlikely birthplace for a courageous feminist crusader, but it was there that Nawal El Saadawi was born, in 1931. Her work changed the world for women in Egypt, but her battle was never easy.

Unusually for women of her generation in Egypt, she studied medicine at the University of Cairo and graduated as a doctor in 1958. After 10 years of practice, she became Director General for Public Health Education in the Egyptian Ministry of Health, but before long, her increasing militancy began to annoy the authorities. In 1969 she published *Women and Sex*, in which she attacked the practice of female circumcision and argued a connection between female sexuality and political and economic oppression. She lost her job in 1972, and the next year, the magazine *Health*, which she founded and edited, was shut down.

Without a job, El Saadawi turned to writing, publishing the novel *Woman at Point Zero* in 1973 and its non-fiction counterpart, *The Hidden Face of Eve* in 1977. An outspoken critic of the regime of Anwar Sadat, she was arrested and imprisoned in 1981 for “crimes against the state,” but prison did not stifle her determination: she formed the Arab Women’s Solidarity Association (AWSA) — the first legal, independent feminist organization in Egypt — and continued to write, at times scribbling her words on toilet paper with an eyebrow pencil. Once she was released, in 1983, those scraps of notes were transformed into *Memoirs from the Women’s Prison*, in which she wrote, “Nothing is

more perilous than truth in a world that lies ... there is no power in the world that can strip my writings from me.”

With her reputation as a human rights activist growing internationally, El Saadawi faced hostility at home. In 1993, fundamentalist threats against her life forced her into exile in the United States with her husband, the novelist Sherif Hetata, but they returned in 1996.

Since then she has persisted in her writing and her activism, despite the regular banning of her books and continued harassment, some of it quite bizarre. In 2002 she was accused of apostasy by a fundamentalist lawyer who argued in court that she should be forcibly divorced from her husband. She won the case thanks in part to international pressure.

In 2004, she announced her candidacy for the presidency, and a platform of human rights, democracy and freedom for women, but government persecution forced her to abandon her plans. In 2007, she was threatened with the loss of her Egyptian citizenship in a case brought against her by a fundamentalist lawyer, objecting to her play *God Resigns at the Summit Meeting*. She also won that case, and continues to write, and to fight for women’s rights, with some hard-fought successes, including a new Child Law in Egypt in 2008, banning female genital mutilation, a cause she has been championing for 50 years so that other girls would not be subjected to the same mutilation she underwent as a child.

El Saadawi has published more than 40 books, and, in her late 70s, is still going strong, with passion undiminished.

WOMEN,  
CREATIVITY  
AND  
POLITICS

Excerpt by Nawal El Saadawi  
*Cairo, January 2001*



Y

*TO AMPUTATE THE IMAGINATION IS  
NO LESS DANGEROUS THAN AMPUTATING  
THE LIMBS OF THE HUMAN BODY, OR  
CIRCUMCISION OF THE CLITORIS IN YOUNG  
GIRLS. BUT PEOPLE RARELY TALK ABOUT  
“AMPUTATION” OF THE IMAGINATION IN  
CREATIVE WORKS, PERHAPS BECAUSE  
THE IMAGINATION DOES NOT BLEED OR  
SUFFER FROM PHYSICAL PAIN.*

*YET A HUMAN BODY WITH AN AMPUTATED  
IMAGINATION IS NO LESS INCAPACITATED  
THAN A BODY WITH NO LIMBS. FREEDOM  
FOR CREATIVE EXPRESSION, THE HEALTH  
AND WHOLENESS OF THE IMAGINATION ARE  
ESSENTIAL IF WE’RE TO STRUGGLE EFFECTIVELY  
AGAINST RELIGIOUS VIOLENCE OR POLITICAL  
TYRANNY EXERCISED BY THE STATE OR  
WITHIN THE FAMILY. A FREE WHOLESOME  
IMAGINATION IS OUR PROTECTION AGAINST  
DOUBLE STANDARDS AND DICHOTOMIES  
IN SOCIETY INHERITED FROM THE SLAVE  
SOCIETY, AGAINST PREJUDICES ARISING  
FROM RELIGION, CLASS, GENDER,  
RACE OR COLOUR.*



*HONORARY*  
*MEMBERS*

*RE-*



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## AFGHANISTAN

**Sayed Parwez Kambakhsh**, a student at Balkh university and reporter for the local daily *Jahan-e-Naw* (*The New World*), was arrested on October 27, 2007 for blasphemy, after circulating an article downloaded from the internet which claimed that the Prophet Mohammed had ignored women's rights. In January 2008, he was sentenced to death after a closed hearing with no legal representation. This sentence was later commuted to 20 years in prison. On September 7, 2009 the Afghan Ministry of Justice confirmed that Kambakhsh had been released two weeks earlier under a Presidential pardon.

## CHINA AND AUTONOMOUS REGIONS

On November 10, 2009 the blogger **Li Zhi** was released after a second reduction in his eight-year sentence for a "conspiracy to subvert state power." A financial official in the Dazhou municipal government, Li was arrested by provincial State Security Police in August 2003 after he accused Sichuan officials of corruption. Since Zhi's article was posted on an overseas website he was charged on September 3 with conspiring with foreign-based dissidents. On December 10, he was sentenced to eight years in prison. The sentence was upheld on appeal on February 26, 2004. The court verdict confirms that both Yahoo! and Sina Beijing supplied evidence to the prosecution.



# FARAJ SARKOOHI

## IRAN

**IF THE HOMELAND** is the heart of the writer's imagination, exile breaks that heart. To cut a writer's ties to family, friends, memories and home is as cruel an amputation as the excision of a limb. But exile is the cruel reality for many writers all over the world.

Faraj Sarkoohi is one. Born in Shiraz, Iran, in 1947, he began to write for opposition publications while still a student. At 22, he was arrested by the Shah's security forces and spent a year in prison. The following year, he was again arrested, and sentenced to 15 years. He was released after eight, during the 1979 Iranian revolution.

Sarkoohi co-founded the independent literary magazine *Adineh* in 1985, but it was after his involvement with the organizing of the Declaration of 134 Writers in 1994 that things got very tough. The declaration called on the Iranian government to end censorship and respect the right to free speech. The government responded harshly, denouncing the group as traitors and spies. The following year his family fled to Germany while he stayed on in Iran.

Then things got much worse. Many signatories of the Declaration were arrested and several others died under mysterious circumstances: one was found in an alley, an alleged heart attack victim; another found bloody and dead

in his home, another "heart attack"; a third found dead a long way from her home, called a suicide. The publisher of the document was kidnapped, his mutilated body abandoned in a wasteland.

In November of 1996, Sarkoohi was expected in Hamburg on a flight from Tehran, but he never arrived, and his family feared the worst. Iranian officials initially claimed he had boarded the flight and other witnesses were said to have seen him at Tehran airport.

Then nothing was heard until more than a month later, when Sarkoohi mysteriously appeared at Tehran airport, telling the press that he had indeed gone to Germany, and had returned after receiving assurances from the authorities that he would be safe.

The truth was revealed when he smuggled an open letter out of the country, in which he described a 48-day ordeal during which he had been interrogated, tortured and threatened with execution. This led to his re-arrest. He was convicted on charges of espionage, and spreading illegal propaganda and sentenced to a year's imprisonment.

He was released on January 28, 1998 and in May allowed to re-join his family in Germany where he continues to live in exile.

Excerpt from an Open Letter from Faraj Sarkoobi  
January 3, 1997

Perhaps this note will never reach anyone. But I am hopeful that someone will read it and after my arrest or death, will publish it so that there will be a document, a testament to the pain and suffering that I have experienced.

*I  
don't  
know  
how  
long  
I  
have.*

*I await imminent arrest or an incident  
whereby I will be murdered and my death will  
be presented as a suicide. Torture, prison,  
and death await me.*



# NATIONAL AFFAIRS COMMITTEE REPORT

A pair of landmark decisions by the Supreme Court of Canada made December 22, 2009 a red-letter day for Canadian journalism, perhaps even “the most important day in the history of [Canadian] media law,” as the renowned CBC reporter Harvey Cashore would later describe it.

Writing for a unanimous Court, Chief Justice Beverley McLachlin justified the decision to create a new libel defence with the principle that: “As held in *WIC Radio [v. Simpson]*, freewheeling debate on matters of public interest is to be encouraged and must not be thwarted by ‘overly solicitous regard for personal reputation.’”

The Court’s decisions in *Grant v. Torstar Corp.* and *Quan v. Cusson* — cases in which PEN Canada intervened, as part of a media coalition — recognize a defence of “responsible communication” which prevents the laws of defamation from trumping Charter rights to free speech and freedom of the press. The Grant decision emphasizes the Court’s “broad, purposive interpretation” towards section 2(b) of the Charter” and holds that “[a]ny attempt to restrict a ‘public interest’ libel defence to some particular aspect of the broad range of matters of public concern affecting society would be inconsistent with this well-developed constitutional doctrine.” According to Chief Justice McLachlin: “People in public life are entitled

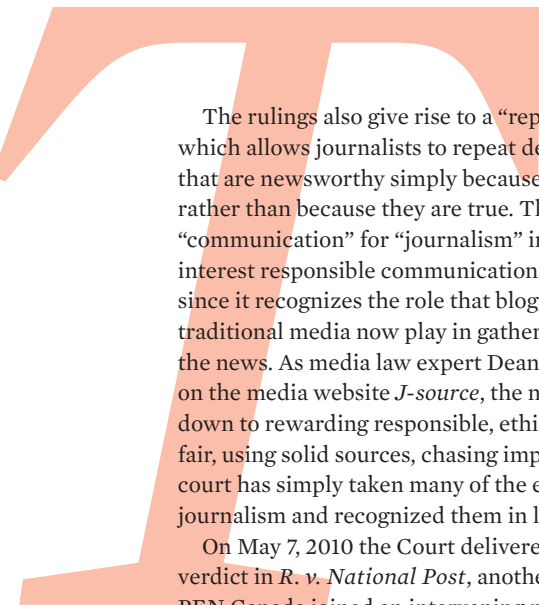
to expect that the media and other reporters will act responsibly in protecting them from false accusations and innuendo. They are not, however, entitled to demand perfection and the inevitable silencing of critical comment that a standard of perfection would impose.”

The new defence comes with important caveats. The Court notes that public interest “is not synonymous with what interests the public,” and should not be used to cloak “mere curiosity or prurient interest” in the private affairs of public figures. Even so, the definition is broad enough to include any matter on which “some segment of the community would have a genuine interest in receiving information.” A story is deemed “responsible” once journalists and editors have made reasonable efforts to establish its accuracy — serious allegations require more diligence — and have attempted to reach the potential plaintiff and include his or her side of the story, with some latitude granted for the time constraints involved in breaking news.



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The rulings also give rise to a “reportage” defence, which allows journalists to repeat defamatory statements that are newsworthy simply because they were said, rather than because they are true. The substitution of “communication” for “journalism” in the phrase “public interest responsible communication” is worth noting, since it recognizes the role that bloggers and other non-traditional media now play in gathering and disseminating the news. As media law expert Dean Jobb commented on the media website *J-source*, the new defence “all boils down to rewarding responsible, ethical reporting — being fair, using solid sources, chasing important stories. The court has simply taken many of the elements of good journalism and recognized them in law.”

On May 7, 2010 the Court delivered a less encouraging verdict in *R. v. National Post*, another case in which PEN Canada joined an intervening media coalition. An 8-1 majority decision held that “no journalist can give a source a total assurance of confidentiality. All such arrangements necessarily carry an element of risk that the source’s identity will eventually be revealed. In the end, the extent of the risk will only become apparent when all the circumstances in existence at the time the claim for privilege is asserted are known and can be weighed up in the balance. What this means, amongst other things, is that [an anonymous source who puts] information into the public domain maliciously may not in the end avoid a measure of accountability ... The simplistic proposition that it is always in the public interest to maintain the confidentiality of secret sources is belied by [events such as the “outing” of CIA agent Valerie Plame] in recent journalistic history.” However, the case represents the first time the Court has accepted that confidential sources are an important part of newsgathering and deserving of protection as part of free expression under the Charter. A case-by-case privilege is available to protect sources, and “the public interest in free expression will always weigh heavily in the balance.”

Several other important free expression cases have come before the Supreme Court in recent months. In November 2009, the Court heard a challenge to the Quebec Superior Court’s order that *Globe and Mail* reporter Daniel Leblanc name the confidential source used to expose the sponsorship scandal six years ago. Also in November, the Court heard a media coalition’s challenge to Section 517 of the

Criminal Code, which allows the accused in a bail hearing to automatically obtain a comprehensive publication ban on information and submissions given in court and even the judge’s reasons.

In December 2009, another consequential legal ruling was handed down by the Court of Queen’s Bench in Alberta. The Court overturned a \$5,000 fine a provincial human rights tribunal had imposed on Rev. Stephen Boissoin after he published an anti-gay letter in the *Red Deer Advocate* newspaper in June 2002. Three months before the Boissoin decision, the Canadian Human Rights Commission acquitted Marc Lemire — a webmaster charged under the Section 13 hate speech provisions of the Human Rights Act for offensive comments posted by users of his website. The Commission held that, although Lemire had violated the Act’s hate speech provisions, these provisions were incompatible with Charter rights which protect freedom of expression. Since 2008, PEN Canada has called on the federal and provincial governments to get rid of the legislation which allows quasi-judicial Human Rights tribunals the power to restrict freedom of expression in Canada.

While addressing a House of Commons’ Justice Committee hearing on October 26, 2009 Professor Richard Moon, a constitutional law expert who wrote a comprehensive 2008 review of the CHRC’s powers to regulate hate speech on the Internet, repeated his recommendation that section 13 of the Human Rights Act be repealed and “state censorship of hate speech should be confined to a narrow category of extreme expression, that which threatens, advocates, or justifies violence against the members of an identifiable group.” In earlier testimony to the committee, *Maclean’s* columnist Mark Steyn argued that “Section 13’s underlying philosophy is incompatible with a free society. Its effect is entirely irrelevant to the queen’s peace, and its use by agents of the Canadian Human Rights Commission has been corrupted and diseased beyond salvation. It is time for the people’s representatives in the House of Commons to defend real human rights and end this grotesque spectacle.” Steyn later added, “To hate is to be free, and when the alternative is a coercive government bureaucracy regulating what you can say, then as Michael Ignatieff would be the first to point out, you are no longer free. I am with Mr. Ignatieff on that.”



# DAWIT ISAAK

## ETHIOPIA

“We don’t release him. We don’t take [him] to trial. We know how to deal with him and others like him and we have our own ways of dealing with that.”

ERITREAN PRESIDENT ISALAS AFEWORKI

**DAWIT ISAAK IS ONE** of a group of independent journalists to have disappeared into the Eritrean prison system after a government crackdown in 2001. They were imprisoned without charge, and subject to harsh treatment, including torture. Nine of them were adopted as honorary members by PEN Canada. Four of those are believed to have died in prison.

Isaak was born in October 1964 in what was at the time part of Ethiopia. To escape the violence of the Eritrean war of independence he went to Sweden in 1987, where he gained dual Swedish-Eritrean citizenship.

He returned to his homeland in 1991, when Eritrea gained de facto independence, and founded the country’s first independent newspaper *Setit*, and worked as a reporter for the publication. In 1998 a border dispute between Eritrea and Ethiopia sparked a fresh round of violence and Isaak again sought refuge in Sweden, this time settling his wife and children there.

The conflict had provoked a great deal of criticism of the Eritrean government and in 2001, an open letter signed by fifteen government ministers calling for democratic

reform was delivered to the government. The letter (along with general commentary) was covered in the independent Eritrean media including *Setit*. The government response was to arrest those who signed the letter, and those who published it.

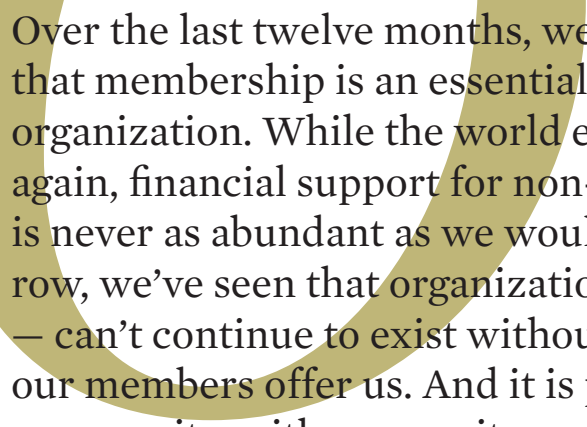
In November that year the local Swedish consul held a brief meeting with Isaak in jail. Later, in April 2002, the Committee to Protect Journalists reported that Isaak had been hospitalized suffering from injuries sustained through torture. In November 2005 he was released from prison, but hopes that he would be allowed to return to Sweden were dashed when he was re-arrested two days later.

Dawit Isaak remains in prison. In February 2009 it was reported that he was seriously ill.

Isaak’s case has attracted a great deal of attention in Sweden, since he is a citizen of that country. In an interview with Swedish television last year, Eritrean president Isalás Afeworki was asked about his whereabouts.

“I don’t know,” he said. “I don’t even care where he is or what he is doing. He did a big mistake.”

# *MEMBERSHIP COMMITTEE REPORT*



Over the last twelve months, we at PEN have been reminded that membership is an essential means of support for the organization. While the world economy appears to be ticking again, financial support for non-profit organizations like ours is never as abundant as we would like. For the second year in a row, we've seen that organizations like PEN — especially PEN — can't continue to exist without the strong foundation that our members offer us. And it is precisely this longstanding community, with a commitment to freedom of expression, that allows PEN to continue its work.

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# THIS

year, recognizing the need to increase our numbers further, we've been working hard to dream up new ways to reach out to more people who, like us, care about writing, literature and free thought, but who haven't yet joined PEN. With the hope of reaching a wide swathe of Canadians, we struck a new committee made up of members of the board as well as other volunteers to focus simultaneously on membership and communications.

We launched a campaign to reach out to the thousands of Canadians whose lives are touched every day by books, ideas and words including editors, academics, journalists, actors, publishers, literary agents as well as, of course, writers. A letter from president Ellen Seligman is being emailed to thousands of people via organizations such as editors' associations, literary agents and publishing companies, asking people to join our community.

We hope this targeted appeal will boost our numbers.

Also, McClelland & Stewart piloted a program to subsidize the memberships of any of their employees who wish to join PEN. This program was adopted by other publishing houses including Douglas & McIntyre, House of Anansi, Penguin, and Random House.

We also have created a new template for attracting other members who would not necessarily be reached in our campaign because they don't work in these fields, but who may be interested in the organization nevertheless.

In October, I hosted a party at which Rawi Hage, author of the celebrated books *Cockroach* and *DeNiro's Game*, was interviewed by Carol Off, host of CBC Radio's *As It Happens*. The cost of attending the event was a PEN membership. It was a wonderful evening of ideas and conversation and we were able to attract almost 50 new members. The success of this event will hopefully inspire others to organize and host similar events and introduce PEN to a whole new group of people because, while writers are important to PEN, freedom of expression is important to every member of society. PEN welcomes everyone as a member.

But of equal importance to new members are the people who already belong to PEN and have a longstanding commitment to freedom of expression. We at PEN value you as a part of our community and urge you to renew your membership.

In last year's annual report, I wrote about the Iranian-Canadian blogger Hossein Derakhshan who has been imprisoned since he was arrested in Tehran in 2008. I met Derakhshan a few years before that, when I profiled him for a magazine article that I wrote about his role in the Iranian blogger movement, and had kept in touch now and then through email chats. After his arrest, he came to mind every time I told someone new about PEN Canada and the work the organization does in helping imprisoned writers.

I am sad to report that Derakhshan has not been freed. I am reminded of him regularly as his name still pops up in my email and he symbolizes for me the many writers that PEN helps to defend. The more of us there are here at PEN Canada, the more able we will be to help people like Derakhshan.

The background features the word "WORLD" in a large, stylized, serif font. The letters are filled with a solid olive green color. Each letter is outlined with a thin line of a different color: 'W' is dark blue, 'O' is red, 'R' is olive green, 'L' is red, 'D' is red, and 'D' is red. The text "MEMBERS AND SUPPORTERS" is centered in the lower half of the image.

*MEMBERS AND SUPPORTERS*



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