

To: SA PEN Members
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**THE SOUTH AFRICAN CENTRE OF
PEN INTERNATIONAL
A World Association of Writers**

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PRESS RELEASE: PEN South Africa urges Police Commissioner to respond urgently to calls by editors for investigations into fatal shooting of photographer and alleged assault of another journalist both by police officers

31st January 2014

PEN South Africa condemns the fatal shooting of a 64-year-old freelance journalist and photographer, Michael Tsele, during a service delivery protest in Mothutlung in the North West two weeks ago and the alleged assault on *Daily Sun* journalist, Ricky Dire, by police who are also alleged to have destroyed pictures he took of them allegedly trying to provoke Chinese shopkeepers to offer them bribes. PEN South Africa supports the call by the SA National Editors Forum that both incidents be investigated by the police commissioner and the Independent Police Investigative Directorate.

City Press has reported that Tsele was allegedly shot dead "in cold blood" by police officers because he had a camera in his hands. He was marching with demonstrators who were protesting over the lack of water services and he was also taking pictures. The protest turned violent and police opened fire killing four demonstrators and Tsele.

The newspaper reported that an eyewitness told it that Tsele did not have a weapon in his hands. "The only threat he posed was that his camera was recording evidence of what the police were doing," *City Press* reported.

Tsele was a leader in the community and chairman of a burial society and a football team, Moroka Swallows. His cousin, Joel Mokhukhwane, told PEN South Africa that he was unmarried and that he and friends were investigating laying a charge against the police.

The *Daily Sun's* Deputy Editor, Reggy Moalusi, claimed that Dire had been called by Chinese shop owners at a shopping centre in Rustenburg North, who alleged that the police were harassing them and asking for bribes. On Friday, January 18, he responded to a call from the store owners and took "three or four" pictures of two police officers who were talking to shop owners as well as of their vehicle licence plate. Dire said he did not see any money change hands. The conversation ended when police spotted him taking photos, he said.

Dire said the police officers insulted and assaulted him by hitting him with their fists. Then they arrested him, charging him with intimidation, crimen injuria and resisting arrest, according to Moalusi. They also claimed he was drunk. Dire denied the allegations. He is due to appear in court on February 6. The police confiscated his cellphone and when it was eventually returned to him the pictures had been deleted from the camera. They threatened to keep him in police custody until Monday, but the paper called its lawyers and he was released five hours later.

In a conversation with the Committee to Protect Journalists on January 27, Dire said that he had received two anonymous text messages on January 20 that threatened his life. When he tried to call the number from which they had been sent, the phone was switched off. He said his wife received a phone call on January 22 that said their daughter had been abducted because of the wife's "journalist husband". On investigation they found their daughter was safe.

The *Daily Sun* had laid a charge against the police and the police took a statement from Dire about the threatening messages he had received, Dire said.

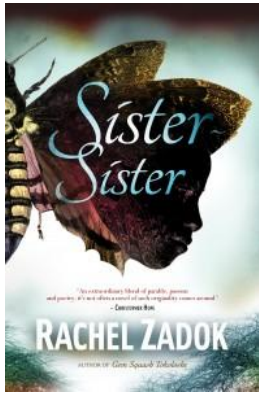
PEN South Africa welcomes the news that Thandi Modise, premier of the North West Province, has urged the Independent Police Investigative Directorate to investigate the threats against Dire as well as his arrest and alleged assault by North West police.

PEN South Africa also supports the statement by the Committee to Protect Journalists' South African representative Sue Valentine that "Free and independent media that show what is happening in society are a vital part of democracy. As South Africa celebrates 20 years of freedom, we urge authorities to ensure that all officers understand and respect the right of journalists to do their jobs without fear of intimidation or violence, and that those who commit abuses are punished."

PEN South Africa also notes the statement by SANEF that it is concerned at the growing number of allegations of police obstructing journalists while carrying out their duties and calls for a speedy outcome to the investigations.

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Rachel Zadok reads from *Sister-Sister* – 11th February 2014, Johannesburg



Rachel Zadok has been invited to read and discuss her latest novel, *Sister-Sister*, on **Tuesday, 11th February 2014, 19H00 at the library of the Goethe-Institut, 119 Jan Smuts Avenue, Johannesburg.** For more information, please contact lic@johannesburg.goethe.org. Admission is free.

“Children are not only young people developing but subjects in their own right. This premise is the starting point to discuss social constructions of childhood, of adolescence and the development of social representation of children through the eyes of literature. Join the Goethe-Institut as they host writers Kgebetli Moele and Rachel Zadok. “

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A **membership renewal** notice was emailed to each member on the 15th December 2013. Please contact rudebs@icon.co.za if you did not receive the email.



to the many members who paid their membership subscription fees so promptly in December.

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November/December letter from John Ralston Saul, International President, to the PEN membership

15th January 2014

Dear PEN members, Dear friends,

First, best wishes to all of you for the New Year. Some of you have already celebrated your official date; others are about to do so.

Last year saw a remarkable growth in PEN’s work. Our renewed and enlarged education work, with the support of SIDA, has us building free expression and the importance of literature at that all important level of young people. Our Writers in Prison group continues to develop original methods with its new director, Ann Harrison, and many engaged Centres. In March, Romana Cacchioli, will join

us as Director of International Programs (which includes centres development and committees). Romana is fluent in French, Italian and English. Our interventions in the digital area are increasingly strong, based our Digital Declaration (<http://www.pen-international.org/pen-declaration-on-digital-freedom/>). Cooperation between PEN International and interested groups of PEN Centres has led to several essential delegations. Our Congress in Reykjavik was a big step forward in making these gatherings more useful and dynamic – and in reuniting the literary with our free expression work. And it is now confirmed that next

year's Congress will be held in Bishkek, Kyrgyzstan. I think this is particularly exciting. We will be going where we have a great deal to learn and to contribute.

Our legal weight is growing in part thanks to our nascent PEN writer/lawyer group, which Jarkko Tontti and Elizabeth Hiester are steering. Free the Word! is playing a growing role in literary festivals around the world, bringing writers to the fore who come from countries with free expression and other problems.

We are increasingly present at key international forums, pushing forward PEN's issues, whether in Geneva and New York or at meetings, for example, in Indonesia where Sarah Clarke, our Policy and Advocacy Officer spoke for us at the Internet Governance Forum. In mid-November, Marian Botsford Fraser, Ann Harrison and Magda Carneci, played a leading role at a gathering in Tunis organized by the EU to bring together writers from across the Maghreb.

A number of the world's leading writers have agreed to join our PEN International Writers Circle. We will be launching it very soon. The Publishers Circle continues to grow. We are very excited that the great German publisher C.H. Beck has just joined. And the Circle's work advising publishers in Yangon was an important step in the launching of our new PEN Centre in Myanmar.

By the way, I am writing to you from India where Haroon Siddiqui and I have come to take part in the official launching of the new Delhi PEN Centre.

One bit of sad news is that our Executive Director, Laura McVeigh,

has decided to stand down in order to spend more time with her young family. We will all miss her and wish her well. She has contributed a lot over the last three years to PEN's solid growth.

Laura will be with us for another three months. We will put an Interim Executive Director in place and begin an international search for Laura's successor.

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In late November I was in Johannesburg and Pretoria and sat down with some of our PEN members. I was also at a large and fascinating gathering – not on behalf of PEN. It was devoted to strengthening the role of what is called Indigenous Knowledge Systems. This is a program run out of the University of South Africa (UNISA) and led by Catherine Hoppers. It brings together writers and other intellectuals from around Africa, plus a few non-Africans. I found myself talking a lot about PEN and our Girona Manifesto, because it is relevant to this important movement to reassert the role of African cultures and languages.

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In early December I led a small Delegation to Moscow, with Hori Takeaki, Ola Wallin (Board member of Swedish PEN), Marianne Bargum (VP of Finnish PEN) and James Tennant, our literary officer in London.

As you know, there are growing numbers of free expression problems in Russia. Russian PEN has come out very strongly on these issues (<http://www.pen-international.org/newsitems/russian-pen-end-of-year-statement/>). And PEN

International is now undertaking an important campaign to lobby for the removal of three dangerous laws which specifically put writers at risk: the so-called gay ‘propaganda’ and ‘blasphemy’ laws, prohibiting the ‘promotion’ of homosexuality and ‘religious insult’ respectively, and the re-criminalisation of defamation (<http://www.pen-international.org/sochi-winter-olympics-out-in-the-cold/>). We need you all to become involved.

One exciting part of our work in Moscow was the launching of a special Russian jury for our New Voices Award (<http://www.pen-international.org/pen-internationalnew-voices-award/>). We met large groups of emerging writers, held a public event at the Non-Fiction Book Fair, in which Russian PEN President, Andrei Bitov, took part, as well as Ludmila Ulitskaya, Russian PEN VP and Irina Prokhorova, chair of the Mikhail Prokhorov Foundation. We spent an afternoon with Russian PEN and then met with Masha Gessen, who is being

forced to leave Russia because of another law forbidding anyone from the LGBT community from raising children. The state will have the right to simply seize these children and take them away from their parents.

We joined publically with Russian PEN leaders in calling on younger writers to join PEN. In difficult, threatening times we all need an organization to defend us – an organization profoundly independent from all authorities; and one which is both truly national and truly international.

The good news is that a wave of emerging writers are now joining Russian PEN; and the New Voices Award will encourage many young writers to think about our cause, which is also theirs. Most important, PEN International, together with PEN Russia, has taken a strong public stand for free expression.

Best wishes to you all,
John Ralston Saul

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Congratulations to Mary Watson on the birth of her son, Felix, a couple of months ago.

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28th January was **International Data Privacy Day**. Go to https://www.ifex.org/international/2014/01/29/data_privacy_day/ to read more.

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A warm **welcome to new members**: George Bizos, Nooshin Erfani-Ghadimi, Anita Giraud, Derrick Higginbotham, Ashraf Kagee, William Kentridge, Kobus Moolman, Bridget Pitt, Jenefer Shute, and Phumzile Simelane-Kalumba.



PEN International article - *Out in the Cold: Russia and the Sochi Winter Games*

14th January 2014

Dear Friends,

On 13th January PEN International launched its *Out in the Cold* Sochi Olympics campaign to protest free speech-strangling laws in Russia. PEN International's Cathal Sheerin recently wrote an article promoting the campaign for the English PEN Magazine. To read this article, see below. Please share/re-post this article in any way that will promote *Out in the Cold*, crediting English PEN Magazine. Tell PEN International what you are doing to support our Sochi Games campaign and remember to sign up to our social media action: <https://www.thunderclap.it/projects/8086-pen-sochi-olympics-campaign>

Thanks,

Cathal Sheerin | Africa and Americas Programmes PEN International

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Out in the Cold: Russia and the Sochi Winter Games

By Cathal Sheerin

No Winter Olympic Games have been so eagerly anticipated by non-sports fans as those that will take place in Sochi, Russia, in February 2014. Costing an estimated US\$50 billion, they will be the most expensive Winter Olympics ever staged and with Russia sending the Olympic Flame to both the North Pole and Outer Space, the signs are that they will probably also be the most grandiose. Russia will market the Games as a great national success, a tribute to President Vladimir Putin's leadership.

But Putin won't have it all his own way. Russia's recently-passed law prohibiting the 'promotion' of gay 'propaganda' has fuelled international outrage, and with celebrities, human rights organisations and LGBT groups planning to loudly and colourfully protest this homophobic law at Sochi, these Olympics – ironically – promise to be the gayest Games ever.

Passed in June 2013, the gay 'propaganda' law prohibits the "propaganda of non-traditional sexual relationships among minors," meaning that any activity that can be construed as promoting the non-heterosexual lifestyle, including the holding of LGBT rallies, or the "promotion of denial of traditional family values among minors," is now banned. Russian citizens targeted by this law face fines; foreign nationals face deportation.

PEN will be protesting Russia's homophobic legislation at Sochi too. But our campaign, *Out in the Cold*, will be different to those of most other organisations. As an association of writers, we will be seeking to highlight a trio of laws passed during the last 18 months that place a choke hold on the right to express oneself freely in Russia, and which put our fellow writers and journalists at considerable risk.

The anti-gay law forms part of this trio. Alongside it sits the so-called 'blasphemy law,' passed in the same month as its gay-bashing cousin. This law criminalises

‘religious insult’ and provides punishments of up to three years’ imprisonment or a maximum fine of US\$15,000. It is widely seen as a heavy-handed attempt to deter stunts similar to the one carried out by the punk group Pussy Riot, who performed their ‘punk prayer’ inside the Christ the Saviour Cathedral in February 2012.

The third member of the trio is Russia’s criminal defamation legislation. Having decriminalised defamation in 2011 under former President Dmitry Medvedev, Russia took a massive step backwards in July 2012, when it went against the general European trend of de-criminalising speech offences by criminalising defamation once again. The law does not provide prison terms for those convicted under it, but it does provide crippling harsh fines of up to US\$153,000 which seem designed to push smaller media outlets into the security of self-censorship (or else run the risk of financial ruin).

Why is Russia following such a repressive trajectory now?

The answer to that question begins with a recognition that the regime is getting old. Putin has been alternating between the roles of Prime Minister and President since 1999, and now, with no obvious successor in sight, an element of uncertainty hangs in the air. Popular opposition to Putin is also growing steadily, and one only has to look at the severity with which the authorities deal with large-scale public dissent to see that the tiger-shooting, shark-wrestling, sixty-one year old Putin doesn’t feel 100% secure these days. Consider, for instance, the authorities’ reaction to the anti-Putin protest that took place in Bolotnaya Square, Moscow on 6 May 2012: up to 650 arrests, two jail sentences (so far), one protester sentenced to indefinite psychiatric treatment and FSB (formerly known as the KGB) snatch operations targeting demonstrators who fled to Ukraine.

Against this backdrop, these new laws should be seen as an attempt to shore up popular support from Russia’s conservative base. Russia is a very conservative country: according to a 2013 survey carried out by independent Russian researchers the Levada Centre, 43 per cent of Russians believe that homosexuality is a ‘bad habit’; 35 per cent an ‘illness.’ In July 2012, the same researchers polled Russian opinion on the arrest of Pussy Riot’s Maria Alekhina, Nadezhda Tolokonnikova and Yekaterina Samutsevich, following their protest in the cathedral. There was very little sympathy for these young women: 66 per cent thought that they deserved jail sentences (ranging from forced labour to more than two years in prison), and only 5% believed that they should not be punished at all.

By signing so much dissent-strangling legislation, by playing to the most reactionary elements in Russian society, by crushing popular protest and by harassing civil society, Putin is dragging Russia away from its obligations under the International Covenant on Civil and Political Rights to respect freedom of opinion and expression.

In isolating itself from the international consensus on these and other rights, Russia is wilfully putting itself out in the cold.

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PEN International and group of rights organisations seek to address criminal defamation before African Court

18th December 2013

Arusha, Tanzania – A large group of media and human rights organisations have come together to address growing concerns over the use of criminal defamation laws to censor journalists and others in Africa.

The group has successfully petitioned the African Court on Human and Peoples’ Rights for leave to act as amicus curiae, or friends of the court, in a case which raises the use of criminal defamation and insult laws to silence government critics.

Issa Lohé Konaté, the editor of the Burkina Faso-based weekly *L’Ouragan* was sentenced to 12 months in prison and fined 4 million CFA francs (6,000 Euros) on 29th October 2012. Konaté was convicted of defaming local State Prosecutor, Placide Nikiéma, after he published two articles raising questions about alleged abuse of power by the prosecutor’s office, particularly in the handling of a high-profile case of currency counterfeiting.

Having served his prison sentence, Konaté has made an application to the African Court on the grounds that his conviction violates his right to freedom of expression as protected by the African Charter on Human and Peoples’ Rights.

In their letter to the Court, the coalition of human rights groups explain that their interest and expertise is in press freedom, the rule of law, and the creation and maintenance of an enabling environment for democracy and the defence of human rights.

They assert that criminal defamation and insult laws severely restrict the space within which civil society and the citizens of a country may question their government or advocate for human rights.

As a result, journalists, lawyers and other human rights defenders face serious threats of harm from the abuse of defamation and insult laws to restrict expression and obstruct exposure of human rights violations.

The coalition includes the Centre for Human Rights; Committee to Protect Journalists (CPJ); Media Institute of Southern Africa (MISA), Pan African Human Rights Defenders Network (Pan Africa HRD-Net); Pan African Lawyers Union (PALU); PEN International **and the following national PEN Centres: Algeria, Malawi, Nigeria, Sierra Leone and South Africa**; Southern Africa Litigation Centre; and the World Association of Newspapers (WAN-IFRA).

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Had a book published recently? Attended or participated in a Festival? Won an award? Achieved a personal milestone of note? The compiler would welcome any news of your activities for future issues of the SA PEN e-newsletter. Please e-mail your contributions to rudebs@icon.co.za.

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Publications received

SA PEN has received the following publications. Should you wish to read any of them please contact Deborah on rudebs@icon.co.za

- *Carapace 97*, October 2013
- *Carapace 98*, December 2013

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Forthcoming events

- ❖ **International Mother Language Day** – 21st February 2014. The main focus of the 2014 International Mother Language Day is *Local Languages for Global Citizenship: spotlight on Science*.
- ❖ **Dubai Festival of Literature** – 4th to 8th March 2013. www.eaifl.com
- ❖ **Woordfees** – 6th to 16th March 2014, Stellenbosch. www.woordfees.co.za
- ❖ **Time of the Writer International Writers Festival** – 17th to 22nd March 2013, Durban. www.cca.ukzn.ac.za
- ❖ **Knysna Literary Festival** – 18th to 23rd March 2013. www.knysnaliteraryfestival.co.za

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All information regarding awards/competitions, residencies, festivals, etc., included in this newsletter is passed on to you as a service to SA PEN members. Any questions regarding entry rules, entry processes, festival programmes, etc., should be forwarded direct to the relevant organisers. SA PEN attempts to establish that the information received is genuine before passing this on to our members, but we cannot be held responsible should that not be the case.



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Please note that SA PEN Newsletters are available to members and to the public on the SA PEN website at <http://www.sapen.co.za/newsletter-archive>