

To: SA PEN Members

E-Newsletter No. 4/2014 – 29/03/2014



**THE SOUTH AFRICAN CENTRE OF
PEN INTERNATIONAL**

A World Association of Writers

P O Box 732, Constantia, 7848, Cape Town

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Book Launch – *To Catch a Cop: The Paul O'Sullivan Story* by Marianne Thamm, 2nd April 2014, Cape Town

This book is an account of Paul O'Sullivan's role in helping to nail South Africa's most powerful policeman. It is based on thousands of pages of emails, statements, affidavits, letters, press reports, court records and transcripts as well as interviews with O'Sullivan himself.

The drama plays itself out in different layers of South African society, sometimes simultaneously and often in an apparently unrelated fashion. The characters that populate the saga, apart from Jackie Selebi, include the then president of the country, his political rival, myriad crooked, corrupt businessmen, a gallery of rotten, very senior rogue cops, a phalanx of undercover intelligence operatives, two-bit hired guns, scrap metal dealers, drug and human traffickers, international criminal syndicates and a cast of thousands of common-or-garden-variety petty thugs and criminals.

With Thamm's usual precision and wit, this book explores O'Sullivan's methods, and how the Selebi story unfolded to its astonishing conclusion.

Marianne will be in conversation with the Book Lounge's Mervyn Sloman.
RSVP to booklounge@gmail.com or (021) 462-2425

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Book Launch – Justice – A Personal Account by Edwin Cameron, 8th April 2014, Cape Town

TAFELBERG AND THE BOOK LOUNGE INVITE YOU TO THE LAUNCH OF

A remarkable integration of fascinating, often moving personal memoir, professional reminiscence and acute historical analysis of South African law, politics and society.
– Sir Sydney Kentridge, QC

Justice

A Personal Account

Justice Kate O'Regan
will be in discussion with
Edwin Cameron

Tuesday, 8 April 2014
17:30 for 18:00
The Book Lounge
71 Roeland Street
Cape Town

THE BOOK LOUNGE

RSVP: booklounge@gmail.com / 021 462 2425

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Save the Date – SA PEN Event – 15th April 2014, Cape Town
PEN DIALOGUE – Sexuality, Law & Culture

The first of the 2014 SA PEN Dialogues will take place on 15th April 2014 at The Book Lounge, 5.30 p.m. for 6.00 p.m. Derrick Higginbotham will chair a discussion between Pierre de Vos and Desiree Lewis regarding, *Sexuality, Law & Culture*.

RSVP to booklounge@gmail.com or (021) 462-2425

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MEDIA RELEASE
20th March 2014

NON GOVERNMENT ORGANISATIONS CALL ON AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS TO FIND IN FAVOUR OF FREEDOM OF EXPRESSION

18 Non-Government Organisations will appear at the African Court on Human and Peoples' Rights, in Arusha, Tanzania, today, as *amici curiae* (friends of the court) pertaining to the matter of Lohé Issa Konaté, editor of Burkina Faso weekly newspaper *L'Ouragan*, who was convicted of defamation, public insult and insulting a magistrate for articles alleging corruption of the State Prosecutor.

In October 2012, Mr Konaté was sentenced to one-year imprisonment; payment of a sum in fines, damages and costs amounting to 18 times the average annual salary in Burkina Faso; and his newspaper was closed for 6 months as a result of the guilty charge. The conviction and sentence were upheld on appeal and his paper remains closed.

Criminal defamation, insult and criminal libel laws are a pernicious set of laws widely used by those in positions of power across the African continent to silence critics. Burkina Faso's criminal defamation laws, like those in many African countries, are a relic of colonialism and incompatible with an independent, democratic Africa because they violate a core civil and political right and restrict and deter debate on matters of public interest. Criminal defamation laws are routinely used by governments to prevent critical appraisal of their performance and to deprive the public from information about their misdemeanours.

NGOs who have supported the amicus curiae are of the view that all countries deserve a strong, free and independent press to act as a watchdog over public institutions.

While criminal defamation and insult laws exist, journalists will continue to practice self-censorship and will be unable to hold power to account.

“We note that Ghana decriminalised defamation more than 10 years ago and recently, Niger decriminalised defamation. We are delighted to hear that Liberia is currently addressing their laws which criminalise speech”, said Frans Viljoen, Director of the Centre for Human Rights, University of Pretoria.

“With the 2010 resolution by the African Commission on Human and Peoples’ Rights urging states to repeal criminal defamation and the 2013 resolution by the Pan African Parliament urging the same, we believe there is a sea change on the continent by those in power who recognise that Africa’s social and economic progress will flourish in a climate where the press is free and independent of state control,” said Viljoen.

The NGOs who have submitted the amicus curiae are dedicated to advancing human rights, protecting human rights defenders, and safeguarding the freedoms of expression and the press and believe that Mr Konaté’s conviction violates his right to freedom of expression as protected by Article 9 of the African Charter and Article 19 of the *International Covenant on Civil and Political Rights (ICCPR)*.

Burkina Faso is a State Party to both treaties and therefore bound to uphold and protect the rights enshrined therein. The NGOs, which include those with state, regional and global mandates, are urging the African Court to declare that his criminal conviction, prison sentence and the order to pay a substantial fine, damages and costs violate his right to freedom of expression, as protected by the African Charter and the ICCPR.

The NGOs urge the court to find in favour of Mr Konaté and freedom of expression. A decision in favour of Mr Konaté will set a precedent on the continent that will reach far beyond the borders of Burkina Faso. It will encourage law makers to ensure the passage of the draft bill to repeal criminal defamation is expedited through parliament and it will encourage all states to guarantee press freedom and freedom of expression in their countries.

The NGOs are the Centre for Human Rights; Committee to Protect Journalists; Media Institute of Southern Africa; Pan Africa Human Rights Defenders Network; Pan African Lawyers Union; Pen International And Malawi Pen, Pen Algeria, Pen Nigeria Centre, Pen Sierra Leone, and **South African Pen Centre**; Southern Africa Litigation Centre; and World Association of Newspapers and News Publishers.

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Congratulations to **Phillippa Yaa de Villiers who has been chosen as this year’s Commonwealth poet.** Phillippa read her poem “*Courage*”, written for the occasion, at Westminster Abbey on the 10th March, Commonwealth Observance Day, in front of 2 000 Commonwealth representatives and members of the royal family.



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SA PEN Executive Vice-President, Margie Orford was invited to talk at PEN Ethiopia's Writers Congress, held Addis Ababa in late February. This is a transcript of her presentation.

Literature and Freedom of Expression in South Africa **By Margie Orford**



It is a great honour for me to be representing PEN South Africa today. Thank you all for inviting me to be here with you at this special congress that is celebrating freedom of expression and literature. South Africa's struggle for a democratic and non-racial society has shaped its literature, because it is in fiction that the complexity of truth, suffering and resilience is best reflected. In April 1994 in his inauguration speech as South Africa's first democratically elected president, Nelson Mandela pledged that "never, never and never again shall it be that this beautiful land will again experience the oppression of one by another, and suffer the indignity of being the skunk of the world."

Mandela could deliver on this pledge of a democratic South Africa because our Constitution and the Bill of Rights restored citizens' rights, including the fundamental right of freedom of expression. This is a freedom that is jealously guarded by civil society and by the judiciary. The former Constitutional Court Chief Justice, Pius Langa, made it clear in a 2002 judgment that freedom of expression is fundamental to all other political rights. I quote:

*...We have recently emerged from a severely restrictive past where expression, especially political and artistic expression, was extensively circumscribed by various legislative enactments. **The restrictions that were placed on expression were not only a denial of democracy itself, but also exacerbated the impact of the systemic violations of other fundamental human rights in South Africa.** Those restrictions would be incompatible with South Africa's present commitment to a society based on a 'constitutionally protected culture of openness and democracy and universal human rights for South Africans of all ages, classes and colours'.*

South Africa under apartheid, was one of the most exhaustively surveilled societies of the 20th Century. From 1948 until 1994 a brutal state consolidated its doctrine of white supremacy through a system of relentless racial surveillance. There was no public space left unregulated; no intimate and imaginative place where the Apartheid state did not intrude. Writers, books, activists and political parties were banned in an attempt to stifle all dissent. Nelson Mandela made this plain in his statement from the dock at the Rivonia trial in 1964, when he argued that "all lawful modes of expressing opposition to [the principle of white supremacy] had been closed by legislation."

In 1963 the police shot scores of protestors in Sharpeville. This massacre ushered in an era of even worse repression in which an increasing number of books deemed dangerous were banned. A repressive state impacts directly on literary and South Africa was no exception. Apartheid and its pernicious effects became the only subject

that South African writers could address. Paradoxically, like their counterparts in Cold War Eastern Europe, repression and surveillance resulted in the flowering of an intense and unique literature. But surveillance, bannings, restriction orders and exile took its toll. Many writers, musicians and artists were forced into exile alongside the thousands of a new generation persecuted by the repression unleashed after the Soweto Uprisings of 1976.

In 1985, when I was a student and beginning my writing career, the Apartheid government declared a State of Emergency in South Africa, which gave the security forces unlimited powers of arrest and detention without trial. Censorship was stringent and the penalties for breaking the law were severe. But editors were creative in the face of repression. Stories were printed in which illegal sections of a story were blacked out in order to make it clear to readers what had been excised. As time went by, more and more content was erased until only a few words were left on the page. A kind of absurd ‘found poem’ made up of pronouns and prepositions. When that was banned newspapers began to publish headlines with nothing but blank space beneath it. Then, without any apparent attempt at irony, the apartheid government banned white space.

It did feel then as if the last spaces left for inventiveness had finally closed, that creative dissent – the domain of writing – had been silenced. Despite this, Apartheid – in its very desire to silence – ‘produced’ a unique body of literature, which includes two Nobel Laureates, Nadine Gordimer and JM Coetzee, that asserted the humanity of South Africa’s people and the cruelty of its leaders.

Apartheid’s restriction of freedom of speech left enduring fault lines on the political, social and creative life of South Africa. Two generations of South Africans were unable to freely read, think, speak and write, just as they were unable to freely participate politically and economically. For many writers the severe limitations of freedom of expression were as suffocating creatively as it was dangerous politically. It is like being a plant under a rock; it grows an individual and a community into unnatural shapes. Impressive sometimes, but unnatural.

Since 1994, South African literature has flourished. A range of new voices and literary genres has flourished. Many writers – myself being one of them – could only begin to write once the censorship and surveillance of apartheid had been dismantled. When there was space to breathe again and a new and dynamic social place to imagine.

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Congratulations to Maya Fowler on being shortlisted for the **2013/2014 Sanlam Prize for Youth Literature**, Afrikaans Category. Andrew Salomon, who won 2nd place in our 2009 PEN/Studzinski Award has been shortlisted for the English Category.



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January/February letter from John Ralston Saul, International President, to the PEN membership

10th March 2014

Dear PEN members, Dear friends,

As many of you know, Haroon Siddiqui (former International Board member) and I were in India for three weeks in January, for the launch of the new Delhi PEN Centre and to visit the older All-India PEN Centre in Mumbai. I will come back to the situation in India, but first let me add that Hori Takeaki has just been in Addis Ababa to spend time with Ethiopian PEN; and then in Athens to work on the creation of a new Greek PEN Centre. Three officers from our International office – Sarah Clarke, James Tennant and Paul Finegan, have just been at UNESCO headquarters to set up our new collaborative program working with PEN Centres in Kenya, Serbia, Haiti and Nigeria to strengthen the minority language creative publishing industries in these countries (<http://www.pen-international.org/newsitems/unesco-and-pen-international-to-partner-on-major-new-minority-language-publishing-project/>).

And our *Out in the Cold* campaign in Russia, calling for the withdrawal of three new laws limiting free expression, has drawn a lot of support. The re-criminalization of libel. A religious insult law. A law which could be summarized as anti-gay because it penalizes any communication of being gay. These are all fundamental steps against free expression in Russia.

But, of course, with the crisis in Ukraine, all eyes turned away from such precise questions. War has always had this mesmerizing property

of distracting people for a time from their devotion to the public good.

Faced with the Ukrainian crisis, both Russian PEN and Ukrainian PEN have been steadfast in reminding people of the basics of a fair and open society; and that violence is not a viable way forward for anyone.

Given the crisis, especially in Crimea, it is important to turn our attention to the weakest part of this complex equation – the Crimean Tatars. 21 months ago I was there with Hori Takeaki, Jarkko Tontti, Kaiser Abdurusul and our Ural-Altay Network. I described in an earlier letter (<http://www.pen-international.org/07/2012/monthly-letter-from-john-ralston-saul-international-president-to-the-pen-membership/>) these three hundred thousand people who had been ripped out of their homes in forty-eight hours in 1944 and exiled to eastern Russia. In 1989 they found their way back to Crimea and have been rebuilding their language and culture. The measure of all of us in such confrontations as today's is our capacity to ensure that such peoples are not crushed once again.

In other words the solutions lie in negotiations and discussion; both of which require free expression or they are no more than back-room deals (<http://www.pen-international.org/newsitems/the-pen-community-calls-for-a-peaceful-resolution-of-the-current-crisis-in-ukraine/>).

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Let me go to the situation in India. This is still a vibrant democracy with

remarkable creativity. But the most common phrase heard from writers and publishers is “self-censorship”. There is a constant uncertainty that, if you were to write or say this or that, the attention of a rich man or a corporation or a religious ideological movement might settle upon you. And then you as a writer or a publisher might be ruined in the courts; what’s more, a dangerous mob might appear outside your office or home.

And the possibility of a national government led by Narendra Modi, with his populist, religious and violent background has added to this air of foreboding. Haroon Siddiqui has described all of this in his report of our visit (<http://www.pen-international.org/02/2014/developing-pens-in-india-report/>). We listened and spoke continually in public and private; at the launch of the New Delhi PEN Centre organized by Nilanjana Roy and Rachna Davidar; with the leaders of the All-India PEN Centre in Mumbai - Ranjit Hoskote, Naresh Fernandes and Jerry Pinto; with Bollywood leaders thanks to Shabana Azmi and Javed Akhtar; at roundtables in Delhi and Bombay; on stage at the Jaipur Festival with Jerry Pinto of All-India PEN and Peter Godwin, President of American PEN.

While we were there Bloomsbury ceded to corporate pressures and withdrew Jitender Bhargava’s book on Air India. A few weeks later ideologues taking advantage of arcane laws and Penguin withdrew Wendy Doniger’s book on Hinduism. We

have all spoken out on these events. But we can also see that they are part of a growing trend of money and populist religiosity using bad laws, weak courts and even weaker governments, to create this atmosphere of fear and self-censorship.

One thing is clear. The publishing and writing community needs to sit down together as a community to organize itself; to stiffen its resolve as a community, to put a strategy in place. These pressures are on the rise. They have to be dealt with in a conscious organized manner or free expression will be undermined as books, writers and corporations are picked off one by one. PEN has an important leadership role to play in such a community-wide approach. The sense of a community working together can change the dynamic. And that has always been the role of PEN – a unifying force for the creating community.

What is already clear is that specific laws need to be reformed and that is going to require a sustained campaign. We need to focus attention on the damage such laws do to democratic India’s reputation. Finally, there needs to be a coordinated approach to the failure of police, courts and governments to do their job or to do it fast and energetically enough to remove the atmosphere of fear and self-censorship.

Best wishes to you all,
John Ralston Saul



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International Press Institute’s 63rd World Congress and General Assembly will be held in Cape Town, 12th to 15th April. For more information and to register go to: <http://www.ipiworldcongress.com/2014/registration.html>

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From: [Laura McVeigh](#)
Sent: Monday, March 10, 2014 4:37 PM
Subject: Message to Members from Executive Director ~ Message

Dear Friends,

As you know I will be standing down from my role as Executive Director with PEN International at the end of March in order to spend more time with my young family. It has been an absolute pleasure and an honour to serve PEN in this role over the last three years and I will take many fond memories with me.

In particular I am proud of all that has been achieved in recent years – the increases in funding, the development of the International Secretariat to better support PEN centres around the world, and greater visibility for PEN’s work internationally in the media and amongst partner organisations. In the last year alone PEN members engaged over 19 000 young people in education programmes worldwide. 2013 saw the inaugural launch of the New Voices Award, the growth of the Publishers Circle, vibrant Free the Word! festival programming, the creation of wonderful new centres in Burma and in Delhi, the development of our advocacy and campaigning work with strong global campaigns on Impunity, lobbying on Digital Freedom issues and actions from PEN members on hundreds of freedom of expression cases and issues worldwide.

The year ahead will see a global focus on linguistic diversity - supported by new funding from UNESCO. It will also see further growth in PEN’s education work through schools clubs and community initiatives thanks to SIDA and to new funding from the Clifford Chance Foundation.

PEN matters, especially now when freedom of expression is increasingly under threat in so many countries. It has been a privilege to work with you all over recent years and to be a part of such a special organisation.

So while I will be leaving my role as Executive Director, I look forward to staying involved with PEN – both as a member and as a friend. My thanks to you all and wishing you all the best for the future.

With warmest wishes,
Laura McVeigh, Executive Director, PEN International

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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

- *Left Over* by Kobus Moolman, 2013, published by Dye Hard Press

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2014 Franschhoek Literary Festival, 16th to 18th May 2014

The programme for the 2014 Franschhoek Literary Festival is now available at www.flf.co.za/programme/ and tickets can be booked on webtickets.co.za.

The festival has grown substantially since its launch eight years ago, having lined up 172 authors and experts, appearing in 102 events from Friday, 16th to Sunday, 18th May, (plus a number of fringe events and performances).

Please note **the SA PEN event, event no. 33 on Friday, 16th May 16.00-17.00** entitled *SA PEN – the importance of reading* with Margie Orford chairing a discussion by Carole Bloch, Mark Heywood and Elinor Sisulu.



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The Librarians' Choice: Top 20 South African Books, 1994-2014

The Library and Information Association of South African (LIASA) has adopted the theme “Celebrating libraries in 20 years of democracy” for its activities in 2014, which includes The Librarians Choice: Top 20 South African books, 1994 – 2014. In celebrating this theme, librarians across South Africa were invited to identify the Top 20 books published during these 20 years that:

- were written by a South African author in one of our official languages
- were published for the first time between 1994 and 2014
- reflect South African life by South Africans
- focus on issues of democracy or contribute to the consolidation of our democracy
- examine who we are and where we are heading as a nation.

The nominations were open to all genres of literature from fiction to non-fiction, adult and children’s books. 253 books were nominated by librarians across South Africa, with the following titles being chosen (in chronological order):-:

- *Long walk to freedom* by Nelson Mandela, published by Macdonald Purnell, 1994
- *Country of my Skull* by Antje Krog, published by Random House, 1998
- *I have life: Alison’s story* by Marianne Thamm, published by Penguin, 1998
- *Disgrace* by J M Coetzee, published by Vintage, 1999
- *Jamela’s Dress* by Niki Daly, published by Tafelberg, 1999
- *Heart of Redness* by Zakes Mda, published by OUP, 2002
- *Madonna of Excelsior* by Zakes Mda, published OUP, 2002
- *Confessions of a gambler* by Rayda Jacobs, published by Kwela Books, 2003
- *Dis ek*, Anna by Elbie Lotter, published by Tafelberg, 2004
- *Agaat* by Marlene van Niekerk, published by Tafelberg, 2004
- *Shirley, goodness and mercy* by Chris van Wyk, published by Picador Africa, 2004

- *Spud* by John van de Ruit, published by Penguin, 2005
- *Thabo Mbeki: the dream deferred* by Mark Gevisser, published by Jonathan Ball Publishers, 2007
- *Anderkant Pontenilo* by Irma Joubert, published by Tafelberg, 2008
- *13 ure* by Deon Meyer, published by Human & Rousseau, 2008
- *Elephant Whisperer* by Lawrence Anthony, published by Sidgwick & Jackson, 2009
- *Thula Thula* by Annelie Botes, published by Tafelberg, 2009
- *My father, my monster* by McIntosh Polela, published by Jacana, 2011
- *8 Days in September* by Frank Chikane, published by Picador Africa, 2013
- *Endings & beginnings: a story of healing* by Redi Thlabi, published by Jacana, 2013

Congratulations to those SA PEN members who feature on the list, as highlighted above.

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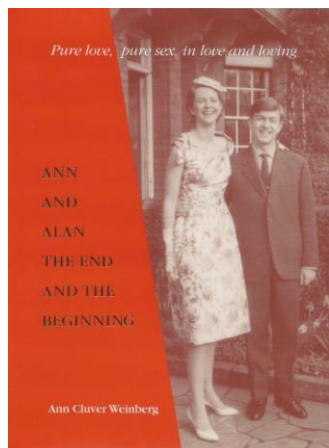
Forthcoming events

- ❖ **Bangkok International Book Fair** – 28th March to 8th April 2014, Bangkok, Thailand. www.pubat.or.th/default/calendar.php
- ❖ **London Book Fair** – 8th to 10th April 2014, London, UK. www.londonbookfair.co.uk/
- ❖ **The 40th Annual African Literature Association Conference** – 9th to 13th April 2014. Wits, Johannesburg. www.ala2014.co.za
- ❖ **International Press Institute’s 63rd World Congress and General Assembly** – 12th to 15th April 2014, Cape Town. www.ipiworldcongress.com/2014/
- ❖ **World Book Day** – 23rd April 2014
- ❖ **World Press Freedom Day** – 3rd May 2014

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Members’ Publications

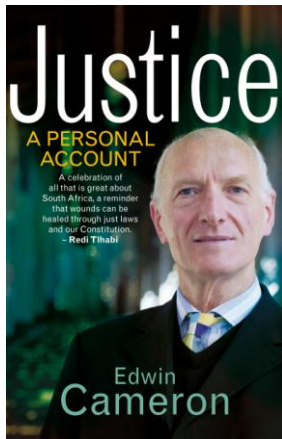
***Ann and Alan: The End and the Beginning. Pure Love, Pure Sex, In Love and Loving* by Ann Cluver-Weinberg**



This book describes the development of a pure and Christian girl into a joyful lover, and a boy with a troubled start who could get nothing right. There are glorious photographs, including three of Ann’s daughter, Joanna, who was Desdemona in a famous production of *Othello*.

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Justice – A personal account by Edwin Cameron



Edwin Cameron’s gripping and revealing new book is part memoir and part ode to the law. The book opens at the funeral of Cameron’s sister Laura when he was just seven. His father was accompanied by prison officials, having been briefly let out of prison for the occasion. This was the young Cameron’s first exposure to the law...

In *Justice*, Cameron explains and defends the role of the law in South Africa’s continuing transition. He draws on his own life experience – of poverty, of a youth spent in a children’s home, of his differentness and of stigma – to illustrate the power and the limitations of the law.

Cameron argues his case – that the Constitution offers South Africans our best chance for a just society – with personal passion, but also with the insights gained from hard years of judicial experience. Published in the run-on to the national election, *Justice* comes at a critical time in our country.

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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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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>