



PEN

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The Journalist as Deterrent

by
Fatima Measham



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President's Report – February 2021

The last time I wrote a presidential report for a PEN Sydney magazine was almost one year ago, before COVID-19 had spread all over the world. Since then, the virus has plunged many parts of the world into turmoil and caused millions of deaths globally. In Australia, we have been fortunate that state-led responses to the pandemic have controlled the spread of the virus and largely kept our communities safe.

While the pandemic prevented the PEN Sydney committee from meeting in person, it did not stop us from connecting virtually and continuing our work on behalf of imprisoned writers. At the virtual congress in November, PEN International passed a resolution condemning the Chinese Communist Party (CCP) for their erosion of freedom of expression, including the oppression of the Uyghur people of East Turkistan. Inside you will find a piece on the history of the Uyghur people by committee member, Fatimah Abdulghafur Seyyah. Sadly, the CCP continues to unlawfully detain Australian citizen, Yang Hengjun. PEN Sydney encourages concerned citizens to write to the Chinese ambassador in Australia demanding Yang's release.

With much relief and happiness, I can report that British-Australian academic, Kylie Gilbert-Moore was released from inhumane imprisonment in Iran in November 2020 and has since returned to Australia. PEN Sydney would like to thank all involved who worked for her release and safe return to Australia. We wish Kylie a gentle recovery with her loved ones.

Last November for the Day of the Imprisoned Writer, PEN Sydney, Melbourne and Perth partnered with the Wheeler Centre to host a virtual conversation between Fatima Measham and Maria Ressa, the veteran investigative journalist and CEO of the influential Philippine news portal Rappler. Ressa spoke with typical vigour and intelligence about her work. We have included a piece by Measham about Ressa in this edition.

In January 2021, London's High Court ruled that Julian Assange will not be extradited to the United States due to concerns regarding his mental health in American prisons. He was denied bail, however, and remains in prison in the UK. Within this magazine you will find an impassioned argument from Quentin Dempster in support of whistleblowers including Assange, "a facilitator for whistleblowing". PEN Sydney remains concerned for Assange's wellbeing and the implications which future rulings may have on global press freedom and demands the immediate release of Assange and the dropping of all charges.

The extracts from Rohingya writer, Habiburhaman's book, *First, They Erased Our Name*, included in this edition have taken on greater significance with the recent military coup in Myanmar. PEN Sydney is thinking of the people in Myanmar during this period of uncertainty and fear.

It is with much excitement that I can announce that journalist Dan Oakes will be our guest speaker at the 2021 Sydney Writers' Festival. He will be discussing the Afghan Files and threats to press freedom in Australia. Inside this edition there is an article by Maddison Connaughton which addresses this topic and Oakes' case.

Lastly, I have taken a leave of absence from the committee so I can enjoy the first months with my newborn son. I look forward to returning to our invaluable work in the near future, but for now it's daddy day care while cheering the demise of Donald Trump.



Mark Isaacs
President, PEN Sydney Committee

The Journalist as Deterrent

Fatima Measham

The first thing to establish about Maria Ressa is that her accomplishments predate the rise of Rodrigo Duterte to the Philippine presidency.

She has been an investigative journalist, broadcaster, and editor for more than 30 years, including as the Jakarta bureau chief for CNN. She covered some of the most tumultuous periods in southeast Asia, including the rise of Islamist militancy in the region and its confluence with social media. Her journalism received awards well before the plaudits of the past few years.

In other words, Ressa has form. She need not have become a target for her work to be vindicated. Perhaps more to the point: that work was relatively unimpeded during previous administrations – when she was no less hard-hitting. She co-founded the online news platform Rappler in 2012, which became known early on for its pursuit of stories about official conflicts of interest.

No self-respecting journalist seeks to become the story. The press ordinarily operates as background to democracy: an indicator and lever for transparency, restraint, and equality before the law. These may be taken as effects of holding power to account, even when imperfectly achieved.

In undemocratic conditions, where there is neither interest nor intent to secure such things, the protections around the role of reporters – which stem precisely from democratic



Illustration by Kelly Fliedner

values – fall away. Exposed, journalists find themselves the ones held to account. That is as true in the Philippines as it is in Australia, China, Egypt and everywhere else.

Of course, journalists should not be above scrutiny. In the digital age, anyone can perform acts of journalism, and in many ways this has been for the better – democratising means of production and enabling marginalised groups to tell stories in their own voice.

On the other hand, there are those who only *perform* the role in order to simulate its claim to the truth. The gatekeeping in news that at least nominally set ethical standards, and held companies liable, does not exist on the internet – where millions of people get information, especially in the global south.

This leads to conditions where it becomes impossible for people to agree on facts, the standard currency of journalists. Journalists in turn increasingly find it difficult to gain purchase in the information economy.

The phenomenon has been indiscriminate. Whether in Myanmar or the United States, the



instigator and the cost can be the same: an administration that is opaque, abusive, and unfair.

Over the three years since 2017, no fewer than 12 legal cases were levied against Maria Ressa. The issues considered in these cases range from foreign ownership of Rappler to tax-related violations and “cyberlibel”. Eight cases are still in the courts. They rest seemingly on novel legal interpretations; Rappler had otherwise been able to operate freely for five years under the same terms as other media organisations.

The cyberlibel charge has rightly been described as Kafkaesque, being a criminal matter that hinges on a typo. It was the first case brought against Ressa and her colleagues. It involves a story published in 2012, prior to the enactment of the cyberlibel law, about the use of a prominent businessman's car for official purposes by the then-Chief Justice of the Supreme Court.

It took the businessman five years from publication to file a complaint – or three years from when the Supreme Court lifted the

restraining order that had kept the law from being implemented.

The National Bureau of Investigation dismissed the case in 2018, then reversed the decision barely a fortnight later. The Department of Justice took up the charges on the basis that the online correction of a misspelled word in 2014 (made by a Rappler staff member going over the archives) constituted “continuous publication”.

Ressa was convicted in June 2020, along with Reynaldo Santos Jr, the reporter who had written the piece. They are out on bail pending appeal, as of this writing. If the appeal fails and the other cases deliver the same result, Ressa could be in prison for decades.

Even on the surface, it feels like overkill. But there is reason for all this attention. In late 2016, after the election, Ressa’s news organisation Rappler investigated the use of so-called troll farms to influence voters. It was a strategy that had particularly boosted Rodrigo Duterte, whose campaign spent at least US\$200,000 on

fake social media accounts, bots and “influence networks” to defend him online and attack his rivals and critics.

Rappler built a track record in covering online propaganda: from the hostile campaign against senator Leila de Lima (whose arbitrary detention was determined by a UNHCR working group to be reprisal for her criticism of the Duterte administration), to historical revisionism regarding the Marcos dictatorship. The Marcos family are close associates of Duterte.

Apart from its investigations of disinformation campaigns on social media platforms, Rappler also reported on extrajudicial killings. More than 20,000 mostly poor Filipinos died in the first two years of the Duterte administration, collateral in the so-called war against drugs. The six-month Rappler investigation pointed to links between police officers and vigilantes who carried out assassination-style sprees.

In other words, this is not a lightweight company that happens to post things on the internet like everyone else. It is a news organisation that takes itself seriously. Having made a record of systematic political attacks online, its figurehead became a target of those same attacks.

Ressa has experienced harassment and countless threats; wherever she appears online, the comment threads end up turning vitriolic. It is a manufacturing of consent, designed to engineer permissions for the state.

The concept emerged from various analyses in the 20th century about the mass media and its relationship with power, including as a distributor of propaganda. This has extended online, where state-sponsored trolling and disinformation campaigns are deployed against critics, rivals,

and minority groups.

In the Philippines, this occurs simultaneously with a weaponisation of the law against non-compliant public figures, and in the context of a government with barely any checks and balances, not in the legislature nor the judiciary.

In the month before Ressa was convicted of cyberlibel, the Philippine Congress refused to renew the franchise for ABS-CBN, the country's largest independent broadcaster. A senate public services panel found earlier that same year that the broadcaster complied with the terms of its franchise. The refusal to renew the franchise only makes sense against this statement from Duterte in December 2019, referring to ABS-CBN: “Your franchise will end next year. If you are expecting that it will be renewed, I'm sorry. You're out. I will see to it that you're out”.

It is apparent that the situation in the Philippines is as grim as it has ever been in the darkest days of the Marcos regime. While it is not as acute as the overnight detention of dozens of journalists and key opposition figures upon the declaration of martial law, the intent is the same – to quash dissent.

The only question remaining is this: who else is profiting off social media to undermine democratic norms?

Fatima Measham is a writer and speaker based in Wadawurrung country. She was formerly a consulting editor, columnist and podcast producer for Eureka Street, where she focused on issues of social justice, identity and politics. Her work has appeared in Meanjin, the Guardian, America magazine and other publications. She grew up on the traditional land of the Higaonon in the Philippine south.

Situation of Uyghur Writers in China

By Fatimah Abdulghafur Seyyah

Past – dark ages

Uyghurs are the traditional land owners of East Turkistan (aka Xinjiang, China). They are physically and spiritually tied to the land for many thousand years. Uyghur language is the spiritual, cultural and academic tool for the Uyghur people. Situated in the heart of Central Asia, Uyghurs developed simple yet passionate way of life and it has found its expression in Uyghur literature. Uyghurs consider themselves as a unity with their land. They travelled through the sand dunes of Taklamakan desert, dwelled on the Altay, Tengri, and Pamir mountains, called the pasture lands home and gradually have created rich, beautiful and unique culture of their own. Uyghur literature is one of the best expressions of their culture.

Unfortunately, since the Chinese invasion into East Turkistan in 1955, Uyghurs have been living like a wounded tiger who is captured in a cage. Atheistic communist ideology was an ideological shock to Muslim Uyghurs. Uyghur writers did not know how to react to the idea of there is no Supernatural Deity in the world, but the manmade Chinese Communist Party (CCP) should be the one who owns and controls all in their land. Uyghur writers couldn't express their feelings towards the disappearing reality of their language, culture, family, and most importantly, their free and passionate souls. To Uyghurs, the totalitarian nature of the communist party was completely foreign, extremely surreal and unbelievably ridiculous.

Uyghurs love expressing their feelings and reflections albeit daily life tragedy became the

main

theme in Uyghur

writers' works. Among 15

million Uyghurs, around 3000 Uyghur writers articulated their personal and collective suffering and resilience.

Longing for the oppression free future is portrayed as waiting for spring and the tyrannical years under the Chinese rule are depicted as the long, harsh winters. Despite of being awfully wise and cautious with the way they express, Uyghur writers have always been the targeted group of persecution as there is no freedom of expression in China.

Uyghur writers are persecuted because they are a potential existential threat to the CCP's rule. In the eyes of CCP, Uyghur writers aren't be trusted; they should be watched, controlled and when necessary to be punished. For this reason, many Uyghur writers preferred to work for and with the Chinese government and utilized their pen for the Chinese propaganda. The Xinjiang Writer's Union is one of the main government organizations that accepts formal members. The number of Uyghur writers in the Union was 626 in 2016 although many writers do not belong to

any such organizations. The Uyghur writers used to publish their work on Uyghur magazines and journals in Uyghur language. Genres included story and poetry (80%), fiction (15%), non-fiction, academic paper, screen play and religious texts (5%). However, as Uyghurs are seen as second class citizens of China, Uyghur writers are treated as inferior beings and their literary works never became part of Chinese mainstream literature.

Present – darker age

Since 2017, the persecution against the Uyghur writers has gotten more intensified. Uyghur writers are forcefully detained at the concentration and prison camps. Even the most loyal CCP members were no exception from the punishment. Azat Sultan, a communist party member, an academic writer, and the former Chairman of the Xinjiang Writer's Union, has been incarcerated at the camp in 2018.

Almost all of the influential Uyghur writers could not escape from the cruelty of fate. Many of them are still suffering at the camps as many are imprisoned. Some of the Uyghur writers have passed away shortly after being released from the camps as some committed suicide to avoid the detention. Among them are Perhat Tursun, a poet and novelist who understood the Uyghur trauma and published deep insights of its impact on the psyche of Uyghurs, was detained and sentenced for 13 years imprisonment. Haji Mirzahid Kerimi, a prominent Uyghur writer, was sentenced to 11 years in 2018. Memtimin Hoshur, a famous Uyghur writer, a master of black humour to reveal the aggression of Chinese colonial rule to control all aspects of Uyghur life in vain, was sent to the concentration camp. Qurban Mamut, the former editor-in-chief of the XinJiang Cultural Journal, is being incarcerated in horrible camps since 2018. Adil Tuniyaz, a Uyghur poet whose poems are well resonated

with the majority of Uyghurs, and his wife Nezire Muhammad Salih, an independent writer, were detained at the camps since 2018. Ibrahim Alp Tekin, a famous Uyghur essayist, and Tahir Talip, a prominent Uyghur poet whose poetry has always provided veiled perspectives with sarcasm on the colonial nature of Uyghur life, were sent to concentration camps in 2018. Halida Israil, a well-known Uyghur writer who depicted the intrigues of human freedom in an age of ruthless power, was detained at the notorious concentration camps in 2018. Muhammad Salih, a religious writer/scholar who translated the Qur'an into Uyghur, and father of Nezire Muhammad Salih had been taken to the camp and died shortly after his release in 2019. Nurmuhhammad Tohti, a famous novelist also passed away in 2019 after he was forcefully locked up at the camp. Qeyser Qiyum, a former editor at the 'Literary Translation' committed self-suicide before he got detained in 2018 by throwing himself from the 8th floor at his workplace.

The Uyghur writers who are 'free' from the camps and prison sentences are hardly free from CCP's brain-washing education. They are sent to inner land China to get educated on ['how to tell a better China story'](#).

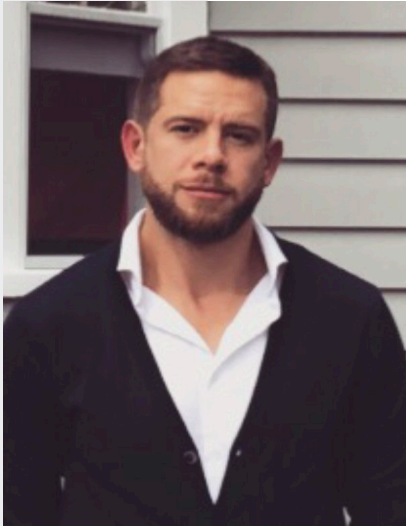
Future – darkest age

The future of Uyghur writers is doomed in China. Majority of the Uyghur writers will disappear either as a result of the camp, imprisonment and execution or their work in Uyghur language will disappear because of the CCP's cultural genocide policy towards Uyghurs.

I hope PEN will raise more awareness on the Uyghur writers' situation in China and urge the international community to release the writers from the camps and prisons.

Curfew

by Declan Fry



Declan Fry is an essayist, poet, critic, and proud descendant of the Yorta Yorta. Born on Wongatha country in Kalgoorlie, in 2020 he was engaged as a critic for The Age/Sydney Morning Herald and awarded the 2021 Peter Blazey Fellowship. He is a board member and volunteer at Books 'n' Boots, an organisation that mentors young mob in the West and distributes books and football boots to Aboriginal communities across the country. His work has appeared in Meanjin, Australian Book Review, Kill Your Darlings, Sydney Review of Books, Overland, and elsewhere.

Written in response to:

*the announcement of a curfew
in Victoria, July 2020,
an event with historical and,
contemporary resonances
for black communities*

*the move by the Mutitjulu community
to blockade the entry to Uluru after a flight
from the declared coronavirus hotspot of Meanjin
arrived at the nearby Yulara airport
on August 3, and*

*the ongoing removal of children
from their families*

Listen close ere
hear the curlew call, the curtain fall
round stuffed teddy bears whose arms
are fussed by jarjums
wondering how the streets got skinned
clean of human contact, the whirl of automobiles,
the guttural shudder of the last plane
leaving the tarmac
sudden spasm of clarity—
waking to curfew again.

Make every home a boundary road,
cordon off families. Might drive to Alice's,
spring a surprise on the Arrente if
they aren't from around ere lah
we'll cordon em off down Mutitjulu way.
Saw a sign the other day: *stap*
la kemp
wen turismob gu la komunidi,
im meigim rong bla ebribodi
wen bigwan siknis ebriweya
Can't climb solid rock, now they're
living on
borrowed time.

Come sailing down here, well,

sometimes you find yourself wishing for the
long arm of the law grasped against
that stock whip crack
throwing black bodies back
down bitumen paving Meanjin
like a second skin.

violence is not our culture

I saw Tom Waits the other day singing
bout the Big Black Mariah, hand holding
the mic like a stick ready to spark.
Uncles and Aunties Patten remember those patterns,
first it was Framlingham then
the baton.

If you stayed too long
paddy wagon'd provide a lift home.
Sweep you off the bar,
put you behind
some other ones.

Gorn then, tell me about it!

Well! Old Gertrude was up in arms
or would have been, if
poor bugger me hadn't
beaten up on the kids
as they beat her
into the back of the van.

And oh beggar man, oh Uncle Archie,
they call me the beggar man cos
I built no fortune
and I have no alms
just this story.

Other day, the neighbour's house
heard the yarka jarjums watching one
that never ends.

stoooooooooooooooooooo

And it's true that story, too,
starstruck those jarjums devoured
every fiction and half truth, but I
I would not tell a lie to you, the only
story never ends is the one where
the curfew comes, reminding us of
something we thought you forgot
years ago.

Now, don't say
you didn't know—see the scaffolding,
the backstage crew silently working.
Nothing happens from conviction here, and yet
everything happens from convictions we
keep bottled up, not wanting to speak our
own lines, who's your mob moved on
from then?

Move the scenery but keep the scene.
And they wonder why
we keep forgetting them,

our

broken

lines.

*if there is no change to policy it means
it is estimated that
rates of removal will triple
by 2030*

*if there is no change to rates of removal
it is estimated that
it is forecast that
the number stolen
will be three times greater
come 2030*

Good

old

parkie days,

in them

good old parkie days.

Flagon of port.

Then down to the bottle shop.

Before the parks close.

Kids devour the night,

searching the sky

for a sign.

the cry

of a curlew

A portrait of Kylie Moore-Gilbert, a woman with long dark hair, smiling. The background is a blurred window with white frames.

Kylie Moore-Gilbert Letters

The following letters were written between July-December 2019 by Moore-Gilbert and translated into English by an intermediary before being sent to CHRI by a vetted source who requested anonymity for security reasons. They have been published below in unedited form by the Center for Human Rights in Iran on <https://iranhumanrights.org/>

July 5, 2019

“in the name of God”

Dear Mr. Ghaderi: First of all, I’m very grateful that you met with us last week, and thanks for your help in alleviating our concerns. If my behavior gave you or the staff of ward “2-A” any trouble, I apologize. I’m taking psychiatric medications, but these 10 months that I have spent here have gravely damaged my mental health. I am still denied phone calls and visitations, and I am afraid that my mental and emotional state may further deteriorate, if I remain in this extremely restrictive detention ward “2-A”. Mr. Ghaderi, please, help me get transferred to the normal ward, and please

schedule the remaining hearings for my trial as soon as possible. Moreover, I would be very grateful if you followed-up with the issue of retrieving all my English language books from my “case expert”, and to lift the ban on phone calls and visits. Once again I thank you for your kind help. Regards, the innocent professor of Melbourne University.

June 20, 2019

Dear Mr. Hosseini, [illegible] ...I now feel much better than when I was alone. I want ask you for your kind help again (sorry!). I went to my trial two and half weeks ago, and I followed your advice of asking the judge to allow IRGC to give me back

my books and my right to phone calls. Two weeks ago, I had a visit from my ambassador and most of my English books that were brought to me were confiscated by IRGC. This is in addition to the books that my ambassador had brought for me in a visit 4 months ago, which are still held by my “case expert” and not given to me. All the titles and author names of the books were translated by the Embassy and all the books were bought in Iran- IRGC really has no excuse. My “case expert” has taken the books hostage in order to put psychological pressure on me. These books belong to the embassy and the judge has explicitly ordered that they should be given to me (the same goes for Quran in english, which DOES exist inside “A-2” ward- I know). Please help me retrieve these books from IRGC, and please don’t listen to the excuses and lies of my “case expert”. In addition, in the past 3 months I have only had one 4-minute phone call with my family. The judge has allowed me phone calls as well, but I was still denied phone calls. I want to write an official complaint letter to the Prosecutor Mr. Vaziri, could you please provide me with the correct complaint form? Many thanks for your time and help (as always!)

Aug 2, 2019

“In the name of God”

Dear Mr. Ghaderi/ Mr. Vaziri: I, an innocent woman, have been imprisoned for a crime I have not committed and for which there is no real evidence. This is a grave injustice, but unfortunately it is not a surprise to me- from the very beginning [of my arrest] it was clear that there was fabrications and trumped-up accusations, by the hands of IRGC and intentionally. Since I only gave 20 days to prepare my defense for my appeal court, I ask you to please allow me to meet with my lawyer urgently.

I will also begin a hunger strike from Saturday Aug 3. I have already informed Judge Salavati about this hunger strike. The decision of the IRGC Intelligence branch that I will remain in “2-A” ward even after my verdict has left me no other way. I can no longer take this extremely restrictive detention center (I’ve been here for 11 months now!). I will reject all my medications and food until a decision is reached to transfer me to the normal ward. Given these matters, I ask you again to please help me kindly. Many thanks for your time. Regards, KMG, Professor of Melbourne University and an innocent political prisoner.

Aug 9, 2019

“In the name of God”

Dear Mr. Vaziri, following to the previous letter (dated Aug 2), I beg you to please allow me to meet with my lawyer urgently. On July 31 I received a very harsh and unjust verdict and I now only have 10 days to submit my appeal. I must speak to my lawyer about my defense before this deadline. I ask you once again to please help me. Regards

Sep 18, 2019

“In the name of God”

Dear Mr. Vaziri, Many thanks for all your help in bringing me all the English books that my “case expert” had held on to a long time. I was very happy when I finally got the books- many thanks for your assistance. Unfortunately I have to write to you again for another problem (one of many!) which you can help me with. Every time that a shopping request list is given to my cell I never have enough money in my account, because my embassy never transfer me enough

money. This has been a consistent problem, even as early as my first meeting with the Australian ambassador 9 months ago. I have food allergies and I cannot eat most of the food coming out of the “A-2” ward kitchen. I really need to buy a lot of medication and all my personal items myself. I have explained this several times, most recently to my lawyer 3 weeks ago. This has been the 3rd time in a row that I didn’t have enough money and my kind cellmates bought me food and personal need items. I am entirely alone in Iran. I have no friends or family here and in addition to all the pain I have endured here, I feel like I am abandoned and forgotten, that after so many times of asking my embassy, I still have no money at all to endure all of this. Mr. Vaziri, you know that I am still denied any phone calls and visitation rights, and I have no way to reach my embassy. Please help me again. Please deliver a message to my lawyer or my embassy, that I need approximately 2 Million Tomans [about 68 \$ AUS] per month to survive here. Many thanks for your time and help. Regards

Aug 23, 2019

Dear Mr. Vaziri, for you information I am copying to you the letter that I wrote to the case manager, which is about the topic I spoke to you about in the presence of the The Honorable Head of Legal Department of the IRGC:

“Dear Mr. Case Manager, Please accept this letter as an official and definitive rejection of your offer to me to work with the intelligence branch of IRGC, and as a testimony that you confirm you heard all of these from me verbally before. Under no circumstances will I be persuaded to change my decision. Even my current verdict or the impending result of my appeal, or the prospect of remaining locked up in “2-A” detention center (or any other prison in Iran) will not influence

my rejection of this offer. I am not a spy. I have never been a spy and I have no interest to work for a spying organization in any country. When I leave Iran, I want to be a free woman and live a free life, not under the shadow of extortion and threats. I ask you to relay my decision to your boss. I hope that you do not ever speak to me again regarding this matter. Regards”

Aug 26, 2019

Dear Mr. Vaziri, First of all many thanks for meeting with me last week and thanks for you help in organizing a meeting with my lawyer. I am very grateful that you took the time on a Friday to listen to my problems. Thanks to you I was able to speak to my lawyer before my appeal deadline. Mr. Vaziri, I ask you please to help me get transferred to the normal ward, given my mental and physical health. I have been in “2-A” for almost a year and especially after my verdict, my health has deteriorated significantly. In the past month I have been to the special care at “Baghiatollah Hospital” twice and the prison infirmary 6 times. I think I am in the midst of a serious psychological problem, I can no longer stand the pressures of living in this extremely restrictive detention ward anymore. My situation here is even more difficult due to the ban on having any phone calls with my family. I worry a lot about their reactions to my verdict but I cannot talk to them. This is really inhumane. I know that my Case Manager wants me to remain in “2-A” ward until my final verdict, but I beg you please to immediately facilitate moving me to the normal ward due to my psychological and physical state. Once more I thank you for your kind help. regards, Kylie Moore-Gilbert, Prof. of Melbourne University. [in English]: I really appreciate your taking the time to assist me in this difficult matter, and sorry for my terrible Farsi!

Nov 22, 2019

Dear Mr. Vaziri, I hope you are well. I know that you are very busy these days. I don't want to burden you further but if you will be present at "2-A" ward and have time for me, could I please have another meeting with you. In our previous meeting you told me that you would help me and I will be very glad to hear from you regarding the legal and diplomatic state of my case. Many thanks, regards.

Nov 27, 2019

Dear Dr. Vaziri, I hope you are well. Following to my previous letter of Nov 22, I ask you please for a meeting to talk about my legal status. Today (nov 27) I was shown two different appeal decisions: one indicating a 13-months sentence, and the other confirming my initial verdict of 10 years imprisonment. My case manager said that the 13-months decision was "fake", and was an illegal attempt by my lawyer and my ambassador to free me from prison. On the other hand the security officer at "2-A" ward told me that the 13-months appeal decision had been relayed through official Channels to them. How is it possible for this to have been "fabricated", and how is it possible that two very different appeal decisions were delivered to "2-A" detention center?! It is clear that IRGC Intelligence is playing an awful game with me. I am an innocent victim. I have suffered 14 months in this temporary detention center- without any justifications, and my tolerance for such a game is really low at the moment. Honorable Mr. prosecutor, you told me yourself that based on law, IRGC Intelligence branch can only keep me in "2-A" detention until my final verdict is reached. In an odd and absurd way TWO final verdicts have been delivered, so I hope that you, as a

person fully knowledgeable about relevant laws, can explain this to me. If the 13-months verdict is correct, I must be freed from "2-A" now (I have been here over 14 months). If the confirmed 10-year imprisonment verdict is correct, based on your statements there is no legal basis to keep me in "2-A" detention center, and I must be transferred to the normal ward. Whichever of the appeal verdicts are true, I must not remain in "2-A" any longer. Mr. Vaziri, you told me you would help me. I unfortunately need your help again now. If you have any time for me, I would be very glad to talk to you urgently. With thanks and regards

Dec 2, 2019

Dear Mr. Hosseini I hope you are well. Many thanks for visiting us in the women's ward last week, I know that you are now particularly busy. Last Thursday you verbally allowed us to have a shopping request list this week. It has now been over a month since our last shopping request list and we are still following up about the items that we had put on that list. I know that you currently have a lot of challenges in the detention center and all the security officers and staff are very busy. But we have been here for a very long time and food and sufficient personal care items help us a lot to tolerate the extremely restrictive conditions of "2-A". If possible, could you please allow us a shopping request list as soon as possible. In addition, the security officer should check my bank card to know how much money I have in it now before I put in my requests in the list. Many thanks Mr. Hosseini for your time and help, regards.

P.S. have you received any updates regarding my request to meet with Mr. Vaziri? (or any other official?)

Humayun Reza



Giraffe

We met so long aback
It's an untimely morning today
Forty springs have passed
We stared at each other silently
But could not touch.
I long for her loving cheeks
I can feel the pain
Living with that scar
It was long aback
Doesn't mean I remained thirsty
If I moved away in agony
I am not sure as yet
You must think of me sometimes
That what matters never leaves us
It only whispers back at us.
So much love locked in a locker
with the key left inside.
Well, writing new poetry on the grocery list
Made me understand that
Love is the only Giraffe of Zebras.
It could be much better
If only I could pass my days in amongst mountains
Without the scars in my mind.



Recent Thoughts – 1

Photo by Adrian Arpi Saldaña

Thus, it happens in such a way
First love distanced us
Then jealousy and after that affections
We became fathers and
Our friendships quietly faded away.

Even during heavy monsoon, the way
Small boats refuse to cross the river
Even if we share the same flooding moonlight
We fail to meet through a phone call or mail

Although we were desperate moon-eaters
And the border villages would light up for an evening
Yet we forgot to come back
As if we were supposed to be there till death.
Even the death of my father could never force me to migrate
But this everyday life could so easily hide us from each other

So it happens, in this way
Love distanced us and after that jealousy.
Clichés of domestic details took us to other destinations
With affections nailed to our coffins.
Evenings slowly trolled into night
Our glasses for those stormy drunken evenings
remained empty
Then the number of glasses became numbered
So it happens, in this way!

Recent Thoughts – 2

This is also a kind of disappearance
The midst of dwarfed, average, breathless crowd
Where eyes will not dazzle with delight of recognising you
A known hand will suddenly not touch your shoulder asking
Where had you been!


Half vanished, half present
Today at the seaside of Kuakata
Day after in the silence of Santol village at Joypurhat
After a month of disappearance
Suddenly floating up one day
Days of pain wearing someone's ill-fitted shoes
Have you even felt, your name has been changed
You couldn't realize even looking around
None of them are here, those who took a bicycle ride
At the age of fifteen

In the mirror today, someone breathing near your lonely face
This mercury layer will too disappear someday
Alas blind man! You will not even see your eyes
Even though you are blind now
Yet as apparently you can see everything
You failed to feel your blindness

Recent Thoughts-3w

Thoughts of death hardly occur
Only peep through naughtily at intervals
Suddenly a minibus whizzes past speedily
Whistling, you are safe this time
Not that I care about death
Dodging and dribbling away

Tackling it every moment
Covering faces and chests of my
Daughters, my beloved and my friend



See my skills as that of a striker
The nearer you come
The farther I go away quickly

Bringing back my father's face from lost memories
Green soil that covers the grave like fresh grass
I stand there for some time
Thoughts of death hardly occur
Only touch my shoulders at intervals
The breathing of winds from my father's grave

Nothing Political

I don't know
When it started
raining or
when it stopped the fire
Somewhere in the distant mountains
exactly when
please don't mention
how many souls we have lost
since civilisation began...
travelling by train
glancing at the end of today's morning news
Now the flood breaks
People are being held hostage again
please don't blame the politicians
or the businessmen
it's nothing political
in the end, Fire or water—No one is your friend
Or maybe I'm wrong
in the end—nothing is political
Just curious; just wanted to know
I don't know ... Do you?

Sydney, 11 Feb 2020

***Humayun Reza. Born in Bangladesh. A Poet, writer and journalist,
he now lives in Sydney.***



The Frankenstein effect

Why whistleblowers are needed now, more than ever

Quentin Dempster's 2019 speech to the Whistleblowers Australia national conference.

If we are not properly informed, we can create monsters. This is called *the Frankenstein effect*. Whether you are a taxpayer, a citizen, a consumer or a shareholder expecting to live in a free and fair society with peace and prosperity, you certainly need whistleblowers and the journalists prepared to seek out and publish their revelations.

And as we observe the plight of Julian Assange, an Australian journalist now facing extradition to the United States and prolonged incarceration, or Edward Snowden, the US National Security Agency whistleblower living under an asylum seeker visa in a flat in Moscow, we all need to focus on what is at stake for all of us.

As we observe the Australian Government's prosecution of Witness K and Bernard Collaery over ASIS [Australian Secret Intelligence Service] covert surveillance of Timor L'Este (not for our security but for our avaricious advantage); ATO [Australian Tax Office] small business garnishee whistleblower Richard Boyle; and *Afghan Files* war crimes whistleblower David McBride, the issues of duplicitous secrecy, overreach and abuse of power stare us in the face.

Also coming soon, we are expecting the

Australian Federal Police [AFP] prosecution of the alleged informant behind News Corp journalist Annika Smethurst's revelation of a possible Australian Signals Directorate role in mass domestic surveillance, said to be required to 'keep us safe'. You will remember the AFP conducted another search warrant raid of the Canberra house of a government employee just three months after the Smethurst raid.

I am indebted to Edward Snowden for the term *the Frankenstein effect*.

Secrecy can create monsters.

Secrecy by government in the righteous name of national security can mislead a polity.

Secrecy can kill and put at unnecessary risk the lives of civilians, and particularly the lives of our young soldiers, sailors, airmen and women.

In his exceptional book *Permanent Record* (published by Macmillan in Australia) Edward Snowden said *the Frankenstein effect* was a term widely cited in the US intelligence community. Its more popular but cynical military derivative was the term 'blowback': 'situations in which policy decisions intended to advance American interests end up harming them

... irreparably.' Prominent examples given by intelligence analysts included American funding and training of the mujahideen to fight the Soviets in Afghanistan, which resulted in the radicalisation of Osama bin Laden and the founding of al-Qaeda 'as well as the de-Baathification of the Saddam Hussein-era Iraqi military which resulted in the rise of the Islamic State' (p 150, *Permanent Record*).

As we watched Islamic State's horrendous but pixelated beheading videos on network TV here in Australia, most Australians still would not be consciously aware that we, as part of the 'coalition of the willing' comprising prime ministers John Howard, Tony Blair and President George W. Bush, had created this monster.

We helped to create the awful psychopathology of what counter terrorism agencies soon called 'jihadi recruitment' around the world. And, resonating from that, what soon turned out to be acts of random or copycat terror by people claiming to be jihadis.

And now we confront the white supremacist Islamic reprisal phenomenon with the gun massacre atrocity at the mosques of Christchurch, New Zealand.

That is one example *the Frankenstein effect*.

Now all the wonderful public spaces of our beautiful cities in peace-loving Australia and New Zealand, Canada, the United Kingdom and the US are dotted with ugly bollards – concrete and metal barriers – placed there as counter terrorism measures against a white supremacist or someone in their ute claiming to be a jihadi.

Now we are in the era of mass warrantless surveillance, the retention of our meta data (telephony and online), our complete digital footprints, the interoperability of facial recognition

here and around the world. We are destroying our right to privacy because of our fear of terror ... a terror monster we helped to create.

Only one analyst from the Five Eyes intelligence community – that is Australia, the US, New Zealand, Canada and the UK – had the courage to blow the whistle on the fabricated weapons of mass destruction justification for the 2003 invasion of Iraq: Andrew Wilkie, now a federal parliamentarian.

It is reassuring to see Wilkie and now Centre Alliance Senator Rex Patrick in the current federal parliament doing all they can to strengthen this country's public interest disclosure laws, including in the contentious areas of national security disclosures in the public interest.

Old Lazarus himself, then Prime Minister John Howard, and some in the media tried to discredit Andrew Wilkie after he blew the whistle. But Wilkie has been well and truly vindicated.

It is significant that recent Lowy Institute foreign policy specialists brought to Australia, including the great David Ignatius of *The Washington Post* and Nicholas Burns (currently Joe Biden's chief foreign policy adviser) have acknowledged that the war in Vietnam and the invasion of Iraq post 9/11 were lethal US follies, undermining America's credibility in the world.

It was analyst Daniel Ellsberg who blew the whistle on the monumental misjudgement of the US and Australia's war in Vietnam. As I've noted elsewhere, on his death bed, Robert McNamara, former US secretary of defence in the Kennedy and Johnson administrations, made what *Time* magazine called one of the greatest apologies of all time: 'We were wrong on Vietnam,' said McNamara, 'We owe it to future generations to explain why.' Fifty-eight thousand American

military personnel, more than 500 Australian and New Zealand military personnel, hundreds of thousands of North and South Vietnamese and Cambodian soldiers and civilians were killed. Yes, Mr McNamara, we owe it to future generations to explain why.

I've included the contentious Julian Assange in this because as the founder of WikiLeaks he is both a journalist/publisher and a facilitator of whistleblowing. WikiLeaks has brought with it the transformation of journalism itself through the global digital revolution and its encrypted drop box innovation, designed to protect the identity of whistleblowers and informants. Assange provocatively called WikiLeaks the 'PIA': the People's Intelligence Agency.

Now all serious media organisations have encrypted drop boxes. They are not foolproof, of course, and informants seeking to use the anonymity provided should be wary of exposure of their identities through other surveillance methods. It is reassuring to see that the whistleblower who dropped the famous Panama Papers (massive data files exposing global tax avoidance by corporations and individuals through tax haven law firm Mossack Fonseca) still enjoys anonymity. The co-ordinated effort by investigative journalists and their media outlets exposed the failure of governments all over the world to secure the integrity of their tax collection systems.

By 2015, WikiLeaks had published 2,325,961 diplomatic cables and US State Department records comprising two billion words, including the Afghan War Diary, the Cablegate cables and Iraq War Logs. It is a massive trove of internal state literature, which exposed what Assange called the 'anatomy of US Empire' and the downsides, the 'immiseration' and collateral damage for people standing in the way of American power. WikiLeaks exposed war

crimes and atrocities and, in particular, you will remember, the confronting *Collateral Murder* video where unarmed civilians including two Reuters staffers were summarily executed by helicopter gun ship. Now Assange is facing extradition to the United States with the help of the Boris Johnson UK government. Our Australian government, 'joined at the hip' to the USA as Malcolm Turnbull has reminded us, will not intervene.

In all good conscience we must recognise the courage of the whistleblowers who have put their lives, liberty and reputations on the line to inform the world about what is really going on. We must recognise the work of the journalists and their publishers who applied the public's fundamental right to know in their editorial judgements.

Yes, in case you think I'm Putin's bitch or a running dog of Xi Jinping, there are no whistleblower protection or public interest disclosure laws to speak of in Russia or China. If you breach state secrecy there, claiming public interest or not, you are more likely to be jailed indefinitely without public trial, or executed. They jail journalists in Turkey. Paramilitary death squads kill them or the government can jail them in the Philippines. They run them out of the country in Malaysia. You can see the death and incarceration toll on the International Federation of Journalists' and other global press freedom websites each week.

Like everyone in this room I'm a post-World War II baby. As an Australian, I love Americans and every time I meet one, I thank them for their sacrifice in helping to save Australia from Japanese invasion. My late father, a Second World War soldier serving in Palestine and later Milne Bay, Papua New Guinea, always told me that without the Americans we would have fallen to the Japanese. He would talk about the Aussie stand at Kokoda of course, and the American



blood sacrifices at Iwo Jima and the other islands, but in particular Dad always mentioned the Battle of the Coral Sea, an incredible over-the-horizon naval battle in which US and Australian warships crippled the Japanese navy, helping to stop the aggressive Japanese advance through the Pacific.

So apart from my hopefully objective editorial judgement, I do not come at the contemporary issues of national security, whistleblowing and journalism with any anti-American bias. America helped to rebuild Japan and Germany along functioning democratic lines, including, please note, strong public broadcasters. It is just that since the Second World War our American friends, with Australia's uncritical support, have embarked on offensive follies in Vietnam and Iraq and have ruthlessly misbehaved in other regions including central and south America. This has not been 'civilised' conduct by a superpower claiming moral authority. It has been conduct unbecoming a superpower, to put it politely. It has been tragic. It has been lethal. It needs fearlessly to be exposed to its polity and the politics of its allies.

As a journalist, I've dealt with many whistleblowers over the years. Usually they are heavily traumatised. But some relieve their suffering by a very black sense of humour as they confront their own possible destruction. I do not have the benefit of a psychiatrist's report or any psychological assessment of Julian Assange. He might be a self-centred contrarian narcissist or what ASIO [Australian Security Intelligence Organisation] once would have called a 'subversive' or 'bomb thrower' or 'anarchist'. But if you read what Assange has actually written, it makes plausible, analytical and historical sense alongside all the documents he has published from WikiLeaks' informants, which expose the raw hypocrisies and cover-ups of the nation state, particularly the United States of America. Hillary

Clinton thinks he is a tool of the Russians. It is the ingrate Donald Trump administration, the alleged beneficiary of WikiLeaks' dump of Mrs Clinton's emails, which now seeks to have Assange brought before a court in Virginia, locked up and the key thrown away. The now-public indictment 'United States versus Julian Paul Assange' is based on the 2010 Chelsea Manning revelations. The recent Mueller investigation did not recommend Assange's prosecution for any alleged pro-Putin activities to interfere in the 2016 US presidential election.

I think we need to give Julian Assange the benefit of any doubt. He is a journalist and a publisher and a facilitator of whistleblowing.

So, if the Ramsay Centre in Australia is determined to highlight the enlightenment it claims always glows from Western Civilisation – concepts like the separation of powers, the rule of law, freedom of speech and of religion – we can expect to see its Ramsay directors, including Lazarus himself, join our campaign to protect press freedom and public interest whistleblowers. Can't we?

We can expect Rupert Murdoch and his creation, *Fox News* (the loudest voice) and beneficiaries of the US Constitution's First Amendment enshrining Freedom of the Press to join our campaign to stop the extradition and incarceration of Julian Assange. Can't we?

The Washington Post and *The New York Times* are with us. They have editorialised that Assange deserves First Amendment protections as a journalist and the publisher of WikiLeaks. They have editorialised their support for the conscientious Edward Snowden.

When the US Supreme Court found for these publications over Daniel Ellsberg's leaked top secret classified Pentagon Papers in the 1970s,

national security, whistleblowing and journalism as part of Western Civilisation were beautifully described by the US District Court judge who had originally rejected the Nixon administration's application for a restraining injunction:

The security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions. A cantankerous press, an obstinate press, a ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of expression and the right of the people to know.

The New York Times and *The Washington Post* then published the Pentagon Papers without any further government interference or negotiation on what they could or could not publish. There you had it: Freedom of the Press. After Nixon's 'plumbers' and their dirty tricks were exposed upending Ellsberg's psychiatrist's office, the whistleblower himself was vindicated and did not face further prosecution. Daniel Ellsberg wasn't a traitor or a subversive. He was a conscientious government employee who blew the whistle on administrations consistently lying to the American people and making strategic misjudgements.

In the Ecuadorian Embassy in London, Julian Assange was covertly surveilled by a Spanish security contractor who, it is alleged, passed on audio and video recordings of Assange's conversations, including with his therapist and his lawyers, to the CIA. More dirty tricks.

Here in Australia this year, after the AFP search warrant raids of News Corp and the ABC, our mainstream media executives, including from News Corp, Nine and the ABC, have been in to see Attorney General Christian Porter. They have asked for six reforms:

1. The right to contest a search warrant application covering the homes and offices

of journalists and media organisations.

2. Exemption of journalists from national security laws enacted over the last seven years that would put them in jail for receiving and disclosing classified information (doing their jobs).
3. Reform of whistleblower protections for public interest disclosures.
4. A new regime to limit which documents can be stamped secret.
5. A properly functioning FOI (freedom of information) regime.
6. Defamation law reform for the digital era.

We now await the response of Mr Porter, Prime Minister Scott Morrison and his federal cabinet with great interest. Journalists and publishers in Australia should not be having to negotiate with government what they can or cannot publish in the public interest. We need, in practice, the equivalent of a US First Amendment so we can all move on from the unpleasantness of 2019. There are no search warrant raids of journalists or media organisations in the USA. Why do they occur in Australia? Those prosecutions of Witness K, Bernard Collaery, Richard Boyle and David McBride should be discontinued. So too any prosecution of Annika Smethurst's alleged informant.

You would think, as we all watch the ordeal of the people of Hong Kong having to fight for their democratic rights against the totalitarian 'break your bones' authority of Xi Jinping's China and its politburo, that all our Australian Government security and law enforcement agencies would reconsider the exercise of their claimed independent discretions when it comes to local whistleblowers and journalists. Security of the nation does not start with secrecy. It starts with transparency and accountability engendering public trust.

As the newly formed Centre for Public



Integrity, headed by former royal commissioner Tony Fitzgerald QC, has recently asserted in a discussion paper: in our democracy it is the ‘people who are sovereign’ and the integrity of our key institutions – the parliament, the judiciary, executive government, law enforcement, the public service, consumer market regulators and a free media – safeguard that sovereignty by upholding accountability, open government, just laws and impartial dispute resolution.

In this regard whistleblowing is now needed more than ever as all our institutions are placed under more political and resourcing pressure.

I express my grateful thanks to Whistleblowers Australia for its advocacy for public integrity in Australia over the last 20 years. Yes, we do have laws that are designed to protect whistleblowers in all states and territories and more recently, from 2013, the Commonwealth. But the actual experience of whistleblowers themselves has

indicated major reform is still necessary.

In his recent Henry Parkes Oration, Professor A. J. Brown from Griffith University’s Centre for Governance and Public Policy noted progress in whistleblower protections in corporation law to the benefit of consumers and shareholders. He also noted:

But this does not change the fact – indeed it reinforces it – that despite the strengths in the new Corporations Act protections, overall, our whistleblowing laws currently amount to a well-motivated but largely dysfunctional mess. Many agencies and companies succeed in recognising and protecting whistleblowers, but often despite the relevant laws, not because of them. And they are undermined by the tide of confused, inconsistent secrecy provisions in which government continues to embark, often apparently without realising what it is doing.

Whistleblowers Australia has identified

from its membership case histories the misuse of the laws. In some cases, we have established what could be called 'trap doors' for whistleblowers. Unless you comply with the strict pathway to protection of your livelihood, or your anonymity, you put yourself at risk. And that pathway can drag you ever closer to the departure door and your alienation from your workplace, putting your mental health in jeopardy. According to Whistleblowers Australia national president Cynthia Kardell's excellent recent submission, some organisations still react violently to whistleblowers. Some whistleblowers can find themselves under immediate performance review and soon sacked. She says, 'Employers deploy a series of bogus performance reviews after the disclosure is made to cover their tracks'. When confronted they say that the performance review was not a reprisal.

Ms Kardell says Section 13 (3) of the *Public Interest Disclosures Act (1994)* is wrong headed and needs to go. This section allows the forcible relocation of a whistleblower against their will, rather than removing the person who is the cause of the public interest disclosure in the first place. 'Section 13 (3) is heaven sent for the employer who wants to clothe their actions in false concern and a respectability they don't deserve.'

Professor A. J. Brown has published a seven-point plan for major whistleblower reform, starting with the replacement of the Commonwealth *Public Interest Disclosure Act*. This would ensure whistleblower protection for all genuine public interest disclosures at all levels of public administration and private sector regulation. It would establish a simplified public interest test to ensure there was no actual, real, unacceptable risk or harm to national security, defence or law enforcement interests.

It would strengthen journalism and third-party

shield laws, freeing journalists and associated professionals from prosecution for receiving or using public interest disclosure documents and information, and stop the Act from being manipulated to cover-up internal disclosures and/or destroy or punish those who disclose.

Professor Brown recommends we establish a whistleblower protection authority to assist all informants and regulators with advice, support, coordination and enforcement to prevent, deal with and gain remedies for detrimental conduct. He recommends we consider a reward scheme for all public interest whistleblowers.

And beyond mere employee disclosures of wrongdoing he says we need a general public interest defence for any citizen charged with offences of unauthorised disclosure or receipt of official information in breach of the Criminal Code.

While we wait for Julian Assange, Edward Snowden, Witness K, Bernard Collaery, Richard Boyle, David McBride and, in all likelihood, Annika Smethurst's alleged informant, to face their prosecutors, we should reflect on what is at stake for them.

Whistleblowers are people with the courage to put the truth first.

We cannot live, as sovereign peoples, without them.

Unless the public is properly informed about what is really going on, we can create monsters.

Quentin Dempster, former chairman of the Walkley Foundation, is a contributing editor at The New Daily. This an edited transcript of the speech he delivered on to the Whistleblowers Australia national conference at Parramatta, on Saturday, 23 November 2019.

First, They Erased Our Name

1. The ogre of Burma is born

The dictator U Ne Win has presided over a reign of terror in Burma for decades. In 1982, he has a new project. He is planning to redefine national identity and fabricate an enemy to fuel fear. A new law comes into force. Henceforth, to retain Burmese citizenship, you must belong to one of the 135 recognised ethnic groups, which form part of eight 'national races'. The Rohingya are not among them. With a stroke of the pen, our ethnic group officially disappears. The announcement falls like a thunderbolt on more than a million Rohingya who live in Arakan State, our ancestral land in western Burma. The brainwashing starts. Rumours and alarm spread insidiously from village to village. From now on, the word 'Rohingya' is prohibited. It no longer exists. We no longer exist.

I am three years old and am effectively erased from existence. I become a foreigner to my neighbours: they believe that we are Bengali invaders who have entered their country illegally and now threaten to overrun it. They call us kalars, a pejorative term expressing scorn and disgust for dark-skinned ethnic groups. In a different time and place, under different circumstances, kalar would have meant wog or nigger. The word is like a slap in the face; it undermines us more with each passing day. An outlandish tale takes root by firesides in thatched huts across Burma. They say that because of our physical appearance we are evil ogres from a faraway land, more animal than human. This image persists, haunting the thoughts of adults and the nightmares of children.



I am three years old and will have to grow up with the hostility of others. I am already an outlaw in my own country, an outlaw in the world. I am three years old, and don't yet know that I am stateless. A tyrant leant over my cradle and traced a destiny for me that will be hard to avoid: I will either be a fugitive or I won't exist at all.

15. The path of the innocents

A year later, in 1994, I hear that nearly 3,000 young Rohingya from Maungdaw have been arrested and executed by soldiers, including some of my distant cousins.

Who will tell the story of these massacres? The Rohingya do not have a written history. Our story could be told through the number of deaths, or the number of refugees, if only someone were counting. But the temporary camps in Kwan Lon, Aa Lae Zay, and Pon Na Mraung have been destroyed in an attempt to obliterate the little that remains to us, and to crush our will to resist and stand up for our rights. They want to eliminate everything that defines our identity. So it is that, in 1996, one of Arakan's most precious legacies is destroyed: the majestic mosque built in 1433 by the Muslim leader Sandhi Khan, who had come to offer help to King Naramaikhla of the great Mrauk U dynasty. The mosque was the ultimate proof of the history of Arakan, in particular the cohabitation of Muslims and Buddhists. It was an illustrious monument with a history that a superstitious and ultra-nationalistic government sought to deny. It was a memory that had to be erased so that the history of Arakan and Myanmar could be rewritten by those now in power.

Rohingya who have prayed all their lives in this mythical and mystical place are forced to dismantle each stone and each piece of teak and load it onto ox carts to be taken to the monastery in the Buddhist village of Shwe Taung. The mosque no longer exists, the slate is wiped clean, and history begins anew. The families from this ethnic group whose name cannot be spoken, the broken, starving families who have been deprived

of everything, are then deported to Maungdaw. Those who refuse to go are arrested; some die of starvation in prison.

In Maungdaw, new arrivals pile into a town that has nothing to offer them and where they no longer have any rights. They are forbidden to marry, leave the town, or obtain any qualifications; they are deprived of an identity, and the number of births is restricted. Maungdaw is a prison for the innocent. The Rohingya are refused even the most basic human dignity.

The village is run by the special security force known as the NaSaKa. The soldiers prowl around, raping and stealing with impunity. They are accountable to no one. Any villager wishing to travel from one neighbourhood to another has to pay a tax. No Rohingya can leave these prison-towns unless they have specific authorisation that can only be bought with huge sums of money.

The NaSaKa spread terror among those whose name cannot be spoken, whose lives are made a living hell so that they will leave and go elsewhere, away from Myanmar. Those who stay are treated as slaves. Young people cannot afford the marriage permits, and unmarried couples are imprisoned for years in filthy cells, poor innocent 'criminals' incarcerated in the dictator's jails alongside those other innocents, the political prisoners.

Extracts from *First They Erased Our Name, a Rohingya speaks*, published and provided by Scribe Publications.

Young People Never Die

Lionel Fogarty



Lionel G Fogarty is a Yugambeh man and was born on Wakka Wakka land in South Western Queensland near Murgon on a 'punishment reserve' outside Cherbourg. Throughout the 1970s, he worked as an activist for Aboriginal Land Rights and protesting Aboriginal deaths in custody. He has published numerous collections of poetry, including the award-winning *Connection Requital*, *Mogwie-Idan: Stories of the land*, *Eelahroo (Long Ago)*, *Nyah (Looking)*, *Mobo-Mobo (Future)* and *Lionel Fogarty: Selected Poems 1980-2017*.

Young people never die.
Young peoples never die;
there dead are waters we drink.
Silence crevasses wash an dry ochred
by keepers.
Young people must not be babe people
When stories are tolled to up hold.
The earth is a responsible more to life
Than the world hang on pictures famed
By unattributed wise word that code's from
burning fires
Emblem by smoke fire flied in eyes
to ear not san.

Young people became old only at the true
Camp to camp mobs can speak dance evening
sun night with everything info sight.
Bewilder sign-post made we swear being wild in
the alien feelings matter the past to future sleeping
tucking society direct familiar conservative.
Winds memories refresh soul blowing gave all
homelands plies of whisper as expected reminds
became leavening forever the quiet people
newborn markers.
Songs sang are never lost as if when it begun.
Mirages vein dust devil Gnarl Rivers
Chants the last stand when the.
Young men real sat down first to stand.

Colour confirmed set rises as twining blood
tree parts chats passed new to the weekend
welcome appointments.
Retaliate hate to be muddled so alert the extend
kind opted topic to be relation over crimes
sniping steams.
Soft lugged small people's enthusiasm
is shadow voices,
For better, for healthier...
Love on the younger's
Peace on the ran
Peace on the raindrop
Employment enjoyment as a support
Corporation rammed by programs asks what
is the origin
Devoted writers now and here are were
all else starts,
Special rejected undermine violent lent not the
mass resistance,
Ordinance over decades cause offence were
unleased opponents.
Visions of the disadvantage commence only
when non-independent gives noting but noting.
To advantage us evaluated in review
for acknowledges,
Adjusted in the dark sun set we expand families a

Mount to fund spent on the clothing of the young
so young even not so young

Don't Look Away

Neil Morris



Neil Morris is a proud First Nations Yorta Yorta yiyirr, known largely for his music DRMNGNOW and grassroots organising and advocacy work. As an interdisciplinary artist, and a voice amidst the decolonial Sovereignty movement in So-called Australia, his work is imbued in decolonial content exploring Indigenous resilience, colonial impacts, spirituality, the self, ancestors, community and country via the mediums of hip hop and experimental electronic music elements and spoken word.

*Imagine if the world wasn't watching.
Would they still have us living on
Missions?
Trapped,
Slaves,
While raping our
Land for
Every
Last bit of the spills?*

*Imagine if the world wasn't
Watching.
Would they be saying
Our
Lives Never Mattered
Laughing,
Mocking ,
Full of perverse and heinous thrill?*

*Imagine if the
World
Wasn't Watching.
Would this
Whole Land have been turned into
Mining fields?
Would all Our
Rivers have run dry?*

*Whilst
Farm dams stay permanently filled?
Imagine if the World
Wasn't Watching,
How many more
Colonial Statues
would still be getting built?
Maybe
So-called Australia would be entirely
White,
And calling on the rest of the
World,
To
follow suit ,
With their
Prototype Blueprint
As a centrepiece of
National Appeal.*

*But the world is watching.
And yet to many,
That doesn't
Change
a thing.*

*But the world is
Watching,*

*And they still set out to
Destruct,
Caring less of our
Ancestors,
Still Here,
Continuing to
Sing.*

*The world is watching ,
Yet they are scampering to get every last bit of
Stolen Wealth in.
While the
Freewheeling
Is not globally
Outlawed
Or in their so-called religious eyes a
Sin.*

*As tough as that is,
Has been,
And
Continues to be.
The world is watching
And sometimes, that feels like one of the only
things
Saving us,
As We Continue
The Fight,
As our Motherlands,
and
Soul of our Sacredness
Continues,
Bleeding.*

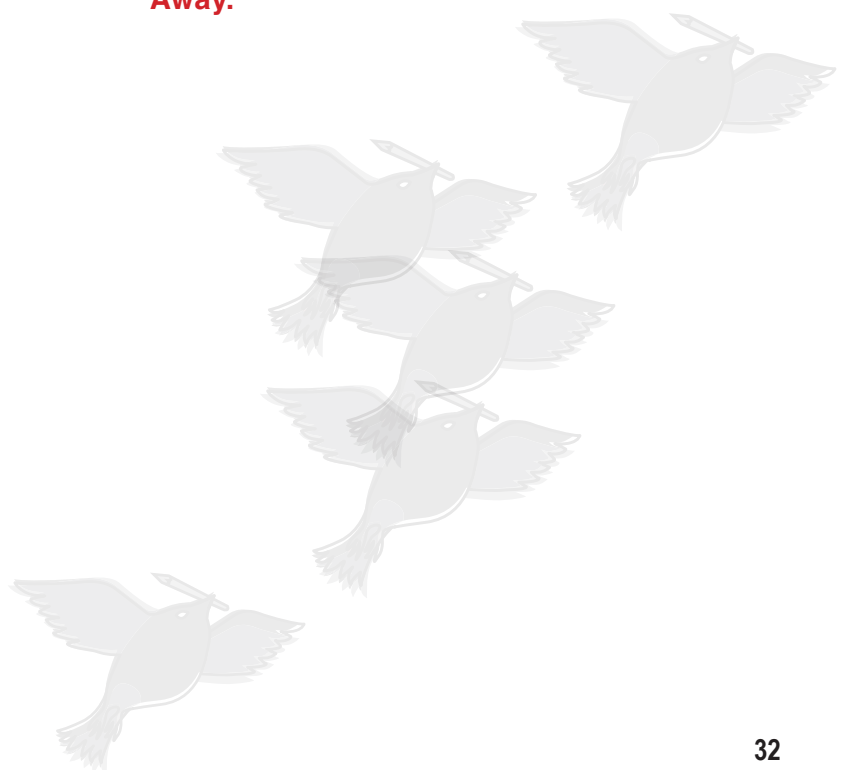
*So whatever change can
Come,
Each and
Every
has a part to play
For the Better World to
Come Forth,*

*Under our Sovereignty never ceded.
And for that to be so,
the world watching is needed.*

*So keep eyes open,
Process
Understand,
We Shall never be defeated,
But , The world ,
Acting
is needed,
The world
Knowing
The world
Hearing,
is needed,
The world watching
is needed.*

*So Don't Look
Away.
Now,
Or
Ever.*

**Don't
Look
Away.**



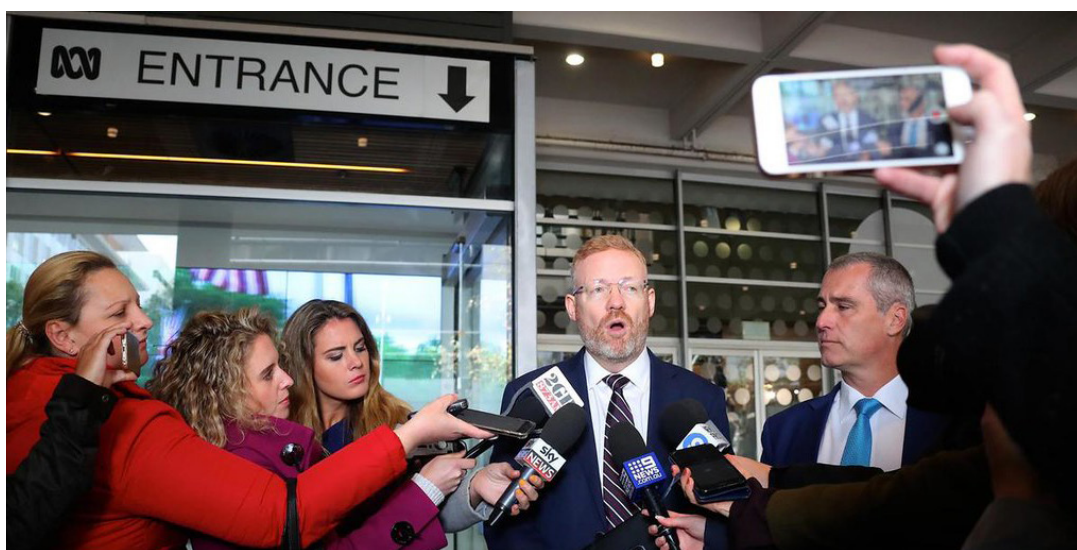


Photo by coolcloud

On press freedom

**Maddison
Connaughton**

In August, the Parliamentary Joint Committee on Immigration and Security (PJCIS) released its long-awaited report on the impact of the exercise of law enforcement and intelligence powers on the freedom of the press in Australia. The PJCIS inquiry, when it began in July 2019, was intended to be a sort of pressure release, an airing of grievances in the wake of the Australian Federal Police raids on the ABC and News Corp journalist Annika Smethurst. Collective horror had bound the Australian media in a moment of solidarity, and the public was similarly horrified by the norm-shattering raids. But owing to last minute submissions, and the COVID-19 pandemic, the wait for any report from the inquiry stretched out for more than a year.

Also waiting was ABC journalist Dan Oakes, whose reporting of the “Afghan Files”, alongside Samuel Clark, triggered the raid on the ABC. For more than 750 days, the threat of prosecution hung over Oakes – first branded with the amorphous title “suspect”, before it emerged the AFP had referred a brief to the Commonwealth Department of Public Prosecutions (CDPP) outlining three potential criminal charges against him.

No journalist holds any illusions that reporting on the powerful comes without risk – but the rationale for why the government chose to hound Oakes, a journalist working at its own public broadcaster, over his reporting on credible allegations that war crimes were perpetrated by Australian troops has

never been explained. The public interest case was always clear, yet was only accepted by the government in October this year when the CDPP announced it would not pursue Oakes’ prosecution, despite “reasonable prospects” of convictions on two of the charges.

The PJCIS report, when it did arrive, offered 16 recommendations, including reforms around journalist information warrants and the expansion of the role of Public Interest Advocates to review all such warrants. None of these will solve the fundamental issue that Oakes’ case, and his absolution, drew into such sharp relief.

Even if every one of the PJCIS recommendations are accepted by the Australian Government, which is yet to acknowledge or respond to the report, Australia will still have no federal legislated protection ensuring a free press. There could be more opportunities for media organisations to appeal, more checks and balances, more paper trails, but in the end the decision of what is and isn’t in the public interest remains firmly in the hands of government. In a country that purports to value press freedom, this power asymmetry is not viable.

The more than 82 pieces of national security legislation passed into law in Australia since September 11, 2001, act now as a thumb on the scale. As Professor George Williams, Dean of Law

at the University of New South Wales, wrote last year: “It comes as no surprise that the Australian Federal Police has begun to raid journalists ... Our elected representatives have armed the police and intelligence agencies with formidable powers that can be used against the media. They have simply begun to use them.”

However, to view this deluge of national security laws in isolation ignores how they fit into a growing tessellation of threats to independent journalism in Australia. They sit alongside our country’s strict and uneven defamation laws, weak whistleblower protections and an increasingly politicised freedom of information regime, wherein some departments view the public’s access to information as a privilege rather than a right outlined in law.

Working as editor offers something of a unique perspective on the so-called “chilling effect” many journalists have spoken about in relation to the accumulation of national security laws. I have seen stories, important stories the public should know about, stymied by these laws. But I’ve also seen vitally important stories killed off by defamation threats, terrified whistleblowers and departments stonewalling on the release of information that is clearly in the public interest.

The risk that these stories will never be published is only heightened when there are fewer journalists working in an increasingly concentrated media. Ours is now an “oligarchic media model”, according to Reporters Without Borders, which this year dropped Australia five places in its World Press Freedom rankings. Alongside the supremacy of News Corp and Nine, the AFP raids were cited as a key reason for the slip: “‘National security,’ the grounds given for these raids, is used to intimidate investigative reporters,” the organisation wrote in a brutally efficient assessment.

It has been less of a dramatic shift than a decay, slow but noticeable. According to a May 2019

survey from the Media Entertainment and Arts Alliance, 90 per cent of Australians think the state of our press freedom has deteriorated in the last decade, and 85 per cent of journalists agree.

For the most part, the government has baulked at calls for serious reform in the service of a free press. Its greatest concession has been a directive from Attorney-General Christian Porter that any prosecution of a journalist must be signed off by him personally. But this is a gesture that only serves to reinforce the status quo. A press whose freedom is determined by the subjective judgement of one person is not free.

In May 2019, just a month before the raids on Annika Smethurst and the ABC, the Alliance for Journalists’ Freedom published a white paper calling for the introduction of a Media Freedom Act. Such an act would enshrine the principle of freedom of the press in Australian law, enhance protections for whistleblowers and shield journalists from being forced to reveal their sources.

A Media Freedom Act could serve to rebalance the power dynamic between journalists and government. It would allow the Australian media to serve its vital purpose as a check on those we elect to lead us.

“Press freedom is not absolute,” the Home Affairs department was quick to note in a submission to the PJCIS inquiry. “Journalists, like all Australians, are subject to the law of the land.” This is not in dispute. Neither journalists nor media organisations have ever asked for sweeping immunity from law, merely adequate protections from the threat of criminal prosecution simply for doing their job – and that the government acknowledge it is often not a neutral arbiter of what is in the public interest.

Maddison Connaughton is the editor of The Saturday Paper.



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