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PEN CANADA

ANNUAL REPORT




2019/20

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Free Expression Matters



IN 1787 THOMAS JEFFERSON DECLARED:

“Were it left to me to decide whether we should have a government without newspapers or newspapers without government, I should not hesitate a moment to prefer the latter.” Twenty years he changed his mind. “Nothing can now be believed which is seen in a newspaper,” he complained. “Truth itself becomes suspicious by being put into that polluted vehicle ... the man who never looks into a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehoods & errors.”

As traditional journalism loses ground to social media, Jefferson’s fears feel more relevant than ever. Our new “polluted vehicle” has unprecedented power to spread “falsehoods and errors”, even to the point of endangering democracy. Can we safeguard the public interest when the digital platforms which distribute the news are optimized for tendentiousness? Can we even reform them when their inner workings are poorly understood, if not deliberately obscured?

In the past, writers were usually silenced by being arrested or threatened. Today they can be sidelined far more effectively through the operation of an algorithm. The big digital platforms know this and have gone to considerable lengths to evade a publisher's responsibilities. While accumulating vast profits for sharing other people's content, they do little to ensure its accuracy or to anticipate the mischief it can cause. When they spread mis- or disinformation, create filter bubbles or enable hate speech, harassment, or even ethnic cleansing, the blame always seems to lie somewhere else.

In many ways proprietary algorithms have become de facto editors and publishers in our time. Every second they parse at least 80 terabytes of the data we produce to find what frightens, flatters or frustrates us the most. The companies that own these algorithms leverage troves of our behavioral data to keep us hooked on their products, deepening our dependence on their predictions of what we want; shielding us, often without our knowledge or consent, from facts and arguments that might lead us elsewhere, or even change our minds.

Every day YouTube streams a billion hours of online video. Its users choose less than a third of that footage. The remaining 700 million hours are pushed by an algorithm which customizes content in order to maximize the user's time, and the attendant ad revenues, on the platform. Facebook delivers even more personalized news at a similar ratio. Three men control these companies and effectively preside over the newsgathering habits of a third of the planet. Yet their stewardship of our information receives little democratic oversight, and the processes that determine what is placed in our individual newsfeeds remain shrouded in mystery.

Working with PEN International, the University of Toronto's International Human Rights Program and the Citizen Lab, PEN Canada has launched a study to chart the impact of social media on the public sphere. The project is currently surveying some of the problems and proposed remedies in Canada, Mexico, the Philippines and the United Kingdom. In this year's annual report we include three dispatches from Brazil, Mexico and Russia that consider the sort of news that gets ignored online. Information that underscores the importance of independent local journalism, and the dangers of having a government without newspapers.

Article 19

The Universal Declaration of Human Rights


Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

[REDACTED]

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President's Report

The traditional metaphor for freedom of expression is the “marketplace of ideas,” the notion that a transparent public discourse will expose bad ideas; that in a competitive struggle, truth will drive out error.

A large yellow graphic element on the left side of the page, with a black rectangular shape overlapping its top-left corner.

In this paradigm there should be as few limits as possible on what can be said. No more than is necessary to ensure the integrity of the marketplace. No shouting “Fire!” falsely in a crowded theatre; no incitement to hatred or violence; civil rather than criminal suits for libel and defamation. This is as far as most traditional advocates are willing to go. All other speech is deemed acceptable and the marketplace is left alone to sift the wheat from the chaff.

Unfortunately, social media platforms have upended this model. All over the world, studies have shown that false ideas are far more likely to be liked, shared and retweeted than facts. On Facebook and Youtube, the algorithms favour – because humans do – sensational, emotionally compelling and implausible content over plain facts. In effect, the new platforms have established a Gresham’s law of ideas, where falsehoods drive out truth and lies triumph over honesty.

When bad ideas drive out good ones, it becomes increasingly difficult to distinguish the real from the imagined. Malevolent fictions proliferate: hoaxes and conspiracy theories, ethnic slurs and anti-science craziness. The result is ignorance and greater social polarization.

In the twenty-first century – at least in mature democracies – a major challenge to freedom of expression will be how we contain this flood of falsehoods, how we prevent it from polluting civil society.

PEN Canada is currently working with the International Human Rights Program, Citizen Lab (both at the University of Toronto) and PEN International to study these issues and to find out how best to ensure freedom of expression in the digital age. Answers will not be easy to come by, but it is essential that they be found.

Richard Stursberg
President, PEN Canada

HONORARY
MEMBERS

CHINA AND
AUTONOMOUS
REGIONS

ERITREA

MEXICO

SAUDI ARABIA

CHINA AND AUTONOMOUS REGIONS

The 2010 Nobel Peace Laureate, **Liu Xiaobo**, was a former president and board member of the Independent Chinese PEN Centre. In June 2009 Liu was arrested for signing Charter 08, a declaration calling for political reforms and human rights. He was kept under residential surveillance, a form of pre-trial detention, at an undisclosed location in Beijing, until he was formally charged with “spreading rumours and defaming the government” “subversion of the state” and “overthrowing the socialism.” Liu received an 11-year prison sentence on December 25, 2009. After spending the last eight years of his life in Jinzhou prison in northeast China, with little access to friends, family or colleagues, Liu died in July 2017. His wife – the poet and photographer Liu Xia – was only allowed to visit him once a month under the supervision of prison guards. They were forced to change the subject if they discussed anything that was deemed offensive to the state. Despite these privations, Liu’s communications with the outside world reiterated messages of peace, hope and love. His prison poetry spoke of his love for Liu Xia and his hope for a China free from discrimination and human rights abuses. After learning of his death, PEN International President Jennifer Clement recalled the empty chair – PEN’s symbol for imprisoned writers – which represented Liu at the 2010 Nobel ceremony. She wrote: “On that day the world honoured and celebrated Liu Xiaobo’s courage as it does again today. Liu once said, ‘I hope I will be the last victim in China’s long record of treating words as crimes.’ We must continue to uphold his dream.”

ERITREA

In September 2001, 13 newspaper journalists were arrested after President Issaias Afeworki closed Eritrea’s independent newspapers, leaving only the state-run Hadas Eritrea. PEN Canada adopted the following as Honorary Members: **Yusuf Mohamed Ali** (editor-in-chief of *Tsigenay*), **Mattewos Habteab** (editor-in-chief of *Meqaleh*), **Dawit Habtemichael** (reporter for *Meqaleh*), **Medhanie Haile** (editor-in-chief of *Keste Debena*), **Emanuel Asrat** (editor of *Zemen*), **Temesken Ghebreyesus** (reporter for *Keste Debena*), **Dawit Isaac** (writer and co-owner of *Setit*), **Fesshaye Yohannes** “Joshua” (playwright, poet and publisher of *Setit*) and **Said Abdulkader** (writer, editor of *Admas* and owner of the press that printed most of the independent newspapers). In September 2009, Reporters Without Borders reported that many of the imprisoned journalists were being held in metal containers or underground cells in Adi Abeito Military Prison, in Eiraeiro Prison and in the Dahlak archipelago.

In 2007, reports indicated that four of the journalists had died in custody between 2005 and early 2007: Abdelkader, Haile, Ali and Yohannes. Their deaths were attributed to harsh conditions and lack of medical attention. Some sources indicate that that Yohannes had been tortured prior to his death, including having his fingernails ripped out. In May 2007, the African Commission on Human and People's Rights (ACPHR) of the African Union ruled that the detention of the journalists was arbitrary and unlawful and called on the Eritrean government to release and compensate the detainees.

Isaac, who spent a number of years in Sweden during the Eritrean war of independence and the border dispute between Eritrea and Ethiopia, holds Swedish citizenship.

In a TV interview in 2009 President Afeworki said he did not know what crime Isaac had committed and added that Eritrean authorities would release him or put him on trial. In an interview published on the website of the Swedish daily newspaper *Aftonbladet* on August 1, 2010, a senior adviser to President Afeworki said that Isaac was being held for his involvement in a “conspiracy” by a group of Eritreans “to facilitate” an invasion of the country by Ethiopia during the border war between the two countries. He declined to provide assurances that Isaac was still alive. **Seyoum Tsehaye**, a TV and radio journalist who wrote a weekly column for the newspaper *Setit*, has been held without charge or trial since September 2001. He is one of ten Eritrean journalists adopted by PEN Canada. In 2007 Reporters Without Borders named him their “journalist of the year.”

MEXICO

José Armando Rodríguez Carreón was a veteran crime reporter for *El Diario*, a daily newspaper based in Ciudad Juárez, Chihuahua state. He was shot at least eight times by an unidentified person on the morning of November 13, 2008, as he was about to drive his daughter to school. José had covered drug-related violence and organized crime in Ciudad Juárez and, after receiving death threats, had briefly left Mexico to live in El Paso, Texas. On his return, he refused to stop covering crime stories despite receiving further death threats. Shortly before his death, Rodríguez told the Committee to Protect Journalists (CPJ): “The risks here are high and rising, and journalists are easy targets. But I can’t live in my house like a prisoner. I refuse to live in fear.” In the weeks after his murder, several other *El Diario* received death threats, as did other media in Ciudad Juárez and Chihuahua. Two prosecutors in charge of investigating the case have reportedly been assassinated. On May 26, 2011, the Inter American Press Association sent a letter to President Calderón, signed by hundreds of newspaper readers throughout the Americas, calling on him to

intervene in order to ensure that the stalled investigation into José's murder moves forward and those responsible are brought to justice. There has been no progress on the case since then.

SAUDI ARABIA

Blogger **Raif Badawi** was arrested on June 17, 2012 in Jeddah after organizing a conference to mark a “day of liberalism.” The event was banned and his online forum – created to foster political and social debate in Saudi Arabia – was closed by a court order. On May 7, 2014, Jeddah's Criminal Court sentenced Badawi to 10 years in prison, 1,000 lashes and a fine of 1 million Saudi riyals (CAD \$291,700) on charges of “founding a liberal website,” “adopting liberal thought” and “insulting Islam.” When Badawi appeared in court to collect a written account of the verdict on May 28, 2014, he discovered the insertion of two additional penalties: a 10-year travel ban and 10-year ban from participating in visual, electronic and written media following his release. Badawi received 50 lashes in January 2015 but has not been subjected to further flogging since. Badawi was awarded PEN Canada's One Humanity prize in 2014.

Saudi Arabian-born Palestinian poet, artist and curator, **Ashraf Fayadh**, was arrested in August 2013, accused of “misguided and misleading thoughts” after the Saudi Arabian Committee for the Promotion of Virtue and Prevention of Vice received a complaint about him. According to reports, the complaint contended that Fayadh had made obscene comments about God, the Prophet Muhammad and the Saudi Arabian state. Released on bail, he was rearrested on January 1, 2014 on charges including “insulting the divine self” and having long hair. He has been held in a prison in the city of Abha ever since. According to court documents seen by PEN International, during his trial held over six hearings between February and May 2014, Fayadh stood accused of numerous blasphemy-related charges, including “insulting the divine self and the prophet Mohammed”, “spreading atheism” “refuting the Qur'an” and “insulting the King and the Kingdom,” among other charges. Evidence compiled against him included at least 10 pages from his collection of poetry *Instructions Within*, published by the Beirut-based Dar al-Farabi in 2008 and later banned from distribution in Saudi Arabia. On November 17, 2015, the General Court of Abha sentenced Fayadh to death for the crime of being an infidel (*kufir*) following a retrial. The court argued that Fayadh's repentance for the crime of apostasy was a matter of the heart and should have no bearing determining whether or not the crime had been committed. Fayadh appealed the sentence. In February 2016, a Saudi Arabian court replaced the death sentence with an eight-year prison term and 800 lashes. Fayadh has further appealed against this conviction. Fayadh was chosen for PEN Canada's One Humanity award in 2017.

Executive Director's Message

Five years ago a show trial in Russian reached its climax. In early August, in the city of Rostov-on-Don, the Ukrainian author, activist and filmmaker Oleg Sentsov was sentenced to 20 years in prison for various trumped-up national security offences. With a grim smile, he questioned the legitimacy of the court and made a short statement

“There was a man named Pontius Pilate,” he began (quoting Mikhail Bulgakov’s novel *The Master And Margarita*). “After he’d sat on the moon for many years, he thought about what he had done. Then, when he was forgiven, he walked along a moonbeam and said to Ha-Notsri [Jesus’s Hebrew name]: ‘You know, you were right. The greatest sin on Earth is cowardice.’” Recalling the forged evidence and coerced testimony which had been used to secure his conviction, Sentsov nodded. “I agree with him. Cowardice is the main, the worst sin on Earth. Betrayal is a personal form of cowardice.”

These words hung in the air as I stepped on to the Hot Docs stage on February 3, 2020. PEN had co-hosted a sold-out screening of, *The Trial: The State of Russia vs Oleg Sentsov*, as part of the Human Rights Watch film festival. A few seconds later Oleg joined me. A tall man with close-cropped dark brown hair and mischievous blue-grey eyes, he stood centre-stage, with dignified calm, pounding his heart with a fist to thank the adoring crowd as it roared its approval. Anyone who had followed his case would have savoured the moment. Eighteen months earlier, when the Postcards for Political Prisoners Project and PEN convened a small protest outside the Russian consulate in Toronto, Sentsov was 100 days into what would become a 145-day hunger strike. We had little hope he would last another week, much less rebound to a triumph like this.

Before visiting Canada, Sentsov met with British and American politicians to discuss the true nature of Russia's presence in Crimea. A day after his appearance in Toronto he met with Canadian parliamentarians to offer similar testimony. His quiet acquiescence to the endless round of appearances and interviews was a further reminder of the moral power that a single voice can wield. Never more so than when it is a voice that not even Vladimir Putin can silence. Moments like these show why advocacy matters, even when there seems to be no hope. It has been my privilege to celebrate the release of more than 20 other writers during my time at PEN. In most cases, their fearlessness after prison was even more impressive than their perseverance within.

Before COVID-19 sidelined most of our programs, we launched a multi-year, multi-country study of how artificial intelligence and algorithms affect freedom of expression online. The project is a collaboration with PEN International, the International Human Rights Project (IHRP) at the University of Toronto's Faculty of Law and the Citizen Lab. We also completed a further round of security training for Indigenous journalists in Guatemala and began initial planning for similar regional workshops. We expanded our Advisory Board to include Kristin Cochrane, Douglas Coupland, Omar El Akkad, Esi Edugyan, Adam Gopnik, Anna Porter, Michael Wernick and Ken Whyte and struck an all-Indigenous steering committee for a literary project that would engage with Indigenous communities across Canada. We also assembled a legal affairs committee that is seeking to intervene in the CCLA suit against the government of Ontario's carbon tax stickers – with pro bono representation by Singleton Urquhart Reynolds.

As this report goes to press many of us are still trying to come to terms with the coronavirus outbreak and its aftermath. Mulling over some of what I've read during the last few months I keep returning to a passage in Richard Powers' novel *The Overstory*. Late in the book, a former eco-activist reflects on his new life as a minimum wage worker at an Amazon fulfillment centre. "He gets the crate of paperbacks up on their steel shelves and takes stock. The aisle rises on girders into an endless chasm of books. Dozens of aisles in this Fulfillment Center alone. And every month, new Fulfillment Centers across several continents. His employers won't stop until everyone is fulfilled. Nick squanders a full five precious seconds of his time-motion gazing down the gorge of books. The sight fills him with a horror inseparable from hope."

Brendan de Caires
Executive Director, PEN Canada

RUSSIA:



A REINVENTED
REALITY

XX



OVER THE COURSE OF THE LAST 20 YEARS THE RUSSIAN GOVERNMENT HAS SECURED TOTAL CONTROL OF TELEVISION MEDIA AND ROUTINELY RETALIATED AGAINST ITS ONLINE CRITICS. AS A RESULT, RUSSIA HAS THE MEANS TO CREATE A SEPARATE WORLD FOR ITS LOCAL AUDIENCES, ONE THAT HAS NOTHING TO DO WITH REALITY.

In truth, throughout 2019, the Russian economy was in a state of stagnation. Household incomes were falling steadily and frustration at the country's gloomy standard of living was growing. The popular narrative that there is no opposition to Vladimir Putin and his United Russia was confounded that summer by a surprisingly large number of strong opposition candidates for the Moscow City Duma. However, all of those candidates were, unsurprisingly, not allowed to participate in the elections. Instead, they and their supporters were brutally confronted by riot police, clad in body armour and helmets. The ensuing violence was completely ignored by the major media channels.

The Moscow Duma is not the most influential regional parliament in Russia. In fact, it is often referred to as the country's "most disenfranchised" parliament. Many opposition candidates said they had been inspired to run in order to be able to request information about municipal laws and decisions and bring it back to their constituents. With the country's largest municipal budget, a lack of transparency is one major reason why there has been so much corruption in the region. As a result, opposition politicians are extremely rare in the Moscow City Duma. Nevertheless, the authorities refused to register eight opposition candidates for Moscow's municipal elections in September even though all of them had gathered the minimum 5,000 signatures needed to run. The elections commission insisted that the candidates had falsified signatures despite the fact that they had offered to produce the signatories in person in order to confirm their eligibility.

When none of the popular opposition candidates were allowed to register for the elections, there were a series of near-weekly demonstrations in Moscow. These started in mid-July and lasted till September. On July 14, about a thousand people gathered in peaceful protest. In the evening, when protesters began to set up tents near the elections commission building, the police used force to disperse them. They detained 39 protesters, three of whom had to be hospitalized. Some were charged with violating the sanctioned procedures for holding mass events.

On July 27, the police cracked down on demonstrators whose protest, at first, consisted only of walking back and forth in the city centre. They sprayed a chemical irritant on the demonstrators and videos, which can still be found online, show men and women bleeding from the blows of a police nightstick. More than 1,300 people were arrested. Ilya Yashin, one of the barred candidates, said on Facebook that 10 masked police officers had removed him from his Moscow apartment the night before the demonstration.

Throughout the protests, major television channels and state-controlled online trolls focused on a completely different story. While thousands of people including representatives of the rare independent media outlets in Russia were being severely beaten by police in the centre of the capital, Vladimir Putin was shown inspecting a submarine which had sunk during World War II in the Gulf of Finland. TASS, Russia-1, and the other outlets which control the majority of airtime talked about the president's immersion in a bathyscaphe, about submariners' widows, or priests in Valaam or a new railway station in Yakutia. They acted, essentially as though nothing was happening in Moscow. This is a proven strategy for the state media in Russia. This kind of distraction has been used many times to hide the most important events in the country. This government has all the means to keep doing so.

“THE NEW RUSSIA DOESN’T JUST DEAL IN THE PETTY DISINFORMATION, FORGERIES, LIES, LEAKS AND CYBER-SABOTAGE USUALLY ASSOCIATED WITH INFORMATION WARFARE. IT REINVENTS REALITY, CREATING MASS HALLUCINATIONS THAT THEN TRANSLATE INTO POLITICAL ACTION.”

When I discussed this story with a friend who is a journalist in Russia, he confirmed my suspicion that similar misdirections take place almost every day. But that is not what concerns me most. In 2014, just after Russia got itself into a war with Ukraine, Peter Pomerantsev wrote that “The new Russia doesn’t just deal in the petty disinformation, forgeries, lies, leaks and cyber-sabotage usually associated with information warfare. It reinvents reality, creating mass hallucinations that then translate into political action.” That is what is most horrifying.

Polina Sadovskaya
Director of PEN America’s Eurasia Programs


**HONORARY
MEMBERS**

*RELL
OLEG*

*SEPTEMBER
2019*



RELEASED SENTSOV RUSSIA



In May 2014 Ukrainian film director Oleg Sentsov was detained in Crimea on terrorism charges after participating in demonstrations that led to the ouster of former Ukrainian president Viktor Yanukovich. He was sentenced to 20 years prison in August 2015, after a farcical trial which relied heavily on coerced testimony. In May of 2018, Sentsov began a 145-day hunger strike to protest the incarceration of Ukrainian prisoners of conscience within Russia. In September 2019 he was one of 35 Ukrainians released in a prisoner swap with Russia. Sentsov is a winner of the 2017 PEN/Barbey Freedom to Write Award. In February 2020 Sentsov attended a special screening of a documentary about his trial which was hosted by PEN Canada and Hot Docs at the annual Human Rights Watch Film Festival.

BRAZIL:

We Scoured the Streets of Rio de Janeiro After Gun Fights. Here's the Story the Bullet Shells Tell.

Last year, over the course of 100 days, The Intercept Brasil combed 27 neighborhoods in Rio de Janeiro in the immediate aftermath of gun battles. The bounty: 137 spent ammunition casings or shells.

SHELL SHOCKE

The following extracts, reproduced with the kind permission of The Intercept Brasil, appeared in a December 2019 article which traced the origins of bullets gathered from gunfights in Rio de Janeiro over a three-month period. Since its launch in August 2016, The Intercept Brasil has become a leading independent news outlet in Brazil, widely respected for its unflinching public interest reportage.

High-powered shootouts are not unusual in Brazil. Despite tighter gun regulations than the U.S., in the poorer neighborhoods of many Brazilian cities, armed gangs and police trade fire with high-caliber assault rifles, machine guns, pistols and sometimes even grenades and rocket launchers. Rio averages 24 shootouts per day. Large, hours-long gun battles often don't even make the headlines. Yet the shootouts leave a mark: piles of dead bodies.

Where, though, are all of these bullets coming from? The ammunition comes from just about everywhere.

Among the bullet casings we found were warm shells from the same batch of ammo — originally sold to the Federal Police — as the bullets used to assassinate Rio city council member Marielle Franco last year. And that wasn't all: In back alleyways, there was ammo that had been manufactured in places as far-flung as China, the U.S., Russia and Bosnia. Most of the shells had no way of being imported legally under Brazilian law, which long maintained an effective monopoly for domestic producers with strong ties to the military. Alongside state-of-the-art munitions produced in modern factories around the globe, we found shells that had been manufactured four decades ago in Belgium that bore a NATO stamp.

Our analyses of the bullet shells were conducted in exclusive partnership with the Brazilian NGO Instituto Sou da Paz and the Swiss research group Small Arms Survey, who identified the domestic and imported capsules, respectively.

The story told by this sample is clear-cut: In Rio's armed conflicts, the costs are borne locally by society's poorest residents, but the responsibility — and the profits — are spread across the globe.

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BRAZILIAN BULLETS

Last August, in a group of favelas in Rio's north zone, known as the Complexo do Alemão, we collected 10 bullet casings. One of them, a 7.62 caliber shell used in assault rifles, is part of batch UZZ-18: 1.859 million bullets manufactured by Brazil's largest weapons manufacturer, Companhia Brasileira de Cartuchos, or CBC. Thirteen 9 mm bullet casings were found at the crime scene of the assassinations of city council member Marielle Franco and her driver Anderson Pedro Gomes in March 2018; they also came from batch UZZ-18, as did the ammo in the 2015 Osasco massacre that killed 19 people in São Paulo. That same year, UZZ-18 bullets were used to kill two drug dealers in Rio.

None of the shootings officially featured the participation of the Federal Police — which had bought this batch of ammunition in 2006. Brazil's Federal Police is roughly comparable to the Federal Bureau of Investigations in the U.S. Like the FBI, the Federal Police very rarely participate in shootouts. Instead, police-involved street battles usually engage state-level forces called the Military Police, who do the bulk of street-level law enforcement. However, in 2018, in an extraordinary measure, the Brazilian Army assumed command of Rio's state security apparatus for nearly 11 months. Soldiers conducted operations in some neighborhoods, sometimes side-by-side with Rio's state-level police.

As with the casings collected from Complexo do Alemão, the Franco assassination and the Osasco massacre, most of the bullet casings we collected — 94 out of 137 shells — were from shootouts in which neither the police nor the military were involved. Only 43 were found in areas where a police presence was reported on the day of the confrontation. The police did not respond to The Intercept's inquiries and the military only acknowledged one official operation in the neighborhoods we surveyed during the hundred days we collected shells.

Almost all the ammo we collected was sold with restrictions designating it to police and military use — including some that even the police are only supposed to use under limited circumstances.

Two-thirds of the shells collected were manufactured in Brazil — all by CBC, a privately held company and the main shareholder in Taurus Firearms, one of the biggest gunmakers in the U.S. market. CBC and Taurus are dominant forces in the gun and ammo industries in Brazil. Of the 94 Brazilian-made bullet casings in the sample, it was possible to

identify the original batch number of 52 of them. Of those, however, we were only able to identify the original purchaser in four cases, because those batches were involved in an investigation by the Public Prosecutor's Office of the Brazilian state of Paraíba. (In response to public records requests, multiple government agencies said information related to the ammunition batches was sensitive or classified.)

One bullet whose origins we were able to identify was fired on July 3, 2018, during a gunfight between the police and drug traffickers from a gang called the Red Command. The shootout took place in the Manguinhos favela in northern Rio. The bullet came from a batch numbered BNS23, purchased by the Brazilian Navy in 2007 – though the Navy did not participate in the shootout.

So how did the bullet end up in this favela? Nobody seems to know – or, at least, is willing to tell. We couldn't figure out how the bullet found its way into the gunfight – and apparently neither could the Navy. “There is no information in the Brazilian Navy's database about the theft or misplacement of any type of ammunition with the tracking code BNS23,” the Navy told us. BNS23 was the largest batch of ammunition ever produced by CBC – more than 19 million units. The extraordinary size of batches like BNS23 represents one of the top difficulties for tracking bullets in Brazil. Ordinarily, the military purchases small arms ammunition in batches of 10,000 units, which itself is too large to allow for tracking. A recent official recommendation by the Public Prosecutor's Office suggested lowering the maximum size of ammo batches, but without specifying a number. The 19 million units of ammunition shipped in batch BNS23 exceeds the limits established by law.

In the past six years, more than 960,000 rounds of ammo have been seized by authorities in Rio de Janeiro. In 2018 alone, that number was 212,000. Given the poor state of oversight of legal, domestic ammunition, one can only imagine the situation with imported and contraband bullets.

Meanwhile, 1,338 people were murdered in Rio de Janeiro in 2018.

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Andrew Nevins: Translation

WRITERS IN EXILE COMMITTEE



Last fall's federal election provided a wonderful platform that directly affects the work of our Writers in Exile committee. Marco Mendicino was appointed as the new minister of Immigration, Refugees and Citizenship. With that comes his mandate, direct from the Prime Minister to:

“Introduce a dedicated refugee stream to provide safe haven for human rights advocates, journalists and humanitarian workers at risk, with a target of helping resettle as many as 250 people a year.”

This speaks directly to the work of the WiE committee. It opens the door to allow us to join with other groups to sponsor writers and journalists who are in prison or peril and bring them and their families to Canada. Our committee includes members with a wealth of experience in this area as well as many with lived experience. We are aiming to make this a top priority in the coming year. As we work on this goal, our committee continues with our monthly supper club meetings. These pot-luck gatherings draw between 20 and 30 members, new and old. Members share concerns, celebrate victories and highlight international developments that affect writers and artists in peril. These suppers are also where we plan events such as community outreach and raising the profile of the committee, PEN Canada and its members.

Community outreach has been an underlying theme this past year, with us being involved in many public events. More are planned for the coming months, dependent, of course, on the COVID-19 situation. Several of our members have organized public readings of their works, held at local libraries and community centres. Others took part in the Happening Multicultural Festival, in May 2019, and will again this spring, this time as part of a live-streamed panel discussion entitled “The Price of Freedom.”

Plans are underway to hold an evening event at Massey College this fall entitled “The High Cost of a Free Press.” This will involve a panel presentation and discussion with three of our journalists in exile.

We have also embarked on movie nights where, thanks to the beneficence of one of our members, we are able to screen internationally acclaimed feature films and documentaries. These are to be screened at a local high school with students during the day as well as in the evening for our members.

The generosity of a benefactor has allowed one of our award-winning writers to have one of his publications translated from Arabic into English. We hope to have another translation project underway in the coming year.

As well, committee members have attended events sponsored by the Canada Council for the Arts and the Toronto Arts Council in recent months. The aim here is to discover opportunities for our writers and artists to avail themselves of the numerous grant programs that are available in the community and to link them up with mentors.

We are so fortunate to have a strong and active committee, composed of talented writers and artists from around the globe as well as dedicated supporters with strong ties to Canada’s literary community. Our members look forward to networking with many of PEN Canada’s established writers at future PEN events. We also hope to participate on PEN’s many committees and sub-committees. We believe with our combined strength we can achieve even more in the year ahead for our members and for PEN Canada.

LEGAL AFFAIRS COMMITTEE

The Legal Affairs Committee (LAC) was created in 2019, at the urging of the PEN Canada board to provide timely legal insight on freedom of expression issues and advice on public advocacy. The committee is chaired by Michael Bookman, PEN Canada's secretary and board member, and comprises Dr. Brian Bird, a Canadian-Jamaican lawyer and legal scholar who is currently a Visiting Fellow at the James Madison Program at Princeton University and Kate Robertson, a criminal defence lawyer and a Fellow at The Citizen Lab at the University of Toronto where she consults on law and policy issues relating to privacy, law, enforcement and surveillance.

The LAC took on two broad mandates this year: supporting PEN Canada’s media advocacy and supporting its advocacy within the court system. In mid-February the committee drafted a statement on the importance of media access to the Wet’suwet’en protests after concluding that the police blockade “was a clear infringement of the Charter of Rights and Freedoms.” A statement drafted by the LAC insisted that, “Journalists and news media scrutinize whether governments are acting lawfully and sound the alarm when they fail on this score. In the effort to hold state actors in Canada accountable to their legal obligations, the press plays a unique and invaluable role.” PEN’s statement was picked up by 475 media outlets across Canada.

With the LAC’s support, the board approved PEN Canada’s effort to intervene in the Canadian Civil Liberties Association’s (CCLA) action against the Ontario provincial government’s new gas pump sticker scheme. The Ontario government has mandated that stickers be posted to gas pumps operated by private companies which would display partisan messages regarding the federal carbon tax initiative. PEN Canada seeks to intervene in support of the CCLA’s legal action.

PEN Canada has retained pro bono external counsel – Peter Wardle and Evan Rankin of Singleton Urquhart Reynolds Vogel LLP – to seek leave of the Ontario Superior Court of Justice to intervene in the CCLA action against the Ontario provincial government challenging the constitutionality of the sticker scheme as a violation of freedom of expression.

Due to the COVID-19 pandemic, the motion by which PEN Canada seeks standing to intervene has been adjourned. The LAC will continue to assist through the next year to provide further support on this and other initiatives.

MEXICO:

DO ALL
THE
STORIES
GET
OUT?

SINCE THE MURDER, AT WHICH I WAS ACTUALLY PRESENT, FOR WHICH MY FAMILY AND I LATER SEARCHED ALL THE MEDIA IN VAIN, I HAVE UNDERSTOOD THAT THE PUBLIC DOES NOT GET ALL THE NEWS.

IT WAS A DRUG-RELATED KILLING. WE DID EVENTUALLY FIND ONE SENTENCE ABOUT IT ON THE WEBSITE SAN MIGUEL SIN CENSURA, BUT NOTHING ELSE EVER CAME TO LIGHT ABOUT THE INCIDENT.

One day my journalist friend, Eduardo, told me that there was a woman journalist under threat in his state, Michoacán, which abuts mine. My computer had been informing me about several high-profile cases, but this case was right in my backyard and I knew nothing about it. I followed it up and became part of a story of injustice and governmental irresponsibility.

Alejandra has covered crime in six counties in the state of Michoacán for a local newspaper and radio station for the past 20 years. At first she paid no attention to threatening calls coming into the radio station. That had happened before. But then narcomantas (large crude threatening signs, often on canvas) started to appear on her car as well. Worse, they appeared in the same handwriting in different towns. Undeniably somebody was following her.

She went to the state human rights commission, filed a complaint and asked for accompaniment as she drove from county to county. They gave her a telephone number to call “if she was in trouble.” She went to the federal human rights commission asking for the same, with the same result.

Many complaints and phone calls later, she got a promise of a protective detail from both the federal and the state commissions. If she borrowed a car that wasn’t recognizable as hers and prepared her children, they would help her to get out of the state on a particular day.

However, on the day no amount of calling would help. Many official groups at both the state and federal level answered, “The person in charge has not come in yet. Can’t you do this Thursday?” and so on. Terrified, Alejandra called me. We helped to get her children out of town and with time the narcomantas stopped appearing.

During this time there were two items on the Internet about what was happening to her. One would have to know about them to go after them. Even now there aren’t more than six. Why not?

One factor is that Alejandra and her children are still alive. There is a competent non-political agency of our government that counts corpses; threats are not nearly as well monitored. San Miguel PEN had gotten sick of hearing about threats only after a body is found. It wants to work for freedom of expression for the living. Stories like Alejandra’s are not easy to find though.

Lucina Kathmann is the Treasurer of the San Miguel de Allende, Mexico centre of PEN International.

*LITERARY
EVENTS
AND
PRIZES
2019
2020*

LITERARY

No Friend But the Mountains – Behrouz Boochani

June 13, 2019 PEN co-sponsored the Canadian launch of *No Friend But the Mountains*, a memoir and prison narrative by Kurdish-Iranian journalist, Behrouz Boochani. The book recounts Boochani's six years in a refugee detention camp on Manus Island. It was composed via WhatsApp messages that were collected by Omid Tofghian, who translated the texts from Farsi into English. PEN Writers in Exile, Ayub Nuri and Paola Gomez, spoke with Lawrence Hill at the launch and Boochani was interviewed via Skype. On October 9, Ryerson University Library hosted a conversation with Boochani and Omid Tofghian where graduate students asked them, via video, about the process of writing and translating the book. The event was open to the public.

Vancouver Word On The Street

September 29, 2019 "The Empty Chair" panel featured Deborah Campbell, author of *A Disappearance in Damascus*; Carol Shaben, author of *Into the Abyss: How a Deadly Plane Crash Changed the Lives of a Pilot, a Politician, a Criminal and a Cop*; and John Vaillant author of *The Jaguar's Children*. The event was held on the non-fiction stage at Vancouver's Word On The Street festival and hosted by board member Scott McIntyre, former publisher and founding partner of Douglas & McIntyre.

Bemusing Ourselves to Death

March 24, 2020 New Yorker staff writer Andrew Marantz and CBC's Nora Young were set to discuss the derangement of the digital public sphere and what might be done to save social media platforms from themselves. Andrew Marantz is a staff writer for *The New Yorker* and Nora Young is a technology and culture journalist and creator/host of CBC's radio's *Spark*. The event was cancelled due to COVID-19 restrictions.

PRIZES

RBC/PEN Canada New Voices

The RBC/PEN Canada New Voices Award is open to unpublished Canadian writers aged 17-30. The winner receives a \$3,000 cash prize and mentorship from a distinguished Canadian writer. The 2019 award was judged by the novelists Omar El Akkad, Esi Edugyan and Lisa Moore. Noor Naga, the winner, was mentored by poet and author Anne Michaels. Naga's verse novel *Washes, Prays* was published in March 2020 and described by Quill & Quire as a "genre-defying hybrid that offers a deeply necessary portrait of a Muslim woman...making room for female desire, friendship, and the consolations of faith."

Ken Filkow Prize

Named in memory of Kenneth A. Filkow, Q.C., a distinguished Winnipeg lawyer, former chair of the Manitoba Human Rights Commission, and an active member of PEN Canada's Canadian Issues Committee, the prize celebrates champions of freedom of expression. The award is funded by Cynthia Wine and Philip Slayton. In 2020 the prize had not yet been adjudicated when this report went to press.

Freedom to Read Week

Raihan Abir, a Bangladeshi blogger who is a member of PEN's Writers in Exile network was interviewed at the London Public Library as part of 90-minute event for Freedom to Read Week 2020. The evening included readings by members of the local community, among them the novelist Emma Donoghue, and video footage that highlighted current threats to freedom of expression in Colombia, Iran the Philippines and elsewhere. Abir discussed the publication of book that he co-authored on atheism which led to the murder of four of his colleagues.

Indigenous Literature Project

PEN's Indigenous Literature Project, led by an all-Indigenous steering committee, is seeking to expand engagement with Indigenous readers and writers across Canada. The project hopes to offer mentorship for emerging Indigenous writers, host book-themed events in more accessible venues and to help coordinate book drives for Indigenous communities.

Writers in Peril Programming

Members of PEN's Writers in Exile network were interviewed by graduate students at Ryerson University. The interviews were later turned into profiles published on PEN's website.

- Bushra al Fadil – “Bushra el-Fadil's Theory of Everything”
- Alperen Yesil – “The Beginning of the End of His Life in Turkey”
- Onder Deligoz – “Fiction, Feelings and Freedom”
- Raihan Abir – “The Rhetoric of Resistance”

PEN Canada also maintained a writer-in-residence post at George Brown College and a scholarship for a writer in exile at the Humber School for Writers. Our centre also continues to host monthly meetings for its writers in exile group, to facilitate network building, and the sharing of the group's narratives of exile.

Last year PEN Canada established Canada's first City-of-Refuge in Surrey, British Columbia in partnership with Simon Fraser and Kwantlen universities, the City of Surrey and the International City of Refuge Network (ICORN). Our emergency fund provided assistance to a number of endangered journalists and their families. In partnership with the Horne Family Foundation and our sister centre, PEN America, we have also continued to contribute to centre development for PEN Myanmar. During the last year the project completed administrative training and delivered a prestigious press freedom award.

THE SHOE PROJECT

Since 2019 PEN Canada has partnered with The Shoe Project, an initiative led by Katherine Govier, a former president of our centre.

The Shoe Project works in groups of twelve with selected women applicants who came to Canada as adults and speak English as a second, third or fourth language. Senior Canadian writers and theatrical professionals help workshop participants craft personal narratives about immigration, seen through the perspective of a pair of shoes. Shoes function as a symbol of the journey the women have made.

The Shoe Project achieved charitable status in May 2019. This increased our financial bandwidth and created new fundraising opportunities. At the end of 2019, TSP Founder and Artistic Director Katherine Govier was nominated a Member of the Order of Canada “for contributing to Canada’s literary scene as an acclaimed author, and for supporting refugee and immigrant women.”

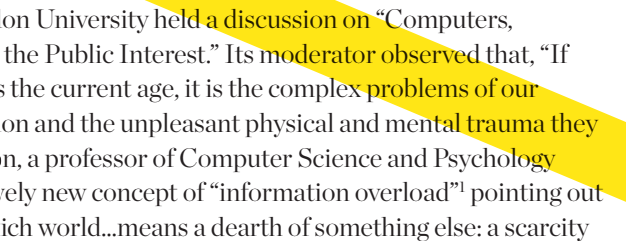
Sponsored by Heritage Canada, TSP successfully carried out a four-city tour in Toronto, Calgary, Vancouver and Halifax. From fall 2019 to March 2020, in each of these cities, we facilitated a complete workshop cycle that ended with two public performances showcasing shoe stories on stage and raising the voices of immigrant and refugee women. Apart from the performances, we had panel discussions for audience members to further interact with our performers. The Lieutenant Governor of Alberta and Lieutenant Governor of Ontario attended our performances in Calgary and Toronto, respectively.

Our performances are the outcome of our partnership with local communities. In Vancouver, we worked with the Arts Club Theatre Company. In Calgary, we were part of The High Performance Rodeo. All performances were sold out and won standing ovations.

With sponsorship from Heritage Canada, TSP redesigned its website and carried out an Outcomes Study to evaluate the impact of its workshops. Throughout the year, TSP continued to promote its work within local communities. We staged a mini performance at Heliconian Club, attended The Open Streets Toronto and were invited to join the Newcomers’ Fair at Richmond Hill Public Library in York Region.

PAYING ATTENTION TO ALGORITHMS

The algorithms used by the big Internet companies exert increasing power over our lives. They direct what we see on social media and influence us in all kinds of ways from the products we choose to buy to whom we vote for in political elections. How are we impacted by this development? And by extension, how do these algorithms come to affect our democratic system and our freedom of expression? Brendan de Caires, Executive Director of PEN Canada, writes about how these hidden powers may come to damage society and lead to a spread of fake news, filter bubbles and hate speech.



In 1971 Carnegie-Mellon University held a discussion on “Computers, Communications, and the Public Interest.” Its moderator observed that, “If anything characterizes the current age, it is the complex problems of our technological civilization and the unpleasant physical and mental trauma they induce.” Herbert Simon, a professor of Computer Science and Psychology spoke about the relatively new concept of “information overload”¹ pointing out that “an information-rich world...means a dearth of something else: a scarcity of whatever it is that information consumes.” Information, he continued, “consumes the attention of its recipients. Hence a wealth of information creates a poverty of attention and a need to allocate that attention efficiently...”²

Simon anticipated the disruptions of social media with considerable prescience. He warned that future technologies would have to decide how to manage the “overrich environment of information”, more specifically what they would “allow to be withheld from the attention of other parts of the system.” He wondered how future citizens “at the apex of decision systems [will] receive an appropriately filtered range of considerations bearing on the decisions they have to make?”

A decade later personal computers were commonplace; soon afterwards they became nodes on networks that kept getting faster and larger. By the turn of the century desktops, laptops and even smartphones were flooding data into the vast collection of activities that we call the Internet. The immensity of that flow is hard to imagine. In 2016 former Wired editor Kevin Kelly wrote that “Twenty years after its birth, the immense scope of the web is hard to fathom. The total number of web pages, including those that are dynamically created upon request, exceeds 60 trillion. That’s almost 10,000 pages per person alive. And this entire cornucopia has been created in less than 8,000 days.”

By mid-2019, 30,000 hours of footage were uploaded to YouTube every hour.³ As this sentence is typed, Internetlivestats estimates that we create and transmit 9,000 tweets, 950 Instagram and 1608 Tumblr posts, 3 million emails and 78,000 Google queries every second. Our collective online traffic is close to 80 terabytes of data per second.

The quiet ministrations of machine intelligence keep this superabundance at bay. Imperceptibly, artificial intelligence (AI) turns oceans of data into manageable streams. It fashions bespoke Google searches, customizes Facebook and Twitter feeds, and nudges us – on Amazon, Netflix, Instagram and YouTube – towards content that conforms, often eerily, with our present moods and opinions. That eeriness is no accident, for the same processes that lessen the friction in our “user experience” also monitor us, recording every habit and preference, collating individual “psychometric profiles” which then dictate where we are led. Algorithm-driven “user-engagement” is key to any digital platform’s profits.

Harvard professor Shoshana Zuboff calls this “surveillance capitalism.” Her definitive tome on the subject warns that when “Google discovered that we are less valuable than others’ bets on our future behavior [it] changed everything.”⁴ Google’s founders devised “a corporate form that gave them absolute control in the market sphere, [and then] pursued freedom in the public sphere.” To do this, they insisted that “unprecedented social territories that were not yet subject to law” and argued “that any attempts to intervene or constrain [their actions were] ill-conceived and stupid, that regulation is always a negative force that impedes innovation and progress, and that lawlessness is the necessary context for “technological innovation.”

What happens to the public interest if such assertions and practices go unchallenged? As newspapers struggle through their transition to digital – in the US alone more than 2,000 have closed since 2004⁵ – the digital networks taking their place are mostly curated by machine intelligence rather than by writers or editors. The resulting landscape in the words of David Kaye, UN Special Rapporteur for the Promotion and Protection of the Right to Freedom of Opinion and Expression is one that subjects us to “opaque forces with priorities that may be at odds with an enabling environment for media diversity and independent voices.”⁶

These hidden forces harm the public interest in predictable ways. The feedback loops which fuel ‘virality’ – i.e. maximize ‘user engagement’ and ‘time on device’ – are proven shortcuts to the poliferation of fake news, filter bubbles, hate speech and the constant fear and outrage which digital platforms so often produce. The shift to machine curation has meant that rather than measure information in terms of its value to the public interest, or as informed opinion – ideals set out by the philosopher Jürgen Habermas in *The Structural Transformation of the Public Sphere*⁷ – digital platforms treat their data agnostically. In other words, they seek an increased flow of attention without worrying to review the material which produces that attention. As a

FACEBOOK AND GOOGLE, A DUOPOLY THAT MANAGES NEWSFEEDS FOR MORE THAN 2 BILLION PEOPLE, HAVE CORPORATE STRUCTURES THAT ALLOW THEIR FOUNDERS NEAR TOTAL CONTROL OF COMPANY POLICY.

result, the processes that make social media flow so well also marginalize and silence millions of voices, thousands of times a second, not through malice – by definition AI censorship is a non-human and emergent property of the network – but because the algorithms are optimized to focus our attention, more lucratively, elsewhere.

Who has the power to change this? Facebook and Google, a duopoly that manages newsfeeds for more than 2 billion people, have corporate structures that allow their founders near total control of company policy. But neither has incentives to lessen their stranglehold on the attention economy, nor to tamper with surveillance-driven profits in the name of an old-fashioned ideal like the public interest. Opacity is their ally. The less we know about the digital black boxes which produce the surveillance capitalists' vast revenues, the better for them. It's hard to worry about what you can't see.

A skeptic might ask: Is this new? Haven't publishers always tried to steer us towards more sensational and profitable content? That raises a trillion dollar question. Are digital platforms publishers? The current legal and policy framework in the US says no. It exempts digital platforms from legal liability for much of their content and the big tech companies have worked hard to ensure that this remains so.⁸ Section 230 of the 1996 US Communication Decency Act – large parts of which were ruled unconstitutional by the US Supreme Court – is the main reason why so much of the Internet ended up in what amounts to a First Amendment space.

Often referred to as “the twenty-six words that created the Internet” CDA 230 shields Internet platforms from liability for user-generated content, allowing them to host material that might otherwise entangle them in lawsuits. The Electronic Freedom Foundation says it “makes the U.S. a safe haven for websites that want to provide a platform for controversial or political speech

and a legal environment favorable to free expression.” All true, but it also gives digital platforms an all-purpose shield for their laissez-faire attitude towards recommended content. Since they are now the primary conduit for online news, the line between publishing content and delivering an audience for it may have become a distinction without a difference.


A different skeptic might ask, how much of our online behaviour do algorithms really control? This can be answered more precisely.⁹ Guillaume Chaslot, a former Google employee who used to work on YouTube’s recommendation algorithm, estimates that 70 percent of YouTube’s views are generated by its recommendations. In a recent Wired article he notes that this amounts to “700,000,000 hours each day.” Facebook’s news feed pushes “around 950,000,000 hours of watch time per day.”¹⁰ Elsewhere, Chaslot notes that his concerns about Google’s algorithm began when he saw that it “was helping videos promoting political conspiracy theories—like those from right-wing radio host Alex Jones—to get millions of views.” After leaving the company he created a nonprofit that tracks the nudges of YouTube’s algorithm in real time, he is also creating a browser extension that can warn its users: “This algorithm is made to make you binge-watch, not to recommend things that are true.”¹¹

Groups like PEN have spent much of their history defending controversial speech and counter-speech, or protecting and amplifying the voices of dissidents and minorities. Essential work in an information economy but much less relevant to the censorship that takes place, invisibly, in the attention economy. Today, misinformation, hate speech and other deformations of the public sphere are carried out by proprietary code which is hardly even noticed by the public, much less reviewed or subjected to democratic oversight.

A decade ago social media platforms were widely seen as technology that would enable and strengthen democracy. The intervening years have complicated that belief. Now we know that they can also provoke xenophobia,¹² racism, ethnic cleansing, broadcast conspiracy theories, skew elections and exacerbate a wide range of social and political tensions. Hasn’t the time come for us to insist that companies which influence our online behaviour so profitably also take a greater measure of responsibility for business practices which cause so much harm?

70%

70 PERCENT OF YOUTUBE'S VIEWS ARE GENERATED BY ITS RECOMMENDATIONS.



1. A phrase coined by the political scientist Bertram Gross in his 1964 book "The Managing of Organizations" and popularized by the futurist Alvin Toffler in "Future Shock" (1970).
2. Emphases added. A transcript of the conversation is available [here](#).
3. <https://www.statista.com/statistics/259477/hours-of-video-uploaded-to-youtube-every-minute/>.
4. Shoshana Zuboff "The Age of Surveillance Capitalism: the Fight for A Human future at the New Frontier of Power" (London: Profile Books 2018) p. 93.
5. See the 2018 report "The Loss of Local News" 2018 Center for Innovation and Sustainability in Local Media, University of North Carolina at Chapel Hill https://www.cislm.org/wp-content/uploads/2018/10/The-Expanding-News-Desert-10_14-Web.pdf which estimates 1,800 closures and the update [here](#) which raises that figure to 2,000.
6. <https://freedex.org/wp-content/blogs.dir/2015/files/2018/10/AI-and-FOE-GA.pdf>.
7. The Structural Transformation of the Public Sphere: An Inquiry into a category of Bourgeois Society. Trans. Thomas Burger with Frederick Lawrence. Cambridge, MA: MIT Press, 1991.
8. See the Electronic Freedom Foundation's article on Section 230 of the 1996 US Communication Decency Act. This says that "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider".
9. In 2013, McKinsey estimated that a quarter of Amazon's profits and 75 percent of users' Netflix choices were driven by algorithms.
10. The Toxic Potential of YouTube's Feedback Loop – Wired magazine, 13 July 2019.
11. WIRED25: Stories of People Who Are Racing to Save Us Humanity is facing thorny problems on all fronts. These folks are working to solve them – and trying to avoid the unintended consequences this time.
12. Fanning the Flames of Hate: Social Media and Hate Müller, Karsten and Schwarz, Carlo, (November 3, 2019).

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