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ARTICLE 19

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STATEMENT

Swaziland: Counter-Terrorism Not A Pretext for Repression

ARTICLE 19 is seriously concerned about the constricting environment the government of Swaziland is imposing on Freedom of Expression. Under a controversial Suppression of Terrorism Act that has been passed by the Parliament in May 2008, Swazi journalists, political activists and human rights defenders have apparently become persona non-grata, battered and/or arrested.

The Swaziland Act is the latest in a series of anti-terrorism laws that have been enacted since the September 2001 attacks on the World Trade Center. Freedom of expression has been especially challenged by the adoption of these new laws which prohibit speech that is considered “extremist” or supporting of terrorism. Under the guise of the fight against terrorism, these new laws are used to suppress political and controversial speech.

As recently as September at the 40-40 celebration, the Monarch’s 40th birthday and Swaziland’s 40 years of independence, King Mswati III promised his people better governance for economic renewal. ARTICLE 19 asserts that the restriction of free expression and pro-democracy activities of human rights defenders will hinder genuine economic progress.

“Frankly, terrorism is a specious argument for repression of free expression in Swaziland. At issue in the recent crackdown are legitimate political grievances which, instead of being addressed through the democratic process, are demonized.” said Dr. Agnes Callamard, Executive Director of ARTICLE19. In recent weeks, political activities have been outlawed, marches and demonstrations have been banned, and television camera crews, journalists and political activists have been arrested on suspicion of making remarks in support of terrorism.

ARTICLE 19 strongly urges the government of Swaziland to reverse this course of action. Its resources would be much better used in strengthening democracy and the rule of law, and addressing Swaziland’s significant social challenges, including poverty and HIV/AIDS. *“The serious imperative to fight terrorism and the use of violence against citizens must not be used as an excuse to repress dissent and undermine freedom of expression. On the contrary: the protection of human rights and freedom of expression are central to political and social change, democracy and development in Swaziland and anywhere else in the world”* said Dr. Callamard.

Background: the use of anti-terrorism legislation to curtail free speech

ARTICLE 19 has noted with increasing concern the multiplication all over the world of restrictions on freedom of expression, or attempted restrictions, justified on the grounds of national security. These restrictions have included: the development of anti-terrorist laws, which are too often vague and overly broad, leaving them open to interpretation and potential abuses; the use of Official Secrets Acts to deny access to publicly held information, including information of vital public interest, such as whether or not *Al Jazeera* was considered as a potential military target during the recent Iraq war; etc. All of these situations have one thing in common: the desire to bury or silence controversial voices that authorities deem to pose a *potential* threat to security.

A recent report published by the Council of Europe has clearly shown that the use of anti-terrorism to curtail freedom of expression is also a European problem. Nations around the globe have adopted new anti-terrorism legislation or revised old laws in response to the attack on 11 September 2001. Most of these laws or revisions have expanded the powers of governments to fight terrorism and other crime. Controls on these powers are often insufficient.

For instance, new laws designed to protect national security from terrorism and other threats limit journalists' ability to access information. There have also been increased procedural powers to obtain information through surveillance, searches, demands for disclosure and other means. At the same time, the laws are used to prosecute journalists for obtaining information from sources and justify surveillance to identify the sources so that journalists can be prosecuted under secrets acts for violating their duties to keep information secret. Too often, these are used for political rather than public safety reasons.

In 1995, international experts around the world adopted the **Johannesburg Principles** which set out standards on the extent to which governments may legitimately withhold information from the public and prohibit expression for reasons of national security. Amongst other things, they provide that a restriction is not legitimate unless its purpose and effect is to "protect a country's existence or its territorial integrity against the use or threat of force, or its capacity to respond to the use or threat of force" from either an internal or an external threat. The Johannesburg Principles also identify a number of illegitimate grounds for claiming a national security interest, such as protecting the government from embarrassment or entrenching a particular ideology. These are clearly not national security interests but, at the same time, countries around the world continue to use and abuse these reasons. ARTICLE 19 calls upon governments around the world to implement the Johannesburg principles.

FURTHER INFORMATION:

- For more information: please contact Cece Fadope, ARTICLE19: Africa Programme: cece@article19.org +44 20 7278 9292.
- For a copy of the Johannesburg Principles, please click here: <http://www.article19.org/pdfs/standards/joburgprinciples.pdf>
- For a copy of the Council of Europe's report "Speaking of Terror", please click here: http://www.coe.int/t/dghl/standardsetting/media/Doc/SpeakingOfTerror_en.pdf
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name

from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.