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<http://www.rsf.org/south-africa-will-secrecy-law-approved-by-22-11-2011,41436.html>

Africa - South Africa

State secrets

Will secrecy law approved by parliament end investigative journalism?

22 November 2011

Reporters Without Borders is deeply disappointed and very worried by the South African parliament's approval of the Protection of State Information Bill and urges President Jacob Zuma not to sign it into law. This controversial bill would restrict publication of sensitive documents by the media and expose journalists who divulge them to the possibility of imprisonment.

"We are shocked that the South Africa parliament has adopted a law that threatens media freedom and, furthermore, has done so in defiance of widespread opposition," Reporters Without Borders said. "While it is understandable that sensitive documents may be classified, the process should be clearly defined and limited, and should not threaten freedom of information and journalists' freedom."

"This law endangers investigative journalism and threatens media freedom, something that is guaranteed by the constitution. If this law is promulgated, it will deal a very severe blow to journalists in a country that is known for having some of Africa's most vibrant media. South Africa's status as a regional model is at stake."

Under discussion since 2008, the law would allow officials to classify documents as state secrets and would allow journalists who reveal them to be sentenced to up to 25 years in prison. Originally, any government agency would have been able to classify any document but under the final version only agencies directly involved in security matters would be able to classify documents.

The final version does not however allow whistleblowers or journalists to use the public interest as grounds for revealing classified information.

It is still not clear how the law will be implemented in practice but there seems little doubt that it will restrict journalists' ability to carry out detailed investigations into such sensitive subjects as high-level political corruption, financial scandals, misgovernment and nepotism.

Its adoption comes after months of friction between the media and the ruling African National Congress, including a complaint against the Mail & Guardian newspaper last week by President Zuma's spokesperson, Mac Maharaj.

Protests against the proposed law were organized today in Pretoria, Johannesburg, Soweto and Cape Town. The leading South African newspapers published a joint editorial criticizing it, while opposition parties, human rights organizations and free speech groups urged South Africans to wear black for what they called "Black Tuesday."

When a major demonstration against the bill was held last September in Cape Town, the ANC responded by shelving temporarily.

The many prominent South Africans who have criticized the law include Nobel literature laureate Nadine Gordimer and Nobel peace laureate Desmond Tutu. They also include politicians such as former ANC intelligence minister Ronnie Kasrils and Western Cape premier Helen Zille, of the opposition Democratic Alliance.

The law has also been criticized by organizations such as the South African National Editors' Forum and the Nelson Mandela Foundation, which today said it was unacceptable in its current form. Mandela pledged in 1997 that media freedom would never be threatened in South Africa "as long as the ANC is the ruling party."
