

# XIX

## ARTICLE 19

Around Africa  
July 2008

### Familiar Landmark in a New Location

July was eventful around Africa -- a mixed bag of progress and work in progress. **ARTICLE 19's regional office based in Nairobi, Kenya** that was established a year ago is now fully functional. The new office located on the 3<sup>rd</sup> Floor, ACS Plaza Building, Lenana Road, in Nairobi broadens partners' access to ARTICLE 19's familiar expertise and resources for enhancing the freedom of expression policy environment in Africa. ARTICLE 19's London based staff -- Africa Programme Officer Roxanne Abdulali accompanied the Senior Director for Programmes, Paul English to Nairobi in July when the office was declared open for business. While in Nairobi, English with the Africa Programme Officers, John Gachie and Abdulali met with our Board member(s), partners and Kenyan stakeholders and donors to express appreciation for their cooperation. English also sought to strengthen project coordination with partners, and to deepen dialogue aimed at broadening freedom of expression and public access to information in Kenya and beyond.

### In the News

ARTICLE19 welcomes news of **Cameroon** government's lifting of a ban on three private broadcasters. The stations were shut down for 'non-payment of license fees,' but activists believe it was punishment for political coverage. While the stations' can return to air with immediate effect, some of their equipment was still being withheld. The stations also continue to be burdened with the hefty fees that hinder their operations. The three Equinoxe stations were allowed to resume broadcasting based on their partial payments of a 100 million CFA francs (US\$227,000) broadcast licensing fees, according to an Information Ministry decree. The **Gambian government of President Yahya Jammeh** continues to defy the ruling of ECOWAS court in June 2008 to release journalist Ebirima Manneh. He has been in detention since July 2006. ARTICLE 19 urges the **Gambian Government to respect the rule of law and comply with the Court's edict to release Manneh unconditionally and promptly**. Meanwhile, attacks on the media and freedom of expression were recorded in around the continent including in **Nigeria** where a journalists' resource centre, the *Niamey's House of the Press* was shutdown. Reasons for the closure were not immediately apparent. At the southern tip, Radio Harvest FM in **Lesotho** was slammed with a nine-month suspension for "*failure to cooperate with the authority*." In **Angola**, the government decided to suspend the independent *Radio Despertar's* broadcasts for 180 days, essentially keeping the station off the air for rest of the year.

### Censorship by another Means in Senegal

**ARTICLE 19** has expressed disappointment over recent comments by **Senegalese President Abdoulaye Wade and some of his government's officials** which imply possible censorship of independent media. Wade said two journalists who were recently beaten by police while covering a football match in Dakar 'had provoked the police reaction.' President's Wade's remarks are unacceptable because attacks and intimidation of journalists are contrary to the right of free expression as necessary in a democracy. **ARTICLE 19** calls on President Wade and members of the government to immediately and fully investigate the beating and attacks on the sports journalists and to punish any wrong-doing by the police. Senegal is obligated as a signatory to Article 19 of the International Convention on Civil and Political Rights (ICCPR) and Article 9 of the **African Charter on Human and Peoples' Rights (ACHPR)**, both of which protect the right of free expression.

### **The Media Council of Kenya Accused of Muzzling the Press**

**ARTICLE 19** is deeply concerned about the implications of a recent media law in **Kenya**. The law requires journalists to **register with the Media Council of Kenya (MCK)** in order to practice journalism. Additionally journalists are being mandated to pay a fee and to obtain a license in order to be included in the register. These changes run counter to best practices of freedom of expression. Journalists should be urged to join professional associations and to adhere to a code of practice and self regulation. Moreover, **ARTICLE 19** objects to the law's demand that local journalists pay an annual fee of KSh2,000, while foreign journalists must pay KSh10,000, or KSh5,000 if on a short term assignment. The imposed fees appear nominal at present. However, there's a subtle threat of deterring aspiring journalists because the fees could be gradually increase, pricing some poorer talents out of the profession. Any mandatory licensing system, whereby individuals cannot practise journalism without first obtaining a license, constitutes an unjustifiable restriction on freedom of expression and goes **against recognised international best practice**. **ARTICLE 19** recommends that the Media Council of Kenya revise these regulations.

### **Public Service and Peace Building Journalism**

**ARTICLE 19** commends efforts by many Kenyan journalists to promote healthy dialogue and debate within a difficult context for information sharing. Many Kenya journalists have taken steps towards more effective reporting of peacemaking activities in their country, emphasizing education and factual information over acrimony and ethnic bias. **'Presenters for Peace'** especially at vernacular radio stations, are helping to build public knowledge for peaceful coexistence. It's a departure from fanning the flames of hatred which threatened Kenya's stability in early 2008 during the violent post-election conflict. Kenyan journalists and radio presenters are renewing their professionalism aimed at providing fair and unbiased information in the public interest.

### **New Ethiopian Media Law Threatens Freedom of Expression**

**ARTICLE 19** is concerned about the new Ethiopian media law that was adopted on 1 July 2008. Though the law bans censorship of private media and the detention of journalists, it still falls far short of international standards of free expression and media freedom. In particular, the law allows prosecutors to summarily impound any

print publication deemed a threat to public order or national security. Furthermore, defamation and libel are criminal offences under Ethiopia's penal code and are punishable by heavy prison sentences. **ARTICLE 19 strongly recommends the revision of the law to bring it into conformity with international best practice.** Criminal defamation is increasingly viewed as an unjustifiable restriction of free expression and should be replaced by civil defamation provisions. Criminal defamation rules that carry overly harsh sanctions such as imprisonment foster an environment of self-censorship, particularly within media and among artists.

### **Freedom of expression and the Politics of Unity in Zimbabwe**

Zimbabweans have set their sights on **power-sharing** between the ruling ZANU-PF and the Movement for Democratic Change to lead out political stalemate and economic depression. A Memorandum of Understanding (**MOU**) brokered by the South African President Thabo Mbeki, has brought the erstwhile adversaries together to dialogue. ARTICLE19 urges both camps to be inclusive throughout the negotiating process. Any unity pact between the main parties should be inclusive of smaller political groups and embrace the interest of all Zimbabweans. "Every citizen shall have the right and the opportunity... To take part in the conduct of public affairs, directly or through freely chosen representatives" (ICCPR: A25), of which Zimbabwe is a signatory and obligated.

Further, any emergent unity pact can best succeed if based on the right of free of expression and access to information. Unfortunately, **the MOU** includes a clause that locks out media. Apparently negotiators have agreed that "none of the parties shall, during the dialogue period, directly or indirectly communicate the substance of the discussion with the media". But on the very next breath, they were lamenting "so many *speculations* about the talks..." according to President Mbeki's spokesperson. Discretion in managing the delicate negotiations is understandable. However, when there's a dearth of news and useful information, it is more than likely that the gap will be filled -- with speculation, propaganda and misinformation. ARTICLE 19 recommends responsible communication and information sharing by the negotiators and the media throughout the process.

### **Defamation**

ARTICLE 19 is continuing its work of mapping defamation globally. We invite your cooperation in this effort to get an accurate and factual a picture as possible. Please send us relevant information about civil defamation rules and their use in your country **especially in 2007**. We're interested the wording of the rule and regulations. Very few new cases have been reported this month and we really need your input. Email [Africa@article19.org](mailto:Africa@article19.org) or [Lilana@article19.org](mailto:Lilana@article19.org). Thank you.

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