

Detrimental delay

## News magazine's appeal hearing delayed, ban remains in place

10 February 2011

The regional bimonthly *Tribune d'Afrique's* appeal hearing opened today in Lomé but was immediately adjourned at the request of the lawyers representing Mey Gnassingbé, the president's half-brother and a member of the president's office, who brought a successful libel suit against the publication last year.

Accepting the claims of Mey Gnassingbé's lawyers that they had not had enough time to prepare their case, the court ordered an adjournment until 14 April.

"Mey Gnassingbé's lawyers are just stalling in order to win more time and meanwhile the magazine continues to be banned in Togo," said Reporters Without Borders and Avocats Sans Frontières, which are providing *Tribune d'Afrique* with moral and legal support.

The two NGOs call on the Togolese authorities to lift the ban provisionally pending the next hearing in two months' time.

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### 09-02-2011- Appeal court urged to lift distribution ban on regional news magazine

A Lomé court will begin tomorrow to hear an appeal by the Benin-based regional bimonthly *Tribune d'Afrique* against a 25 August ruling under which it was permanently banned from being distributed in Togo and was ordered to pay a fine of 6 millions CFA francs (9,000 euros) and damages of 60 millions CFA francs (90,000 euros) for linking Mey Gnassingbé, the president's brother and member of the president's office, to drug-trafficking.

Reporters Without Borders and Avocats Sans Frontières, which are providing *Tribune d'Afrique* with both moral support and legal assistance, call on the Togolese judicial system to quash the sanctions imposed by last August's ruling.



"If Mey Gnassingbé believes he has been defamed, then he has right to sue *Tribune d'Afrique* for damages," Reporters Without Borders secretary-general Jean-François Julliard said. "But we are shocked that the prosecutor's office also requested a permanent ban on the magazine. This is going too far. We suspect it was an act of revenge aimed solely at eliminating a publication that upsets the authorities."

François Cantier of Avocats Sans Frontières France added: "Togo's communication and press law provides for a maximum fine of 1 million CFA francs for defamation but the authorities fined the magazine 6 million CFA francs. It was also wrong to convict **David Cudjoe Amekudzi** as he neither wrote the offending article nor is he the magazine's editor or publisher. He is just its representative in Lomé and, as such, should not have been concerned by this libel case."

*Tribune d'Afrique's* publisher, **Aurel Kedote**, and its editor, **Max Savi Carmel**, are to attend tomorrow's hearing along with Amekudzi, who holds the position of publications manager as well as Togo representative. The lawyer representing the magazine will be Jil-Benoit Kossi Afangbedji.

The article that prompted the huge damages award and fine on charges of libel and dissemination of false information was headlined "Drug-trafficking at the top. Togo involved. Mey Gnassingbé named."

After *Tribune d'Afrique* filed its appeal, the authorities allowed it to continue to be distributed in Togo. But after two more issues that continued to upset the Togolese authorities, the magazine was notified in mid-September that implementation of the distribution ban would no longer be suspended pending the outcome of the appeal. It has not been distributed in Togo since then.

The sanctions were imposed on *Tribune d'Afrique* at a time when many print media were being prosecuted in Togo, prompting Reporters Without Borders to write to President Faure Gnassingbé in September protesting again "the abusive use of legal actions against the media." Thereafter, all the other prosecutions were dropped, leaving *Tribune d'Afrique* as the only one subject to sanctions.

Regarded as a critic of the government, *Tribune d'Afrique* has often been targeted by the Togolese authorities in recent years. After it published an exclusive report about the president's weekend palace in Agou, 100 km outside Lomé, in August 2009, the High Authority for Broadcasting and Communication (HAAC) ordered it to "stop hounding Togo." Thereafter, the magazine received around 20 summonses from the HAAC without sanctions ever being imposed.

*Tribune d'Afrique* is distributed in seven of the eight countries that make up the West African Economic and Monetary Union (WAEMU): Benin, Burkina Faso, Côte d'Ivoire, Mali, Niger, Togo and (intermittently) Senegal.

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