

# XIX

## ARTICLE 19

Around Africa  
September 2008

September was an exciting and eventful month in Africa with both negative and positive developments for freedom of expression and the wider human rights and political arena. South African President **Thabo Mbeki** resigned on 21 September, leaving his role in the mediation of an agreement between political factions in Zimbabwe as his final legacy. It was under Mbeki's administration that one of the few progressive Access to Information laws in Africa was passed.

ARTICLE 19 this month congratulates **Beatrice Mtetwa** for winning the **Burton Benjamin Memorial Award** for lifetime achievement in promoting press freedom, which she will receive at the CPJ International Press Freedom Awards Ceremony in November. Ms Mtetwa, advisor and friend to the ARTICLE 19 Africa Programme, is a Zimbabwean human rights and media lawyer and President of the Zimbabwean Law Society.

Also recipient of a 2008 CPJ **International Press Freedom Award** is Andrew Mwenda, a tireless press freedom defender and managing editor of *The Independent* news magazine in Uganda.

### Zimbabwe power-sharing still contested

Political wrangling between President Robert Mugabe's Zanu-PF and Morgan Tsvangirai's MDC continue as both parties haggle over the appointment of cabinet posts. The MDC had threatened to withdraw from the power-sharing deal after Mugabe allocated several key cabinet positions to Zanu-PF. Thabo Mbeki, now acting as a private citizen, is still acting as mediator as these political titans slug it out. In the meantime, life for ordinary Zimbabweans remains harsh in the context of economic misery and political repression.

Activists continued to be harassed and detained throughout September. ARTICLE 19 welcomes the acquittal of Peter Muchengeti of the National Association of Non-Governmental Organisations (NANGO) who was found not guilty for "**communicating falsehoods**" on 16 September, but condemns the poor treatment and torture he experienced while in custody.

### Sudanese press law works against press freedom

Sudan remained a hot topic in the regional and international media this month, with continued debate surrounding the International Criminal Court case against Sudanese President Omar Hassan Ahmad al-Bashir for genocide, crimes against humanity and war crimes.

ARTICLE 19, together with partners in a consortium promoting freedom of expression and democratic media legislative reform, has renewed its call for the respect of freedom of expression rights in Sudan and for a review of the repressive **2004 Press Act**. More information regarding the Press Act can be found here: <http://www.article19.org/pdfs/analysis/sudan-foe-07.pdf>

The press in the north of Sudan remains under threat, with the **suspension of publishing licences** for Sudanese newspapers *The Citizen* and *The Sudan Tribune*. Fortunately, agreements between the newspapers' editors and the Press Council in Khartoum over the administrative particulars of each paper has led to the reinstatement of their licences; although it took 27 days to reach an agreement in the case of *The Citizen*.

### **Reporters in Distress**

*Around Africa* is happy to report the release of American filmmaker, Andrew Berends, who was detained in **Nigeria** on 31 August for ten days, along with his translator Samuel George. Berends had been making a documentary film in the turbulent Niger Delta region of the country. Berends was never charged with any offense while George, though released, still faced questioning.

Unlawful detention and harassment of media professionals also occurred in the **DRC, Guinea, Somalia, Egypt, Cameroon, Liberia, and Tunisia** with over eight cases reported in September. This means that little has changed since August when *Around Africa* highlighted nine similar cases. Examples include a young journalist for the Egyptian paper *Al-Dustour* who was arrested whilst covering protests at a school, and the Egyptian Ministry of Information prohibiting the local press from reporting on the kidnapping of 8 Egyptians and 11 foreign tourists on 23 September.

In **Swaziland**, the *Swazi Observer*, considered a pro-government newspaper, was the subject of an alleged plot to bomb its premises. A bomb meant for the newspaper detonated prematurely on a bridge on 20 September, the day after parliamentary elections. Bombings have become more common in Swaziland – Africa's only absolute monarchy – under mounting pressure for political change.

In a positive move for press freedom, a **Tunisian appeals court** released Tarek Soussi, International Association for the Support of Political Prisoners representative on 25 September. Soussi had been imprisoned following an interview to *Al-Jazeera TV* criticising the actions of Tunisian authorities in Bizerte. This month the Committee to Protect Journalists released a special report on Tunisia, *The Smiling Oppressor*, available at: [www.cpj.org/smiling/](http://www.cpj.org/smiling/).

## **Banning and building the broadcast media in Africa**

While a new broadcast bill was tabled for discussion in parliament in **Egypt** this month, **Zambian authorities** were trying to silence live broadcasts in the wake of Zambian elections. The Ministry of Information and Broadcasting Permanent Secretary wrote to broadcasters on 12 September, urging them to end live phone-in shows for fear of unbalanced and unfair coverage to political parties.

Preventing the public from airing their views through such broadcast programmes is a violation for freedom of expression rights. The Zambian media have an electoral code of conduct as a guide for ensuring broadcast programmes do not jeopardise a free and fair election process. MISA-Zambia stated that the directive was “undemocratic and violates media freedom and freedom of expression rights”. Go to [www.misa.org](http://www.misa.org) for more information.

**Swaziland** has also been in the news with positive steps taken by the government to accommodate independent and free media. Three community and one commercial radio licences were granted this month by the Ministry of Information and Public Service.

## **The big debate: defamation of religion**

Debate over the issue of defamation of religion was stepped up in September by the possible renewal of a **UN Human Rights Council** resolution on **Combating Defamation of Religions**. ARTICLE 19 along with other freedom of expression campaigners and human rights defenders, successfully persuaded the UNHRC to drop support for the resolution, which had been promoted by a number of African countries and the Organisation of the Islamic Conference.

On 11 September, ARTICLE 19 issued a joint statement with the Cairo Institute for Human Rights Studies (CIHRS) stating:

*At the same time, we [ARTICLE19 and CIHRS] believe that **these UN resolutions are unduly restrictive of freedom of expression**, are often not effective in protecting religious adherents against discrimination or in promoting understanding and tolerance, and are vaguely worded in a manner that could allow governments to use them to justify policies/actions that are in conflict with international human rights standards.”* To view the complete statement, go to: [www.article19.org/pdfs/press/article-19-cihrs-and-eipr-reject-idea-of-defamation-of-religion.pdf](http://www.article19.org/pdfs/press/article-19-cihrs-and-eipr-reject-idea-of-defamation-of-religion.pdf)

## **Criminal defamation**

There have been five cases of criminal defamation in Africa reported in the media this month, in countries including Senegal, Mozambique, and Burundi. In **Mozambique**, three journalists for the *Zambeze* newspaper were charged with defaming Prime Minister

Luisa Diogo after they questioned whether she had Mozambican or Portuguese citizenship. They were sentenced to six months in prison, which was converted to a fine of 30 Mozambican Meticaís (approximately £0.70).

Meanwhile **Senegal**, a country renowned for its use of criminal defamation legislation, has once again imprisoned a media professional for libel. El Malick Seck, editor of the daily *24 Heures Chrono*, was on 12 September given a three-year prison sentence for allegedly “disseminating false news” and “public insult”, amongst other charges including activity likely to create public unrest.

Whilst recognising the relevance of protection against libellous accusations and comments, ARTICLE 19 condemns the use of criminal defamation which is an unjustifiable limitation on freedom of expression rights. Unfortunately criminal defamation remains on the books of most African countries and is often used where a civil defamation charge may be more appropriate. Many governments use criminal charges as a tactic to silence critical media.

### **International Right to Know Day**

Lastly, *Around Africa* joins the celebrations that were held for **International Right to Know Day** on Sunday 28 September. Freedom of information is recognised globally as the cornerstone of democracy, yet the African continent offers few examples of progressive freedom of information policy and legislation. Although countries such as Zimbabwe, Uganda and Angola have freedom of information laws, and Nigeria, Ghana, Sierra Leone and Kenya amongst others have similar draft legislation, **South Africa** is still the only country in sub-Saharan Africa to have passed and implemented legislation, the 2000 Access to Information Act, to positive effect.

*Around Africa* expects the Kenyan FOI Bill to be discussed in the next session of parliament beginning in October. Watch this space for further developments.