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ARTICLE 19

Around Africa
October 2008

October was eventful Around Africa with a number of countries taking progressive steps. Leading the news early in the month, a handful of media professionals and human rights activists were released from detention in countries including the **Democratic republic of Congo (DRC), Kenya, Niger and Rwanda**. ARTICLE19 also welcomes the release on 7 October of journalist **Moussa Kaka, Director of Saraouniya Radio in Niger**. Over the last year ARTICLE19 has followed closely the Kaka case on charges accusing him of being supportive of rebels in the country. Kaka has been released on bail with the charges of "endangering the safety of the state for suspected links with the Tuareg-led rebels in the north of the country." still standing against him.

Pockets of resistance to new media

Meanwhile, free expression remained under threat in other parts of the continent. In North Africa, there were several reports of attacks and intimidation against new media professionals, with a particular focus on resistance to the free flow of information offered on the World Wide Web. Egyptian authorities appeared to have turned their sights against online journalists and bloggers who are critical of the country's authoritarian approach of governance. Bloggers, Abd Altawab Mahmoud and Khalifa Ebaid were arrested for "taking advantage of prevailing atmosphere of democracy to overthrow the regime" in a move described by the Arabic Network for Human Rights Information (ANHRI) as a violation of their right to free expression. The bloggers are suspected of being targeted for their affiliation to the Muslim Brotherhood but the charges on which they were detained have been called unlawful by human rights activists in the country. Still another blogger has been detained, whilst three others are being sought by Egyptian security forces.

Egypt is ranked **146th** in the Reporters Sans Frontiers (RSF) Press Freedom Index 2008 out of 173 countries, the same place it held in 2007. Incidentally Eritrea falls at the bottom of the index for a second year. To view the full index follow this link: http://www.rsf.org/article.php3?id_article=29031

In West Africa, **Nigerian blogger, Jonathan Elendu**, based in the USA was taken into custody on arrival in Abuja to visit family. He's being held without charge by the Nigerian Secret Police who said Elendu was being investigated for "acts of sedition". Mr. Elendu is accused of working for Saharareporters, a group that has published unfavourable analysis of the Yar'adua government's performance since taking office in 2007. Elendu publishes an independent blog, Elendureports, separate from Saharareporters. Elendu's website is www.elendureports.com. ARTICLE19

urges the Nigerian government to uphold the mandate of good governance it has accepted and release Jonathan Elendu.

A Pattern of Media Repression - Pre-print Censorship in Sudan

Sudanese press continue to be subject to pre-print censorship – a practice ARTICLE 19 condemned in March of this year. This wave of censorship was a result of newspapers’ publishing reports in February accusing the government of backing Chadian rebels in a failed coup attempt, an accusation which the government has denied.

In Khartoum on 13 October **16** journalists were accused of receiving funds from the United States International Development agency, USAID alleged for the purposes of ‘campaigning against the government and the benefit of the Sudanese people’. This condemnation was published in *Akhir Lazha* newspaper and the accused journalists were not permitted to respond to the accusations; each of the retaliatory articles were censored before their respective newspapers went to print.

ARTICLE 19 reminds the Sudanese authorities that ‘*everyone has the right to freedom of opinion and expression*’ including the right ‘*to seek, receive and impart information and ideas through any media and regardless of frontiers*’ as enshrined in **Article 19 of ICCPR and Article 9 of the ACHPR**

Access to information as a fundamental right to Truth, Justice and reconciliation

On 22 October, the Parliament of the Kenyan Coalition Government passed a Bill for setting up a **Truth, Justice and Reconciliation Commission**. The Bill will assess mass human rights abuses since the country’s independence in 1963 to, and including the post-election violence of 2007 and 2008.

ARTICLE 19 welcomed the bill, urging Kenyans to ensure that the information gathered by the TJRC is properly preserved for the future. Executive Director, Dr Agnès Callamard, said: “The ‘right to truth’ about past human rights violations is central to addressing underlying issues and to restoring the dignity of the victims. The TJRC is a positive step toward ensuring the public’s ‘right to truth’ following recent incidents of mass human rights violations in Kenya.”

The **Kenyan National Human Rights Commission**’s report into the violence had called for reconciliation and highlighted failings of the media between December 2007 and February 2008. A key recommendation of the report published in August 2008 was for the need to pass a Hate Speech Bill. The KNCHR had drafted legislation on hate speech in 2007.

The KNHRC’s report identified the role unregulated call-in programmes and live talk shows on vernacular radio stations such as KASS FM and Inodo FM allowed the preaching of hate speech messages both against different ethnic groups or the political parties depending on the district.

Hence the key recommendations from the bill included: ‘Parliament should enact hate speech legislation with this [2008] year’ and ‘The Communications Commission of Kenya should be empowered to monitor the content of local language as well as other media’. In a paper published by *Pambazuka News* on 22 October by KNCHR

Commissioner and ARTICLE 19 International Board member, **Lawrence M. Mute**, the importance, merits and international and domestic human rights obligations for the passing of the 2007 **Kenyan Hate Speech Bill** into law were clearly defined. ARTICLE 19's regional office will advocate alongside our Kenyan partners and freedom of expression stakeholders for the passing of such legislation ensuring that any draft bill is in line with international freedom of expression standards and the guarantees within Kenyan domestic legislation. The Bill proposed by the KNCHR has been careful that freedom of expression rights under international laws such as the ICCPR are taken into account as Commissioner Mute's article explains. To view Commissioner Mute's article titled '*Legislation, hate speech, and freedom of expression in Kenya*' follow this link: <http://www.pambazuka.org/en/category/comment/51378>

Kenyan Association of Journalists

The Kenyan Association of Journalists held the first in a series of meetings on 21 October in Nairobi. There was agreement about the need for greater professionalism among the media, as well as a desire for greater media pluralism and diversity, especially since the recent post-election violence in Kenya. The meeting was well attended by over **300** journalists and media professionals, along with **ARTICLE 19**.

Reporters in Distress

In October **eleven** media professionals have been harassed or imprisoned, and **three** detained by state security forces in **Tunisia, Ghana, Mozambique, Uganda, South Africa, Swaziland and Sudan** – whilst **two** independent broadcasters have been shut down in **Malawi** and **Lesotho** this month.

Aside from the resignation of Els de Temmerman, Belgian editor-in-chief of the Ugandan government-owned newspaper *New Vision*, on grounds that she could not guarantee the editorial independence of the newspaper – **Uganda** has seen a stepping up in restrictions to free expression. In October alone, a journalist and media advocate was attacked and has been arrested **three** times, and now faces charges including 'incitement to violence'. Ssemujju Ibrahim Nganda, an open critic of the Ugandan government and a programme coordinator for **Human Rights Network for Journalists**, had escaped an attempted abduction after being knocked off his motorbike earlier this month.

Issuing of hefty fines and terms of imprisonment for **defamation** in **Egypt** has been of concern to ARTICLE 19. In Egypt three editors-in-chief are facing possible imprisonment for publishing false news whilst a journalist and editor were ordered to pay 80,000 Egyptian pounds (£8,960) for publishing a satirical piece about an Egyptian cleric.

Whilst in Lesotho, a defunct Lesotho weekly, *The Mirror*, its editor and EPIC Printers were handed a M50 000 (GBP 4700) fine on 29 September 2008 for defaming Lesotho Prime Minister Pakalitha Mosisili, for a publication in April 2001 in which the story made 'political insinuations that were highly defamatory'. The court stated "There was no justification whatsoever for those allegations and the defendants negligently published them without bothering to establish their truthfulness".

A Masotho broadcast journalist Thabo Thakalekoala sentenced to two years in prison for sedition or alternatively a fine of M200 (GBP 10) – which he paid, was also sentenced to a further two years for criminal defamation and subversion. Although this sentence was suspended on condition that Thakalekoala does not commit a similar offence in the next three years. MISA has criticised the state for its notorious ‘insult laws which senior politicians and government officials have used against the media to demand hefty compensation’.

A journalist in **Kenya** is currently facing defamation charges. Andrew Mwangura was arrested on 1 October for contradicting the Kenyan government’s version of the destination a cargo ship seized by **Somali pirates**, in what has been a widely covered story both regional and international press. The ship, carrying a cargo of military tanks, originally alleged to be bound for Kenya was reported to have been bound for Southern Sudan, in breach of the arms embargo placed on the country. Mwangura, has been released on bail.

African media and civil society leading debate on free expression and media legislation

On 8 October, **Tanzania**’s Freedom of Information Coalition submitted a draft **Media Services Bill** to the Tanzanian Minister of Information and Culture in push to changes to media policy in the country that promote ‘press freedom, professionalism and accountability’. The Coalition has been actively campaigning for the introduction of a Freedom of Information Bill since 2006. Kenya’s FOI Bill has as yet not been discussed in parliament and currently Uganda is the only East African country to have passed an FOI law in the region, although implementation of the law has been stagnant.

Other interesting legislative developments in the continent this month include the efforts by the Attorney General’s Office in Zimbabwe to form an **Information Communication Technologies (ICT) Bill**. Zimbabwe’s Access to Information law (AIPPA) has been criticised for restricting rather than promotion the free flow of information in the country. Civil society organisations including MISA-Zimbabwe, have called for the guarantee of independence of regulators in media and telecommunications to be assured in the development of any ICT legislation. <http://www.ifex.org/en/content/view/full/70617>

A **South African Coalition** of civil society organisations including the Freedom of Expression Institute has spoken out in criticism a **Broadcasting Amendment Bill** which though welcomed by civil society still contains critical failures. The Coalition highlighted the failure of the amendment bill to address issues surrounding the appointment and removal of Board members also inadequately addressed in the South African Broadcasting Act of 1999 – an issue frequently disputed with the introduction or amendment of broadcast legislation. <http://www.mediamonitoring.org.za>

Botswana 's Mogae wins \$5m prize

Botswana 's former President Festus Mogae has won a \$5m (£2.8m) prize to encourage good governance in Africa. Mr Mogae, who stepped down in April after two terms in office, said he was honoured and humbled by the award. Botswana is one of Africa’s most stable countries - it has never had a coup and has had regular

multi-party elections since independence in 1966.

Announcing the prize, ex-UN head Kofi Annan also commended Mr Mogae for his action to tackle the Aids pandemic. The Ibrahim Prize - the most valuable individual annual prize in the world - was set up by Sudan-born telecoms entrepreneur Mo Ibrahim. As well as the \$5m prize, Mr Mogae, 69, gets \$200,000 a year for the rest of his life.

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- 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.