



Around Africa

April 2007

In **Zimbabwe** the social and political crises continue and the media continues to pay a price. While two journalists were hospitalised, Edward Chikombo, a cameraman who covered Morgan Tsvangirai's emergence from custody, was murdered last month having been abducted from his house. This is just one aspect of the repressive environment facing free expression in Zimbabwe.

April saw **elections in Nigeria**, though sadly these have not been an exemplification of democracy: the result is still contested and the election process widely condemned by observers. The heightened repression of the media during the election period stopped the media from performing its crucial function of providing citizens with information about the voting process, candidates and policies.

The presidential election in Nigeria also marked the mandatory end of President Obasanjo's two-term tenure, and it was hoped that he would sign the **Freedom of Information Bill** which had been passed through both houses of parliament. However, rather than leave this democratising legacy to the country, he refused to sign the Bill into law on the grounds that it might threaten state security. Although there is specific protection of state security interests in the Bill, as the law stood what constituted a threat to state security would be at the discretion of a judge, whereas Obasanjo believes that this decision should be a presidential prerogative. If the Bill accommodated his suggestion, it would not fulfil the purpose of increasing transparency and accountability of government.

Also waiting for President Obasanjo's signature is the **Nigerian Extractive Industries Transparency Initiative Bill** which was recently passed by the Senate. Although the NEITI legislation was at inception a promising plan which could have revealed a lot of information about government accounts, it has now been significantly adulterated by the Senate, to the extent of violating the Freedom of Information Bill, and many experts think that it would be better if the President did not sign it.

The repression of non-governmental organisations and civil society

Last month the Zimbabwean Government moved to **ban all registration certificates of NGOs working in Zimbabwe** as a measure to sift out alleged anti-government

operations working under the guise of NGOs. These NGOs provide the framework for civil society activity in Zimbabwe which supports many essential functions of the nation and helps to bolster a dire social situation and uphold human rights standards. ARTICLE 19 has made the point that this move violates the closely connected rights of freedom of expression and association as expressed in the African Charter on Human and People's Rights.

Similar repressive measures have also been taken in **Somalia** and **Egypt**. In the former the Puntland Minister for Information, Telecommunication, Culture and Tourism has banned the convening of media meetings without prior permission. In Egypt government have closed the office of a labour rights movement after it allegedly incited unrest.

Bans, fines, detentions and jail terms

In the past month 3 journalists have been jailed for the various charges of defamation, obstruction of the state and sectarianism – for which crime an editor in Rwanda faces a year in jail. Meanwhile, 3 journalists in the continent are facing charges which could see them sent to prison and a further 10 have been detained by security forces and the military, including five journalists in Somalia, two of whom are Eritrean war reporters who are being represented as combatants by their captors in an Ethiopian video.

Fines issued to journalists in April amounted to at least **US\$43,500**, and a Namibian newspaper is being sued for approximately **US\$1,000,000** for defamation.

Radio stations in **Guinea-Bissau** and **Senegal** have been threatened with closure by government ministers, while a further two radio stations and a paper in Africa have been banned or prevented from operating due to threats. **In Malawi**, several radio stations have been prevented from broadcasting live radio without permission from the regulator in an apparently retaliatory move against those stations which broadcast from opposition rallies for the presidential election in 2009. The government labelled the broadcasts as “hate messages” and this resulting action of the regulatory authority is indicative of the lack of independence of these organisations.

On a positive note, the three **Haatuf media personnel imprisoned in Somalia** have been released after 3 months in prison, eight journalists have been acquitted of “damaging the state” in Ethiopia after seventeen months in prison (though at least thirteen more remain imprisoned on similar charges), and in Algeria, two journalists accused by Libyan leader Gaddafi of libel and damaging inter-state relations have had their sentences halved and suspended and their fines decimated. Also, a Reporters Sans Frontieres report into the press in Sudan found that it was surprisingly active, critical and diverse despite the difficulties of reporting on the crisis in Darfur, practical difficulties which are compounded by the government putting various obstacles in the way of the media.

Featured activity: Kenya

ARTICLE 19 and the ICJ Kenya section ran a workshop in Nanyuki on the inclusion of right to access to information in the current constitutional reform. It is hoped that better

provisions for freedom of information in Kenya will have a particularly beneficial effect on the informationally marginalised rural communities.

The government appears to be using its power to distribute significant advertising revenue in the print media to exert some form of control over the critical Standard Group Media.

Democratic Republic of Congo

The trial of the murders of journalist Franck Ngyke and his wife has ended with the sentencing to death of two of the accused and a life sentence for the third. However, major procedural failings, which were exacerbated by obstructive government behaviour, have meant that the trial was unsatisfactory and a great deal of the information surrounding the case has not been revealed as was hoped.

Papy Tembe Moroni was released last month, having spent 132 days in detention with the Secret Service Police. He claims to have suffered mistreatment during his detention.

Sierra Leone

ARTICLE 19 organised a meeting of the Sierra Leone Freedom of Information Coalition in Freetown last month. Members signed a Memorandum of Understanding and Cooperation to reinvigorate their campaign and consolidate and coordinate their aims and activities.

Tunisia

The IFEX Tunisian Monitoring Group have produced a report, Freedom of Expression in Tunisia: The Seige Holds which is critical of the way in which the government is deliberately stymieing development in freedom of expression in Tunisia. This is particularly evident in the way that the government is restricting the internet in an information-repressive regime. Therefore there is a terrible irony to the case of the Tunisia journalist, Omar Mestiri, who is being tried for criminal defamation in an online publication not even accessible in Tunisia.

Morocco

A CPJ report picks out the Moroccan judicial system as an obstruction in the movement towards free press. It is claimed that the courts are influenced by the government to the effect that dissenting voices are silenced by both criminal and civil sanctions. At the heart of this difficult press environment is the 2002 Press Law which broadens the horizons for criminalisation of press activity. A new law which is being drafted was criticised in a review by the Centre for Media Freedom MENA organisation. It fails to decriminalise press activity, instead strengthening the repressive media environment.

Other news

A four day International Festival of Freedom of Expression and Press in Burkina Faso, concluded in agreement that there should be great use of legal instruments in the protection of the press, and an agenda to push for media self-regulation was agreed on.

ARTICLE 19 hosted a meeting of the Network of Academics on Policy and Regulation for Media Pluralism and Diversity in Africa in Johannesburg. It was agreed that there was a need to increase debate and understanding of the value of pluralism and diversity, nationhood and broadcasting policy, so that the grounds for regulation could be clearer.

MISA has published *So this is Democracy? State of the Media in Southern Africa* in time for World Press Freedom Day. It details the repressive environment in which the media operates in the region according to the alerts that it issued over the past year and since its origin in 1994. Although “conventional” repression by violence and direct threat has decreased recently, the increase in repression via the law (for example, by defamation lawsuits) is a worrying trend.

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Around Africa is compiled of news alerts from various sources.