



## COVID-19 Response in Africa: Together for Reliable Information

# Attacks against journalists in Eastern and Southern Africa

March 2020–September 2021

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This briefing is part of the  
COVID 19 Response: Together  
for Reliable Information  
programme, supported by  
the European Union

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## Regional report

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# About this project

In 2020, ARTICLE 19, Deutsche Welle Akademie, Fondation Hirondelle, Free Press Unlimited, International Media Support, and Reporters Without Borders, in collaboration with UNESCO, joined forces to provide a rapid response to the COVID-19 crisis in Africa. This 18-month project – **COVID-19 Response in Africa: Together for Reliable Information** – received 95% of its funding from the EU.

The overall objective of the project was to provide essential, timely support, and materials to independent media, journalists, and fact checkers in Sub-Saharan Africa to help them fulfil their role of providing quality and reliable information, and to overcome the risks they faced during the crisis. It also aimed to:

- 1. Raise awareness and mobilise local stakeholders** on the safety of journalists reporting on COVID-19 and the need for legislation passed in response to the pandemic to meet international standards on freedom of expression;
- 2. Pressure local state actors and/or add to the momentum for change** on the above issues;
- 3. Create a strong, local, multi-stakeholder network** to advocate for the essential function of a free and independent media with authorities and institutions; and
- 4. Strengthen mechanisms and collaboration for the protection of freedom of expression**, access to information, and other fundamental freedoms in the selected countries.

As part of the project, ARTICLE 19 worked with civil society and media actors in **10 countries** to conduct national-level advocacy and to monitor the legal, policy, and operational environment regarding the provision of reliable information on COVID-19. The project also included advocacy around misinformation and misrepresentation, as well as cases of violations, infringements of press freedom and the right to information, and attacks on journalists and media houses in the countries targeted.

ARTICLE 19 West Africa supported partners in Ghana, Nigeria, and Senegal, while ARTICLE 19 Eastern Africa supported partners in Ethiopia, Kenya, South Africa, South Sudan, Sudan, Tanzania, and Zimbabwe.

# Executive summary

Everyone has the right to express themselves freely and through any medium: orally, in writing, and online. The right to freedom of expression includes the right to access information, which is crucial in a pandemic, when people urgently need to know how to protect themselves and their communities, what public health measures the authorities have put in place, and how they can access services. During a public health crisis, people must also be able to be informed about and scrutinise the measures their authorities are taking, and to hold them accountable for their actions.

Journalists play a vital role in disseminating information to the public and holding the authorities to account – and are therefore indispensable during a pandemic. However, our monitoring of violations against journalists reporting on COVID-19 in various Eastern and Southern African countries from March 2020–September 2021 found that, far from being supported in their crucial work, they often became the targets of attacks by state agents.

As well as documenting these violations, this report analyses governments' actions in the region against their international obligations to protect the right to freedom of expression and access to information, to prevent and investigate attacks against journalists, and to bring perpetrators to justice. It also offers recommendations for the governments of each of the seven countries investigated: **Ethiopia, Kenya, South Africa, South Sudan, Sudan, Tanzania, and Zimbabwe.**

## Key findings

- State agents in Kenya, South Africa, Sudan, Tanzania, and Zimbabwe<sup>1</sup> subjected journalists reporting on COVID-19 to physical attacks, arbitrary arrests and detentions, and/or verbal threats;
- Law-enforcement officers used restrictions brought in to combat COVID-19 as an excuse for these violations, even when journalists were exempt from the restrictions;
- The authorities failed to investigate all but one of these violations, no perpetrator is known to have been held accountable, and no journalist is known to have received any effective remedies for the violation of their rights, deepening an already concerning culture of impunity for attacks against journalists;
- Laws criminalising 'false information' were used to arrest and charge journalists reporting on COVID-19 in most of the countries monitored, despite such laws violating international human rights standards; and
- Licensing schemes – which are considered a breach of the right to freedom of expression under international law – were used to suspend or fine journalists and media houses for reporting on the pandemic.

<sup>1</sup> While a number of attacks were carried out against journalists in **Ethiopia** and **South Sudan**, ARTICLE 19 is not aware of any verified attacks in these countries that specifically related to journalists' reporting on COVID-19, or that perpetrators used COVID-19 regulations to justify. As such, they did not fall under the [scope of the research](#).



Kenya: Police beating up ferry commuters for allegedly violating curfew rules. Some journalists who reported on the incidents were beaten and their equipment confiscated. (Photo: Nation Media Group)

## Recommendations

ARTICLE 19 calls on the governments of **Ethiopia, Kenya, South Africa, South Sudan, Sudan, Tanzania, and Zimbabwe** to:

- **Implement the recommendations of the [resolution on the safety of journalists](#)**, adopted by the UN Human Rights Council (HRC) on 6 October 2020, which provide guidance on ensuring the safety of journalists in the context of COVID-19; and
- **Remove all provisions in laws and regulations criminalising defamation, 'false news', and similar concepts**, and ensure all speech- and COVID-19-related legislation conforms to international standards on freedom of expression.

ARTICLE 19 further calls on the governments of **Kenya, South Africa, Sudan, Tanzania, and Zimbabwe** to:

- **Take all measures necessary to guarantee the safety and security of journalists** by ensuring all law-enforcement and military officers are aware that arbitrary arrests, detentions, and brutality will not be tolerated;
- **Investigate all reports of human rights violations perpetrated against journalists** and ensure that, in cases of violations, investigations are carried out and perpetrators held accountable in trials meeting fair trial standards;
- **Ensure there are reparations for victims of violence by law-enforcement and military officers**, including adequate compensation;
- **Implement the provisions of the [African Commission Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019](#)**, including in relation to the safety of journalists; and
- **Ensure requirements for accreditation and licensing schemes are not misused** to prevent journalists from reporting.

# Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
DCI	Directorate of Criminal Investigations
HRC	UN Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
IPID	Independent Police Investigative Directorate
PPE	Personal protective equipment
SANEF	South African National Editors' Forum
SAPS	South African Police Services
TCRA	Tanzania Communications Regulatory Authority
UDHR	Universal Declaration of Human Rights
WHO	World Health Organization

# Introduction

## COVID-19 in Eastern and Southern Africa

Of the seven countries featured in this report, [South Africa](#) recorded the first case of COVID-19 (5 March 2020), closely followed by [Ethiopia](#), [Kenya](#), and [Sudan](#) (all 13 March) and later [Tanzania](#) (16 March), [Zimbabwe](#) (20 March), and [South Sudan](#) (5 April).

As a measure to contain the spread of the virus, [South Africa](#) and [Zimbabwe](#) put in place strict lockdowns, while [Kenya](#) and [Sudan](#) imposed partial lockdowns and curfews. Other restrictions in the region included the closing of borders, restrictions on flights from certain countries, bans on public gatherings, and school closures. All seven countries implemented a requirement to wear masks and wash or sanitise hands frequently. In [Tanzania](#), however, then-President John Magufuli [declared](#) the country free of COVID-19 in June 2020. Thereafter, very little information was provided to residents of Tanzania regarding the pandemic in the country and any measures being taken to prevent its spread. The situation changed a year later after the death of President Magufuli on 17 March 2021. There were [rumours](#) that he had died of COVID-19.

Since the initial imposition of COVID-19 measures, states have lifted or eased measures such as lockdowns and curfews depending on national infection rates and socioeconomic considerations. Most states are still encouraging citizens to practise social distancing, wear face masks, wash or sanitise hands frequently, and avoid public gatherings that do not adhere to COVID-19 protocols.

Vaccination campaigns began in the region in early 2021. Despite recommendations from [the UN](#) and [the African Union](#) to ensure at least 70% of the population were vaccinated by the end of 2021, accessing vaccines has been [challenging](#) for low-income countries, and vaccine inequity is putting more people at risk of infection – and possibly death. In September 2021, the percentage of fully vaccinated people in the region ranged from 1.23% ([Ethiopia](#)) to 26% ([South Africa](#)), while countries in the region continued to implement measures to contain the virus.

## The importance of journalists in a pandemic

Everyone has the right to express themselves freely: orally, in writing, and online. The right to freedom of expression includes the right to access information, which is particularly important in a pandemic, when people urgently need to know how to protect themselves and their communities, what public health measures the authorities have put in place, and how they can access services. In such a crisis, people must also be able to question the measures their authorities are taking, and to hold them accountable for their actions.

The work of journalists has therefore been indispensable since the advent of COVID-19. They have ensured the free flow of information in society, enriched public debate, and popularised health information from scientific sources – roles that, while always important, can be matters of life or death in a pandemic. Journalists have also held governments and other powerful actors accountable for their actions, including public health measures, the provision of timely and accurate information, and the distribution of resources.

Despite the danger of being exposed to the virus themselves, the challenges of media reporting on the ground, lockdowns, curfews, and psychological and financial constraints, journalists have continued to work for the public good throughout the pandemic. They have attended and reported on daily press conferences with the authorities, asking vital questions and obtaining clarity for the population. They have also exposed and denounced irregularities regarding the authorities' response to the pandemic. In **Kenya**, for instance, journalists [reported](#) on public authorities' misappropriation of COVID-19 funds, including the Kenya Medical Supplies Authority [scandal](#). Journalists in **South Africa** and **Zimbabwe** reported on similar irregularities – which, unfortunately, were part of a [global trend](#).

Of the countries in this report that imposed lockdowns or curfews, ARTICLE 19 is aware that **Kenya**, **South Africa**, and **Zimbabwe** recognised journalists as essential workers. But across the region, despite their indispensable role, many journalists experienced mounting barriers to carrying out their work. This is concerning as it contravenes most – if not all – states' constitutions, which enshrine the right to freedom of expression and access to information, as well as states' international obligations to protect freedom of the press.

# Methodology

The information in this report is based on a review of secondary material, including print and digital media, statements from media watchdogs and journalists' representative bodies, and relevant legislation.

The data was grouped into key themes, including physical attacks and killings, arbitrary arrests and detentions, threats and verbal attacks, restrictions in regulations, gender-based violations, suppression of access to information, and disinformation/misinformation.

## Scope of the research

While there were numerous attacks against journalists and freedom of expression in the period covered, this report focuses solely on those related to the pandemic. In other words, it looks only at **attacks perpetrated against journalists in response to their reporting on COVID-19, or through the use of laws and regulations adopted in response to the pandemic**.

## Definition of journalism

The report uses the [definition](#) of journalism set out in the International Covenant on Civil and Political Rights (ICCPR), which recognises it as 'a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere'. This definition recognises journalism as an activity, and includes forms of journalism – such as blogging and citizen journalism – that have developed in the context of online communication.

In this report, we use the term 'journalists' to refer to **individuals who are dedicated to investigating, analysing, and disseminating information through any type of written, broadcast (television or radio), or electronic media**.

# Relevant human rights laws and standards

## International standards

### Freedom of expression

The right to freedom of expression is protected by Article 19 of the Universal Declaration of Human Rights (UDHR), Article 19 of the ICCPR, and Article 9 of the [African Charter on Human and Peoples' Rights](#) (the African Charter). The UN Human Rights Committee, the treaty body of independent experts monitoring states' compliance with the ICCPR, developed [General Comment No. 34](#), which expands on the meaning of the right to freedom of expression. The African Commission on Human and Peoples' Rights (ACHPR) also developed the [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#), which explains the right to freedom of expression in the African Charter.

The scope of the right to freedom of expression is broad. It guarantees to all people the 'freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice' (Article 19 of the ICCPR).

The right to access information is a key component of the right to freedom of expression. In the context of a global pandemic, the right to freedom of expression and access to information become of paramount importance in ensuring all are aware of how to reduce the risk of contracting the virus, thereby advancing the right to health. Access to information is also important for holding authorities accountable for the distribution of services and public funds related to the COVID-19 response.

While the right to freedom of expression is fundamental, it is not absolute. A state may, exceptionally, limit the right under Article 19(3) of the ICCPR, provided that the limitation is:

- **Provided for by law:** Any law or regulation must be formulated with sufficient precision to enable individuals to regulate their conduct accordingly;
- **In pursuit of a legitimate aim:** Listed exhaustively as respect of the rights or reputations of others, the protection of national security or public order (ordre public), or the protection of public health or morals; and
- **Necessary and proportionate in a democratic society:** If a less intrusive measure can achieve the same purpose as a more restrictive one, the least restrictive measure must be [applied](#).

Furthermore, in terms of Article 20(2) of the ICCPR, freedom of expression may be limited if it constitutes advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. Such expression must be prohibited by law.

Article 9(2) of the African Charter also reiterates that the right to express and disseminate opinions must be 'within the law'. In addition, the [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#) provides the requirement that any laws suppressing expression must be legitimate, necessary, and proportionate.

### The safety of journalists

Several international standards highlight the importance of protecting journalists in relation to the right to freedom of expression and access to information. These include the Human Rights Committee's General Comment No. 34 and the Declaration of Principles on Freedom of Expression and Access to Information in Africa. [The HRC, UN General Assembly, and UN Security Council have further adopted resolutions on the safety of journalists.](#)

On 6 October 2020, the HRC adopted its latest resolution, [45/18 of 2020](#), which looks at the safety of journalists within the context of COVID-19. The resolution acknowledges 'the coronavirus disease crisis has significant implications for the work, health and safety of journalists and media workers', and expresses deep concern that it 'increases the vulnerability of journalists and weakens media sustainability, independence and pluralism and worsens the risk of the spreading of misinformation and disinformation by limiting access to a wide range of reliable information and opinions'. It further calls on states to 'consider, wherever possible, devising appropriate mechanisms to provide financial support to the media, including local journalism and investigative reporting, and to ensure that support is given without compromising editorial independence'.

### Criminalising defamation

The ACHPR passed Resolution 169 on Repealing Criminal Defamation Law in Africa on 24 November 2010. The resolution emphasises that 'criminal defamation laws constitute a serious interference with freedom of expression and impedes on the role of the media as a watchdog, preventing journalists and media practitioners from doing their work without fear and in good faith'. It calls on state parties to repeal criminal defamation laws or insult laws, which impede freedom of speech, and to adhere to the provisions of freedom of expression articulated in the aforementioned regional and international instruments. The call to repeal criminal defamation laws was reiterated in the [Declaration of Principles on Freedom of Expression and Access to Information in Africa of 2019](#).

### Criminalising 'false news'

The Declaration of Principles on Freedom of Expression further calls for the repeal of laws criminalising the publication of 'false news'. Human rights monitors have reiterated this call in relation to COVID-19, when governments around the world have implemented emergency legislation that curtails media freedoms, using the justification of curtailing the spread of 'false news' about the virus. The UN Special Rapporteur on freedom of expression has [stated](#) that the criminalisation of false news is 'disproportionate, fails to achieve its goal of tamping down information, and deters individuals from sharing what could be valuable information'. International bodies have further [expressed concern](#) that attempts to criminalise false information about COVID-19 may 'create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression'.

Instead of criminalising such false information, states should ensure government efforts to counter it are based on 'full, honest and evolving communication with the public, the promotion and protection of an independent press, and the careful and public correction of misinformation'.

### Misuse of licensing schemes

The ostensible purpose of licensing schemes is usually to ensure that the task of informing the public is reserved for competent persons of high moral integrity. In practice, however – as some of the cases in this report show – the power to distribute licences can become a political tool, used to prevent critical or independent journalists from publishing. For this reason – and simply because the right to express oneself through the mass media belongs to everyone, irrespective of qualifications or moral standing – licensing schemes for media workers are considered to be in [breach](#) of the right to freedom of expression.

## Misuse of accreditation schemes

While accreditation schemes can be genuinely necessary, they are also a common source of abuse. Governments often refuse to grant press cards to critical journalists, or require possession of such cards in situations where there are no authentic space or other constraints.

To address these problems, various international bodies have developed standards that states' accreditation schemes must meet. Most notably, the HRC, in [General Comment No. 34](#), has clarified that: 'Such schemes should be applied in a manner that is non-discriminatory and compatible with article 19 and other provisions of the Covenant, based on objective criteria and taking into

account that journalism is a function shared by a wide range of actors'. Similarly, the UN Special Rapporteur on the right to freedom of opinion and expression has [recommended](#) that: 'States should especially avoid imposing obstacles, such as accreditation procedures ... that undermine independent media'.

During a pandemic, it becomes even more crucial that law-enforcement authorities do not use accreditation schemes as an excuse to prevent journalists from conducting their work, as the cases in this report illustrate. Indeed, in Resolution 45/18 on the safety of journalists, the HRC expressed alarm at the 'disproportionate and undue restrictions on access to information or censorship, freedom of movement or accreditation, of journalists and media workers linked to their reporting on the pandemic'.

# Human rights violations against journalists in the context of COVID-19

**In response to COVID-19, the governments of Eastern and Southern Africa implemented legislation and regulations with the ostensible aim of curbing the spread of the virus. However, some of these measures had a chilling effect on the right to freedom of expression and prevented journalists from carrying out their vital work.**

In addition, some states used existing laws in a punitive way – either to punish journalists for their critical reporting on the pandemic or to suppress such reporting – in an apparent attempt to control the narrative. State security agents in the region also threatened, physically attacked, and/or arbitrarily arrested journalists reporting on COVID-19.

Across the region, authorities also arrested journalists for making statements about COVID-19 that they deemed false or irresponsible. State security agents in most of the countries monitored (**Kenya, South Africa, Sudan, Tanzania, and Zimbabwe**) also threatened, physically attacked, and/or arbitrarily arrested journalists, alleging that they were violating COVID-19 regulations. Such attacks were also noted in **Ethiopia** and **South Sudan**; however, ARTICLE 19 is not aware of any verified attacks in these countries that specifically related to journalists' reporting on COVID-19, or that perpetrators used COVID-19 regulations to justify, so they did not fall under the [scope of the research](#).

This section reports on our research findings in Eastern and Southern Africa, starting with problematic legislation and regulations before moving on to attacks against journalists and, finally, the misuse of licensing schemes to stifle freedom of expression.

# Problematic legislation and regulations

## Criminalising 'false news'

Since the advent of COVID-19, conflicting information and opinions have proliferated online, much of which has been presented as fact despite being untrue or unproven. Some states have sought to suppress what they see as harmful 'false news' in an attempt to control the narrative around the virus.

Three countries in the region (**Kenya, South Africa, and Zimbabwe**) criminalised the publication of 'false news' in the regulations they introduced to tackle COVID-19, and four countries (**Ethiopia, Kenya, Sudan, and Tanzania**) used existing legislation to punish journalists for what they deemed to be the publication of false information.



ARTICLE 19 has previously raised concerns about all these provisions and called for them to be repealed. They fail to meet the three-part test for restricting freedom of expression and, [as discussed in the previous section](#), run counter to international human rights standards that call for the decriminalisation of false information.

## Criminalising false information in new COVID-19 regulations

**Kenya, South Africa, and Zimbabwe** included provisions that criminalised false information in the regulations they adopted in response to COVID-19.

In an ostensible attempt to prevent false information from causing widespread panic, **Kenya** prohibited 'circulating false alarm or warning' in Article 36(b) of its Pandemic Response and Management Bill, 2020:

“ A person who knowingly ... (b) makes or circulates a false alarm knowingly or warning as to a pandemic or its severity or magnitude leading to panic, commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both. ”

At least one blogger has been [charged](#) under this offence in Kenya. ARTICLE 19 has previously raised [concerns](#) regarding these provisions, which are vaguely formulated, do not enable individuals to appropriately regulate their actions, and do not require a person to act with specific intent to cause certain harm. Furthermore, the penalties are disproportionate – particularly the custodial sentences. As discussed shortly, Kenya has also used existing legislation to charge journalists with the publication of 'false news'.

While Kenya's law apparently sought to prevent only false information that led to panic, **South Africa's Disaster Management Act, 2002 (the Disaster Management Regulations 2020)** went

further, prohibiting any statement of false information related to COVID-19 regardless of whether that statement had any actual negative consequences. Section 11(5) of the Regulations makes it an offence to publish:

“ any statement, through any medium, including social media, with the intention to deceive any other person about— (a) COVID-19; (b) COVID-19 infection status of any person; or (c) any measure taken by the Government to address COVID-19. ”

Such an offence is punishable by a fine, up to six months' imprisonment, or both. At least two broadcasters were [fined](#) in the country for allegedly publishing false information.

In an echo of the controversial false information provision in Section 31(a)(iii) of its Criminal Law Codification Act, **Zimbabwe** focused on the publication of false information about public officials in the context of COVID-19. Section 14 of the Public Health Order 2020 prohibits 'false reporting during national lockdown' and publishing or communicating 'false news about any public officer, official or enforcement officer involved with enforcing or implementing the national lockdown in their capacity'. It provides a punishment of a fine and/or imprisonment of up to 20 years – a grossly disproportionate penalty.

## Criminalising false information in existing regulations

Other states, rather than including false information provisions in their new COVID-19 regulations, used existing legislation to punish journalists for what they deemed to be the publication of false information.

In **Sudan**, Article 24 of the Law on Combating Cybercrimes of 2018 – which prohibits the publication of 'fake news' with the intent of spreading fear, 'threatening public peace or decreasing the prestige of the state' – appears to



have been used to [threaten](#) journalist Lana Awad Sabeel for her reporting on COVID-19 in Al-Fashir, North Darfur. In July 2020, the authorities amended this law, increasing the penalty from one year to four years, flogging, or both.

In **Tanzania**, the Cybercrime Act 2015, Statistics Act 2015, and Electronic and Postal Communications (Online Content) Regulations 2018 (the latter of which was amended in July 2020) all contain provisions criminalising the publication of what the state deems to be false information. This was particularly problematic given that, at the time, then-President John Magufuli denied COVID-19 even existed in the country. As shown below, these laws were used against at least four journalists and two media outlets for their reporting on the pandemic.

In addition to the false information provisions in its new pandemic-related regulations, **Kenya** used existing provisions in Sections 23 and 24 of the Computer Misuse and Cybercrimes Act, 2018, which carry criminal sanctions of 2 and 10 years respectively. ARTICLE 19 has [documented](#) at least 10 journalists (including online communicators and human rights defenders) who have been arrested or threatened with prosecution under Section 23 of the Act for allegedly publishing and spreading 'false and alarming information' on social media about COVID-19.

At the very start of the pandemic, on 23 March 2020, **Ethiopia** enacted the [Proclamation to Prevent the Spread of Hate Speech and False Information](#) with the stated intention of ensuring that, in the exercise of freedom of expression, individuals would not engage in speech that incites violence,

is likely to cause public disturbance, or promotes hatred and discrimination against a person, group, or community based on ethnicity, religion, race, gender, or disability (Section 3). Although this law was not specifically enacted in response to the pandemic, ARTICLE 19 was concerned that it could be used against journalists for their reporting on COVID-19. As well as potentially criminalising ‘hate speech’ in a manner that does not meet the [threshold](#) for doing so, this law contains disproportionate penalties of up to three years’ imprisonment for disseminating ‘false information’ by any means.

Another law used to maintain the state’s monopoly on information was the Statistics Act of 2015. Sections 37 (4) and (5) state it is an offence for a ‘radio station, television station, newspaper or magazine, website or any other media’ to publish ‘false statistical information’, or for an ‘agency or person’ to publish ‘official statistical information which may result in the distortion of facts’. Given the broad definition of ‘official statistical information’, this would mean the publication of all statistics – regardless of their source, which may be deemed ‘false’ – is considered a ‘distortion of facts’, and punishable by a ‘fine not less than two million shillings (US\$ 1,200)’, ‘imprisonment for a term of not less than six months’, or both.

**South Sudan** also has provisions in its Penal Code that criminalise the publication of false information. These include Articles 75 and 76, which carry prison sentences of up to 20 years for the publication of false information in general and up to 1 year for false statements about the President. However, these are not known to have been used against journalists for their reporting on COVID-19.

## Criminalising defamation

At least one state – **Sudan** – used existing criminal defamation laws to suppress any negative reporting on its response to the pandemic. Journalist Lana Awad Sabeel, who was reportedly threatened with charges of spreading ‘false news’, was also apparently [threatened](#) with charges of criminal defamation, in contravention of Article 289 of the Penal Code, for her reporting on the pandemic.

While no journalist is known to have been charged with defamation in **South Sudan** for their reporting on the pandemic, the country’s Penal Code also criminalises defamation. Article 291 criminalises the printing or engraving of matter known to be defamatory, punishable by a fine, up to two years’ imprisonment, or both. Article 292 further criminalises the sale of printed, engraved, or inscribed substances containing defamatory matter, with the same penalties.

## Misuse of licensing schemes and fines

In **Tanzania**, the Electronic and Postal Communications (Online Content) Regulations 2018 (amended on 17 July 2020) were used to charge journalists and suspend media outlets’ licences, including for their reporting in relation to COVID-19. ARTICLE 19 has previously raised [concerns](#) regarding these regulations – not least that they enforce licensing for bloggers, online discussion forums, and radio and television webcasters; repress online speech, privacy, and access to information; and prohibit many categories of content – and called for them to be repealed in their entirety.

ARTICLE 19 identified similar legislation of concern in **South Sudan**. Section 19 of the Media Authority Act provides for media registration and licensing, and the Media Authority has often used this to summon and sanction journalists perceived to be critical of the government. However, as with the other laws of concern in South Sudan, ARTICLE 19 did not register any cases where it was specifically used against journalists for their reporting on COVID-19 in the time period covered.

## Attacks against journalists

In Eastern and Southern Africa, journalists faced violations ranging from physical attacks to verbal threats, arbitrary arrests and detentions, and politically motivated prosecutions while carrying out their work in the context of COVID-19. Law-enforcement officers and state security agents carried out almost all of these attacks.

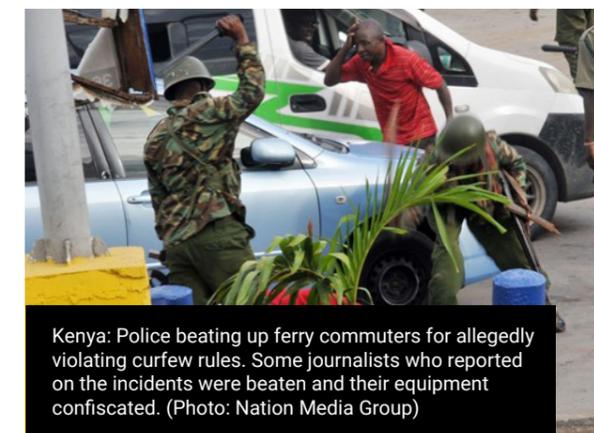
The protection of journalists, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. Threats, attacks, arbitrary arrests, and detention – and, in the gravest cases, enforced disappearances or killings – constitute a violation of not only the right to freedom of expression but also the rights to life, bodily integrity, and sometimes health.

### Physical attacks

Physical attacks include beating, kicking, slapping, and any other form of attack that inflicts physical pain or injury on a person. Such attacks may constitute a violation of the right to bodily integrity. Security agents, including the police, are required to use non-violent means when carrying out their work. They can only use force when it is impossible to carry out their objective through other means – and that objective must be legitimate. Furthermore, any use of force must be proportionate to the threat posed and/or the harm a law-enforcement official is seeking to avoid. In other words, the use of force must be [legitimate, necessary, and proportionate](#).

We found cases in **Kenya**, **South Africa**, and **Zimbabwe** of excessive use of force against journalists carrying out their work in relation to COVID-19. State agents carried out all of these attacks; specifically, police officers were nearly always the perpetrators, attacking journalists who were reporting on their enforcement of COVID-19 regulations. ARTICLE 19 documented four such cases in **Kenya** and a further four in **Zimbabwe**, as well as one case in **South Africa**. In most (if not all) of the countries considered in this report, the authorities have a history of using excessive force with little or no accountability.

While there may have been cases of excessive use of force against journalists in **Ethiopia**, **South Sudan**, **Sudan**, and **Tanzania** during the reporting period, ARTICLE 19 did not record any verified case that specifically related to journalists’ reporting in the context of COVID-19.



Kenya: Police beating up ferry commuters for allegedly violating curfew rules. Some journalists who reported on the incidents were beaten and their equipment confiscated. (Photo: Nation Media Group)

### Kenya: Police officers assault journalists reporting on police brutality

On 27 March 2020, [Peter Wainaina](#), a cameraman with Nation Media Group NTV, was reportedly covering a story in Mombasa, where police officers were beating commuters who were attempting to board the ferry before the dusk-to-dawn COVID-19 curfew the government had imposed that day. As Wainaina filmed the scene, an Administration Police officer brutally attacked him, while Wainaina’s colleague recorded the assault. The assault was roundly condemned by [Kenya Editors Guild](#), Kenya Union of Journalists, and human rights organisations. No action is known to have been subsequently taken against the officer.

Two days later, on 29 March, police officers reportedly [attacked](#) Weru TV cameraman George Muriithi as

he filmed police officers and government administrators using violence to enforce social-distancing rules on traders in Mitunguu market, Meru County.

A similar attack reportedly occurred on 2 April, when security guards from the County Government of Kiambu [assaulted](#) and arrested Mukoya Aywah and confiscated his camera.

## Zimbabwe: Police beat journalist and force him to delete footage of police operation

On 3 April 2020, police approached journalist Panashe Makufa as he filmed them dispersing people in a lockdown-enforcement operation. He reportedly showed them his press card, which the police dismissed as having expired, despite a directive by the Zimbabwe Media Commission that journalists should be allowed to continue using their 2019 press cards throughout 2020. The police then reportedly instructed him to get into a police vehicle, where they beat him and forced him to delete his footage. He was [released](#) without charge.

The police reportedly carried out a similar act against freelance journalist [Terence Sipuma](#) on 11 April 2020 as he was heading to cover a lockdown story. They reportedly stopped him, rejected his accreditation card, told him to lie on the ground, and beat him. He was released 15 minutes later.

## Zimbabwe: Police assault journalists with truncheons and sjamboks

In Harare on 24 June 2020, police reportedly [assaulted](#) two journalists, Munashe Chokodza and Leopold Munhende, claiming they were contravening lockdown regulations. This was despite the High Court having [recognised](#) journalists as essential workers on 20 April (which authorities confirmed in the [third amendment](#) of Statutory Instrument 93 of 2020 on COVID-19 Prevention, Containment and Treatment of the Public Health Order ('the Public Health Order') 2020), meaning that police could not arrest journalists for working during the pandemic or for violating lockdown.

According to Chokodza and Munhende, they were returning from work when they encountered a group of soldiers and police officers, who demanded to know where they had come from. They explained that they were journalists and showed their press cards. The soldiers then said journalists thought they were "special and needed to be dealt with." Munhende [said](#) the police slapped, tripped, and kicked them; assaulted them with truncheons and sjamboks; and ordered them to get up and run.



South Africa: South African National Defense Forces soldiers and SAPS officers patrolling and enforcing COVID-19 regulations in Soweto, Gauteng, in June 2020. (Photo: Getty Images)

## Editor of Mahokare News assaulted and detained by police officers in Meqheleng

In **South Africa**, police officers beat Paul Nthoba, Editor of Mahokare News, whom they also later threatened (see later case study). Members of the South African Police Services (SAPS) allegedly kicked and punched Nthoba while he was [working on a story](#) about the police enforcing lockdown rules and regulations.

No investigation is known to have been carried out into any of these cases, except that of [Paul Nthoba](#) in **South Africa**. ARTICLE 19 is further unaware of any criminal or disciplinary action taken against the alleged perpetrators, despite the states having a duty to ensure access to justice for all violations of human rights (Article 2 of the ICCPR).

## Threats and verbal attacks

Threats and verbal attacks include threats of bodily harm, including death; may be direct or via third parties, via electronic or physical communications, and implicit or explicit; and may encompass references to killing a journalist's friends, family, or sources. These kinds of threats

may include surveillance or trailing, harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials, or other forms of pressure that can jeopardise the safety of journalists in pursuing their work. Such threats can also have a chilling effect on freedom of expression and the ability of journalists to conduct their work, leading to self-censorship.

ARTICLE 19 documented cases of threats against journalists for their reporting on COVID-19 in **South Africa** and **Sudan**. There was also a case of perceived intimidation and harassment against journalists in **Kenya**.

## Sudan: Military threats against Aida Abdelgadir and Lana Awad Sabeel

In Sudan, in May and June 2020, two female journalists from Al-Fashir (the capital of North Darfur), Aida Abdelgadir and Lana Awad Sabeel, were [subjected](#) to intimidation, harassment, threats, and summoning by the military for publishing articles and information on COVID-19 in the state.

Abdelgadir told ARTICLE 19 they were intimidated and followed by military intelligence officers for three days in a row in the last week of May and early June, allegedly on the orders of the military governor. During this period, the intelligence officers also allegedly threatened their livelihoods and families. The governor stopped Abdelgadir from hosting her radio show. She also had to change her car to avoid surveillance and had to ask her brother to drive her around and her children to classes, as both a practical measure and a means of protection.

Abdelgadir and Sabeel also received several anonymous phone calls threatening that the Military Intelligence Agency would arrest and torture them in response to the [articles](#) they published on deaths due to COVID-19 in Al-Fashir and the shortage of personal protective equipment (PPE) among health workers. Despite these threats against them, the Sudanese government reportedly [sought and received funding and assistance](#), around the same time the articles were



published, to support its response to the COVID-19 pandemic – including for PPE. For fear of repercussions (and with the support of their network), both journalists had to flee to Khartoum, where they stayed for four months until they felt safe enough to return. Internal flights were not operating due to COVID-19 restrictions, so they had to travel the long distance by car.

The intimidation apparently stopped after the Ministry of Information intervened, called the governor, and called Abdelgadir and Sabeel personally to check on them. However, Sabeel's government employer, the state Ministry of Health, filed a complaint against her based on Article 47 of the Criminal Procedural Law, which allows entities to open a police file pending further investigation. According to a [letter](#) by a group of UN human rights experts to the Government of Sudan, in June the Informatics Offences Prosecution Office announced that it was reviewing the complaint against Sabeel and would decide whether to dismiss it or charge her with 'defamation' and 'spreading false news'. The case did not proceed, however, due to the intervention of the federal government.

In **South Africa**, members of the police reportedly threatened to physically harm two journalists, Jacques Marais and the aforementioned [Paul Nthoba](#), on two separate occasions.

## South Africa: Police threaten to kill journalist Jacques Marais

On 9 April 2020, police officers allegedly swore at and threatened to kill freelance journalist Jacques Marais. Marais, who was covering a lockdown story, was following a convoy of a dozen police vehicles and an army Casspir (four-wheel drive) vehicle in a Cape Town township when one of the police vehicles stopped in front of him, blocking his way. According to his report to the South African National Editors' Forum (SANEF) and the South African Freelancers' Association, Marais said he then parked, got out of his car, and started photographing police officers beating up a civilian.

Marais went on to say that, while he was taking these photographs, two men who were part of the police convoy confronted him, brandishing 1.2-metre-long wooden clubs. On showing them his media accreditation card, Marais stated that they hurled it back at him and one of the policemen told him to "[leave, or you will die here today.](#)" Marais left the scene and reported the incident to SANEF.

In **Kenya**, journalists protested in response to a perceived threat of judicial action against two journalists for an article they had published relating to COVID-19.

## Kenya: Perceived threats of judicial action against two journalists

On 6 April 2020, the Directorate of Criminal Investigations (DCI) in Nakuru [summoned](#) two journalists, Julius Chepkwony and Daniel Chege, to explain the source of an article they had published stating that the Kenya Defence Forces Lanet Barracks was under lockdown due to COVID-19. The journalists apparently felt threatened by this summons because there was a perception that it might lead to criminal charges or a subsequent lawsuit. This constituted a violation of journalists' right to have their sources protected. It caused an uproar that saw Nakuru journalists march to the DCI, alongside Chepkwony and Chege, to show solidarity with and protest against the harassment of their colleagues. The journalists went to the DCI with a lawyer, but refused to divulge their source, and the matter ended there; the DCI did not take them to court as it had threatened.

International bodies, including the [HRC](#) and [ACHPR](#), have raised concerns about threats against journalists by political and other figures. They have called on states to take steps to ensure the security of journalists, including carrying out prompt, effective, and impartial investigations into threats and reprisals against them, as well as access to appropriate restitution, compensation, and assistance. States are further required to ensure government officials publicly, unequivocally, and systematically condemn threats and attacks against journalists and refrain from verbally attacking them. In addition, states must take measures to prevent threats by non-state actors. This does not appear to have happened in any of the above cases – except, as will later be shown, the case of journalist Paul Nthoba.

## Arbitrary arrests and detentions

An arbitrary arrest is one that falls into one of the following categories, among others:

- **When it is clearly impossible to invoke any legal basis** justifying the deprivation of liberty;
- **When it is carried out without due regard to the international norms relating to the right to a fair trial**, such as the right to presumption of innocence and right to a lawyer; or
- **When detention is used in response to the legitimate exercise of human rights**, such as arresting peaceful protesters for the mere exercise of their rights to freedom of opinion and expression or freedom of association and assembly.

Where an arrest is arbitrary, the detention will also be arbitrary; and even where an arrest is not arbitrary, the detention will be arbitrary if continued detention falls within one of the above categories.

A number of the documented arrests in Eastern and Southern Africa occurred while journalists were covering police officers' implementation of COVID-19 regulations, and appear to have had no legal basis. ARTICLE 19 further documented cases of journalists being arrested for their reporting on the pandemic, including posts online, which were alleged to constitute false information or to contravene other laws. As discussed, false information laws contradict international human rights laws and standards. These arrests therefore constitute arbitrary arrests, as they were carried out in response to the journalists' legitimate exercise of human rights, specifically the right to freedom of expression. Furthermore, other laws appear to have been applied in a punitive manner against journalists for their critical views regarding actions taken by the authorities in relation to the pandemic.

### Arrests without a legal basis

Some of the cases of arbitrary arrest and detention that ARTICLE 19 documented were carried out without a legal basis, including that of Paul Nthoba in **South Africa**, who (as mentioned) was also beaten and threatened. Although he was not arrested as such, he was reportedly detained at a police station for a few hours, without a legal basis, in a manner that constitutes an arbitrary detention.

## South Africa: Police beat, unlawfully detain and threaten Editor of Mahokare News

On 15 May 2020, police arrested Paul Nthoba, Editor of Mahokare News, after he went to a police station to report police officers assaulting him earlier in the day. Members of the SAPS had allegedly kicked and punched Nthoba while he was working on a story about the police enforcing lockdown in local communities. According to Nthoba, the police started beating him up when they saw him taking pictures of them. The police were monitoring citizens' adherence to COVID-19 lockdown rules and regulations in the township of Meqheleng, close to the Lesotho border. Nthoba stated that the same police officers found him at the police station where he reported the assault, and further beat him.

Police detained Nthoba at the station for several hours, releasing him after asking him to sign a statement stating he had provoked police officers in the street and taken a photo without their permission. After media reports of the incident, the Independent Police Investigative Directorate (IPID) released a statement saying they were looking into the alleged



South Africa: Paul Nthoba, Editor of the weekly Mahokare News community newspaper, who was assaulted and detained by South African police, leading him to flee to Lesotho. (Photo: The Post)

assault. After an initial meeting with Nthoba, the IPID apparently did not speak to him further because [it could not locate him](#). It was later reported that Nthoba had fled to Lesotho, and that he had [told](#) Reporters Without Borders: “they promised to deal with me once I’m released.”

Nthoba finally returned to South Africa on 29 June 2020, following [mediation](#) by a human rights organisation (the Transformation Resource Centre) and [assurances](#) by the South African President, Cyril Ramaphosa, that he would be safe. The IPID is reportedly investigating the [case](#). No further information had been issued at the time of writing (September 2021).

In **Kenya**, police reportedly arrested at least two journalists for allegedly violating COVID-19 regulations, even though there was no legal basis for such arrests; journalists were [designated](#) as essential workers, and were therefore exempt from the nationwide [curfew](#) that prevented people from leaving their houses between the hours of 7pm and 5am.

### Kenya: Journalists arrested for violating curfew, despite being exempt

In Uasin Gishu on 29 March 2020, police [arrested](#) John Wanyama and Charles Kerecha, journalists from Citizen TV, for apparently violating the curfew brought in two days earlier to curb COVID-19. This was despite journalists and other media workers being exempt from the curfew regulations because they were essential service workers.

There were at least two cases in **Zimbabwe** in which journalists were arbitrarily arrested without a legal basis. Police arrested the two journalists in March and April 2020 for working with invalid press cards – despite a Zimbabwe Media Council directive on 31 March 2020 stating that journalists would not need to renew their 2019 cards and should be allowed to work unhindered. The [directive](#) was apparently made in acknowledgement that COVID-19 had caused administrative delays in the renewal of press cards.

### Zimbabwe: Police arbitrarily detain journalists for ‘working with invalid cards’

On 30 March 2020, police arbitrarily detained Kudzanai Musengi, a correspondent with Voice of America, for working with an expired press card. Musengi was taking pictures of major retail shops for a story on lockdown compliance. While he was [detained](#), police officers demanded to look through his mobile phone – which he refused, since he had not been charged. He was released later that day without charge, after the police’s public relations department intervened.

A few days later (2 April), police arrested Nunurai Jena – another Voice of America journalist – in Chinhoyi, where he was photographing police inspecting the public’s compliance with COVID-19 regulations. Jena was initially accused of operating with an expired accreditation. He was later [charged](#) for disorderly conduct in a public place, with an alternative charge for contravening the Public Health Order 2020 (Section 11(a)(b)). He appeared in court and was released on free bail the next day. His trial began in November 2020; as of September 2021, it is yet to be concluded.

[As mentioned](#), while accreditation schemes can be genuinely necessary, they are also a common source of abuse, and the UN has [recommended](#) that states avoid them.

### Arrests for alleged publication of ‘false news’

In **Kenya** and **Tanzania**, the authorities used false information laws to arrest and detain journalists for their reporting or posts on COVID-19.

In **Kenya**, at least two bloggers were arbitrarily arrested and detained for such posts.

### Kenya: Blogger charged with publishing ‘false information’ for tweeting about COVID-19 deaths

On 20 March 2020, blogger Robert Alai was [arrested](#) and put in a police cell for allegedly publishing ‘false news’ on COVID-19 in Kenya. He had questioned the government on the actual number of cases in the country by allegedly tweeting that two people had died of COVID-19 in Mombasa. His [charge sheet](#) stated: ‘On the 19th day of March 2020 at an unknown place within the Republic of Kenya, posted on your twitter account @RobertAlai to wit “Coronavirus: Is the Kenyan government hiding COVID-19 related deaths at the Port of Mombasa” knowing it to be false and calculated to cause panic and fears among citizens of the Republic of Kenya’.

The tweet was reportedly removed after the DCI summoned Alai and charged him with publication of false information, contrary to Section 23 of the Computer Misuse and Cybercrimes Act. Alai denied the charges and was freed on bail.

### Kenya: Blogger arrested for tweet about official failing to quarantine

On 25 March 2020, blogger Cyprian Nyakundi was [arrested](#) for tweeting that a senior Kenya Revenue Authority official had left and returned to the country without undergoing mandatory quarantine, in contravention of the government’s COVID-19 regulations. He was [accused](#) of posting false news, in contravention of the Computer Misuse and Cybercrimes Act 2018. He was freed on cash bail.

In **Tanzania**, four journalists and bloggers were similarly arrested.

### Tanzania: Journalists arrested for posting about COVID-19 on social media

On 6 April 2020, Afrikana Mlay, editor of Kiswahili-language publication Kasheshe, was [arrested](#) in connection with a post indicating that Tanzania was hiding the actual number of COVID-19 infections. The same week, blogger Awadhi Lugoya was [arrested](#) and accused of ‘wrongful use of social media’ for allegedly creating a Facebook account (‘Coronavirus Tanzania’) to disseminate information, which the Morogoro regional police commander declared “misleading” about the pandemic.

## Tanzania: Newspaper staff charged for WhatsApp messages about COVID-19 victims

On 30 April 2020, two members of staff of *Mwananchi* newspaper, Haidary Hakam and Alona Tarimo, were arrested and [charged](#) for disseminating ‘false information’ about COVID-19 victims on WhatsApp. They were charged under the Cybercrime Act 2015. Tanga Regional Police Commander Edward Bukombe took the opportunity to remind Tanzanians to stop sharing information on social media that the government or authorities had not verified.

### Punitive arrests of critical journalists

In **Zimbabwe**, the authorities used laws – including new COVID-19 regulations – in an apparently punitive manner against critical journalists. In one case, two journalists were arrested for allegedly failing to obey an officer’s order to maintain social distancing.



Zimbabwe: Journalists Samuel Takawira and Frank Chikowore stand with a police detective outside a Harare court on 23 May 2020. (Photo: Columbus Mavhunga /VOA)

## Zimbabwe: Arrest of journalists reporting on activists tortured by police

On 22 May 2020, police arrested journalists Frank Chikowore and Samuel Takawira in Harare. The journalists had sought to interview three political activists who the police had reportedly kidnapped, tortured, and arrested. Police alleged that the journalists had failed to obey a police officer’s order to maintain social distancing, as per lockdown regulations, in contravention of the Public Health Order 2020 (Clause 11(b)). The two were [held in custody](#) until 26 May, when they were granted bail, before finally being [acquitted](#) by a Harare court on 10 September 2020.

Another journalist was charged with inciting public violence for a supportive post about a protest called in reaction to the misuse of COVID-19 funds.



Zimbabwe: Journalist Hopewell Chin’ono raises his fist to colleagues, relatives, and friends while getting into a prison vehicle on 23 July 2020 outside Harare Magistrates Court. (Photo: Columbus Mavhunga)

## Zimbabwe: Journalist detained for 44 days following tweets about government corruption

On 20 July 2020, police [arrested](#) Hopewell Chin’ono for ‘inciting public violence’. This was ahead of a mass protest, planned for 31 July ([#ZanuPFmustgo](#)), which opposition politician Jacob Ngarivhume organised to call for a change of government.

Chin’ono had [tweeted](#) in support of the protest, as well as around ‘Draxgate’ – government officials’ misappropriation of COVID-19 funds, which online publication ZimLive had [exposed](#). Chin’ono live-streamed his arrest until police officers ordered him to put down his phone. His lawyer said about eight security agents, who broke down doors at the journalist’s house, were involved. He spent 44 days in pre-trial detention before being granted bail – after four attempts – on 2 September 2020. Over a year after his arrest, on 6 December 2021, a Harare High Court reportedly [acquitted](#) him of the charges.

The right to protest is recognised under international law (Article 21 of the ICCPR), and voicing support for a protest constitutes a legitimate exercise of the right to freedom of expression. The UN has [called](#) on states to ensure the right to protest during COVID-19, and to:

“ only limit the exercise of that right as strictly required to protect public health. Accordingly, states are encouraged to consider how protests may be held consistent with public health needs, for example by incorporating physical distancing. Restrictions on public gatherings should be constantly assessed to determine whether they continue to be necessary and proportionate. ”

Law-enforcement officers are empowered to carry out arrests – but they can only do so in line with the law. This means that the alleged crime, the reason for the arrest, and the procedure followed for the arrest must be provided by law. Law-enforcement officers cannot carry out an arrest where no crime is reasonably suspected to have been committed. In addition, in accordance with international law, law-enforcement officers must ensure those arrested are informed about the reasons for their arrest and the charges against them, have access to a lawyer, and are promptly taken before a competent authority to have the legality of their detention determined, among other rights (Articles 9 and 14 of the ICCPR). These rights are known as ‘due process rights’. Arrests carried out without guaranteeing due process rights are arbitrary. However, in the majority of cases mentioned above, the arrests were carried out without a legal basis, and do not appear to have been carried out in a manner that respects due process rights.

## Misuse of licensing schemes and fines

In **Tanzania**, licensing schemes for the media and journalists – which, [as noted](#), breach the right to freedom of expression – become even more problematic during a pandemic. Between April and August 2020, two media outlets were suspended for their reporting in relation to COVID-19.

### **Tanzania: Daily newspaper suspended and fined after posting photo of President Magufuli apparently violating social-distancing rules**

On 17 April 2020, the Tanzania Communications Regulatory Authority (TCRA) [suspended](#) the *Mwananchi* daily newspaper's licence for six months and fined it 5 million Tanzanian shillings (approx. USD2,155) for allegedly violating the Electronic and Postal Communications (Online Content) Regulations of 2018. This happened shortly after *Mwananchi* [posted](#) a photo of President Magufuli shopping in a crowd of people, in an [apparent violation](#) of the government's social-distancing rules, which sparked an online discussion about Tanzania's approach to COVID-19. The authorities claimed the photo was taken prior to the pandemic, and *Mwananchi* quickly took it down and [apologised](#).

### **Tanzania: Kwanza Online TV's licence suspended for sharing US Embassy health alert**

On 10 July 2020, [Kwanza Online TV's](#) licence was suspended for 11 months for sharing a health alert on Instagram, issued by the US Embassy, warning that Tanzania's COVID-19 cases were rising. Joseph Mapunda, Vice-Chair of the TCRA's Content Committee, told journalists that Kwanza Online TV had published an unbalanced story that was designed to cause panic and damage the country's economy, and that this was against the Electronic and Postal Communications (Online Content) Regulations, 2018.

There were also cases of Tanzanian media outlets being fined for their reporting on the pandemic.

### **Tanzania: Media outlets fined and forced to apologise for airing report describing President as "stubborn"**

On 26 April 2020, Star Media, Multichoice Tanzania, and Azam Digital Broadcast were [fined](#) 5 million Tanzanian shillings (approx. USD2,155) for allegedly flouting the rules on COVID-19 communication. The stations had aired content from Kenya's Citizen TV that described President Magufuli as "stubborn" for refusing to impose a lockdown. The stations were also compelled to broadcast an apology to President Magufuli for seven consecutive days. Citizen TV and Radio were asked to broadcast a similar apology.

# Conclusion and recommendations

Our monitoring of violations against journalists reporting on COVID-19 in Eastern and Southern Africa found that, far from being supported in their crucial role in disseminating information and holding the authorities to account, they too often became the targets of attacks by state agents and problematic legislation.

The pandemic is not over. In late December 2021, reflecting on two years since the outbreak of COVID-19, World Health Organization (WHO) Director-General Tedros Ghebreyesus remained “highly concerned” that the more transmissible Omicron variant was leading to “a tsunami of cases” worldwide, while the WHO warned that ‘new variants could become fully resistant to current vaccines or past infection’. In this ever-changing context, countries may continue to bring in restrictions to attempt to curb the spread.

It is vital that such restrictions do not impact on the right to freedom of expression and access to information, and that journalists do not come under attack simply for carrying out their indispensable work.

## Recommendations

ARTICLE 19 calls on the governments of **Ethiopia, Kenya, South Africa, South Sudan, Sudan, Tanzania, and Zimbabwe** to:

- **Implement the recommendations of the [resolution on the safety of journalists](#)**, adopted by the HRC on 6 October 2020, which provide guidance on ensuring the safety of journalists in the context of COVID-19; and
- **Remove all provisions in laws and regulations criminalising defamation, ‘false news’, and similar concepts**, and ensure all speech- and COVID-19-related legislation conforms with international standards on freedom of expression.

ARTICLE 19 further calls on the governments of **Kenya, South Africa, Sudan, Tanzania, and Zimbabwe** to:

- **Take all measures necessary to guarantee the safety and security of journalists** by ensuring all law-enforcement and military officers are aware that arbitrary arrests, detentions, and brutality will not be tolerated;
- **Investigate all reports of human rights violations perpetrated against journalists** and ensure that, in cases of violations, investigations are carried out and perpetrators held accountable in trials meeting fair trial standards;
- **Ensure there are reparations for victims of violence by law-enforcement and military officers**, including adequate compensation;
- **Implement the provisions of the [African Commission Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019](#)**, including in relation to the safety of journalists; and
- **Ensure requirements for accreditation and licensing schemes are not misused** to prevent journalists from reporting.

