



So This is Democracy?

State of media freedom in southern Africa 2004
Annual publication of the Media Institute of Southern Africa



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So this is Democracy?

Report on the state of media freedom in Southern Africa

2004



Post newspaper reporter Sheik Chifuwe (left) struggles with the MMD cadres outside the Lusaka High Court during one of the Roy Clarke deportation court hearings. On January 5 2004, Roy Clarke, a columnist on the privately owned Post newspaper was given 24 hours in which to leave the country for allegedly having insulted President Levy Mwanawasa and two other cabinet ministers in an article published in the Post of January 1, 2004.

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Acknowledgements

Each year much untiring effort is spent at MISA's national chapters and regional secretariat to ensure that this important document is published. Media freedom monitoring is MISA's core business and will continue to form the foundation of its advocacy work aimed at creating a conducive environment for a free and independent media in southern Africa.

MISA's national chapter Information and Advocacy officers are the face of MISA at national level - most certainly to those persons who fall victim to media freedom and freedom of expression violations. These are staff members who go further than document violations, and in many instances offer much needed moral support to journalists.

We thank all individual contributors to this edition, especially Ms. Pauliina Shilongo who analysed the media situation in southern Africa through the regional overview provided in this book. We also thank Gilberto Neto, Sechele Teleka Sechele, Moeti Thelejane, Costly Ronalds Mtogolo, Tafo Caetano Mucobora, Graham Hopwood, Raymond Louw, S'bongiseni Mamba, Jesse Kwayu, Kenny Makungu and Mathew Takaona

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Zoé Titus

Regional Programme Manager: Media Freedom Monitoring



State of media freedom in southern Africa












MEDIA INSTITUTE OF SOUTHERN AFRICA (MISA)

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Notes on Classification


The list and definitions of classifications in “So This Is democracy?” - which makes up the bulk of the content of this book - are assigned to specific categories. Actual alerts issued by MISA are indicated by the ALERT in the top right hand corner of the entry. In all, there are eleven categories:


 Beaten	 Bombed	 Censored
 Legislated	 Detained	 Expelled
 Killed	 Sentenced	 Threatened
 Victory	 Others	


As indicated above, the categories are arranged in alphabetical order. Below is a description of each category. Each category captures a fairly broad range of incidents, and more than just the single word it is represented by. Nevertheless, each category is an accurate summation of incidents that are not too dissimilar with respect to their nature and the manner in which they affect the individual media workers and/or the media in general. Except for victory, the categories make up a list of the various types of violations media workers can experience during the course of or as a result of their work:

 **KILLED** - This tops the list in terms of severity, and there is no need to explain why. Included under this category, however, are incidents where journalists have been kidnapped or gone missing, and have disappeared. For the purpose of this publication, that means that any incidents involving the latter will add to the statistics of this category. The statistic given is for the number of media workers involved, as opposed to the number of incidents reported.

 **BEATEN** - This includes incidents where journalists are assaulted, attacked physically, tortured, or wounded during the course of their work. The statistic given is for the number of media workers involved.

 **BOMBED** - This includes incidents where a home of a journalist or the office of a media house/outlet/organisation is sabotaged through bombing, arson, vandalism, theft, or is raided or occupied forcibly. The statistic given is for the number of media workers or media organisations involved.

 **DETAINED** - This involves a media worker being put behind bars. It can be legal or illegal and includes being sentenced to a jail term or being detained (without charge, incommunicado, preventative, arrest). The statistic given is for the number of media workers involved.

 **CENSORED** - This is where information is suppressed or prevented from being published, or where media workers are somehow or other prevented from getting their information out. It involves straight forward censorship such as a banning, a gagging order, order for excisions, preventing the publication of information through legislative restrictions, e.g. public officials or the courts, and interdicts, court orders or civil litigation resulting in the suppression of information. It also involves a publication or broadcaster or programme being shut down or suspended, as well as

incidents where equipment and/or materials are confiscated. The statistic given is for the number of media workers or media organisations involved.



EXPELLED - This category relates to the free movement of media workers. It involves incidents where journalists are expelled from a country, are prevented from entering a country (denying of Visas, work papers or accreditation), are prevented from leaving a country, are barred from travelling into a country or from entering certain areas, and generally inhibited from moving freely in order to perform their work. The statistic given is for the number of media workers involved.



LEGISLATION - This relates to all aspects of the legislative process and the application of common law. It includes instances where official proposals are made for new laws, legislation is passed, laws are amended or struck down either in parliament or by the courts, and civil litigation is instituted against media. This category is not all about violations, since there can be legislation that enhances media freedom and freedom of expression. This has been pointed out accordingly through the descriptive terms 'threatening legislation' and 'positive legislation'. The statistic given is for the number of incidents reported under this category, as opposed to the number of media workers or media organisations involved.



SENTENCED - This is when a judgement is handed down against a media worker involving either a prison term or a fine. The statistic given is for the number of media workers involved.



THREATENED - This involves a threat from a public official, a death threat, various forms of harassment (such as veiled warnings, threats of action, or interference in editorial processes), or journalists being questioned or interrogated on their sources. The statistic given is for the number of media workers or media organisations involved.



VICTORY - This is self-explanatory in terms of its implication for the media, but involves different types of incidents. Some incidents falling under this category have immediate implications for individual media workers or media organisations (being released unconditionally, having charges dropped, winning or avoiding civil litigation, overturning gagging orders and acquittal on criminal charges), while others have broad implications that advance media freedom, access to information or freedom of expression in general (favourable policy statements from public officials, the adoption of media-friendly laws or policies, favourable and precedent-setting court judgements, and favourable procedures and decisions by statutory or other bodies dealing with matters of media content or freedom of expression). The statistics given is for the number of incidents reported under this category.



OTHER - These are incidents which do not necessarily involve the media, but which affect aspects of freedom of expression or speech in general. These can involve cases of sedition against a member of the public, a general curb on free speech, parliamentary speech or access to information (e.g. matters involving the internet, pornography, hate speech, political speech), a violation of the right to freedom of assembly and protest, or an incident relating to artistic or academic freedom. Incidents involving the media, which do fall under this category, involve that of media pluralism (a publication closing down because of financial reasons) or incidents involving access to the public media. The statistic given is for the number of incidents reported under this category.

Map of Southern Africa with MISA's eleven focus countries



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Regional Overview

By Pauliina Shilongo

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Cause for celebration - and concern

Since the turn of the century there has been an ever-growing number of alerts on media freedom violations issued in the countries of southern Africa. On the one hand, this is an indication of increasing interest and an increased capacity to publicise and campaign on issues relating to media freedom and freedom of expression in the region by national, regional and international organisations. On the other hand it is a sad indication that freedoms of expression, media and access to information are still being challenged throughout the region.

Media freedom

In 2004 the state of media freedom in the southern African region varied: there were positive steps in Malawi, but a gradual deepening of oppression in Zimbabwe. In most of the 11 MISA chapter countries a status quo of either generally free media environment or restricted media environment was maintained. A notable trend in the regional media freedom environment was access to information. There seemed to be increased number of cases of government attempts to restrict journalists' access to government information. Campaigns to introduce Access to Information legislation did not bear much fruit in 2004. On the other hand, 2004 also saw one government trying to influence the flow of information beyond its borders, an act which bears eerie resemblance to the South African apartheid government's propaganda machinery throughout southern Africa.

The total number of alerts issued by MISA in 2004 was 169. This decreased by 19 from the previous year (188), but this should not be hailed as a victory for media freedom and freedom of expression environments in the region. This is because many violations go unreported for one reason or the other. It is also important to note that the nature of the violations rather than the number is a telling statistic.

Governments in this region have a two-side relationship with the media. On one hand is the government's relationship with the private media, and on the other its relationship with the public media.

Election coverage

Elections are a cornerstone of democracy and as such often a good indication on the government of the day's commitment to sustainable multi-party democracy and freedom of expression. In 2004 national and/or presidential elections were held in Botswana, Malawi, Mozambique, Namibia and South Africa. In each country the period running up to the elections saw a number of attempts by the ruling party and its politicians to use publicly funded media as their private platforms. Opposition parties in a number of these countries objected vocally to the favouritism offered to the ruling parties, especially in terms of the public broadcasters' airtime. In Namibia, this culminated in five opposition parties walking out of the Namibia Broadcasting Corporation's (NBC) Election Forum set up to consult with parties. In Botswana, the government changed its attitude slightly after widespread public criticism and a protest march organised by one of the opposition parties.

However, these attempts to ensure equal coverage were not very successful. In Botswana, Mozambique and Namibia it was observed that both public and private media organisations afforded the ruling parties disproportionate media coverage. For example, a study by the Institute

for Public Policy Research, MISA Namibia and media monitoring company Mediatenor on the coverage by the Namibian media of the national, presidential and regional elections showed the ruling party did receive the lion's share of newspaper and television coverage in the run-up to the election.

The Internet as a political tool

Election periods also saw southern African politicians finally enter cyber space and recognise it as an influential communication medium. In South Africa President Thabo Mbeki, thwarted in his attempts to be given regular airtime on the TV and radio channels of the public service broadcaster, the South African Broadcasting Corporation, turned to the Internet site of the ruling African National Congress to present his personal weekly commentary on South African affairs. Under the heading of Letter from the President, he gave free reign to his views. The acerbic tone of his accounts bore witness to the strained relationships between the state and the media in a country where freedom of the media is one of the cornerstones of the Constitution.

In Namibia, a series of anonymous e-mail letters vilifying former Foreign Affairs Minister and one of three contestants for the ruling party SWAPO's presidential candidate, Nghidipo Hamutenya, circulated throughout the year. These letters also heaped abuse on the media as both independent and state media organisations were accused of playing the imperialists' tune and supporting the former Foreign Minister.

Legislation

Legislative environments varied from a state of no change in most countries through moderate improvements in Mozambique and Tanzania to fading hopes for improvement in Swaziland and Zimbabwe.

Zimbabweans entered 2004 optimistic that the Supreme Court would quash sections of the infamous Access to Information and Protection of Privacy Act (AIPPA). Instead the government used every clause in AIPPA and other anti-media freedom and freedom of expression acts to thwart any "controversial" action by the media. In this process hundreds of journalists have lost their jobs through firing and the banning of the Tribune newspaper.

In Tanzania a constitutional amendment removed an article that many had deemed as giving freedom of expression with one hand and hijacking it with the other.

In Mozambique the new constitution, passed in November 2004, expands on the existing freedoms of expression and information. In Swaziland however, the hopes raised in 2003 by the draft Constitution are slowly waning. The constitution remains a draft and, as observed by Swazi journalists, would not in its current form lift the restrictions levelled against the media.

The broadcast sector

MISA's campaigns to open the airwaves and ensure that public broadcasters are regulated under the same laws and independent regulatory bodies as other broadcasters on the continent have started to bear fruit. In Botswana and Malawi the public broadcasting corporations were granted licenses by independent broadcasting authorities. However in many other southern African countries the public broadcasters remain unlicensed and under direct government control. The victories in Botswana and Malawi are also to a certain extent marred by criticisms levelled against the broadcasting authorities of being 'toothless' and not really independent.

Libel and defamation

A number of journalists were issued with or threatened with defamation cases. In Zimbabwe

libel suits against newspapers have become so commonplace that they are no longer considered newsworthy. However, considering that especially the state media in Zimbabwe have seemingly abandoned all journalistic principles of truth, accuracy, balance and fairness, the number of libel suits was not deemed surprising. In Lesotho, the trend of lawsuits with stiffening damages instituted against the financially weak independent media continued, threatening the operations of the independent media severely. This phenomenon has grown to such an extent that it has started to undermine solidarity among independent media themselves. This was demonstrated when a newly formed English tabloid newspaper, *Our Times*, was threatened with closure within a month of hitting the streets. It was served with a summons by lawyers representing *Public Eye*, who demanded extensive compensation for damages to business status and reputation over report that the publishers of *Public Eye* had sold the newspaper to a South African company.

Media diversity

Developments in media diversity varied greatly throughout the region. In South Africa the recently instituted downmarket tabloid newspapers flourished with spectacular gains in circulation, indicating that they had found a new market among people who appear not to have been newspaper readers in the past. The *Sun* offers sex, crime, scandal and sport, and has rapidly outstripped the established titles: its circulation has climbed through the 200,000 mark. On the other hand, South Africa is the only country in the region that has established The Media Development and Diversity Agency, which began working in earnest in 2004. The agency approved payment of R3.6-m to 19 projects from January, giving a major boost to the community media sector in the country.

On the other hand, media diversity in Zimbabwe continued to shrink with the banning of the privately owned weekly publication *Tribune* under the oppressive AIPPA legislation, and the closure of *Parade*, the country's largest monthly magazine due to financial constraints.

Zimbabwe: overstepping its boundaries

In addition to muzzling the media inside its boundaries, the Zimbabwean government started a campaign to influence media coverage of Zimbabwe in neighbouring countries. The then Minister of Information and Publicity in the President's office, Jonathan Moyo, toured the region in 'information sharing' missions. The reception varied from rejection in Mozambique, where members of the Mozambican Journalists' Union protested the presence of Moyo, to Namibia where his visit kick-started the process of establishing the regional newspaper *Southern Times*, a joint venture between *Zimpapers* and *New Era* of Namibia, both government owned media houses. The *Sunday* paper was widely seen as an apparent attempt to counter the South African-based *Sunday Times*, which was seen as being anti-Zimbabwean President Robert Mugabe. According to a joint statement issued by the publishers for the *Sunday* paper's launch, a potential readership of millions across the region was envisaged. However, after the first two months it had sold less than 20 000 copies in total.

Conclusion: the good news

The alerts for 2004 indicate an increasing emphasis on access to information and professionalism among the media fraternity. Civil society coalitions for media freedom advocacy and legal reform were formed in Zambia and Zimbabwe.

These are proof positive that although there has been a struggle to establish sustainable mechanisms for self-accountability and independent broadcasting regulatory bodies; and to introduce Access to Information legislations, MISA chapters' continued campaigns and civil society organisations in a number of the southern African countries are starting to bear fruit.

Panoramica Geral Regional

Por Pauliina Shilongo

Traduzido por Rui Correia

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Causa para celebração - e preocupação

Desde a virada do século, tem havido um número crescente de alertas de violações da liberdade da comunicação social, emitidas nos países de África Austral. Por um lado, isto é uma indicação do interesse crescente e de uma maior capacidade das organizações nacionais, regionais e internacionais em divulgar e fazerem campanhas sobre assuntos relacionados à liberdade dos órgãos da comunicação social e à liberdade de expressão na região. Por outro lado, é também uma indicação triste que as liberdades da expressão, dos órgãos da comunicação social e do acesso à informação continuam a ser desafiadas em todo a região.

Liberdade dos órgãos da comunicação social

Em 2004, o estado da liberdade dos órgãos da comunicação social na região da África Austral foi bastante diferente de país para país: houve uns passos positivos no Malawi, mas aumentou a opressão no Zimbabwe. Na maioria dos 11 países onde o MISA tem um núcleo, o status quo do ambiente manteve-se inalterado em cada país. Uma tendência notável no ambiente regional da liberdade dos órgãos da comunicação social foram actividades em torno do acesso à informação. Pareceu haver um número maior de casos de governos tentando restringir o acesso dos jornalistas às fontes de informação retidas pelo governo. Campanhas para introduzir legislação sobre o acesso à da informação não deram grandes resultados em 2004. Por outro lado, 2004 também presenciou um governo tentar influenciar o fluxo da informação para além das suas fronteiras, um acto muito semelhante às actuações da máquina de propaganda que o governo sulafricano montou através da África Austral durante a era do apartheid.

O número total de alertas emitidos pelo MISA em 2004 foram 198. Isto representa uma redução de 10, comparado com o ano anterior (208), mas isto não deve ser interpretado como uma vitória para a liberdade dos média e a liberdade de ambientes da expressão na região. Isto é porque muitas violações não são registadas por uma razão ou outra. É também importante deixar dito que a natureza das violações - e não o número - é a estatística de maior valor.

Os governos nesta região têm relações ambivalentes com os média. Por um lado, as relações do governo com os órgãos da comunicação social privados, e na outra as relações com os órgãos da comunicação social públicos.

Cobertura da eleição

As eleições são um alicerce da democracia e como tal, é uma boa indicação do compromisso do governo para com a democracia multi-partidária sustentável e a liberdade de expressão. Em 2004, eleições nacionais e/ou presidenciais tiveram lugar no Botswana, no Malawi, em Mozambique, na Namíbia e na África do Sul. Em cada país, durante o período pré-eleitoral houve várias tentativas pelo partido no poder e os seus dirigentes de usar órgãos da comunicação social financiados com fundos públicos como suas plataformas privadas. Em certos detes países, os partidos da oposição, opuseram-se veementemente ao favoritismo oferecido aos partidos no poder, especialmente no que diz respeito a tempo de antena nas emissoras públicos.

Na Namíbia, isto culminou numa acção de protesto por cinco partidos da oposição, que abandonaram um foro eleitoral apresentado pela emissora nacional, a NBC, para consultar os partidos. No Botswana, o governo mudou a sua atitude ligeiramente depois de muito criticismo público e uma passeata de protesto organizada por um dos partidos da oposição.

No entanto, estas tentativas de assegurar cobertura igual não foram muito bem sucedidas. No Botswana, em Mozambique e na Namíbia observou-se que tanto a comunicação social pública como a privada privilegiaram os partidos no poder. Por exemplo, um estudo feito pelo Instituto para a Pesquisa da Política Pública em colaboração com o MISA-Namíbia e uma empresa de monitoração, Mediatenor, revelou que a comunicação social pública da Namíbia favoreceu o partido no poder durante as eleições nacionais, presidenciais e regionais.

A Internet como uma ferramenta política

Os períodos de eleições também testemunharam a entrada de políticos sulafricanos no ciberespaço, reconhecendo-o como um meio de comunicação de peso. Na África do Sul, o Presidente Thabo Mbeki frustrou duas tentativas de tempo de antena negado na televisão e rádio, recorrendo à internet para usar a ‘website’ do partido como alternativa para apresentar o seu comentário semanal pessoal sobre actualidades sulafricanas. Sob o título de “Carta do Presidente”, Mbeki deu rédeas livres às suas impressões. O tom era áspero, comprovando relações tensas entre o governo e a mídia, num país onde a liberdade da comunicação social é um dos alicerces da constituição.

Na Namíbia, uma série de cartas anónimas foram disseminadas por email durante todo o ano, as quais não deixaram de poupar a mídia. Tanto os órgãos de mídia independentes como os estatais foram acusados de marchar ao som dos tambores dos imperialistas e de terem apoiado o antigo Ministro de Negócios Extranjeros. Além de Nghidipo Hamutenya, dois outros candidatos a presidente foram alvo das acusações.

Legislação

Os ambientes legislativos variaram de um estado de ‘nenhuma mudança’ na maioria dos países, com ‘melhorias moderadas’ em Mozambique e na Tanzânia, e finalmente situações de perder toda esperança de melhoria na Suazilândia e no Zimbabwe.

Zimbabweanos começaram o ano de 2004 com optimismo que o Tribunal Supremo iria anular secções da Lei sobre o Acesso à Informação e a Protecção da Privacidade (AIPPA). Em vez disso, o governo usou cada cláusula da AIPPA e outra legislação contrária à liberdade da comunicação social para esmagar qualquer acto controverso da mídia. Neste processo, centenas de jornalistas perderam o emprego - uns despedidos, outros sem trabalho, depois que o jornal Tribune foi proibido. Na Tanzânia, uma emenda constitucional removeu um artigo que muitos diziam dar a liberdade de expressão com uma mão e, e ao mesmo tempo tirando essa mesma liberdade com a outra mão.

Em Mozambique, a nova constituição, aprovada em novembro de 2004, expande as actuais liberdades de expressão e de informação. No entanto, na Suazilândia as esperanças levantadas em 2003 pela projecto da nova constituição estão aos poucos a desaparecer. A constituição continua um projecto e, como dito por jornalistas Swazis, do jeito que o projecto está agora, nada faria para levantar limitações impostas contra a comunicação social.

O sector da radiodifusão

As companhias do MISA começaram a dar frutos, com iniciativas para abrir o espaço radiofónico

e para garantir que os radiodifusores públicos sejam regulados em termos das mesmas leis e órgãos regulatórios independentes, tal como as outras emissoras no continente. No Botswana e no Malawi, as emissoras públicas obtiveram as suas licenças, emitidas pelas respectivas autoridades independentes de radiodifusão. No entanto, em vários outros países da África Austral, as emissoras públicas continuam operando sem licença, sob o controlo directo do governo. Ao mesmo tempo, as vitórias no Botswana e no Malawi, deixam mau sabor na boca, com críticas de que as autoridades reguladoras independentes são desprovidas de qualquer forma de poder ou autoridade e não são realmente independentes.

Libelo e difamação

Vários jornalistas foram alvo de processos de difamação ou, no mínimo, foram ameaçados que tal podia acontecer. No Zimbabwe, os casos de libelo contra jornais tornaram-se assim tão comuns que já nem sequer são considerados como notícia. No Lesoto, continuou a tendência de ir o mais alto possível, com processos que visam danos enormes, pondo em risco a viabilidade dos órgãos privados, independentes -financeiramente enfraquecidos. Este fenómeno cresceu a tal ponto, que acabou minando a coesão entre os próprios média privados. Isto foi demonstrado quando um tabloide inglês recentemente lançado, Our Times, foi ameaçado com encerramento, menos de um mês depois de ter surgido nas ruas. O jornal foi intimado pelos advogados do Public Eye, exigindo uma compensação de R139, 094 [Randes sulfricanos] por danos ao status quo e reputação da empresa. Our Times tinha reportado que o publicador do Public Eye tinha vendido o jornal a uma empresa sulfricana.

Diversidade dos órgãos da comunicação social

Os desenvolvimentos na diversidade dos órgãos da comunicação social variaram consideravelmente através da região. Na África do Sul, uma nova onda de jornais tabloide para o mercado popular vai de vento em poupa, com ganhos espectaculares em termos de circulação, indicando que ‘descobriram’ um novo mercado entre indivíduos que parecem até agora não ter sido leitores de jornal. The Sun oferece sexo, crime, escandalo e desporto e com essa receita já ultrapassou a circulação de jornais de longa data, passando o marco de 200.000 exemplares.

É necessário salientar que a África do Sul é o único país na região que estabeleceu uma ‘agência para o desenvolvimento e diversidade na comunicação social, a MDDA. A agência começou a operar a sério em Janeiro de 2004. Desde então, já aprovou propostas no valor de R3,6-milhoes para 19 projetos, sendo um forte impulso á comunicação social do sector comunitário no país.

Em contra-partida, a diversidade dos órgãos de comunicação no Zimbabwe continuou a diminuir, com a proibição do semanário privado Tribune, que caiu vitima da opressão da AIPPA, e o encerramento da Parade a maior revista do país, que quebrou sob o peso das dificuldades financeiras.

Zimbabwe: abusando dos limites

Além a açaimar os órgãos da comunicação social dentro do seus limites, o governo do Zimbabwe começou uma campanha para tentar influenciar a cobertura do Zimbabwe na mídia dos países vizinhos. O antigo ministro da Informação e Publicidade, Jonathan Moyo, fez uma ‘tour’ pela região em missões de ‘intercambio de informação’. A recepção variou da rejeição total em Mozambique, onde os membros do Sindicato dos Jornalistas de Moçambique se manifestaram contra a sua presença; até ao exito na Namíbia, onde a visita serviu para lançar um projecto para um jornal regional, o Southern Times (Tempos Austrais), uma iniciatica co-financiada entre Zimpapers do Zimbabwe e New Era da Namíbia - ambas, empresas estatais e editoras da mídia escrita estatal nos respectivos países. Aparentemente o jornal foi uma tentativa de criarem

uma oposição ao jornal sulfricano Sunday Times (Tempos de Domingo) que era visto como sendo contra o presidente Robert Mugabe do Zimbabue. De acordo com uma declaração conjunta emitida pela editora na altura do lançamento, o novo jornal de domingo espera conquistar um potencial público de ‘milhões espalhados pela região’. No entanto, após os primeiros dois meses tinha vendido menos de 20 000 cópias no total, de acordo com o Ministério da Informação da Namíbia.

Conclusão: a boa nova

Os alertas para 2004 indicam uma ênfase crescente no acesso à informação e ao profissionalismo no seio da ‘família mídia’. Coligações da sociedade civil para advocacia pela liberdade da comunicação social e reforma das leis foram fundadas na Zâmbia e no Zimbabue. Isto são provas positivas que embora tenha havido uma luta para estabelecer mecanismos sustentáveis para auto-responsabilidade e órgãos regulatórios independentes para a radiodifusão; assim como acções para introduzir leis sobre o acesso à informação; as campanhas do MISA e outras organizações da sociedade civil em vários países da África Austral estão a começar a dar frutos.

The state of Gender & the Media in SADC

By Jennfer Mufune

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A gender analysis of the media in SADC clearly shows that only men in prominent positions are the ones who speak and are the ones with access to expression in and through the media. What the analysis will also show is that women and men are portrayed very differently with stereotypical roles assigned to each sex. The analysis will also point out that those in charge and those who report on the news will be mostly men. The analysis above provides a general picture of how the media in SADC deals with issues of gender and women's issues.

A gender and media activist described the power of the media as a two-sided sword in that it can be a change agent or a perpetuator of the status quo. Cognizant of the power that media wields, the Beijing Platform for Action included a number of recommendations, one of which called on media and advertising organizations "to develop consistent with freedom of expression, professional guidelines and codes of conduct and other forms of self-regulation to promote the presentation of non-stereotyped images of women" (para 244b). The Platform for Action went a step further by including responsibility and yet more than 10 years down the line not much progress has been made in this area. Indeed there are more private newspapers and radio stations in the region but their reporting/coverage on gender equality and gender issues has been unsatisfactory.

A quick perusal of many of the region's newspapers, television and radio broadcasts in SADC shows there's a serious lack of issue-based reporting. The media coverage is skewed towards the reportage of events and responding to the political order of the day. The media in SADC seems to have forgotten its role to serve and give access to expression to the public that is comprised of women and men. The coverage in the SADC media leads one to believe that the media has failed to live up to its public-responsive and social role that is meant to keep a watchful eye on all infringements of rights against both women and men. Instead the media in SADC have become mouth pieces for men in the ruling elite.

A gender and media activist pointed out in a presentation that "the difference in coverage between the state-owned and the private media is that the private media gives voice to men in power, and then uses the voices of other men to say why they should be in power as opposed to the ones who are already there".

During the various meetings/workshops held with the media, Editors and Journalists were quick to point to a host of external factors that inhibits their work. What was overlooked were the internal factors such as the internal censorship like gender biases and prejudices within media practitioners themselves, that are just as constraining as the external forms of censorship.

Amidst the diversity in political, economic and cultural systems in the region, the media's portrayal of women has been characteristically consistent towards stereotypical role portrayal as evidenced by the month long 2003 Gender and Media Baseline Study that was initiated by MISA and Gender Links.

One of the key finding from the study was that 83 per cent of those who speak in the media are men, while women constitute only 17 per cent of the sources in the media.

Furthermore, 89 per cent of the men speaking in the more than 25, 000 news items monitored in the print and broadcasting media were in positions of prominence or formal authority, mainly politicians. Another key finding was that a critical mass of women did not make up the ranks of the media managers and journalists who wrote and reported the news. The study found that it was not only women who were marginalized in the media but also men who were not in positions of prominence or formal authority and who were either young or above 50 also had virtually no access to the media.

Gender in the media is all about professional standards, ethics and about giving a fair voice. However the media in SADC has failed dismally in this regard and during the various workshops held with the media practitioners in the region, it was noted that the media itself had to be liberated first to play its significant role in challenging gender inequalities and discrimination. It is very difficult for the media to advocate for democracy and gender justice, when within its own walls, it is undemocratic and perpetuates gender injustice.

The slogan of the study, ‘Women and men make the news’ posed the challenge for equal numbers of women and men, at all levels of decision-making, and giving equal voice to women and men to make the news every day. In advancing gender equality, the media’s role is two-fold- it must first address gender inequality within its own ranks and policies expose the gender inequalities in all areas of development and governance. Secondly it must recognize the gender inequalities that internal biases and prejudices are forms of censorship that must be broken.

Most SADC countries do not have any existing self-regulatory guidelines, much less any national policies on gender issues in communication. The lack of regulatory frameworks or mechanisms dealing with gender and sexism constitutes a major obstacle to women and men seeking to challenge existing media representations in the region.

The GMBS provides some key data for formulating gender-responsive editorial and employment policies for the media. The data and the gender analysis done on stories for the qualitative analysis of the report, provides critical insight into the strengths and weaknesses of the journalistic profession. Gender therefore provides the media with an entry point for re-training editors and journalists at all key levels to try to improve the processes of newsgathering, identifying sources, use of language and packaging content for the media in ways that challenge gender biases.

Policy and training are integral strategies for tearing down the sexism in media content and employment patterns. The goal is to ensure that the media to move to a situation where the voices and perspectives of women, alongside those of men, are mainstreamed in every story that is read, seen or heard in the media; where women and men are portrayed in their varied and changing roles in society; and to a scenario where the media challenges gender injustices and all forms of sexism and discrimination.

Within the media there is need for more ethical dialogue: journalists, editors and publishers should discuss the portrayal of women in terms of principles and values, moving away from “knee-jerk” responses and paying attention to the ethical process which define journalists’ choices and behavior. Such dialogue must minimize the chance that choices are based upon mere personal impression, style or prejudices and must focus on the impact of ethical choices on the people affected.

If the media in Southern Africa can succeed in challenging gender stereotypes, it will have gone a long way towards achieving a region in which women and men are free to realize their full human potential.

The media in SADC needs to set up and where in existence, should maintain strong self-regulation and professional ethics in order to fulfill its role as a public watchdog and generator of change. The future struggle for gender mainstreaming in the media, should involve advocacy for gender sensitive practice in the media; capacity building; constant and consistent monitoring and evaluation of the media as a way of monitoring progress in implementing gender equal policies and reporting.

Since the release of the GMBS, gender activists, media activists and media practitioners have agreed to work together to ensure that gender is put on the media agenda. MISA and its partners on their part have begun monitoring the coverage of gender in the SADC media with the intention of alerting media houses when they infringe on the public's right to expression and information.

“Any notions of media freedom, media diversity, media pluralism and media independence; the core values that MISA stands for, cannot be achieved if the media is still inaccessible to the majority in SADC”.

Key Findings

NOTE: In the categories, where the regional percentages do not total 100 percent, the shortfall refers to cases where the sex of the news source or reporter is unknown. Global comparisons are provided only where such comparisons are available.

	% WOMEN Regional	Global	% MEN Regional	Global
WHO SPEAKS				
Overall	17	18	83	82
Relationships				
Identified by marital & family status	11	21	2	4
Occupation				
Home makers	61	81	33	19
Politicians	8	10	89	90
Sports	8	9	90	91
Mining	19		81	
Beauty contestant	88		10	
Entertainer	38		60	
Sex Worker	91		9	
WHO SPEAKS ON WHAT				
Economics	10	17	76	83
Political stories	9	12	80	88
Disaster/War/Conflict	13		70	
Crime	15	20	75	80
Labour/Education	21		72	
Health/HIV/AIDS	25	29	66	71
Sustainable Development	16	11	75	83
Mining and Agriculture	15		79	
Human Rights	16	15	70	85
Gender Equality	46		45	
Gender Violence	39		50	
Children	42		52	
Media/ Entertainment stories	29	35	65	65
Sports	8	12	88	88
Other	24		68	
WHO CREATES THE NEWS				
TV Reporters	38	36	62	64
TV Presenters	45	56	55	44

Radio Reporters	34	28	66	72
Print Reporters	22	26	78	74
WHO REPORTS ON WHAT				
Economics	20	35	54	65
Political stories	16	26	47	74
Disaster/War/Conflict	15		35	
Crime	20	31	46	69
Labour/Education	24		52	
Health/HIV/AIDS	31	46	40	54
Sustainable Development	25	47	50	53
Mining and Agriculture	19		53	
Human Rights	23	33	47	67
Gender Equality	30		44	
Gender Violence	19		46	
Children	28		50	
Media/Entertainment stories	25	40	49	60
Sports	7	15	68	85

SUMMARY OF KEY FINDINGS

The key findings of the research can be summarized as follows:

- Women's views and voices are grossly under-represented in the media:** Women constituted 17 percent of known news sources in the media monitored in the study. This figure is close to the global figure of 18 percent in the GMMP. Women constitute 52 percent of the population in Southern Africa.
- There are significant variations between countries:** These ranged from women constituting 26 percent of news sources in Angola (the highest) to 11 percent in Malawi (the lowest).
- But there are no significant differences between private and public media:** The country reports that accompany this regional overview provide a breakdown of sources for each individual media house monitored. An analysis of these findings shows that there is no significant difference in the performance of public and private media with regard to giving voice to women and men.
This is disappointing, as one might have expected the public media to lead the way. But the fact that the private media - though sometimes guilty of sexist coverage in pursuit of commercial ends - actually outperformed the public media in many instances is pause for thought.
- Older women are virtually invisible:** To the extent that women's voices are accessed, they are likely to be in the 35-49 year bracket for both print and electronic media.
- Women sources still carry their private identity more than men:** In all countries, a woman is much more likely to be identified as a wife, daughter or mother than a man is likely to be identified as a husband, son or father. The regional average for such labeling of women is 11 percent, compared to two percent for men.
- Women in certain occupational categories are virtually silent:** The only occupational categories in which female views dominated were beauty contestants, sex workers and home-makers.

- **Women politicians are not heard relative even to their strengths in parliament:** Women constitute an average of 18 percent of members of parliament in the region. Yet women constituted only eight percent of sources in the politician category. Countries that have the highest representation of women in parliament - South Africa, Mozambique and Tanzania - also had some of the lowest proportions of women politicians being accessed as news sources. South Africa, for example, has 31 percent women in parliament and a similar proportion in cabinet. Yet women constituted only eight percent of the politicians quoted in the media monitored.
- **Gender equality is hardly considered newsworthy:** About a quarter of all the over 25 000 news items monitored related to politics and economics and close to twenty percent were on sports. Gender specific news items accounted for a mere two percent of the total, and about half of these were on gender violence.
- **The only topic on which women's voices outnumber men's is on gender equality:** Women's voices predominated only in the gender equality topic code. There were more male than female voices, even in the topic code on gender violence.
- **Men's voices dominated in all the hard news categories:** Women constituted less than ten percent of news sources in the economics, politics and sports categories.
- **The highest level of representation of women in the media is as TV Presenters:** Women television presenters (45% of the total in this category) constitute the highest proportion of women media practitioners in the region. Unlike the global findings, in which women television presenters constitute 56% of the total, women in Southern Africa do not constitute the majority of this category.
- **But they have to be young!** The heaviest concentration of female and male electronic media practitioners is in the 20-34 year bracket. This tapers off much more dramatically for women than for men in the 35-49 year category, and for both men and women in the 50-64 year category. In essence, women stand their best chance in the electronic (and especially TV presenter category) of the media, but have a limited "shelf life". All this highlights the fact that main factor for women's success in the visual media is looks rather than ability.
- **Women are least well represented in the print media:** Women constituted only 22 percent of those who wrote stories. They are also under represented in the critical images/cartoons and opinion and commentary categories.
- **Women media practitioners predominate in the soft beats:** There is not a single news category in which women media practitioners achieve parity with men. Their absence is especially marked in the economic, politics, sports, mining and agriculture beats. The highest percentages of women media practitioners are in the health and HIV/AIDS, human rights, gender equality, gender violence, media and entertainment categories. Even then, women constitute one third or less of those creating the news.
- **Women media practitioners tend to access more female sources:** The positive correlation between women journalists and women sources suggest that having higher levels of women journalists in all beats of the media would increase the extent to which women are given greater voice in the media.
- **But the growing number of men writing and producing stories on gender issues is an important trend:** The fact that there are numerically more male journalists writing and producing stories on gender equality and gender violence is a positive sign and should be built on through training.
- **There are still cases of blatant sexist reporting in the media:** The qualitative reporting yielded examples of blatantly sexist reporting that portrays women as objects and temptresses.
- **But increasingly, the challenge is one of subtle stereotypes that are conveyed in a variety of ways:** These include the relative weight given to male and female sources; stories that go the opposite extreme and glorify women as well as stories that perpetuate the traditional roles of women and men.

- **The majority of stories suffer from “gender blindness”:** Other than the ‘sins of commission’ the main finding of the qualitative research is that stories suffer from the “sins of omission”-story opportunities that are lost through failing to explore the gender dimensions of every day situations, such as the gender dynamics at play in the HIV/AIDS pandemic, the different impacts of national budgets on women and men and the different gender impacts of poverty and war.
- But examples of gender aware reporting gathered as part of the qualitative analysis show that transformation is possible: The qualitative analysis also yielded several “best practice” examples of gender perspectives being integrated into news and yielding more balanced, more interesting and ultimately more professional stories.

Questões de Género & a Comunicação Social na SADC

Por Jennifer Mufune

Traduzido por Rui Correia

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Uma análise de questões de género* nos órgãos da comunicação social na SADC mostra claramente que somente os homens em posições proeminentes é que falam e são eles que têm acesso à expressão e à mídia. O que a análise mostrará também é que as mulheres e os homens são representados de maneira muito diferente, papéis estereotípicos atribuídos a cada sexo. A análise indicará também que aqueles no comando e aqueles que relatam a notícia serão na maior parte homens.

A análise acima faz um retrato geral de como os órgãos da comunicação social na SADC tratam das questões do género e das mulheres.

Uma activista de género e comunicação social descreveu o poder dos órgãos da comunicação social como uma espada de dois gumes, que pode ser um agente para mudança ou um perpetuador do status quo. Reconhecendo o poder que os órgãos da comunicação social retêm, a Plataforma de Beijing para Acção incluiu um número de recomendações, uma das quais apela aos órgãos da comunicação social e organizações publicitárias para “desenvolver consistente, com a liberdade de expressão, de directrizes profissionais e de códigos de conduta e de outras formas de auto-regulação para promover a apresentação de imagens não-estereotipadas das mulheres” (parágrafo 244b). A Plataforma para a Acção foi um passo mais em frente, incluindo a questão de responsabilidade e no entanto - mais de 10 anos mais tarde - muito pouco progresso foi feito nesta área. Certamente há mais uns jornais privados e umas estações de rádio na região mas a reportagem/coertura sobre a igualdade do género e os assuntos do género foi insatisfatório.

Um consulta rápida de muitos dos jornais da região, da televisão e das transmissões de rádio mostra que existe uma falta séria de reportagem sobre assuntos específicos. A cobertura de órgãos da comunicação social é inclinada para a reportagem de eventos e reacção à política do dia. Os órgãos da comunicação social na SADC parecem ter-se esquecido de seu papel de servir e dar acesso à expressão ao público que é compreendido das mulheres e dos homens. A cobertura nos órgãos da comunicação social da SADC faz-nos acreditar que os estes fracassaram no seu papel público-responsivo e social e que devem manter um olho aberto a todas as violações de direitos - seja contra mulheres ou homens. Em vez disso, os órgãos da comunicação social na SADC tornaram-se porta-vozes dos homens das elites no poder.

Uma activista em questões de género e mídia realçou numa apresentação que “a diferença na cobertura entre os órgãos da comunicação social pertencente ao estado e privados é que os órgãos da comunicação social privados dão a voz aos homens no poder, e usa então as vozes de outros homens dizendo porque deviam eles estar no poder em vez dos que já lá estão”.

Durante os vários encontros/workshops com a mídia, os editores e os jornalistas não hesitaram em relatar uma lista de factores externos que inibisse o seu trabalho. O que não foi mencionado foram os factores internos, tais como a censura interna, preconceitos entre os profissionais, que são tão restrictivos como como as formas externas da censura.

Entre a diversidade em sistemas políticos, económicos e culturais na região, a representação

das mulheres nos órgãos da comunicação social foi caracteristicamente consistente em estar viciado para o lado de uma representação estereotípica do papel de cada sexo. Isto já tinha sido comprovado em 2003, num estudo de 30 dias empreendido por Gender Links e o MISA - 'Estudo de Base' sobre o Género e a Comunicação Social, conhecido também pela sigla inglesa 'GMBS'.

Uma das descobertas principais do estudo foi que 83 por cento das 'vozes' - faladas ou escritas - nos órgãos da comunicação social são de homens, enquanto as mulheres constituírem somente 17 por cento das fontes do conteúdo mediático.

Além disso, 89 por cento dos homens que falam nos mais de 25, 000 'unidades' de notícia monitoradas na mídia escrita e electrónica, estavam em posições de importância ou de autoridade formal, principalmente políticos. Outra descoberta importante foi que uma massa crítica das mulheres não ingressava no nível de gerentes. O estudo descobriu que não somente as mulheres são marginalizadas nos órgãos da comunicação social. Também homens que não ocupam posições de importância ou autoridade formal, assim como os idosos e os jovens quase não têm nenhum acesso à comunicação social.

A questão 'género' nos órgãos da comunicação social fica reduzida a padrões profissionais, ética e em oportunidades iguais de se expressar. Porém os órgãos da comunicação social na SADC fracassaram vergonhosamente neste aspecto. Durante os vários seminários organizados para os profissionais dos órgãos da comunicação social na região, verificou-se que os próprios órgãos da comunicação social precisam ser 'liberados' primeiro, para poderem depois desempenhar o seu papel significativo em desafiar desigualdades e discriminação. É muito difícil para os órgãos da comunicação social advogar para a democracia e justiça do género, quando dentro de suas próprias paredes, não são democráticos e perpetuam injustiças contra 'género'.

O slogan do estudo, 'Mulheres e homens fazem as notícias' lançou um desafio para conquistarmos números iguais de mulheres e de homens, em todos os níveis de decisão, e de dar voz igual às mulheres e aos homens para 'serem' notícia todos os dias. Na luta pela igualdade do género, o papel dos órgãos da comunicação social é duplo - primeiramente, deve enfrentar a desigualdade do género dentro de suas próprias fileiras e políticas e deve expor as desigualdades de género em todas as áreas de desenvolvimento e de governância. Em segundo lugar, deve reconhecer as desigualdades do género e reconhecer também que as polarizações e os preconceitos internos são formas da censura que devem ser superados.

A maioria dos países da SADC não têm directrizes nenhuma sobre auto-regulação, muito menos nenhuma políticas nacionais que trate da questão do género num ambiente da mídia. A falta de estruturas ou mecanismos regulatórios que tratam do género e do sexismo constituem um obstáculo importante às mulheres e aos homens que procuram desafiar as actuais representações dos sexos nos órgãos da comunicação social da região.

O GMBS fornece alguns dados chaves para elaborar políticas editoriais e de emprego que levem em conta o género. Os dados e a análise do género feita usando notícias para a análise qualitativa do relatório, fornecem uma introspecção crítica dos pontos fortes e pontos fracos da profissão de jornalismo. 'Género' disponibiliza aos órgãos da comunicação social um ponto de entrada para 're-treinar' editores e jornalistas a todos os níveis para tentar melhorar os processos da recolha de notícias, identificando as fontes, linguagem usada e escolha e preparação do conteúdo, de maneira que desafiem o preconceito do género.

A política e a formação são estratégias integrais para demolir o sexismo no conteúdo e padrões de emprego na mídia. O objectivo é assegurar-se de que os órgãos da comunicação social

caminhem rumo a uma situação onde as vozes e as perspectivas das mulheres - e a dos homens - sejam integradas em cada história que é lida, vista ou ouvida na mídia; onde as mulheres e os homens são representados nos seus papéis variados e em mudança na sociedade; e, finalmente, levando a um cenário onde os órgãos da comunicação social desafiem injustiças do género e todos as formas de sexismo e de discriminação.

Dentro dos órgãos da comunicação social há uma necessidade para um diálogo mais ético: os jornalistas, os editores e os publicadores devem discutir a representação das mulheres nos termos dos princípios e dos valores, afastando-se de reacções ‘automáticas’ e prestando atenção ao processo ético que define escolhas e comportamento dos jornalistas. Tal diálogo deve minimizar a possibilidade de escolhas serem baseadas na mera impressão pessoal, o estilo ou os preconceitos e deve concentrar no impacto de escolhas éticas nas pessoas afectadas.

Se os órgãos da comunicação social na África Austral tiverem sucesso em desafiar os estereótipos do género, teram feito um grande progresso para a realização de uma região em que as mulheres e os homens estão livres para realizar todo o seu potencial humano.

Os órgãos da comunicação social na SADC necessitam estabelecer e - onde já existe - manter uma auto-regulação forte e uma ética profissional a fim de cumprir o seu papel de ‘cão de guarda’ e de agente para a renovação. O esforço futuro para a integração do género, deve envolver lobby para uma prática sensível ao género, capacitação; monitoração e avaliação constantes e consistentes dos órgãos da comunicação social, como uma maneira de monitorar o progresso na implementação de políticas e reportagens que tratem os sexos como iguais.

Desde que a publicação do GMBS, os activistas de género, os activistas dos órgãos da comunicação social e os profissionais concordaram colaborar para que ‘género’ seja posto na pauta da mídia. O MISA e seus parceiros por sua parte começaram a monitorar a cobertura do género nos órgãos da comunicação social da SADC com a intenção de os alertar no caso de violarem o direito do público à expressão à informação.

“Quaisquer noções de liberdade da comunicação social, diversidade dos mídia, pluralismo dos órgãos de comunicação, e independência - os valores centrais pelo quais o MISA se bate - não podem ser alcançados se os órgãos da comunicação social forem ainda inacessíveis na maior parte da SADC “.

*Nota do Tradutor - Enquanto que inglês, a palavra ‘gender’ pode servir de substantivo e adjectivo, o mesmo não é possível em português. Por vezes, seriam necessárias várias palavras para poder bem colocar ‘género’ numa frase. No interesse de simplificar, usamos aqui a palavra ‘género’ como o conceito que abrange a situação do homem e da mulher, na qual inúmeros factores determinam que a sorte de cada um está em grande parte ‘escrita’ no seu sexo.

Do mesmo jeito, no interesse de simplificar, usamos no texto a palavra ‘integrar’ para traduzir ‘mainstream’, que em português seria ‘a integração da perspectiva de género em todos os aspectos do dia-à-dia. Em ‘mainstream’ género na comunicação social seria estar consciente da posição da mulher tanto de um lado da mídia como do outro - produzindo ou consumindo.

Descobertas Chaves

NOTA: Nas categorias onde as percentagens regionais não totalizam 100%, a diferença refere-se à casos em que o sexo da fonte de notícia ou do repórter é desconhecido.

As comparações globais aparecem somente onde estiveram disponíveis.

	% MULHERES Regional	% HOMENS Global	Regional	Global
QUEM FALA				
Total	17	18	83	82
Relações				
Identificados por laços maritais e familiares	11	21	2	4
Ocupação				
Trabalhadores domésticos	61	81	33	19
Políticos	8	10	89	90
Desportistas	8	9	90	91
Mineiros	19		81	
Contestantes de Beleza	88		10	
Entretenimento	38		60	
Trabalhadoras de Sexo	91		9	
QUEM SOBRE O QUÉ				
Economia	10	17	76	83
Estórias Políticas	9	12	80	88
Desastres/Guerras/Conflictos	13		70	
Crime	15	20	75	80
Trabalho/Educação	21		72	
Saúde/HIV/SIDA	25	29	66	71
Desenvolvimento Sustentável	16	11	75	83
Minas e Agricultura	15		79	
Direitos Humanos	16	15	70	85
Igualdade de Género	46		45	
Violência do Género	39		50	
Crianças	42		52	
Mídia/ Entretenimento	29	35	65	65
Desporto	8	12	88	88
Outras	24		68	
QUEM PRODUZ AS NOTÍCIAS				
Repórteres de TV	38	36	62	64
Apresentadores de TV	45	56	55	44

Apresentadores de Rádio	34	28	66	72
Reporteres de imprensa escrita	22	26	78	74
QUEM REPORTA SOBRE O QUÊ				
Economia	20	35	54	65
Estórias Políticas	16	26	47	74
Desastres/Guerras/Conflictos	15		35	
Crime	20	31	46	69
Trabalho/Educação	24		52	
Saúde/HIV/SIDA	31	46	40	54
Desenvolvimento Sustentável	25	47	50	53
Minas e Agricultura	19		53	
Direitos Humanos	23	33	47	67
Igualdade de Género	30		44	
Violência do Género	19		46	
Crianças	28		50	
Mídia/ Entretenimento	25	40	49	60
Desporto	7	15	68	85

SUMARIO SOBRE AS DESCOBERTAS CHAVES

As descobertas chaves da pesquisa podem ser sumariadas da seguinte forma:

- **Os pontos de vistas e vozes das mulheres têm sido altamente desrepresentadas nos mídia:** As mulheres constituem 17% de fontes de notícias nos mídia monitorados pelo estudo. Este número é aproximado à figura global de 18% do GMMP. As mulheres constituem 52% da população na região da Africa Austral.
- **Existem variações significantes entre os países:** Estas figuras variaram com Angola tendo 26% mulheres, como fonte de notícias (a maior figura) com relação o Malawi com somente 11% (o mais baixo).
- **Mas não existem grandes diferenças entre a imprensa privada e a pública:** O relatório nacional que acompanhou esta panorâmica regional, demonstrou uma série de fontes em cada mídia monitorada. Uma análise destas descobertas mostra que não existem grandes diferenças na performance/desempenho da imprensa privada e pública em relação a atribuição de vozes às mulheres e aos homens. Isto é despondante, uma vez que podia-se esperar que a imprensa pública viesse a liderar. Mas o facto de que a imprensa privada - embora as vezes culpada de ser sexista nas suas coberturas procurando fins comerciais - de facto saiu melhor em relação a imprensa pública que até em varias instancias serve de pausa para pensar.
- **As mulheres idosas são virtualmente invisíveis:** até ao ponto em que as vozes femininas são ouvidas, estão provavelmente nos seus 35 à 49 anos de idade, tanto na imprensa escrita como electrónica.
- **As fontes femininas acarretam consigo mais as suas identidades privada em relação os homens:** Em todos os países, é mais facil a mulher ser identificada como esposa, filha ou mãe, do que os homens serem identificados como esposo, filho ou pai. A media regional para estas identificações é de 11% para as mulheres em relação os homens.
- **As mulheres em certas categorias ocupacionais são virtualmente silenciosas:** As únicas

categorias ocupacionais em que os pontos de vista das mulheres são predominantes são nas categorias de concurso de beleza, trabalho domésticos e de sexo.

- **As mulheres políticas não são relativamente ouvidas, nem mesmo o seu peso no parlamento:** As mulheres constituem uma média de 18% dos membros do parlamento na região. Mesmo assim, elas só constituem 8% de fonte na categoria política. Os países com maior representação feminina no parlamento - África do sul, Moçambique e Tanzânia - também tiveram uma das proporções mais baixas na representação da mulher como fonte de notícia. A África do sul por exemplo, tem no parlamento uma representação feminina de 31% e uma proporção similar no seu conselho de ministros. Todavia, as mulheres constituíram somente 8% da categoria política monitorados pela imprensa.
- **A igualdade dos gêneros é raramente considerado notícia:** Quase um quarto de mais de 25 mil artigos monitorados são relacionados com a política e economia, e perto de 20% relacionados com o desporto. Artigos especificamente relacionados com o gênero constituíram somente 2%, e quase metade desta percentagem cobriu violência no gênero.
- O único tópico no qual as vozes femininas sobressairam-se a dos homens foi sobre a igualdade do gênero: as vozes femininas somente predominaram nos tópicos relacionados com a igualdade do gênero. Registou-se mais vozes masculinas do que femininas mesmo em tópicos relacionados com a violência do gênero.
- **As vozes masculinas predominaram em todas as categorias de notícias candentes:** As mulheres constituíram menos de 10% de fonte de notícias nas categorias políticas, económica e de desporto.
- O maior nível de representação feminina registou-se nos apresentadores de Televisão: As apresentadoras de televisão (45% do total nesta categoria) constituem a maior proporção de mulheres jornalistas na região. Isto ao contrário das descobertas globais, no qual as apresentadoras de televisão constituem 56% por cento do total, enquanto as mulheres na África Austral não constituem a maioria nesta categoria.
- **Mas têm que ser jovens:** A maior concentração de homens e mulheres jornalistas na imprensa electrónica encontra-se na faixa etária dos 20 à 34 anos de idade. Isto muda dramaticamente para as mulheres em relação aos homens quando atingem a faixa etária dos 35 à 49 anos de idade. Mas, as chances são as mesmas para homens e mulheres na faixa etária dos 50 à 64 anos de idade. Em essência, as mulheres têm maiores chances na imprensa electrónica (especialmente na categoria de apresentadoras de televisão), mas têm uma “vida própria” limitada. Tudo isto sublinha o facto de que o principal factor do sucesso das jornalistas na imprensa electrónica associa-se mais à sua aparência do que habilidades.
- **As mulheres são representadas na imprensa escrita:** As mulheres constituem somente 22 por cento das que escreveram artigos. Elas são também mal representadas nas categorias de imagens críticas/entretenimento, opiniões e documentários.
- **As jornalistas predominam em assuntos considerados suaves:** Não existe uma única categoria na imprensa em que as jornalistas puderam atingir o mesmo nível que os homens. A sua ausência é especialmente marcada em assuntos associados à economia, política, desporto, minas e agricultura. A maior percentagem de jornalistas é registada nos ramos da saúde e HIV/SIDA, direitos humanos, igualdade de gênero, violência do gênero e categorias de entretenimento. Mesmo assim, as mulheres ainda constituem somente um terço ou menos daqueles que criam as notícias.
- **As jornalistas tendem entrevistar mais as mulheres:** A correlação positiva entre as fontes femininas e as jornalistas, sugere que ter alto nível de mulheres jornalistas em todas as categorias, aumentaria a extensão na qual elas são dadas maior vozes na imprensa.
- **Mas o crescente número de homens que escrevem e produzem histórias sobre o gênero, demonstra ser uma tendência importante:** O facto de existirem numericamente mais homens jornalistas, a escrever e a produzir histórias sobre a igualdade e violência do gênero,

constitui um sinal positivo e deve ser promovido com formação.

- **Ainda existem na imprensa, casos de relatos sexistas gritantes:** O relato qualitativo produziu exemplos de relatos sexistas gritantes que retratam as mulheres como objectos e sedutoras.
- **Mas ainda em crescimento, o desafio é um estereotipo subtil que são expostos de formas variadas:** Isto inclui o peso relativo dado as fontes masculinas e femeninas; estórias que vão ao extremo oposto e que glorificam às mulheres assim como as estórias que perpetuam o papel tradicional das mulheres e dos homens.
- **A maior parte das estórias sofrem de “cegueira no gênero”:** Para além dos “pecados da comissão” a principal descoberta da pesquisa qualitativa é de que a estória sofrem do “pecado da omissão” - oportunidades para estória que são perdidas pela falta de exploração das dimensões de cada situação tais como a dinamica em questões relacionados com o HIV/ SIDA, os diferentes impactos do gênero, pobreza e da guerra.
- **Mas exemplos de relatos colhidos sobre gênero, como parte da análise qualitativa, indicam que é possível uma transformação:** A análise qualitativa produziu também “melhores práticas” exemplos da perspectiva do gênero a ser integrada na notícia e que está a produzir mais equilíbrio, mais interesse e por último estórias mais profissionais.

Angola

By Gilberto Neto

Translated by Rui Correia



ANGOLA

BOTSWANA

LESOTHO

MALAWI

MOZAMBIQUE

NAMIBIA

SOUTH AFRICA

SWAZILAND

TANZANIA

ZAMBIA

ZIMBABWE

It cannot be denied that Freedom of the Press and Freedom of Expression in Angola gained a new impetus in early 2002, when the long internecine conflict in the country made way for a more open and peaceful environment. It is equally undeniable that whereas before we had detentions and intimidation - veiled or public - it would appear that we are now witnessing a 'sophistication' of the methods used to control these liberties.

Jacob and Esau - the tale of two Medias

By way of a starting point for this analysis of the state of Freedom of the Press and Freedom of Expression throughout 2004, it could be said that, in general, relations between the government and the Press were once more characterised by attitudes of disdain and exhibitionism, by the former, and a continued struggle to uphold the duty of informing with impartiality and without bias, by the latter.

From the start, I feel it is essential not to confuse things when dealing with the question of relations between the Angolan Government and the media. On the one hand, we have the state media, fully controlled by the government itself. It follows that relations couldn't be better, with lavish doses of promiscuity between the authorities and a press that pompously claims to be at the service of the public.

On the other hand, and now the picture certainly begins to get complicated, we have the private Press - or independent, if you will. Acting out of the reach of the tentacles of the authorities, it 'heroically' resists all manners of devious attempts to control the way it operates.

It is about this second aspect that it is important to talk, as we now find ourselves facing an environment in which freedom of the press of the independent press is threatened for being the one that tries to see what truths hide behind the curtain, rejecting the obvious.

Radio Ecclésia, owned by the Catholic Church, and, truth be told, the sole broadcaster that provides a voice for the voiceless, was the target of a violent verbal attack by the Minister of Communications. Towards the middle of the year, the minister, Hendrik Vaal Neto, accused the station of 'smuggling', after it imported two shortwave transmitters. For years, Radio Ecclésia has been fighting to [re]gain the right to broadcast to the whole country.

As far as legislation is concerned, it is important to point out already that any far-reaching measure will be implicitly linked to the will of the MPLA, the majority party in the National Assembly.

Defamation - the old Angolan minefield

For now, we can refer to 2004 as pacific. No public or private claims that could be deemed to constitute a potential threat to press freedom were lodged, just as no noteworthy amendments or other types of measures were made.

In an environment that at first sight appeared to be positive as far as freedom of expression and freedom of the press are concerned, we need now to once again make a mention of the avalanche of court cases against Graça Campos, Editor-in-Chief of the weekly Angolense newspaper.

Campos faced two defamation cases, brought against him by Angolan politicians mentioned in a rather controversial article about Angolan millionaires, published in 2002 in the Angolense newspaper, then run by Graça Campos. Luckily, Campos was absolved. Nonetheless, he still faces a further three cases related to the same matter, all brought against him by highly-placed people in government or connected to it.

Graça Campos was found guilty and sentenced to six month in jail, which was commuted to a fine. The matter provoked a wave of reactions in society.

Despite this serious incident against freedom of expression and freedom of the press in Angola, one must highlight the fact that to a certain point, the courts acted with impartiality. Until the end of the year, the Supreme Court's performance constituted a genuine defence of the tenets of the Angolan law.

Access

Access to sources of information continued to be a serious problem, especially as far as official and government sources are concerned. Things have improved significantly, but are still many barriers. The year 2004 must go down as the one during which the government expended reasonable efforts to promote transparency - for example, in public accounts. The government created a website for the Ministry of Finances, which, according to International Monetary Fund (IMF) and other national and international organisations, represents a step forward, albeit it shaky, in the process of disclosing information of public interest. However, just as the move forward was lauded by some, others point out that much still has to be done before a really satisfactory framework is in place. The media - especially private - continues to experience a sense of futility whenever it tries to obtain any information of public interest.

Broadcasting

Without the shadow of a doubt, the broadcasting sector is one of the most difficult in Angola, if we are talking about freedom of the press and freedom of expression. During the year, the government continued the difficult process of licensing private broadcasters. Applications by journalists and commercial entities have been 'stuck' for ages in the offices of the Ministry of Communication, which is responsible for issuing broadcast licences.

Although working in isolation, sectors of the Angolan civil society ventured into the debate over who should be assigned the right to license the opening of commercial and community radio. The picture remains one in which the government continues to hold a strict control in this matter. This is no different from the way it exercises control over the state media, to wit, Rádio Nacional de Angola (the only one to transmit in short wave), Televisão Pública de Angola (the only television station in the country), Jornal de Angola (the state daily) and Agência Angola Press (the news agency).

Whereas, the trend would suggest decentralisation, the exact opposite is taking place. Control has been tightened; especially as in 2004 the debate on the coming general elections was already a feature on the national agenda.

The year almost scored a zero in terms of media diversity as far as the appearance of new media organisations is concerned. At the beginning of the year, a new title hit the streets. It was called Faro, - a weekly, was set up by a group of journalists that had made up the editorial team of another independent newspaper. However, the paper did not make it beyond edition number two. At the end of two weeks, the paper that styled itself as the "paper of the poor" disappeared as quickly as it had appeared. Economic reasons and lack of a strategy adequate to the market

conditions determined its premature demise.

In the same way, the weekly Actual can no longer be seen in the streets of Luanda. It is one of the oldest and most widely read in the capital. After a complete overhaul of its news coverage (it was planning to focus on business and finances exclusively) it soon began facing serious financial problems.

Also fruitless, were the efforts by another group of journalists to revive A Palavra, - another independent weekly that closed down last year because of management problems. Its chances of recovery are almost nil, as the key partners have now gone their separate ways and have now found employment in more sustainable endeavours.

There is one overriding aspect for which the Angolan media must be condemned. That is the divides between the media house and institutions, especially, the so-called state media (directly controlled by government bodies) and the independent media. Stubbornly, we are still in that phase where journalists - time and time again - opt for pleasantries and garlands, as if they were sworn enemies.

Code of ethics

Nonetheless, 2004 will also be remembered as the year during which most professional [media] organisations came together for the purposes of drafting a Code of Ethics, an instrument that Angolan journalist have never had throughout the almost 30 year of national independence.

As an initiative of the Angolan Journalists' Trade Union, (SJA), media practitioners came together for three days, during which they achieved their noble objective. The meeting was attended by the Private Print Media of Angola Association (AIPA), the Angolan Women Journalists' Association (AMUJA) and the Association of Angolan Sports Journalists (AIDA).

It the process, the meeting brought out sentiments of fraternity, camaraderie and solidarity among practitioners in the same line of work. During the event one could sense an open solidarity by all independent media for the weekly Angolense, going through a bad time in the courts, especially its editor-in-chief, who has received a suspended jail sentence. The solidarity with Angolense is something that the journalists in the private media can be proud of, as, outside these circles, the environment is not that peaceful. Starting by the way that these media practitioners are seen by government and their hangers-on.

Stubbornly, state and government institutions still treat the private media with disdain and impartiality. As An example, anyone bearing on his/ her chest an identity card of a private newspaper or Radio Ecclésia, from the very beginning has less chance of obtaining an interview with a member of the government, be he a minister, national director, head of department or anyone else. Differently put, any attempt to approach any of a range of issues from an angle that does not reflect the government view, can lead to ostracism.

Conclusion

It being correct that freedom of the press and freedom of expression fared relatively better in 2004 compared to the year before that, taking cognisance of the seriousness and pace of attacks against journalists and others, let us now highlight improvements that must be considered so we can move to a framework that is reasonably acceptable.

It is something of a difficult thing to do, to attest that improvements have taken place. In a

strict sense, they did, but they were so insignificant that what remains to be done stands out.

The uncertainty surrounding the Press Law makes of the Angolan media a type of hostage at the mercy of the whims of those in charge. Four years have gone, since - at the initiative of the government - journalists and civil society organisations gave of their best to draft a new instrument to regulate the activities of the media in the country.

The contributions made towards this objective (the draft bill) continued throughout the year in 'laboratories' of the Angolan government, waiting for something that we don't know for sure what it is. The private media continues to be denied access to cover important government activities, such as meetings of the Council of Ministers, to which the whole state media is invariably invited. To say nothing of the presidential trips aboard. The independent media as a body has vehemently protested against such discrimination.

In this light, the difficulty of access to official sources of information easily stands out as one of the main obstacles to freedom of the press and freedom of expression.

This being so, as one can easily see, huge challenges stand in the way of those who apply themselves for a free media that is really active. One of the biggest of these challenges is to conduct advocacy actions to have the new Press Law approved as soon as possible. Angola is entering a phase in which the practice of journalism will become caught in the crossfire. The elections, officially scheduled for 2006, loom large as a pretext to curtail the manoeuvring space of private newspapers and radio.

In the true sense, this situation is here already. Political moves are afoot that constitute genuine attempts against the free exercise of journalists to inform the public. As an example, let's mention a campaign that was launched some time back by those in government circles to lure practitioners in the private media to join the state media. This practice has had results as can be seen in a number of newsrooms, where they are feeling the absence of a few 'feathers'.

The year 2005 must pay special attention to the process to draft the future Press Law, and other legal instruments that are being prepared with an eye on the coming elections.

Angola



Por Gilberto Neto

Gilberto Neto é o agente de informação e advocacia do MISA em Angola. Anteriormente, funcionou como editor político do semanário Angolense.

É inegável que a Liberdade de Imprensa e de Expressão em Angola ganharam novo alento desde princípios de 2002, altura em que o longo conflito civil no país deu lugar a um ambiente relativamente desanuviado. Como também o é que, no lugar das detenções, intimidações veladas e públicas, parece estar-se a apostar agora numa “sofisticação” dos métodos de controlo destas liberdades.

À guisa de arranque desta análise sobre o estado da Liberdades de Imprensa e de Expressão ao longo de 2004, poder-se-á dizer que, no geral, as relações entre o poder e a imprensa voltaram a caracterizar-se por atitudes de desprezo e retracção, da parte do primeiro, e de luta contínua pelo dever de informar com isenção e imparcialidade da parte do segundo.

Desde já, parece-me fundamental fazer-se a destriça sempre que se queira caracterizar as relações entre o Governo angolano e a comunicação social em Angola. Por um lado, existe a imprensa estatal, controlada integralmente pelo próprio Governo. Logo, as relações não poderiam ser as melhores, com toda a dose de promiscuidade que se poderia assistir entre as autoridades e uma imprensa que, pomposamente, se diz estar ao serviço público.

Por outro, e aqui o cenário começa seguramente a complicar-se, está a imprensa privada - ou independente, se quisermos -, à partida com uma actuação fora dos tentáculos do poder instituído, que vai resistindo “heroicamente” mas que o outro lado desdobra-se de manobras em manobras para condicionar o seu “modus operandi”.

Por conseguinte, é sobre este segundo aspecto que interessa de facto falar, pois está-se perante um cenário no qual a Liberdade de Imprensa se vê ameaçada do lado da imprensa independente, por ser ela que tenta ver que factos se escondem por detrás da cortina, rejeitando o óbvio.

A Rádio Ecclesia, propriedade da Igreja Católica, e de facto a única emissora que dá voz aos que não a têm, foi alvo de um violento ataque verbal da parte do ministro da Comunicação Social. Em meados do ano, Hendrick Vaal Neto acusou a emissora de “contrabando”, devido à importação de dois emissores em Ondas Curtas.

A Ecclesia luta há anos para ganhar o direito de transmissão para todo o país. No aspecto legislativo, convém, para já, notar que qualquer medida de peso estará implicitamente ligada à vontade do MPLA, o partido maioritário na Assembleia Nacional.

Entretanto, pode-se referir o ano de 2004 como tendo sido pacífico. Não foram registadas declarações públicas ou privadas que tenham conformado uma potencial ameaça à liberdade de imprensa, assim como não se registaram emendas ou medidas de outro género dignas de realce.

Num ambiente que, a priori, afigurava-se algo positivo no que toca ao respeito às liberdades de imprensa e de expressão, devemos aqui reiterar a avalanche de processos judiciais que deram entrada em tribunal contra o director do jornal Semanário Angolense, Graça Campos. Campos respondeu a dois processos de difamação, movidos por políticos angolanos visados

num artigo bastante polémico sobre os milionários angolanos, publicado em 2002 no jornal Angolense, então dirigido por Graça Campos.

Felizmente, o jornalista foi absolvido. Contudo, ele deve responder a mais três processos à luz do mesmo caso, todos movidos por altas figuras do poder ou a ele ligado.

Graça Campos foi condenado a seis meses de cadeia, sentença entretanto revertida em multa. O facto originou uma reacção em cadeia da sociedade.

Apesar deste incidente grave para a liberdade de Imprensa e de Expressão no país deve ressaltar-se a forma até certo ponto imparcial com que os tribunais têm agido. Até finais de 2004, o Tribunal Supremo teve actuações que conformam autênticas defesas do estabelecido na lei angolana.

O acesso a fontes de informação continuou a ser um grave problema, sobretudo no que toca às fontes oficiais, governamentais. Melhorou significativamente, mas ainda existem varas barreiras. Este ano deve ser recordado como aquele em que durante o qual o Governo desenvolveu relativos esforços no sentido de promover a transparência, por exemplo, nas contas públicas. A criação de um Website pelo Ministério das Finanças, segundo o Fundo Monetário Internacional (FMI) e outras organizações nacionais e internacionais, representa um avanço, ainda que titubeante, no processo de divulgação de informação de interesse público.

No entanto, da mesma forma que uns e outros elegiam este avanço, têm também observado que muito ainda resta por fazer para que se tenha efectivamente um quadro satisfatório neste aspecto.

A imprensa, sobretudo a privada, continua a ver-se a desejar quando pretende obter alguma informação de interesse público.....

Definitivamente, o serviço de radiodifusão é um dos mais difíceis em Angola, isso se pretendermos falar de liberdade de imprensa e de expressão.

Durante o ano, o Governo continuou a dificultar o processo de licenciamento de novas emissoras independentes. Há muito que pedidos de jornalistas e companhias estão “encalhado” no edifício do Ministério da Comunicação Social que detém o monopólio da emissão de licenças para o exercício da radiodifusão no país.

Ainda que de forma isolada, sectores da sociedade angolana embrenharam-se num debate sobre a quem deve ser atribuído o direito de licenciamento para abertura de rádios comerciais ou comunitária.

Tem-se, ainda, um cenário no qual o Governo continua a manter um rigoroso controlo neste processo. Como, de resto, mantém um completo controlo sobre os órgãos públicos, nomeadamente a Rádio Nacional de Angola (a única que emite em Ondas Curtas), Televisão Pública de Angola (a única estação televisiva no país), Jornal de Angola e Agência Angola Press.

Quando a tendência deveria apontar para a desconcentração, aconteceu exactamente o contrario. Cresceu este controlo, sobretudo porque em 2004 já o debate em torno das próximas eleições gerais constava da agenda política nacional.

Este ano foi quase nulo em termos de diversidade dos média no que concerne ao surgimento de novas organizações.

No início do ano, um novo título saiu à rua Chamava-se. “O Faro”, semanário, propriedade de um pequeno grupo de jornalista que constituía o corpo editorial de outro jornal independente. No entanto, não passou do segundo número. Ao fim de duas semanas, desapareceu tão depressa quanto surgiu aquele que se definia como o “jornal dos pobres”.

Razões económicas e falta de uma estratégia à altura das exigências do mercado terão ditado o seu fim prematuro.

De igual modo, o semanário “Actual” deixou de ser visto nas ruas. É um dos periódicos mais antigos e lidos na capital Luanda. Depois de operar uma reviravolta no seu figurino informativo (pretendia seguir uma tendência exclusivamente económica), passou a enfrentar sérios problemas de tesouraria.

Goraram-se os esforços que um outro grupo de jornalistas empreendeu para reavivar “A Palavra”, outro semanário independente que fechou no ano anterior devido a problemas de gestão. Já não existem possibilidades quase nenhuma de tal acontecer, pois a sociedade que a formava desfez-se e os seus profissionais de maior tarimba encontraram emprego em outros projectos de maior sustentabilidade.

Existe um aspecto pelo qual a generalidade da imprensa angolana deve ser condenada. Ela tem a ver com as fissuras existentes no relacionamento entre os diferentes órgãos e organizações, sobretudo entre a chamada imprensa estatal (controlada directa e completamente por órgãos governamentais) e a imprensa independente. Teimosamente, ainda se está naquela fase em que os seus jornalistas, vezes sem conta, enveredam para a troca de mimos e galhardetes, como se inimigos viscerais se tratassem.

No entanto, 2004 será recordado também como o ano em que a maioria das organizações profissionais da classe se uniu para a elaboração de um Código de Ética, instrumento que os jornalistas angolanos nunca tinham possuído ao longo dos quase trinta anos de independência nacional.

Sob iniciativa do Sindicato dos Jornalistas Angolanos (SJA), durante três dias estiveram reunidos a Associação de Imprensa Privada de Angola (AIPA), a Associação da Mulher Jornalista de Angola (AMUJA) e Associação dos Jornalistas Desportivos de Angola (AIDA), concretizou-se um objectivo absolutamente nobre de onde sobressaiu a fraternidade, camaradagem e solidariedade entre profissionais de uma mesma classe.

Durante este notou-se uma clara solidariedade de toda a imprensa independente para com o Semanário Angolense quanto aos processos que enfrenta em tribunal, sobretudo quando o seu director foi condenado a pena suspensa.

Este é, de resto, um aspecto de que os jornalistas da imprensa privada se podem orgulhar, uma vez que, fora deste circo, o ambiente não se apresenta tão pacífico. A começar pela forma como estes profissionais ainda são vistos pelo poder e as figuras e ele alcançadas. Teimosamente, as instituições do Estado e do Governo ainda tratam a imprensa privada com desdém e parcialidade.

A título de exemplo, vamos dizer que todo aquele que exhibe no peito um cartão de identificação de um jornal privado ou da Rádio Ecclesia, tem, à partida, muito menos oportunidades de conseguir uma entrevista com um membro do governo, seja ele ministro, director nacional, chefe de departamento ou outro.

Ou seja, a tentativa de abordagem das diferentes matérias a partir de um ângulo que não reflecte necessariamente a visão do poder, resulta neste ostracismo.

Conclusão

Sendo certo que situação da liberdade de imprensa e de expressão ao longo de 2004 foi relativamente melhor do que nos anos anteriores, aferindo à gravidade e ritmo das investidas contra os profissionais de imprensa e não só, convém entretanto ressaltar melhorias urgentes que têm de ser consideradas, para que se possa entrar num quadro mais ou menos aceitável. É algo complicado afirmar ter havido melhorias. Em rigor houve, mas elas foram tão insignificantes que o que resta por fazer sobressai de longe no quadro que se nos apresenta. A indefinição em que se está quanto à futura Lei de Imprensa, faz da Comunicação Social angolana uma espécie de refém dos caprichos de que manda. Já lá se passam quatro anos desde que, sob iniciativa do Governo, os jornalistas e organizações da sociedade civil empenharam-se a fundo para a elaboração de um novo instrumento que regule o exercício de imprensa no país.

As contribuições neste sentido (o ante-projecto) continuaram ao longo do ano nos “laboratórios” do poder angolano, a espera de algo que se desconhece com exactidão. A imprensa privada continuou a ser barrada na cobertura de importantes actividades governamentais, como as reuniões do Conselho de Ministros, para a qual toda a imprensa estatal é invariavelmente convidada. Para já não falar das viagens presidenciais ao exterior. O conjunto da imprensa independente tem protestado veementemente contra estas discriminações. Assim, o difícil acesso às fontes de informação oficiais emerge facilmente como um dos principais obstáculos às liberdades.

De modos que, como se poderá facilmente constatar, desafios enormes colocam-se àqueles que se preocupam por uma imprensa verdadeiramente actuante. Advocacia no sentido de se aprovar o mais rapidamente quando possível a nova Lei de Imprensa afigura-se, seguramente, como um dos mais sérios destes desafios.

Angola está a entrar para uma fase durante a qual o exercício do Jornalismo estará, eventualmente, sob fogo cruzado. As eleições, oficiosamente apazadas para o ano de 2006, afiguram-se como um potencial pretexto para a limitação do espaço de manobras dos jornais e rádios privadas. Em rigor, esta situação já está a verificar-se. Estão em curso manobras políticas que conforma verdadeiros atentados ao livre exercício da profissão de informar o público. A título de exemplo, vamos apenas referir uma campanha posta em prática há algum tempo por circos afectos ao poder que consiste em aliciar profissionais da imprensa privada a ingressarem nos de comunicação do Estado.

Essa prática tem produzido resultados, na medida em que várias Redacções começam a ressentir-se da falta de algumas “penas”.

O processo para a elaboração da futura Lei de Imprensa, os instrumentos legais em preparação visando as próximas eleições no país, que tenham a ver com a Imprensa, deverão merecer especial atenção durante o ano de 2005.

• **ALERT**

Date: March 30, 2004

Persons/Institutions: Felisberto de Graça Campos

Violation(s): Sentenced

On March 30 2004, Felisberto de Graça Campos, director and editor of the weekly “Semanario Angolense” magazine, was sentenced to 45 days in prison - or a fine of \$1 200 - by the provincial tribunal of Luanda for a series of articles published in 2003 that detailed the fortunes of prominent government officials.

Campos’ sentenced relates to defamation charges instituted against him by the current Minister of Defence, General Kundy Payama, who was included in a list of 59 people believed to be millionaires - among them politicians, economists and senior military officials, ministers and members of parliament.

Campos was charged under article 43 of the Press Law which relates to ‘abuse of the press’ and article 407 of the Penal Code. Under the Press Law he faced between three to six months imprisonment, as well as an additional 4 months imprisonment under the Penal Code.

Campos faces additional defamation charges from other persons also named on the list, including Mário António (Coordinator of the MPLA business interests), Paulo Julião Dino Metros (MPLA Secretary General), Fautimo Muteca (Minister for Administration of National Territory) and Mário Palhares (Chairperson of the African Bank of Investment).

• **ALERT**

Date: November 10, 2004

Persons/Institutions: Carlos Augusto

Violation(s): Detained, Censored

On November 10 photographer Carlos Augusto, who was reporting for the independent weekly paper “Angolense”, was arrested by the police for taking pictures of a police raid on street vendors in the Angolan capital, Luanda.

According to Augusto, he was held at a police station for four hours after reporting on an incident in which policemen were running after and beating street vendors in a poor neighborhood in Luanda. He said the police confiscated his camera and gave it back to the newspaper three days later after deleting the contents. Augusto told MISA he was instructed by the police to stop taking photographs just before he was arrested. He added that the police deleted all the pictures, some of which were due to be used on the following day’s edition of the paper.

ALERT

Date: December 16, 2004

Persons/Institutions: Aguiar dos Santos

Violation(s): Threatened

On December 16 2004, a director of the government news agency Miguel de Carvalho threatened to gun down “Agora” director and journalist Aguiar dos Santos. Dos Santos said de Carvalho threatened to pull a gun and shoot him in the leg. The threat emanated from a series of articles the paper had been running on alleged corruption and mismanagement at the news agency.

“Agora” has been reporting consistently on allegations of corruption and mismanagement at the government news agency. Many journalists and other media worker at news agency, Angop, have also accused de Carvalho of corruption and mismanagement.

Botswana



By Sechele Teleka Sechele

Mr SECHELE is a freelance journalist and media consultant in Gaborone, Botswana

As we commemorated World Press Freedom Day 2004, most of us were hopeful that the Botswana government's departments of Broadcasting and Information Services would be run, not as the state media outlets that they are today, but as public media outlets.

This is happening despite the Botswana Telecommunications Authority and the National Broadcasting Board regarding state-owned Radio Botswana and Botswana Television (BTV) as public broadcasters. This is of great interest to us because the state media is still a leading source of vital public information and discourse for most people in Botswana, particularly after Radio Botswana was licensed as a public media outlet.

Government & Media Relations

During the year under review, the private press was able to operate freely, and was able to report freely and fairly on the national elections. Any poor coverage would be more due to their own failure or shortcomings as the private press than the interference of the state and its machinery.

Unfortunately during the year, the Minister of Communication, Science and Technology decided to pass and enforce stringent legislation on programming, especially at the Department of Broadcasting Services. This action provided enough grounds for prominent proponents of media freedom and diversity to step up calls for the establishment of a public media environment as we see in new democracies around us like South Africa and other modern democracies. This is also expected of government by the Botswana Telecommunications Authority and the National Broadcasting Board.

For a democratic country, this state of affairs is worrisome. In the build-up to the 2004 general elections, the state media (most particularly Botswana Television), was also covering the Botswana Democratic Party president (Festus Mogae) and his vice and Botswana Democratic Party chairman (Lt Gen. Kgosi Ian Khama Seretse Khama), more than the other contesting party leaders, chairpersons and electoral candidates. Government only changed its attitude slightly after widespread criticism and a protest march by one of the opposition parties, the Botswana National Front.

The issue of 'airwave domination' by one political party at election is time raises one vital question: "So this is democracy?"

The direct interference of the government in the state media has had the twin effect of challenging the element of free and fair elections in the country and bringing into question whether or not democratic principles are firmly and truly entrenched in Botswana.

Legislative Environment and Broadcasting

In December 2004, there was a significant development at the national radio station, Radio Botswana, when it was belatedly issued with a broadcasting license for the first time by the National Broadcasting Board in accordance with the Broadcasting Act of 1998.

Radio Botswana (RB) has not been operating with a license since 1961, when it was first established during the colonial period. The state-owned Botswana Television (BTV) is yet to

be licensed under the Broadcasting Act of 1998.

It was as RB received its license that the chairman of the National Broadcasting Board, Masego Mpotokwane, said his board regards the national broadcaster as a public service broadcaster. But as stated above, this is not true in practice - the government still regards Radio Botswana and BTV as state broadcasters.

Other Legislation

The National Broadcasting Board (NBB) released its draft recommendations for a Broadcasting Policy and Regulations for public comment in early 2004. These are expected to help the NBB to perform its duties with better direction and more effectively. They will also hopefully encourage more media diversity as growth in the broadcasting sector in Botswana might be realised: the policy, once accepted, provides for there to be independent public broadcasting, commercial and community broadcasting services. At the time of going to press, such policy and regulations are not in place despite the process having been concluded in the first quarter of 2004.

Meanwhile, a growth was expected in general communication within the nation. This expectation was based on the Botswana Telecommunication Authority's (BTA) reduction of tariffs for the major cellular companies of Mascom Wireless and Orange Botswana from five percent to three percent of their annual net turnover. It was hoped that these reductions would be passed on to consumers in the form of lower pre-paid tariffs - especially given that pre-paid consumers of cellular phone airtime are in the lower end of the income earners in the country.

The cellular companies indeed responded by slightly reducing tariffs for pre-paid airtime to their customers.

In addition, BTA also reduced the Botswana Telecommunications Corporation's request for an increase in tariffs by a percentage factor in order to pass some of the benefits of the reduction on to BTC customers.

Constitution

There are no significant developments to report about the Botswana constitution and the local media in 2004.

Defamation

No defamation cases were reported openly in the courts of law. If anything, media houses just settled quietly with claimants out of court. To some extent, this practice is hindering Botswana's media law from developing further; courts will not have an opportunity to hear and come up with precedents that would stand the test of time on issues of media freedom and freedom of expression. However, if one feels aggrieved by any party or media content, the Press Council of Botswana with its complaints committee will help address the issue.

Access to Information

Given that government has decided not to promote the Freedom of Information Act (provided for in the Vision 2016 document) as a priority, perhaps the only reason for comfort in Botswana's media circles is that the BTA and the NBB have now joined MISA and other progressive voices in calling for the creation of a real public media as stated above.

This will be the only way that we can have a media that is accountable and representative of all

sections of Botswana's society, rather than the more one-sided reporting and programming we find on BTV and Radio Botswana today.

Media Diversity

2004 saw the closure of a Sunday newspaper, Morongwa, only a few weeks after it started publishing. But its closure was quickly followed by the establishment of a second broadsheet (after that of the local vernacular paper, Mokgosi) Sunday newspaper - Sunday Standard, which was founded by the former editor at the Botswana Guardian and Botswana Gazette, Outsa Mokone in partnership with two senior journalists, Professor Malema and Spencer Mogapi. The Sunday Standard first came out in July 2004.

Developments within the media fraternity

Within the private and public media, there has been a heightened interest in bringing about an ethical and professional media in Botswana as was demonstrated by the formation of the Press Council of Botswana. The Press Council has developed a code of ethics to be applied in all media houses in the country.

Another welcome initiative was the formation and registration of the Botswana Editors' Forum, which is yet another indication that media practitioners themselves see the need for a more ethical and professional media even at the highest level of media management.

In a year when the Press Council of Botswana also began operating, the Editors' Forum has committed itself through its constitution by saying that, "... journalists and media owners have a duty to work to the highest professional standards and ethics" - an ideal which, along with many others, editors in Botswana have promised to advance rigorously through their Forum.

The Forum has also promised to encourage its members to commit themselves to a culture of continued learning among editors and other media workers by implementing ongoing education and training.

The Botswana Editors' Forum believes that the media can only make a meaningful contribution to our democracy if it is credible and respected, but understands that this respect and credibility is not merely bestowed upon an entity, it is earned.

As Botswana and four other countries in the SADC region went to the polls in 2004, MISA worked with other NGOs to organise pre-election reporting and other relevant workshops for private and public journalists in both the print and broadcast sector. The other NGOs were the Durban-based African Centre for Reconstruction and Resolution of Disputes and the Johannesburg-based German NGO, Konrad Adenauer Stiftung.

In a country that has one of the highest infection rates in the world, it was also in 2004 that we saw the establishment of Journalists against HIV/AIDS in Botswana (JAHABO).

Another milestone event in 2004 was the cooperation between the media, leading editors and Gender Links, an NGO based in Johannesburg that has been monitoring and researching the coverage of gender-related issues by the media. Gender Links, MISA, leading media practitioners and various gender activists held a major and successful conference in Johannesburg during September. The conference culminated in the formation of the Gender and Media in Southern Africa (GEMSA) umbrella organisation - which is expected to radically change how the media reports on women and other gender-related matters.

Conclusion

In 2004 reporting on the general elections took centre-stage. Except for a few violent attacks on working journalists by disgruntled musicians and alleged criminals appearing before court, not much happened in the form of media freedom violations.

However, there has been much interference by the Minister of Communications Science and Technology in the running of the government radio stations, television and daily newspaper as stated above.

The development of professionalism in the Botswana media is also expected to come out of the training of journalists mentioned above. This will not only enhance their reporting skills but their understanding of issues as well.

A more ethical and professional media is also expected to come out of the formation of so many new media organisations and new forms of co-operation in 2004, as noted above.

Botsuana



Por Sechele Teleka Sechele

Traduzido por Rui Correia

SECHELE é um jornalista freelancer e consultor em assuntos de mídia em Gaborone, capital do Botsuana

Ao comemorarmos o Dia Mundial da Liberdade da Imprensa em 2004, a maioria de nós tinha esperanças que os departamentos de governo do Botsuana para serviços de radiodifusão e de informação estariam funcionado, não como os órgãos de comunicação social estatais que são hoje, mas sim como rádio e televisão públicas.

Isto está a decorrer apesar da Autoridade das Telecomunicações do Botsuana e do Conselho Nacional para a Radiodifusão (NBB) do Botsuana considerarem a Televisão do Botsuana (BTV) e a Rádio Botsuana - ambas pertencentes ao Estado - como sendo 'radiodifusores públicos'. Isto é de grande interesse para nós, visto que a mídia estatal continua a ser para a maioria da população no Botsuana uma fonte principal de informações e debates públicos vitais, particularmente depois que a Rádio Botsuana foi licenciada como um órgão de comunicação social pública.

Relações entre o Governo e a Comunicação Social

Durante o ano sob análise, a imprensa privada pode operar livremente, e foi capaz de uma reportagem livre e justa durante as eleições nacionais. Qualquer cobertura de baixa qualidade seria mais devido a suas próprias falhas ou deficiências como imprensa privada e não por razões de interferência do estado e do seu aparato.

Infelizmente, durante o ano, o Ministro de Comunicações, Ciência e Tecnologia decidiu aprovar e por em vigor legislação estrita para controlar programação, especialmente dos Serviços de Radiodifusão e Informação. Esta acção proporcionou uma oportunidade para os defensores da liberdade e diversidade dos mídia para intensificarem reivindicações para a criação de um ambiente de radiodifusão pública, como se verifica em democracias novas ao nosso redor como a África do Sul e outras democracias modernas. Isto também é esperado do governo pela Autoridade das Telecomunicações do Botsuana e do Conselho Nacional para a Radiodifusão do Botsuana.

Para um país democrático, esta situação é preocupante. No decorrer do período pré-eleitoral das eleições gerais de 2004, a mídia estatal (especialmente a Televisão do Botsuana), deu mais cobertura ao presidente do Partido Democrático do Botsuana (Festus Mogae) e ao seu vice e Secretário-Geral do partido (Tenente-General Kgosi Ian Khama Seretse Khama), que aos líderes de outros partidos. O governo só mudou a sua atitude ligeiramente após uma onda de criticismo e uma marcha de protesto organizada por um dos partidos da oposição, a Frente Nacional do Botsuana.

A questão 'da dominação do espaço de antena' por um partido político em plena fase eleitoral levanta uma pergunta importantíssima: "Então, isto é democracia?"

A interferência directa do governo na mídia estatal teve o efeito duplo de desafiar o elemento de eleições livres e justas no país e de questionar se os princípios democráticos estão firmemente e verdadeiramente enraizados no Botsuana ou não.

Ambiente Legislativo e a Radiodifusão

Em dezembro de 2004, verificou-se um desenvolvimento marcante na rádio nacional, Rádio Botsuana, quando esta finalmente recebeu uma licença de transmissão pela primeira vez, emitida

pelo Conselho Nacional para a Radiodifusão de acordo com a Lei da Radiodifusão de 1998.

A Rádio Botsuana (RB) tem operado sem licença desde 1961, quando foi fundada, durante o período colonial. A televisão estatal Televisão do Botsuana (BTV) ainda está por ser licenciada de acordo com a Lei da Radiodifusão de 1998.

Foi pela ocasião da concessão de licença à RB que o presidente do Conselho Nacional para a Radiodifusão, Masego Mpotokwane, afirmou que o seu conselho considerava a emissora nacional como uma emissora de serviço público. Mas, como indicamos acima, isto não é o que se verifica na prática - o governo ainda considera a Rádio Botsuana e a BTV como emissoras do estado.

Outra Legislação

A princípios de 2004, o Conselho Nacional para a Radiodifusão publicou para consulta pública o seu projecto de recomendações para uma Política de Radiodifusão e Regulação. É esperado que tal diploma venha a ajudar o Conselho a desempenhar as suas funções com melhor sentido de direcção e mais eficazmente. Esperançosamente, servirá também para incentivar mais diversidade dos média, visto a probabilidade de crescimento no sector da radiodifusão no Botsuana: a nova política - quando aprovada - prevê a existência de serviços de radiodifusão pública independente, assim como emissoras comerciais e comunitárias. Tal política e regulação ainda não entraram em vigor, apesar do processo ter sido concluído no primeiro trimestre de 2004.

Entretanto, um crescimento geral era esperado na área das comunicações no país. Esta expectativa baseava-se numa redução de 5% para 3% nas tarifas sobre o volume de vendas pagas pelas principais operadoras de comunicações móveis - a Mascom Wireless e a Orange Botswana - à Autoridade das Telecomunicações do Botsuana (BTA). Esperava-se que estas reduções fossem passadas aos consumidores através de tarifas pre-pagas mais baixas - especialmente quando levando em conta que os utilizadores de telemóveis com o sistema pré-pago se encontram na faixa mais baixa de renda.

As empresas de telemóveis certamente reagiram, ligeiramente reduzindo tarifas no tarifário pre-pago. Além disto, a BTA também reduziu a margem de aumento pedido pela Botswana Telecommunications Corporation (BTC), para assim poder passar alguns dos benefícios da redução aos clientes da BTC.

Constituição

Não houve nenhum desenvolvimento significativo a relatar sobre a Constituição do Botsuana e os média locais em 2004.

Difamação

Nenhum caso de difamação deu entrada nos tribunais durante o ano sob revisão. Onde houve qualquer coisa a resolver, órgãos de média chegaram a um acordo com os reivindicadores longe dos tribunais e sem que nada fosse percebido. De certa maneira, esta prática está a atrasar o desenvolvimento de legislação para os média do Botsuana - os tribunais não têm uma oportunidade de julgar casos para assim criar precedentes que possam vir a ter utilidade duradoura em questões de liberdade dos média e liberdade de expressão. No entanto, haja algum caso de um membro do público se sentir agredido por qualquer órgão ou conteúdo dos média, o Conselho de Imprensa do Botsuana e a sua Comissão de Queixas estão à sua disposição.

Acesso à informação

Uma vez que o governo decidiu não promover como uma prioridade a Lei sobre a Liberdade de Informação (previsto no documento Visão 2016), talvez a única razão para sentir um pouco de consolo nos círculos dos profissionais de mídia no Botsuana é que tanto a BTA como o NBB se juntaram agora ao MISA e outras vozes progressivas para reivindicarem a criação de mídia verdadeiramente pública como acima indicado.

Esta será a única forma de podermos um dia ter mídia responsável perante a sociedade e representativa de todos os sectores da sociedade do Botsuana, em vez da cobertura e programação parciais que recebemos hoje da BTV e Rádio Botsuana.

Diversidade Dos Mídia

O ano 2004 testemunhou o encerramento de um jornal de domingo, Morongwa, poucas semanas após a sua abertura. Em compensação, o seu desaparecimento foi rapidamente sucedido pelo estabelecimento de um segundo jornal de domingo em 'broadsheet', o Sunday Standard (o outro broadsheet sendo o Mokgosi, em idioma nacional). O novo jornal foi lançado pelo antigo editor do Botswana Guardian e do Botswana Gazette, Outsa Mokone em parceria com dois jornalistas de carreira, Professor Malema e Spencer Mogapi. O Sunday Standard apareceu nas bancas em julho de 2004.

Desenvolvimentos dentro da família dos mídia

Entre os mídia privados e públicos, houve um interesse acalorado em estabelecer uma mídia ética e profissional no Botsuana, como foi demonstrado pela formação do Conselho da Imprensa do Botsuana. O Conselho da Imprensa desenvolveu um Código Deontológico que vigora para todos os órgãos de mídia no país.

Uma outra iniciativa que foi bem acolhida foi a formação e formalização do Fórum dos Editores do Botsuana, que é ainda mais uma indicação que os próprios profissionais dos mídia vêem a necessidade de uma mídia mais ética e mais profissional, mesmo ao nível mais alto da gerência dos mídia.

No mesmo ano que o Conselho da Imprensa do Botsuana também começou a operar, o Fórum dos Editores empenhou-se - através da sua Constituição - com estas palavras "... os jornalistas e os proprietários dos mídia têm um dever a trabalhar consoante os mais elevados padrões profissionais e de ética" - um ideal que, junto com muitos outros, os editores no Botsuana prometeram avançar rigorosamente através do Fórum.

O fórum prometeu também incentivar os seus membros a comprometem-se a uma cultura de educação contínua para editores e outros profissionais dos mídia, implementando políticas de formação e educação contínua.

O Fórum dos Editores do Botsuana acredita que os mídia só podem fazer uma contribuição significativa à nossa democracia se forem credíveis e respeitados. No entanto, compreendem que tal respeito e credibilidade não é simplesmente concedido a um órgão - tem que ser merecido.

Como o Botsuana e outros quatro países na região da SADC foram às urnas em 2004, o MISA colaborou com outras ONGs na organização de workshops sobre cobertura pré-eleitoral e outras questões relevantes. Tanto jornalistas de órgãos privados como públicos - da imprensa e da radiodifusão participaram dos workshops. As outras ONGs envolvidas no projecto foram

O Centro Africano para a Reconstrução e Resolução de Disputas, sedado em Durban e a ONG alemã, Konrad Adenauer Stiftung, sedeada em Joanesburgo.

Num país com uma das taxas de infecção mais elevadas no mundo, foi também em 2004 que nós vimos o estabelecimento da organização Jornalistas Contra HIV/SIDA no Botsuana (JAHABO).

Um outro evento marcante em 2004 foi a cooperação entre os média, os editores principais e a Gender Links, uma ONG sedeada em Joanesburgo, que há tempos vem monitorando e pesquisando a cobertura na mídia das questões relacionadas com aspectos de género. A Gender Links, o MISA, profissionais conceituados dos média e vários activistas de género, organizaram uma conferência importante e bem sucedida em Joanesburgo durante o mês de Setembro. A conferência culminou na formação da organização Género e Mídia na África Austral (GEMSA), uma organização de cúpula da qual se espera que consiga mudar radicalmente o modo como os média dão cobertura ao sexo feminino a questões de género em geral.

Conclusão

Em 2004, a cobertura das eleições gerais foi o maior evento para os média. Com a excepção de alguns ataques violentos contra jornalistas - agredidos num tribunal por músicos e por supostos criminosos que não gostaram da cobertura recebida - nada de importante aconteceu no sentido de violações da liberdade dos média.

No entanto devemos adiantar, que houve bastante interferência por parte do Ministro das Ciências de Comunicação e Tecnologia na gestão dos órgãos estatais - rádio, televisão e jornal diário, como acima indicado.

O desenvolvimento do profissionalismo nos média do Botsuana espera-se resultar também da formação dos jornalistas mencionada acima. Isto realçará não somente suas habilidades de cobertura, mas também o seu entendimento das questões do dia.

Espera-se também, surgir uma mídia mais ética e mais profissional como resultado da formação de muitas novas organizações de mídia e novas formas de cooperação que presenciamos em 2004, como já referido acima.

• **ALERT**

Date: June 8, 2004

Persons/Institutions: Thari Leepile

Violation(s): Beaten

On June 8 2004, photographer Thari Leepile from the “Midweek Sun” newspaper was assaulted by Elizabeth Surtee and her son, Edward Mzwinila, who are facing trial for alleged armed robbery.

Leepile was covering the duo’s court case at a Magistrate court in Gaborone and was attacked when he tried to take pictures of them outside the court. Leepile has in the meantime filed charges with the police against the duo and he awaits a report from the police soon.

• **ALERT**

Date: July 22, 2004

Persons/Institutions: Radio Botswana

Violation(s): Censored

On July 22 2004, Radio Botswana ceased its broadcast of the daily 07h30 newspaper headline review programme.

“Mokgosi” newspaper has since reported that the Deputy Permanent Secretary in the Ministry of Communication, Science and Technology Lucky Moahi, acting under the minister’s instructions allegedly expressed concerns regarding the programme to Director of Broadcasting Services Habuji Sosome.

“Mokgosi” newspaper quoted Publicity Secretary of Botswana Progress party, Dumelang Saleshando, who confirmed that the programme was stopped at the minister’s intervention. “The minister admitted to me that he ordered the closure of that programme, saying the radio would be part to blowing newspaper’s readership,” Saleshando is quoted.

• **ALERT**

Date: August 3, 2004

Persons/Institutions: Botswana state media

Violation(s): Censored

Botswana’s Ministry of Communication, Science and Technology has ordered the Department of Broadcasting Services (DBS) to send new programmes or reviews of its programmes to the minister for “consultation and consensus.” At present, the state media is still run as a government department and not as a public entity. A ministry notice dated August 3, 2004, and signed by Deputy Permanent Secretary Lucky Moahi indicated that he was putting in place measures to “facilitate the smooth running of television and radio broadcast programmes.”

The DBS was instructed to give five days notice of the participation of ministers, members of parliament or senior officials and other stakeholders in programmes, and not to issue announcements until confirmation was received that those persons invited to participate would attend.

Moahi expressed particular concern that some topics selected for discussion on radio phone-in programmes were sensitive and would therefore “require a government viewpoint.” In such situations, the DBS would require clearance from the ministry before certain topics could be addressed on the air.

On occasions when the DBS negotiates television rights with stakeholders such as the Botswana Football Association, Moahi indicated that the ministry was to be kept informed in order to ensure that problems were tackled and resolved to what he termed “the right levels, in a timely and orderly manner.”

• **ALERT**

Date: August 7, 2004

Persons/Institutions: Kagiso Mmui

Violation(s): Beaten

On August 7 2004, Kagiso Mmui, an entertainment reporter from the weekly “The Voice” newspaper, was assaulted in the Botswana capital Gaborone by Lloyd Mwape, a founding member of a musical band named ‘Wizards of the Deserts’, allegedly for writing negatively about the band.

On August 6, 2004, Mmui’s co-columnist had commented in an entertainment column about the inability of many musical bands, including ‘Wizards of the Deserts’, to pull crowds to their performances. This, Mmui explained, had apparently angered Mwape so much that he resorted to physical violence. Mmui has since filed a report with Central Police station and awaits a medical report from his doctor.

• **ALERT**

Date: August 11, 2004

Persons/Institutions: Botswana state media

Violation(s): Censored

Communications, Science and Technology Minister Boyce Sebelela has announced his decision to drop the “Political Profiles” column from the state-owned newspaper “Daily News” and the press review from state-owned Radio Botswana. The minister did not offer an explanation for the move. Over the years, “Political Profiles” had become one of the most popular “Daily News” columns. The paper is distributed free of charge. News editor Bapasi Mphusu said the column’s removal was temporary and “dictated by the need to modernise.” The opposition questioned Mphusu’s explanation, however, speculating that the move was part of government efforts to prevent it from having a strong voice in the country’s most widely-read newspaper, only two months before legislative elections.

The cancelling of Radio Botswana’s press review, which devoted a great deal of air time to the privately-owned media, is also seen as fresh evidence that the communications minister wants to silence the independent press.

• **ALERT**

Date: August 12, 2004

Persons/Institutions: Botswana state media

Violation(s): Censored

While addressing a “kgotla” (traditional court) meeting in Gaborone on August 12 2004, Minister of Communication, Science and Technology Boyce Sebetela spoke about the operation of government media and said he had given the broadcaster six months to produce programmes in Setswana, the national language of Botswana, because there were “too many English programmes currently running.” Sebetela said the Broadcasting and Information Departments “should be guided like any other government department,” and his ministry would “only interfere when things were not done the way [he] wanted them to be.”

• **ALERT**

Date: August 17, 2004

Persons/Institutions: Botswana Television

Violation(s): Censored

On August 17 2004, Botswana’s Minister of Land and Housing Margaret Nasha instructed the producers of “The Eye” programme to re-record the programme to exclude an opposition

party member Dumelang Saleshando, who is also aspiring to be a member of parliament. Saleshando told MISA Botswana that Nasha from the ruling party, Robert Molefhabangwe of the Botswana National Front and himself from the Botswana Congress Party were interviewed and recorded the programme on August 16 for screening the following day on Botswana Television (BTV). After the recording, Saleshando said the Minister remained behind in the studio. It is alleged that she then instructed the programme to be redone citing that Saleshando was 'too political in his deliberations'.

Saleshando confirmed that he received a call from one of the producers that the programme had been redone featuring only Molefhabangwe and Nasha. He added that he was surprised that he was not invited and that the programme was aired on August 17 August without his views in it.

He said that Nasha was threatened by the comments he made over the Lesetedi Commission, a report of the Judicial Commission of Inquiry into state land allocation in Gaborone and that was why she felt uncomfortable to air the programme. Apparently Saleshando is a parliamentary candidate contesting the same seat as Nasha in Central Gaborone.

Lesotho



By Moeti Thelejane

(Moeti Thelejane is a freelance journalist with many years' experience in the Lesotho print media industry. He has sub-edited for The Mirror newspaper and The Public Eye newspaper, the biggest independent media house in Lesotho. He was also the editor of Our Times newspaper and is a correspondent for the Lesotho Monitor Magazine.)

Media and democracy

Since the advent of a multi-party democracy in 1993, there has been little progress in Lesotho as far as media freedom is concerned. This is reflected by the alarmingly small number of cases decided in favour of the media. The Lesotho media still has to operate under several media laws that undermine the principle of media freedom. These laws include the Sedition Proclamation of 1937 and the Internal Security Act of 1984.

Relevant democratic institutions - the media ombudsman or a media council - are yet to be established to counterbalance this repressive situation and promote press freedom.

Government interference in media operations

It is still common practice - procedure, in fact - for the Ministry of Communications, operating under the Internal Security Act of 1984 to refer all media practitioners, independents included, to the Lesotho Mounted Police Service (LMPS) headquarters for both press card acquisition and press accreditation. The ministry has put this measure of police accreditation in place to ensure that media practitioners are screened before being awarded press card accreditations to determine their records, in the name of "public safety and security".

Every time there is a State event, journalists are required to obtain such accreditation from the same office. Housed in the LMPS forensic department building, this office issues accreditation cards to "press controllers" and "security personnel" drawn from the police, intelligence agencies and defence force personnel, for the same event.

This practise peaked in notoriety when towards the end of 2003, and throughout the first four months of 2004, media practitioners were unable to get new press cards or to renew their expired accreditation documents from the LMPS headquarters because of the organisation's practically obsolete, non-functional IT equipment. This delay greatly inconvenienced those media practitioners whose press cards expired during this period.

Later in the year, the first and only cabinet reshuffle during 2004 saw the minister responsible for the police, the Minister of Home Affairs and Public Safety Tom Thabane, shifted from the post to become the Minister of Communications, Science and Technology. The reshuffle strangely coincided with a controversy heightened over a clause in the Lesotho Broadcasting Corporation Bill that gives the minister powers to appoint the board and chairman (never chairperson) of the government-run Lesotho Broadcasting Corporation.

To prevent the probably impact of said clause, MISA-Lesotho spent the year driving a campaign, in the midst of governmental hostility, to enact a Bill that is aligned to the principle of press freedom. Government hostility towards the transformation of state media into public service broadcasters undermines press freedom as it casts doubt on the integrity of efforts to transform the state broadcaster into a public broadcaster. There was much fear that the board would be aligned to the ruling Lesotho Congress for Democracy (LCD).

In May, Thabane, while Minister of Home Affairs and Public Safety, verbally threatened the editor of the Public Affairs programme on Radio Lesotho, Nthabeleng Sefako, on air. Roughly translated from Sesotho to English, Thabane said: “This woman Nthabeleng Sefako needs to be sorted out. She is a mere civil servant and yet she wants to dictate to me, a whole cabinet minister, how long my programme should be...we’ll keep a close eye on her”.

Six months later Thabane, the chairperson of the Cabinet Task Force on Security, became her Minister, ostensibly to keep a “close eye” on the transformation process of the state media. The on-air confrontation is an example of the necessity for the transformation of the state radio, where MISA-Lesotho was refused a slot on the current affairs programme to discuss the issue of transformation. MISA Lesotho’s interview on the government controlled Lesotho Television on the transformation of state media was also prevented from airing.

Attacks on media practitioners

In September 2004 Justice Maqelepo, a freelance journalist, was severely assaulted by police officers and armed municipal security personnel for asking why they were hurling vulgarities at vendors they were evicting from the streets of Maseru. Maqelepo had initially revealed his identity to the commanding officer, who was the first to assault him. Other officers then joined in.

MISA Lesotho condemned the barbaric act and issued the following statement: “The Media Institute of Southern Africa (MISA) Lesotho Chapter condemns in the strongest terms the attack on freelance journalist, Justice Maqelepo, by a mob of Lesotho Mounted Police Service (LMPS) cadres and Maseru City Council (MCC) constables on September 10, 2004.

The MCC enforcers, who were armed the teeth with sticks and sjamboks, were ostensibly involved in an operation to remove street vendors from the main road (Kingsway) of the capital, Maseru. There have been running street battles in the past, with some vendors resisting removal. In a similar incident in 2003, two journalists from a local newspaper were injured.

The latest incident involving Mr Maqelepo happened near the main Post Office building on Kingsway. In recounting the incident, Maqelepo told MISA Lesotho that the police alighted from two vehicles and launched an attack on the vendors with their weapons, screaming obscenities at them. He introduced himself to one of the police who seemed to be in command and identified himself as a journalist and asked whether this was the way the police normally operated. The officer in question changed his attitude immediately, screamed an insult at him and threw a punch to his face.

A small group detached itself from the main body and joined their commander in beating up Maqelepo with sticks and sjamboks. Seizing an opportunity, he fled across the street and was able to escape his attackers, but not before he had sustained a bruised lip and a lacerated shoulder.

MISA-Lesotho condemns this action by the police and MCC enforcers in the strongest possible terms. It represents a mindless infringement of the right of journalists to do their work. It infringes the right of the public to information to which the public is entitled and places the public at the mercy of the police who are seemingly above the law when it comes to respect for basic human rights.

We call on the authorities to investigate this incident and institute a full public inquiry with a view to ensuring that incidents such as these never happen again in a democracy such as ours and that perpetrators of such acts are brought to book.”

Court cases and legal hiccoughs

Two workers were shot dead by armed policemen during a peaceful protest organised by the Factory Workers' Union (FAWU) in November 2003. The march was organised to hand over a petition against the minimum wage to the Minister of Labour and Employment, Sello Machakela. The police permit stipulated that the protest should take place between 8 am and 4 pm. The shooting took place around 12.20 pm. FAWU general secretary Macaefa Billy and his deputy, Willy Matseo, were arrested for causing public agitation. They won the court case and government has appealed.

Since Candi Ratabane Ramainoane, the MoAfrika editor, paid Moeketsi Sello ZAR167 000 as compensation and punitive damages for defamation, plaintiffs have popped up out of nowhere to institute a myriad of lawsuits against the financially weak independent media. The Mirror took the trend to the next level by initiating an out-of-court settlement with a plaintiff, Mopshatla Mabitle, as outlined by Thabo Motlamelle in the 2003 "So This Is Democracy" edition.

Media solidarity in the face of authoritative adversity suffered a set-back when a newly formed English tabloid newspaper, Our Times, was threatened with closure within a month of hitting the streets. It was served with a summons by lawyers representing Public Eye, who demanded ZAR139 094 as compensation for damages to business status and reputation.

Our Times had reported that the Public Eye publisher and editor-in-chief, Bethuel Thai, also the director of the newspaper's publisher, Voice Multimedia, had sold the newspaper to a South African company because he and his wife intended to enter the printing press business.

In December, the saga reached its climax with Our Times losing the M139 094 defamation case in absentia at the High Court in a case presided over by Chief Justice Mahapela Lehohla. Our Times management insists it was never summoned to the hearing.

In another incident, the author of the article, Moeti Thelejane, who was also editor of Our Times, was threatened with a defamation lawsuit by the Public Eye consultant editor Crosby Mwanza, a Zambian national, for reporting that he owed MISA-Lesotho some money and that the institution's 2004 AGM had recommended that the secretariat secure the services of a debt collector to get Mwanza to cough up. A short time after levelling the threat, Mwanza left the country, after paying only about a third of the money he owed.

For the first time in the history of Lesotho's independent media, fears were raised that this in-fighting and lack of media solidarity would give the authorities an opportunity to intervene. It was feared that any intervention may result in the tabling of draconian laws. Efforts by 'good Samaritans' to assist a controversial tabloid, The Lesotho Sunday News - which came out once, on a Wednesday, and was never seen again - were futile.

Setsomi sa Litaba, a two-in-one publication with The Mirror newspaper, lost a defamation case against a former nurse and had its removable property seized by the sheriff of the High Court.

In another turn of events, The Mirror received a summons to appear in court in connection with a defamation case. The plaintiff, Moeketse Malebo, a political party leader and parliamentarian, is demanding ZAR700 000 in damages following an article that reported he had kept two tractors, which belonged to communities in eastern Maseru, for his personal use.

In April, The Mirror and Mohahlaula newspapers were shut down after being served with a writ of execution on behalf of one Nthakeng Selinyane, a former MISA-Lesotho chairperson,

for reporting on alleged theft and fraud of monies amounting to M13 000 the weekend he was voted out of office. A week after the closures, Selinyane and former treasurer Neo Ramarou appeared before the magistrate court and were remanded into custody, where they paid ZAR500 bail each the same day. Office equipment was later returned to both newspapers. Public Eye, for which Selinyane is a columnist and which had also reported on the alleged theft and fraud, managed to stop the seizure of its equipment.

Public Eye is also in the High Court as part of a ZAR200 000 defamation suit instituted against the newspaper by one Makhopotso Lebona, who claims that an article published in 2002 and titled, "The sorry case of X1626" was defamatory. The article reported that in 1989 the government vehicle used by the then-principal secretary of the Ministry of Interior Bereng Sekhonyana was allegedly burned down by Mrs Lebona during the military regime in a jealous rage. The demise of the car is nowhere in government records, as reported by the 1996 Audit Report, released in 2002.

Mo-Afrika is in the High Court on charges of defamation instituted by Mopshatla Mabitle, an MP who claims that an article which reported on a bank statement belonging to one M. Mabitle is defamatory. Mo-Afrika and Public Eye are however awaiting the availability of their defence counsel, Zwelakhe Mda, who is seriously embroiled in a court case where he is accused of interfering with State witnesses in a murder case of the Prime Minister's son, one Maile Mosisili. Advocate Mda is the substantive president of the Law Society of Lesotho, which has been a vocal critic of the judiciary, sometimes questioning its independence from the Executive.

Conclusion

The prevailing climate is not conducive to good journalism, nor safe for journalists. For instance, South African journalists, especially those from the SABC, have better access to information than those from local media houses. Some government ministries are yet to have information officers, who are however more like buffer zones than gateways to information. We have yet to see the enactment of media-friendly freedom of information laws, amidst efforts by the Law Review Commission and MISA Lesotho interventions to introduce such relevant Bills.

Lesoto



Por Moeti Thelejane

(Moeti Thelejane é um jornalista freelancer com muitos anos de experiência no sector da mídia escrita no Lesoto. Já foi editor do jornal The Mirror e do jornal Public Eye, o maior órgão de mídia privada no Lesoto. foi também o editor do jornal Our Times, e é um correspondente da Lesotho Monitor Magazine - uma revista.

Mídia e democracia

Desde o surgimento da democracia multipartidária em 1993, houve pouco progresso no Lesoto no respeitante à liberdade dos mídia. Isto é refletido pelo número alarmantemente baixo de processos decididos a favor dos mídia. Os mídia no Lesoto ainda têm que operar sob diversas leis de comunicação social que minam o princípio da liberdade da comunicação social. Estas leis incluem a Proclamação sobre Actos de Sedição de 1937 e A Lei da Segurança Interna de 1984.

Instituições democráticas relevantes - tal como um ombudsman da mídia ou um Conselho dos Mídia - ainda estão por ser estabelecidos para contrabalançar esta situação repressiva e para promover a liberdade da imprensa.

Interferência do governo em operações dos mídia

É ainda procedimento comum - na verdade é a prática seguida - o Ministério das Comunicações, actuando em termos da Lei da Segurança Interna de 1984, encaminhar todos os profissionais dos mídia - os independentes incluídos - aos Serviços da Polícia Montada do Lesoto (LMPS) para ali tratarem da carteira de jornalista e da acreditação dos jornalistas. O ministério impôs esta medida de acreditação pela polícia para ter a certeza que os profissionais dos mídia passam por um processo de triagem para que a polícia possa investigar o passado antes de ser concedida acreditação e carteira de jornalista. Supostamente, isto é feito em nome da "protecção e segurança pública".

Cada vez que há um evento de estado, os jornalistas necessitam obter tal acreditação do mesmo escritório. Abrigado no edifício forense do departamento da LMPS, este escritório emite também - para o mesmo evento - carteiras de acreditação para 'controladores de mídia' e 'pessoal de segurança' cooptados da polícia, as agências de inteligência e das forças armadas.

Esta prática atingiu o cume da notoriedade nos fins do ano 2003 e durante os primeiros quatro meses de 2004, altura durante a qual os profissionais dos mídia não conseguiam obter novas carteiras ou renovar documentes de acreditação caducados. Isto porque o equipamento de escritório da organização (LMPS) estava completamente obsoleto e tinha parado de funcionar. O atraso que houve foi um grande incómodo para aqueles cujas carteiras de jornalista caducaram durante esse período.

Mais tarde durante o ano - na única mudança que houve na equipe do governo em 2004, o ministro responsável pela polícia, o Ministro do Interior e de Segurança Pública, Tom Thabane, foi transferido para o cargo de Ministro da Comunicação, Ciências e Tecnologia. O que foi estranho, foi que a mudança coincidiu com uma grande controvérsia causada por uma cláusula na Lei sobre a Emissora Nacional do Lesoto, que dá ao ministro poderes para escolher o Conselho e o Presidente do Conselho da emissora Nacional, sob controlo do governo.

Para evitar o possível impacto da dita cláusula, o MISA-Lesoto desafiou a hostilidade governamental e passou o ano conduzindo uma campanha para a criação de uma lei que

reflectisse os princípios da liberdade da imprensa. A hostilidade do governo à transformação da mídia estatal em emissoras de serviço público mina a liberdade da imprensa enquanto causa dúvida sobre a integridade dos esforços para transformar a emissora estatal num órgão público. Havia muito receio que o conselho estaria alinhada ao partido no poder, o Congresso do Lesoto para a Democracia (LCD).

Em maio, Thabane, quando ainda ministro do Interior e da Segurança Pública, ameaçou verbalmente o editor de um programa radiofónico da Rádio Lesoto, Nthabeleng Sefako, ao vivo, com o programa no ar. Traduzido aproximadamente do Sesotho, o que Thabane disse foi: “esta mulher Nthabeleng Sefako está a precisar ser resolvida. É simplesmente uma servidora pública e no entanto quer dizer, a mim, que sou um ministro inteiro do governo, quanto tempo o meu programa devia ser. Vamos ficar de olho nela”.

Seis meses mais tarde Thabane, Presidente da Força-Tarefa do Governo para Segurança, foi indicado ministro (e portanto indirectamente superior de Sefako), supostamente para “ficar de olho” no processo da transformação da mídia estatal. A confrontação ao vivo é um exemplo da necessidade da transformação da rádio estatal, onde o MISA-Lesoto foi recusado um espaço num programa de actualidades, no qual queria debater a questão da transformação. Uma entrevista com o MISA-Lesoto que era para ter sido exibida Televisão Lesoto - controlada pelo governo - também foi impedida de ir ao ar.

Ataques a profissionais dos média

Em setembro de 2004, Justice Maqelepo um jornalista freelancer, foi agredido severamente por membros da polícia e por indivíduos da segurança armada municipal por ter perguntado porque estavam a abusar verbalmente os vendedores que eles estavam a escorraçar das ruas da capital, Maseru. Maqelepo tinha-se identificado [como jornalista] ao comandante da esquadra, que foi o primeiro a o agredir. Os outros policiais então juntaram-se ao comandante e continuaram a agredi-lo.

MISA Lesoto condenou este acto de barbárie e emitiu a seguinte declaração: “O Instituto dos Mídia da África Austral (MISA) no Lesoto condena veementemente o ataque ao jornalista freelancer, Justice Maqelepo, agredido por um grupo de integrantes dos serviços policiais do Lesoto (LMPS) e guardas da Câmara Municipal de Maseru (CCM) a 10 de setembro de 2004.

Os guardas da CCM - que estavam armados até aos dentes com paus e chicotes, tinham supostamente estado envolvidos numa operação para afastar os vendedores de rua da estrada principal da capital, Maseru. No passado, já houve conflitos de rua entre os vendedores e membros das forças de segurança. Num incidente semelhante em 2003, dois jornalistas de um jornal local foram feridos.

O incidente mais recente, que envolveu o Sr. Maqelepo, aconteceu perto do edifício da central principal dos serviços do correio em Kingsway. Ao relatar o incidente, Maqelepo disse ao MISA-Lesoto que a polícia tinha chegado em dois veículos e tinham lançado um ataque contra os vendedores, usando armas e gritando ofensas. Maqelepo apresentou-se ao policial que parecia estar ao comando e identificou-se como jornalista. Perguntou então se “aquela era a maneira como a polícia normalmente operava”.

O policial mudou a sua atitude imediatamente, gritou um insulto e agrediu-o com um soco no rosto. Um pequeno grupo de policiais então destacou-se do corpo principal e juntou-se ao seu comandante, agredindo Maqelepo com varas e chicotes. Aproveitando uma oportunidade, fugiu para o outro lado da rua e conseguiu escapar dos seus atacantes, mas não antes de ter

sofrido vários ferimentos.

MISA-Lesoto condena esta acção pela polícia e por agentes da CCM nos termos mais fortes possíveis. Isto representa uma violação sem sentido ao direito dos jornalistas fazerem o seu trabalho. Ao mesmo tempo, é uma violação do direito do público de ser informado e coloca o público à mercê da polícia que parece estar acima da lei quando se trata de respeitar direitos humanos básicos.

Nós convidamos as autoridades a investigarem este incidente e a instituir um inquérito público com uma vista a assegurar que incidentes como estes não aconteçam outra vez numa democracia tal como a nossa e que os culpados paguem pelos seus actos.”

Casos de tribunal e solavancos na lei

Dois trabalhadores foram mortos a tiro por policiais armados durante um protesto pacífico organizado pelo Sindicato de Trabalhadores Fabris do Lesoto (FAWU) em novembro de 2003. A marcha tinha sido organizada para entregar ao Ministro do Trabalho e Emprego, Sello Machakela, um abaixo-assinado contra o salário mínimo. A autorização da polícia estipulava que o protesto devia ocorrer entre as 8 e 16 horas. Os disparos ocorreram por volta das 12:20. O Secretária-Geral da FAWU, Macaefa Billy, e o seu vice, Willy Matseo, foram detidos por terem causado um distúrbio público. Eles ganharam o caso no tribunal, mas o governo apelou.

Desde que Candi Ratabane Ramainoane, o editor de MoAfrika, pagou a Moeketsi Sello ZAR 167, 000 como compensação e danos por difamação, surgiu uma onda de queixosos, cada um instituindo uma miríade de processos contra os média independentes, financeiramente fracos. O The Mirror levou esta tendência ao próximo nível, propondo um acordo fora dos tribunais num processo instituído por Mopshatla Mabitle, como relata Thabo Motlamelle na edição de 2003 de “Então Isto é Democracia”.

As relações entre os média num ambiente contrário ao crescimento sofreram um golpe duro quando um jornal inglês recentemente fundado, Our Times, foi ameaçado com encerramento sem ter completado um mês desde que chegou às bancas. O jornal foi intimado pelos advogados do Public Eye, ZAR139 094 como compensação por danos ao status quo e reputação da empresa.

Our Times tinha relatado que o dono e editor-chefe do Public Eye, Bethuel Thai - que também era o diretor da Editora do jornal, Voice Multimedia - tinha vendido o jornal a uma empresa sul-africana porque ele e a esposa pretenderam montar uma gráfica para impressão de jornais.

Em dezembro, a polémica alcançou o seu cume quando Our Times perdeu o caso de difamação M139 094 no Tribunal Supremo sem estarem presentes, num caso julgado por o Juiz Mahapela Lehohla. A gerência de Our Times insiste que não foram notificados para comparecer à audiência.

Num outro caso, o autor do artigo, Moeti Thelejane - que também é o editor de Our Times - foi ameaçado com um processo de difamação pelo editor (consultor) do Public Eye, Crosby Mwanza, um cidadão zambiano, por ter noticiado que este devia dinheiro ao MISA-Lesoto e que a Assembleia Geral da organização em 2004 tinha recomendado que o Secretariado do MISA contractasse os serviços de um cobrador de dívidas para que este fizesse Mwanza pagar. Pouco tempo após a ameaça, Mwanza saiu do país, após ter pago aproximadamente um terço do dinheiro que devia.

Pela primeira vez na história da mídia independente no Lesoto, surgiu o receio de que as brigas internas e falta de solidariedade dos média oferecessem às autoridades uma oportunidade

de intervir. Houve medo que tal intervenção pudesse resultar em legislação de leis draconianas. Esforços de ‘bons samaritanos’ em apoiarem um tabloide controverso, o Lesotho Sunday News - que viu a luz do dia uma única vez, e ainda por cima numa quarta-feira - foram em vão.

Setsoni sa Litaba, uma publicação gémea do jornal Mirror perdeu um processo de difamação contra uma antiga enfermeira e teve todo o seu património móvel confiscado por ordem do Tribunal Superior.

Noutro caso, o The Mirror recebeu uma intimação para comparecer no tribunal para responder a um processo de difamação. O queixoso, Moeketse Malebo, o líder de um partido político e membro da Assembleia Nacional, exige ZAR700,000 em danos depois de um artigo que dizia que ele mantinha em sua posse e para o seu uso pessoal, dois tractores pertencentes a comunidades em Maseru oriental.

Em abril, os jornais The Mirror e Mohahlula foram fechados por ordem de tribunal num processo instituído por Nthakeng Selinyane, um ex-presidente do MISA-Lesoto, por terem noticiado o suposto roubo e fraude de dinheiros no montante de M13 000 no fim de semana em que Selinyane perdeu o cargo numa votação para a chefia do MISA-Lesoto. Uma semana mais tarde, Selinyane e o anterior tesoureiro, Neo Ramarou, apareceram em tribunal, foram presos e soltos no mesmo dia, perante pagamento de fiança de ZAR500 cada. O equipamento de escritório foi devolvido mais tarde aos dois jornais. O Public Eye - no qual Selinyane escreve como colunista, e que também tinha noticiado os alegados roubo e fraude - tinha conseguido parar o confisco do seu equipamento.

Public Eye está também metido noutro caso de difamação no Tribunal Supremo envolvendo ZAR200 000 instituído contra o jornal por um certo Makhopotso Lebona, que reivindicava ter sido difamado num artigo publicado em 2002 e intitulado “o caso penoso de X1626”. O artigo relatava que em 1989 o veículo do governo usado pelo então secretário-principal do Ministério do Interior, Bereng Sekhonyana, supostamente tinha sido destruído por fogo alegadamente posto pela Sra. Lebona num ataque de ciúmes durante o regime militar. O desaparecimento do carro não consta em qualquer registo do governo, conforme relatado no relatório de auditoria de 1996, divulgado em 2002.

Enquanto isso, o jornal Mo-Afrika, está acusado de difamação instituída por Mopshatla Mabitle, um Membro da Assembleia, que reivindica que foi difamado num artigo sobre um estrato bancário pertencente a um certo M. Mabitle. Entretanto, Mo-Afrika e Public Eye aguardam a disponibilidade do seu advogado de defesa, Zwelakhe Mda, que está emaranhado num caso de tribunal onde está acusado de interferir com testemunhas do estado no caso do assassinato do filho do Primeiro Ministro, Maile Mosisili. O advogado Mda é o Presidente da Ordem dos Advogados do Lesoto, que tem sido altamente crítica do sistema Judiciário, por vezes questionando o grau de independência de que esta goza do executivo.

Conclusão

O clima vigente não é propício para o bom jornalismo, nem para a segurança dos jornalistas. A título de comparação, os jornalistas sulafricanos - especialmente os que trabalham para a SABC [emissora nacional], têm melhor acesso à informação que órgãos de informação locais. Alguns ministérios do governo nunca tiveram assessores, que - podemos dizer - agem mais como ‘zonas de amortecimento’ do que canais para a informação. Ainda estamos por ver passagem de leis de informação que sejam a favor da liberdade dos média. Isto, apesar do trabalho da Comissão para a Revisão da Legislação e as intervenções por parte do MISA-Lesoto para introduzir leis neste sentido.

• **ALERT**

Date: February 5, 2004

Persons/Institutions: Mirror newspaper, Handsome Tlali Caswel

Violation(s): Legislation

The weekly English newspaper, The Mirror, has been served with a summons to appear before the courts on Tuesday February 10, 2003. The newspaper is being sued for defamation by Mr. Moeketse Vincent Malebo. The newspaper's sub-editor, Handsome Tlali Caswel is the second defendant in the case and is the author of the article which Malebo is complaining about.

Malebo claims that the contents of an article which appeared in The Mirror newspaper of May 23, 2003 under the heading: 'Is Malebo rightful owner or the people?', was defamatory to Malebo since it insinuated that the plaintiff had unjustifiably kept property, in the form of two tractors, belonging to a community in northern Maseru at Thuathe, Roma Valley and used them for his own personal gain. Messrs Lephoi and Namane were quoted sources, which were referred to in the perceived defamatory article. Both the sources are members of the Roma community in question.

• **ALERT**

Date: March 23, 2004

Persons/Institutions: Mololi newspaper

Violation(s): Legislation

The weekly Sesotho tabloid, Mololi, a publication of the ruling Lesotho Congress for Democracy (LCD) political party, has been served with a court summons by Mr. Lehlohonolo T'sehlana Member of Parliament (MP) for Mokhotlong constituency No. 79, demanding maloti 350 000 (approximately US\$54 000), for defamation. The civil litigation is in relation to an article that appeared in the Mololi edition: Volume 7, No. & of February 19, 2004, under the heading: 'Tlhase e nyenyane e chesa hlaha', which roughly translates to: 'a small spark causes fire-outbreak'.

The article alleged that the MP had, on two occasions, showed disrespect to the Speaker of Parliament, disregarded and acted against the constitution of the LCD and that he had no respect whatsoever for the elderly and other members of the ruling party. In his legal submissions to Mololi, the MP has categorically denied all the allegations featured in the publication which he deems defamatory. As a result he is suing the publication and its editor and author of the article in question.

• **ALERT**

Date: May 4, 2004

Persons/Institutions: Ntsau Lekhetho

Violation(s): Beaten

On May 4 2004, Ntsau Lekhetho, a journalist working for the "Public Eye" newspaper, was physically assaulted by Mr Lephuthela Ntsie near the United Nations (UN) House in Maseru, Lesotho. Lekhetho said he was leaving the UN Library when he was accosted by his assailant who wished to know how much he was earning "... to be writing such rubbish?" According to Lekhetho he did not have a chance to respond before Ntsie started beating him with clenched fists. The journalist has since reported the incident to the Police.

• **Date: May 4, 2004**

Persons/Institutions: Mohahlaula newspaper

Violation(s): Victory

On May 4 2004, the High Court of Lesotho rescinded on a default judgement relating to a civil defamation claim against the weekly Sesotho newspaper, Mohahlaula. This effectively allows the newspaper to launch a defence against the civil defamation case in which it was cited as a

respondent, along with a two other local newspapers and a number of private individuals. Mohahlaula's equipment was returned on May 4 2004.

• **ALERT**

Date: May 19, 2004

Persons/Institutions: Ms. Nthabeleng Sefako (Radio Lesotho)

Violation(s): Threatened

On May 19 2004, Ms. Nthabeleng Sefako, editor of the Radio Lesotho's current affairs phone-in programme called "Seboping", was threatened on the air by Minister of Home Affairs and Public Safety, Mr Thomas Motsosahae Thabane. During the programme that was hosted by Mr. Tale Kopeli, the Minister claimed that Ms. Safako needed to be "sorted out".

"She is a mere civil servant and yet she wants to dictate to me, a whole cabinet minister, how long my programme should be. Does she know that I came here as per government mandate?", the minister fumed. He promised that he would "keep a close eye on her..."

The minister was infuriated by the fact that the phone-in programme had been shortened to provide paid advertising space to the Lesotho Revenue Authority.

• **ALERT**

Date: August 6, 2004

Persons/Institutions: Mirror

Violation(s): Legislation

The newly established English tabloid newspaper "Our Times", owned by a company registered as Soul to Soul, was served with summons by a local law firm, Nthethe and Company, on August 6 2004, on behalf of Voice Multimedia, which are publishers of the weekly English tabloid, "Public Eye" newspaper.

The law firm, acting on behalf of "Public Eye" and Voice Multimedia, is demanding one hundred and thirty nine thousand Maloti and ninety four cents, as compensation for damages for defamation and injury to business status and reputation (approximately US\$23 000).

"Our Times" faces possible closure after being in existence for less than one month.

In the "Our Times" edition of August 3 to 9, 2004, a front page article titled: 'Thai sells Public Eye' relates how the managing editor of "Public Eye", who is also the director of Voice Multimedia, proprietors of "Public Eye", has sold the newspaper to a South African company because he and his wife, intend to go into the printing press business.

• **ALERT**

Date: August 18, 2004

Persons/Institutions: Mirror

Violation(s): Victory

On August 18 2004, the "Mirror" newspaper, a weekly English tabloid, was served with a rescission order providing for the return of all its computer equipment by the sheriff of Lesotho's High Court. This follows the seizure of the newspaper's computer equipment after being served with a writ of execution in a civil defamation case filed by an individual named Nthakeng Pheello Selinyane on April 5 2004.

• **ALERT**

Date: September 10, 2004

Persons/Institutions: Justice Maqelepo, street vendors

Violation(s): Beaten

On September 10 2004, a local freelance journalist, Justice Maqelepo, was severely assaulted

by members of the Lesotho Mounted Police Service (LMPS) and municipal constables of the Maseru City Council (MCC), in the Maseru Central Business District area, when he attempted to report on their assault on street vendors.

Magelepo was making his way to the Media Institute of Southern Africa (MISA)-Lesotho Media Resource Centre when two pick-up trucks, one full of armed Lesotho Mounted Police Service (LMPS) officers and the other full of equally armed Maseru City Council (MCC) municipal constables, came to a halt metres from him in Maseru's central business district. Police officers and the MCC personnel jumped from the trucks waving batons and sjamboks and hurling vulgarities at street vendors telling them to vacate the streets.

• **ALERT**

Date: September 13, 2004

Persons/Institutions: Setsomi Sa Litaba newspaper

Violation(s): Legislation

During the week of September 13-17, 2004, the weekly Sesotho tabloid Setsomi Sa Litaba appeared in court four times to answer to a charge of defamation (civil) for an article it published on April 14, 2004. Setsomi Sa Litaba is a sister publication of the Mirror newspaper. Setsomi Sa Litaba is being sued for damages totaling Maloti 130 000 (approximately US\$20 000) by Advocate Kananelo Mosito, acting on behalf of one Ms. Makhotso Tlali.

On April 14 2004, the newspaper published an article entitled "Namolela litopo Bulane", which literally translates to 'Bulane intervenes on behalf of the corpses'. According to the sub-editor of the newspaper, Caswell Tlali, the newspaper reported on an incident which occurred at the Queen Elizabeth II hospital in the capital Maseru, where hospital nurses allegedly swore and spat at corpses of members of the ruling Lesotho Congress for Democracy (LCD) political party following the political strangulation of September 1998.

• **ALERT**

Date: October 6, 2004

Persons/Institutions: MISA Lesotho

Violation(s): Censored

The Lesotho chapter of the Media Institute of Southern Africa (MISA)-Lesotho has, since October 6 2004, been denied access to the state owned radio and television to comment on media law reform developments in the country and to advocate for the reform of the national radio and television. MISA Lesotho had requested a slot on the morning current affairs phone-in programme, Seboping, of the state owned Radio Lesotho, in which it had hoped to sensitise the public about the need for Radio Lesotho to be transformed into a public service broadcaster (PSB) that serves the public.

On October 6, 2004, Lesotho Television (LTV) interviewed the MISA-Lesotho national director, Mr Malefetsane Nkhahle, about the PSB campaign and asked MISA Lesotho to comment on the proposed Lesotho Broadcasting Corporation Bill which has been tabled before parliament. The national chapter criticized the Bill for not conforming to the ideals of a true PSB. The interview preceded a MISA Lesotho meeting of stakeholders to form an NGO and civil society coalition to pressure government to withdraw the Bill and involve the wider sector of civil society stakeholders in consultations to improve the legislation.

LTV was also invited to the meeting but did not attend. Upon investigating its absence, MISA Lesotho was reliably informed that the LTV crew was refused permission to cover the meeting by superiors in the Ministry of Communications, Science and Technology. Furthermore, the Nkhahle interview was not televised as per the instruction of the ministry's authorities. MISA Lesotho was further scheduled to appear on the October 13, 2004 LTV programme, Seotlong. However, its participation has since been cancelled.

Malawi



By **Costly Ronalds Mtogolo**

Mtogolo is a Lecturer in Journalism at the Malawi Polytechnic

Introduction

The year 2004 in the Malawi media was euphoric, marked by a shift in political monopoly from government to opposition, the reaffirmation of Constitutional guarantees and a general thawing in the relationship between media and government. Overall the media sector in Malawi posted quantitative and qualitative growth alongside a commitment by the government to open up the airwaves to the opposition and a willingness to offer free access to information.

Political Environment

The general political environment was charged due to the need for Constitutional amendments by the United Democratic Front (UDF) party to allow its incumbent president, Bakili Muluzi, to stand for a third term. The attempt divided the country into proponents and opponents of the Constitutional violation and the media was caught up in the fray. In the absence of major amendment, government used the Preservation of Public Security as a deterrence to media freedom. One example was the closure of the Malawi Institute of Journalism (MIJ) 90.3FM Radio in May 2004. The matter is in court pending Judicial Preview - the highest level to which cases of media freedom violations can be taken.

Broadcasting

The most notable development was the licensing by the Malawi Communications Regulatory Authority (MACRA) of the public broadcasters, the Malawi Broadcasting Corporation (MBC) and Television Malawi (TVM). The licensees were seen as the new (President Bingu's) administration's commitment to treat all broadcasting licenses as equal and as a real warranty of MACRA's independence - the first in its eight-year existence. Hitherto, the MACRA was dubbed 'toothless' and 'state-controlled' for failing to license MBC and TVM. It was accused of double standards which allowed the two to be above the law and answerable to no one. Looking at other African democracies, it seems sadly unlikely - this is the general public's view - that the christening of these new "babies" will really redeem Malawian media. Meanwhile the Authority, operating without a broadcasting policy, undertook to revise the licenses of private and community broadcasters. Fourteen broadcasting licensees are currently operating in Malawi. Eight of these are in the community broadcast category. The biggest worry is that the authority is using the opportunity to make changes before amending the Principal Act. Is this another window-dressing measure, or a case of putting the proverbial media cart before the legal horse?

Print

Table 1

ORGANISATION	PUBLICATION
Blantyre News Paper (Blantyre)	<i>Daily Times, Malawi News, Sunday Times Dzūkani Magazine</i>
Nation Publications Limited (Blantyre)	<i>Nation, Weekend Nation</i>
Jamieson Publication (Lilongwe)	<i>The Chronicle</i>
Democratus Limited	<i>Democratus</i>

Patterns of Ownership

Table 2

Public Broadcasting Licensees	Private Broadcasters	Community Broadcasters
<ul style="list-style-type: none"> • TVM (Blantyre) • MBC (Blantyre) 	<ul style="list-style-type: none"> • Capital 102.5FM (Blantyre) • Power 101FM(Blantyre) 	<ul style="list-style-type: none"> • Radio Maria (Mangochi) • Radio Alinafe (Lilongwe) • ACB Radio (Lilongwe) • Transworld Radio (Blantyre) • Radio Islam (Blantyre) • Calvary Family Church (CFC) Radio (Blantyre) • Channel For All Nations (CFAN) Radio (Lilongwe) • MIJ Radio (Blantyre) • Dzimwe Radio (Mangochi) • Joy Radio (Blantyre)

In terms of the diversity of ownership, Malawi would seem to favour faith-based community broadcasters ahead of secular licensees — and perhaps this implies that it is more inclined towards superstition than empiricism?

There was very little diverse ownership in print media, apart from the establishment of the Democratus whose ownership is still a mystery although it is evidently pro-government.

Public Participation

Whilst the print media is concentrated in urban areas, most broadcast licensees, including community broadcasters, reveal a similar pattern as they are urban-based rather than in particular communities that would be accessible to the local people. Access to participation is also economically inhibitive as phone-ins are the most popular way of participating in the new broadcast media. Thus the democratisation effect of the broadcast media is very much an ideal which has yet to be realised in Malawi because participation is geographically discriminate and economically elitist.

Government-Media Relationships

The impression created towards the end of the year was that the adversarial relationship between the two estates was on the mend following a call by the Minister of Information and Tourism Ken Lipenga to public broadcasters MBC and TVM to open up to the opposition. At a luncheon in December, State President Mutharika hosted the media at his new State House in the capital city. He repeated the call for free media although the ruling United Democratic Front, (UDF) party cried foul and complained that it was being left out.

In terms of facilities, Minister Lipenga conceded that the government's own news agency, Malawi News Agency (MANA), had inadequate facilities and was poorly staffed. This meant it could not effectively rise to the challenge of gathering information for the country's development needs. He stopped short of suggesting whether privatisation of the state-run media could be a long-term solution. These pronouncements are more significant in analysing media-state relations because the assurance of an elected State President or cabinet minister will not free the media.

Considering media freedom

Media freedom is a constitutional guarantee and is enshrined in the 1995 Constitution of the Republic of Malawi. Its implementation, existence and success is not the preserve of an elected individual, a ruling political party or any international pressure group — it must be understood as an inalienable right of the Malawian.

Media Fraternity

Malawi is divided into three administrative regions: the northern, central and southern regions. European settlers preferred the southern region, particularly Blantyre, which is recognised as the commercial and industrial capital of Malawi. A quick check of tables 1 and 2 confirms a heavy concentration of media activity and establishments in Blantyre. Lilongwe in the central region placed second, while the northern region mostly consumes media products from the other two regions.

Ironically, the most active media fraternities are the Nyika Press Club in Mzuzu (northern region) and the Lilongwe Press Club (central region).

Blantyre does not have any vibrant media fraternities and where they do exist, they do so to support causes incidental rather than central to media activity. Some of the notable media fraternities that are now dormant are Journalists Association of Malawi (JAMA), Publishers Association of Malawi (PAMA), Malawi Women Media Association (MAMWA) and the Kabula Press Club.

Viva MISA!

In the absence of vibrant media fraternities, NAMISA, the Malawi Chapter of MISA, has tended to fill the void and was sometimes supported by the Media Council of Malawi, which is another sleeping media partner at the moment. Most of the attacks on the media in Malawi are therefore, not surprisingly, criticised by NAMISA.

Conclusion and self-critique

In a way, Malawian journalists manifest a weakness in voluntary mobilisation of their labour and interests compared to journalists elsewhere in the world. This has tended to work in favour of media establishments to divide the journalists and at times in favour of the government when it wishes to wage war on the media.

Malawi



Por Costly Ronalds Mtogolo
Traduzido por Rui Correia

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Estado da Comunicação Social no Malawi em 2004

Introdução

O ano 2004 foi eufórico para a comunicação social no Malawi, um ano que ficou marcado por uma guinada no monopólio político que passou do governo à oposição. Este período testemunhou também uma reafirmação das garantias constitucionais e um descongelamento geral nas relações entre a comunicação social e o governo. Em geral, o sector da comunicação social no Malawi mostrou crescimento quantitativo e qualitativo, acompanhado por um compromisso do governo de abrir o espaço radiofónico à oposição e a uma demonstração de boa vontade em oferecer o acesso livre à informação.

Ambiente Político

O ambiente político geral foi pesado devido às manobras para emendas constitucionais pela Frente Democrática Unida (UDF) para que fosse possível ao seu presidente, Bakili Muluzi, concorrer para um terceiro mandato. O processo dividiu o país entre os apoiantes e aqueles para quem a ideia representava uma violação constitucional. A comunicação social foi apanhada no fogo cruzado. À falta de uma de emenda de peso, o governo usou a Lei sobre a Preservação da Segurança Pública como uma arma contra a liberdade dos média. Um exemplo foi o encerramento da Rádio 90.3FM do Instituto de Jornalismo do Malawi em maio de 2004. O caso está em tribunal aguardando opinião sobre a inconstitucionalidade do encerramento - isto é o nível mais elevado a que os casos de violações da liberdade da comunicação social podem ser levados.

Radiodifusão

O desenvolvimento mais notável foi a emissão de licenças concedidas pela Autoridade Regulatória das Comunicações do Malawi (MACRA) às emissoras públicas, Radiodifusão Malawi (MBC) e Televisão Malawi (TVM). A decisão foi interpretada como o compromisso da administração do governo do Presidente Bingu de tratar todas as licenças como iguais. Serviu também como uma garantia tangível da independência da MACRA - a primeira vez que esta fez tal coisa na sua existência de oito anos.

Até então, a MACRA era tida como sendo desprovida de qualquer poder e controlada pelo estado, devido à sua aparente inabilidade de licenciar a MBC e a TVM. Foi acusada de usar dois pesos e duas medidas, que permitiram que as duas emissoras estatais estivessem acima da lei e não respondiam a ninguém. Olhando para outras democracias em África, parece que - tristemente improvável, na opinião do público geral - o baptismo destes “novos bebês” realmente salve a comunicação social no Malawi.

Entretanto, a autoridade - operando sem nenhuma política de radiodifusão - decidiu rever as licenças de emissoras privadas e comunitárias. Quatorze órgãos de radiodifusão estão em operação no Malawi. Oito destes estão na categoria de radiodifusão comunitária. A maior preocupação é que a autoridade esteja a usar a oportunidade para fazer mudanças antes de emendar a lei principal. Será isto mais uma medida cosmética ou um exemplo do proverbial “pôr a carroça da mídia à frente dos bois jurídicos”?

Imprensa

Tabela 1

ORGANIZAÇÃO	PUBLICAÇÃO
Blantyre News Paper (Blantyre)	Daily Times, Malawi News, Sunday Times Dzukani Magazine
Nation Publications Limited (Blantyre)	Nation, Weekend Nation
Jamieson Publication (Lilongwe)	The Chronicle
Democratus Limited	Democratus

Padrões de Propriedade

Tabela 2

Emissoras Públicas	Emissoras Privadas	Emissoras Comunitárias
<ul style="list-style-type: none"> • TVM (Blantyre) • MBC (Blantyre) 	<ul style="list-style-type: none"> • Capital 102.5FM (Blantyre) • Power 101FM(Blantyre) 	<ul style="list-style-type: none"> • Radio Maria (Mangochi) • Radio Alinafe (Lilongwe) • ACB Radio (Lilongwe) • Transworld Radio (Blantyre) • Radio Islam (Blantyre) • Calvary Family Church (CFC) Radio (Blantyre) • Channel For All Nations (CFAN) Radio (Lilongwe) • MIJ Radio (Blantyre) • Dzimwe Radio (Mangochi) • Joy Radio (Blantyre)

Em termos da diversidade da propriedade, Malawi parece favorecer emissoras comunitárias religiosas à custa de operadores seculares.

Houve muito pouca diversidade de propriedade na mídia escrita, para além do lançamento do Democratus, cujo dono continua ainda um mistério, embora seja evidentemente pró-governo.

Participação Pública

A comunicação social escrita está concentrada em áreas urbanas, tal como a maioria das estações de rádio - incluindo radiodifusores comunitários, que apresentam um padrão semelhante. Estão estabelecidas em áreas urbanas em vez de no seio das comunidades, onde seriam mais acessíveis à população local. O acesso à participação também é um factor economicamente inibidor, visto que chamadas dos ouvintes é a maneira mais popular de participar na nova comunicação social da radiodifusão. Assim, o efeito da democratização da comunicação social da radiodifusão é um ideal que ainda fica por ser realizado no Malawi, visto que a participação discrimina por razões de geografia e económicas.

Relações entre o governo e a Mídia

A impressão criada próximo do fim do ano foi que as relações antagonistas entre as duas partes estavam a melhorar depois de um pedido do Ministro da Informação e do Turismo, Ken Lipenga às emissoras públicas - MBC e TVM - que se abrissem à oposição. Num almoço em dezembro, o Presidente de República, Mutharika, recebeu a mídia no novo Palácio Presidencial na capital.

Na altura, ele repetiu o seu apelo por uma comunicação social livre. A Frente Democrática Unida, (UDF) queixou-se que tinha sido excluída.

No que diz respeito às comodidades, o Ministro Lipenga admitiu que até mesmo a agência de notícias, Malawi News Agency (MANA) - propriedade do estado - sofria com comodidades inadequadas e estava sem quadros. Isto queria dizer que não estava em condições de superar o desafio de recolher a informação necessária para o desenvolvimento do país. O ministro parou antes de abertamente se perguntar se a privatização da comunicação social gerenciada pelo estado poderia ser uma solução a longo prazo. Estas declarações são importantes ao analisar relações entre os média e o estado, porque as garantias de um presidente eleito ou um ministro não vão trazer liberdade à comunicação social.

Considerando a liberdade da comunicação social

A liberdade da comunicação social é uma garantia constitucional, consagrada na constituição de 1995 da República do Malawi. A execução, existência e sucesso de tal liberdade não são o direito exclusivo de um indivíduo eleito, de um partido político no poder ou de qualquer grupo de pressão internacional - deve ser entendida como um direito inalienável de cada Malawiano.

Comunidade Da Comunicação Social

O Malawi está dividido em três regiões administrativas: a região do norte, do centro e do sul. Os colonos europeus preferiram a região do sul, particularmente Blantyre, que é reconhecido como a capital comercial e industrial do Malawi. Uma verificação rápida das tabelas 1 e 2 confirma uma forte concentração de actividade e órgãos da comunicação social em Blantyre. Lilongwe, na região central, fica colocada em segundo, enquanto que a região do norte praticamente só consome produtos de mídia das outras duas regiões.

Irónicamente, as comunidades mais activas da comunicação social são o Clube da Imprensa Nyika, em Mzuzu (região norte) e o Clube da Imprensa de Lilongwe (região central). Blantyre não tem grandes associações de mídia e onde estas existem, são para apoiar causas do momento que não são directamente ligadas a actividade dos média. Algumas destas associações que estão agora paradas são a Associação dos Jornalistas do Malawi (JAMA), a Associação das Editoras do Malawi (PAMA), a Associação da Comunicação Social das Mulheres do Malawi (MAMWA) e o Clube da Imprensa de Kabula.

Viva o MISA!

À falta de comunidades da comunicação social em plena actividade, NAMISA, o MISA-Malawi, tem preenchido o vácuo e foi por vezes apoiado pelo Conselho da Comunicação Social do Malawi, que é um outro parceiro da comunicação social que neste momento está inactivo. Por consequência, não é de surpreender que a NAMISA critique a maioria dos ataques à comunicação social no Malawi.

Conclusão e auto-crítica

De certo modo, os jornalistas Malawianos demonstram uma fraqueza em mobilizar voluntariamente o próprio tempo e interesses, se os compararmos aos jornalistas noutra parte no mundo. Isto tem tido a tendência de trabalhar a favor de estabelecimentos da comunicação social para dividir os jornalistas e às vezes a favor do governo quando este deseja declarar guerra à comunicação social.

• **ALERT**

Date: January 29, 2004

Persons/Institutions: The Dispatch Newspaper, printing company staff

Violation(s): Censored, beaten (unknown number of staff of printing company)

On January 29 2004, two journalists turned politicians, Thom Chiumia and Chikumutso Mtumodzi, stopped printing of the privately owned The Dispatch Newspaper and seized the printed copy and plates. Chiumia is president of the New Dawn for Africa (NDA) political party while Mtumodzi is his secretary general. NDA supports the ruling United Democratic Front (UDF) and is widely believed to be funded by UDF die-hards.

According to Lusungu Mhango production manager of Karora printing and publishing company the two went to his press to print their own newspaper, The Informer. On arrival they became enraged when they discovered that The Dispatch newspaper was being printed. "They wielded a knife and threatened everyone around. Some of my staff members sustained injuries," Mhango said.

He said his company lost over K70 000 (approximately US\$642) in the fracas. Chiumia, while denying his involvement in the incident, said he wanted to teach the printers a lesson to respect the government of the day.

• **ALERT**

Date: May 10, 2004

Persons/Institutions: The Dispatch and Weekend Nation newspaper

Violation(s): Threatened

On May 10 2004, ruling United Democratic Front (UDF) presidential candidate Bingu Mutharika threatened to sue the "Weekend Nation" and "The Dispatch" newspapers for what he called defamatory articles about him.

The two papers recently ran a series of stories - from the beginning of May - alleging that Mutharika was fired as secretary general of the Common Market for Eastern and Southern Africa (Comesa) for abuse of office and failure to motivate his management team. The articles follow President Bakili Muluzi's public pronouncements that Mutharika is the only qualified candidate to scoop Malawi from its economic malaise.

• **ALERT**

Date: May 13, 2004

Persons/Institutions: McDonald Chapalapata, Malawi Institute of Journalism (MIJ 90.3FM) radio station

Violation(s): Threatened

In a letter dated May 13 2004, former public official Paul Chimenya threatened to sue "The Nation" newspaper journalist McDonald Chapalapata and the Malawi Institute of Journalism (MIJ 90.3FM) radio station for defamation. Chimenya, who formerly worked for the National Food Reserve Agency (NFRA), wrote to Chapalapata and MIJ FM Radio claiming unspecified damages for an interview Chapalapata granted the station.

In the interview Chapalapata narrated how Chimenya attacked him when he (Chapalapata) was investigating an article for his newspaper.

The interview was aired on May 3 as part of the media's World Press Freedom Day celebrations.

In the letter Chimenya claimed that the interview tainted his image and threatened to institute legal proceedings if he did not receive payment within seven days. In the letter Chimenya however admitted that he had a scuffle with the reporter during an investigative interview.

• **ALERT**

Date: May 20, 2004

Persons/Institutions: George Kalungwe

Violation(s): Detained

On May 20 2004, police arrested Capital Radio 102.5 FM reporter George Kalungwe on charges of “publishing false news likely to cause alarm among the public”.

The arrest came as Malawians went to polls to elect and install a new president and parliament amid speculations that the ruling United Democratic Front (UDF) was likely to rig the votes using government machinery. Capital Radio managing director Alaudin Osman told the Media Institute of Southern Africa (MISA)-Malawi that on Wednesday, May 19 2004, Kalungwe ran a news item alleging that Chief Mmbelwa was found with ballot papers when he crossed a police roadblock in northern Malawi.

Osman said although his reporter got the tip from reliable sources the story turned out to be untrue and the station dully retracted it in its entirety.

• **ALERT**

Date: May 20, 2004

Persons/Institutions: Radio Maria

Violation(s): Threatened

The Malawi Communications Regulatory Authority (MACRA) director general Evance Namanja has threatened to withdraw the broadcasting licence of the Catholic-owned Radio Maria, accusing it of being partisan in its coverage.

The issue comes hot on the heels of a directive by President Bakili Muluzi that MACRA should deal with religious stations that were brewing trouble in Malawi. Muluzi issued the directive when he opened his own radio station FM 89.6 in Blantyre on May 14, 2004. Muluzi said MACRA had powers to revoke licences of radio stations that were meddling in politics. The president was reacting to a sermon aired on the radio in which the preacher condemned the tendency to impose leaders on the people.

Namanja warned Radio Maria’s general manager Monsignor Joseph Kim, that MACRA could revoke the station’s licence. Namanja also sent his officials to the station to obtain tapes of programmes aired between 06h00 and 07h00 that day.

• **ALERT**

Date: May 28, 2004

Persons/Institutions: BBC (Raphael Tenthani), Malawi Broadcasting Corporation (Eunice Chipangula), Television Malawi

Violation(s): Threatened

Some journalists from the state-owned Malawi Broadcasting Corporation and Television Malawi and a BBC correspondent have received threats from anonymous people believed to be sympathizers of political parties.

Reporter Eunice Chipangula who is also Deputy Director General of MBC who was covering elections in the town of Zomba told MISA Malawi that she has received several death threats from unknown people. She lamented that people are unjustifiably accusing her because she had nothing to do with the elections results.

Some reporters from MBC and Television Malawi have also received threats from people, accusing them of being pro-government in the coverage.

Members of the national intelligence bureau were trailing BBC correspondent Raphael Tenthani for possible attack. Ironically, Tenthani’s threats come in the awake of the speech made by former president Muluzi at the inaugural ceremony of Bingu wa Muthalika at which he accused the BBC of “bringing unnecessary confusion.”

• **ALERT**

Date: May 23, 2004

Persons/Institutions: MIJ 90.3 radio station, Arthur Chokotho, Evans Masamba, Wonder Msiska and Tony Khoza

Violation(s): Bombed (raided), Detained

Three days after contested presidential elections in Malawi, police shuttered the community radio station MIJ 90.3 in the commercial capital of Blantyre, arrested four of its journalists, and accused two of them of inciting violence.

On Sunday, May 23, armed police moved into Malawi Institute of Journalism (MIJ) 90.3 FM Radio Station after host Arthur Chokotho conducted a live telephone interview with opposition spokeswoman Kholiwe Mkandawire, who said the ruling United Democratic Front (UDF) party had stolen the elections and threatened opposition action if the UDF candidate was declared president.

Station Manager Evans Masamba said that he eventually cut off the interview, but that police raided the station's offices even after the broadcast was halted.

Officers arrested Chokotho and Masamba, as well as reporters Wonder Msiska and Tony Khoza, who were also there.

Msiska and Khoza were released without charge that evening. Authorities held Masamba and Chokotho overnight and ordered them to report to the police at another date.

The station remained closed on Tuesday afternoon.

• **ALERT**

Date: May 31, 2004

Persons/Institutions: MIJ 90.3 FM radio

Violation(s): Victory

On May 31, 2004 the High Court in Blantyre ordered the police to reopen Malawi Institute of Journalism (MIJ) 90.3 FM Radio Station which was shut down on May 23, 2004.

The station was closed following an interview it had with the spokesperson of the opposition Mgwirizano Coalition, Kholiwe Mkandawire, in which she threatened to sabotage the inauguration of Malawi's new president Bingu Mutharika.

Justice George Chimasula-Phiri said the police action was justified, at the time of closure, because national security was at stake but quashed police plea to prolong the closure saying it lacked basis.

The Judge also observed that closure of the station which is in the same building with a journalism school had negative impact on studies as students were sitting for examinations and others were scheduled to hold their graduation ceremony.

The Judge also ruled that the radio could be compensated for loss of revenue in adverts but not for the education of the students.

This interim court order pends a judicial review in which MIJ is contending that the police usurped the role of the Malawi Communications Regulatory Authority (MACRA) by closing down the station.

• **ALERT**

Date: October 7, 2004

Persons/Institutions: Emmanuel Muwamba, Pilirani Semu-Banda

Violation(s): Beaten, threatened

On October 7 2004, "The Nation" newspaper photographer Emmanuel Muwamba and journalist Pilirani Semu-Banda, escaped with tattered clothes after police attacked them as they covered industrial unrest at a tea estate in southern Malawi.

Muwamba MISA Malawi that he went to take pictures of demonstrating former workers of

Chitakale Tea Estates who were fired in June following privatization of the estate. He reported that five policemen roughed him up when he took pictures of the workers who resorted to burning tea bushes when their talks fell through. He said the police stripped him off his shirt and tore his vest while insulting him.

In a separate interview Semu-Banda said she wanted to rescue her colleague but the police locked her up in her company car and showered insults at her.

The journalists were rescued by the workers who also managed to restrain the police from impounding their digital camera. Police publicist Willie Mwaluka would not comment saying he was still gathering facts of what happened.

• **ALERT**

Date: October 13, 2004

Persons/Institutions: Emmanuel Muwamba, Pilirani Semu-Banda

Violation(s): Victory

The Malawi Police Service has apologised for the beating of The Nation Newspaper photojournalist and reporter, Emmanuel Muwamba and Pilirani Semu-Banda, respectively, describing the beating as unethical.

This is the first time in the history of Malawi for the Police to apologise for assaulting journalists. In a statement issued on October 13, 2004, Police publicist Willie Mwaluka said the police regretted the incident and promised to take action against the errant officer.

Mozambique



By Taíbo Caetano Mucobora

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Media Environment

By and large, freedom of expression and of information was maintained in the year 2004. In fact, if one takes into account the age of democracy in Mozambique, then the right to freedom of speech, freedom of the press, as well as the right to information have been enjoyed with the degree of normality that one would expect. Such exercise and enjoyment of rights have experienced a noteworthy growth in the past years, especially since the approval of the Press Law of 1991 (Law no. 18/91, of August 10), which defines the principles that regulate the activity of the press and establishes the rights and duties of its professionals.

The environment conducive to great work as experienced by those involved in media activities is a direct consequence of the respect for the legal and institutional framework that was put in place for the media sector, not only in the Constitution of the Republic, but also through the Press Law and other Acts. As we can see, the government did not adversely interfere in the activities of the press and it did not create any obstacles to the rights and duties of the journalists and to the citizens' right to information. Naturally, there were exceptions - a number of incidents that occurred sporadically here and there, but whose impact did not reach the point of seriously disrupting the healthy Mozambican media environment.

Vicissitudes of the media environment

This freedom of the press and of expression had its ups and downs in 2004, in as far as from time to time, influential people in high places or connected to the government quietly or openly intimidated media practitioners and/or media houses in attempts to block or protest against publication of material on subjects considered to be delicate. Let's have a look at some of these cases.

In May, the Administrator of the District of Mocuba, in the Province of the Zambézia publicly announced that he was relieving Oliveira Algumassa Malei, of his functions as a journalist at the Licungo Community Radio, owned by the Instituto de Comunicação Social (ICS - 'Media Institute'), following comments deploring the appalling condition of the roads and the transportation of coffins on stretchers in the town of Mocuba. This, despite pledges by the local City Council to acquire two vehicles for funerary services and an ambulance for the transportation of the sick.

Mozambique Television (TVM) and Radio Mozambique (RM) - both public service broadcasters - were accused of practising censorship by refusing publicity of a book by a member of the opposition. The author of the book "Uria Simango - Um Homem, Uma Causa (Uria Simango - A Man, a Cause)", Barnabé Lucas Ncomo, on August 27 lodged a complaint with the Concelho Superior da Comunicação Social (CSCS - Supreme Media Council) against TVM, claiming that the public televising broadcaster had violated his rights by refusing to show a series of nine adverts to promote the launching of the book. The ban was also reported in the cities of Beira and Quelimane.

Jonathan Moyo expelled in the name of press freedom

A watershed moment was the expulsion of Zimbabwean Minister of Information and Publicity, Jonathan Moyo, from the head offices of the National Union of Journalists (SNJ) in May 2004.

This was the journalists' show of protest against an invitation by the SNJ Secretary-General to the Zimbabwean Minister to hold a press conference on the media situation in his country. The Mozambican journalists, to whom Jonathan Moyo is 'enemy number one of freedom of speech and information in Zimbabwe, Southern Africa and the rest of the world', held up offensive posters and raised their voices in unison to say "NO" to the presence of Moyo in their workplace and their country - democratic and free of persecutions.

It was later established that Moyo had visited the public media houses - the news agency, (AIM); the Media Institute, ICS; the TV broadcaster, TVM and the national radio, RM. However, it could not be established, if the Zimbabwean Minister of Information and Publicity made these visits to learn lessons in democracy or to teach how to persecute media professionals, undermining press freedom.

Coverage of the 2004 general elections

One of the events that left its mark on the Mozambican press in 2004 was the covering of the general elections. These, in very general terms, took place in a climate that could be describes as an 'acceptable democratic experience'. However, some private media houses and some sectors in civil society accused TVM of having given airtime and privileged treatment to the electoral campaign of the Frelimo Party and its candidate for the Presidency of the Republic, to the detriment of the opposition and their candidates, in actions deemed by the latter to constitute politicisation of the media. In our opinion, what was clear is that the differentiated treatment of the electoral material was due, essentially to the differences in editorial policies of each media house.

Court cases and complaints

Journalist Fábio Mondlane Júnior, of the newspaper *Faísca*, was detained and taken to Lichinga jail, in Niassa Province for having published, in 2003, a news item in which he quoted the President of the Human Rights League, Alice Mabote, saying that the Office of the Attorney-General (PGR) in Niassa was corrupt. This was deemed to constitute an affront to the Public Prosecution authorities in the area. After the detention, a case was made against the journalist in question. Shortly thereafter, Hélder da Conceição of MISA-Mozambique in that province, was questioned by officials of the Office of the Attorney-General to explain why MISA had shown interest in the PGR case against the journalist. Following the detention of the journalist, MISA and the SNJ in the province of Niassa had written a letter to the PGR in which they had repudiated the detention of the journalist. Mondlane Júnior was later freed, but on the condition of reporting to PGR-Niassa fortnightly.

In December, lawyer Arouca Domingos sued the weekly 'O País' for having published allegedly libellous information about him. On 13/12/2004 'O País' published an article in which it claimed that Arouca Domingos's son was one of the defendants in the BCM case, allegedly for his participation in the biggest ever bank fraud in Mozambique. Arouca Domingos considered this information to be false and damaging to his moral integrity and to his good name, seeing that defendant in the BCM case - António Arouca Júnior - despite the last name "Arouca", was not his son.

Legislation and the press

The New Constitution of the Republic of Mozambique, approved by the Assembly of the Republic on November 16, 2004, and which came into effect in January of 2005, not only reaffirms freedom of expression and of information in Article 48, but also expands on these freedoms. As we can see, in the terms of the above-mentioned article, all citizens have the right to the freedom of speech, freedom of the press, as well as the right to information. Among

other aspects relating to rights, basic duties and freedoms, the Constitution also guarantees the right of access to public service broadcasting, the right of reply and retort, and freedom of conscience, religion and religious activities. With this scenario, the Constitution creates an environment favourable to the media, in which journalists can work with responsibility and without fear of intimidation, harassment, detention, arrest and others anti-democratic evils.

Although the Press Law is one of most advanced in the region - this is a moot point and experience bears this out - it is calling for a revision. As it happens, major changes have taken place in the 14 years of its existence, making it out of pace with the present in many aspects. The question of fines - already reviewed by a governmental decree - and access to sources - which by virtue of its character is enjoying an appropriate and separate treatment - are some of the examples of this much-awaited revision. For the good of the consolidation of the freedom of speech and of information, this revision must be general so as to be as wide-ranging as possible.

Almost all the media professionals are unanimous in affirming that the lack of a legal instrument on the access to information sources makes difficult the exercise of the freedom of the press in Mozambique. Hence, the initiative by MISA to have a law that strengthens in an incisive and detailed manner the process of access to sources of information referred to in the Press Law. One notes that Point 1 of art. 29 of the Law 18/91 of August 10 (Press Law) foresees access to sources of information in the following terms "To the journalists, in the exercise of their duties, will be authorised access to the official sources of information."

However, this legal command has not been observed by the public entities that refuse - time and time again - to give the requested information to journalists in very exercise of their duties. At times, the refusal is in the form of a simple "no", without any reasons offered. At other times, official sources hide behind reasons of sub judice proceedings, military and State secrets and confidentiality imposed by law with regard to the private life of the citizens. These reasons - which are in fact understandable and therefore constitute exceptions to the rule of the access to information sources (Point 2 of art. 29 of the Press Law) - should not have to constitute barriers to the good exercise of the activities of the press.

In the public interest and for the good of the Rule of Law, official entities should make available information to journalists without any special circumstances. Exceptions would have to be justifiably motivated. Failing to make available information of public interest to the journalists can lead one to believe that the official sources have something or much to hide. This puts at stake issues such as good governance, transparency, public interest, the fight against the culture of *laissez-faire*, and the fight against corruption, among other democratic principles. In fact, what the media professionals look for, is the effective compliance of the obligatoriness of access to information sources. In this sense, the approval of a specific and detailed law on this matter seems to be a viable solution.

The Government - through Decree no. 60/2004, of December 8, issued a new table of fines ranging from 600,000.00 meticaís the 24.000.000,00 meticaís, in this way increasing by 1100% the value of fines applicable to journalists and media houses in Mozambique. The old table - with fines ranging from 50.000,00 meticaís the 2.000.000,00 meticaís, had been in need of adjustment for quite some time, as it had come into effect way back in 1991, the year of the approval of the Press Law. However, if the increase in the table seems justifiable, the manner in which it was done was contentious. What happened was that the government amended the table of fines in the common law through a decree. This deed is questionable if one takes into account that in the legislative process, a decree cannot amend a law.

It is important to emphasise that in this area of legal environment, the Legal Framework of the Media in Mozambique is under discussion. The goal is to elaborate a media legal framework that will deal effectively with the big issues of this area, such as access to media activities, the development and promotion of media activities and the regulation of the activities of the media and the CSCS. This initiative is a joint project of MISA, the Friedrich Ebert Stiftung, the CSCS and the Law School of the Eduardo Mondlane University, among others. The legal framework will equally address the specific lack of laws and regulations for radio and television broadcasting and publicity.

New media outlets

During the year 2004, we saw the creation of more newspapers. First and foremost, we have three private weeklies: *Embondeiro*, *Nação* and *Horizonte*, based in the city of Maputo and the towns of Tete and Pemba, respectively. They all follow an editorial line markedly critical of the establishment. Next up, there are two newspapers published as A4-type brochures. These are *Mavungu*, created by the Provincial Government of Inhambane, and *Púngué* published in Beira. It belongs to a group of journalists and is characterized by its critical editorial policy. Finally, we saw the creation of Radio SFM, belonging to the Mozambican STV television outfit, and of *Rádio Viva*, property of the Christian Maná Church.

It is useful to mention that in the past years - and especially in 2004 - TVM deployed transmitters in Montepuez (Cabo Delgado Province), Alto Molócuè, Mocuba, Milange, Gurùè and Morrumbala (Zambézia Province), Manica (Chimoio Province), Maxixe and Mambone (Inhambane Province), Chokwè (Gaza Province) and Magude (Maputo Province).

Conclusion

Press freedom is a reality in Mozambique, both in practice and in terms of the law. However, the exercise thereof, is at times and to a certain extent, limited for two reasons: firstly, poverty, as almost none of the media houses has the enough resources - material, financial or human - to enable it to attain a journalistic product that is of high quality and independent. Secondly, we have the ideological and politician decision-making, which ultimately define the media agenda and define or influence its editorial line.

Notwithstanding the just-mentioned limitations, the Mozambican press is a permanent monitor of society and the government. In fact, the press in Mozambique has now become a forum, where all Mozambicans are informed, educated, guided, entertained and called on to assume a participative stance, in this way realising the right to communication and the promotion of the interaction between the public and the governing institutions.

Finally, the Mozambican press - fundamental element in the construction of democracy - remains firm in its quest to be a true fourth estate. However, corruption, poverty and access to sources are the great challenges that face the Mozambican press today and tomorrow. If it wants to overcome these, it must fight them using all the weapons available to the media in the Constitution, the Press Law and other Mozambican legal instruments.

Moçambique



Por **Taíbo Caetano Mucobora**

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Ambiente jornalístico

A liberdade de expressão e de informação foi, em geral, assegurada no ano de 2004. Aliás, o direito à liberdade de expressão, à liberdade de imprensa, bem como o direito à informação têm sido exercidos com a normalidade desejável se se ter em conta a idade da democracia moçambicana. Tal exercício tem conhecido um crescimento assinalável nos últimos anos, mormente, desde a aprovação da Lei de Imprensa em 1991 (Lei no. 18/91, de 10 de Agosto) que define os princípios que regem a actividade da imprensa e estabelece os direitos e deveres dos seus profissionais.

O ambiente de bom trabalho vivido na actividade dos media é consequência directa do respeito do quadro legal e institucional estabelecido para a área de imprensa na Constituição da República, na Lei de Imprensa e noutros diplomas. Com efeito, tanto quanto se pode observar, o governo não interferiu negativamente na actividade da imprensa e não criou obstáculos aos direitos e deveres dos jornalistas e ao direito de informação que assiste aos cidadãos. Exceptuam-se, é claro, alguns incidentes que aconteceram esporadicamente aqui e acolá, cujo impacto não chegou a perturbar com gravidade o salutar ambiente jornalístico moçambicano.

Vicissitudes do ambiente jornalístico

Esta liberdade de imprensa e de expressão conheceu vicissitudes em 2004 na medida em que, de vez em quando, pessoas influentes na sociedade, bem colocadas e/ou ligadas ao poder intimidaram de forma velada ou aberta os profissionais ou órgãos de informação na tentativa de impedir ou protestar a publicação de assuntos considerados delicados. Vejam-se alguns casos.

O Administrador do distrito de Mocuba, província da Zambézia, suspendeu, em Maio de 2004, através de um anúncio público, Oliveira Algumassa Malei, das suas funções de jornalista da Rádio Comunitária Licungo, propriedade do Instituto de Comunicação Social (ICS), na sequência de um comentário da sua autoria, deplorando o acentuado estado de degradação das estradas e transporte de urnas em macas na cidade de Mocuba, quando há promessa do Conselho Municipal local de aquisição de duas viaturas para serviços funerários e ambulância para o transporte de doentes1.

A Televisão de Moçambique (TVM) e a Rádio Moçambique (RM), órgãos públicos de informação, foram acusados de terem praticado censura ao livro *Uria Simango2 - Um Homem, Uma causa* da autoria de Barnabé Lucas Ncomo, da oposição. Este apresentou, a 27 de Agosto de 2004, uma queixa ao Conselho Superior da Comunicação Social (CSCS) contra a TVM dizendo que esta estação televisiva pública violou os seus direitos ao sonegar a exibição de um conjunto de nove inserções de um spot publicitário relacionados com o lançamento do livro acima referido. Esta proibição verificou-se também nas cidades da Beira e Quelimane, nesta última pela RM3.

Jonathan Moyo expulso de Moçambique em nome da liberdade de imprensa

Um facto marcante foi a expulsão, pelos jornalistas, em Maio de 2004, do Ministro da Informação e Publicidade do Zimbabwe, Jonathan Moyo, da sede do Sindicato Nacional de Jornalistas (SNJ) em jeito de protesto ao convite formulado pelo Secretário Geral do SNJ àquele então governante

zimbabweano para orientar uma conferência de imprensa sobre a situação da comunicação social no seu país. Os jornalistas moçambicanos, considerando Jonathan Moyo como o inimigo número um da liberdade de expressão e informação no Zimbabwe, na região austral da África e no mundo, empunharam cartazes ofensivos e ergueram as suas vozes em uníssono para dizer “não” à presença de Moyo na sua casa e no seu país democrático e livre de perseguições.

Entretanto, ficou-se a saber, através da agenda, que Moyo terá feito visitas aos órgãos públicos de informação, tais como a Agência de Informação de Moçambique (AIM), o ICS, a TVM e a RM. Não se soube, porém, se o Ministro da Informação e Publicidade do Zimbabwe fez estas visitas para aprender lições de democracia ou para ensinar como se perseguem os profissionais de informação, minando a liberdade de imprensa.

Cobertura das eleições gerais de 2004

Um dos eventos que marcou a imprensa moçambicana no ano transacto foi a cobertura das eleições gerais. Esta, em termos muito gerais, decorreu num clima de experiência democrática aceitável. No entanto, alguns órgãos de informação privados e alguma opinião pública acusou a TVM de ter dado espaço e tratamento privilegiados à campanha eleitoral do Partido Frelimo e ao seu candidato a Presidente da República, em prejuízo da oposição e dos seus candidatos, naquilo que consideraram de politização da comunicação social. Parece-nos que o que ficou patente é que o tratamento diferenciado das matérias eleitorais deveu-se, essencialmente, às diferenças das políticas editoriais de cada órgão de informação.

Processos e reclamações

O jornalista Fábio Mondlane Júnior, do Jornal Faísca4, foi detido e conduzido à cadeia civil de Lichinga, na província do Niassa, por ter publicado, em 2003, uma notícia, na qual citou a Presidente da Liga dos Direitos Humanos, Alice Mabote, dizendo que a Procuradoria Geral da República (PGR) em Niassa era corrupta, facto que foi visto como sendo uma afronta às autoridades do Ministério Público naquele ponto do país. Após a detenção, seguiu-se a abertura de um processo contra o referido jornalista. Seguidamente, Hélder da Conceição, delegado do MISA-Moçambique naquela província foi ouvido pela Procuradoria para explicar por que razão o MISA se interessou pelo caso que opõe a PGR ao jornalista. É que após a detenção, o MISA e o SNJ na província do Niassa fizeram uma carta à PGR na qual repudiaram a detenção do jornalista. Este foi mais tarde libertado mas na condição de se apresentar na PGR-Niassa quinzenalmente⁵.

O Advogado Domingos Arouca processou criminalmente o semanário ‘O País’ por ter publicado informações caluniosas a seu respeito. No dia 13/12/2005 ‘O País’ publicou um artigo no qual afirmava que o filho de Domingos Arouca era um dos acusados no processo do caso BCM, alegadamente pela sua participação na maior fraude bancária jamais praticada em Moçambique. Domingos Arouca considerou esta informação de inverídica e lesiva a sua integridade moral e ao seu bom nome, uma vez que o réu do processo do caso BCM, António Arouca Júnior, apesar do sobrenome “Arouca”, não é seu filho.

Legislação e imprensa

A Nova Constituição da República de Moçambique, aprovada pela Assembleia da República a 16 de Novembro de 2004 e que entrou em vigor em Janeiro de 2005, não só reafirma e assegura as liberdades de expressão e informação no seu artigo 48, como as amplia. Com efeito, nos termos do artigo supramencionado, todos os cidadãos têm o direito à liberdade de expressão, à liberdade de imprensa, bem como o direito à informação. A Constituição assegura ainda o direito de antena, de resposta e de réplica, bem como a liberdade de consciência, de religião e de culto, entre outros aspectos relativos aos direitos, deveres e liberdades fundamentais. Com

estas previsões a Constituição cria um ambiente favorável à um meio no qual os jornalistas podem trabalhar com responsabilidade e sem medo de intimidações, molestações, detenções, prisões e outros males anti-democráticos.

Embora a Lei de Imprensa seja uma das mais avançadas na região, é ponto assente, e a prática provou este facto, que ela reclama uma revisão. De facto, houve mudanças assinaláveis nos catorze anos da sua existência que a tornaram desajustada em muitos dos seus aspectos. A moldura das multas, que já foi revista através de um decreto governamental, e o acesso às fontes, que pela sua natureza está a merecer um tratamento apropriado e autónomo, são alguns dos exemplos dessa esperada revisão que, a bem da consolidação da liberdade de expressão e informação, deve ser geral para abranger grande parte das matérias.

Quase todos os profissionais de comunicação social são unânimes em afirmar que a falta de um instrumento legal sobre o acesso às fontes de informação dificulta o exercício da liberdade de imprensa em Moçambique. Daí o esforço do MISA na feitura de uma lei que reforce de modo incisivo e detalhado o acesso às fontes de informação constantes da Lei de Imprensa. Repare-se que o no. 1 do art. 29 da Lei no. 18/91, de 10 de Agosto (Lei de Imprensa) prevê o acesso às fontes de informação nos seguintes termos “Aos jornalistas, no exercício das suas funções, será facultado o acesso às fontes oficiais de informação.”

No entanto, este comando legal não tem sido observado pelas entidades públicas que, não raras vezes, recusam-se a dar a informação solicitada pelos jornalistas em pleno exercício das suas funções. Uma vez, a recusa efectiva-se na simples forma de um “não” infundado. Outras vezes, as fontes oficiais escudam-se nas razões dos segredos de justiça, militares e de Estado e nos confidenciais por imposição legal e no respeito à vida privada dos cidadãos. Estas razões, que até são compreensíveis e que, por isso, constituem excepções à regra do acesso às fontes de informação, conforme o disposto no no. 2 do art. 29 da Lei de Imprensa, não deveriam constituir impedimentos ao bom exercício da actividade de imprensa.

No interesse público e a bem do Estado de Direito, as entidades oficiais deveriam facultar informação aos jornalistas sem mitigações. As exceções deveriam ser invocadas justificadamente. A não disponibilização de informações de interesse público aos jornalistas pode fazer crer que as fontes oficiais têm algo ou muita coisa a esconder, o que põe em causa a boa governação, a transparência, o interesse público, o combate ao espírito do deixa-andar, o combate à corrupção, entre outros princípios democráticos. Na verdade, o que os profissionais de informação procuram é o cumprimento efectivo da obrigatoriedade do acesso às fontes de informação. Neste sentido, a aprovação de uma lei específica e detalhada sobre a matéria parece um recurso viável.

O Governo, através do Decreto nº 60/2004, de 08 de Dezembro, estabeleceu um novo painel de multas que vão de 600.000,00 meticais a 24.000.000,00 meticais, agravando, desta forma, em 1100 por cento as multas a aplicar a jornalistas e órgãos de informação em Moçambique. A antiga moldura, que ia dos 50.000,00 meticais a 2.000.000,00 meticais, já reclamava reajustamento, pois já vinha desde o longínquo ano de 1991, ano da aprovação da Lei da Imprensa. Porém, se o agravamento da tabela anterior parece ser justificável, a via usada para a sua efectivação não é pacífica. Com efeito, o Governo alterou a tabela das multas constante da lei ordinária através de um decreto, facto que é questionável se se ter em conta que na técnica legislativa um decreto não pode alterar uma lei.

Importa frisar que nesta área do ambiente legal, está em discussão o Quadro Legal da Comunicação Social em Moçambique. Pretende-se, com esta ideia que está a ser trabalhada

numa acção coordenada ente o MISA, a Fundação Friedrich Ebert, o CSCS e a Faculdade de Direito da Universidade Eduardo Mondlane, desenhar um quadro legal da comunicação social que responda efectivamente às grandes questões desta área, quais sejam o acesso às actividades da comunicação social, a gestão das actividades da comunicação social e a regulação das actividades de comunicação social e o CSCS, entre outras. O quadro legal colmatará igualmente a falta de leis e regulamentos específicos para a radiodifusão, difusão televisiva e publicidade.

Novos órgãos de informação

Durante o ano de 2004 assistiu-se à aparição de mais jornais. Trata-se de três semanários privados: Embondeiro, Nação e Horizonte, baseados nas cidades de Maputo, Tete e Pemba, respectivamente. Todos eles reflectem uma linha editorial marcadamente crítica ao sistema; dois jornais publicados em folhetos de tipo A4: Mavungu, criado pelo governo provincial de Inhambane, e Púngué, publicado na Beira, pertence a um grupo de jornalistas e caracteriza-se pela sua política editorial crítica. Houve ainda a criação da Rádio SFM, do canal televisivo moçambicano STV, e da Rádio Viva, propriedade da Igreja Maná Cristã.

É útil informar que nos últimos anos, com incidência em 2004, a TVM passou a ter emissores, com diferentes potências, em Montepuez (Cabo Delgado), Alto Molócuè, Mocuba, Milange, Gurúè e Morrumbala (Zambézia), Manica (Chimoio), Maxixe e Mambone (Inhambane), Chokwè (Gaza) e Magude (Maputo).

Conclusão

A liberdade de imprensa é uma realidade de facto e de direito em Moçambique. Porém, o seu exercício é, as vezes e em certa medida, limitado por dois factores: a pobreza, pois quase todos os órgãos de informação não dispõem de meios materiais, financeiros e humanos suficientes e capazes de assegurar a realização de um trabalho jornalístico de qualidade e independente, e as determinações de tipo político e ideológico que em última instância estabelecem a agenda dos media e definem ou influenciam a sua linha editorial.

Não obstante as limitações retromencionadas, a imprensa moçambicana é um observatório permanente da sociedade e do governo. De facto, a imprensa em Moçambique tornou-se num agora onde todos os moçambicanos são informados, formados, guiados, divertidos e chamados a tomarem uma atitude participativa, realizando-se, desta forma, o direito à comunicação e à promoção da interacção entre o público e o poder instituído.

Enfim, a imprensa moçambicana, elemento basilar na construção da democracia, continua firme no processo de ser um verdadeiro quarto poder. Porém, a corrupção, a pobreza e o acesso às fontes são os grandes desafios que se colocam à imprensa moçambicana hoje e amanhã e que, se quiser vencê-los, deve combatê-los usando todas as armas que a Constituição, a Lei de Imprensa e os demais instrumentos de que Moçambique, Estado de Direito, dispõe.

1 Notícia publicada na página 2 do Jornal Notícias do dia 22 de Maio de 2004.

2 Considerado como reaccionário pela Frelimo, foi combatente da Luta Armada de Libertação Nacional, tendo ocupado o cargo de Vice-Presidente da Frelimo.

3 Notícia publicada na página 4 do Semanário Zambeze do dia 21 de Outubro de 2004.

4 Publicado em Lichinga, capital da província do Niassa.

5 Notícia publicada na página 14 do semanário SAVANA do dia 22 de Outubro de 2004.

6 Notícia publicada na página 32 do semanário SAVANA do dia 04 de Março de 2005.

• **UPDATE**

Date: May 10, 2004

Persons/Institutions: Carlos Cardoso

Violation(s): Killed (update)

On May 10 2004, Anibal Antonio dos Santos - one of the men convicted of the murder of journalist Carlos Cardoso - escaped from Maputo's high security prison. Dos Santos, also known as "Anibalzinho", had been serving a 28-year sentence.

This is the second time that Anibalzinho has escaped from Maputo's high security prison. Police offered no details about Anibalzinho's escape. He had previously escaped in September 2002, before being recaptured in South Africa on the same day he was sentenced to 28 years in prison for Cardoso's murder.

• **ALERT**

Date: May 15, 2004

Persons/Institutions: Fabiao Mondlane

Violation(s): Detained

The Niassa branch of Mozambique's journalists' union (SNJ) and of the Media Institute of Southern Africa (MISA)-Mozambique, have condemned the detention for 10 hours on Saturday, May 15 2004, of reporter Fabiao Mondlane. Mondlane, who works on the independent Niassa paper "Faisca", and is also correspondent for one of the Maputo weeklies, "Demos", was arrested in the provincial capital, Lichinga, on the orders of the provincial chief attorney, Domingos Telha.

Telha claimed that Mondlane defamed him in an article on corruption in the provincial attorney's office that was published in "Faisca" on May 13 2004. However, the person who made the corruption allegation was Alice Mabota, chairperson of the Mozambican Human Rights League (LDH), who was on a visit to Niassa.

"Faisca" quoted her as saying at a press conference that there was "unprecedented corruption" in Telha's office, and that Attorney-General Joaquim Madeira should take "urgent measures" to bring the situation to an end.

• **ALERT**

Date: November 6, 2004

Persons/Institutions: TVM public television

Violation(s): Censored

On November 6 2004, local officials of Mozambique's former rebel movement, Resistencia Nacional de Mozambique (Renamo), banned a TVM public television station crew from filming Renamo election campaigning in two northern towns, Mozambique Island and Nacala. The ban came despite the movement's regular complaints that TVM does not give it sufficient coverage. Both towns are regarded as Renamo strongholds.

TVM reported that when its crew arrived on Mozambique Island, Renamo officials obstructed it from filming its members because it had not sent "advance notice that the cameras were coming."

In Nacala, Renamo officials told the TVM crew not to film because there were too few people involved in campaigning activities that day. The officials also prevented the crew from filming outside their office.

In contrast, in what are purportedly rock-solid Renamo constituencies, TVM was able to obtain footage of festive campaigning by members of the ruling Frente da Libertação de Moçambique (Frelimo) party and of the Party for Peace, Democracy and Development (PDD), a Renamo breakaway group.

• **ALERT**

Date: November 18, 2004

Persons/Institutions: Demos newspaper

Violation(s): Threatened

On November 18 2004, the independent weekly newspaper “Demos” was threatened with court action by a Korean enterprise Diva Node for allegedly publishing a libelous article about the company. In the article, published on November 17 2004, the paper reported that the company was allegedly arbitrarily and without cause, laying off of workers.

• **ALERT**

Date: November 25, 2004

Persons/Institutions: Ilidio de Jesus, Herculano Thumbó

Violation(s): Beaten

On November 25 2004, two Mozambican journalists covering the electoral campaign of the opposition leader Afonso Dhlakama (Renamo Party) in the central province of Manica, were stoned by Frelimo supporters as they left the local aerodrome in a village called Gondola where the rally took place.

The incident left Radio Terra Verde reporter, Ilidio de Jesus, seriously wounded and Televisão de Moçambique (TVM-public station) reporter Herculano Thumbó slightly wounded.

Namibia



By **Graham Hopwood**

Graham Hopwood is a freelance consultant, media trainer, editor and journalist.

The context

2004 was a momentous year for Namibia and the media were inevitably caught up in several of the controversies to emerge during it. The year started with a high sense of anticipation as Swapo announced that it would hold a party congress to choose a presidential candidate after founding President Sam Nujoma confirmed he would retire after completing his third term in office.

The move was praised as an important step forward for democracy within Swapo, but just days before the congress one of the leading contenders, Foreign Minister Hidipo Hamutenya, was sacked from his post. The move effectively scotched Hamutenya's chances at the congress and Nujoma's favoured candidate, Hifikepunye Pohamba, went on to win the candidacy and ultimately the presidential election held in November.

Nujoma had warned darkly of imperialists threatening the sovereignty of Namibia and implied that Hamutenya was part of such a campaign. The vilification of Hamutenya reached new levels in a series of anonymous e-mail letters, circulated throughout the year, which also heaped abuse on the media. Both independent and state media organisations were accused of marching to the imperialists' tune and supporting the erstwhile Foreign Minister. The smear campaign caused consternation in ruling party circles, but by early 2005 the authors, going under the pen name Ananias Nghifitikeko, had not been identified.

Media coverage of the 2004 election

Although Pohamba's and Swapo's victories in the polls in November were never in doubt, media coverage was one of the more dominant themes of the campaign.

Opposition parties complained that the Namibian Broadcasting Corporation (NBC) was heavily favouring Swapo in its coverage and allocation of party political broadcasts. Five parties - Congress of Democrats, Democratic Turnhalle Alliance, National Unity Democratic Organisation, Republican Party and South West Africa National Union (Swanu) - walked out of the NBC's Election Forum set up to consult parties. Swanu even threatened legal action over the NBC's rules on allocating airtime.

A study by the Institute for Public Policy Research, Misa-Namibia and media monitoring company Mediatenor showed the ruling party did receive the lion's share of newspaper and television coverage in the run-up to the election. However, newspapers were seen adopting mostly neutral standpoints in respect of the different parties.

The Communications Bill - still non-existent?

Hopes that there would be a wider debate on calls for the NBC to transform itself into a public broadcaster were stymied when the draft Communications Bill failed to appear before parliament for the second year in a row. Misa-Namibia has called for the NBC to be regulated by the Communications Authority of Namibia envisaged in the bill, rather than through the NBC Act. The NBC Act gives the Minister of Information power to appoint the broadcaster's board without any form of public consultation. The Communications Bill is now expected to be debated by the National Assembly in 2005.

Ties that bind: Namibia and Zimbabwe

The year also saw the development of close ties between Namibia's and Zimbabwe's State media institutions. In September, New Era Publications Corporation and Zimpapers launched a regional newspaper, *The Southern Times*, in an apparent attempt to counter the South African-based *Sunday Times*, which was perceived as anti-Zimbabwean President Robert Mugabe. There was also talk of starting a 24-hour regional television station, to be based at Walvis Bay, and co-owned by Zimbabwe Broadcasting Holdings (ZBH) and NBC.

The *Southern Times* is headed by The [Zimbabwe] Herald's assistant editor, Moses Magadza, has its editorial offices in Namibia, and is printed in Zimbabwe. According to a joint statement issued by the publishers for the Sunday paper's launch, a potential readership of millions across the region was envisaged. However, after the first two months it had sold less than 20 000 copies in total, according to Namibia's Ministry of Information. Both governments bankrolled the operation, which was strongly supported by Zimbabwe's former Minister of State for Information, Jonathan Moyo, until his sacking in early 2005.

Sensitivities over the media's portrayals of Zimbabwe resulted in a Namibian-made documentary being dropped at the last minute by the NBC. The documentary, *This Is Us*, focused on a German carnival in Namibia, but included a section in which a comedian made a joke about President Mugabe. Film-maker Vickson Hangula said the NBC wanted him to re-edit the tape to remove the offending joke. When he refused, the programme was pulled from the schedule.

Criticising government -and paying the price

At the highly-charged Swapo congress in May a motion was passed to condemn the *Windhoek Observer* newspaper after it published an insulting letter about President Sam Nujoma. Head of the Swapo Party Youth League Paulus Kapia, who is a vehement critic of the independent media, said the newspaper had shown "utter disrespect for Nujoma". The motion called on the *Windhoek Observer's* editor, Hannes Smith, to reveal the identity of the author of the letter, which was published anonymously. In 2001 the Swapo Party Youth League called for a law to make insulting the President a punishable offence.

The judge presiding over the treason trial of 120 suspected Caprivi separatists ruled that the media be prevented from identifying three state witnesses. This was the first such ruling since independence in 1990, prior to which the courts often protected the identities of state informants and apartheid security agents. Judge Elton Hoff made his ruling even though he acknowledged witnesses could still be identified since members of the public attending the trial could inform relatives of the accused who the witnesses were. However, Judge Hoff felt the reporting restrictions would give the witnesses and their families some protection from the risk of intimidation, particularly in the Caprivi region.

The government's ban on State advertising in *The Namibian* newspaper continued for a fourth year, despite reports that Information Minister Nangolo Mbumba had proposed at a Cabinet meeting that the embargo be dropped. Late in the year the ban was re-emphasised when the government refused to publish or insert election-related educational material in *The Namibian*. The newspaper complained in an editorial that the government had done the electorate a disservice by only making information for voters available on a selective basis. The ban was introduced in 2001 after Cabinet complained that the paper was overly critical of the government. Despite the ban, Swapo's top figures continued to give interviews to the newspaper and in October Pohamba said he liked *The Namibian* and called editor Gwen Lister his "sister" in an interview ahead of the election.

Libel cases

Namibia has not had a system for handling public complaints about media reporting since Misa-Namibia's plans to introduce a media ombudsman came to nothing two years ago. Despite the lack of self-regulation in the media industry, there has not been a spate of libel suits reaching the courts. The German daily, the *Allgemeine Zeitung*, faces a court case in 2005 over its reporting of an alleged assault. The case could open the way for a more liberal interpretation of libel law in Namibia. The paper will base its defence on its claim that it acted reasonably and without negligence, rather than having to prove the details in the report were correct.

Media expansion in Namibia

In 2005 there was more media in Namibia than ever before. The government-owned New Era became a daily newspaper in August, bringing the number of dailies to four (with *The Namibian*, *Republikein*, and *Allgemeine Zeitung*). Several new magazines sprang up - *Insight Namibia*, which focuses on business and current affairs, and *Space*, which concentrates on human interest stories, joined the already existing *Big Issue Namibia* and *Namibia Sport*.

The community media, in contrast, failed to expand. The number of community radio stations operating in Namibia remained at six. *Katutura Community Radio*, *Radio Ecclesia*, *Unam Radio* and *Channel 7* operate out of Windhoek, while the *Ohangwena Community Radio* station is based in the far north of the country, and *Live FM* in Rehoboth. There are another four community stations in the planning stages - at Oshakati, Gobabis, Keetmanshoop and Swakopmund - and training of their potential staff members took place in 2004. Community newspapers at Keetmanshoop and Katima Mulilo struggled to establish themselves, and only Rehoboth appeared to have a thriving local media scene, with two community newsletters and a radio station.

A glimmer of hope

During the year Misa-Namibia, which is the only civil society group representing the interests of media as a whole, elected a new governing council, which consists of several experienced and well-known media workers, giving some hope that the credibility and effectiveness of the organisation may increase in the coming two years.

Conclusion

The incoming President Pohamba based his campaign for the top post on a platform of maintaining continuity from the Nujoma era. With Nujoma staying on as the leader of Swapo until at least 2007, Pohamba may feel he has to project many of his predecessor's policies and attitudes, at the least at the beginning of his term. Pessimists see the Pohamba presidency advancing the cause of the 'hawks' in the party who have consistently lambasted the media. But freedom of expression activists still hope the change in rulers will result in a less defensive approach on media issues, with the ban on *The Namibian* being dropped and the reform of the NBC at last becoming a serious issue for debate.

Namíbia



Por Graham Hopwood

Traduzido por Rui Correia

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O contexto

2004 foi um ano de grande importância para a Namíbia e os mídia foram inevitavelmente apanhados em diversas das controvérsias que surgiram durante este período. O ano começou com uma sensação alta de antecipação, pois a SWAPO anunciara que convocaria um congresso do partido para escolher um candidato presidencial depois que o presidente fundador, Sam Nujoma, confirmara que se aposentaria após terminar o seu terceiro mandato. A decisão foi elogiada como um importante passo em frente para a democracia dentro da SWAPO. No entanto, apenas dias antes do congresso um dos principais contendores, o Ministro dos Negócios Extrangeiros, Hidipo Hamutenya, foi demitido do seu cargo. Este acontecimento foi super eficaz em esmagar qualquer chance que Hamutenya pudesse ter tido no congresso e, assim, o candidato favorito do Nujoma, Hifikepunye Pohamba, veio a triunfar, ganhando no congresso e finalmente a eleição presidencial que teve lugar em novembro.

Nujoma tinha avisado que imperialistas ameaçavam a soberania da Namíbia e fez entender que Hamutenya tinha feito parte de tal campanha. O denegrimto de Hamutenya alcançou novos níveis numa série de cartas anónimas disseminadas por email durante todo o ano, as quais não deixaram de poupar a mídia. Tanto os órgãos de mídia independentes como os estatais foram acusados de marchar ao som dos tambores dos imperialistas e de terem apoiado o antigo Ministro de Negócios Extrangeiros. A campanha para sujar o nome de Hamutenya causou incómodo entre os membros do partido no poder. Meses depois e já em princípios de 2005, o suposto autor, usando o nome Ananias Nghifitikeko, continuava sem ter sido identificado.

Mídia e cobertura da eleições de 2004

Embora as vitórias de Pohamba e da SWAPO nas eleições de novembro nunca estivessem estado em dúvida, a cobertura na mídia foi um dos temas que mais dominou a campanha. Os partidos da oposição queixaram-se que a [emissora nacional] Namibian Broadcasting Corporation (NBC) estava a favorecer a SWAPO abertamente na sua cobertura e na programação de transmissões dos partidos políticos partido [tempo de antena]. Cinco partidos - o Congresso dos Democratas, a Aliança Democrática de Turnhalle, a Organização Democrática para a Unidade Nacional, o Partido Republicano e a União Nacional do Sudoeste Africano (Swanu) - abandonaram o fórum eleitoral da NBC, constituído para dar voz aos diferentes partidos. A SWANU chegou a ameaçar levar o caso à justiça, queixando-se da maneira como a NBC atribuía o tempo de antena.

Um estudo feito pelo Instituto para a Pesquisa da Política Pública, o Misa-Namíbia e a empresa de monitoria dos mídia, Mediatenor, mostrou que o partido governar recebeu a grande parte da cobertura nos jornais e na televisão durante a fase pré-eleitoral. Ao mesmo tempo, verificou-se que na maior parte dos casos, os jornais adoptaram pontos de vista neutros na cobertura dos vários partidos.

A Lei da Comunicação - ainda por aparecer?

As esperanças que haveria um debate mais amplo em sequência de pedidos para a transformação da NBC numa emissora pública foram esmagadas quando o projecto da Lei da Comunicação

mais uma vez não foi apresentada perante a Assembleia Nacional pelo o segundo consecutivo. O Misa-Namíbia insiste que a NBC seja regulada pela Autoridade das Comunicações da Namíbia - a ser criada, conforme prevista no projecto de lei - e não através da Lei da NBC, como é hoje o caso. A Lei da NBC dá ao Ministro da Informação o poder de nomear o Conselho da emissora, sem alguma forma de consulta pública. Agora espera-se que a Lei da Comunicação venha a ser debatida pela Assembleia Nacional em 2005.

Laços que unem: Namíbia e Zimbabwe

O ano testemunhou também o desenvolvimento de laços íntimos entre instituições da mídia estatal da Namíbia e do Zimbabwe. Em setembro, a New Era Publications Corporation e a Zimpapers lançaram um jornal regional de domingo, *The Southern Times* (Tempos Austrais) aparentemente numa tentativa de criarem uma oposição ao jornal sulfricano *Sunday Times* (Tempos de Domingo) que era visto como sendo contra o presidente Robert Mugabe do Zimbabwe. Houve também conversa de começar uma estação televisiva regional que operaria 24 horas por dia, para ser estabelecida em Walvis Bay, numa parceria entre a empresa que controla a emissora nacional do Zimbabwe, a Zimbabwe Broadcasting Holdings (ZBH) e a NBC.

O *Southern Times*, é editado pelo editor adjunto do jornal *Herald* do Zimbabwe, Moses Magadza; têm as suas salas de redação na Namíbia; e é imprimido no Zimbabwe. De acordo com uma declaração conjunta emitida pela editora na altura do lançamento, o novo jornal de domingo espera conquistar um potencial público de 'milhões espalhados pela região'. No entanto, após os primeiros dois meses tinha vendido menos de 20 000 cópias no total, de acordo com o Ministério da Informação da Namíbia. Ambos os governos financiaram a operação, que foi ferverosamente apoiada pelo antigo Ministro do Zimbabwe para Informação, Jonathan Moyo, até este ter sido demitido em fevereiro de 2005.

As sensibilidades sobre como o Zimbabwe é representado na mídia resultaram na decisão da NBC em abandonar à última da hora um documentário feito na Namíbia. O documentário, *Isto Somos Nós*, tratava do carnaval alemão na Namíbia, mas incluía uma cena na qual um comediante fazia uma piada com o presidente Mugabe. O produtor de filmes Vickson Hangula disse que a NBC queria que ele editasse o filme para cortar o gracejo ofensivo. Ele não concordou e o programa foi retirado da programação.

Criticar o governo - e pagar por isso

No congresso da SWAPO em maio, uma moção foi aprovada, condenando o jornal *Windhoek Observer* por ter publicado uma carta ofensiva sobre o presidente Sam Nujoma. O Presidente da Liga da Juventude da SWAPO, Paulus Kapia, que é um crítico veemente dos mídia independentes, disse que o jornal tinha demonstrado "desrespeito total pelo [Presidente] Nujoma". A moção pedia que o editor do *Windhoek Observer*, Hannes Smith, revelasse a identidade do autor da carta, que tinha sido publicada anonimamente. Em 2001, a Liga da Juventude da SWAPO propôs que uma lei fosse elaborada que tornasse em ofensa punível o acto de insultar o Presidente da República.

O juiz encarregado do julgamento de 120 suspeitos se serem separatistas Caprivianos decidiu que a mídia fosse impedida de identificar três testemunhas do estado. Foi a primeira vez desde a independência da Namíbia 1990, que um tribunal tomou uma decisão como esta. Antes da independência, muitas vezes os tribunais protegiam a identidade dos informantes do estado e agentes de segurança do apartheid. O Juiz Elton Hoff tomou esta decisão, embora reconhecesse que as testemunhas poderiam ser identificadas na mesma, visto que membros do público presentes no julgamento poderiam informar parentes dos acusados sobre quem eram as

testemunhas. No entanto, o Juiz Hoff foi da opinião que limitar a divulgação das identidades daria às testemunhas e as suas famílias alguma protecção contra o risco de intimidação, particularmente na região do Caprivi.

A proibição da colocação de anúncios do governo no jornal Namibian continuou pelo quarto ano, apesar de informação que o Ministro da Informação, Nangolo Mbumba, tivesse proposto numa reunião da equipe do governo que o embargo fosse abandonado. Em vez disso, quase no fim do ano, a proibição foi acentuada, quando o governo recusou publicar ou incluir material de educação eleitoral no Namibian. O jornal queixou-se num editorial que o que o governo estava a fazer era um desserviço ao eleitorado, visto que a informação para os eleitores estava a ser disponibilizada de maneira selectiva. A proibição foi introduzida em 2001, quando o governo se queixou que o jornal era demasiado crítico do governo. Apesar da proibição, as principais figuras da SWAPO continuaram a dar entrevistas ao jornal e, em outubro, Pohamba disse que gostava do Namibian e chamou a Editora Gwen Lister de sua “irmã” numa entrevista antes da eleições.

Casos de libelo

A Namíbia ainda não tem um sistema para lidar com queixas do público contra reportagem na mídia. As iniciativas do MISA-Namíbia há dois anos de ver a implantação de um ombudsman dos mídia, até agora não deu em nada. Apesar da falta de auto-regulação no sector da mídia, não tem havido uma onda de processos de difamação a chegarem aos tribunais. O diário alemão, Allgemeine Zeitung enfrenta um processo de libelo em 2005 por ter noticiado um suposto incidente de agressão corporal. O caso de libelo pode vir a abrir o caminho para uma interpretação mais liberal da lei do libelo difamatório na Namíbia. O jornal vai basear a sua defesa no argumento que agiu razoavelmente e sem negligência, em vez de optar por ter que provar que os detalhes contidos na notícia estavam correctos.

Crescimento da mídia na Namíbia

A Namíbia tem hoje mais órgãos de mídia que nunca antes. O jornal New Era, que pertence ao governo, transformou-se um jornal diário em agosto, aumentando assim o número de diários para quatro (com o Namibian, o Republikein, e o Allgemeine Zeitung). Também surgiram várias revistas - Insight Namibia que trata de economia e actualidade e Space, que se concentra em histórias de ‘interesse humano’. Antes tinham aparecido Big Issue Namibia e Namibia Sport.

Em comparação, a mídia comunitária não cresceu. O número das estações de rádio comunitária que operam na Namíbia continua em seis. A Rádio Comunitária de Katutura, a Rádio Ecclesia, a Rádio Unam [Universidade da Namíbia - N.T.] e a Channel 7 transmitem a partir de Windhoek. No resto do país, temos a Rádio Comunitária de Ohangwena, no norte do país, e a Live FM no Rehoboth. Há umas quatro outras estações de rádio comunitária em fase de planeamento para Oshakati, Gobabis, Keetmanshoop e Swakopmund. A formação de potenciais membros da equipe de funcionários teve lugar em 2004. Jornais comunitários em Keetmanshoop e em Katima Mulilo continuam lutando para se estabelecerem. Só o Rehoboth apresenta uma imagem de mídia local saudável, com dois boletins de notícias comunitários e uma estação de rádio.

Um raio da esperança

Durante o ano, o Misa-Namíbia - que é a única organização da sociedade civil que representa os interesses da mídia como entidade - elegeu um novo conselho governativo, consistindo de vários profissionais de mídia experientes e conhecidos, levantando alguma esperança que a credibilidade e a eficácia da organização possam crescer nos próximos dois anos.

Conclusão

O novo presidente, Hifikepunye Pohamba, baseou a sua campanha para o cargo máximo numa plataforma de manter continuidade da era de Nujoma. Com o Nujoma continuando como chefe do partido da SWAPO até pelo menos 2007, Pohamba pode sentir-se obrigado a projectar atitudes e políticas do seu antecessor - pelo menos no começo do seu mandato. Os pessimistas vêem a presidência Pohamba avançar a causa dos 'falcões' dentro do partido. Esta ala tem consistentemente atacado os média. No entanto, os activistas da liberdade de expressão têm esperança de que a mudança de liderança resulte numa abordagem menos defensiva nas questões de média, com a proibição de anúncios no Namíbian ser posto de lado e a reforma da NBC finalmente virar assunto sério para debate.

ALERT

Date: June 4, 2004

Persons/Institutions: The Windhoek Observer

Violation(s): Threatened

The extraordinary congress of the ruling South West Africa People's Organisation (Swapo) party passed a motion at its meeting on May 27 and 28 2004, to uncover the source of a letter published in The Windhoek Observer the previous week.

The motion tabled by the Swapo Youth League called on the party machinery to uncover the true identity of the author of a letter published in the weekly broadsheet on May 28, 2004.

Mr Hannes Smith, the editor, told the Media Institute of Southern Africa (MISA)-Namibia chapter that the letter that expressed the hope for President Sam Nujoma to "die soon so that I can urinate on your [Nujoma's] grave" was genuine. Mr Smith said the unsigned letter was delivered to the premises of The Windhoek Observer and he decided to publish it as it "reflected the disappointment of thousands of Namibians".

Swapo Youth League Secretary Paulus Kapia said they had no choice but to push the resolution because of what he described as Smith's "utter disrespect" for Nujoma and the party's leadership. Mr Smith said that no one has approached him for any more information regarding the source of the letter.

ALERT

Date: September 28, 2004

Persons/Institutions: Vickson Hangula

Violation(s): Censored

The Namibian Broadcasting Corporation (NBC) failed to screen a scheduled programme after the eight o'clock news bulletin on Sunday, September 26 2004, apparently because it contained material "derogatory" to Zimbabwean President Robert Mugabe.

The locally produced documentary, 'This Is Us', was commissioned by the NBC.

Independent producer and director of the series, Vickson Hangula, accused the national broadcaster of interfering with his freedom of speech by pulling the programme.

Hangula said the cultural programme focused on the German Carnival (Wika) held annually in Windhoek and at Swakopmund.

In a comedy slot at the carnival, an amateur comedian referred to Mugabe as a friend of Namibia. He joked that Mugabe was the right man to dispense advice on solving the land issue.

Hangula said the NBC wanted him to re-edit the tape to remove what it described as an "offensive" joke.

ALERT

Date: September 30, 2004

Persons/Institutions: Stefan Grullenbeck, Paulus Sackarias, Peter Paulus

Violation(s): Beaten

On September 30 2004, three employees of Democratic Media Holdings had to flee in fear of bodily harm when an interview suddenly took a turn for the worse. The interviewee was a well-known businessman Dr Manfred Franz, the managing director of Nopaska Electronic (Pty) Ltd. The interview took place at the business man's residence, at Okatana, outside Oshakati. Mr Stefan Grullenbeck and Mr Paulus Sackarias, journalists from the Allgemeine Zeitung and Republikein respectively, and their driver Peter Paulus had to leave the residence after Grullenbeck's digital camera was irreparably damaged with a kierie (a traditional Kavango weapon) and he sustained injuries to his right arm. The journalists were investigating repeated reports which called in question the operations, qualifications, titles and credibility of Dr Franz. The journalists were at Franz's residence on his invitation and were initially received with

“open arms”. They proceeded to ask him about his allegedly fraudulent activities conducted during the nineties in Kaokoland and his reputation as having a ‘violent disposition’ during the same period. Dr Franz evaded these questions and focused entirely on his current and future plans for economic development. He became progressively more irate, calling Grullenbeck a liar and offered to contact a well-known business associate in Germany to support the assertions of his innocence. He however forbade Grullenbeck to listen to the conversation.

At this point Grullenbeck took out his digital camera. This action infuriated Franz who proceeded to pick up a kierre and bore down upon the journalist, hitting him twice with the heavy wooden weapon. The first blow destroyed his camera and the second caused the half-fracture of his right forearm.

The journalists succeeded getting away from the scene and laid charges of assault, damage to property and crimen injuria against Dr Franz. The executive editor of the DMH group has said that charges of theft, intimidation, assault with the intention to do grievous bodily harm and blackmail will be added to the charge sheet. Civil claims may also arise from this incident.

Dr Franz has admitted to assault and damage to property. He will appear in court on November 29, 2004.

ALERT

Date: October 7, 2004

Persons/Institutions: Media in Namibia

Violation(s): Censored

On October 7 2004, the state prosecution in the Caprivi high treason trial asked the court to place a partial ban on the media’s reporting of the trial. State Advocate Taswald July asked Judge Elton Hoff to order the media not to reveal the identity of the third witness the State intends to call.

The state’s prosecution team stressed the fact that they were neither asking for a total ban on the media reporting on the trial proceedings, nor on the publication of the testimony given by the witness.

Human rights and media activist however questioned the efficacy of the order, if granted, as it only seeks to prevent the media from reporting on and disclosing the identity of one of the witnesses. The public, however, is allowed free access to both courts and prisons.

All 120 treason suspects are in custody and being tried at Grootfontein.

South Africa



By Raymond Louw

Raymond Louw is Editor and Publisher of the weekly current affairs newsletter Southern Africa Report, deputy chairperson of the SA Chapter of MISA and an executive member of the FXI and the SA National Editors' Forum. He is also Africa Consultant for the World Press Freedom Committee.

Internet as weapon

The year 2004 will probably become noted for the manner in which a South African president used the Internet to attack his enemies. President Thabo Mbeki, thwarted in attempts to be given regular airtime on the TV and radio channels of the public service broadcaster, the SA Broadcasting Corporation, turned to the Internet site of the ruling African National Congress to present his personal weekly commentary on South African affairs. Under the heading of 'Letter from the President', he gave free reign to views which ranged from attacks on the country's leading businessman to sniping at anti-apartheid icon Archbishop Emeritus and Nobel peace laureate Desmond Tutu.

On occasion he has snarled at journalists for real or imagined slights, naming them and detailing his view of their failings. The tone was acerbic and bore witness to the strained relationships between the state and the media in a country where freedom of the media is one of the cornerstones of the Constitution dutifully upheld by the leaders of the governing party - but without much pleasure.

Slamming doors

The intolerant attitude of the government to the media was demonstrated by parliament ordering the eviction of parliamentary Press correspondents from the 26 offices they had occupied in the building for nearly 100 years and accommodating them in an adjoining building. Parliamentary officials said they required the space for translators and other staff and paid no attention to complaints by the journalists that they feared their access to politicians in the lobby would be diminished. When the media was originally housed in Parliament the view was expressed that journalists should have maximum access to the politicians and as a result their quarters were placed close to the debating chamber.

Among the lower ranks of authority, the media was frequently treated with intolerance. Journalists were, on occasion, abused, harassed, accused of working in concert to secret agendas to discredit the government and Mbeki or even physically attacked. The police have frequently shown reluctance to respond to complaints from journalists.

Presidential Press Corps or government propaganda?

The Presidential Press Corps set up in the early part of the year to allow the media greater access to the presidency was in being for only a short period and then fell into disuse as journalists felt that they had little to gain from it. An attempt is being made to revive it but journalists are suspicious of the government's approach to the facility: they fear it is purely propagandist rather than one which would enable the imparting of informed background information.

Government competes with media

Some authorities at provincial and local authority levels reacted angrily to critical reports in the media by barring reporters from access to sources of information and some, such as the

eThekweni (Durban) municipality and a local council in Oudtshoorn in the Cape withdrew advertising as a mark of their disapproval. Journalists have also noted a growing tendency for local authorities to produce their own newspapers with advertising which competes with the established papers in general and the struggling community media in particular.

The former Justice Minister Penuell Maduna suggested that consideration should be given to a registration process for newspapers. The media immediately attacked this idea.

Gagging the media

The Freedom of Expression Institute noted at its annual general meeting that there was growing intolerance of freedom of expression with “creeping censorship” and with the authorities clamping down on public demonstrations, labelling them illegal and using force to break them up. At one demonstration in the Free State a 17-year-old student was killed and three policemen have been charged with murder.

FXI stated, “Journalists have been harassed, physically assaulted and threatened with death on account of their work. Courts have also been quick to issue interdicts or slap gagging orders against the media.”

The government continues to use apartheid-era laws to subpoena journalists in court cases or obtain the identity of their information sources, the FXI said. These remarks were echoed by the International Federation of Journalists which states that the situation in South Africa is a worrying trend given that the country is held as a model of democracy on the continent.

The FXI’s Anti-Censorship Programme elaborated on the rise in cases of state action against peaceful demonstrations and reported that 60 members of the Landless Peoples’ Movement were arrested on election day, April 14, for allegedly engaging in a political activity contrary to the Electoral Act. Four of the members alleged that while in police custody they were tortured, harassed and intimidated by members of the Crime Intelligence Services.

Rise of the tabloids - and the fall of This Day

During the year the recently instituted downmarket tabloid newspapers flourished with spectacular gains in circulation indicating that they had found a new market among people who appear not to have been newspaper readers. The Daily Sun offers sex, crime, scandal and sport, and it rapidly outstripped the established titles with circulation climbing through the 200,000 mark (at time of writing it was heading for 400,000). At the other end of the scale, This Day, an ambitious upmarket daily started by a Nigerian proprietor, crashed after a year as funding ran out to the anguish of its 100,000-plus readers (circulation about 27,000).

The end came shortly after 92 serving and former ANC members of parliament threatened to sue the newspaper for R48-million (US \$7.4-m at the time) for publishing their names as people under investigation by the police for defrauding Parliament of millions by misuse of travel allowances. Later several travel agents were arrested and charged and five MPs were convicted in court and fined.

Painting journalists as terrorists

Anti-Terrorism legislation which was postponed because the labour federation, Cosatu (Congress of SA Trade Unions) threatened a strike, has finally be passed under the title, Protection of Constitutional Democracy Against Terrorist and Related Activities Act, causing apprehension among journalists. Among their concerns are the wide definition of terrorist activity which

could be applied to an illegal demonstration (illegal because the police have not given permission), clauses which place the onus on an accused to prove innocence and which turn ordinary members of the public into police informers, requirements that could impinge on journalists' confidential sources and presidential powers to declare people or institutions terrorists.

The Hate Speech Bill has also been opposed because of the impact it could have on media freedom. Provisions for exempting reporting of such speech in the public interest are rightly regarded with suspicion.

Attempts by media organisations to engage with government on ridding the Statute Book of apartheid-era legislation, originally begun 10 years ago, have not progressed during the year.

Hitting a brick wall: media development

The Media Development and Diversity Agency began working in earnest and stated in its annual report to Parliament that there had been requests for support totalling R40-million (nearly US \$7-m) and approved payment of R3.6-m (about \$500,000) to 19 projects since January. The Board refused 24 applications, either because they came from unlicensed radio stations or because they did not meet the criteria.

Media organisations expressed concern at what they regarded as an attempt by the government to muzzle media reporting of alleged plots to blow up buildings in SA which emanated from police investigating terrorist activity in Pakistan. Two South Africans had been arrested in a shoot out with terrorists and were alleged to have documents indicating plans to blow up buildings in SA.

At a meeting on August 4 the SA cabinet stated that the government expressed its "outrage" at the manner in which reports about these terrorist plots were aired "without any credible substantiation from security agencies in our country and in Pakistan". The cabinet called on the media "to exercise restraint in dealing with these matters, by ensuring that reports on these issues are based on fact, and do not lead to unwarranted alarm among the public". Journalists were angered because authorities refused to comment and pushed them from one agency to another when they tried to substantiate the reports. Earlier the country had been told by the police commissioner that police had foiled an al-Qaeda plot to disrupt elections. The media regarded the government's action as threatening and an unwarranted attempt to coerce reporters into self-censorship of important news.

Protecting sources

An editor was stunned to read that records of his mobile phone calls had been handed in at a court case without his knowledge. He protested at the implication that his phone records, which may reveal the identity of his sources, could be "willy-nilly" subpoenaed in court. This, he declared, could compromise the media's ability to protect sources and could have a "chilling" effect on those sources. He wondered at the implications of such powers on private e-mail correspondence and transmissions.

Taking on the corporate world

The FXI reported on cases of internet -based censorship where corporations were increasingly threatening to take or actually taking legal action against satirical websites and others for "trademark" infringement. South Africa's telecommunications giant Telkom threatened to sue the owners of a website dubbed "Hellkom", for R5-m (nearly US \$1-m), after the site parodied both the company's name and keypad logo and reported cases where the companies had seriously failed in providing services. The site also serves as a forum to air grievances among clients

dissatisfied with the company's products and low-level of performance.

So far Telkom has not followed up its threat of legal action though the site has continued to attract a great deal of public interest and support.

The FXI also intervened as a "friend of the court" in a Supreme Court of Appeal case brought by SABMiller, the world's fifth largest brewer, against Cape Town satirical T-shirt maker Justin Nurse for using the words "Black Labour White Guilt" as a commentary on the beer company's popular Black Label brand on T-shirts. The matter was still before the courts in early 2005.

The company claims improper use of registered trademarks and violation of the country's trademark and intellectual property law.

SABC as government puppet

Complaints that the public broadcaster, the state-owned South African Broadcasting Corporation was increasingly turning into a state propagandist, especially on its TV channels, were heightened by reports from anonymous staff members at the SABC that instructions had been issued that President Mbeki and/or cabinet ministers had to appear at least four times in news bulletins.

Observers have noted that the composition of the SABC's board of governors is overwhelmingly ANC oriented — the chairman is the former head of an ANC committee which selected the party's parliamentary and provincial government candidates in elections while the "managing director" of news, Dr Snuki Zikalala, is the former spokesman for the national Ministry of Labour who proudly proclaims his membership of the party.

Another indicator of close contact between the broadcaster and the government is the frequent references made by the chief executive officer to "consulting with the SABC's shareholder" on issues, the shareholder being the government.

Hard realities

The community media sector, both print and broadcast, struggle to survive in a climate where advertising is difficult to obtain. In addition, community radio stations complain about delays in the granting of licences.

Coverage of the news in the print media is variable, with staffing cuts having reduced the ability of newsrooms to cover stories. A telling commentary on this situation is the poor attendance of reporters at the bi-monthly meetings of the Johannesburg City Council, one of the largest municipalities on the Continent. On occasion the reporters' gallery is deserted.

África do Sul



Por Raymond Louw
Traduzido por Rui Correia

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Internet como arma

O ano 2004 provavelmente tornar-se-á notável pela maneira como um presidente sul-africano usou a Internet para atacar os seus inimigos. O Presidente Thabo Mbeki, que foi impedido de gozar de tempo de antena normal na televisão e nos canais de rádio da emissora de serviço público, a South African Broadcasting Corporation (SABC), virou-se então à 'website' de internet do Congresso Nacional Africano, partido no poder, para apresentar o seu comentário semanal pessoal sobre actualidades sul-africanas. Sob o título de "Carta do Presidente", deu rédeas livres às suas impressões, que variaram de ataques aos grandes empresários do país e até incluíram comentários venenosos contra o ícone do anti-apartheid, Arcebispo Desmond Tutu, Laureado Emeritus do Prémio Nobel da Paz.

Por vezes, já rosnou contra jornalistas, por pequenas ofensas, reais ou imaginárias, identificando-os por nome e dando a sua opinião dos seus fracassos em detalhe.

O tom era áspero, comprovando relações tensas entre o estado e a comunicação social, num país onde a liberdade da comunicação social é um dos alicerces da constituição, devidamente respeitada pelos líderes do partido no poder - mas sem muito prazer.

Batendo com as portas

A atitude intolerante do governo para com a comunicação social foi demonstrada pela Assembleia Nacional que exigiu a expulsão dos correspondentes de Imprensa Parlamentar dos 26 escritórios que estes ocupavam no edifício há quase 100 anos, e alojando-os num edifício ao lado. Assessores parlamentares disseram que o espaço era necessário para alojar os tradutores e outros funcionários. Não deram sequer ouvidos às queixas dos jornalistas que receavam que o acesso aos políticos no vestíbulo fosse diminuído. Quando a comunicação social foi originalmente abrigada na Assembleia Nacional, foi dito que os jornalistas deviam ter o acesso máximo aos políticos e por isso tinham sido alojados perto da câmara de debate.

Entre os funcionários com menos autoridade, a mídia foi frequentemente tratada com intolerância. Ocasionalmente, os jornalistas foram abusados, assediados, acusados de trabalhar em concerto com agendas secretas para desacreditar o governo e o Mbeki - e até mesmo atacados fisicamente. Com bastante frequência, os policiais demonstraram relutância em reagir às queixas dos jornalistas.

Corpo de imprensa presidencial ou propaganda do governo?

O corpo de imprensa presidencial criado no começo do ano para permitir à comunicação social mais acesso à presidência operou por muito pouco tempo, pois os jornalistas sentiam que tinham pouco a ganhar. Uma tentativa de ressuscitar esse órgão é vista com suspeita por parte dos jornalistas. Estes receiam que o sistema é puramente propagandista e não um que proporcionaria informação fidedigna de fundo.

O governo em concorrência com a comunicação social

Alguns dirigentes ao nível de autoridades provinciais e locais reagiram com irritação a reportagens críticas na mídia, bloqueando os repórteres de terem acesso a fontes de informação. Algumas - tais como a Câmara Municipal de eThekweni (Durban) e a câmara do conselho local de Oudtshoorn na Província do Cabo retiraram anúncios do governo na mídia, para mostrarem o desagrado. Os jornalistas também notaram uma tendência crescente entre as autoridades locais de produzirem os seus próprios jornais com anúncios, concorrendo com os jornais existentes, mas especialmente a mídia comunitária, que luta para sobreviver.

O antigo Ministro da Justiça, Penuell Maduna, chegou a sugerir que se pensasse num registo de jornais. A ideia foi imediatamente atacada pela comunicação social.

Amordaçando a comunicação social

O Instituto para a Liberdade de Expressão (FXI) realçou durante a sua assembleia geral anual que se verificava uma intolerância crescente contra a liberdade de expressão, notável pela “censura alastrante” e com actos de repressão por parte das autoridades no controlo de demonstrações públicas. Tais eventos, são rotulados de ‘ilegais’ e força é usada para os dispersar. Numa demonstração no Free State [uma das 9 províncias do país - N.T.], um estudante de 17 anos foi morto e três policiais foram acusados de assassinato.

O FXI declarou que “jornalistas têm sido assediados; foram fisicamente agredidos; e ameaçados com a morte - tudo, por causa do seu trabalho. Os tribunais também não têm hesitado em conceder liminares ou ordens judiciais contra a comunicação social”.

O governo continua a usar leis da era do apartheid para chamar jornalistas a tribunal ou para obter a identidade das suas fontes de informação, disse o FXI. Observações como estas foram também feitas pela Federação Internacional de Jornalistas, que indicou que a situação na África do Sul demonstrava uma tendência preocupante, especialmente visto que o país é tido como um modelo de democracia no continente.

O Programa Anti-Censura do FXI (Anti-Censorship Programme) pesquisou o aumento de casos de acção do estado contra demonstrações pacíficas e relatou que 60 membros do Movimento de Pessoas sem Terra foram detidos no dia das eleições, 14 de abril, por supostamente envolverem-se numa actividade política proibida pela Lei Eleitoral. Quatro dos membros alegaram que durante a detenção foram torturados, abusados e ameaçados por membros dos Serviços de Inteligência Criminal.

Ascensão dos tabloids - e a queda do This Day

O ano sob revista foi espectacular para os jornais ‘tabloid’, que surgiram recentemente para o mercado popular. Estas publicações cresceram, com aumentos formidáveis em circulação, que indica que encontraram um novo mercado de membros do público que - tudo indica - não eram leitores de jornal. O diário Daily Sun oferece uma dieta de sexo, crime, escândalo e desporto e rapidamente ultrapassou os títulos estabelecidos com uma circulação que já ultrapassou o marco dos 200.000 (ao escrever este artigo, estava bem a caminho dos 400.000). No extremo oposto da escala, This Day, um diário ambicioso destinado ao mercado sofisticado - lançado por um empresário nigeriano - faliu depois de um ano, com problemas financeiros. O desaparecimento foi lamentado pelos mais de 100,000 leitores (circulação aproximadamente 27.000).

O fim veio rápido, depois que 92 membros do ANC - antigos e actuais membros da Assembleia Nacional - ameaçaram processar o jornal por 48 milhões de randes (na altura, US\$ 7.4 milhões)

por ter publicado os seus nomes, como estando eles sob investigação por defraudar a Assembleia Nacional em milhões pelo abuso do sistema de subsídios de viagem. Mais tarde, vários agentes de viagens vieram a ser presos e acusados. Cinco membros da Assembleia Nacional foram julgados culpados e multados.

Pintar jornalistas de terroristas

Legislação contra o terrorismo - que tinha sido adiada porque a Federação trabalhista, Congresso dos Sindicatos da África do Sul - COSATU), tinha ameaçado uma greve geral - foi finalmente aprovada. Com o nome de 'Lei sobre a Proteção da Democracia Constitucional contra o Terrorismo e Actividades Relacionadas', a nova lei causou apreensão no seio dos jornalistas. Entre as suas preocupações, está a definição ampla do tipo de 'actividade'. A definição poderia ser aplicada a uma demonstração ilegal (ilegal porque a polícia negou autorização). A lei contém provisões que: colocam a responsabilidade de provar a inocência no próprio acusado; fazem de membros do público informantes da polícia; podem comprometer as fontes confidenciais dos jornalistas; e concedem ao presidente o poder de declarar qualquer pessoa ou instituição de ser terrorista.

A projecto da Lei do Discurso de Ódio também foi oposto por causa do impacto que poderia ter na liberdade dos média. Provisões para isentar a reportagem de tal discurso no interesse público foram vistas com devidas suspeitas.

Tentativas da parte dos órgãos da comunicação social para engajarem o governo em limpar o Livro de Estatutos de toda a legislação da época do apartheid começaram há 10 anos. Neste ano, não houve progresso nenhum.

Batendo com a cabeça contra a parede

A Agência para o Desenvolvimento e Diversidade da Comunicação Social começou a trabalhar a sério e indicou no seu relatório anual à Assembleia Nacional que recebera pedidos de apoio no valor de 40 milhões de randes (quase US\$ 7 milhões), dos quais tinha aprovado 3.6 milhões (aproximadamente US \$500.000) para 19 projetos desde janeiro. O conselho recusou 24 propostas, ou recebidas de estações de rádio sem licença ou porque não obedeciam aos critérios.

Os órgãos da comunicação social expremiram preocupação sobre o que consideraram ser uma tentativa pelo governo de amordaçar a reportagem da mídia sobre uma suposta conspiração para provocar explosões em edifícios na África do Sul. A origem dessa informação foi a polícia do Paquistão, que no processo de investigar actividades terroristas no seu país, matou dois sulafricanos, supostos terroristas. Alega-se que os dois estavam em posse de documentos que continham planos para destruir edifícios na África do Sul.

Numa reunião a 4 de agosto, o Gabinete da África do Sul indicou que o governo se sentia 'ultrajado' pela maneira como as notícias sobre a conspiração terrorista tinham sido reportadas, sem nenhuma prova das agências de segurança na África do Sul ou no Paquistão. O Gabinete apelou à comunicação social a 'exercer' prudência em tratar destes assuntos, verificando que reportagens sobre assuntos como este fossem baseados em factos, e não provocassem alarme desnecessário entre o público". Os jornalistas zangaram-se, pois autoridades tinham-se recusado a comentar e tinham-nos empurrado de uma agência para outra, quando tentavam substanciar as notícias. Antes disso, o país tinha sido informado pelo comissário da polícia que policiais tinham frustrado um conspiração da al-Qaeda para interromper as eleições. A comunicação social considerou a acção do governo como ameaçadora e uma tentativa desnecessária para forçar repórteres a auto-censurarem uma notícia importante.

Protecção de fontes

Um editor ficou pasmado ao ler que os registos das suas chamadas de telemóvel tinham sido entregues ao tribunal como prova num processo sem o seu conhecimento. O editor protestou o facto que os seus registos do telefone podiam ser pedidos em tribunal sem mais nem menos, lembrando que estes podiam revelar a identidade das suas fontes. Isto, declarou ele, podia comprometer a capacidade dos média de proteger as suas fontes, com um efeito ‘arrepiaante’ nessas mesmas fontes. Ele quis saber quais as implicações de tais poderes na correspondência por email e outras transmissões privadas.

Desafiando o sector corporativo

O FXI divulgou casos de censura da internet, envolvendo empresas que cada vez mais estavam ameaçando recorrer à justiça - ou já o tinham feito - para instituir processos contra websites satíricas e outras por supostamente desrespeitarem os direitos de ‘marca registada’. A gigante do sector das telecomunicações na África do Sul, Telkom, ameaçou processar por 5 milhões de randes (quase US\$ 1 milhão), os proprietários de uma website chamada “Hellkom”, depois que esta parodiou o nome e o emblema da empresa [‘hell’ significa ‘inferno’ - N.T.]. A website relata casos sobre o sério falhanço das empresas em oferecer os serviços. A site serve também como um forum para os clientes que não estão satisfeitos com o baixo nível de desempenho da Telkom a articularem as suas queixas.

Até agora, a Telkom não procedeu com a sua ameaça de acção jurídica, embora a site continue a atrair muito interesse e apoio do público. Na sua capacidade de ‘amigo do tribunal’, o FXI interveio também num caso no Tribunal Supremo de Apelação, onde a SABMiller, quinta maior fabricante de cerveja do mundo, processava um fabricante de t-shirts satíricas da Cidade do Cabo. O fabricante tinha usado as palavras ‘black labour, white guilt’ (trabalho preto, culpa branca) em t-shirts como trocadilho referente à marca de cerveja Black Label. O caso estava ainda perante os tribunais no começo de 2005.

A companhia reivindica o uso impróprio de marcas registadas e da violação da lei da marca registada e propriedade intelectual.

SABC como fantoche do governo

Queixas que a emissora pública SABC estava cada vez mais a transformar-se numa arma propagandista do estado - especialmente nos canais televisivos - aumentaram quando surgiram informações de funcionários anónimos que a SABC tinha recebido instruções que o presidente Mbeki e/ou ministros do seu gabinete tinham que aparecer pelo menos quatro vezes em boletins de notícias.

Observadores já fizeram referência ao facto que a composição do conselho da SABC é extremamente inclinada para o ANC. O presidente é o antigo presidente de um comité do ANC, encarregado da escolha de candidatos para a Assembleia Nacional e para as eleições provinciais. Ao mesmo tempo, o ‘director executivo’ de notícias, Dr. Snuki Zikalala, foi porta-voz do ministério nacional do trabalho e proclama orgulhosamente que é membro do partido.

Mais outro indício do contacto íntimo entre a emissora e o governo são referências frequentes feitas pelo director geral executivo da necessidade de “consultar o ‘accionista’ da SABC”. Neste caso, o ‘accionista’ seria o governo.

Realidades duras

O sector da comunicação social comunitária, a imprensa e radiodifusão, estão lutando para

sobreviver num clima onde publicidade está difícil de obter. Além disto, estações de rádio comunitárias queixam-se de atrasos na concessão das licenças.

A cobertura de notícias na comunicação social escrita é variável, com cortes nos recursos humanos, que reduzem a capacidade dos jornalistas de reportarem sobre os acontecimentos. Uma observação ilustrativa da situação é o raro comparecimento dos repórteres nas reuniões do conselho de cidade de Joanesburgo, uma das maiores municipalidades no continente. Por vezes, a sala dos repórteres está vazia.

• **ALERT**

Date: February 17, 2004

Persons/Institutions: Mpumi Phaswa

Violation(s): Beaten

On February 17 2004, South African Broadcasting Corporation (SABC) photographer Mpumi Phaswa was allegedly assaulted by relatives of the Joseph Zitha, the mastermind behind a criminal syndicate suspected of selling paroles to inmates in Barberton.

The attack took place in full view of members of the public outside the Magistrate's Court when the photographer attempted to take a picture of Joseph Zitha, an officer in the local Correctional Services Department and the suspected mastermind behind the criminal syndicate.

• **ALERT**

Date: April 1, 2004

Persons/Institutions: Frans Van der Merwe

Violation(s): Threatened

On 1 April 2004, during a protest march in the town of Makhado, Inspector K.M. Mulaudzi, a member of the Thohoyandou Police's Anti-Crime Combat Unit, reportedly threatened to beat journalist Frans Van der Merwe who works for the "Limpopo Mirror" and "Zoutsopansberger", because he told the officer he was "talking nonsense." The incident allegedly followed an altercation between the journalist and Mulaudzi. The inspector had approached Van der Merwe and a media colleague, Andries Jacobus van Zyl, wanting to know why they had "instructed" an operator to stop loading two tractors onto a police truck. The journalists denied giving such instructions, saying instead that they had merely asked the operator why the tractors were being loaded onto the police truck.

Inspector Mulaudzi aggressively told Van der Merwe that he would "take off his uniform and kick him [and] he can go to the station and lay a charge." When the journalist asked Mulaudzi to identify himself, as required by law, the inspector refused to do so. He only later agreed to disclose his name when asked by his commanding officer. A charge of "intimidation" was eventually laid at Makhado police station.

• **ALERT**

Date: April 23, 2004

Persons/Institutions: Media in South Africa

Violation(s): Threatened

MISA South Africa is urging the State to stay its order to relocate the Parliamentary Press Gallery Association (PPGA) to new premises. Parliamentary journalists and correspondents were threatened with eviction should they fail to relocate to new offices outside the legislature's precinct this week. Secretary of Parliament, Sindiso Mfenyana issued a notice to all PPGA members demanding parliamentary correspondents vacate their offices by noon of Friday April 23 - the eve of the election of the President - or face legal action. The notice reneges on the letter and spirit of an agreement brokered between the Secretary of Parliament and the PPGA last year. The agreement, which took two years to negotiate saw the PPGA relinquish ten of its 26 offices to make way for Parliamentary Services. Now, barely a year later the PPGA have been given marching orders again.

In a statement, the PPGA wrote that it will not relocate offices in Plein Street, about a three minute walk away, as the venue is "unsafe" and the location is an impediment to its work. They regard that the Secretary of Parliament entered into the 2003 agreement in bad faith.

Division Manager for Parliament, Lionel Klassen told MISA-SA that the relocation of the press was mitigated by the re-opening of parliament and the need for space for Parliamentary Services. He also said that the ANC's new majority means they would need more offices.

However, the Secretary's first notice to vacate was sent on February 25 - long before anyone could predict the election result.

The South African Chapter of the Media Institute of Southern Africa (MISA-SA) has urged the PPGA and the Secretary of Parliament to return to the bargaining table to discuss this issue to the benefit of all. It is untenable for the State to compromise the ability of the fourth estate to report freely. Parliamentary correspondents often have to cover meetings of parliament and committee meetings - making the location of their offices of prime importance for timely access. It is also unfair for the state to burden taxpayers with the legal costs of defending eviction orders for individual parliamentary correspondents and their parent companies in court. Moreover, the PPGA has occupied offices in the heart of parliament since 1910.

• **ALERT**

Date: August 4, 2004

Persons/Institutions: The media in South Africa

Violation(s): Threatened

At a meeting on August 4, the South African cabinet stated that the government expressed its "outrage" at the manner in which reports from Pakistan about alleged terrorist plots to target buildings and sports and tourist venues in South Africa were aired "without any credible substantiation from security agencies in our country and in Pakistan".

The cabinet called on the media "to exercise restraint in dealing with these matters, by ensuring that reports on these issues are based on fact, and do not lead to unwarranted alarm among the public". The SA media acted on reports from Pakistan by the reputable French news agency, Agence France-Presse, and against a background where the country had been told earlier by national police commissioner Jackie Selebi, backed up by government ministers, that the SA police had foiled an al-Qaeda plot to disrupt the country's April general elections and had arrested and deported the suspects.

Before publishing the latest plot allegations, journalists had called the presidency and other government departments who referred them to security agencies which refused to comment on the record. When one newspaper eventually persuaded two government spokesmen to comment officially, they said they had no official confirmation of the threats.

• **ALERT**

Date: September 3, 2004

Persons/Institutions: This Day newspaper

Violation(s): Threatened

South Africa's ruling African National Congress (ANC) and 92 of its serving and former members of parliament, including four cabinet ministers, have threatened to sue "This Day" newspaper for ZAR48 million (approximately US\$ 7,4 million) for publishing a list of names in connection with the parliament's travel voucher investigation. The list appeared in the newspaper on September 2, 2004.

The lawyers of the ruling party claim that unverified statements had been made in the article to mean, among others, that "the ANC is not fit to govern the country as its public representatives are corrupt and guilty of criminal conduct..." As a result, the ANC and its leadership named in the latter are demanding an unconditional retraction of the article and written apologies to all the allegedly injured parties.

The ANC action has been condemned by media freedom organisations including the South African chapter of Media Institute of Southern Africa (MISA) South Africa Chapter and the International Federation of Journalist (IFJ). This Day editor, Justice Malala said the threatened lawsuit is "nothing but bullying on the part of the ruling party".

Swaziland



By S'bongiseni Mamba

S'bongiseni Mamba is an independent writer and communication consultant. He is a Master of Arts candidate at Rhodes University in Grahamstown, South Africa.

Preamble

Compared to the period between 2001 and 2002, there has been notable 'calm' in the Swaziland media landscape during the last two years. However, while there was more hope in 2003 that peace and stability were within reach for journalists, the same cannot be said about 2004.

A culture of silence

Inconsistencies prevailed in 2004, in an environment that was characterised by contradictions in the relations between the government and its agents, and among journalists themselves. Market forces also played an important role in creating an unpredictable environment, especially for small industry players. Unlike the period between 2000-2002 where the media and government were at constant loggerheads, with the latter harassing, intimidating and closing down media organisations that did not 'tow the line', Swazi journalists practiced in a relatively violence-free environment in 2004. However, this is not to suggest that there was peace and stability in the industry. There was silence because, as observers suggest, the culture of self-censorship by most journalists and their organisations, on the one hand, and subtle forms of state intimidation, on the other, persisted.

Self-censorship

Suggesting that all was well for journalists would also be inaccurate as most of the outstanding issues from the volatile period remained unresolved in the year under review. Media freedom is still curtailed by legislation such as the Proscribed Publication Act (1968) which saw the banning of two publications in 2001. State oppression and intimidation was prevalent although it assumed a subtle form.

Self-censorship in Swaziland is enforced by unwritten cultural rules that restrict conduct. The media are often subjected to such often ambiguous rules and their limitations. According to these rules, certain public figures and institutions are exempted from media and public scrutiny. These are enforced mostly by traditional authorities who have power to declare what is "unSwazi" and what is not. In a society that still holds strongly onto its culture, traditional and cultural rules force journalists to tread carefully and cautiously when conducting their duties.

Constitutional change - but no real progress

The constitution-making process entered a crucial stage last year, when the Justice Minister delivered the draft report at Ludzidzini Royal Kraal to hundreds of Swazis who had heeded royal summons to the traditional capital. It had been hoped in the media and other social institutions that the constitution would usher in a new dispensation and extend civil and political rights previously curtailed, especially since the 1973 Decree was enforced. It is important to note that although there are very few laws that specifically regulate the media in Swaziland, the work of journalists is restricted by various legislations. These include the April 12 1973 Decree, which restricts freedoms of association, assembly and expression that have a direct bearing on the media and their operations. The draft constitution, one journalist remarked, brings no changes to the status quo. Human rights and pro-democracy groups have described the draft constitution as more restrictive than expansive.

Fear and loathing

There were no attempts by the government to pass legislation that restricted media operation in the year under review, nor were there commitments towards revoking existing laws that infringe freedom of expression. Journalists continued to operate in an uneasy, unpredictable and hostile environment. There were reported cases of threats, intimidation and assault from security forces and other state officials. A reporter from the Times of Swaziland was assaulted by a 'friend' of a senator following the former's article on the latter's alleged adulterous affair. A member of parliament assaulted a reporter from the Swazi Observer who had attempted to interview him. Among the law enforcement agents, Swazi police are constant violators of press freedom in Swaziland, and 2004 was no different. Two journalists from the Times of Swaziland were manhandled and harassed by police while covering a political march organised by the Swaziland Youth Congress and its mother organisation, the People's United Democratic Movement. Both political parties are banned in terms of Swaziland's 1973 King's Decree.

Even the legislature had its share of freedom violation. There were attempts by certain members of parliament to restrict journalists' reporting in the legislature. One MP, a former journalist, was overruled by the Speaker of the House of Assembly when he moved a motion to have a journalist reprimanded for writing a supposedly contemptuous article.

Getting involved

In what was largely viewed by local journalists as a positive move, the government invited senior journalists and editors to form part of the national Smart Dialogue organising committee held at Ezulwini valley early last year. The dialogue was government's attempt to include civil society and business organisations in addressing social, economic and political problems in the country. Newspaper headlines and editorials, radio and television bulletins applauded the state's recognition of the media's role in the exercise, which was also attended by King Mswati III. There were, however, concerns that journalists were overwhelmed by the honour and compromised their responsibility to critique some of the issues that emerged from one of the most important national events of the year. In fact, senior journalists dedicated vast spaces and airtime in their publications and broadcasts to question and explain why one journalist who was supposedly anti-monarchy was allowed to sit next to the King.

A lack of support

Like other social and professional institutions, it is often expected that journalists will show solidarity and unity of purpose in hostile times to fight for and defend their rights. However, journalists in Swaziland have extended very little, if any, sympathy towards fellow journalists and media organisations that fall victim to state hostility. That unity is strength is yet to be fully embraced and articulated by Swazi journalists. Journalists and editors from the mainstream media are the worse culprits. In a rush for 'scoops', journalists, mainly from Times of Swaziland and the Swazi Observer fall into the trap of nullifying their competitor's news stories. As a result, there is a growing tendency by some people to rush to the rival newspaper to correct or protest a story. This trend persisted in the year under review.

Media organisations and voices

At institutional level, there were notable attempts to articulate journalists' interests, however limited these have become. SNAJ, the journalists' association was 'revived' in 2004, for the second time in four years, following a failed re-launch in 2000. Among several weaknesses of the association since inception, it has been observed that it fails to mobilise itself organisationally, hence its failure to attract a strong membership. Another argument is that journalists have become an apathetic, divided force. The association itself has come under fire for its failure to

market itself and recruit members.

New publications

There is no available data to measure consumer patterns in the Swazi media industry. As a result it is difficult to describe or explain market behaviour, in particular the success or failure of new and old media organisations. There has been an increasing entry of new publications into the market in the past few years. Most fail, however, to capture readers, leading to their ultimate exit. Most have no capital and skills support, and fail to find a niche in the market. Among surviving new publications in 2004 were *Siyavena*, a sports magazine, *The Voice* newspaper and *Youth Connexion*, which are battling to stay afloat. In the broadcast media, the Swaziland Broadcasting and Information Services enjoyed an uncontested monopoly in radio, with attempts by the Lubombo Community Radio to obtain a license hampered by broadcasting legislation.

The State-owned Swaziland Television Broadcasting Corporation employed a new chief executive officer, a former radio journalist and university lecturer who immediately introduced new administrative and operational changes, creating a new image for the station that is increasingly losing viewers to South African Broadcasting Corporation that Swazis receive through digital satellite television. There were reports of hostility between the new man at the helm and a former member of staff who now owns Channel S, a private television station over questionable unregulated access previously enjoyed by the latter over the station's resources. Whether related to the new changes at STBC or simply due to reports of financial difficulties, it has been widely observed that Channels S is struggling to survive. Conversely, STBC is slowly regaining its lost image and is said to be attracting more viewers. Transworld radio, a Christian radio station, retrenched some staff members following a petition against a member of management.

A need for critical journalism

While few incidents of aggressive investigative journalism were noted in 2004, Swazi journalists are predominantly less critical, celebratory and conventional. With a few exceptions where the state has been embarrassingly exposed, particularly for its uncontrolled spending, fancy lifestyles of state and government leaders dominate newspaper headlines and news bulletins, and 2004 was no exception. When King Mswati III bought himself an expensive state-of-the-art vehicle amid a public outcry and international condemnation, some journalists were quick to argue that the King had used his personal funds and opposing voices received limited media coverage. Certain journalists and editors have assumed a gate keeping role, and stop at nothing to oppose foreign media's criticism of the country's leadership.

Conclusion

There were no success stories in 2004 in the industry. The struggle for a free media continued, in an unpredictable environment. The fact that there were no bans, suspensions or threats to close down any media organisation as in previous years, should not be interpreted as a change of heart by the Tinkhundla government. It still has in its statutes, laws whose mere existence is a threat to free press. It has not committed itself to upholding journalists' rights and the freedom to collect and disseminate information. The draft constitution is a missed opportunity in as far as freedom of expression is concerned, particularly in light of its limiting approach. At the close of 2004, the Swazi media landscape remained a dangerous terrain for journalists as subtle forms of oppression and isolated incidents of intimidation were witnessed. Swazi journalists face a daunting challenge of creating a space that is conducive to the articulation of their threatened interests and freedom.

Suazilândia



Por S'bongiseni Mamba

Traduzido por Rui Correia

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Introdução

Comparado com o período entre 2001 e 2002, houve 'uma calma notável' na paisagem dos média da Suazilândia durante os últimos dois anos. No entanto, enquanto houve mais esperança em 2003 que paz e estabilidade estivessem ao alcance dos jornalistas, o mesmo não se pode dizer de 2004.

Uma cultura de silêncio

As inconsistências prevaleceram em 2004, num ambiente que ficou caracterizado por contradições nas relações entre o governo e seus agentes, e entre os próprios jornalistas. As forças de mercado também desempenharam um papel importante em criar um ambiente imprevisível, especialmente para os pequenos operadores do sector. Ao contrário do período entre 2000-2002, durante o qual a mídia e o governo estiveram constantemente num braço-de-ferro - o governo perseguiu, intimidou e fechou órgãos da mídia que 'não obedeciam a regra' - os jornalistas Suazis puderam operar num ambiente relativamente livre de violência em 2004. No entanto, não queremos com isto sugerir que houve paz e estabilidade no sector. Houve um silêncio porque, como os observadores sugerem, continuaram a prática e a cultura da auto-censura pela maioria dos jornalistas e suas organizações, por um lado, e formas subtis de intimidação pelo estado, por outro lado.

Auto-censura

Seria também incorrecto sugerir que tudo correu bem para a classe jornalística, visto que a maioria das questões proeminentes deste período instável ficaram por resolver no ano sob revista. A liberdade da mídia continua cerceada pela legislação tal como a Lei sobre Publicações Proscritas (1968), responsável pela proibição duas publicações em 2001. Opressão e intimidação por agentes do estado foram constantes, embora assumiram uma forma mais subtil.

A auto-censura na Suazilândia é reforçada por regras culturais que não existem escritas que restringem o comportamento. Os média são frequentemente sujeitados a tais regras, muitas vezes ambíguas e a que trazem as suas limitações. De acordo com estas regras, determinadas figuras e instituições públicas estão isentas do escrutínio da mídia e do público. Estas regras são reforçados na maior parte dos casos pelas autoridades tradicionais que têm o poder de declarar o que é 'não-Suazi' e o que não o é. Numa sociedade que ainda se prende tão fortemente à sua cultura, regras tradicionais e culturais forçam jornalistas a pisar com cuidado e cautelosamente ao praticar as suas funções.

Mudança constitucional - mas nenhum progresso real

O processo de elaboração da constituição entrou numa fase crucial o ano passado, quando o ministro da justiça fez a entrega do relatório-projecto na Sanzala Real de Ludzidzini, a centenas de Suazis que tinham obedecido a convocação para comparecerem na capital real tradicional. Tinha-se esperado na mídia e noutras instituições sociais que a constituição iria introduzir um novo sistema e estendesse os direitos civis e políticas até então cerceados, especialmente desde

que o decreto de 1973 entrou em vigor. É importante dizer que embora haja muito poucas leis que regulam especificamente a mídia na Suazilândia, o trabalho dos jornalistas está restringido por várias áreas de legislação. Estas incluem o Decreto 12 de abril de 1973, que restringe o direito à liberdade de reunião e associação, e liberdade de expressão, que têm uma influência directa na mídia e nas suas actividades. Um jornalista observou que o projecto de constituição não trazia nenhuma mudança ao status quo. Grupos de direitos humanos e grupos pró-democracia descreveram o projecto de constituição como sendo mais restritivo do que expansivo.

Medo e ódio

Não houve nenhuma tentativa pelo governo de aprovar alguma lei que restringisse as actividades da mídia no ano sob revista. Ao mesmo tempo, também não houve nenhuma demonstração de vontade em revogar as leis existentes que infringem a liberdade de expressão. Os jornalistas continuaram a operar num ambiente inquieto, imprevisível e hostil. Houve relatos de casos de ameaças, de intimidação e de agressão corporal por membros das forças de segurança e outros agentes de estado. Um repórter do Times of Swaziland foi agredido por um 'amigo' de um senador, por ter escrito um artigo sobre uma suposta aventura adúltera. Um membro da Assembleia Nacional agrediu um repórter do Swazi Observer que o tinha tentado entrevistar. Entre os agentes de aplicação da lei, os policiais Suazis violam constantemente a liberdade da imprensa na Suazilândia, e 2004 não foi diferente em nada. Dois jornalistas do Times of Swaziland foram brutalizados e perseguidos por policiais enquanto cobriam uma passeata política organizada pelo Congresso da Juventude da Suazilândia e a sua organização mãe, o Movimento Popular Democrático Unido. Ambos estes partidos políticos estão proibidos nos termos de Decreto Real de 1973.

Até a própria legislatura teve o seu quinhão de violações de liberdade. Houve umas tentativas por determinados membros de Assembleia Nacional de cercar o trabalho dos jornalistas na legislatura. Um membro - que já tinha trabalhado como jornalista - propôs uma moção de censura a um jornalista que tinha escrito um artigo que ele achou desrespeitoso. O Presidente da Assembleia rejeitou a moção.

Envolver-se

No que foi interpretado pela maioria dos jornalistas Suazis como uma iniciativa positiva, jornalistas séniores e editores foram convidados pelo governo a fazer parte do Comité Organizador do Diálogo Inteligente Nacional que teve lugar no Vale de Ezulwini o ano passado. O diálogo foi uma tentativa do governo de incluir organizações da sociedade civil e do sector privado em procurar soluções para os problemas sociais, económicos e políticos no país. As manchetes e os editoriais dos jornais, boletins da rádio e da televisão - todos aplaudiram o reconhecimento pelo estado do papel da mídia nesta actividade, onde esteve presente o próprio Rei Mswati III. Houve, no entanto, preocupações que o 'choque' causado pela honra de ser convidado fosse tão grande, que os jornalistas comprometessem a sua responsabilidade de criticar algumas das questões que emergessem num dos eventos nacionais mais importantes do ano. De facto, jornalistas dedicaram bastante espaço nas suas publicações e tempo de antena nas suas emissoras para questionarem e explicarem porque foi permitido a um jornalista que supostamente é antimonárquico sentar-se ao lado do rei.

Uma falta de apoio

Como outras instituições sociais e profissionais, espera-se frequentemente que os jornalistas mostrem solidariedade e união de propósito em tempos adversos para lutarem e defenderem os seus direitos. No entanto, os jornalistas na Suazilândia demonstraram muito pouca - se alguma - simpatia - aos seus colegas jornalistas e aos órgãos de mídia que caem vítima da hostilidade

do estado. Que a união faz a força ainda está por ser aceite e devidamente articulado pelos jornalistas Suazis. Os jornalistas e os editores da mídia mainstream são os piores culpados. Na corrida pelas 'cachas' (scoops), jornalistas - principalmente do Times of Swaziland e do Swazi Observer caem na armadilha de fazerem as notícias dos concorrentes perderem valor. Em consequência, há uma tendência crescente entre certas pessoas de se apressarem ao jornal rival para corrigir ou protestar uma notícia. Esta tendência foi verificada no ano sob revista.

Órgãos e vozes da mídia

A nível institucional, houve umas tentativas notáveis de articular as preocupações dos jornalistas, por poucas que tais iniciativas sejam no presente. A SNAJ - Associação dos Jornalistas - foi ressuscitada em 2004, pela segunda vez em quatro anos, depois de uma tentativa fracassada de relançamento em 2000. Entre os diversos pontos fracos da associação desde que foi fundada, tem-se observado que não se mobiliza organizatoriamente, e daí a sua inabilidade em atrair uma base de membros forte. Um outro argumento é que os jornalistas ficaram uma força sem vontade. A associação já foi criticada pela sua inabilidade de se promover e recrutar membros.

Publicações novas

Não há nenhuns dados disponíveis para medir os hábitos dos consumidores no sector da mídia da Suazilândia. Por isso, é difícil descrever ou explicar o comportamento do mercado, especialmente os sucessos ou fracassos de órgãos de mídia - novos e velhos. Nos últimos anos, tem havido uma entrada crescente de publicações novas no mercado. A maioria, no entanto, não capturam os leitores, levando ao seu eventual desaparecimento. A maioria não têm nenhum apoio financeiro ou de gestão e não encontram um nicho no mercado. Entre as publicações novas que apareceram em 2004 e continuam a existir, temos Siyavena uma revista de desporto, os jornais The Voice e Youth Connexion, que estão com dificuldades. Na mídia radiofónica, os Serviços de Radiodifusão e Informação da Suazilândia gozaram de um monopólio seguro, com tentativas da rádio comunitária de Lubombo para obter uma licença, dificultada pela legislação que regula a radiodifusão.

A Emissora de Televisão da Suazilândia, pertencente ao estado nomeou um novo director executivo, um antigo jornalista de rádio e docente universitário, que imediatamente começou a introduzir mudanças administrativas e operacionais. As mudanças já estão a criar uma imagem nova para a estação que cada vez mais perde mais telespectadores para a emissora nacional da África do Sul, SABC, que os Suazis recebem através de televisão via satélite digital. Houve relatos de animosidade entre o novo homem ao leme e um membro anterior da equipe de funcionários que é agora o proprietário da Channel S, uma estação de televisão privada. Tratava-se de acesso questionável e não regulado por parte do funcionário a recursos da emissora. Relacionado ou não com as mudanças na STBC ou devido a dificuldades financeiras, observou-se que a Channel S está a viver problemas graves. Ao contrário, a STBC está a reconquistar lentamente a sua imagem perdida e já se fala que está a atrair mais telespectadores. Transworld Radio, uma estação de rádio cristã, despediu alguns dos seus funcionários depois de um abaixo-assinado contra um membro da gerência.

A necessidade de um jornalismo crítico

Embora tenham aparecido alguns casos de jornalismo investigativo agressivo em 2004, os jornalistas Suazis são predominantemente menos críticos, convencionais e gostam de assuntos positivos. Com algumas exceções embaraçosas para o estado - especialmente quando se trata da despesa descontrolada - os estilos de vida extravagantes do chefe de estado e líderes do governo dominam manchetes e boletins noticiosos dos jornais. Assim, 2004 não foi diferente em nada. Quando o Rei Mswati III comprou um veículo untra-moderno e caríssimo apesar de

reprovação pública e condenação internacional, alguns jornalistas não hesitaram em argumentar que o rei tinha usado fundos pessoais. As vozes que se opuseram não receberam muita cobertura na mídia. Certos jornalistas e editores desempenham por conta própria o papel de ‘controladores de informação’ e fazem de tudo para combater as críticas da mídia estrangeira à liderança do país.

Conclusão

Não houve nenhuma história de sucesso em 2004 no sector dos mídia. O esforço por uma comunicação social livre continuou, num ambiente imprevisível. O facto que não houve nenhuma proibição, suspensão ou ameaça de encerramento de um órgão de mídia como nos anos anteriores, não deve ser interpretado como uma mudança do coração pelo governo de Tinkhundla. Existem leis cuja mera existência é uma ameaça à imprensa livre. O governo ainda não se comprometeu a defender os direitos dos jornalistas e a liberdade de procurar, receber e difundir informação. A Constituição-Projecto é uma oportunidade perdida no que diz respeito à liberdade de expressão, especialmente levando em conta a abordagem virada para o cerceamento de liberdades. No fim de 2004, a paisagem da mídia na Suazilândia continou um terreno perigoso para jornalistas, com indicações de métodos subtis de oprimir e casos isolados da intimidação. Os jornalistas Suazis enfrentam um desafio enorme para criarem um espaço que seja propício à articulação dos seus interesses ameaçados e da liberdade da mídia.

• **ALERT**

Date: January 28, 2004

Persons/Institutions: Media in Swaziland

Violation(s): Victory

On January 28 2004, Acting Chief Justice, Jacobus Annandale at a meeting with editors and reporters from various media houses affirmed that the High Court encourage Press Freedom. According to an article in the “Times of Swaziland” of January 29, 2004, Annandale told the media practitioners that it is not the duty of judges to dictate what the media must do but that as an industry that has more influence on shaping public opinion than politicians, it is essential that journalists assume their role with responsibility and pro-activism.

Annandale further acknowledged that there is need for the establishment of a Press Centre within the High Court to facilitate the work of the journalists while they report from the courts.

• **ALERT**

Date: January 28, 2004

Persons/Institutions: Media in Swaziland

Violation(s): Threatened

On January 28 2004, during a meeting on the logistics of the official opening of the eighth parliament, the media was warned by Assistant Clerk at Table in Senate Mr Ndvuna Dlamini, against taking photographs of MPs ‘dosing off’ in parliament.

Journalists were also instructed against photographing members of parliament and dignitaries when breaching etiquette at the table.

• **ALERT**

Date: March 12, 2004

Persons/Institutions: Phinda Sihlongonyane (Times of Swaziland)

Violation(s): Threatened

On March 12 2004, the Principal Secretary (PS) of the Ministry of Foreign Affairs and Trade, Mr Timothy Dlamini, threatened to “deal with” journalist Phinda Sihlongonyane from the “Times of Swaziland” Sunday newspaper, over an article in which the journalist wrote that the PS was absent from office as he was on compassionate leave. Dlamini apparently took the statement as an attempt to mock him.

At the time Sihlongonyane was interviewing Dlamini telephonically on his intended action against the Swazi Embassy based in United Kingdom.

Not answering to the questions, the PS instead threatened the reporter saying “your question is too long and I am yet to deal with you over what you wrote about me while I was bereaved”.

• **ALERT**

Date: March 17, 2004

Persons/Institutions: Martin Dlamini, Innocent Maphalala (Times of Swaziland), Swazi parliamentarians

Violation(s): Beaten, censored

On March 17 2004, editor of the “Times of Swaziland” and President of the Swaziland National Association of Journalists (SNAJ), Mr Martin Dlamini and a reporter from the same newspaper, Mr. Innocent Maphalala, were attacked by police for wearing black clothes on March 17, 2004, during the eighth opening of parliament.

Meanwhile, members of the public who were also clothed in black suits, had to leave their jackets in their cars in order to be allowed into parliament.

The Prime Minister Mr. Themba Dlamini had made a public statement on the March 13, 2004,

that all attendees to the opening of the parliament should not wear black. This follows an announcement made by the Coalition of Concerned Civic Organisations that members of the public should be dressed in black when attending parliament to sympathize with the resigned Speaker of the House of Assembly, Mr. Marwick Khumalo.

• **ALERT**

Date: March 21, 2004

Persons/Institutions: Citizens of Swaziland

Violation(s): Other

On March 21 2004, Police stopped the commemoration of the Human Rights and the African Human Rights day in Big Bend, a small town situated in the eastern part of Swaziland.

The “Times of Swaziland” reported that the event was organized by the Swaziland Agricultural and Plantations Allied Workers Union in collaboration with the National Constitutional Assembly, a body mandated to deal with the Constitution.

Although there was no physical confrontation the police refused participants entry into the stadium where the celebrations would have been held.

• **ALERT**

Date: March 22, 2004

Persons/Institutions: Media in Swaziland

Violation(s): Threatened

On March 22 2004, Minister of Foreign Affairs, Mr Mabili Dlamini, lashed out at the local media accusing it of being responsible for tarnishing the country’s image. This was during a parliamentary session as he was responding to questions on the country’s failing international image.

The Minister said stories carried by the foreign press on Swaziland was taken from the local media. He further said some media houses and journalists were keen on reporting falsely about the country to attract the international media. Mr Dlamini attributed this kind of reporting to the fact that some of the local journalists were not adequately trained in journalism therefore lack the skills and fail to adhere to journalistic principles.

As a strategy to correct this situation, he said his ministry would establish a press wing which would review all local and international newspaper reports about Swaziland. There would also be periodical briefings with country representatives abroad and foreign envoys on what was happening in the country.

• **ALERT**

Date: April 18, 2004

Persons/Institutions: Swaziland Television Authority (STVA) top management

Violation(s): Threatened

The Swaziland Television Authority bosses have angered Swazi traditional authorities for granting the coordinator of the Swaziland Coalition of Concerned Civic Organisations, Mr Musa Hlophe, opportunity to speak on television to mobilize the nation to wear black clothes during the official opening of the eighth parliament on March 17, 2004, and the airing of alleged distasteful comments uttered by MPs on businessman Nathie Kirsh.

The Minister of Public Service and Information, Mr Themba Msibi, informed the television station board at a meeting on this matter and wanted to know what disciplinary measures would be taken against the employers. The wearing of the black clothes was in solidarity with Marwick Khumalo who had been removed from his position as Speaker of the House of Assembly.

• **ALERT**

Date: July 27, 2004

Persons/Institutions: Times of Swaziland

Violation(s): Legislation

On July 27 2004, former freelance reporter Marcus Mkhabela filed a case suing the “Times of Swaziland” for a sum of E5000 000.00 (approximately US\$83 333 at the time) for allegedly publishing a notice in this same newspaper that the “Times” no longer had any association with him. Mr Mkhabela, in his papers, says this stigmatized him against any employment opportunities. According to an article published in the “Swazi Observer” of September 5, 2004, Mr Mkhabela stated that on July 27, 2004, he read a notice stating that he was no longer associated with the paper while there had been no prior discussions with him on this.

Mkhabela in his files has the following claims:

* Injury to his good name and reputation - E350 000.00

* Loss of future prospects of employment - E150 000.00

The total amounts add up to E500 000.00

• **ALERT**

Date: August 6, 2004

Persons/Institutions: Charles Matsebula

Violation(s): Threatened

Investigative reporter Charles Matsebula of the “Times of Swaziland Sunday” newspaper has reported receiving numerous death threats after refusing, on the August 6, 2004, to accept a bribe of Emalangeni 10 000 to drop an investigation into a corruption scam implicating senior officers at the Correctional Services.

According to the “Times of Swaziland Sunday” Matsebula was carrying out investigations on the mismanagement and possible misappropriation of public funds at the Correctional Services, a series of questionable contracts between the Commissioner of Correctional Services and his deputy, the misuse of government properties by the office of animal husbandry and irregularities around the inspection of a poultry project. A senior official involved in the scam was approached to comment on the issues but allegedly asked that the reporter drops the case, whilst promising Matsebula anything he would want in return for dropping the investigation. Matsebula nonetheless continued with the story and soon after that began to receive death threats from unknown people.

• **ALERT**

Date: July 18, 2004

Persons/Institutions: Timothy Simelane (journalist) and Thulani Ndwadwe (photographer)

Violation(s): Threatened, censored

On July 18 2004, “Swazi Observer” employees Timothy Simelane (journalist) and Thulani Ndwadwe (photographer) were harassed by former Ludzidzini governor Dibanisa Mavuso at the home of the late Chief Prince Maguga at Macetsheni, about 30 kilometres East of Manzini. This journalists’ digital camera’s card was confiscated, and they were hauled to a kangaroo court where the former governor questioned them and blamed the journalists for reporting negatively about the late Prince who died after accompanying the King to the recent African Union meeting held meeting in Ethiopia.

The two journalists told MISA-Swaziland that they were interrogated for over two hours. They were also warned by Dibanisa to stop writing negative reports about the former Prince Maguga, brother to King Mswati III, who was imposed as traditional chief of the Kamkhweli and Macetsheni areas. There are still tensions in these two areas as the security forces continue to patrol the areas 24 hours. The prince was buried today, July 20, 2004.

• **ALERT**

Date: July 27, 2004

Persons/Institutions: Arthur Mordaunt

Violation(s): Beaten

On July 27 2004, journalist Arthur Mordaunt was assaulted by Senator Thuli Msane and her husband, Mr Vusi Msane, inside the senator's car which had been parked at a shopping centre in the capital, Mbabane. The journalist was assaulted for having written a story that the senator was involved in an adulterous affair. The story was published in the "Times of Swaziland" on July 26, 2004. Arthur was called on his mobile phone by the senator under the pretext that she wanted to tell him her side of the story. Arthur agreed on the meeting and on arrival at the venue was asked to get into the car. He immediately received a blow on his face from Mr. Msane. It was only after the beating that senator Msane explained that in-fact she was not in any extra-marital affair but that she was counseling a man who is terminally ill.

• **ALERT**

Date: August 7, 2004

Persons/Institutions: Mduduzi Magagula and Walter Dlamini

Violation(s): Threatened, beaten

On August 7 2004, journalists Mduduzi Magagula and Walter Dlamini from the "Times Sunday", a sister newspaper to the "Times of Swaziland", were harassed by police whilst covering a political rally of the Peoples' United Democratic Movement (PUDEMO) and Swaziland Youth Congress (SWAYOCO) at Mbhuleni in Matsapha, an area in the hub of Swaziland. The journalists told MISA-Swaziland that they were insulted, manhandled and threatened by a group of plain clothed police officers presumed to be from the Central Intelligence Department unit.

• **ALERT**

Date: August 11, 2004

Persons/Institutions: Mfanukhona Nkambule, Lucky, Vusie Nyoni

Violation(s): Detained, censored

On August 11, 2004, journalist Mfanukhona Nkambule, a photographer and the news department driver Vusie Nyoni were detained for close to three hours by private security officers following instructions from the company's management. Mfanukhona told MISA Swaziland that they conducted interviews and took pictures, without the management's approval, of the company's disgruntled employees who were protesting their salary grades. Mfanukhona said that the security officers told Lucky (photographer) to remove the film from his camera. Upon realizing that it was a digital camera, the officers instructed them to hand it over. Their assailants also tore Mfanukhona's notes from his notebook. The Police Public Relations Officer, Superintendent Vusie Masuku, came to their rescue. Meanwhile, the "Swazi Observer" management has instructed the company's Attorneys Mandla Mkhwanazi and Associates to serve the security company with a letter demanding a payment of Emalangeni 300 000 for loss of business while the security officers unlawfully detained the scribes that were on duty.

• **ALERT**

Date: August 11, 2004

Persons/Institutions: Arthur Mordaunt, Albert Masango

Violation(s): Threatened

On October 3 2004, reporter Arthur Mordaunt and photojournalist Albert Masango, both from the "Times on Sunday", were threatened with assault at the Mbabane Government Hospital while attempting to interview an alleged serial killer David Simelane.

The two who were following up the story after receiving a tip that David Simelane would be at the hospital for medical check-up, when they were confronted by uniformed officers from the Correctional Services who had accompanied Mr Simelane. Arthur Mordaunt told MISA Swaziland that he and his colleague had been waiting outside the X-ray room where Simelane was being examined by a doctor. He added that when they tried to insist on an interview a senior officer forced them out of the premises, warning that if they were beaten or assaulted, then nobody would be responsible as they had already received a warning to leave.

• **ALERT**

Date: August 11, 2004

Persons/Institutions: Swazi Observer

Violation(s): Legislation

On October 15 2004, attorney Bob Sigwane sued the “Swazi Observer” for what he describes as a defamatory article relating to a vehicle insurance scam published in its October 15 edition, under the headline: “We name accused lawyers” In a follow-up article the next day the Swazi Observer stated that the lawyer is demanding a sum of Emalangeni 1.2 million from the newspaper for allegedly publishing defamatory statements.

• **ALERT**

Date: November 11, 2004

Persons/Institutions: Times of Swaziland

Violation(s): Victory (legislation)

On November 11 2004, businessman and Indonesian Consulate, Mr Kareem Ashraff’s application to sue the “Times of Swaziland” for E5000 000.00 for alleged defamation was thrown out by Justice Kenneth Nkambule at the High Court. The alleged defamatory reports were published by the “Times of Swaziland” on April 23 2004, on the front page under the headlines “It’s Called Loot” and “Army spends E4million on Uniforms”. The articles were by way of editorial comment that criticized the Ministry of Defense for overspending its budget by Emalangeni 4milliion. Mr Ashraff in his papers, say the articles suggest that he was the supplier of the uniforms which were worth less than the price for which they were purchased. Handing down judgment, Justice Nkambule said words published in the newspaper did not in their ordinary sense show any defamation of the plaintiff.

• **ALERT**

Date: November 11, 2004

Persons/Institutions: Vusi Kunene

Violation(s): Beaten

On the November 11 2004, coach of a football team, Mbabane Swallows Mr Zenzele ‘Ace’ Dlamini allegedly assaulted sports reporter Vusi Kunene from the “Swazi Observer”. The incident happened at Somhlolo stadium after a match the reporter was covering. The “Swazi Observer” of November 13 said that the reporter proceeded to interview the coach after the match. The coach was allegedly agitated and irritated with the reporter and punched him in the face in full view of spectators. The reporter attributes the beating to the fact that the coach’s team was defeated.

• **ALERT**

Date: November 11, 2004

Persons/Institutions: Times of Swaziland

Violation(s): Legislation

A Member of Parliament Mr Marwick Khumalo instructed his lawyers to file a lawsuit against the “Times of Swaziland” for publishing a story claiming that he was offered Emalangeni 1

Tanzania



By Jesse Kwayu

Market saturation

Based on the range and diversity of newspaper titles available in Tanzania, it is easy to assume that Tanzania's media is free and does not operate in a climate of fear or self-censorship.

About 20 newspapers hit the streets daily. A number of daily, bi-weekly and weekly titles are available, and all are competing for the same market.

But the number of titles should not be misleading. A critical survey of media in Tanzania shows a number of weaknesses. The industry does not operate using the perceived principles of freedom of information as enshrined in Article 19 of the Universal Declaration of Human Rights.

Government silences journos

There were few cases of direct assault and intimidation of journalists in 2004, but the government continued to enforce draconian laws that limit the media's freedom. This is despite the government's promise to relax its approach, which it made in the new Tanzanian Media Policy (released October 2003).

During 2004, a number of editors were summoned to the office of the Registrar of newspapers and asked to explain articles that had appeared in their papers.

The editors were apparently summoned to discuss the running of their newspapers, but it was apparent that the government was working towards some sort of censorship, and, worryingly, a form of self-censorship among journalists.

On 27 January 2005, Mtanzania Jumapili editor Badra Masoud was called before the Registrar and asked to explain a story that had exposed the use of money by government officials to buy support for their presidential bids.

In Zanzibar a reporter with Mwananchi newspaper, Salma Said, was subjected to ongoing harassment by government officials who were determined to silence and frustrate her. Salma had been a reporter for the private newspaper Dira, which was banned for turning people against the government.

Salma has now been called several times and questioned about her nationality and her presence in Tanzania.

On 22 February 2005 Salma received a letter from the Regional Immigration Officer of the southern region. She was required to report to the immigration office in Zanzibar. Salma was advised in the letter to take documents that would prove her nationality, and was warned that failure to appear would contravene immigration laws.

Many journalists have been excluded from government functions. Salma is among them. The journalists have been forbidden to report on House of Representatives issues. The government has failed to provide a reason for excluding these journalists.

Systematic exclusion of players

At the end of January 2005, members of the Media Owners of Tanzania (MOAT) walked out of a meeting convened by the Tanzania Commission Regulatory Authority (TCRA) to discuss the

new licensing framework. MOAT said their walk-out was designed to express their resentment at not having been included in decision-making procedures.

MOAT complained that they had been given very short notice about the meeting, which gave them no time to prepare.

Once again, this is an example of a media group being undermined, which interferes in

Later, MOAT claimed that the TCRA did not consult with them during the formulation of the new framework and said that the contents of the framework were aimed at killing the media industry in the country.

TCRA was established in Parliament in 2003. Its purpose is to regulate the telecommunications and broadcasting sector, postal services and information communication technology.

The TCRA seems to be a more democratic instrument in dealing with the issues of communication and broadcasting: it has taken up the position of the Tanzania Communication Commission (TCC) and Tanzania Broadcasting Commission (TBC). However, its working pattern has been in direct collision with media stakeholders. The TCC was responsible for the planning and management of frequency spectrum, while the TBC took care of broadcasting licensing and supervision. These roles are now all fulfilled by the TCRA, which draws its members from the business community and/or organisations which are legally recognised as representing the private sector's interests.

The TCRA has been accused of not consulting with stakeholders, and this has directly affected the way media works - or doesn't — in Tanzania.

Policy and regulatory impediments

There has been little development in the Tanzanian media industry. During 2004, three East African countries under the auspices of East Africa Community (EAC) adopted the Common Customs Union (effective January 2005)

While the consolidation of the customs could have been an advantage the for greater East African market, MOAT saw it as "fatal" to the media industry because of a proposal to raise the duty on imported materials from 0-10 percent to 25 percent.

All newspaper industries in East Africa depend on print material from abroad. The policy change could kill the newspaper industry in Tanzania altogether.

Freedom of Information Act

Although no blood has been shed in "taming" the Tanzanian media, journalists face ongoing moves to weaken and exhaust them. When the government released a media policy in 2003 after it had dragged its feet for almost three years, the media fraternity was convinced that a Freedom of Information Act was in the sight.

However, the President of the United Republic of Tanzania, Benjamin Mkapa, shattered such hopes.

"Tanzania will never have such an Act, not whilst I am still the president," Mkapa said while on a state visit to Botswana. He was responding to a question about the degree to which SADC member states embrace and value access to information.

The absence of a Freedom of Information Act is a major factor in the poor level of journalism available in the country.

In a 2004 research paper titled "Wither Tanzania newspaper industry: What went wrong?", Jesse Kwayu identified four variables that seriously affected the daily running of Tanzanian

newspapers.

These were: a lack of professional and competent journalists to take charge; lack of editorial independence; lack of adequate capital and the presence of laws which stifle freedom of speech. Victory on right to information

On 7 February 2005, despite its refusal to embrace any Freedom of Information Act, the Parliament of Tanzania passed the 14th Union Constitutional Amendment Bill, which removes, among other things, the clauses on freedom of expression and right to information.

The Bill reviews article 18 of the Constitution, which has been a cause for concern among media freedom activists for some time.

Article 18 (1) of the Union Constitution states that “without prejudice to expression the laws of the land, every person has the right to freedom of opinion and expression, and to seek, receive and impart or disseminate information and ideas through any media regardless of national frontiers and also has the right of freedom from interference with his communications”.

Article 18 was a point of discussion for some time as a typical legal framework that has been in direct violation of freedom of information in Tanzania. It was argued that it gives freedom from one hand and hijacks it using another hand.

Article 18 was among many listed by the Media Law Reform Project to be considered for amendment. Other laws still in force that infringe upon media freedom include the Newspaper Act of 1976 which also provides issues of False News, Defamation and Tolerance and Incitement to Hatred; National Security Act, Reporting of Court and Parliament. These laws need to be amended, while others need to be removed from Tanzania’s statute books.

Tanzânia

Por Jesse Kwayu

Traduzido por Rui Correia



Saturação do mercado

Baseado no leque e na diversidade de títulos de jornais disponíveis na Tanzânia, é fácil supor que a comunicação social da Tanzânia é livre e não opera num clima de medo ou de auto-censura.

Aproximadamente 20 jornais aparecem à venda diariamente, sendo uma mistura de diários, bisemanários e semanários, todos disponíveis, e competindo pelo mesmo mercado.

Mas o número de títulos não devia enganar. Uma análise crítica da comunicação social na Tanzânia apresenta algumas fraquezas. O sector não opera dentro dos princípios da liberdade da informação como consagrados no Artigo 19 da Declaração Universal dos Direitos Humanos.

O governo silencia jornalistas

Houve poucos casos de agressão corporal e intimidação directas de jornalistas em 2004, mas o governo continuou a reforçar as leis draconianas que limitam a liberdade da comunicação social. Isto, apesar da promessa do governo de relaxar a sua abordagem, estipulada na nova Política da Comunicação Social da Tanzânia (publicada em outubro de 2003).

Durante 2004, alguns editores foram chamados para dar satisfações sobre artigos que tinham publicado em seus jornais. Os editores foram chamados aparentemente para discutir o gerenciamento dos seus jornais, mas logo se aperceberam que o governo estava manobrando para conseguir algum tipo de censura, e, muito preocupante, uma forma de auto-censura entre jornalistas.

A 27 de janeiro de 2005, editor Badra Masoud do jornal Mtanzania Jumapili foi chamado perante o 'registrar' e pediram-lhe que explicasse uma história que expunha o uso de dinheiro por membros do governo para comprar apoio para as suas candidaturas presidenciais.

Em Zanzibar, uma repórter do jornal Mwananchi, Salma Said, foi sujeita a perseguição continua por agentes do governo que estavam decididos a qualquer custo frustrar os seu trabalho para assim conseguir o seu silêncio. Salma tinha sido uma repórter do jornal privado Dira que foi proibido por supostamente influenciar o público contra o governo. Já foi chamada diversas vezes e interrogada sobre a sua nacionalidade e a sua presença na Tanzânia. A 22 de fevereiro de 2005, Salma recebeu uma carta das autoridades regionais de imigração da zona sul. Foi-lhe pedido que se apresentasse às autoridades de imigração em Zanzibar. A carta exigia que levasse os documentos que provariam a sua nacionalidade, e avisava que se ela faltasse, estaria a desobedecer as leis de imigração.

Muitos jornalistas foram excluídos de dar cobertura a actividades do governo. Salma está entre eles. Os jornalistas estão proibidos de noticiar assuntos da Casa dos Representantes. O governo não deu satisfações para explicar porque certos jornalistas são excluídos.

Exclusão sistemática dos interessados

No fim de janeiro 2005, os membros da associação de Proprietários de Órgãos da Comunicação Social da Tanzânia (MOAT) abandonaram uma reunião convocada pela Autoridade Regulatória

da Comissão da Tanzânia (TCRA) para abordar a questão do novo sistema de licenciamento. A MOAT insiste que abandonaram a reunião para exprimirem o seu ressentimento por não terem sido incluídos nos processos de tomada de decisão. A MOAT queixou-se que tinham recebido a convocatória com um prazo de antecedência muito curto, que não lhes deu nenhum tempo para se prepararem. Mais uma vez, temos aqui um exemplo de como um grupo da comunicação social é minado para sabotar o processo de expandir a liberdade da comunicação social.

Mais tarde, a MOAT declarou que a TCRA não os tinha consultado durante a elaboração do novo quadro e disse que o conteúdo da proposta visava matar o sector da comunicação social no país.

A TCRA foi estabelecida na assembleia nacional em 2003, com a finalidade de regular as telecomunicações e o sector da radiodifusão, os serviços postais e a tecnologia de comunicação e informação.

A TCRA parece ser um instrumento mais democrático quando se trata de questões de comunicação e de radiodifusão, assumindo a posição da Comissão para a Comunicação da Tanzânia (TCC) e da Comissão para a Radiodifusão da Tanzânia (TBC). No entanto, o seu modo de operar tem causado um conflito directo com as partes interessadas da comunicação social. A TCC foi responsável pelo planeamento e gerenciamento do espectro de frequências, enquanto a TBC estava encarregada do licenciamento e supervisão da radiodifusão. Estas funções são agora todas parte das responsabilidades da TCRA, cujo órgão directivo é composto por indivíduos do sector privado e/ou órgãos que estão reconhecidos por lei como representantes dos interesses de sector privado.

A TCRA foi acusada de não consultar as partes interessadas, e isto tem afectado directamente a maneira como a comunicação social funciona - ou não funciona - na Tanzânia.

Impedimentos políticos e regulatórios

Houve pouco desenvolvimento no sector da comunicação social da Tanzânia. Durante 2004, três países do leste de África numa iniciativa sob os auspícios da Comunidade da África Oriental (EAC) adoptaram a união tarifária comum (que entrou em vigor em janeiro de 2005)

Enquanto a consolidação de tarifas poderia ter sido uma vantagem para o grande mercado da África Oriental, a MOAT fez uma interpretação negativa, chamando a iniciativa de 'fatal' para o sector da comunicação social por causa de uma proposta para levantar impostos sobre materiais importados de 0-10 por cento para 25 por cento. Todas as indústrias de imprensa na África Oriental dependem de consumíveis de jornal do exterior. A mudança na política podia ser a morte do sector jornalístico na Tanzânia.

Lei sobre a Liberdade da Informação

Embora ainda não tenha havido nenhum derramamento de sangue no processo de 'domesticar' a comunicação social da Tanzânia, os jornalistas enfrentam acções contínuas que visam enfraquecê-los e esgotá-los. Quando o governo divulgou uma política para a comunicação social em 2003 - depois de ter arrastado os pés por quase três anos - a comunidade da comunicação social estava convencida que uma lei sobre a liberdade da informação estava a caminho. No entanto, o Presidente da República Unida da Tanzânia, Benjamin Mkapa, esmagou tais esperanças. "A Tanzânia nunca terá tal lei - não enquanto eu ainda sou o presidente", disse Mkapa durante uma visita de estado ao Botswana. Mkapa estava a responder a uma pergunta sobre o grau de aceitação e valor que os estados-membros da SADC concediam à questão de acesso à informação. A ausência de uma Lei sobre a Liberdade da Informação é um factor

principal no baixo nível de jornalismo com que se depara no país.

Num estudo feito em 2004 intitulado “Quo vadis, sector de jornalismo da Tanzânia: o que foi que deu errado?”, Jesse Kwayu identificou quatro factores que afectaram seriamente o gerenciamento diário de jornais da Tanzânia. Estes eram: uma falta de jornalistas profissionais e competentes para darem liderança; falta de independência editorial; falta de capital; e a presença de leis que sufocam a liberdade de expressão.

Vitória para o direito à informação

A 7 de fevereiro 2005, apesar de se recusar a aceitar uma lei sobre a liberdade de informação, a Assembleia Nacional da Tanzânia aprovou a Emenda Constitucional nº14, que revoga, entre outras coisas, as cláusulas sobre a liberdade da expressão e direito à informação.

A Emenda inclui uma revisão do artigo 18 da Constituição, que já há muito tempo é causa de preocupação entre activistas da liberdade da comunicação social.

O artigo 18 (1) da constituição da União, reza que “sujeito às leis do país [ênfase do tradutor], cada pessoa têm o direito à liberdade de opinião e de expressão, de procurar, receber, transmitir e difundir informação e ideias através de quaisquer meio de comunicação, não obstante fronteiras nacionais e tem também o direito de ser livre de interferência com a sua comunicação”.

O artigo 18 foi tema de muita discussão por algum tempo, sendo tido como uma disposição jurídica típica que constitui uma violação directa da liberdade da informação na Tanzânia. Foi debatido, que enquanto esta garante a liberdade com uma mão, a mesma retira essa liberdade com a outra mão .

O artigo 18 estava entre muitos outros incluídos numa lista feita pelo Projeto para a Reforma das Leis da Comunicação Social para serem considerados para uma emenda. Outras leis ainda em vigor que infringem a liberdade da comunicação social incluem a Lei do Jornal de 1976 que também inclui disposições sobre ‘notícias falsas’, ‘difamação e tolerância’, ‘incitação ao ódio’; a Lei da Segurança Nacional; e a Cobertura de Actividades de Tribunais e da Assembleia Nacional. São leis que necessitam ser emendadas, enquanto que outras devem desaparecer dos livros de estatutos da Tanzânia.

• **ALERT**

Date: March 11, 2004

Persons/Institutions: Jenerali Twaha Ulimwengu

Violation(s): Victory

The Ministry of Home Affairs has officially granted Jenerali Twaha Ulimwengu citizenship by naturalisation.

According to the public notice issued by Director of Immigration Services Mr. K.W.B. Kihomano and published March 11, 2004 on Thursday edition of the Daily News, Ulimwengu plus 32 others were given citizenship as empowered upon him under section 9 (1) and 1 (11) of Tanzania Citizenship Act No 6, 1995.

Jenerali Ulimwengu, a prominent journalist and Chairperson of Habari Corporation Limited, with two others were denied citizenship early February 2002. While his counterparts were given back citizenship Jenerali was refused and asked to apply for it.

A journalist and lawyer by training, Mr. Ulimwengu is a former Member of Parliament, former representative of Tanzania at the Pan African Youth Movement in Algiers, Algeria, former member of the Tanzania's ruling party national executive committee, which is the party's highest policy organ.

• **ALERT**

Date: February 20, 2004

Persons/Institutions: East African newspaper, Nation Media Group Limited

Violation(s): Sentenced

The "East African" newspaper and the Nation Media Group Limited has been ordered to pay the former Secretary General of the then Organization for African Unity (O.A.U) Dr. Salim A. Salim one billion Tanzanian Shillings (approximately to US\$1 million) in damages for its allegedly defamatory editorial titled "Can Dr. Salim be serious" published on page 10 of the newspaper's issue No. 408 of August 26 - September 1, 2003

The Tanzanian High Court ruling on February 20, 2004 declared that the "East African" newspaper and the Nation Media Group Limited defamed Dr. Salim (61) and ordered the company to pay that amount of money.

The case under Justice Stephen Ihema, has further ordered the same to publish an unqualified apology to appear on the front page of the next issue of the paper.

Revisiting the law on defamation, Judge Ihema found that the said words were defamatory, were published, referred to plaintiff and, indeed, never contained a grain of truth at all.

According to the Judge, the article impeached the plaintiff's integrity and lowered his reputation in the estimation of the right-thinking members of the society, fellow Tanzanians, Africans and the world at large.

The judge also said that the defendant had demonstrated an irresponsible attitude, which clearly suggested they were not ready to amicably compromise over the matter.

• **ALERT**

Date: November 24, 2004

Persons/Institutions: Dira newspaper

Violation(s): Sentenced

On 24 November 2004, the High Court of Tanzania, on the island of Zanzibar, delivered its ruling on a long awaited case launched by the "Dira" newspaper management team to challenge the act used to close the only independent weekly in the Isles.

According to sources from Zanzibar, the paper will remain closed because the High Court discovered that "Dira" violated registration procedures.

High Court Judge Mshibe Ali Bakari indicated that both "Dira" and the government violated

rules and laws in the operation and subsequent closure of the newspaper. While the minister responsible for information exercised too much power to close the paper, the publication operated illegally in Zanzibar as it violated registration procedures, the court reportedly stated.

The newspaper is challenging the government-imposed closure, which was carried out in 2003 based on allegations that the paper had contravened journalism ethics.

BACKGROUND: On 24 November 2003, the Zanzibar government suspended “Dira”, which is published by the Zanzibar International Media Company (ZIMCO). The government alleged that the newspaper had violated “professional ethics”.

Salum Juma Othman, the minister of state in the Chief Minister’s Office, said that, under the suspension, the company was not allowed to publish, circulate or republish any previous issues of the newspaper in any part of the United Republic of Tanzania until further notice. The minister said he was suspending the paper in exercise of the powers conferred upon him under subsection (1) of Section 30 of the Zanzibar Registration of Newsagents, Newspapers and Books Acts no. 5 of 1988.

On 28 November 2003, however, the Zanzibar government banned “Dira” for allegedly continuing to violate “professional ethics”. Othman said that the government had decided to ban the newspaper because it had allegedly been fomenting hatred between the government and the public.

Zambia



By Kenny M. Makungu

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A struggle for media freedom

During 2004, Zambia made little progress in its struggle to have the Freedom of Information Bill re-introduced in Parliament and legislated. The government and media also failed to have the names of Independent Broadcasting Authority (IBA) and the Zambia National Broadcasting Corporation board members taken to the National Assembly for ratification.

These two issues served to show a major difference in opinions. The Government feels that in spite of the progress the country has made in liberalising the media - for example, through the passing of laws which brought the IBA and ZNBC into being - it should retain some measure of control. However, press freedom advocates believe the media should be left to serve the interests of all people, regardless of their political affiliations.

In February 2001, Government had published a draft Freedom of Information Bill that would have made it easier for the press to access Government-held information, but the Bill was withdrawn before being tabled in Parliament. It has not been reconsidered.

Triumph in the courtroom

The IBA/ZNBC issue resulted in a High Court case that was won by six media bodies, which jointly sought a judicial review following a decision by the Minister of Information and Broadcasting Services, Mutale Nalumango, to veto some of the people recommended to sit on the boards by two appropriate ad-hoc appointment committees.

In his judgement on December 23, 2004, Lusaka High Court Judge Gregory Phiri said the Minister's decision in the context of the new legislation not only promoted non-compliance with the new law, but also prevented and frustrated the vital media law reforms in Zambia.

"The decision clearly prevents the law from taking its course; thereby making it moribund from its beginning. In this context therefore, I have found the Minister's decision to be irrational," he said.

The Judge observed that the two pieces of legislation (IBA and ZNBC) represented a clear and deliberate effort at reform of the law and circumstances that previously existed, and that the two laws were clearly and deliberately aimed at moving Government away from direct and day-to-day control of both public and private media organisations in Zambia.

"Specifically, the law clearly creates the IBA and an independent board of directors for ZNBC, a key public media organisation in Zambia, free from interference and not subject to the direction of any other person or authority," he said.

Judge Phiri, however, noted that he had not found any evidence to suggest that the Minister's

decision was made in bad faith, particularly because she had concealed her reasons for the decision.

The judge said he had found that the Minister erroneously believed she had power to veto the nominees, or to reject or modify the recommendations of the committees under the law.

The six media organisations involved in the suit were The Media Institute of Southern Africa (MISA) Zambia Chapter, Press Association of Zambia (PAZA), Zambia Union of Journalists (ZUJ), Zambia Media Women's Association (ZAMWA), Society of Senior Zambian Journalists (SSZJ), and the Post newspaper's Press Freedom Committee.

Legislative Environment

There were no significant changes that affected the legislative environment for the media. There were also no new legislative measures that affected the media, but the struggle, as earlier alluded to, to have The Freedom of Information Bill re-introduced and passed in Parliament, continued though no significant progress was made.

However, the period saw attacks on constitutionally entrenched rights, particularly that of freedom of expression and freedom of speech. This was brought to the fore on 5 February 2004 when Roy Clark, a columnist for the privately owned Post newspaper was given 24 hours in which to leave the country for allegedly having insulted President Levy Mwanawasa and two cabinet ministers in an article published in the Post newspaper on 1 January, 2004.

Home Affairs Minister Lieutenant General Ronnie Shikapwasha confirmed having issued orders to deport Clark on 5 January in Lusaka when he addressed ruling Movement for Multi-party Democracy (MMD) cadres who gathered at his office demanding the immediate deportation of Clark.

Clark, in his weekly column, *The Spectator*, is said to have referred to President Mwanawasa as a *muwelewele* (a fool) and called two of his cabinet ministers offensive names.

Several groups condemned the minister's actions. The Post's Deputy News Editor Amos Malupenga described the action as "barbaric and unreasonable". He argued that Government should have found a better way of dealing with the issue instead of resorting to deportation.

Thankfully the fight for media freedom was greatly boosted when on 26 April, Lusaka High Court Judge Philip Musonda quashed the deportation order issued by the Minister against Clark, saying it was unlawful and violated freedom of expression.

In his ruling, Justice Musonda said the deportation order violated Section 26 (2) of the Constitution because there was procedural impropriety in the way the order was issued. He said that Clark had shown that his constitutional rights, including freedom of expression and the right not to be discriminated against were violated by the State.

Keeping media in the dark

Another incident occurred on 3 February 2004 when the media and the public were barred from attending a tribunal that was launched to investigate allegations of professional misconduct levelled by President Mwanawasa against Director of Public Prosecutions (DPP) Mukelebai Mukelebai.

Tribunal Chairperson Judge Esau Chulu, who presided with judges Philip Musonda and Charles

Kajimango, ruled that the proceedings would be held in camera, despite an application by Mukelabai's lawyer, Vincent Malambo, that they should be open to the public.

MISA-Zambia quite rightly pointed out that "... journalists are there to inform the public about what is happening, therefore, having the case of the DPP heard in camera is an infringement of the journalists' rights as well as the denial of information to the public."

Police brutality: media under threat

Other incidents included the four-hour detention by police of two reporters working for Radio Lyambai, a community radio station in Mongu (581 kilometres west of Lusaka), for allegedly inciting people in a local township to riot.

Joseph Ngenda and Dennis Mwiiya, both producers at Radio Lyambai, were picked up on 20 February 2004, by three armed police officers for presenting a programme that police claimed led to a riot in which residents of Imwiko Township beat up and set on fire the home of a suspected child abductor.

Mwala Kalaluka, a Zambia Information Service reporter who was covering the riot, was detained for two hours. Police threatened to shoot if he did not stop interviewing witnesses. He was also called a "fake reporter who reports lies".

On April 24 and 25, Samuel Botha, a sub-editor, and George Lwanja, a programme manager, both of Radio Chikaya, a small community radio station in Lundazi (about 800 kilometres north east of Lusaka), were arrested, detained and charged with "obstructing a police officer on duty." In a related incident, announcer and volunteer Chaison Gwede Ngulube was arrested in connection with a murder investigation at a village in Lundazi.

Botha was arrested after he prevented a police officer from entering the transmission studio to arrest Ngulube, who was anchoring a live discussion programme at the time. Lwanja was only arrested the next day when he tried to negotiate for Botha's release from detention. Lwanja informed MISA-Zambia that he and Botha had been beaten up in the process.

There were other sad cases of institutional or police intimidation, victimisation and arrests of journalists. An example is ZNBC'S one-month suspension of its Acting Director of Programmes, Ben Kangwa and another employee, Ignatius Sibetta, over the broadcast of "Unshackled," an African film featuring a man addicted to masturbation on 3 August 2004.

Silencing the detractors

The period also witnessed the Minister of Home Affairs, Lt. Gen. Shikapwasha deregistering The Southern Africa Centre for Constructive Resolution of Disputes (SACCORD), after he accused the organisation of "engaging in activities inimical to the interests of the State."

SACCORD was a non-governmental organisation involved in human rights, promoting good governance, monitoring elections and lobbying for legislative reform. Around the time of deregistration, the organisation had been outspoken in calling for the amendment of the Public Order Act, which regulates public processions and gatherings in Zambia.

The banning of SACCORD was greeted with alarm by a number of NGOs, particularly because it followed threats by President Mwanawasa that Government would introduce legislation to check the source of NGO funding. The President had accused some of the NGOs of trying to

destabilise the Government.

On the warpath

And to crown it all, on 20 December, Lusaka police wearing riot gear assaulted, detained and charged four journalists with “conduct likely to lead to breach of the peace” and barred several others from covering people detained over blocked peaceful demonstrations on the mode of adopting the Constitution.

The four were Radio Phoenix reporter Kangwa Mulenga, Post senior reporter Brighton Phiri, Radio Q-FM reporter Mutuma Chanda and Times of Zambia chief photographer Eddie Mwanaleza.

The journalists were arrested after attempting to get a glimpse of 68 people who were being held at a Lusaka soccer stadium for trying to demonstrate against government’s position on the timeframe for the adoption of the Republican Constitution.

A team of MISA -Zambia officials that rushed to the scene found the four journalists detained at Kabwata Police Station. Kangwa, who had sustained a big cut above his right eye and was bleeding, told the officials that he had been roughed up and pistol-whipped by a police officer despite identifying himself as a journalist.

Media diversity

Media diversity received a boost of sorts when a few more community radio stations including Radio Liseli Oblates in Mongu, Radio Mano in Kasama and 5 FM in Lusaka were granted full licences. Muvi Television Studio also received a full licence.

A plus for the media fraternity in the country is that The Media Council of Zambia (MECOZ) Board was established in February 2004. It is headed by a retired High Court judge. MECOZ is fully operational and has adjudicated a number of cases. It is significant to note here that Government has also brought a case before MECOZ, an indication that it has embraced the concept of self-regulation.

A spirit of oneness vis-à-vis media law reform and advocacy among the media associations has continued, resulting in significant strides such as the IBA and ZNBC court case won by the six media organisations. This shows that if these organisations work together, they could achieve a lot more than they would if they worked in isolation.

Conclusion

From the account offered above, it seems reasonable to say that, in terms of harassments and intimidation of journalists, there was no respite, but, comparatively, in terms of agitating for media law reforms and an improved working environment for journalists, Zambia had a relatively quiet year.

Zâmbia



Por M. Makungu De Kenny
Traduzido por Rui Correia

(* *short bio coming*)

Um luta pela liberdade da comunicação social

Durante 2004, a Zâmbia fez pouco progresso na sua luta pra conseguir re-introduzir e levar a voto na Assembleia Nacional o projecto da Lei sobre a Liberdade da Informação. O governo e a comunicação social também não tiveram sucesso em levar para ratificação na Assembleia, os nomes dos membros do conselhos para a Autoridade Independente para a Radiodifusão (IBA) e para a emissora nacional, a Zambia National Broadcasting Corporation (ZNBC).

Estas duas questões serviram para ilustrar uma grande diferença de opiniões. O governo sente que apesar do progresso que o país fez em liberalizar a comunicação social - por exemplo, com a aprovação das leis que criaram a IBA e a ZNBC - ele devia reter um certo grau de controlo. No entanto, os activistas da liberdade da imprensa acreditam que a comunicação social deve ficar livre de controlo, para assim melhor servir os interesses de toda a sociedade, não obstante as suas afiliações políticas.

Em fevereiro de 2001, o governo tinha publicado um projecto da Lei sobre a Liberdade de Informação, que tornaria mais fácil o acesso à informação retida por fontes da administração. Mas a lei foi retirada antes de ser posta a voto na Assembleia Nacional. O projecto nunca mais recebeu atenção alguma.

Triunfo no tribunal

A questão da IBA/ZNBC resultou num caso de Tribunal Supremo que foi ganho por seis órgãos da mídia, depois de uma revisão judicial contra uma decisão da Ministra da Informação e Dos Serviços de Radiodifusão, Mutale Nalumango, de vetar algumas das pessoas recomendados para servirem nos dois conselhos. As pessoas tinham sido seleccionadas por dois comités de selecção.

Na sua decisão a 23 de dezembro de 2004, o juiz Gregory Phiri do Tribunal Supremo de Lusaka disse que a atitude da ministra no contexto da nova legislação, não só incentivava o não cumprimento da nova lei, como também impedia e frustrava as reformas da lei da comunicação social na Zâmbia.

O juiz observou que as duas peças de legislação (IBA e ZNBC) representavam um esforço lúcido e concreto para reformar a lei e as circunstâncias que existiam antes disso. Disse também que as duas leis visavam afastar o governo do controlo directo dos órgãos públicos e privados da comunicação social na Zâmbia.

O Juiz adiantou que não tinha encontrado nenhuma evidência para sugerir que a decisão da ministra tivesse sido em má fé. A ministra estava enganada ao pensar que tinha o poder de veto.

Os seis órgãos da comunicação social envolvidas no caso foram o Instituto da Comunicação Social para a África Austral, MISA-Zâmbia; a Associação da Imprensa da Zâmbia (PAZA); a União dos Jornalistas da Zâmbia (ZUJ), a Associação das Mulheres da Comunicação Social da Zâmbia (ZAMWA), a Sociedade dos Jornalistas Sêniores (SSZJ), e o Comitê da Liberdade da Imprensa do jornal The Post.

Ambiente Legislativo

Não houve nenhuma mudança significativa que afectou o ambiente legislativo para a comunicação social. Também não surgiu nenhuma medida legislativa nova que afectasse a comunicação social, mas - como já dito acima - a luta para reintroduzir o projecto da Lei da Liberdade Informação continuou.

No entanto, o período testemunhou ataques contra direitos constitucionalmente consagrados, em particular a liberdade de ideias e a liberdade de expressão. Isto veio à tona a 5 de fevereiro de 2004, quando Roy Clark, um colunista no jornal privado Post recebeu ordens para sair do país dentro de 24 horas por supostamente ter insultado o presidente Levy Mwanawasa e dois ministros do seu gabinete num artigo publicado no jornal do Post a 1 de janeiro, 2004.

Clark, na sua coluna semanal, o espectador, supostamente referiu-se ao Presidente Mwanawasa como um ‘muwelewele’ (um tolo) e usou linguagem ofensiva ao se referir aos ministros do seu gabinete. Vários grupos condenaram as ações do ministro, que o Editor Adjunto de Notícias do Post, Aмос Malupenga descreveu de ‘bárbaras e descabidas’. Ele argumentou que as autoridades deviam ter procurado uma maneira melhor de tratar do caso em vez de recorrer à deportação.

A luta pela liberdade da comunicação social recebeu uma grande ajuda quando, a 26 de abril, o juiz Philip Musonda do Tribunal Supremo de Lusaka rejeitou a ordem de deportação emitida pelo ministro contra Clark, declarando que esta era ilegal e violava a liberdade de expressão.

Na sua decisão, o Juiz Musonda disse que Clark tinha demonstrado que a ordem de deportação violava a seção 26 (2) da constituição, que trata de direitos constitucionais, incluindo a liberdade da expressão e do direito de não ser discriminado pelo estado.

Mantendo a comunicação social na escuridão

Um outro incidente ocorreu a 3 de fevereiro 2004, quando a comunicação social e o público foram negados acesso a uma sessão para investigar alegações de má conduta profissional, feitas pelo presidente Mwanawasa contra o alto oficial dos Serviços de Justiça, Mukelebai Mukelebai.

O Juiz Esau Chulu decidiu que o julgamento decorreria a portas fechadas, apesar de um pedido do advogado de Mukelabai, Vincent Malambo, que estas deviam ser abertas ao público.

O MISA-Zâmbia declarou na altura que “... jornalistas existem para informar o público e por isso julgar um processo a portas fechadas é uma violação dos direitos dos jornalistas assim como negação de informação ao público”.

Brutalidade policial: comunicação social sob ameaça

Outros casos incluíram a detenção por 4 horas, de dois repórteres da Rádio Lyambai, uma estação de rádio comunitária em Mongu (581 quilômetros ao oeste de Lusaka). Os dois foram detidos pela polícia por supostamente estarem a incitar a população da aldeia à violência.

Joseph Ngenda e Dennis Mwiiya, ambos produtores da Rádio Lyambai foram detidos a 20 de fevereiro 2004, por três policiais armados por terem apresentado um programa que os policiais disseram ter provocado o motim, durante o qual habitantes de Imwiko agrediram um suposto sequestrador e pegaram fogo à sua casa.

Mwala Kalaluka, um repórter do Serviço de Informação da Zâmbia que estava a cobrir o motim, foi detido por duas horas. Os policiais ameaçaram disparar se ele não parasse de

entrevistar as testemunhas. Também foi chamado de 'repórter falso que noticia mentiras'.

A 24 e 25 de abril, Samuel Botha, um editor adjunto e George Lwanja, um gerente de programação, ambos da Radio Chikaya, uma pequena estação de rádio comunitária em Lundazi (aproximadamente 800 quilômetros a nordeste de Lusaka), foram detidos e presos por 'obstruir um oficial da polícia que cumpria o seu dever'. Num caso relacionado, Chaison Gwede Ngulube, anunciador voluntário foi detido com relação à investigação de um assassinato na aldeia de Lundazi.

Botha foi detido por ter impedido um policial de entrar no estúdio da emissora para prender Ngulube, que na altura estava ao microfone num programa ao vivo. Lwanja só foi detido no dia seguinte quando tentou negociar a liberação de Botha. Lwanja informou o MISA-Zâmbia que Botha tinha sido agredido.

Houve outros casos tristes de intimidação, vitimização e detenções da parte da polícia ou outras instituições contra jornalistas. Um exemplo foi a suspensão por 30 dias do director de programação em exercício da ZNBC, Ben Kangwa e outro funcionário, Ignatius Sibetta, por terem transmitido, a 3 de agosto 2004, um filme africano sobre um homem que era viciado em se masturbar.

Silenciando os críticos

Este período testemunhou também a decisão do Ministro do Interior, Tenente-General Shikapwasha de anular o registo do Centro para Resolução Constructiva de Disputas da África Austral (SACCORD), depois de ter acusado a organização de se "envolver em actividades contrárias aos interesses do estado".

SACCORD era uma organização não-governamental envolvida em direitos humanos, promoção da boa governância, monitoramento de eleições e actividades de lobby para a reforma legislativa. Na altura em que o registo foi cancelado, a organização tinha sido abertamente crítica em insistir numa emenda da Lei sobre a Ordem Pública, que regula procissões e reuniões públicas na Zâmbia.

A proibição da SACCORD foi recebida com alarme por algumas ONGs, especialmente como isto ocorreu depois de ameaças pelo presidente Mwanawasa que o governo introduziria legislação para verificar a origem do financiamento das ONGs. O presidente tinha acusado algumas das ONGs de tentativas de destabilizarem o governo.

Guerra declarada

Para coroar tudo isto, a 20 de dezembro, membros de um esquadrão de choque de Lusaka agrediram e deteram quatro jornalistas e acusaram-nos de "conduta apta a levar à quebra da paz" e impediram outros de fazerem cobertura de pessoas que tinham sido detidas durante demonstrações pacíficas para protestar o método a ser usado para adoptar a constituição.

Os quatro eram o repórter da rádio Kangwa Mulenga de Phoenix, o repórter sénior Brighton Phiri do Post, o repórter da rádio Q-FM, Mutuma Chanda e o fotógrafo principal do Times of Zambia, Eddie Mwanaleza.

Os manifestantes - que estavam detidos num estádio de futebol de Lusaka - tentaram demonstrar contra a posição do governo sobre a escala de tempo a ser seguida para a adopção da nova constituição republicana.

Uma equipa do MISA-Zâmbia logo se deslocou ao local e encontraram os quatro jornalistas

detidos na esquadra de Kabwata. Kangwa, que tinha sofrido um golpe enorme acima de seu olho direito e estava sangrando, disse que os policiais o tinham agredido à coronhada de pistola. Isto, apesar de se ter identificado como jornalista.

Diversidade da comunicação social

A diversidade da comunicação social ganhou um impulso com o concedimento de licenças a mais algumas estações de rádio comunitária, incluindo a rádio Liseli Oblates em Mongu, Rádio Mano em Kasama e 5 FM em Lusaka. A estação de televisão Muvi Television Studio também obteve a sua licença.

Um bom sinal para a comunidade da comunicação social no país, foi a inauguração do Conselho da Comunicação Social da Zâmbia (MECOZ), em fevereiro de 2004. O conselho é presidido por um juiz aposentado do Tribunal Supremo. MECOZ já está em plena actividade e já ouviu vários casos. É significativo mencionar que o próprio governo também trouxe um caso para a decisão do MECOZ, uma indicação da sua aceitação do conceito de auto- regulação.

Conclusão

Baseado no que relatamos acima, parece ser razoável dizer que - em termos de perseguição e intimidação de jornalistas - não houve nenhuma trégua, mas, em comparação, em termos de activismo pelas reformas da lei da comunicação social e a melhoria do ambiente de trabalho dos jornalistas, a Zâmbia teve um ano relativamente calmo.

• **ALERT**

Date: January 1, 2004

Persons/Institutions: Breeze FM, BBC

Violation(s): Censored

On January 1 2004, Zambia's Ministry of Information and Broadcasting Services (MIBS) ordered the community based commercial radio station, "Breeze FM", to stop the relay of British Broadcasting Corporation (BBC) programmes. "Breeze FM" is based in Chipata, an area approximately 600 kilometers from the capital Lusaka, and broadcasts over a radius of 150 kilometres. "Breeze FM" Managing Director Mike Daka told MISA-Zambia that the MIBS Assistant Secretary for Press, Juliana Mwila, on January 1 reiterated the ministry's directive that the broadcast of BBC programmes was in violation of the radio station's license conditions. Mwila pointed out that in line with the station's application, it was licensed to carry foreign news sourced only from the Zambia News Agency (Zana), the Southern African Broadcasting Association (Saba) and Pan African News Agency (Pana).

• **ALERT**

Date: January 5, 2004

Persons/Institutions: Roy Clarke

Violation(s): Expelled

On January 5 2004, Roy Clarke, a columnist on the privately owned "Post" newspaper was given 24 hours in which to leave the country for allegedly having insulted President Levy Mwanawasa and two other cabinet ministers in an article published in the "Post" newspaper of January 1, 2004. Home Affairs minister Lieutenant General Ronnie Shikapwasha confirmed having issued orders to deport Clarke in Lusaka on January 5 when he addressed ruling Movement for Multi party Democracy (MMD) cadres who were gathered at his office demanding the immediate deportation of Clarke. Shikapwasha said Clarke was being deported because time had come for him to be let out of the country. He said government cannot allow Zambians to be insulted by a foreigner through satire. He said government has been following Clarke's writing and was finally deporting him. In his weekly column, the Spectator, Clarke is said to have referred to President Mwanawasa as a Muwelewele (fool) and called two of his cabinet ministers names.

• **UPDATE**

Date: January 7, 2004

Persons/Institutions: Roy Clarke

Violation(s): Expelled

On approximately 20h15 on January 5 2004, the Lusaka High Court blocked a deportation order against the "Post" newspaper columnist Roy Clarke, who is accused of insulting President Levy Mwanawasa and calling two of his ministers "baboons". The action signified that the decision to deport Clarke could not be effected until it was heard by the court on Thursday, January 8 at 14h30. Meanwhile, the government announced that it was looking for Clarke, who had reportedly gone into hiding to elude deportation.

• **UPDATE**

Date: January 9, 2004

Persons/Institutions: Roy Clarke

Violation(s): Expelled

On January 8 2004, the Lusaka High Court adjourned the hearing of the case in which Post newspaper columnist Roy Henry Clarke is challenging his deportation from Zambia. The case was to be heard on to January 26, 2004.

• **UPDATE**

Date: January 14, 2004

Persons/Institutions: Roy Clarke

Violation(s): Expelled

On January 13 2004, the Lusaka High Court ruled that Roy Clarke, the British national facing deportation from Zambia for writing a satirical article which allegedly insulted President Levy Mwanawasa and two ministers, will continue enjoying his status as a permanent Zambian resident until the court disposes of the case where he is challenging his deportation.

Judge Phillip Musonda made the ruling in his chambers following an application by Clarke's lawyer, Patrick Matibini, who was seeking clarification from government over Clarke's residential status, in view of the injunction which he obtained on January 5, 2004, restraining government from deporting him. The application was prompted by concerns over media statements by some government officials that Clarke should apply for a temporary residence permit if he wanted to remain in Zambia legally.

• **ALERT**

Date: January 17, 2004

Persons/Institutions: Leonard Hikaumba (ZCTU President)

Violation(s): Other (censored)

On January 17 2004, the state owned Zambia National Broadcasting Corporation (ZNBC) television station cancelled a live discussion programme meant to discuss government's controversial decision to impose a civil service wage freeze and hike personal tax called Pay As You Earn (PAYE). The Zambia Congress of Trade Unions (ZCTU) President Leonard Hikaumba told MISA-Zambia that the ZNBC had decided to cancel the programme intended to respond to statements made by Finance and National Planning Minister Ngandu Magande, on the wage freeze despite having confirmed it. Hikaumba said the programme was initiated by ZNBC Director of Programmes Ben Kangwa, who invited him to react to Magande's interview, which was broadcast on February 15 2004, in which he justified government's imposition of the wage freeze and increase in PAYE. Magande argued that the measures were meant to ensure that Zambia qualifies for the Highly Indebted Poor Countries (HIPC) initiative by June 2004.

• **ALERT**

Date: January 28, 2004

Persons/Institutions: Mackson Wasamunu

Violation(s): Detained, beaten, censored

On January 28 2004, Mackson Wasamunu, a photojournalist working for the state-owned "Zambia Daily Mail" newspaper was beaten and detained by police officers for taking photographs of a police action to remove street vendors from the capital Lusaka's city centre. Wasamunu was detained for approximately six hours. His two cameras worth about K10 million (approximately US\$2 100) were damaged in the ensuing struggle with the police officers, and his film was confiscated.

• **ALERT**

Date: February 3, 2004

Persons/Institutions: Media in Zambia, citizens of Zambia

Violation(s): Censored

On February 3 2004, the media and the public were barred from attending the hearings of a tribunal investigating allegations of professional misconduct levelled by President Levy Mwanawasa against Director of Public Prosecution (DPP), Mukelebai Mukelebai.

Tribunal Chairperson Judge Esau Chulu who sat with Judges Philip Musonda and Charles Kajimanga, ruled that the proceedings would be held in camera, despite an application by Mukelabai's lawyer, Vincent Malambo, that they should be open to the public.

• **ALERT**

Date: February 20, 2004

Persons/Institutions: Joseph Ngenda, Dennis Mwiiya and Mwala Kalaluka

Violation(s): Detained, threatened

On February 20, 2003 two reporters working for "Radio Lyambai", a community radio station in Mongu, 581 kilometers west of the capital, Lusaka, were detained by police for about four hours for allegedly inciting people in a local township to riot.

Joseph Ngenda and Dennis Mwiiya both producers at "Radio Lyambai" were picked up by three armed police officers for presenting a programme that police claimed led to a riot in which residents of Imwiko township beat up and set on fire the home of a suspected child abductor. Mwala Kalaluka, a Zambia Information Service reporter who was covering the riot, was detained for two hours and threatened with shooting if he did not stop interviewing witnesses. He was also called "a fake reporter who reports lies".

On February 19 2004, "Radio Lyambai" aired a programme in which a family accused Mongu police of dragging their feet in investigating a case in which a boy, believed to have died two years ago, "miraculously" returned to his parents. A man from a nearby fishing community who was alleged to have used witchcraft to abduct the boy, who he later claimed as his own, was beaten and had his house burnt by irate residents who accused the police of alleged cover-up in the investigations. The residents allegedly rioted after hearing the programme on the radio station where by the boy's supposed biological parents accused the police of shielding the alleged wizard.

• **ALERT**

Date: April 26, 2004

Persons/Institutions: Roy Clarke

Violation(s): Victory (expelled)

On April 26 2004, Lusaka High Court Judge Phillip Musonda quashed a deportation order issued by Home Affairs Minister Ronnie Shikapwasha against "Post" newspaper columnist Roy Clarke, saying it was unlawful and violated freedom of expression. Clarke, a British national and permanent resident of Zambia, had appealed against the order.

In his ruling Justice Musonda said the deportation order violated Section 26(2) of the Constitution in that there was procedural impropriety in the way the order was issued. He said that Clarke had shown that his constitutional rights including freedom of expression and the right not to be discriminated against, were violated by the state.

• **ALERT**

Date: April 24 and 25, 2004

Persons/Institutions: Samuel Botha, George Lwanja and Chaison Gwede Ngulube

Violation(s): Detained, beaten, threatened

On April 24 and 25 2004, Samuel Botha (sub-editor) and George Lwanja (programme manager) who work for "Radio Chikaya" - a small community radio station in Lundazi about 800 kilometers north east of Lusaka - were arrested, detained and charged with "obstructing a police officer on duty".

Related to the incident, radio announcer and volunteer Chaison Gwede Ngulube was arrested in connection with a murder investigation at a village in Lundazi.

Botha and Lwanja were arrested after they prevented a police officer from entering the

transmission studio to arrest Ngulube, who was anchoring a live discussion programme at the time. Lwanja however, was only arrested the next day when he attempted to negotiate for Botha's release from detention. Lwanja told MISA-Zambia that he and Botha were beaten up in the process. "He (police officer) slapped me on the face and hit me with a gun and threatened to shoot me while pointing the gun at me. He then fired the gun in the air which attracted the attention of passers-by," he said.

Lwanja was later released on bond after being remanded in custody for close to six (6) hours while Botha was only released after two (2) days following the intervention of the chairperson of the station's board of directors, Muyunda Zulu.

• **ALERT**

Date: June 3, 2004

Persons/Institutions: Zambian media organisations/coalition

Violation(s): Legislation

On June 3 2004, the Lusaka High Court granted a stay of execution to the Media Institute of Southern Africa (MISA)-Zambia and five other media bodies prohibiting the Minister of Information and Broadcasting Services from stopping presentation or vetting presentation of some names of board members recommended by the Ad Hoc Appointments Committees appointed under the provisions of the Independent Broadcasting Authority (IBA) and Zambia National broadcasting Corporation (ZNBC) (Amendment) Acts of 2002 to sit on the two institutions' boards.

This is in a matter in which MISA Zambia, together with the Press Association of Zambia (PAZA), Zambia Union of Journalists (ZUJ), Zambia Media Women's Association (ZAMWA), Society of Senior Zambian Journalists (SSZJ) and the Post newspapers are seeking judicial review challenging the Minister's decision not to submit all the names to parliament for ratification. Lusaka High Court Judge Gregory Phiri granted the stay following an application for leave filed in the Lusaka High Court on 3 June by MISA Zambia as first applicant, PAZA, ZUJ, ZAMWA, SSZJ and the Post newspapers seeking, among other things, to quash the Minister's decision.

In their application, the media bodies contended that the refusal by the Minister of Information to forward some of the names for presentation to the National Assembly amounts to usurping the role of the National Assembly to ratify or refuse to ratify the names.

They argued that the Minister does not have the power to vet the names presented by the appointments committees, as doing so is contrary to the provisions of the law.

They also said the Minister's decision not to present some of the names amounts to discriminating on extraneous grounds.

BACKGROUND: On May 30 2004, Information and broadcasting Services Minister Mutale Nalumango announced that she would remove some appointees from the IBA board.

Nalumango has come under fire for delaying the submission of nominees to the ZNBC and IBA boards to Parliament for ratification. The ZNBC (Amendment) and IBA Acts were enacted in December 2002.

• **UPDATE**

Date: August 31, 2004

Persons/Institutions: Zambian media organisations/coalition

Violation(s): Legislation (victory)

On August 27 2004, the Lusaka High Court dismissed an application by the state arguing that six media organizations that sued the state had wrongly commenced the matter of challenging the legality of government's decision not to take all the recommended names appointed to sit on the Independent Broadcasting Authority (IBA) and the Zambia National Broadcasting

Services (ZNBC) boards to parliament for ratification.

In his ruling in chambers, High Court Judge Gregory Phiri said the matter was properly commenced before the court and could therefore be heard by judicial review.

This followed an objection by the state in a preliminary hearing on August 24 saying the six organizations - except the "Post" newspaper, had legal authority to sue the state in the case and that the matter was not supposed to be commenced in the first place due to irregularities relating to Order 53 of the Supreme Court Practice Rules.

He said the organizations also have legal authority to seek judicial review over Information and Broadcasting Services Minister Mutale Nalumango's refusal to take to Parliament names of the Independent Broadcasting Authority (IBA) and the Zambia National Broadcasting Services (ZNBC) board members. He said the decision to leave out some names was made by Information and Broadcasting Services Minister Mutale Nalumango, in the exercise of her statutory powers under the Independent Broadcasting Authority Act No.17 of 2002 and the ZNBC (Amendment) Act No. 20 of 2002.

Judge Phiri said there was a decision involved by the minister and that decision was administrative in nature and could be subject of judicial enquiry. He stated that the subject matter of the application for judicial review by the media associations was not about interpretation of statutory provisions but about the decision made by the minister.

"Clearly this decision cannot be vividly said to be a question of interpretation of statutory provisions per se," he said.

BACKGROUND: On August 24 2004, the Court allowed the media bodies to make amendments to the legal action to show names of individuals to sue on behalf of the respective organizations.

Those that have sued the state and the Minister of Information and Broadcasting Services include the Media Institute of Southern Africa (MISA)-Zambia, Press Association of Zambia (PAZA), Zambia Media Women's Association (ZAMWA), Society of Senior Zambian Journalists (SSZJ), Zambia Union of Journalists (ZUJ) and the "Post" newspaper.

Despite the coming into effect of the IBA and ZNBC Acts in December 2003, and the fact that the Appointments Committees have submitted names to the Minister in order for her to take them to the National Assembly for ratification, the Minister has not done so to date. MISA consequently demanded that the minister submits these names to Parliament for ratification without any further delay in the interests of transparency and good governance.

The IBA Act removes the Minister of Information's regulatory powers in terms of awarding broadcasting licenses to non-state broadcasters, which will instead be performed by a publicly nominated board ratified by Parliament. Delays in the ratification of this board mean that the Minister of Information so far continues to control this function. The government refused to surrender its right of licensing the ZNBC, but the new ZNBC act does require the state broadcaster to transform into a public broadcaster serving the diversity of political views and interests across the spectrum. It also enables the government to charge the public a TV license fee. Additional funds are urgently required to refurbish the antiquated equipment and facilities of the state broadcaster.

• **ALERT**

Date: September 1, 2004

Persons/Institutions: Mazuba Mwiinga

Violation(s): Detained

On September 1 2004, Mazuba Mwiinga, a reporter working for the Catholic-owned community radio station "Radio Chikuni", was detained by local police in what appears to be a case of settling personal scores.

Mwiinga told MISA-Zambia that he was detained from approximately 15h30 hours on September 1, 2004, till 08h30 the following day on a fabricated charge of "telling falsehoods

against the police". Such a charge does not exist in the Penal Code.

Mwiinga said his detention was instigated by the officer in charge at Chikuni police post identified as Mwembe who, on August 29, 2004, was involved in a quarrel with two teachers from a nearby school. The quarrel resulted in the police officer being attacked by one of the teachers. Mwiinga witnessed the incident. However, for unexplained reasons, the officer in charge accused Mwiinga of spreading rumours that the assault did not happen and sent one of his police officers to fetch Mwiinga from his home and detain him.

"Radio Chikuni" news editor Matongo Maumbi confirmed the incident.

• **ALERT**

Date: November 15, 2004

Persons/Institutions: Southern Africa Centre for Constructive Resolution of Disputes (SACCORD)

Violation(s): Other (censored)

Minister of Home Affairs, Lt. Gen. Ronnie Shikapwasha has deregistered the Southern Africa Centre for Constructive Resolution of Disputes (SACCORD), accusing the organisation of "engaging in activities inimical to the interests of the state".

SACCORD is a non-governmental organisation involved in human rights, good governance, election monitoring and lobbying for legislative reform. Recently, the organisation has been outspoken in calling for the amendment of the Public Order Act, which regulates public processions and gatherings.

Shikapwasha said in a letter dated November 11, 2004, which was made available to the media on November 15, 2004, that he was deregistering SACCORD "with immediate effect" and that it should stop operating.

But SACCORD executive director Lee Habasonda told MISA-Zambia that he was shocked to learn about the banning of his organisation and had written to the minister to name the activities that his organisation was engaged in which were a danger to national security. In the meantime, he was consulting his lawyers with a view to sue the minister for breach of his association's rights to freedom of association and assembly.

The banning of SACCORD has been received with alarm by a number of NGOs especially that it follows threats made by President Levy Mwanawasa on November 1, 2004 that government would introduce legislation to check the source of NGO funding. He accused some unnamed NGOs of trying to destabilise the government.

The Zambia Congress of Trade Unions (ZCTU), Zambia Episcopal Conference (ZEC) and Inter-African Network for Human Rights and Development (AFRONET) are among the organisations that have criticised the banning of SACCORD and have challenged Shikapwasha to give the reasons for his action.

But Shikapwasha told the state-owned "Times of Zambia" on November 16, 2004, that his action was final and not subject to appeal.

"By law I am not even supposed to give SACCORD a hearing if I am convinced that they are involved in serious issues meant to undermine the security of the country," he said.

• **UPDATE**

Date: November 24, 2004

Persons/Institutions: Zambian media organisations/coalition

Violation(s): Legislation

On November 24 2004, lawyers representing the six media bodies in the case in which they have sued the Minister of Information and Broadcasting Services and the Attorney General for vetoing the names recommended to sit on the boards of the Independent Broadcasting Authority (IBA) and Zambia National Broadcasting Corporation (ZNBC), asked the Lusaka High Court

to grant an order directing Minister of Information and Broadcasting Services Mutale Nalumango to transmit the names to parliament for consideration and ratification.

In their submission before High Court Judge Gregory Phiri in Chambers, Patrick Matibini and Norman Sampa argued that the minister's decision to veto the names was irrational and ultra-vires as the proper body with discretion to do so was the National Assembly.

They said that the minister's decision was tantamount to usurpation of parliamentary jurisdiction and urged the Court to declare it null and void.

The two submitted that the intention of the two Acts as seen from the parliamentary debates prior to their enacting by parliament was to transfer excessive discretion and control from the Minister to the two Boards instituted under the two Acts and not submitting the names accordingly would be reversing the very intention for which the Acts were created.

They asked the court to interpret the word "recommend" as it exists in the context of the two Acts.

• **ALERT**

Date: November 26, 2004

Persons/Institutions: Zambia Daily Mail, Times of Zambia and Zambia National Broadcasting Corporation (ZNBC)

Violation(s): Threatened

On November 24 2004, Deputy Minister of Commerce Trade and Industry, Geoffrey Samukonga, caused a furore at the "Zambia Daily Mail", "Times of Zambia" and Zambia National Broadcasting Corporation (ZNBC), accusing the organisations of tarnishing his image. Samukonga threatened to have the newspaper's managing editor Godfrey Malama fired if he did not dismiss chief reporter Patson Phiri who he accused of writing adverse stories against him. Mr. Samukonga stormed the "Daily Mail" newsroom and unleashed a tirade of insults on chief reporter Patson Phiri, whom he accused of writing adverse stories against him. Thereafter, the deputy minister reportedly proceeded to Managing Editor Godfrey Malama's office, where he allegedly insulted him. He also allegedly pointed his finger menacingly in the face of editor in chief Mary Mbebe and threatened to cause the dismissal of top management at the "Daily Mail" if Phiri was not fired. "The Times of Zambia" and ZNBC reported that Samukonga repeated fit of rage at both institutions. At ZNBC he reportedly threw papers about in anger at a story that his firm had been sued by a security company for non-payment of services rendered.

• **UPDATE**

Date: December 1, 2004

Persons/Institutions: Zambian media organisations/coalition

Violation(s): Legislation

On December 1 2004, Lusaka High Court Judge Gregory Phiri set 21 December 21, 2004, as judgment in the case in which the five media bodies have sued the Minister of Information and Broadcasting Services (first respondent) and Attorney-General (Second respondent) for vetoing the names recommended to sit on the boards of the Independent Broadcasting Authority (IBA) and Zambia National Broadcasting Corporation (ZNBC) respectively.

• **ALERT**

Date: December 20, 2004

Persons/Institutions: Kangwa Mulenga, Brighton Phiri, Mutuna Chanda and Eddie Mwanaleza.

Violation(s): Detained, censored

On December 20 2004, Police in riot gear in Lusaka assaulted, detained and charged four journalists with "conduct likely to lead to breach of the peace" and barred several others from

covering people detained over the blocked peaceful demonstrations on the adoption of the constitution.

The four are “Radio Phoenix” reporter Kangwa Mulenga, “Post” senior reporter Brighton Phiri, “Radio Q-FM” reporter Mutuna Chanda and “Times of Zambia” Chief Photographer Eddie Mwanaleza. They were detained at Kabwata police station.

The journalists were arrested after attempting to catch a glimpse of the 68 people who were being held at a Lusaka police stadium for trying to demonstrate against government’s position on the timeframe for the adoption of the republican constitution.

Mulenga Kangwa, who sustained a deep cut above his right eye and was found bleeding, told MISA-Zambia that he was roughed up and hit with a gun-butt by a police officer despite identifying himself as a journalist. He said the police officers descended on him and other journalists when they refused to leave the scene where the demonstrators were being held.

The journalists, whose notebooks and camera were confiscated, were detained for close to five hours before they were released on police bond. They were to appear in the Lusaka Magistrate’s Court on December 23, 2004. Later, the journalists refused to yield to overtures by the officers at Kabwata police who told them that they were dropping the charges against them following instructions from high command.

Zimbabwe



By Mathew Takaona

Mathew Takaona is an award-winning Zimbabwean senior journalist and president of the Zimbabwe Union of Journalists.

Government on the warpath

Zimbabweans entered 2004 optimistic that the Supreme Court would quash sections of the Access to Information and Protection of Privacy Act (AIPPA), which had led to the closure of the vibrant, privately-owned Daily News and Daily News on Sunday.

This followed a protracted legal battle between the government and its publishers over the fate of the two publications, which were published for the last time on 12 September 2003 following a Supreme Court judgment which ruled in favour of the government-controlled Media and Information Commission (MIC). The MIC had declared that the two publications were operating illegally.

Of the state-sanctioned repressions against media freedom, the closure of the Daily News ranks as the most brutal given the paper's huge popularity as an alternative national must-read source of information.

That hope was, however, dashed when the government went on the warpath. Government officials tightened the screws of AIPPA and went on to close the privately-owned Tribune weekly publication in June. In doing so, they disregarded the outstanding matter between Associated Newspapers - publishers of the Daily News and Daily News on Sunday, and the MIC.

A siege mentality

This siege mentality spread to the State media when the Minister of Information and Publicity in the President's office, Professor Jonathan Moyo, declared that after dealing with "foreign-funded" papers such as the Daily News, its guns were now trained on internal enemies within the government-controlled media.

Moyo was true to his word. Robson Sharuko, Tendai Ndemera and Rex Mphisa, sports editor, senior reporter and assistant news editor, respectively, of the State-run Herald were fired from the national daily without appearing before any disciplinary hearing - as they should have in terms of Zimpapers's code of conduct.

A few weeks later, Matthew Takaona, an acting news editor with The Sunday Mail and president of the Zimbabwe Union of Journalists, was fired for addressing journalists from The Daily News.

The meeting was intended to address the plight of the journalists who are now unemployed. Takaona, who attended the meeting in his capacity as the president of the Union, was accused of playing a role that was in conflict with the interests of his employer.

As if that was not enough, more than 100 media workers were fired from the Herald after accusing management of corruption and mismanagement.

Government and media relations sour

Relations between the government and the media falls into two distinct areas: the government's relationship with the private media, and its relationship with the public media.

Relations between the government and the private media have never been cordial - not that they necessarily should be - but the situation deteriorated even further during 2004.

The Government, through the Department of Information, accused private newspapers of serving the “imperialist interests” of the British and United States governments. Zimbabwe has always maintained that the two countries are fighting to reverse the gains of the controversial state-sanctioned occupations of prime commercial farmland.

The MIC, a statutory regulatory body established under AIPPA, consistently and persistently attacked the private media, threatening them with closure whenever they were perceived as having stepped on the government’s toes.

Because of the ambiguity and contradictions in the law, the excuses used to threaten newspapers were never in short supply.

The threat of closure

Almost all private newspapers were either warned or threatened with closure. These incessant threats culminated in the closure of the Tribune in June.

The move was widely condemned as vindictive as it came after the Herald’s publisher, a ruling party MP and journalist, Kindness Paradza, attacked AIPPA in parliament as an undemocratic law. Hundreds of journalists and other media workers lost their jobs as the third national newspaper was forced to close under the repressive weight of AIPPA.

Unlike other countries elsewhere in the region, where heads of state and government meet with senior media practitioners, similar meetings, which President Robert Mugabe used to convene annually, were abandoned a long time ago. One would have to scratch one’s head to remember when President Mugabe last called a news conference with local journalists to discuss issues of national importance.

“Absolute control”

Instead, the media environment saw Moyo entrenching his absolute control over all state media apparatus following dubious but far-reaching restructuring exercises which saw experienced journalists and media workers being thrown into the streets to make way for pliable professionals who were at Moyo’s beck and call.

His perceived enemies within and without the ruling party were shut out of the mainstream government-controlled media, leaving the ordinary Zimbabwean lost as to what exactly was going on in government circles and who was in control where it concerned policy formulation and government socio-economic and political ideology.

Moyo achieved this media black-out through the aid of anti-media freedom and freedom of expression laws such as AIPPA, Public Order and Security Act (POSA) and the Broadcasting Services Act (BSA).

Tightening the noose

To ensure the government’s free reign in the conduct of national affairs without intrusion from its perceived enemies, the Criminal Law (Codification and Reform) Bill was introduced in Parliament for the purpose of tightening laws such as POSA, which pose serious impediments to freedom of expression, freedom of assembly, association and movement.

For instance, Section 15 of POSA, which deals with the publication, or communication of a statement prejudicial to the State, imposes a five-year prison term or a fine of Z\$200 000 or both for those who fall foul of the law.

Now under the Criminal Law (Codification and Reform) Bill, for committing a similar offence, the penalty suddenly shoots to a 20-year jail term or a fine of Z\$2,5 million or both the fine and a prison term.

Using its majority in Parliament, the ruling Zanu PF passed the Access to Information and Protection of Privacy (Amendment) Bill, which among other clauses, amends Section 83. This prohibits or suspends journalists from practicing without accreditation from the MIC.

The amended Act provides for a penalty in the form of a fine not exceeding \$600 000 or two years imprisonment — or both.

Clause 33 of the Criminal Law (Codification and Reform) Bill which deals with the publication of a false statement — one which undermines the authority of or insults the President or Acting President — imposes a one-year prison term or a fine of \$200 000 - or both.

Not just the media

Not content with muzzling the media, Parliament passed The Non-Governmental Organisations Bill, which threatens the very existence of virtually all non-governmental organisations working in Zimbabwe.

The Bill seeks to outlaw foreign funding to civic society organisations involved in human rights and governance issues.

President Mugabe is still to sign the Bill into law.

This intransigence in the wake of repeated calls for democratic reforms flies in the face of the SADC Guidelines and Principles on the conduct of free and fair elections which Zimbabwe endorsed at the regional meeting held in Mauritius in August.

Defamation and libel

Libel suits against newspapers have become commonplace to the extent that they no longer make news. This is not surprising considering that the media, and particularly the State media under the stewardship of Minister Moyo has discarded the cardinal rules of truth, accuracy, balance and fairness and allowed themselves to be used as the conveyor belts of hate speech, vengeance and retribution.

It is against that background that the now banned Daily News successfully sued Minister Moyo. The High Court ordered that he pay \$2,5 million in damages (US\$400) for a series of defamatory stories that appeared in The Herald.

The private media also was also hit with its fair - or perhaps unfair — share of defamation cases. The Speaker of Parliament, Mr Emmerson Mnangagwa successfully sued the banned Daily News for a story in which the paper alleged he influenced the release of his son from prison. The problem with following defamation cases in Zimbabwe is that it takes years before they are heard in the Courts.

Access to information

Laws such as AIPPA and POSA make it difficult to access information held by public bodies. This effectively kills investigative journalism.

Journalists were therefore reduced to reporting on what government officials and politicians

were saying as opposed to digging beneath the surface of their public statements in a country where corruption is on the ascendancy because public officials are not accountable to the taxpayer.

Most of the stories published were therefore mostly speculative, unsubstantiated and unsourced, leaving readers guessing at what exactly was going on around them.

Instances where efforts to access information landed journalists in trouble are too numerous to mention. However, one such case involves the detention of Desmond Kwande on 6 May 2004. He was detained by the police for taking pictures of a school that had been closed by the Minister of Education for increasing fees without government approval.

With the impending ban of non-governmental organisations, and if President Robert Mugabe signs the NGO Bill into law, Zimbabweans would yet again be deprived of alternative voices through which they were beginning to speak vociferously on issues affecting their socio-economic and political affairs.

The government's determination to stifle dissenting views was amply demonstrated when it threw out a COSATU delegation which had come to Harare on a fact-finding mission. The action was viewed as a prime example of the government's reluctance to subject itself to scrutiny on matters pertaining to respect for human rights and good governance.

Repressive laws still in place

The closure of The Tribune by MIC on the flimsy grounds that the company did not notify the Commission about the material changes to its ownership structures as required by AIPPA, and the upholding of that action by the High Court dashed hopes that repressive laws would be repealed. Appeals by both The Tribune and The Daily News against MIC rulings remained unheard throughout the year.

Ruling the airwaves

The Government continued to pay lip service to its commitment to open up the airwaves.

Zimbabwe Broadcasting Holdings, a State-owned radio and television company therefore continues as a monopoly. The Government, in accordance with Statutory Instrument 185 of 2004 Broadcasting Services (Licensing and Content) Regulations, announced the new broadcasting fees in September and followed this with yet another announcement in December, but there were no takers.

The regulations impose restrictive conditions for licenses and license fees that are out of reach for ordinary Zimbabweans, compounded by the prohibition of foreign funding in the broadcasting sector.

This media environment has seen a wave of radio stations based outside the country forming in order to fill in the void. The radio stations include the Voice of America, Studio 7 (based in Washington), SW Radio Africa, (London) and the Voice of the People Communication Trust.

Media diversity

Media diversity continued to shrink with the banning of The Tribune and the closure of Parade, the country's largest monthly magazine, due to financial constraints.

The government, using a memorandum of understanding between Zimpapers and the New Era of Namibia launched The Southern Times to counter negative stories about Zimbabwe published

by the Mail and Guardian and Sunday Times of South Africa.

The Southern Times has, however, failed to generate the anticipated readership as it relies heavily on stories filed by the State-controlled New Ziana news agency. This has resulted in very low circulation figures.

If the trend of cross-newspaper ownership is allowed to continue, with certain prominent citizens acquiring shares or expressing interest in the existing private publications, the existing small space for alternative voices will soon be closed, dealing a severe blow to Zimbabwe's quest for media diversity and pluralism.

This will inevitably result in the creation of a cartel of untouchable business moguls who will use the media to advance their selfish political and economic interests.

Journalists working together

The year provided some exciting times for media associations as they for the first time forged closer links and worked together on various projects. The Zimbabwe Union of Journalists (ZUJ), MISA Zimbabwe and the Media Monitoring Project Zimbabwe (MMPZ) came together and established the Media Alliance of Zimbabwe to co-ordinate media related activities.

One of MAZ's objectives is ensuring that there is no duplication of activities. A new organisation called Zimbabwe Journalists for Human Rights was also formed during the course of the year.

Conclusion

In a research paper, Takirambudde (1995), said:

“If democracy is based on rule by a majority of the population in a fair equitable society, then democratic institutions must work to empower people to make decisions within that society. “The ability of the governed to assert opinions without restraint is essential to this decision-making process. Media freedom is therefore critical to the establishment and continuity of democracy and becomes a primary indicator of the existence of a democratic society”.

Media laws in Zimbabwe do not allow citizens to assert opinions without restraint and it is critical that they be revisited.

Zimbabwe



Por **Mathew Takaona**

Traduzido por **Rui Correia**

Mathew Takaona é um jornalista galardoado e o presidente a União dos Jornalistas do Zimbabwe.

Governo em pé de guerra

Zimbabweanos começaram o ano de 2004 com optimismo que o Tribunal Supremo iria anular secções da Lei sobre o Acesso à Informação e a Proteção da Privacidade (AIPPA), que tinha levado ao encerramento dos dinâmicos jornais privados, Daily News e Daily News on Sunday.

Isto aconteceu depois de uma longa batalha jurídica entre o governo e a editora para decidir a sorte das duas publicações, que foram publicadas pela última vez a 12 de setembro 2003. O julgamento no Tribunal Supremo foi a favor da Comissão para a Comunicação Social e Informação (MIC), que é controlada pelo estado. A MIC tinha declarado que as duas publicações estavam a operar ilegalmente. De todos os actos de repressão do estado contra à liberdade da comunicação social, o encerramento do Daily News é considerado o mais brutal, dado a popularidade enorme do jornal, como uma fonte de informação alternativa, nacional e indispensável.

Essa esperança foi, no entanto, esmagada, quando o governo se pôs em pé de guerra. Agentes do estado apertaram ainda mais as disposições da AIPPA e procederam ao encerramento de uma publicação privada semanária, Tribune, em junho.

Uma mentalidade de cerco

Uma mentalidade de cerco espalhou-se através da comunicação social estatal quando o Ministro da Informação e Publicidade no gabinete do presidente, Professor Jonathan Moyo, declarou que depois de lidar com jornais financiados por estrangeiros, tais como o Daily News, iria virar a mira na direcção de inimigos internos dentro da comunicação social controlada pelo governo.

Moyo foi verdadeiro à sua palavra. Robson Sharuko, Tendai Ndemera e Rex Mphisa, respectivamente, editor de desporto, repórter sénior e editor adjunto de notícias, do diário estatal Herald foram demitidos sem mais nem menos, sem mesmo terem a oportunidade de comparecer a uma audiência disciplinar, como reza o Código de Conduta do Zimpapers, empresa estatal de gerência da mídia escrita do Zimbabwe.

Algumas semanas mais tarde, Mathew Takaona, um editor de notícias em exercício do Sunday Mail e presidente da União dos Jornalistas do Zimbabwe, foi demitido por falar com jornalistas do Daily News, numa reunião convocada para analisar a situação dos jornalistas que estão no desemprego. Takaona, que participou na reunião na sua capacidade de presidente da união, foi acusado de desempenhar um papel que estava em conflito com os interesses da entidade para a qual trabalhava.

Como se isso não chegasse, mais de 100 trabalhadores da comunicação social foram demitidos do Herald após terem acusado a gerência de corrupção e má administração.

Relações entre o governo e a comunicação social azedam

Relações entre o governo e a comunicação social dividem-se em duas áreas distintas: as relações do governo com a comunicação social privada, e relações com a comunicação social pública.

As relações entre o governo e a comunicação social privada nunca foram cordiais - não que necessariamente devesse ser assim - mas a situação piorou bastante em 2004.

O governo - através do Departamento da Informação - acusou os jornais privados de servirem “os interesses imperialistas” dos governos do Reino Unido e Estados Unidos. O Zimbábue sempre manteve que os dois países fazem de tudo para inverter os ganhos do programa do estado para ocupações de terrenos comerciais de primeira categoria.

A MIC - um órgão regulatório estatutário estabelecido em termos da AIPPA - atacou consistentemente e persistente a comunicação social privada, ameaçando com o encerramento sempre que tocassem na imagem do governo. Por causa da ambiguidade e das contradições na lei, os pretextos usados para ameaçar os jornais nunca faltaram.

A ameaça de encerramento

Quase todos os jornais privados foram avisados ou ameaçados com encerramento. Estas ameaças incessantes culminaram no encerramento do Tribune em junho.

A acção tomada foi condenada como sendo extremamente vingativa, pois resultou de um ataque que o publicador do Herald, Kindness Paradza, fez à AIPPA. Paradza - que além de jornalista também é membro da Assembleia para o partido no poder - atacou a AIPPA na Assembleia Nacional, rotulando-a de ser uma lei ‘que não é democrática’. Centenas de jornalistas e outros trabalhadores da comunicação social perderam o emprego quando o terceiro maior jornal nacional foi forçado a fechar sob o peso repressivo da AIPPA.

Ao contrário de outros países noutras partes na região, onde os chefes de estado e de governo se encontram com profissionais da comunicação social, o presidente Robert Mugabe abandonou este hábito há muito tempo.

“Controlo absoluto”

Enchendo esse vazio, Moyo implementou o seu controlo absoluto sobre todas as actividades da mídia estatal, fazendo uso de exercícios de reestruturação, de legitimidade duvidosa, mas com o efeito desejado. O resultado foi a demissão de jornalistas e profissionais de mídia experientes, que foram substituídos por profissionais moldáveis às ordens de Moyo.

Aqueles que ele imaginava serem seus inimigos - dentro e fora do partido no poder - foram impedidos de terem acesso à comunicação social controlada por Moyo. Isto deixava o cidadão comum perdido a respeito do que passava nos círculos do governo e sem saber quem estava ao comando da elaboração da política e da ideologia socio-económica e política do governo.

Moyo conseguiu este ‘blackout’ de informação com a ajuda de leis contra a liberdade da comunicação social e a liberdade de expressão, tais como a AIPPA, a Lei sobre a Ordem e Segurança Pública (POSA) e a Lei dos Serviços de Radiodifusão (BSA).

Par dar ainda mais força à munição de que já dispunha e abusando da sua maioria na Assembleia Nacional, o governo da Zanu-PF conseguiu a aprovação de uma emenda da AIPPA, para proibir ou suspender jornalistas de praticar jornalismo sem acreditação da MIC. Trabalhar sem carteira pode resultar numa multa de 600,000 dólares zimbabueanos ou dois anos de cadeia.

Difamação e libelo

Os casos de libelo contra jornais tornaram-se comuns até ao ponto de agora nem fazerem notícia.

No entanto, numa viravolta histórica, o Daily News - que agora está proibida - processou com sucesso o ministro Moyo por libelo. O Tribunal Supremo declarou que Moyo pagasse o equivalente a US\$ 400,00 em danos por uma série de artigos difamatórios publicados no Herald.

A comunicação social privada foi alvo de casos de difamação. O Presidente da Assembleia Nacional, Emmerson Mnangagwa processou com sucesso o Daily News por alegar que Mnangagwa influenciou a liberação do seu filho da cadeia.

Acesso à informação

Leis tais como AIPPA e POSA tornam difícil o acesso à informação retida por órgãos públicos. Isto mata eficazmente o jornalismo investigativo. Os jornalistas limitam-se a reportar o que os dirigentes do governo e políticos diziam, em vez de escavarem abaixo da superfície de suas declarações públicas. Isto, num país onde a corrupção está a aumentar cada vez mais, porque os dirigentes não são responsáveis perante o cidadão.

Assim, a maioria das histórias publicadas eram na maior parte especulativas, sem fundamento e sem fontes, deixando os leitores a terem que adivinhar exatamente o que estava acontecendo ao seu redor.

Ocasões em que esforços para ter acesso à informação causaram sérios problemas a jornalistas são demasiado numerosos para mencionar aqui. No entanto, citemos um caso que levou à detenção de Desmond Kwande a 6 de maio 2004. Ele foi detido por policiais por tirar fotografias de uma escola que tinha sido encerrada pelo Ministro de Educação por ter aumentado as propinas sem aprovação do governo.

Regulando o espaço radiofónico

O governo continuou a prometer sem nada fazer para por em prática o seu compromisso de abrir o espaço radiofónico. Isto significa que a empresa estatal, Zimbabwe Broadcasting Holdings de rádio e televisão continua gozando do seu monopólio.

Os regulamentos para novas licenças impõem condições restritivas e os custos estão fora do alcance dos Zimbabueanos comuns - especialmente se levar em conta a questão da proibição de financiamento estrangeiro no sector de radiodifusão.

Este ambiente da comunicação social viu uma onda de estações de rádio sedeadas fora do país a preencherem o vácuo. Estas estações incluem a Voz da América, Studio 7 (que transmite de Washington), SW Rádio Africa (Londres) e da Voice of the People Communication Trust.

Diversidade da comunicação social

A diversidade da comunicação social continuou a sofrer perdas, com a proibição do Tribune e o encerramento da Parade, uma revista mensal - a maior do país, devido a problemas financeiros.

Em contra-partida, empresas estatais da Namíbia e do Zimbabue, a New Era Publications Corporation (Namíbia) e a Zimpapers (Zimbabue) lançaram um jornal regional de domingo, The Southern Times (Tempos Austrais) aparentemente numa tentativa de criarem uma oposição aos jornais sul-africanos Sunday Times (Tempos de Domingo) e Mail & Guardian, que eram visto como sendo contra o presidente Robert Mugabe. De acordo com uma declaração conjunta emitida pela editora na altura do lançamento, o novo jornal de domingo espera conquistar um potencial público de 'milhões espalhados pela região'. No entanto, após os primeiros dois meses, tinha vendido menos de 20 000 cópias no total, de acordo com fontes da Namíbia. Parte

da razão, é que o jornal depende demais da agência de notícias estatal, New Ziana para o seu material para encher as suas páginas. Ambos os governos financiaram a operação.

Se a tendência que se verifica de determinados cidadãos proeminentes adquirirem ações nas publicações privadas existentes, o espaço pequeno existente para vozes alternativas vai desaparecer. Isto seria um golpe mortal na busca pela diversidade e o pluralismo da comunicação social. Inevitavelmente, isto resultará na criação de um cartel controlado por empresários intocáveis que usarão a comunicação social para promover os seus próprios interesses egoístas - políticos e econômicos.

Jornalistas que colaboram

O ano teve momentos de grande emoção para associações da comunicação social, que pela primeira vez forjaram laços mais estreitos e colaboraram em vários projectos. A União dos Jornalistas do Zimbabwe (ZUJ), o MISA-Zimbabwe e o Projecto de Monitoria da Comunicação Social do Zimbabwe (MMPZ) juntaram-se e formaram a Aliança da Comunicação Social do Zimbabwe (MAZ) para coordenar actividades relacionadas com a comunicação social. Um dos objetivos da MAZ é zelar para que não haja duplicação de actividades. Uma outra organização, Jornalistas do Zimbabwe para os Direitos Humanos também foi lançada durante o ano.

Conclusão

Num estudo, Takirambudde (1995), disse:

“se a democracia é baseada no governo pela maioria da população numa sociedade egalitariamente justa, então as instituições democráticas devem trabalhar para capacitar os seus cidadãos para poderem tomar decisões dentro dessa sociedade.

“a habilidade dos governados de terem opiniões sem limitações é essencial a este processo de tomar decisões. A liberdade da comunicação social é consequentemente crítica para o estabelecimento e a continuidade da democracia e vem a ser um indicador principal da existência de uma sociedade democrática “.

As leis da comunicação social no Zimbabwe não permitem que os cidadãos tenham opiniões sem limitações e é crítico que se reanalise esta situação.

• **ALERT**

Date: January 2, 2004

Persons/Institutions: Radio Dialogue FM

Violation(s): Detained

On January 2 2004, the station manager of “Radio Dialogue FM”, Father Nigel Johnson, was arrested in Bulawayo - approximately 450km from the capital Harare - whilst filming footage for a music video. Father Johnson told MISA-Zimbabwe that he was filming a group of artists performing dances in the high density of Nkulamane when he was approached by two policemen and a civilian. The police confiscated his video camera and car keys, and demanded that he accompany them to the police station. After his arrest, he was taken to Nkulamane Police station before being transferred to Bulawayo Central Police Station and detained overnight. Father Johnson was charged under the Miscellaneous Offences Act and homicide. He was released on January 3, 2003. On January 5 the police picked up Father Johnson from the “Radio Dialogue FM” offices in Bulawayo for further questioning on the activities of the aspiring community radio station. The video camera was returned on his release.

• **ALERT**

Date: January 10, 2004

Persons/Institutions: Iden Wetherell, Vincent Kahiya and Dumisani Muleya

Violation(s): Detained

On January 10 2004, “Zimbabwe Independent” newspaper Editor, Iden Wetherell, News Editor Vincent Kahiya and Chief reporter Dumisani Muleya were arrested. The police allege that the journalists denigrated President Robert Mugabe by publishing a story that the president “commandeered” an air Zimbabwe plane to take him to Asia. The journalists were charged under Section 80 of the Access to Information and Protection of Privacy Act and the police indicated that it would consider charging them under the Public Order and Security Act (POSA) as well. The three were granted Z\$20 000 (approximately US\$24) bail each on January 12.

• **ALERT**

Date: January 14, 2004

Persons/Institutions: Raphael Khumalo and Itai Dzamara

Violation(s): Detained, charged

On January 14 2003, the manager of the “Zimbabwe Independent”, Raphael Khumalo and reporter Itai Dzamara were summoned to Harare Central Police station and charged with criminal defamation. They were released around 16h30 that same day.

Dzamara co-authored a “Zimbabwe Independent” story titled “Mugabe grabs plane for Far East Holiday”, with chief reporter Dumisani Muleya. The state alleges that the story is false and defamatory to President Robert Mugabe. Muleya was arrested on January 10 together with editor Iden Wetherell and news editor Vincent Kahiya. Police also wanted to charge Dzamara for practising without accreditation. Proof that he has applied for accreditation was sent to the police. On October 4 2004, Wetherell, Kahiya and Itai were charged with criminal defamation. They are awaiting the setting of a trial date after a magistrate ruled that they could have a case to answer.

• **ALERT**

Date: January 13, 2004

Persons/Institutions: Zimbabwe Independent, Iden Wetherell

Violation(s): Threatened

The Chairman of the government appointed Media and Information Commission, Dr Tafataona Mahoso, has threatened to take action against the “Zimbabwe Independent” and its editor Iden Wetherell over what he calls a “racist” letter to the editor that was published in the paper on

January 2, 2004.

Mahoso said this in an article he wrote in the government-owned “The Herald” on January 13. In the article, which he called an “open letter” to Iden Wetherell. Mahoso castigated Wetherell for allowing the publication of a letter to the editor, in which the writer called “Zimbabweans an unthinking lot”.

Mahoso said that publication of the letter is a clear indication that Wetherell “supported racist motives and the vilification of blacks in Zimbabwe.”

Mahoso’s letter reads that “consistent with its powers and functions, as outlined in the Section 39 Subsection (b), (h), (j) and (o) of the Access to Information and Protection of Privacy Act (AIPPA), the Media and Information Commission (MIC) deplores the increasing toleration and apparent encouragement of open expressions of racist attitudes and images through the press”.

“And because this trend appears to be growing among certain media houses and editors in Zimbabwe and within some SADC neighbours, the MIC feels compelled to publicise its response to one particular offensive letter to the editor of the Zimbabwe Independent published on January 2, 2004.”

“The letter you published on January 2, 2004 is typical of the worst expressions of racism from the former slave territories of the United States, from apartheid South Africa and from the days of UDI in Rhodesia.” Mahoso added: “the fact that this is supposed to be an individual’s letter expressing individual opinion does not in any way exonerate the editor or the publisher”.

Mahoso said that the publication “of this offensive letter called for drastic action”.

• **ALERT**

Date: February 5, 2004

Persons/Institutions: Media in Zimbabwe

Violation(s): Legislation

On February 5 2004, the Zimbabwe Supreme court ruled that the Access to Information and Protection of Privacy Act (AIPPA) is constitutional, casting a dark shadow over the future of the independent media in Zimbabwe.

In his ruling, Chief Justice Godfrey Chidyaisiku said that sections 79, 83 and 85 of AIPPA are constitutional.

The sections provide for accreditation of journalists, outlaws practising journalism without accreditation and empower a government appointed body, the Media and Information Commission (MIC), to develop and enforce a code of conduct respectively.

• **ALERT**

Date: March 19, 2004

Persons/Institutions: Simon Bright

Violation(s): Detained

On March 19 2004, a Zimbabwean independent film maker Simon Bright was arrested on allegations of having participated in the production of a BBC documentary, Panorama, which focused on Zimbabwe’s controversial national youth training service.

Bright was arrested at the Harare International Airport as he tried to board an Air Zimbabwe flight to London. He was detained for the weekend by police and questioned on whether he worked for “outside broadcasters. Bright was asked whether he was involved in making a BBC’s Panorama programme that claimed thousands of Zimbabwean youths are being trained in special camps to torture and intimidate opponents of President Robert Mugabe’s government. Police were “unable to say what was offensive” about the tape, adding that various government departments were involved in the making of the documentary.

• **ALERT**

Date: March 25 and 26, 2004

Persons/Institutions: Radio Dialogue. Koliwe Nyoni, Gordon Moyo

Violation(s): Bombed (raided), detained (2)

On March 25 and 26 2004, Police in Zimbabwe's second city of Bulawayo, raided the offices of "Radio Dialogue" - a community radio station that is based in the city - and arrested several staff members.

Five police officers came to the station in the morning and asked for Father Nigel Johnson, the station manager who was away in South Africa on business. The officers then produced a search warrant which stated that police had reason to believe that Father Johnson was in possession of subversive material. The warrant was to search the "Radio Dialogue" offices and Father Johnson's private home. The officers proceeded to search the eight offices and two studios and took away some documents. They also recorded the details of the station's 17 employees.

On March 26, the officers returned to "Radio Dialogue" where they arrested the Marketing Officer, Koliwe Nyoni. Nyoni spent the morning and part of the afternoon at the Central Police station. Nyoni was asked about a Public Order and Security Act public awareness advert that was placed in newspapers by MISA-Zimbabwe in 2003. A newspaper cutting of the advert was among the documents seized on March 25. Nyoni was also questioned on the activities of MISA-Zimbabwe and Bulawayo Agenda. On March 26 Bulawayo Agenda coordinator, Gordon Moyo, also spent the day at the station. After questioning him, the officers proceeded to search his house. The two were released without being charged.

• **ALERT**

Date: April 11, 2004

Persons/Institutions: Shandukani Mathagu

Violation(s): Expelled

On April 11 2004, South African broadcasting Corporation (SABC) journalist was arrested at BeitBridge border post for allegedly entering Zimbabwe illegally. He was released after the South African authorities provided his traveling details.

• **ALERT**

Date: April 20, 2004

Persons/Institutions: Richard Musazulwa

Violation(s): Beaten

On April 20 2004, the "Standard" journalist Richard Musazulwa, was assaulted by soldiers for writing a story in which he alleged that 65 army recruits had fled training.

• **ALERT**

Date: April 21, 2004

Persons/Institutions: The Daily Telegraph

Violation(s): Expelled

On April 21 2004, "Daily Telegraph" journalist Mihir Bose, was deported from Zimbabwe for entering the country without proper accreditation.

• **ALERT**

Date: April 29, 2004

Persons/Institutions: Sky News television crew

Violation(s): Expelled

On April 29 2004, the Department of Information, asked a "Sky News" television crew - Ben

Depear and Martin Smith - from Britain to leave the country, saying it had entered the country illegally without observing accreditation laws. In London, "Sky" said it had not tried to enter the country clandestinely and believed it had clearance to send a two-man crew from Johannesburg to film matters related to cricket.

It emerged a week later that the team had in fact been invited by the ruling, Zimbabwe African National Union Patriotic Front (Zanu PF) party through the country's Ministry of Information.

• **ALERT**

Date: April 30, 2004

Persons/Institutions: Media in Zimbabwe

Violation(s): Threatened

On April 30 2004, Minister for Information and Publicity Professor Jonathan Moyo threatened to arrest Zimbabwean journalists who report for foreign media houses. Addressing journalists at a press conference in Zimbabwe's second city of Bulawayo, Minister Moyo said there was enough space in Zimbabwe's prisons for journalists caught dealing with foreign media houses. He added that after dealing with corrupt financial businesses the government would deal with the journalists.

• **ALERT**

Date: May 4, 2004

Persons/Institutions: Desmond Kwande

Violation(s): Detained

On May 4 2004, Desmond Kwande, a photographer with the "Daily Mirror", was detained for one hour by the police for attempting to take a picture of a banner at a school that was under police guard. Kwande visited Eaglesvale High School, which is one of the 45 schools closed by the government over unauthorized hiking of school fees. Kwande was about to take a photo of a banner at the school when a police officer, identified only as Constable Chirenje, approached him demanding to know why he wanted to take the picture. The police officer allegedly informed Kwande that he could not take the pictures as it might result in the officer losing his job.

When told that the picture had nothing to do with him, the officer insisted that Kwande's fate could only be determined by his superiors. The photographer was released after the arrival of the officer in charge of Marimba police station, situated in a suburb of the capital Harare.

• **ALERT**

Date: May 12, 2004

Persons/Institutions: Davies Guzha (Rooftop Promotions)

Violation(s): Censored

On May 12 2004, the Censorship Board banned a satirical play, Super Patriots and Morons, performed by Rooftop promotions. The play portrays an unnamed African country which is ruled by an out-of-touch president.

• **ALERT**

Date: May 21, 2004

Persons/Institutions: Bornwell Chakaodza, Valentine Maponga

Violation(s): Others (legislation)

The editor of "The Standard" newspaper Bornwell Chakaodza and reporter Valentine Maponga, were arrested on May 21, 2004, for contravening section 15 of the Public Order and Security Act (POSA). Allegations against the two journalists arose on May 16 2004, when they published a story headlined "The family of slain mine boss blames government officials." The story read that the family of slain Trojan Mine boss, Dr Leonard Chimimba, was blaming government

officials for his death. They relied on a named source who has since distanced himself from the article. They were released on that same day on Zimbabwe \$50 000 bail each. On June 8 2004, they were further remanded out of custody to August 14 2004.

• **ALERT**

Date: June 6, 2004

Persons/Institutions: Taxpayers of Zimbabwe

Violation(s): Legislation (threatening)

On June 6 2004, the government gazetted the Zimbabwe Broadcasting Corporation (Debt Assumption) Bill which seeks to pave the way for the state to take over the state broadcaster's debt which runs into billions of Zimbabwe dollars.

Under the Bill, the government will assume all obligations arising from the corporation's agreements and instruments of debt owed to the various institutions to the tune of US1, 9million.

The Act in part reads,

Section 3(1) Subject to this Act the Minister responsible for Finance shall, on behalf of the state, assume responsibility for the discharge of-

(a) The outstanding obligations of the Zimbabwe Broadcasting Corporation under the agreement and instruments of debt specified in the schedule; and

(b) Such other obligation as he may consider expedient in relation to any such assumption specified in the schedule;

And may give written authority to any person to sign and execute as his representative any undertaking, agreement or document pursuant to any such assumption or responsibility.

(1) The terms and conditions under which the minister assumes responsibility in terms of section

(2) for the discharge of any obligation under or in relation to any agreement or instrument specified in the Schedule shall be fixed by the minister with the consent of the creditor concerned.

The Corporation embarked on a major restructuring exercise in 2001 which culminated in the Zimbabwe Broadcasting Corporation (Commercialization) Act passed in 2001. The act split the ZBC into two companies, i.e the Zimbabwe Broadcasting Holdings (ZBH) and Transmedia, a signal transmission service provider. ZBH has since been split into business units which are financially independent and are expected to sustain their operations from revenue generated. The corporation has however continued to face serious financial problems as evidenced by failure to pay service providers and also delays in paying salaries to employees.

• **ALERT**

Date: June 6, 2004

Persons/Institutions: Africa Tribune Newspapers (ATN) (Pvt) Ltd (The Tribune)

Violation(s): Censored

The government appointed Media and Information Commission (MIC) has shut down the media house, The Africa Tribune Newspapers, (ATN) publishers of "The Tribune" newspaper on allegations of breaching section 67 of the Access to Information and Protection of Privacy Act (AIPPA). MIC closed the paper in terms of section of section 71 of AIPPA.

In a press statement, MIC chairperson Tafataona Mahoso says that the media house breached section 67 which stipulates that the commission must be informed of any changes in the titles, frequency and ownership of a licensed Media house. MIC says the media house failed to:

1. Report material changes in terms of section 67

2. Failure to answer critical questions once the opportunity to do so was provided.

3. Misrepresentation of important information in an attempt to mislead the Commission.

MIC says as a result of the reasons provided, the newspaper will be shut down for a year. The

publisher of The Tribune, Kindness Paradza told MISA-Zimbabwe that the MIC letter to the ATN states that ATN failed to inform the MIC that The Tribune newspaper, initially published on Thursdays as The Business Tribune and on Saturdays as The Weekend Tribune had been merged into one. The Tribune is now published on Fridays only.

Paradza adds that the letter states that the paper changed its title, imprint and ownership without notifying the MIC. The letter also states that the paper employed an unaccredited journalist, Bekithemba Mhlanga as a reporter.

Paradza informed MISA-Zimbabwe that they never employed Mhlanga who made contributions through the “Letters to the editor” pages. Paradza also said that they challenge the closure tomorrow.

• **UPDATE**

Date: June 9, 2004

Persons/Institutions: Samuel Nkomo , Rachel Kupara, Michael Mattinson , Brian Mutsau

Violation(s): Censored

Four directors of The Associated Newspapers of Zimbabwe (ANZ), publishers of the banned “Daily News” and “Daily News on Sunday” pleaded not guilty on Wednesday, June 9 2004, to charges of publishing without a licence.

The four face charges under section 66 of the Access to Information and Protection of Privacy Act, (AIPPA), for publishing without a license from the government appointed Media and Information Commission. The state contends that ANZ directors, Samuel Nkomo and directors Rachel Kupara, Michael Mattinson and Brian Mutsau published the “Daily News” illegally on October 24 2003, six weeks after it was shut down. The comeback edition was published a day after the administrative court ruled that the Media and Information Commission (MIC) had erred in denying the ANZ a licence when it applied for one in September 2003.

MIC executive chairperson, Dr Tafataona Mahoso testified that the newspaper editors misinterpreted the court ruling and should have waited before restarting publication of the newspaper. The Administrative court had on October 23 2003 ordered that the ANZ be granted a licence by November 30. Resuming publication immediately was “the accused’s interpretation” of the judgment, said Tafataona Mahoso.

“Following the judgment of October 23 2003, it (the paper) should have waited until after the 30th of November,” he contended. “In my understanding, the Associated Newspapers of Zimbabwe was publishing outside the law,” said Mahoso.

On July 12 the four ANZ directors sought a court ruling discharging them from charges of having printed the “Daily News” illegally on October 25, 2003. The Directors say the state has failed to prove its case against them.

On September 20 2004, the ANZ and its four directors who were being jointly charged with contempt of court and publishing The Daily News without the requisite licence, were acquitted of the charges.

• **UPDATE**

Date: June 21, 2004

Persons/Institutions: Africa Tribune Newspapers (ATN) (Pvt) Ltd (The Tribune)

Violation(s): Censored

On June 21 2004, the High Court reserved judgment in the case in which Africa Tribune Newspapers (ATN) (Pvt) Ltd, the publisher of “The Tribune” weekly newspaper are challenging the Media and Information Commission’s (MIC) decision to cancel its license.

On July 21 2004, the high court upheld a decision by the Media and Information Commission to suspend the license of The Tribune newspaper for a year.

• **ALERT**

Date: July 1, 2004

Persons/Institutions: Media in Zimbabwe

Violation(s): Legislation (threatening)

Zimbabwe's Parliament has passed a tough new Bill that allows police to hold suspects for three weeks before they are brought to court. The Criminal Procedure and Evidence Amendment Bill was passed late on July 1, 2004, despite stiff resistance from the opposition Movement for Democratic Change (MDC), said the party's shadow justice minister David Coltart.

Under the Bill, suspects arrested on suspicion of corruption or violating security laws would be detained for up to 21 days instead of the 48 hours previously allowed to schedule a court appearance. The Bill will now be presented to President Robert Mugabe who is expected to sign it into law.

• **ALERT**

Date: August 23, 2004

Persons/Institutions: Tawanda Mudimu

Violation(s): Beaten

On August 23 2004, "Herald" newspaper photographer Tawanda Mudimu was harassed by police officers while taking pictures of a prominent gospel musician who arrived at the Harare Magistrates Court for initial remand hearing. The policemen who were escorting gospel singer Charles Charamba into the court buildings, damaged Mudimu's camera worth \$10 million (approximately US\$1 886) as they tried to prevent him from taking pictures of the musician. According to the "Herald", a report was made at the Harare Magistrates police post.

• **ALERT**

Date: September 16, 2004

Persons/Institutions: Bornwell Chakaodza

Violation(s): Threatened

On September 16 2004, the Media and Information Commission (MIC) issued an October 1 2004 deadline to editor of the privately-owned "Standard" weekly newspaper, Bornwell Chakaodza, to submit a negative of the photograph of President Robert Mugabe taken at the Harare Agricultural Show in August this year.

On August 29 2004, the "Standard" published a front page photograph of President Mugabe hitching up his trousers under a headline titled "Smartening Up". MIC chairman Dr Tafataona Mahoso, claimed the Commission had received "numerous telephone complaints" about the photograph. In a final letter of demand for information requested to assist with the investigations dated September 28, 2004, Mahoso warns Chakaodza and the publishers of the paper, that failure to comply by October 1, 2004, would compel the MIC to proceed against them in terms of Section 50 subsection (2) and (3) and 52 of the Access to Information and Protection of Privacy Act (AIPPA) as well as Section 12 (b) of the Commissions of Enquiry Act.

• **ALERT**

Date: September 23, 2004

Persons/Institutions: Vincent Kahiya, Raphael Khumalo, Augustine Mukaro

Violation(s): Detained

On September 23 2004, Editor Vincent Kahiya, General Manager Raphael Khumalo, and reporter Augustine Mukaro of the privately owned "Zimbabwe Independent", were arrested by the police on allegations of abusing journalistic privilege under the Access to Information and Protection of Privacy Act (AIPPA). The arrest of the three follows the publication of a story linked to the treason trial of Morgan Tsvangirai, the leader of the opposition Movement for

Democratic Change (MDC).

The three who were detained at Harare Central Police Station were picked up from their work place in Harare at approximately 10h00 on September 23, 2004. Confirming the arrests, Iden Wetherell, the publishing company's group projects editor, said the police had recorded warned and cautioned statements from the three before releasing them at around 16h00 the same day. They had been charged under Section 80 C (ii) of AIPPA, which deals with abuse of journalistic privilege. They were asked to report back at Harare Central Police Station at 09h00 on September 28, 2004.

• **ALERT**

Date: September 30, 2004

Persons/Institutions: Tawanda Majoni

Violation(s): Victory

On September 30 2004, the High Court quashed a three-month jail term imposed against Tawanda Majoni, the assistant editor of the privately-owned "Sunday Mirror", by a board that had been convened by the Commissioner of Police in September 2002. Majoni was found guilty of breaching the Police Act and told to pay a fine of \$500 failure of which he would be jailed for 10 days. Majoni was arrested on September 12, 2002, and charged under the Access to Information and Protection of Privacy Act (AIPPA) for allegedly writing falsehoods about the health of Police Commissioner Augustine Chihuri and for breaching the Police Act. Charges under AIPPA fell away.

• **ALERT**

Date: September 30, 2004

Persons/Institutions: Frank Chikowore

Violation(s): Censored

On September 30 2004, freelance journalist Frank Chikowore was barred from covering the initial remand hearing of women protestors who were arrested in the town while on their way to Harare to protest against the controversial Non-Governmental Organisations (NGO) Bill. The police confiscated Chikowore's national identity card and passport and told him to collect the documents in question upon production of his press accreditation card issued by the Media and Information Commission (MIC).

• **ALERT**

Date: October 5, 2004

Persons/Institutions: Tsvangirai Mukwazhi, Desmond Kwande and Howard Burditt

Violation(s): Detained

On October 5 2004, photo-journalists Tsvangirai Mukwazhi, Desmond Kwande and Howard Burditt were arrested outside Parliament Building in Harare while covering a demonstration by women protestors demonstrating against the proposed Non-Governmental Organisations Bill. The three were taken to Harare Central Police Station where they were detained till the next day after their arrest around 15h00. Mukwazhi and Burditt are freelance photo-journalists while Kwande works for the privately-owned "Daily Mirror".

• **ALERT**

Date: October 6, 2004

Persons/Institutions: Media in Zimbabwe

Violation(s): Legislation (threatening)

The Access to Information and Protection of Privacy Act (AIPPA) Amendment Bill which will

tighten the controversial media law was tabled in Parliament on 6 October 2004. Among others, the Bill seeks to provide a penalty fine and imprisonment term for journalists practicing without government accreditation.

• **ALERT**

Date: October 6, 2004

Persons/Institutions: Richard Musazulwa

Violation(s): Detained

On October 13, 2004, special correspondent of the privately-owned “Standard” weekly newspaper Richard Musazulwa, appeared in court on charges of publishing falsehoods under the Access to Information and Protection of Privacy Act (AIPPA) arising from a story published in January 2004. The story alleged that hungry ZANU PF youths had stormed a Heroes luncheon hosted by military chiefs at Thornhill Airbase in Gweru.

He was charged with contravening Section 80 (1) (b) of AIPPA which deals with the publication of falsehoods. He was granted \$50 000 bail and remanded to October 26, 2004.

• **ALERT**

Date: October 13, 2004

Persons/Institutions: Members of the Zimbabwe Social Forum

Violation(s): Other

On October 13 2004, Zimbabwe Police barred members of the Zimbabwe Social Forum from holding a meeting scheduled for October 14, 2004, in the Harare Gardens claiming that the meeting would disturb public order. The Forum comprises anti-globalisation activists, social movements, NGOs, community based organisations, faith-based groups and unions opposed to neo-liberalism. The meeting was to be convened under the theme “People’s Forum Against Poverty, Gender Inequality and Oppression” and was meant to prepare for Zimbabwe’s participation in the forthcoming Africa and World Social Forums scheduled to be held in Zambia in December 2004 and in Brazil in January 2005.

• **ALERT**

Date: October 13, 2004

Persons/Institutions: Movement for Democratic Change (MDC)

Violation(s): Other

The government will not allow the opposition Movement for Democratic Change (MDC) access to the public media ahead of the parliamentary elections slated for March 2005, the Minister of Legal and Parliamentary Affairs, Patrick Chinamasa said in Harare on October 13, 2004.

The SADC Principles and Guidelines Governing Democratic Elections which, among other provisions, stress the need for political tolerance, binds member states to allow all political parties equitable access to the state media. On the ruling party’s monopoly of the state media, he said the scales were in fact tilted in favour of the MDC which he said enjoyed extensive coverage by CNN and the VOA.

• **ALERT**

Date: October 13, 2004

Persons/Institutions: Owen Matava

Violation(s): Detained

On 13 October 2004, the editor of the Kwekwe-based “Midlands News” Owen Matava, was picked up by police in Kwekwe and questioned over a story on the alleged retirement plans of the Governor of the Midlands Province, Cephas Msipa.

Matava was picked up from his offices and taken to the Gweru Central police station where he endured nine hours of questioning before he was released at about 4.45 pm.

The police recorded his warned and cautioned statement and said they would notify him of when he would appear in court by way of summons.

On September 18, 2004, the weekly "Midlands News" published a story which said Msipa would be retiring from the government at the end of the year. Msipa is denying reports of his alleged retirement plans.

• **ALERT**

Date: October 15, 2004

Persons/Institutions: Desmond Kwande

Violation(s): Detained

On October 15 2004, "Daily Mirror" photojournalist Desmond Kwande was arrested outside the High Court Buildings in Harare, just after the acquittal of opposition MDC leader Morgan Tsvangirai on treason charges. Kwande was on his way to the "Daily Mirror" offices when he was stopped by members of the riot police who demanded he handover his camera for "vetting". Kwande was bundled into a police open truck and driven to Harare Central police station around noon.

• **ALERT**

Date: November 24, 2004

Persons/Institutions: BBC, The Times, Telegraph, Sun, Mirror

Violation(s): Expelled

BBC journalists and several others working for British newspapers have been banned from covering England's cricket tour of one-day internationals which begins in Harare on Friday, November 26. According to an AFP report, on November 24, 2004, the decision to deny 13 of the 36 visa requests from British media outlets was made on political grounds. Journalists from "The Times", "Telegraph", "Sun", "Mirror", and their Sunday editions, also had their applications turned down by the government.

Under the controversial Access to Information and Protection of Privacy Act (AIPPA), all foreign journalists should apply for accreditation at least a month before their planned visit to Zimbabwe.

Selected Press Statements (International)

Press Statement / Communiqué

February 5, 2004

Africa Ratifies Human Rights Court

The fight against impunity in Africa took a significant step forward this week with the entry into force of a new human rights court in Africa, reports UN Wire.

The African Court on Human and Peoples' Rights came into effect on 25 January 2004 after the nation of Comoros became the 15th African Union country to ratify the protocol governing its creation.

Using the 1982 African Charter on Human and Peoples' Rights as its legal reference, the new court will hear cases on human rights violations brought forward by the African Commission on Human and Peoples' Rights. It will also hear cases submitted by individuals and non-governmental organisations if national courts are unable to resolve them and if the AU country in question approves them.

Several human rights groups have been appointed to a working group that will examine best practices in nominating judges and administering the court. They include the Open Society Institute's Justice Initiative, the National Human Rights Commission of Uganda, the Human Rights Institute of South Africa and the Federation Internationale des droits de l'homme (FIDH).

Press Statement

June 25, 2004

Freedom of expression organisations call on African governments to implement a number of legal reforms and end the criminalisation of expression

The following statement was issued by the Africa Caucus at the 11th General Meeting of the International Freedom of Expression eXchange (IFEX) in Baku, Azerbaijan, 13-18 June 2004, and is endorsed by the signatories below:

Statement by African Free Expression Organisations

At the 11th General Meeting of the International Freedom of Expression eXchange (IFEX) In Baku, Azerbaijan, June 13-18, 2004

We, African free expression organisations;

Noting that the legal systems of many countries in Africa have over the decades retained or enacted new laws that criminalise various forms of expression and journalistic activity;

Observing that criminal sanctions are an unwarranted response to breaches of journalistic ethics and only serve to repress free speech and public debates;

Further observing in particular that "insult laws", security legislation, criminal defamation, and sedition laws, among others, are increasingly being used by repressive governments to stifle free speech and curtail debates on matters of public interest;

Stressing that African people have a right to participate in governance and democratic processes and are, in the vast majority of cases, precluded from doing so because of a culture of secrecy in government;

Recognizing the need for an effective mechanism for the protection and enforcement of fundamental rights and freedoms on the African continent;

Therefore, call on African governments to undertake a comprehensive review of all content-related offences, and in particular to ensure that criminal sanctions are removed from all such

laws to bring them into conformity with international human rights standards;

Further call on African governments to enhance transparency, accountability and good governance, and in particular, to take urgent steps to repeal official secrecy laws and adopt legislation and policy that facilitate access to information;

Urge African governments that have not yet ratified the protocol for the African Human Rights Court to take steps to do so; and,

Finally, impress upon African governments and the African Union the need to ensure the effective functioning of the court by demonstrating political will and committing adequate resources to the institution.

Issued by:

- * East Africa Media Institute, Somalia
- * Freedom of Expression Institute, South Africa
- * Journaliste en danger, Democratic Republic of Congo
- * Media Foundation for West Africa
- * Media Institute of Southern Africa
- * Media Rights Agenda, Nigeria

Endorsed by:

- * Azerbaijan Journalists Confederation
- * Canadian Journalists for Free Expression
- * Cartoonists Rights Network, International
- * Center for Human Rights and Democratic Studies
- * Center for Journalism in Extreme Situations
- * Central Asian and Southern Caucasian Freedom of Expression Network
- * Centro de Reportes Informativos sobre Guatemala
- * Committee to Protect Journalists
- * Freedom House
- * Fundación para la Libertad de Prensa
- * Greek Helsinki Monitor
- * International Federation of Journalists
- * International Foundation for Protection of Freedom of Speech “Adil Soz”
- * International Press Institute
- * Independent Journalism Center, Moldova
- * Journalists’ Trade Union
- * Pakistan Press Foundation
- * Southeast Asian Press Alliance
- * World Association of Community Radio Broadcasters
- * World Association of Newspapers
- * World Press Freedom Committee
- * Writers in Prison Committee, International PEN

Press Statement

June 25, 2004

Freedom of expression organisations condemn media freedom and freedom of expression violations in eight African countries

The following statement was issued by the Africa Caucus at the 11th General Meeting of the International Freedom of Expression eXchange (IFEX) in Baku, Azerbaijan, 13-18 June 2004, and is endorsed by the signatories below:

The following members of the International Freedom of Expression eXchange (IFEX), an international network of freedom of expression organisations from around the world, are deeply

concerned about ongoing media freedom and freedom of expression violations taking place in Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Ethiopia, Somalia, Swaziland and Zimbabwe.

CÔTE D'IVOIRE

The media in Côte d'Ivoire operate under conditions of fear of attacks and intimidation by political thugs.

We call on the government of President Laurent Gbagbo to ensure the protection of all media against attacks. At the same time, we call on the media in Côte d'Ivoire to refrain from propagation of hate speech and to work to promote peace and unity in the country.

DEMOCRATIC REPUBLIC OF CONGO

Although observers have noted an improvement in media freedom in the Democratic Republic of Congo (DRC), the government has resumed the arrest, harassment and imprisonment of journalists.

We urge the government to free all journalists presently in custody, to guarantee the right of journalists to practise freely and to desist from inciting ethnic hatred using public media.

EQUATORIAL GUINEA

Equatorial Guinea, under the rule of President Teodoro Obiang Nguema, provides no space for the operation of independent media and continues to deny its citizens the right to access media of their choice.

We appeal to President Teodoro Obiang Nguema to respect the undertaking made by his country in ratifying international human rights and freedom of expression declarations.

ERITREA

For more than three years now, the government of Eritrea has been holding in detention without charge or trial about 18 journalists. The government has also banned the operation of independent media.

We call on the government of Eritrea to free all detained journalists and permit the existence and operation of independent, privately owned media in Eritrea.

ETHIOPIA

The Ethiopian government, under the pretext of seeking accountability, has made it impossible for the Ethiopian Free Press Journalists' Association (EFJA) to function since November 2003. This follows years of harassment, intimidation, arrests and detention of the leadership of the EFJA.

We call on the Ethiopian government to permit the EFJA to function without restrictions and governmental constraints.

SOMALIA

The civil war in Somalia has shattered the country's media and forced most of the journalists to flee into exile. A new generation of journalists works under very hostile conditions of daily threats of violent attacks, intimidation, blackmail, closure of media houses, property confiscation, and bans by the warlords.

We call on the provincial authorities in the self-declared 'autonomous' regions and the warlords to respect media freedom and leave the media to operate without threats and attacks on the lives of journalists and the media.

SWAZILAND

Swaziland is an absolute monarchy where King Mswati III rules by Royal Decree. Demonstrations, marches, pickets or any form of public protests or expression of contrary opinion are prohibited.

The media are especially censored and journalists are indiscriminately arrested and prosecuted under a plethora of laws, including insult laws, sedition and criminal defamation.

We call on the rulers of Swaziland to march with the rest of Africa by reforming the laws to ensure that every Swazi enjoys freedom of expression and the right to access information of their choice.

ZIMBABWE

Over the last four years the government of Zimbabwe has systematically shut off democratic space, resulting in a profound socio-political crisis that is making it impossible for citizens to freely express their rights. Under the Access to Information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA) and the Broadcasting Services Act (BSA), the State denies citizens their rights to free expression, arrests and punishes independent-minded journalists and bans the operations of independent media.

We call on the government of President Mugabe to repeal all laws that violate the internationally accepted conventions and standards on free expression. We particularly call on the government to allow the Daily News and all other proscribed media to resume operations.

Signed at Baku, Azerbaijan, on 18 June 2004

Issued by:

- * East Africa Media Institute, Somalia
- * Freedom of Expression Institute, South Africa
- * Journaliste en danger, Democratic Republic of Congo
- * Media Foundation for West Africa
- * Media Institute of Southern Africa
- * Media Rights Agenda, Nigeria

Endorsed by:

- * Africa Free Media Foundation (formerly known as the Network for the Defence of
- * Independent Media in Africa)
- * Azerbaijan Journalists Confederation
- * Canadian Journalists for Free Expression
- * Cartoonists Rights Network, International
- * Central Asian and Southern Caucasian Freedom of Expression Network
- * Center for Human Rights and Democratic Studies
- * Center for Journalism in Extreme Situations
- * Committee to Protect Journalists
- * Freedom House
- * Fundación para la Libertad de Prensa
- * Greek Helsinki Monitor
- * Independent Journalism Center, Moldova
- * Index on Censorship
- * International Federation of Journalists
- * International Foundation for Protection of Freedom of Speech "Adil Soz"
- * Journalists' Trade Union
- * Media Foundation for West Africa
- * Pacific Islands News Association
- * Pakistan Press Foundation
- * Southeast Asian Press Alliance
- * Thai Journalists Association
- * World Association of Community Radio Broadcasters (AMARC)
- * World Association of Newspapers
- * World Press Freedom Committee

Press Statement / Communiqué

September 14, 2004

Botswana publisher wins MISA Press Freedom Award

The Media Institute of Southern Africa (MISA) has awarded its 2004 MISA Press Freedom Award to a Botswana-based newspaper publisher in recognition of his efforts to promote indigenous language media and coverage of development issues.

Methaetsile Leepile was honoured at MISA's annual meeting in Lesotho in September, where colleagues paid tribute to his 20-year career in media development. In 2002, Leepile helped found "Mokgosi," the country's first newspaper written in the Setswana language. Although recognised as Botswana's national language, Setswana is not as widely used as English, particularly by government and the media.

MISA says "Mokgosi's" coverage of development issues has also enabled a large sector of the population to access credible information on issues affecting their livelihoods.

The MISA Press Freedom Award is awarded annually to an individual or organisation that has made a significant contribution to promoting media freedom in the Southern African region.

Press Statement / Communiqué

October 12, 2004

Rights organisations and intellectuals support call for treaty protection for academic freedom, freedom of expression and media freedom

Rights organisations and leading African intellectuals support call for continental level treaty protection for academic freedom, freedom of expression and media freedom.

The African Union Conference of intellectuals from Africa and the Diaspora (CIAD) has made recommendations to the African Union (AU) and member states to repeal all laws and practices that undermine academic freedom, freedom of expression and media freedom in all African countries.

The conference, which was held in Dakar from the 6th to 9th of October, also urged states to realise that these freedoms are prerequisites for the contribution of intellectuals and all citizens to the development of the continent and must be protected through a continental level treaty.

In addition to the conference recommendations, 48 media freedom, freedom of expression, rights organisations and leading intellectuals have called on:

AU member states to revoke these anti-academic freedom, anti-free expression and anti-media laws "within a given time frame".

They also urged "all concerned persons, organisations and institutions (media, academic, rights based, intergovernmental, etc) to support and join the campaign for the establishment of a continental level treaty to protect academic freedom, freedom of expression and media freedom in Africa".

The signatories include Noble laureate Professor Wole Soyinka, two of Africa's leading legal minds and Professors of government and law, respectively Mahmood Mandani and Bereket H Selassie, Adigun Ade Abiodun, Chair of the United Nations Committee on the Peaceful Uses of Outer Space, Grace Bansa of Encyclopaedia Africana, Professor Atukwei Okai, Secretary General of the Pan African Writers Association, Thandika Mkandawire, Director of the UN Research Institute for Social Development, Dialo Bagayoko, Professor of Physics at the Timbuktu Academy, Mamadou Diouf, Professor of AfroAmerican and African Studies, Tukufu Zuberi, Professor of Sociology, Dr Obadiah Mailafiah, Economist with the African Development Bank and African Development Fund, and Adebayo Olukoshi of CODESRIA (Council for Development of Social Science Research in Africa).

Other signatories include distinguished scholars and experts from the sciences, arts and social sciences from universities and institutions in Africa and the Diaspora; and representatives of rights organisations, including Rotimi Sankore, Coordinator of CREDO for Freedom of Expression & Associated Rights, Gabriel Baglo, Director of the Africa office of the International Federation of Journalists, Chidi Odinkalu, Africa Legal Adviser for the Justice Initiative, Luckson Chipare, Director of the Media Institute of Southern Africa, Dr Firoze Manji, Director of Fahamu, and Aime Joof-Cole, of FAMEDEV, Inter-African Network For Women, Media, Gender and Development. [Statement and full list of signatories attached]

Speaking in support of a treaty to protect the said rights, Professor Soyinka reiterated, “A nation develops through the liberal flow of ideas. Freedom of expression guarantees that flow and thus, the fullest development of the nation.”

The signatories commended the “African Union and in particular the Commission of the African Union and its Chairperson for organising the CIAD and call on all relevant institutions and governments to provide adequate resources for the AU and its Commission to continue its good work of accelerating the development of the African continent.”

The gala and opening of the Conference was attended by the Head of State of Senegal, President Abdoulaye Wade (host of the conference), Olusegun Obasanjo of Nigeria (Current Chairperson of the Africa Union), Yuwari Museveni of Uganda, Thabo Mbeki of South Africa, Mrs Isatou Njie Saidy, Vice president of Gambia and Chair of the Commission of the African Union, and the former President of Mali, Professor Alpha Konare. Libyan President Moumar Khadafi addressed the conference via a live video link.

Nobel laureates Nelson Mandela, Wole Soyinka and Frederick De Klerk also made contributions to the conference, supporting the declaration for a decade of peace.

Profiles and Contact Details

* The Centre for Research Education & Development Of - [CREDO] - Freedom of Expression & Associated Rights is a rights organisation focusing on work in Africa. CREDO believes that freedom of expression and other strongly associated rights are major platforms on which all civil, political, social, economic and cultural rights stand. CREDO's work focuses on themes in Africa related to: freedom of expression, media freedom, rights/access to information and information resources; freedom of opinion, association, assembly, political participation and related rights; and anti-discrimination issues, e.g. discrimination based on gender, race and ethnicity.

* The International Federation of Journalists (IFJ) is the world's largest organisation of journalists and represents 500,000 journalists in more than 100 countries. The IFJ promotes international action to defend press freedom and social justice through strong, free and independent trade unions of journalists. In Africa, the IFJ works with its numerous affiliates and through its Media For Democracy in Africa Programme. It opposes discrimination of all kinds and condemns the use of media as propaganda or to promote intolerance and conflict; believes in freedom of political and cultural expression and defends trade union and other basic human rights; and works to improve conditions for the independence of journalists and high standards of journalism in the African media.

* The Media Institute of Southern Africa (MISA) is a dynamic, member-driven network of national chapters coordinated by a professional regional secretariat which seeks - through monitoring, training, capacity building, research and the distribution of information - to foster free, independent and diverse media throughout southern Africa in the service of democracy and development, as stated in the Windhoek Declaration and the African Charter on Broadcasting.

* Fahamu is committed to supporting progressive social change in the South through using information and communication technologies. Fahamu believes that civil society organisations

have a critical role to play in defending human rights, and that information and communication technologies can and should be harnessed for that cause. We are committed to enabling civil society organisations to use the Internet in the interests of promoting social justice

Press Statement / Communiqué

September 1, 2004

MISA statement on the NGO Bill in Zimbabwe

The Media Institute of Southern Africa (MISA) recently held its Annual General Meeting (AGM) and Conference in Maseru, Lesotho from August 23 to 27, 2004, under the theme: "Serving the Public: Transforming state media to serve the public interest". Among others, the AGM discussed the Non Governmental Organizations (NGO) Bill which is currently before Parliament in Zimbabwe. Following is a statement on the Bill. See www.misa.org for more information on media freedom and freedom of expression in Zimbabwe. Of particular importance is the recent Zimbabwe Mission Report which comments on pre-conditions for free and fair elections in Zimbabwe.

MEDIA STATEMENT FOR IMMEDIATE RELEASE

"Bill an excuse for intrusion, clamp down and closures of critical NGOs"

We the undersigned members and participants to the Media Institute of Southern Africa (MISA) Annual General Meeting held in Maseru - Lesotho, from 26 - 27 August 2004, unreservedly condemn aspects of the Non Governmental Organizations Bill which has been gazetted in Zimbabwe, especially those clauses specifically designed to exert full and complete control over NGOs and other human rights organizations.

The impending NGO legislation will not enhance democracy in Zimbabwe, but only serve to further severely curtail people's civil and political rights.

While acknowledging the principle of regulation, accountability and transparency in the operations of NGOs and any institution, we note with concern that the NGO Bill does not conform to democratic principles and the rights of Zimbabweans to freedom of association and assembly.

We note that the Zimbabwean constitution guarantees the right to freedom of expression and assembly.

By restricting NGO activities, banning funding from outside sources, and heavily penalizing NGOs in their work, the proposed law goes beyond acceptable democratic principles and criminalizes the noble work of NGOs.

Whereas the Bill says its intention is to bring sanity in the NGO sector, MISA notes with grave concern that the registration procedures and monitoring mechanisms to be implemented by the proposed NGO Council, will result in the government's direct interference with the work of NGOs to the extent that they cease to be NGOs but extensions of government institutions.

While the government of Zimbabwe argues that the proposed law is meant to protect public interest by ensuring that NGOs are governed and administered properly and use donor and public funds for the specific objectives for which they were established, our analysis of the draft bill proves otherwise.

This is a political gimmick designed to administratively create criminals out of civil society organizations especially human rights activists, so as to provide excuses for intrusion, clampdown and closures of NGOs.

It should be highlighted that the Government of Zimbabwe has in the past three years introduced draconian media and security laws that have led to the shrinkage of democratic space.

As a result, independent newspapers and broadcasting stations have been shut down. The Minister of Information has powers through the Media and Information Commission to license and register journalists and publishing houses.

These licenses can be withdrawn if it is deemed that one is breaking the law on various spurious grounds.

We, therefore, call on all concerned SADC member states and citizens to take note of these sad developments and act against the entrenched authoritarian tendencies of the government in Zimbabwe.

We call for the repeal of all repressive legislation, namely the Public Order and Security Act, Access to Information and Protection of Privacy Act, and the Broadcasting Services Act.

We resolve to support Misa-Zimbabwe and other civic society organisations in Zimbabwe in their struggle for the realisation of the ideals spelt out in the Windhoek Declaration and African Charter on Human and Peoples' Rights.

We reaffirm the legitimate right of Misa-Zimbabwe to operate in the country and work with other democratic forces that have sought to regain public space that civil society organisations and social movements have lost since 2000.

Signed:

- * MISA-Botswana
- * MISA -Lesotho
- * MISA -Malawi
- * MISA-Mozambique
- * MISA -Namibia
- * MISA -South Africa
- * MISA -Swaziland
- * MISA -Zambia

Selected Press Statements (Regional)

■ ANGOLA

Press Statement

March 31, 2004

Media fraternity signs resolution on media freedom in Angola

We, the journalists, political representatives and members of the civil society, attending a meeting on broadcasting diversity with the theme 'Open the Waves', organised by the Media Institute of Southern Africa (MISA) at the Tropico Hotel, Luanda, Angola on March 17, 2004, take cognisance of the:

Positive development within the media in the SADC region and further note that such development should be considered in the Angolan media which still experiences major difficulties in executing its social and cultural obligation.

Important role, Radio Ecclesia has been playing in the democratisation and social transformation in Angola and that it has been barred from expanding its transmission and coverage into other areas in the country. We believe that this deprives citizens of their right to be informed and to receive information.

Therefore we resolve to:

Condemn the unnecessary impediments and constraints that are placed on the expansion of coverage of Radio Ecclesia.

Call for the urgent allocation of frequencies and licence to Radio Ecclesia to enable it to begin broadcasting in other areas.

Urge the government to adopt and formulate a legal and policy framework that would create conducive environment for the transformation of the current state-owned and controlled media into truly public service media that serves the interests of the citizens.

Call for an end to political interference into media operations and editorial decisions. We also urge government to immediately stop politicising media institutions.

Urge the appointment of non-partisan and non-political appointees to the independent governing body that would regulate and oversee the transformation of media in Angola.

Request MISA to expose the undemocratic nature and operations of the Ministry of Social Communication in Angola and for MISA to launch a regional and international campaign to pressure the Angolan government to open the airwaves and to democratise the media environment.

Urge the Parliament of Angola to play a more active role in guiding the government and in particular its Ministry of Social Communication to remove all obstacles which currently pose a difficulty to the establishment of community and commercial radio and television stations at both provincial and national levels;

Urge the Parliament to establish an independent regulatory body to supervise the allocation of frequencies, the functioning of radio and television stations, be they public, commercial or community;

Urge the Angolan government to act in conformity with the African Charter on Broadcasting, the Windhoek Declaration, and the UN Universal Declaration of Human Rights, which guarantees freedom of expression, the right of citizens to freely receive and disseminate information.

Request and encourage Parliament to establish a Media Support Fund to ensure sustainability,

promote diversity and pluralism of media in Angola.

Uphold the democratic principles that allow citizens to freely participate in political decision-making processes, because lack of information hinders the democratic aspirations of the people and the holding of free, fair and transparent elections. There cannot be free elections without a free media.

Written in Luanda on March 17, 2004.

Press Statement / Media Report

April 7, 2004

Journalists call for the revision of media laws

• Source: Integrated Regional Information Networks (IRIN)

Angolan journalists called on the government on Wednesday to “refine” outdated media laws.

At a two-day workshop organised by the Journalists Union of Angola (SJA) and Panos Southern Africa, media workers and members of civil society raised concerns over the lack of clarity in a draft bill on broadcasting policy.

“At the moment there is still confusion over the different tiers of broadcasting. There needs to be a clear policy framework on what constitutes public broadcasting and what is meant by ‘private’ and ‘community’ broadcasting. There is also no provision in the current law for the existence of community radio stations,” SJA representative Antonio Simbo told IRIN.

The question of local content in broadcasting was also highlighted at the workshop. “Journalists are concerned that there isn’t enough on air in indigenous languages. Programmes are also being produced in Portuguese, which means that there is very little local content production,” Simbo said.

Media groups also called for the establishment of an independent regulatory commission to oversee formulation of a national broadcast strategy.

Angola’s media is predominantly state-controlled: the only news agency, Angop, is government-owned and carries scant criticism of the authorities.

The few independent media outlets have been harassed and threatened, but several independent newspapers and private radio stations have recently grown increasingly bold in criticising the government.

“Angolan journalists are well aware of the challenges they face and realise that they have just emerged from civil war. So, while they are clamouring for greater freedom of expression, they also recognise that it takes time before significant changes are witnessed,” Panos regional director, Flackson Banda, told IRIN.

■ BOTSWANA

Press Statement

June 23, 2004

MISA Botswana ushers in new board

A lecturer from the University of Botswana in the Media Studies department Ms Amilia Malebane-Lopez Grah scooped the position of chairperson of the Media Institute of Southern Africa (MISA) Botswana Chapter on June 19 2004 at the chapter’s Annual General Meeting held in Gaborone, Botswana.

Ms Malebane-Lopez emerged beat four other contestants while a media consultant Zwide Mbulawa was elected to serve as the Vice Chairperson. The posts of Treasurer and Secretary went unopposed and were filled by Patricia Ntshole, a Company Secretarial Supervisor of

KPMG accounting firm and Maungo Mooki, Managing Editor of Makgabaneng Radio Drama respectively.

Five additional members include Laona Segaletsho (Radio Botswana Presenter) Mike Mothibi (Botswana Guardian Editor), Gladys Ramadi (Head of Programmes at Radio Botswana), Bester Gabotlale (Business Editor of Mmegi Newspaper) and Keabonye Ntsabane (Information Officer for Women's NGO Coalition). Three other members will be co-opted from the membership.

Addressing the AGM after elections, Ms Malebane-Lopez thanked the membership for their confidence in her ability to lead the MISA Botswana office. She promised to work diligently to fulfil MISA's objectives to promote media diversity, pluralism, self-sufficiency and independence in Botswana.

Outgoing chairperson Dan Peke paid tribute to the membership for supporting him during his reign. Peke said he had benefited invaluablely from MISA Botswana and enjoyed his term of office.

Meanwhile, MISA's Regional Manager for Freedom of Expression and Right to Information, Kandjii Kaitira was present at the election. He congratulated the new board members for the peaceful handling of elections and wished them success in their endeavours.

■ LESOTHO

Press Statement

May 3, 2004

Statement by the chairperson of the Media Institute of Lesotho (MISA-Lesotho) on World Press Freedom Day, May 3 2004, delivered at the Media and Arts Watch Association at Victoria Hotel, Maseru

Once again we celebrate World Press Freedom Day. This is a day on which we look back and contemplate the state of the media in different parts of the world. It is the day on which we reaffirm the right of every member of our society to receive and impart information, which is vital to the functioning of our democracy and to hold to account those we have elected to run our affairs.

This year's theme is "lack of judicial protection for the media". This theme is highly relevant to our situation in the SADC region. Our countries are struggling to uphold democratic principles. In varying degrees our countries are caught in a trap wherein we recognize the right of our publics to freedom of expression and information yet continue to be inhibited by prejudice borne out of fear and excessive secrecy, a situation which we have inherited from our colonial past.

In Lesotho, the media has suffered from judicial repression during the year, with defamation cases being settled by the courts in a manner extremely prejudicial to the media. It is shameful that in a country that prides itself as being democratic, the media is seen as a nuisance by the courts which hand down judgments designed to bludgeon them into silence. The fact that defamation cases are seen in Lesotho as a quick way to make money is an indictment of our justice system and an embarrassingly apt epithet for the way our judicial system is perceived by the rest of the world.

In countries such as Zimbabwe, which is now recognized as the most repressive country in the world, the government has designed a legislative environment that makes a mockery of the operation of the rule of law. It is a system clearly designed to work to shore up a regime whose sole interest is the perpetuation of a single party in government and to ensure that the right of its public to exercise its power to elect a government of its choice is severely undermined. The Access to Information and Protection of Privacy Act is undoubtedly the most draconian and repressive piece of legislation ever passed by any government anywhere in the world. It is simply an instrument of repression designed to ensure that no opinion that is contrary to

government thinking can ever see publication.

In Lesotho the media has inherited a default situation in which the Executive's interests are being protected by the courts at the expense of the media and the rest of society. The absence of a media specific law has given the courts carte blanche to interpret the law in a manner that the courts think will please the government of the day.

As the representatives of the media in Lesotho, we take this opportunity to remind those responsible for the administration of justice in this country that they are expected to carry out their work in a manner that does not imperil the freedom of expression that is guaranteed by our constitution and in the process undermine a fundamental right that underpins our hard won democracy.

We call on the government to enact the Access and Receipt of Information bill which we consider to be fundamental to the exercise of the right to information by the media and the general public. We have noted the reluctance of the government to pass this legislation and the complete absence of any explanation as to the reasons why the government deems it inopportune to table this important piece of legislation before Parliament.

We shall continue to remind the authorities in this country to meet their obligations with respect to international covenants to which they are party and insist that, for the sake of democracy and good governance, they must comply as contemplated in those covenants.

We call on our judiciary to exercise impartiality, good judgment and above all, simple common sense in dispensing justice. In the end, it is the courts which set the moral tone of a State and give credibility to the enjoyment and exercise of our rights as a sovereign state. The freedoms enshrined in our constitution must never be taken for granted, least of all by the courts.

Press Statement

September 14, 2004

Gender and media network calls on leaders to account

(Johannesburg, 14 September) - Southern African gender and media activists have challenged their leaders to explain how they intend to make good on the commitment to achieving 30 percent women in decision-making by the end of 2005.

In a statement issued at the close of the Southern African Gender and Media summit in Johannesburg, the newly formed Gender and Media Southern Africa (GEMSA) network also called on their leaders to come up with a legally binding framework for ensuring gender balance in all areas of decision-making.

The call comes against the background of indications that several countries in the region have either not achieved this target or might even regress in forthcoming elections.

GEMSA expressed particular concern that in Botswana, which houses the Southern African Development Community (SADC) secretariat, even if every woman candidate were to win her seat in the October election, women would only constitute 21 percent of members of parliament. As this is unlikely, the chances are that the representation of women in politics in Botswana might drop from its current level of 17 percent.

The 184 delegates from twelve Southern African countries also expressed concern at the state of affairs in Mauritius, which hosted the Heads of State summit in August, and has the lowest level of representation of women in SADC (at 5.7 percent). Mauritius will be having elections next year, and has so far not indicated how it intends to achieve the thirty percent target.

Heads of state were urged during the August summit to adopt the African Union (AU) position of fifty percent women in all areas of decision-making but failed to formally do so. However, on his return to South Africa, President Thabo Mbeki pledged to ensure that South Africa

achieves gender balance in the next elections in 2008. Following the 2004 elections South Africa has 32 percent women in parliament and 42 percent in cabinet. The ruling African National Congress is revising its quota for women in politics from 30 to 50 percent.

Delegates urged all leaders in the region to come up with concrete plans such as this and condemned the practice of signing declarations with no intention of honouring them. "Gender equality is non-negotiable," said the newly elected GEMSA Chair, Colleen Lowe Morna. "We therefore urged heads of state to adopt legally binding instruments for going beyond the rhetoric of gender equality to making it happen in reality."

Delegates noted with concern that only one Southern African country (Namibia) has ratified the Protocol on the Rights of Women in Africa. "The failure by leaders to formally adopt the protocol, after it took eight years to get it tabled, is unacceptable," Lowe-Morna said. "The protocol is entirely consistent with everything that SADC countries purportedly stand for."

The meeting also condemned the draft NGO Bill in Zimbabwe that threatens the freedom and existence of NGOs, including gender and media organizations that are members of GEMSA.

The network, consisting of representatives of media practitioners, media training institutions, editors forums, media women's associations, the Media Institute of Southern Africa (MISA) and its country chapters, Gender Links, gender and media networks around the region, adopted a comprehensive plan of action for ensuring that women and men are given equal representation and voice in the media.

The summit is a follow up to the Gender and Media Baseline Study (GMBS) that showed women represent 17 percent of news sources in the Southern Africa media and are portrayed in stereotypical and derogatory roles, most often as sex objects or victims of violence.

GEMSA plans include carrying out research and conducting advocacy on how consumers of news respond to the way in which women and men are portrayed; challenging glass ceilings for women in the media; participating in the Global Media Monitoring Project in February 2005; repeating the GMBS in 2007 to see if there has been progress and holding governments accountable for their commitments to gender equality. GEMSA, through partner organizations, will also prioritise gender training and sensitisation of the media.

Press Statement

September 10, 2004

MISA Lesotho condemns attack on journalist

The Media Institute of Southern Africa (MISA) Lesotho Chapter condemns in the strongest terms the attack on freelance journalist, Justice Maqelepo, by a mob of Lesotho Mounted Police Service (LMPS) cadres and Maseru City Council (MCC) constables on September 10, 2004.

The MCC enforcers, who were armed the teeth with sticks and sjamboks, were ostensibly involved in an operation to remove street vendors from the main road (Kingsway) of the capital, Maseru. There have been running street battles in the past with some vendors resisting removal. In a similar incident in 2003, two journalists from a local newspaper were injured.

The latest incident involving Mr. Maqelepo happened near the main Post Office building on Kingsway. In recounting the incident, Maqelepo told MISA Lesotho that the police alighted from their two vehicles and launched an attack on the vendors with their weapons, screaming obscenities at them.

He introduced himself to one of the police who seemed to be in command and identified himself as a journalist and asked whether this was the way the police normally operated. The officer in question changed his attitude immediately, screamed an insult at him and threw a punch to his face. A small group detached itself from the main body and joined their commander

in beating up Maqelepo with sticks and sjamboks. Seizing an opportunity, he fled across the street and was able to escape his attackers, but not before he had sustained a bruised lip and a lacerated shoulder.

MISA-Lesotho condemns this action by the police and MCC enforcers in the strongest possible terms. It represents a mindless infringement of the right of journalists to do their work. It infringes the right of the public to information to which the public is entitled and places the public at the mercy of the police who are seemingly above the law when it comes to respect for basic human rights.

We call on the authorities to investigate this incident and institute a full public inquiry with a view to ensuring that incidents such as these never happen again in a democracy such as ours and that perpetrators of such acts are brought to book.”

■ MALAWI

Press Statement

August 7, 2004

Media calls for change to culture of punitive legislation

Malawi's media fraternity has called for the “burying of the culture” that leaves journalists open to intimidation and threats.

At a media strategy workshop, it was noted that Malawi's law is “media unfriendly” and allows journalists to be taken readily to the courts.

“There needs to be better interaction between law practitioners, the judiciary at large and the media”, editor of *The Chronicle's*, Rob Jamieson, said.

Dr. Edge Kanyongolo, a professor at the University of Malawi observed that the law in its current form was too vague. He spoke of the need to clearly define the meaning of defamation. At present, politicians are demanding between K5 million and K10 million as compensation from any broadcaster or publication they feel is defamatory.

“There is need for the media and the law fraternity to meet, so that these issues can be discussed and resolved,” he said.

The majority of media institutions in this country would not be able to sustain such losses if they were to be found liable and subsequently ordered to pay out.

In the past, there have been several publications that have faced such a fate, including *The Democrat*, a weekly newspaper which was forced to close down after having to pay compensation to the tune of K200 000.

Lowani Ntonga, from the Malawi chapter of the Media Institute of Southern Africa (Namisa), said he believes there are several laws that “impinge” on media freedom.

“We have known for a while that amendments need to be made, but little has been done so far.”

The three-day workshop was organised with the express agenda of allowing senior members of the country's media fraternity to propose a future strategy that can be supported by cooperating partners. Key issues that were looked at included the role of the public media, the situation regarding ownership, the role in the media of politicians and the state of the Communication Act, which governs Malawi's media laws. As a result of the near universal criticism of Television Malawi (TVM) and the Malawi Broadcasting Corporation's (MBC) coverage of the May 20 elections, there was recognition amongst attendees that the role of public media institutions necessitates them implementing a more equitable system of broadcasting.

MBC's Eunice Chipangula explained the need for the public media to be editorially independent in order to ensure fairer coverage of the opposition, and that they do not revert to the status quo of the former MCP regime, when they were merely the mouthpieces of government for propaganda. The possibility of TVM, the MBC and the Malawi News Agency (MANA) using satellite technology to broadcast to other countries within the SADC region was also debated, though there was widespread disagreement on the financial viability of such a project.

The issue of revamping the Media Council of Malawi was also discussed with concern being shown by participants about the inactivity of the once vibrant umbrella body. It was resolved that every effort be made to resuscitate the institution.

At the conclusion of the workshop a committee to oversee the resolutions passed was elected. It includes Aluadin Osman of Capital FM as Chairperson, Grey Mang'anda of the University of Malawi, Eunice Chipangula of MBC, Alison Liwanda of Ministry of Information and Tourism and Rob Jamieson of The Chronicle. The committee is tasked with ensuring that the process moves forward rapidly with regular meetings to be held with international partners. The workshop was facilitated by USAID, DFID and CIDA.

■ NAMIBIA

Press Statement

June 3, 2004

MISA statement on the Swapo Extraordinary Congress Resolution

The Media Institute of Southern Africa (MISA), a media freedom and freedom of expression advocacy organisation, is deeply concerned about the resolution passed at the recent Swapo extraordinary congress requiring the editor of the weekly Windhoek Observer to reveal the source of a letter published in that paper on Friday, May 27 2004.

Moreover, MISA is alarmed that by way of the resolution, the party would force the newspaper to disclose a source. Journalists worldwide agree that sources given a guarantee of confidentiality need to be protected from having their identities made public. If journalists reveal their sources, whether under duress or not, the media will be inhibited from playing its democratic role. Freedom of the media is enshrined in the Namibian Constitution under Article 21 (1), which confers on the media a special status, privilege and responsibility to guard their sources of information.

The Extraordinary Congress resolution will pressurize editors to unduly censor the content of readers' letters and controversial contributions that do not favour those in power. Readers' letters sections in newspapers provide a platform for citizens to air their views on topical issues that concern and affect their living conditions. The aforementioned resolution will therefore amount to undue interference in editorial independence and content and smacks of censorship.

This is not the first time that Swapo office bearers have called for stringent measures to be put in place to curb the functioning of the media. Two years ago a similar call was made to introduce 'insult' laws to protect the head of state.

MISA is currently involved in an international campaign that calls for the repeal of all insult laws and other content related legislation. Insult laws generally criminalise what are perceived as slights against government officials or the symbols of the country. Governments and influential individuals have used the laws as a pretext to harass journalists and publishers.

MISA regards the media's freedom to gather and disseminate news and information and freedom of expression by the public at large essential components of good governance. Indeed, there cannot be good governance if countries raise special barriers such as insult laws to protect heads of state, senior government representatives and officials and others against scrutiny of their public activities and conduct.

In relation to complaints against the media or media content alternative mechanisms such as reprimand by an independent professional media complaints bodies should be used, and/or the establishment of legal funds for poor people to bring civil defamation actions when they need to.

The Namibian chapter of MISA in 2001 initiated a process to facilitate the development of a code of conduct for the Namibian media that was to be overseen by the office of a Media Ombudsman. This office was established in 2003. The chapter considers it a priority to provide resources to strengthen the operations of this office.

The MISA Regional Secretariat and its Namibian chapter therefore calls on the Swapo party to desist from implementing this resolutions that will muzzle the media and every Namibian's right to impart information.

**Luckson Chipare, Regional Director
Press Statement / MISA Communiqué
August 4, 2004**

Government paper goes daily

Source: The Namibian

The Namibian Government's bi-weekly New Era newspaper went daily yesterday amid questions about its financial viability and the possible burden on the taxpayer.

The Chief Executive Officer of the New Era Publication Corporation, Protasius Ndaudapo, said that while the company expected its costs to escalate "the bottom line is that by going daily we will be making a profit".

"Our printing costs will definitely go up because we will be printing five times, but we projected this to be offset by increased advertising and sales revenue," he said.

However, he was unable to provide any figures for advertising, sales or costs.

Speaking at the launch of the daily publication at a Windhoek hotel, Prime Minister Theo-Ben Gurirab cautioned that the efficiency and profitability of any newspaper depended on its flexibility and competitiveness.

"Thus, one of the reasons why the [New Era] newspaper has been transformed into a parastatal was to enhance its integrity and self-reliance," the Premier noted.

New Era, together with the other two State-run media institutions, the NBC and Nampa, took about 72 per cent of the N\$152,4 million allocated to the Ministry of Information and Broadcasting in this year's national Budget.

And critics expect the three institutions to continue drawing more resources from taxpayers, despite the commercialisation of both New Era and Nampa. Ndaudapo said the main difference of a daily New Era would be to focus on exclusive stories and rural reporting as opposed to the current situation where the newspaper relied heavily on feature articles.

"There will be minor hiccups at the beginning but I am confident with time we will be able to overcome them," he said.

■ ZAMBIA

**Press Statement
January 5, 2004**

Joint statement by Zambian media organisations on the deportation of Post newspaper columnist, Roy Clarke

We, the media fraternity in Zambia, appeal to the government to rescind its decision to deport

Post newspaper columnist Roy Clarke over a satirical article he wrote in the January 1, 2004 edition of the Post, in which he allegedly insulted President Levy Mwanawasa.

We feel this action is an infringement on media freedom and freedom of expression as enshrined in article 20 of the Zambian constitution and a complete reversal of the major strides made by the new deal administration in media law reforms in Zambia.

When the new deal administration came to power in January 2002, President Levy Mwanawasa decided to bring back people that were wrongly deported by the previous administration of Dr. Frederick Chiluba. Among them included former United National Independence Party (UNIP) Member of the Central Committee William Banda, and Lusaka businessman Majid Ticklay. By deporting Clarke, the government is destroying the progress and achievements that the new deal government has made in this regard so far.

We feel that deportation should be the last resort on the part of the government since this is a matter that can easily be resolved by the courts of law. Time and again, we have stated that if anyone is injured in any way by any published matter including that of satirical nature, it is best to address it by civil proceedings rather than resorting to criminal means.

We urge the government to review its decision in the interest of freedom of expression and media freedom, human rights, democracy and development.

Signed by:

- Press Association of Zambia (PAZA)
Andrew Sakala, President - PAZA
- Media Institute of Southern Africa (MISA)-Zambia
Kellys Kaunda, Chairperson- MISA Zambia
- Society of Senior Zambian Journalists (SSZJ)
Ridgeway Liwena, President -SSZJ
- Zambia Union of Journalists (ZUJ)
Isabel Chimangeni, Chair- ZUJ Lusaka Chapel
- Margaret Chimanse, President - ZAMWA
Zambia Media Women's Association (ZAMWA)

Press Statement

January 5, 2004

MISA-Zambia statement on the suspension of BBC re-broadcasts on Breeze FM

The Media Institute of Southern Africa (MISA)-Zambia chapter is dismayed by the government's directive to suspend the transmission of British Broadcasting Corporation (BBC) re-broadcasts on Breeze FM, a community based commercial radio station in Chipata on December 22, 2003.

MISA considers this a direct infringement on media freedom and access to information by the residents of Chipata and the entire eastern province. Why has the ministry suddenly back-pedaled on Information and Broadcasting Services Permanent Secretary David Kashweka's earlier decision to grant verbal approval to the station to carry out the re-broadcasts of the programmes?

This action only shows government's determination to continue controlling broadcasting in the country despite the enacting of the Independent Broadcasting Authority (IBA) Act no. 17 of 2002 and amendment of the Zambia National Broadcasting Corporation (ZNBC) Chapter 154 of the laws of Zambia by parliament in December 2003.

As far as the IBA Act is concerned, the ministry has no business controlling broadcasting in the country. As a matter of fact and as stipulated by the Act, government should have ceased regulating broadcasting and transferred licensing and regulation of broadcasters to the IBA by July 1, 2003, six months after the passing of the law which was assented to by President Levy

Mwanawasa on December 31, 2002.

If Breeze and all other broadcasters should wait until the IBA institutes various regulations relating to broadcast of foreign programmes before running broadcasts, why then is the setting up of the IBA being delayed further?

Our suspicion is that the minister of Information and Broadcasting Services Honorable Mutale Nalumango is deliberately delaying the implementation process of the IBA and ZNBC (Amendment) Acts as well as the media law reforms process in the country. Despite the recommendations of people to sit on both the IBA and new ZNBC boards by the appointments committees of the two institutions at least two months ago, no effort was made by the minister to take the names to parliament for ratification during the last sitting of Parliament which adjourned sine die on November 28, 2003. We are afraid this appears to be a deliberate ploy by the state to continue controlling the public airwaves.

We urge the minister to take the names of new board members for both IBA and ZNBC for ratification when parliament resumes on January 16 2004. This will facilitate efficient and effective regulation of broadcasting in Zambia in the public interest. We also ask that the Freedom of Information (FOI) bill that was withdrawn at the last minute be re-introduced as soon as possible.

In the same vein, we are deeply saddened by government's action to deport Post newspaper Columnist Roy Clarke over a satirical article he wrote in the Post allegedly insulting President Levy Mwanawasa. This is intimidation and a threat to freedom of expression that should not be tolerated in a democratic dispensation. Satire is a form of freedom of expression that is used in various countries and it is surprising that government can respond to criticism in such a manner. Leaders should not be afraid of criticism especially when they are in the public domain.

If any published matter injures any person, civil proceedings should be pursued instead of resorting to criminal means.

Kellys Kaunda
Chairperson

Press Statement

March 2, 2004

Media Legal Reform Committee (MLRC) statement on appointment of persons to serve on the Zambia National Broadcasting Corporation (ZNBC) and Independent Broadcasting Authority (IBA)

The Media Legal Reform Committee (MLRC) has carefully studied the response by Minister of Information and Broadcasting Services, Mrs. Mutale Nalumango, to Parliament on February 27 2004, explaining why she has refused to take the names of successful applicants for appointment to the Zambia National Broadcasting Corporation (ZNBC) and Independent Broadcasting Authority (IBA), for ratification.

The MLRC is not satisfied with Mrs. Nalumango's claim that the names that the Ad hoc Appointments Committee, which were forwarded to her were not representative of a "broad section of the population".

The MLRC notes with regret that the Minister has taken it upon herself to define what "broad section" or "balance" means. We wish to advise the minister that she is not the custodian of balance. In so doing, she has gone against the spirit of the ZNBC Amendment Act and the Independent Broadcasting Authority (IBA) Act of 2002 which placed the responsibility of choosing the best candidates for appointment to the two boards on the Ad hoc Appointments Committees. The committees represent a broad section of society, including members of the Law Association of Zambia, the Church, Human Rights Organisations, the Media and her own Ministry.

The Minister should therefore demonstrate faith in the Ad hoc Appointments Committees which she herself appointed in accordance with the IBA and ZNBC Acts. The composition of these committees is representative of the public. Parliament entrusted them with the enormous responsibility of sifting through the applications for the positions on the two boards.

The refusal by the Minister to disclose the names of the people whom the Ad Hoc Appointments Committees short-listed for appointment to the two boards, has given rise to speculation that the Mwanawasa government, through Mrs. Nalumango, is trying to manipulate the transparent appointment process provided for in the two laws.

Therefore, in the interest of transparency and good governance, we demand on behalf of the public, that the Minister discloses the names of the people, short-listed for appointment to the ZNBC and IBA boards respectively by Friday March 5 2004, for the public to determine whether these names do not “reflect the interests of various sections of the population”.

If the Minister fails to disclose the names, in accordance with her responsibilities, we will perform this duty on her behalf so that the public can determine for themselves whether the minister is being sincere in refusing to take the names to Parliament for ratification.

Issued by:

Kellys Kaunda, Chairperson - Media Institute of Southern Africa (MISA)-Zambia
Andrew Sakala - President - Press Association of Zambia (PAZA)
Margaret Chimanse - President - Zambia Media Women's Association (ZAMWA)
RidgeWAY Liwena - President - Society for Senior Zambian Journalists (SSZJ)

Press Statement

March 20, 2004

Statement on the implementation of the Independent Broadcasting Authority (IBA) Act No 17 of 2002

We the stakeholders in the broadcasting industry having met in Lusaka at Ndeke hotel on March 19th, 2004 at an Independent Broadcasting Authority (IBA) sensitization workshop organized by the Media Institute of Southern Africa (MISA)-Zambia, do hereby make the following observations and demands;

1. Despite the coming into effect of the IBA and ZNBC Acts, and the fact that the Appointments Committees have submitted names to the Minister in order for her to take them to the National Assembly for ratification, the Minister has not done so to date. Therefore, we demand that the minister submits these names to Parliament for ratification without any further delay in the interests of transparency and good governance.
2. We observe that the Licensing Technical Committee established under the old ZNBC Act to oversee the licensing of broadcasting operators has continued to operate, disregarding the provisions of the IBA Act. We demand that the Licensing Technical Committee ceases to operate because its continued existence is a violation of the Law.
3. In the light of the delay by government to fully implement the ZNBC (Amendment) Act and the IBA Act, we demand that government be honest and state whether the delay in implementing the Acts and the subsequent omission of the IBA from this year's national budget is due to lack of funds or not.
4. In view of government's inertia we call upon our member media institutions to mount a sustained public awareness campaign on the importance and advantages of having the ZNBC (Amendment) and IBA Acts implemented.

FR Frank Bwalya
MISA-ZAMBIA Broadcasting Chairperson

Press Statement

September 27, 2004

MISA Zambia welcomes reintroduction of information legislation

The statement by Deputy Information Minister Guston Sichilima that Government is committed to Freedom of Information should be dismissed as insincere. Now we have come to understand that in government's vocabulary, words such as "committed" simply mean that nothing is happening. Statements such as "we're consulting" simply mean "we're shelving".

We in MISA have noticed how monotonous these words and statements have become. And yet the people that produce them are not ashamed of them and, every time they use them, they want to convince us that they're saying something new.

This government is not committed to Freedom of Information and Freedom of Expression. It's not sincerely committed to the fight against corruption because if it were so, it would not hesitate to enact a piece of legislation that promotes openness and transparency.

We in MISA believe that the fight against corruption will be greatly assisted with a law such as the Freedom of Information. But because the corruption being fought is according to Mr. Mwanawasa's political definition, and because he knows that he will equally be in the spotlight, the President and his government will do anything to frustrate its enactment.

However, we shall continually appeal to the fighting spirit of the Zambian people to meet the frustrating force of government with resistance until the day FOI becomes a reality.

And when it does, we shall turn the spotlight on the members of this government even if they will have left office and bring them to book should it be found that they had helped themselves to public resources.

Kellys Kaunda

Chairperson, MISA-Zambia

Press Statement

November 11, 2004

MISA Zambia condemns amendments to the Access to Information and Protection of Privacy Act (AIPPA) by the Zimbabwean government

The Media Institute of Southern Africa (MISA)-Zambia wishes to register its disappointment with the Zimbabwean government for tightening the obnoxious Access to Information and Protection of Privacy Act (AIPPA), by stiffening the punishment for anyone found practising journalism without a licence in Zimbabwe.

The two-year jail sentence or a fine that the amended AIPPA now imposes on journalists who breach the draconian law is unjustified. These penalties will further dampen the spirits of media practitioners in Zimbabwe, who have courageously soldiered on in spite of the numerous challenges they face from President Mugabe's autocratic regime.

The media in Zimbabwe have become victims and sacrificial lambs in the political battles the Mugabe regime is waging with the West. Each time the Zimbabwean government wants to hit at the West, it comes up with regulations whose ultimate goal is to cripple the media to a point where they stop criticising it.

MISA Zambia is worried about the continued clampdown on the media in Zimbabwe because of the possible influence this might have on the actions of other governments in the SADC region. The establishment of a regional newspaper called the Southern Times at the behest of Zimbabwe, in conjunction with the Namibian government, is evidence of the Zimbabwean government's ability to influence its neighbours.

MISA Zambia appeals to SADC leaders and President Thabo Mbeki, who is the current African Union (AU) chairperson, to exert pressure on Mr. Mugabe, so that he repeals his government's oppressive and undemocratic media laws.

We urge the AU to take a principled stand on Zimbabwe and urge President Mugabe to live up to the standards of good governance that AU leaders have set for themselves in the Peer Review Mechanism.

Kellys Kaunda
Chairperson, MISA-Zambia

Press Statement

December 20, 2004

MISA disappointed with police conduct to assault and detain journalists in the course of their duties

The Media Institute of Southern Africa (MISA) Zambia is disappointed and displeased over the action by some overzealous Zambia Police Officers today, Monday, 20 December 2004, who assaulted and later detained "Radio Phoenix" reporter Kangwa Mulenga, "Post" newspaper reporter Brighton Phiri, "Radio Q-FM" News Editor Mutuna Chanda, "Times of Zambia" Photojournalist Eddie Mwanaleza and barred several others from covering those persons involved in the peaceful demonstrations against the constitution in Lusaka.

This action by the police officers is totally unwarranted and constitutes an attack on media freedom and human rights which cannot go without challenge especially that the only crime the journalists committed was attempt to cover the people that were detained for demonstrating against the constitution making process.

In a democratic dispensation, journalists play an important role in the dissemination of news and information and it is wrong for the police to use arbitrary force to bar and arrest journalists in the course of their duties. We would, therefore, like to advise the police that journalists have the right to cover all events in the country, especially when they are of national character.

We appeal to Police Inspector General Zunga Siakalima to ensure that the officers who perpetrated the attack and is easily identifiable, is criminally held responsible for this action.

The journalists were held at Kabwata Police station and had their notebooks and tape recorders confiscated.

MISA's view is that good relations between the media and police exist but will easily be broken if the police continue to harass journalists.

Kellys Kaunda
Chairperson, MISA-Zambia

■ ZIMBABWE

Press Statement

February 5, 2004

Press statement by the Media Defence Fund (MDF) on the Independent Journalists Association of Zimbabwe case

The Media Defence Fund (MDF) and the Media Lawyers Network (MLN) are dismayed by the Supreme Court judgment upholding certain sections of the Access to Information and Protection of Privacy Act (AIPPA) as constitutional.

The Constitutional challenge brought by the Independent Journalists Association of Zimbabwe (IJAZ) against the Minister of State for Information and Publicity in the Office of the President

and Cabinet as well as the Media and Information Commission (MIC) sought the nullification of sections 79, 80, 83 and 85 as unconstitutional. The case was heard on 21 November 2002 with judgment only being delivered on 6 February 2004, fifteen months after the matter was heard.

Although the Supreme Court noted that freedom of the press is covered in section 20 of the constitution, we express our disappointment that the court ruled that these sections are still constitutional. The MDF and MLN believe that these sections pose a serious threat to the operations of journalists and the media in Zimbabwe.

Chief Justice Godfrey Chidyausiku concurred with justices Cheda, Ziyambi and Malaba and declared that Sections 79(1)(d) and (2), Sections 80, 83 and 85 to be constitutional. Section 79 deals with the issue of accreditation of journalists whilst section 83 outlaws the practice of journalism without accreditation. In his dissenting judgment Justice Wilson Sandura observed that the application for accreditation by a journalist is subject to approval by the Permanent Secretary and by the Minister of Information. This he said entails that accreditation is no longer an administrative matter only. We note that the powers accorded the MIC and the Minister amount to quasi-judicial powers. The MIC and the Minister can decide on whom to and not to accredit therefore, who can and cannot work as a journalist in Zimbabwe. We question why the Minister and his permanent secretary would want to approve an application to practice by a journalist. Such a process is no longer a mere formality as there is discretion on the part of the accrediting authorities to accredit or to refuse to accredit.

The MDF and MLN note with concern that this judgment casts a very dark day for press freedom in Zimbabwe. We are aware of journalists who have attempted to apply for accreditation without getting responses from the MIC.

The long-awaited judgment could be out but it leaves all those who fight for freedom of expression worse off as all doors to the practicing of journalism in an enabling society are closed. We reiterate that the sections upheld by the majority of the bench severely undermine the exercise of freedom of expression.

The whole Access to Information and Protection of Privacy Act was not promulgated in good faith. Its use has been against journalists working in the privately owned media. We still call upon the responsible authorities to repeal this Act so that once again Zimbabweans can freely exercise their right to freedom of expression.

Issued by the Media Defence Fund and the Media Lawyers Network

Press Statement

April 28, 2004

Conference communiqué by the Media Lawyers Network of Zimbabwe at the end of the 2004 annual conference Great Zimbabwe Hotel Masvingo April 25 2004

Preamble

The members of the Media Lawyer's Network, journalists present at the conference resolved upon the following:

Reaffirming the obligations of our government under the African Charter on Human and People's Rights in particular article 9

Recalling Article 9 guarantees as follows "every individual shall have the right to receive information and every individual shall have the right to express and disseminate his opinions within the law"

Recognising the declaration of principles of freedom of expression in Africa adopted by the African Commission on Human and People's Rights meeting at its 32nd Ordinary Session in Banjul, Gambia from the 17th to the 23rd of October 2002

Recognising that freedom of expression is a fundamental human right guaranteed by the Zimbabwe Constitution, the ACHPR, the Universal declaration of Human Rights and the International Covenant on Civil and Political Rights

Considering the key role of the media and other means of communication in ensuring full respect of freedom of expression in promoting the free flow of information and ideas in assisting people to make informed decisions in facilitating democracy

Noting the legislative and practical encumbrances that have been placed on the media in Zimbabwe in its endeavor to enjoy the freedom of expression

Mindful of the effect such measures have had on the enjoyment of freedom of expression by the public and the adverse effects it has had on employment and the welfare of media workers.

Reaffirming the need to speedily deal with infringements of the freedom of expression by the judiciary who are the custodians of the bill of rights

Determined to carry out our duty in defence of media freedom, we have resolved that:

International bodies such as the African Commission on Human and Peoples' Rights, the United Nations Commission on Human Rights and such other bodies should be resorted to in the absence of effective domestic remedies and/or their exhaustion.

The judiciary is called upon to speedily dispose with matters of public interest which are brought before it such as those involving freedom of expression or any other matter dealing with fundamental human rights

The state is called upon to ensure that all its organs are properly equipped and have the resources to function effectively in discharging its duties; particularly make them aware of the country's obligations under international treaties and provide these treaties to these organs and also provide training. The state must mitigate the effect that its actions have on journalists - financially and morally. The media practitioners and media lawyers are called upon to cooperate and work together in the furtherance of freedom of expression.

Civic society and the public at large are called upon to complement the efforts of media practitioners in their efforts for greater freedoms. Parliament must be urged to amend or repeal the current laws like BSA, AIPPA, POSA that militate against media freedom. In achieving this MPs are encouraged to consult stakeholders in coming up with a new legislative regime

The Media Lawyers network was formed by MISA-Zimbabwe in 2002 to mobilize the legal fraternity in the defence of media and freedom of expression. It is made up of human rights lawyers in various cities of Zimbabwe.

Press Statement

May 3, 2004

World Press Freedom Day Statement: "Respect my right to hear and be heard"

Media organisations in Zimbabwe commemorate with the rest of the world, the World Press Freedom day held every May 3 annually, in a media environment that can best be described as anarchic.

The past four years have seen some of the worst media and freedom of expression violations being perpetrated on journalists both in the private and public sector and on ordinary citizens of Zimbabwe. The closure of The Daily News and The Daily News on Sunday is one of the worst and sad developments in independent Zimbabwe. The closure left hundreds of workers unemployed and hundreds of families without any income and millions of readers without their favorite paper. Laws such as the Public Order and Security Act, (POSA), have been used to trample our constitutionally guaranteed right to freedom of expression. We have seen workers

under the Zimbabwe Congress of Trade Unions and organisations such as the National Constitutional Assembly (NCA) being arrested for holding peaceful marches to press for certain changes.

The repression targeting the media and the suppression of peaceful marches and assembly has meant that all forms of expression have been curtailed in Zimbabwe. The state media has equally been under pressure as it is used for propaganda purposes by the Department of Information and Publicity. Journalists working for the state media have to toe the line or face dismissal. Indeed those who display any semblance of professionalism and independent thinking have been dismissed. We take this time to remind Zimbabweans that freedom of expression and that of the media cannot be separated. We remind the nation that it is everyone's duty to fight for the restoration of our rights to hear and be heard. Zimbabweans must know that:

- * The Access to Information and Protection of Privacy Act (AIPPA) is an undemocratic law that has been used selectively to target private media journalists and media houses.

- * That the public media that is owned by every Zimbabwean is being abused as no one with different views from the ruling party is given access to the ZBC, or The Herald and Sunday Mail.

- * That the country needs more independent newspapers, radio and TV stations.

- * That everyone has a right to be heard and receive information without any hindrance.

- * We express concern over violations of freedom of expression rights that have resulted in peaceful marches being broken up on the basis that one needs police approval to peacefully march or demonstrate.

- * We express our abhorrence and disapproval of statements by the Minister of Information Professor Jonathan Moyo that press freedom cannot be equated to freedom of expression. We say that the media are tools used to exercise freedom of expression hence cannot be separated from the inalienable right to freedom of expression.

The undersigned organisations take this time to appeal to the government to revisit such laws as AIPPA, POSA, BSA and many other colonial laws still in our statutes books. A free Zimbabwe must show all aspects of a free nation and not borrow from the colonial past in its attitude towards the media.

Signed

Independent Journalists Association of Zimbabwe
Media Monitoring Project of Zimbabwe
Media Institute of Southern Africa-Zimbabwe
Zimbabwe Union of Journalists

Press Statement

May 16, 2004

MISA-Zimbabwe re-launches community radio initiatives in Mutare and Masvingo

On May 14 and 15 2004, the Media Institute of Southern Africa (MISA)-Zimbabwe's Advocacy Department re-launched its community radio broadcasting initiatives in Mutare and Masvingo.

The aim of the project is to engage communities in these cities to develop community radio station programmes. The launch also saw the stakeholders nominating interim committees to spearhead the initiatives until March 2005.

Present at the Mutare launch were representatives of non-governmental organisations, religious leaders, media practitioners, media lawyers, the business community, members of the city council, the public and police.

In a speech read on his behalf, Mutare Mayor Misheck Kaugurabadza, expressed gratitude for the role to be played by the proposed radio stations which he said, if realized, would positively

enhance the life of the community by educating, entertaining and informing the residents of the city.

“Mutare city council has taken cognizance of the fact that residents should not only be consulted but should also participate and contribute in all civic matters in a bid to enhance transparency, accountability and social responsibility. In this regard, Council has come up with an advisory committee for the city, which is made up of its key stakeholders in the furtherance of its purpose of existence, goals, objectives, strategic vision and mission. It is through the establishment of the proposed community radio station that the information on developmental matters will be disseminated to residents of the city,” said the mayor.

Mayor Kagurabadza said the proposal was a welcome development to the council as it would provide a ready and accessible channel of communication with and amongst residents of Mutare.

At the launch of the Masvingo initiative that was also attended by members of the civic society, the Mayor of Masvingo Mr. Alois Chaimiti urged all stakeholders in Masvingo to support the initiative that is going to focus on strengthening developmental processes while serving interests of the community.

“Zimbabwe permits community radio stations under the Broadcasting Services Act, (BSA), although it has not as yet issued an announcement for community radio license applications. There will be need for aspiring community broadcasters to be informed of any regulations and procedures that will enable them to broadcast,” he said

He urged MISA-Zimbabwe to facilitate the formation of the radio stations by providing financial and technical support.

Facilitating the launch of both initiatives, the Acting Advocacy Officer for MISA-Zimbabwe Wilbert Mandinde said it was the responsibility of the respective communities to propound ways in which they could lobby for the introduction of radio stations in the community. He pledged MISA-Zimbabwe’s support at every stage in the formulation of ways of enhancing the community initiatives.

Press Statement

July 15, 2004

MISA-Zimbabwe refutes reports on role in compiling African Union reports

The Media Institute of Southern Africa (MISA)-Zimbabwe chapter would like to challenge media reports that have appeared over the past few weeks linking the organisation to flimsy allegations ranging from its alleged role in effecting “regime change in Zimbabwe” to participating in compiling the Zimbabwe Report on behalf of the African Commission on Human and Peoples Rights (ACHPR).

The allegations in the public media that the ACHPR report was drafted by MISA-Zimbabwe are false.

We note that when the Commissioners visited Zimbabwe in 2002, they had the chance to meet a cross spectrum of Zimbabweans from the government, state and private media to civic society organisations. MISA-Zimbabwe believes that from these observations, the Commissioners were able to compile the report as indicated by the factual evidence presented before them.

MISA-Zimbabwe denies that it had a hand in the compilation of the report.

Notwithstanding that, MISA-Zimbabwe appreciates and welcomes the observations of the Commissioners that there is gross violation of media and freedom of expression rights. We

commend the Commission for recommending that anti media and freedom of expression laws such as the Access to Information and Protection of Privacy Act (AIPPA) be scrapped.

With specific reference to The Sunday Mail of 11 July which carried an opinion piece by one Lowani Ndllovu alleging that MISA-Zimbabwe “worked closely” with ACHPR Commissioner Andrew Chigovera, MISA-Zimbabwe again denies that Commissioner Chigovera works closely with the organisation in a way that might be construed as suspicious.

Commissioner Chigovera recently presented a paper at a MISA-Zimbabwe organized meeting in Masvingo on how the African Commission on Human and Peoples Rights operates.

As an African Union Commissioner, Mr. Chigovera has a duty to be accessible to all Zimbabweans and Africans who seek an understanding of how the Commission works and this is as far as MISA-Zimbabwe has interacted with Commissioner Chigovera. It must also be noted that Commissioner is a former Attorney General of the government of Zimbabwe.

MISA-Zimbabwe would like to state categorically that over the years, we have sought to keep communication lines with the Department of Information open. In fact, top officials like Professor Jonathan Moyo and George Charamba have attended our meetings.

In addition, MISA-Zimbabwe has always been working with existing government departments, Ministries and parliament whenever the need arose. MISA-Zimbabwe has not engaged its membership and stakeholders in any dialogue related to “regime change”. Instead, its campaigns and activities have sought to highlight that Zimbabwean authorities must appreciate the need for a pluralistic independent, diverse and free media.

Such an appreciation has been shown by Parliament in its various reports that there is need, for example to open the airwaves to other players and that the state broadcaster must be run more democratically. An improved media and freedom of expression environment can only be created by all Zimbabweans, working together and not through “regime change” as alleged by the state media. MISA-Zimbabwe has no mandate from its membership to engage in political activities and all our activities are carried out in the open.

Branding MISA-Zimbabwe an opposition organisation working “in cahoots with western governments to effect a regime change in the country” as stated in The Chronicle of 22 June, will not distract us from our core business which is stated in the Windhoek Declaration of 1991. The declaration states among other things that, we will struggle for the establishment, maintenance and fostering of an independent, pluralistic and free press as essential components to the development and maintenance of democracy in a nation, and for economic development.

MISA-Zimbabwe notes with sadness that the public media makes it its daily business to demonise organisations and individuals for petty political gain. The stories carried by the public media on MISA-Zimbabwe and other organisations and individuals represent all that has gone wrong with journalism in Zimbabwe.

As an organisation formed by Zimbabwe media workers to represent and champion their interest, MISA-Zimbabwe will not be distracted from its mandate. Any democratic country has room for dissent and differences, but the views expressed by the public media not only borders on hate speech, but are destructive to the country in the long run.

Press Statement

July 19, 2004

Workshop on Parliament, Broadcasting and the Media

On 16 to 18 July, MISA-Zimbabwe held a workshop with the Members of Parliament on Broadcasting and the Media laws reform. The one and half day workshop was held in Victoria Falls.

The objectives of the workshop were to enhance the knowledge of the MP's around the Zimbabwe Broadcasting Holdings (ZBH), and its transformation from the ZBC to the ZBH also to analyze operations of the ZBH in relation to its mandate as a public broadcaster.

The workshop also touched on the Broadcasting Authority of Zimbabwe, (BAZ) especially the role and function of the BAZ and the implementation of policy. The Capital Radio Judgment was discussed, focusing on sections nullified and those upheld by the Supreme Court. As part of the discussion on the media, the workshop also touched on how the Access to Information and Protection of Privacy Act (AIPPA) has been implemented so far. MISA-Zimbabwe also used the occasion to make submissions to MP's on the second amendment Bill to AIPPA that has been gazetted.

Honorable Gibson Munyoro, (ZANU PF Makoni West), standing in for the Chairperson of the Portfolio Committee on Transport and Communications, Honourable Silas Mangono, (MDC Masvingo Central) gave a presentation of the reports and challenges faced by the committee in its work. He outlined the reports done on the operations of the ZBH. Honorable Munyoro pointed out there are a lot of problems that have been seen in the operations of the ZBH and they have since made recommendations to the relevant Ministry. He also pointed out that another report on the operations of the BAZ and the question of none issuance of licenses to private players in the broadcasting area will be tabled in parliament soon. He stressed that the Portfolio Committee on Transport and Communications is none partisan and it strives to present objective reports for the good of the nation.

Also highlighted in his presentation was the aspect that broadcasting services and media laws should comply with international standards, as the communications sector is key to development.

Other presenters included Shepherd Mutamba, former editor in Chief of the ZBH. He highlighted that there was direct interference in editorial, management and administrative issues by the responsible Minister who is charged with the administration of the ZBC.

In his analysis of the Portfolio Committee on Transport and Communications report on the ZBH, Mutamba noted that the committee should have extensively consulted members of the public on the operations of the ZBH. He also noted that the report did not include views of the responsible Minister Jonathan Moyo. Parliamentarians however pointed out that there was a technical fault on their recording equipment leading to much of Minister Moyo's testimony being lost. It was however pointed out that Minister Moyo responded to some of the issues in parliament and acknowledged the observations of the committee. Mutamba suggested that ZBH needs a neutral board and senior managements that can run the organization independently.

Bulawayo based Lawyer Kucaca Phulu gave a presentation on the need to transform the broadcasting industry by involving other players especially in areas of community broadcasting. He also touched on the governance structure of the ZBH and Transmedia, the state owned signal Transmission Company. Phulu noted that laws such as the Broadcasting Services Act, (BSA) are being applied to perpetuate the monopoly of ZBH in the broadcasting sector. On BAZ, Phulu noted that the body had taken time to issue licenses. He also said BAZ impedes the process of freeing the airwaves as it is too weak to make any decisions. He also noted that although the Supreme had on September 19 2003 struck down the powers of the Minister to issue broadcasting licenses, no amendments to the BSA had been made to fill this vacuum. As the law stands there is no licensing authority to date.

MPS who attended the workshop were, Hon Kindness Paradza, Makonde, ZANU PF, Walter Mutsau, Bikita East, ZANU PF, Victor Chitongo, Murehwa North, ZANU PF, Chief George Chimombe, Manicaland, Hon Nobbie Dzinzi, ZANU PF, Muzarabani, Mutsekwa Giles, Mutare North, MDC, Mupukuta Lovemore Gokwe Central, ZANU PF, Mdlongwa Esaph, Pumula Luveve, MDC, Kumbula Wilson, ZANU Ndonga, Chipinge South, Khupe Thokozani,

Makokoba, MDC, Chief Charles Sikalenge Bayele Matabeleland North, Gonese Innocent, Mutare Central, MDC.

At the end of the workshop the following resolutions ere passed.

* It was resolved that there should be a general appreciation of the Portfolio Committee report by all and that the report should form the basis for engaging Parliament for legislative reform. It was agreed that the reports should be publicized and action taken to ensure that recommendations are implemented.

* It was also resolved that recommendations from court judgments should be taken up to lobby for legislative reform and constitutional changes.

* It was highlighted further that there should be greater participation from the public media and that follow ups should be made on Parliamentary reports and engage the responsible media institutions for reforms.

* Members of Parliament agreed to reengage with MISA-Zimbabwe and other players on outstanding issues in regards to the ZBH and other issues.

Press Statement

September 1, 2004

Press statement by Zimbabwean media organisations on the judgment by the Supreme Court in the Independent Journalists Association of Zimbabwe (IJAZ) matter

Zimbabwe media organisations, the Independent Journalists Association of Zimbabwe (IJAZ), Media Institute of Southern Africa (MISA)-Zimbabwe and the Media Monitoring Project of Zimbabwe (MMPZ), note with dismay and disappointment today's judgment by the Supreme Court which upheld contested provisions of the Access to Information and Protection of Privacy Act (AIPPA).

The aforementioned organisations note that the Supreme Court concedes that section 20 of the Zimbabwe constitution guarantees freedom of expression and the right to receive and impart information, which includes freedom of the press, the same court still upheld sections 79, 83 and 85. The sections provide for accreditation of journalists, outlaw practising journalism without accreditation and empower MIC to develop and enforce a code of conduct respectively.

We however insist the sections in question pose a serious threat to the work of journalists and infringe on their rights to freedom of expression and that of the media. These sections compel all journalists to be accredited by MIC and make it a criminal offence to practise journalism without accreditation.

While there is nothing wrong with accreditation for administrative purposes, we are concerned however that the MIC and the Minister of Information are accorded quasi-judicial powers to decide who works as journalist or not. In other words the MIC and the Minister have arbitrary powers to decide who may or may not practice as a journalist.

Notwithstanding the judgment, it is our strong view that the contested sections of AIPPA impinge on the exercise of freedom of expression. We further note that since its enactment AIPPA has been selectively applied against the privately owned media whose journalists have been constantly and consistently arrested, detained and harassed. We insist that AIPPA is an unnecessary evil in a country that purports to be a democracy.

Despite the ruling, we maintain that AIPPA is a bad law and should be repealed. We also reiterate that governments have no role to play in deciding who may practice as a journalist. The latest judgment comes against a backdrop of yet another controversial Supreme Court judgment which demanded that the Associated Newspapers of Zimbabwe comply with the law in question before seeking relief from the courts on the constitutionality of AIPPA. The

judgment delivered on 11 September 2003 has been criticised by legal experts, human rights lawyers as illogical and worrying.

We also take note of Supreme Court Judge Wilson Sandura's dissenting judgment in which he argues that all the contested sections are unconstitutional and that there exists enough remedies in Zimbabwe's common law for those offended by the media.

Statement issued by:

Independent Journalists Association of Zimbabwe (IJAZ)

Media Institute of Southern Africa (MISA)-Zimbabwe

Media Monitoring Project Zimbabwe (MMPZ)

Press Statement

September 1, 2004

Submissions to the Parliamentary Portfolio Committee on Transport and Communications on SADC Principles and Guidelines on Democratic Elections

* The Media Institute of Southern Africa (MISA)-Zimbabwe was invited by the Portfolio Committee on Transport and Communications on August 30, 2004, to make submissions on the proposed electoral law changes. Below is the full text of submissions made to the committee:

Southern African Development Community [SADC] leaders met in Mauritius from August 16 - 17 2004 for their annual summit. They had an opportunity to deepen democracy across the region by adopting a set of broad guidelines and principles for democratic elections which aim at enhancing the transparency and credibility of elections and democratic governance. The SADC standards provide for the holding of free and fair elections, upholding of civil and political liberties, press freedom and access by all parties to state media, the independence of the judiciary as well as the impartiality of electoral institutions.

The principles and guidelines governing democratic elections include 10 fundamental and basic tenets. These are:

- * full participation of citizens in the electoral process
- * freedom of association and political tolerance
- * regular intervals for elections
- * equal access for all political parties to state media
- * equal opportunity to exercise the right to vote and be voted for
- * independence of the judiciary
- * impartiality of electoral institutions
- * the right to voter education
- * the respect of election results proclaimed to be free and fair by a competent national electoral authority
- * the right to challenge electoral results as provided for in the law.

As noted by the new SADC chair, Mauritian Prime Minister Paul Berenger, "free and fair elections means not only an independent electoral commission, but also include freedom of assembly and absence of physical harassment by the police and any other entity, freedom of the press and access to national radio and television, and external and credible observation of the whole electoral process".

The Mozambican President Joaquim Chissano added that a vigorous civil society, a pluralist media and committed public institutions, all contribute to the strengthening of democracy.

However, it is one thing to have good guidelines on democratic elections on paper and another to have them implemented by the member states in their domestic jurisdictions and practice especially in light of the fact that the guidelines lack mechanisms for their enforcement.

MISA-Zimbabwe wishes to thank the Portfolio Committee on Transport and Communications for affording us an opportunity to make submissions on how the media in Zimbabwe should cover elections in light of the recently adopted SADC principles and guidelines governing democratic elections in the region.

We recall that we were invited on several occasions to make submissions on the Access to Information and Protection of Privacy Act [AIPPA] and on the Broadcasting Services Act [BSA], where we raised a number of issues that we wished to see amended or repealed.

In these submissions, the intention of MISA-Zimbabwe is to highlight provisions in the AIPPA and BSA, which we believe offend against sections of the Constitution, most specifically section 20 (the right to freedom of expression and to freely receive and impart information and ideas) and the SADC guidelines.

It is our hope that our submissions and analysis will assist by contributing to debate on the Acts by Honorable Members of Parliament, and within society at large, and by ensuring that these already contentious Acts adhere to the Constitution of Zimbabwe and the SADC guidelines and promote a spirit of unity and goodwill among the people of Zimbabwe.

1. Access to Information and Protection of Privacy Act

The Act contains a number of repressive clauses that make the profession of journalism almost impossible to practice in Zimbabwe. Journalists are required to register with a media commission. Media houses are also required to register with the commission and face closure or confiscation of equipment if they violate any of the provisions of the Act.

The restrictive nature and impact of the registration requirements of journalists and media houses is there for everyone to see. To date three (3) newspapers have since been closed for allegedly failing to comply with the registration requirements throwing a large number of journalists and support staff into the streets. The closures have had a negative impact on freedom of expression and denied the public of an independent and pluralistic media as espoused in the SADC guidelines on elections.

The Act provides for punitive measures for journalists deemed to be wayward. Journalists will be struck off the register, pay huge fines or face imprisonment for breaking a code of conduct that would be put by the commission.

Of particular concern to MISA-Zimbabwe is the selective application of AIPPA as evidenced by unprecedented arrests, and harassment of journalists working for the privately owned media in Zimbabwe.

AIPPA, in our view, is meant to stifle the operations of a section of journalists and media houses. This law does not pass the democratic test and conventions that Zimbabwe is signatory to including the SADC guidelines on democratic elections.

Public Media

The public media in Zimbabwe is under the direct control of the government. The newspapers under this stable and the Zimbabwe Broadcasting Holdings (ZBH) are equally under pressure from the government to religiously toe the line. The reporting of the public media has remained biased in favour of the government, the ruling Zanu PF and war veterans who have become the most influential non-state institution in Zimbabwe.

This is in contravention of the SADC guidelines, which calls upon member- states to grant equal opportunity for all political parties to access the state media so as to ensure full participation of citizens in the political process.

In the past, the reporting of the state media, both print and electronic, has centered more on

doing public relations work and support for the government's land reform exercise, campaign for Zanu PF, the vilification of the opposition and those seen to be opposed to the government.

Inflammatory and hate language dominates much of the reporting. Words such as "terrorist", "enemies of the state", "stooges", and "running dogs of imperialists", are commonplace in the state media. The effect of such language is to incite party supporters to conduct acts of violence against those who hold different views.

The state media, which is financed by the taxpayer, has totally failed to live to expectations. The editorial stance of the public media has to change and conform with the SADC guidelines. This is particularly essential ahead of the parliamentary elections slated for March next year.

It is the position of MISA-Zimbabwe that the ultimate objective of a free media is to provide a healthy check on centres of power (public and private) in order to maintain a free and enlightened Zimbabwe.

MISA - Zimbabwe calls for a truly independent and representative public broadcaster as opposed to a state broadcaster. People usually talk of a free media in line with democracy meaning that a free media is the cornerstone of democracy.

Actions of government, which is only the trustee of the collective will of the people, are expected to be regulated by the force of public opinion. Newspapers, television, radio, magazines and public meetings are important tools for gauging and reflecting public opinion.

Zimbabwe is signatory to the SADC guidelines and a number of regional and international conventions that uphold the freedom of expression and of the media. Indeed, the Zimbabwe Constitution equally recognises freedom of expression as a right and not a privilege in section 20 of the constitution.

Broadcasting Services Act

* The BSA established the Broadcasting Authority of Zimbabwe [BAZ], a statutory body that would regulate the broadcasting industry. At the moment there is a legal vacuum in that after the successful challenge of the Minister as the Licensing Authority and the striking down of section 6 of BSA there is currently no licensing authority to issue broadcasting licenses.

* Since the establishment of BAZ it has failed to licence any private commercial or community radio or television broadcasters in terms of the Act thereby perpetuating the monopoly of the state broadcaster.

* Community broadcasters, if ever they are licensed, are not allowed to carry political content in their programmes.

Access to Polling stations

Experience from past elections exposed a number of irregularities that can be avoided if there is commitment from government to conduct free and fair elections. Of major concern to MISA-Zimbabwe during the past two elections, was the inability of journalists to access polling stations in most areas especially those in rural and peri-urban areas.

MISA-Zimbabwe understands that polling officers and especially the police had not acquainted themselves with the regulations governing the conduct and operations of journalists during the elections. This is despite the fact that the Registrar General Tobaiwa Mudede, had on March 9, 2002, issued a statement clarifying how journalists are to operate. Mudede said that:

* presiding officers should, in accordance with the law, allow accredited journalists into the polling stations.

* The accredited journalists were not allowed to take photographs of voters casting their vote inside the polling booth.

* Journalists were also not allowed to ask people whom they wish to vote for, or whom they will have voted for, because this compromises the secrecy of the person's vote.

Persons or companies who had set up their own communication systems against the laws of Zimbabwe were warned that they run the risk of being arrested by the police for breaching the laws of the country.

Recommendations

* MISA-Zimbabwe calls for the establishment of a truly public broadcaster and the establishment of an independent broadcasting licensing regime.

* There should be created a genuine Independent Electoral Commission [IEC] whose responsibilities should include the regulation of media coverage of elections that include news items.

* There should be a charter or code of ethics agreed to by all political parties on equal political advertising promoting election candidates particularly on the public media.

* There should be a system that allows for both free and sponsored access to the public media.

* The Independent Electoral Commission should devise the system of allocating free direct space and time to all political parties on the public media.

* The free direct access broadcasting should be during prime time. The IEC should be responsible for allocating time to ensure a fair distribution of the best time slots among the candidates.

* Political advertising should be regulated to allow for balanced access to the media for all the candidates.

* The IEC should draw up a code of ethics to restrict the content of direct access material to avoid the advertisement of inflammatory material.

* The media should be legally liable for the content of direct access material.

* There should be a limited right of reply to the content of direct access material.

* The media should carry out comprehensive and impartial voter education initiated by the IEC.

* Paid political advertising should be limited

Press Statement / Communiqué

September 3, 2004

Zimbabwe/Namibia launch regional paper

On September 3 2004, a new regional newspaper, "The Southern Times", was launched in the Zimbabwean resort town of Victoria Falls following the signing of a Memorandum of Understanding (MOU) on Media Corporation between Zimbabwe and Namibia.

The MOU between the two countries was signed in February this year culminating in the joint venture between Zimpapers whose flagship is The Herald, and the New Era of Namibia, which will give birth to the Southern Times project.

The MOU was signed by the Minister of Information and Publicity in the President's Office Professor Jonathan Moyo and his Namibian counterpart, Nangolo Mbumba.

The 24-page broadsheet which will be published in the Namibian capital, Windhoek, will be edited by the current assistant Herald editor Moses Magadza.

Speaking at the review meeting of the MOU in Harare on Wednesday, Mumbai urged the media to stop spending time looking for enemies but work towards developing and motivating the people to counter what "the region's adversaries are smearing on us".

"Let us put all our attention on producing this paper and by the time that our detractors believe that they have derailed our plans, our job would be done," said.

The two ministers said the media should not rely on western news agencies for reportage of events in the respective countries.

Press Statement

September 28, 2004

MISA-Zimbabwe launches advocacy committee at Hwange

The Media Institute of Southern Africa (MISA)-Zimbabwe's drive to promote and foster media freedom, diversity and pluralism, took another quantum leap following the launch of the Hwange Advocacy Committee in Matabeleland North on September 17, 2004.

The launch of the Hwange Advocacy Committee brings to six the number of committees established so far following similar successful initiatives in Mutare, Gweru/Kwekwe, Masvingo, Chinhoyi and Bulawayo.

Members who attended the meeting held in Hwange, elected an interim advocacy committee and agreed that the issue of launching a campaign for a community radio initiative should be taken as a matter of "high priority".

Cognisant of the fact that the advocacy committee cannot conduct the envisaged campaign alone, a strategic plan of action was drawn up which among other issues, entails creating linkages with stakeholders, identifying possible donors for funding and embarking on an aggressive membership recruitment drive.

Among other issues, the committee was tasked to:

- * seek an audience with the governor of Matabeleland North, Obert Mpofu, council chairpersons and councilors on the idea of community broadcasting.
- * approach public institutions, the business community and members of the community on one-on-one outreaches.
- * meet market vendors and commuter transport associations.
- * prepare road shows.
- * review the broadcasting initiatives on a monthly basis.

Wilbert Mandinde, MISA-Zimbabwe's acting advocacy officer, noted that MISA's goals and objectives cannot be realised without the formation of alliances with other civic organisations with an interest in such matters.

In that regard MISA-Zimbabwe is working closely with the Federation of African Media Women, Foreign Correspondents Association, The Independent Journalists Association of Zimbabwe, Kubatana, Media Monitoring Project of Zimbabwe and the Zimbabwe Union of Journalists on a number of campaigns against repressive media legislations.

After agreeing on the need to form an advocacy committee for Matabeleland North, participants resolved to elect an interim committee which would be in office for one year.

The following members were elected:

- * Nkosana Mpofu - chairperson
- * Joyce Ngoma - vice chairperson
- * Besnat Dube - committee member
- * Chaka Dick - committee member
- * E. Phiri - committee member

Godfrey Marawanyika, a member of MISA-Zimbabwe's National Governing Council (NGC) assured members that the NGC was committed to ensuring that advocacy committees get all the assistance they require as a way of self-empowering them.

**Press Statement
October 15, 2004**

MISA appeals to the Zimbabwean government to allow political parties equitable access to the public media

The Media Institute of Southern Africa (MISA) is deeply concerned about the continued denial of access to the public media to political parties by the Government of Zimbabwe in the run-up to the March 2005 Parliamentary elections.

MISA appeals to the Zimbabwean Government to honour the SADC Principles and Guidelines Governing Democratic Elections to which it is a signatory. The SADC Principles and Guidelines Governing Democratic Elections, among other provisions, stress the need for political tolerance, binds member states to allow all political parties equitable access to the state media.

MISA believes that the media plays a key role during the pre-election phase. It has here that voters need information, both on the voting process itself and what it means for the continuation of democracy, as well as on what exactly they are voting for. MISA also believes that a free media and subsequently equitable access to a free media, is a precondition for free and fair elections.

As an example, the Namibian Broadcasting Corporation (NBC) implements a rigorous 'free air time' policy by which political parties receive free air time on a proportional basis to air their policies and views to the general public. An exciting development earlier this year in South Africa took place when one of the private television stations implemented a policy of equal air time for political parties.

In August this year MISA released a mission report on the state of the media in Zimbabwe in the run up to the elections. In the report independent investigators recommended that all parties be guaranteed access to the public media. This was after they were informed by interviewees that "state media hardly makes mention of any activities carried out by the opposition, and when it does, it is invariably in derogatory terms, projecting opposition leaders and their supporters as unpatriotic, sell outs, subversive elements seeking to overthrow the Government and instigators of violence. The State media was also said to be used to propagate hate messages against minorities and incite hatred against a selected group of inconvenient individuals."

Also, MISA is particularly perturbed by recent statements made by public officials like Minister of Legal and Parliamentary Affairs, Patrick Chinamasa, and Minister of State for Information, Jonathan Moyo, that the Zimbabwean government will not allow the opposition Movement for Democratic Change (MDC) access to the public media ahead of the Parliamentary elections. MISA finds these statements unfortunate and short-sighted. The public media, funded by taxpayers' money, has an obligation to respond to the needs and desires of its funders and, at this time, Zimbabweans need information from diverse sources in order to make an informed decision at the polls.

"The Zimbabwean government must release its stranglehold on the electronic media and allow the operation of independent media including the recently closed newspapers. There cannot be free and fair elections without a free media and freedom of expression and measures to correct the prevailing situation in Zimbabwe need to be taken now in preparation for the planned March 2005 Parliamentary Elections", MISA Regional Director Luckson Chipare told the symposium.

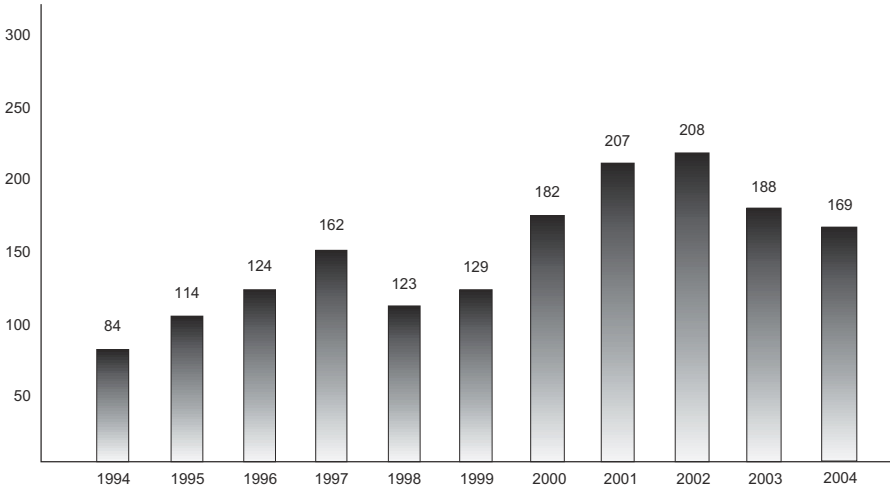
For further information, please contact:

- * Luckson Chipare.: Regional Director, MISA
 - * Kaitira E Kandjii: Freedom of Expression Programme Manager, MISA
 - * Zoé Titus: Media Freedom Monitoring Programme Manager, MISA
- Windhoek, Namibia: +264 61 232975 / 248015

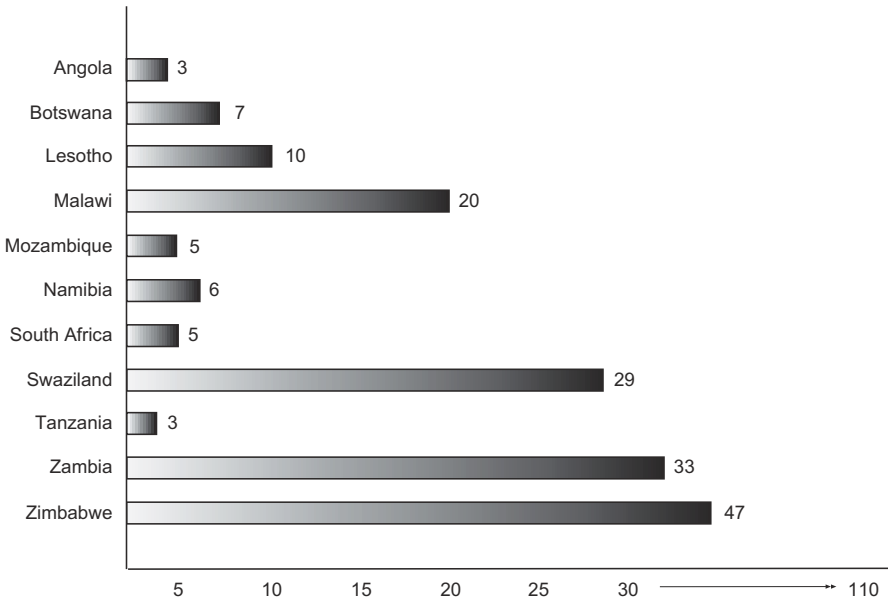
* The report on is available at: <http://www.misa.org> under 'Downloads' .

Breakdown of incidents by category

Total alerts issued in 2004



Number of alerts by country: 2004



Gender disaggregated alerts 2004

	Beaten		Bombed		Censored		Detained		Expelled		Killed		Legislated		Others		Sentenced		Threatened		Victory	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
GENDER																						
Angola	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Botswana	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lesotho	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-
Malawi	1	-	-	-	1	1	1	1	-	-	-	-	-	-	-	-	-	-	2	2	1	1
Mozambique	2	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Namibia	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South Africa	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-
Swaziland	6	-	-	-	2	-	2	-	-	-	-	-	-	-	-	-	-	-	8	-	-	-
Tanzania	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
Zambia	4	-	-	-	5	-	12	-	1	-	-	-	-	-	-	-	-	-	6	-	1	-
Zimbabwe	2	-	-	-	3	-	19	1	4	-	-	-	-	-	-	-	-	-	1	-	1	-

Number of alerts by country/violations: 2004

	Beaten	Bombed	Censored	Detained	Expelled	Killed	Legislated	Sentenced	Threatened	Victory	Others	TOTAL by country
Angola	0	0	1	1	0	0	0	1	1	0	0	4
Botswana	2	0	5	0	0	0	1	0	0	0	0	7
Lesotho	2	0	1	0	0	0	4	0	1	2	0	10
Malawi	2	1	1	5	0	0	0	0	9	2	0	20
Mozambique	2	0	1	1	0	0	0	0	1	0	0	5
Namibia	3	0	2	0	0	0	0	0	1	0	0	6
South Africa	1	0	0	0	0	0	0	0	4	1	0	5
Swaziland	5	0	4	3	0	0	3	0	11	2	1	29
Tanzania	0	0	0	0	0	0	0	2	0	1	0	3
Zambia	3	0	8	12	1	0	1	0	5	1	2	33
Zimbabwe	2	1	4	20	9	0	4	0	4	1	2	47
TOTAL by country	22	2	27	42	10	0	12	3	37	9	5	169

MISA's Annual Press Freedom Award

The Media Institute of Southern Africa (MISA) presents an annual Press Freedom Award with a cash prize of US\$1 000 to honour excellence in journalism.

Excellence in journalism may be described as the upholding of the ethics of the profession at all costs, and the relentless pursuit of the truth. The award is also in recognition of the work of an individual or institution contributing significantly to the promotion of media freedom in the region. The excellence which the award acknowledges can be achieved either through reportage or in other ways such as media reform, lobbying or training.

ELIGIBILITY: The MISA Press Freedom Award is open to all forms of media e.g. photography, print, producers, radio, video, film, Internet, or media associations and institutions. Eligible individuals or institutions should be based in the southern African region (SADC region).

NOMINATIONS: NOMINATIONS FOR THE 2005 AWARD ARE NOW OPEN. All nominations should be accompanied by a motivation not exceeding 1 500 words and the CV of the nominee. Where applicable, a copy of the work, or a portfolio of work, should be included with the nomination. Nominations should be sent to the MISA Secretariat, for the attention of the Regional Director, to:

**Postal: Private Bag 13386
Windhoek
Namibia
Fax: +264-61-248016
E-mail: director@misa.org**

Deadline: June 30, 2005

For further information, please contact the Regional Director at +264-61-232975

The 2004 winner of the MISA Press Freedom Award



Methaetsile Leepile

The Media Institute of Southern Africa (MISA) awarded its 2004 MISA Press Freedom Award to a Botswana-based newspaper publisher in recognition of his efforts to promote indigenous language media and coverage of development issues.

Methaetsile Leepile was honoured at MISA's annual meeting in Lesotho in September 2004, where colleagues paid tribute to his 20-year career in media development.

In 2002, Leepile helped found Mokgosi, the country's first newspaper written in the Setswana language. Although recognised as Botswana's national language, Setswana is not as widely used as English, particularly by government and the media.

Mokgosi's coverage of development issues has also enabled a large sector of the population to access credible information on issues affecting their livelihoods.

The MISA Press Freedom Award is awarded annually to an individual or organisation that has made a significant contribution to promoting media freedom in the Southern African region.

Previous winners of the MISA Press Freedom Award

🗨 1993 - Onesimo Makani Kabweza

The late Onesimo Makani Kabweza, as editor of *Moto* in Zimbabwe, was one of the first Zimbabwean journalists to break the "culture of silence" which followed the country's independence in 1980. Onesimo dared to take a critical stand against the new Zimbabwean government under Robert Mugabe at a time when others were too scared to criticise or speak out against any government wrongdoing. He was very enthusiastic about the need for southern African media workers to unify and thus shared the dreams and aspirations of MISA. At the time of his death in 1993, Onesimo was on his way back from a trip to Harare on MISA business.

🗨 1994 - Basildon Peta

By the time the young Basildon Peta was awarded MISA's Press Freedom Award, he had already come up against the full might of the Zimbabwean police. The senior reporter at the *Daily Gazette*, Basildon was incarcerated in 1994 for a week, enduring long sessions of

interrogation by the police, who failed to break his determination to stand by the truth. Basildon was also not cowered into silence and he went on to expose further incidents of corruption and abuse of power in government.

8 1995 - Fred M'membe

Fred M'membe, probably one of the most persecuted journalists in his country and the rest of the region, is a qualified accountant who, along with colleagues John Mukela, Masautso Phiri and Mike Hall, founded The Post newspaper in Zambia in 1991. Since its founding as a weekly paper and its swift progress to a daily paper, The Post under the helm of Fred, tirelessly kept a watch on the government, exposing numerous incidents of corruption, illegal activities, bad governance, human rights abuses and lack of respect for the rule of law. In the process, and despite enormous efforts on the part of the government to harass The Post and Fred in particular, Fred has distinguished himself as a consistent and fearless journalist, committed to the ideals of media freedom.

8 1996 - Allister Sparks

Allister Haddon Sparks has played a phenomenal role in the media in South Africa. Starting out as a reporter on the Queenstown Daily Representative in 1951, Allister rose to become a sub-editor under the renowned Donald Woods at the East London Daily Dispatch, the editor of the Sunday Express, and then the editor of the great Rand Daily Mail. It was during his tenure at the Rand Daily Mail in the late 1970's that Allister distinguished himself as a journalist of great valour and strength, willing to stick his neck out for a story even though it might have reached into the deep echelons of government. In 1992, a decade after being dismissed from the Rand Daily Mail, Allister was instrumental in setting up the Institute for the Advancement of Journalism (IAJ), based in Johannesburg, South Africa. At the time of receiving the MISA Press Freedom Award, Allister was serving on the Board of the South African

8 1997 - Gwen Lister

Gwen Lister, as editor of The Namibian, almost single-handedly kept up the mantle of press freedom in Namibia, both before and after independence. Starting out as a journalist at the Windhoek Advertiser in 1975, she eventually went on to establish The Namibian, which hit the streets for the first time in August 1985. From the outset, The Namibian was the only newspaper in Namibia that was brave enough to expose ongoing atrocities and human rights abuses being committed by the South African occupation forces. Gwen's determination to uncover and report the truth never wavered, despite concerted attempts to harass and intimidate her and the rest of The Namibian staff. Gwen's commitment to a free press remained steadfast after Namibia's independence in 1990, and her paper continued to adopt a watchdog role, this time over the new government of the South West African People's Organisation (Swapo).

8 1998 - African Eye News Service (AENS)

African Eye News Service was the first media institution to be honoured with the MISA award. Based in the first South African province of Mpumalanga, AENS had established itself as one of the sub-region's truly investigative news services. In its three years of existence, AENS, under the editorship of Justin Arenstein, had either halted or uncovered a series of corrupt practices in the public sector - some of which had led to public commissions of inquiry, or resignations of the affected officials. Its bold and extremely courageous reporting earned it several enemies in both the public and private sectors of the South African community. The agency attracted numerous multimillion rand defamation suits, and to date it had won every case. Its team of journalists, especially Mr. Arenstein, had also been the targets of physical and verbal harassment, including

death threats and threats of assault, while also being personally maligned. Despite this harassment and hostility, the AENS team carried on its mission with excellence, exhibiting mature and professional journalism with depth and carefully verified detail.

8 1999 - Bright Chola Mwape

The late Bright Chola Mwape was still a young man when he tragically died as a result of injuries sustained in a car accident in August 1999. In 1994 Bright was Managing Editor of *The Post*, Zambia's leading and only independent daily newspaper. An article in 1996, in which he criticised a Zambian politician for attacking a Supreme Court judge who had earlier struck an important victory for the Right to Protest and Freedom of Assembly, saw him being condemned to indefinite imprisonment. Along with his editor-in-chief Fred M'membe and fellow columnist, Lucy Shichone, Bright went into hiding to avoid being hauled off to prison. Later on Bright and Fred handed themselves over to the police in an act of defiance and bravery that challenged the Zambian Parliament to take their unjust decree to its logical conclusion. They were freed after 24 days. In 1997, Bright joined MISA's regional secretariat to head the Media Information Unit. His disdain for the hypocrisy of the SADC governments was evident on the occasion of May 3 1999 in a dynamic speech he delivered in Windhoek, Namibia. In his speech, Bright angrily dismissed a proposed Media Award the SADC governments were considering, questioning their moral right to confer such an award amid their obvious reluctance to refrain from or condemn government infringements on the rights of the media.

8 2000 - Geoffrey Nyarota

Geoffrey Nyarota, as editor-in-chief of *The Daily News* in Zimbabwe has displayed skill and vision in keeping afloat the spirit and voice of independent media in a country where independent media exist in a minefield of treacherous laws and intolerant authorities.

Geoff has come a long way since his days as a reporter at the *Zimbabwe Herald* newspaper. In the process he has also ploughed a lonely furrow which is unavoidable for people like him who fail to seek shelter in the ever convenient shade of complacency, silence or political cover-ups. As editor of the *Chronicle*, he exposed corruption in high places in what was to become known as the "Willowgate scandal". The resilience of Geoff came of age in a sense, with the launching of *The Daily News* in March 1999. It was a magnanimous dream that had as its roots - service to the Zimbabwean citizenry. The newspaper has grown from strength to strength almost solely due to Geoff's skill in assembling a team of some of Zimbabwe's most skilled and professional newspaper practitioners in every field. The trail that *The Daily News* blazes has come at a price - the paper's journalists have been harassed and attacked; in some parts of the country people can only read the paper in secret for fear of reprisals. The application of the Access to Information and Protection of Privacy Acts in Zimbabwe has led to the closure of *The Daily News* and its sister paper, *The Daily News on Sunday*.

8 2001 - Carlos Alberto Cardoso

The late Carlos Alberto Cardoso, editor of *Metical*, was murdered on 22 November 2000. A fearless campaigner for freedom and a lifelong socialist who committed his life to the African revolution and the struggle against imperialism, Cardoso was gunned down in what appears to have been a planned and professional assassination.

Carlos' exceptional talents as a writer ensured a rapid rise in the world of journalism. He worked first on the weekly magazine *Tempo*, then briefly on *Radio Mozambique*, before he was appointed chief news editor of the *Mozambique News Agency (AIM)* in 1980.

In 1990, Cardoso was among a group of journalists campaigning for the inclusion of a specific commitment to press freedom in the new constitution. The clauses on the media in the 1990 constitution, and the follow-up press law of 1991, are among the most liberal in Africa.

In 1992, Cardoso and a dozen others founded a journalists' cooperative, Mediacoop, launching Mediafax. A dispute in Mediacoop in 1997 led to Cardoso leaving the cooperative to set up Metical.

Cardoso campaigned tirelessly against what he regarded as the disastrous recipes for the economy imposed by the World Bank and the IMF, championing the fight of the cashew processing industry and later of the sugar industry, against liberalisation measures.

Among the scandals Cardoso had been investigating in the last months of his life, one stands out above all others. This was the largest banking fraud in the country's history. In 1996, a well-organised criminal network stole the equivalent of \$14 million out of Mozambique's largest bank, BCM. Although the names of the main suspects were known there was no prosecution and no trial.

⌘ 2002 - No award was presented in 2002. MISA celebrated its 10th anniversary in Maputo, Mozambique

⌘ 2003 - Dr. Augusto Raul Paulino

Through the award MISA recognizes the incalculable contribution made by Judge Paulino to the judicial process in Mozambique, as well as access to information and freedom of expression in the region. Judge Paulino presided over the celebrated trial and conviction of six men accused of murdering Carlos Cardoso, one of Mozambique's top investigative journalists. The trial was hailed widely as both a triumph of the openness of the court proceedings and an indictment of the corruption among the country's rich and powerful. By allowing the electronic media to cover the case live

Judge Paulino gave the public an opportunity to form its own opinion and that has been a major step and a positive example for the whole continent to emulate. Although many Mozambicans may not be satisfied by the outcome, they have witnessed that the judicial system can work.

⌘ 2004 - Methaetsile Leepile

In March 2002 under Methaetsile Leepile's guidance, the first ever vernacular Setswana broadsheet newspaper, Mokgosi, was born in Botswana. The weekly broadsheet has a circulation of 10 000 copies.

Leepile believes that there are compelling reasons to protect indigenous languages from extinction because when a language dies, a people's knowledge dies with it. Editorially Mokgosi newspaper also tackles social, political and economic issues from a developmental agenda, ensuring that a previously large sector of the Botswana population is able to access credible information on issues that affect their livelihood. Mr Leepile is however no stranger to MISA. He was amongst the group of media practitioners who met in Chobe 1989 to discuss the future of the media in our region. These discussions finally led to the formation of MISA through the Windhoek Declaration. He became the first director of MISA in 1994 and left its head office in Windhoek in 1999 to take up the management of the Southern Africa Media Development Fund (Samdef). He left Samdef in 2003 to enter the private sector.

How to report an attack on the media

The Media Institute of Southern Africa (MISA) needs your assistance to compile accurate and detailed alerts on abuses of press freedom in the Southern African region. Alerts serve a very important function in the advocacy work of MISA. The ultimate aim of the alert is to spur people on to take action in the light of a particular violation. Apart from that, the alert serves the purpose of reporting and recording a specific event or incident, which either amounts to a violation of media freedom or freedom of expression, or significantly advances it. The alert is thus part of one of the most essential tools of advocacy - information.

What to report:

• Journalists who are:

- Assaulted
- Arrested
- Censored
- Denied credentials
- Harassed
- Kidnapped
- Killed
- Missing
- Threatened
- Wrongfully expelled
- Wounded
- Wrongfully sued for libel or defamation

News organisations that are:

- Attacked or illegally searched
- Censored
- Closed by force
- Raided, where editions are confiscated or transmissions are jammed. Materials confiscated or damaged
- Wrongfully sued for libel or defamation

What to include in your report

MISA needs accurate and detailed information about:

- Names of journalists and news organisations involved
- Date and circumstances of the incident
- Detailed background information

Anyone with information about an attack on the media should call the Researcher at MISA by dialling +264 61 232975 or by sending e-mail to research@misa.org.na

Contact information for MISA country offices: See page 6-9

What happens with your information?

Depending on the case, MISA will:

- Investigate and confirm the report
- Pressure authorities to respond
- Notify human right groups and press organisations around the world, including IFEX, Article 19, Amnesty International, Reporters San Frontiers, Human Rights Watch and the International Federation of Journalists and
- Increase public awareness through the press
- Publish advisories to warn other journalists about potential dangers
- Send a fact-finding mission to investigate

■ MORE ABOUT MISA ALERTS

The alert is different to a media statement that the latter is more a reaction and comment on an incident, while an alert is simply a report about it. Where comment is included in an alert it is best reported as a quote.

Action alerts also educate people about the nature of media freedom violations, leading to greater sensitivity to threats and violations, thus ensuring that more and more violations do not go unreported. MISA alerts are used as a source of information by media freedom organisations around the world and serve to augment important international reports and publications which in turn are used as advocacy tools or research documents.

What types of incidents are reported in an action alert?

1. Direct violations against journalists' right to operate or report freely - these include physical or verbal attacks or threats against journalists during the course of their work or as a result of their work; journalists being barred illegally from observing events or incidents or inspecting areas, journalists evicted or deported from a country because of their work, journalists imprisoned or detained and, journalists killed during the course of or as a result of their work.

2. Censorship - this is where media workers, institutions or activities are banned or blocked. Where this does happen always indicate who issued the ban, why and in terms of which laws the ban was issued (sometimes countries have more than one law which could be used to censor media).

3. Court cases - these are court cases involving the media or concerning issues which affect the media (e.g. a 1995 case in Zimbabwe involving cell phone company Retrofit did not include the media but significantly advanced freedom of expression and required to be reported). Alerts are not normally issued for trials or cases which are in progress (unless something significant happens), the commencement and conclusion (judgement) are the most important to report (it requires however that the entire trial be monitored). Background information is very important in alerts relating to court cases e.g. where a newspaper is being sued over an article, find out when the contentious article was published and give a brief idea of what the article said or reported. This helps to assess whether a trial is reasonable and fair. In the case of a criminal trial, indicate exactly which law and sections thereof the journalist or media is being charged under.

4. Legislation - This refers to the introduction, amendment or repealing of all legislation affecting media in some way or the other. Very draconian legislation is usually monitored and reported from the stage at which it is mooted. When issuing in alert around legislation, we make sure to explain precisely which parts of the law affect the media and how.

5. Policies and statements by elected government officials - these are monitored and reported in so far as they have a direct bearing on the workings and operations of the media. Verbal threats or attacks on the media are crucial to report, as well as statements advancing new policies or clarifying, government policies with respect to the media.

About MISA

■ MISA's Mission, Vision and Values

The **mission** of MISA is to play a leading role in creating an environment of media freedom that promotes independence, pluralism and diversity of views and opinions, sustainability and competency. In dealing with these elements, MISA will ensure that gender-specific needs form an integral part of all activities. MISA aims to create an environment in which civil society is empowered to claim information and access to it as unalienable rights and in which - the resultant freer information flow strengthens democracy by enabling more informed citizen participation.

■ MISA will work:

- To create and maintain a media environment in which there is transparency, accountability, independence, pluralism and diversity;
- To improve the skills base and professionalism among media workers;
- To promote and facilitate more effective use of and access to the media by all sectors of society;
- To develop and maintain an environment conducive to relevant and effective advocacy campaigns on media freedom issues and media violations on an international, regional, national and local basis;
- To deliver timely, comprehensive and accurate information on media freedom issues and violations; and
- To exercise its functions in an efficient, cost effective and transparent manner, with full participation of all stakeholders.

MISA's **vision** is of a Southern African region in which the media enjoys freedom of expression, independence from political, economic and commercial interests, pluralism of views and opinions. Our vision is of a region where members of society, individually or collectively are free to express themselves through any media of their choice without hindrance of any kind. Access to information must be unhindered

■ This environment will be characterised by:

- A media that is free, independent, diverse and pluralistic.
- Access to the media and information by all sectors of society.
- Media workers who are competent, critical, accountable, sensitive to gender issues and aware of their responsibility to society.
- Legislation, regulations and policy environments that support media independence, diversity and pluralism.
- Citizens in the SADC region are empowered to claim information as a basic right.

■ The mission and vision of MISA are based on **values** that seek to:

- Advance the aims and objectives of the Windhoek Declaration of 1991 and the African Charter on Broadcasting of 2001;

- Promote a self reliant, non-partisan and independent media that informs, empowers, educates and entertains;
- Nurture media freedom in an ethical, competent and professional media environment;
- Strengthen and support the development of a vibrant and participatory media sector;
- Lobby for access to information in order to enhance transparency and citizen participation in government, judiciary and legislative issues; and
- Promote democracy, human rights and the advancement of equality, human dignity, freedom and non-discrimination.
- Advocate and advance gender equality to redress imbalances in the media and society.

MISA History and legal status

MISA was established in 1992 as a non-governmental organisation (NGO) and registered as a Trust in Windhoek, Namibia following the adoption of the 1991 Windhoek Declaration on Promoting an Independent and Pluralistic African Press. MISA seeks to contribute to the implementation of this declaration in the SADC region. MISA operations are conducted by its Regional Secretariat based in Windhoek, Namibia which is guided by the Regional Governing Council made up of the Regional Council Chairperson and the chairpersons of the national chapters. The MISA Trust Funds Board, which is autonomous, has oversight over the financial and objectives of the organisation.

MISA currently has national chapters in 10 SADC countries – Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe, while it has a representative to run its operations in Angola. Each national chapter is serviced by a national secretariat under the guidance of the National Governing Council. Membership in MISA is open to individual media practitioners, media houses and associations who join MISA at national level.

MISA's main achievements are in the areas of media freedom monitoring and the issuing of action alerts highlighting violations of this right in the southern African region. It has campaigned for an enabling environment for media to operate freely as part of a democratic system. During the last ten years, MISA has provided skills training opportunities for many media workers in the region.

Over 600 journalists and media practitioners and managers have received training in computer aided and internet research, editorial and circulation management, financial and strategic management, project, marketing and business management, community radio management, thematic reporting skills training (financial, economic, elections and gender). During this period over 80 journalists and media practitioners and managers took part in the MISA exchange programme, allowing them the opportunity to learn new skills or improve on existing ones outside their place of employment and mostly in another southern African country.

MISA has sponsored over 20 journalists and media managers to attend Highway Africa, the premier ICT annual event hosted by Rhodes University for the last 5 years.

In line with the 1991 Windhoek Declaration, MISA established the Southern Africa Media Development Fund (SAMDEF) which provides media businesses with loan and venture capital and the Southern Africa Institute of Media Entrepreneurial Development (SAIMED) which offers media management training and development services.

MISA Activities and programmes

From April 2002, MISA work has been centred around Five programme areas as identified by its members and elaborated in its Strategic Partnership Programme April 1, 2002 to March 31, 2005. These are:

- 1. Freedom of Expression and Right to Information Campaign:** which seeks to campaign for citizens to embrace their right to be informed through unhindered access to information. Laws and policies that militate against these rights will be challenged and grassroots campaigns on the concept of information as a basic right and need will be done. The basis of this programme area is founded on the principle that informed citizens will make the best decisions for their wellbeing and in so doing empower themselves. This will ensure that they can hold their governors accountable and in so doing lead to the reduction of poverty and disease.
- 2. Media Freedom Monitoring** programme which seeks to continue the work MISA is renowned for: monitoring and reporting media freedom violations in the region. Through this programme, reports of incidents of media freedom violations, mostly by state authorities are made and campaigns against such violations intensified. MISA is a member of the International Freedom of Expression network (IFEX) since 1994 and has published an annual year book on the state of media freedom in the region (So this is Democracy?) every year from 1994.
- 3. The Campaign for Broadcasting Diversity** programme seeks to continue the work on broadcasting policy MISA started in 1995 which laid the foundation for the role of broadcasting in the region to enable this major source of news and opinions to operate effectively. The three tier system of public, commercial and community broadcasting, if operated in the correct manner, can provide services that assist in the development and maintenance of democracy. These have since been adopted as a part of the African Charter on Broadcasting adopted by media practitioners and media freedom activists who gathered in Windhoek under the auspices of UNESCO and MISA in May 2001 to commemorate the 10th Anniversary of the Windhoek Declaration of 1991. The African Commission on Human and Peoples' Rights adopted similar principles in their Declaration on Freedom of Expression in Africa in October 2002 .
- 4. Media Support Activities** which form the basis of the fourth programme area seeks to enhance Media Accountability and Professionalism, Community Broadcasting and The MISA News Exchange. The first programme area of media accountability and professionalism seeks to assist the media in ensuring that media products are professionally provided and the media is accountable to the general citizenry and consumers of media products. It is the aim of this programme area to ensure that code of ethics and a self-regulatory system are established for each of the eleven countries in which MISA operates. The Community Broadcasting programme is an initiative to assist in the establishment of community broadcasting stations in the region. The News Exchange which started in 1994, will continue and be extended to include a Portuguese language exchange and a 'rip and read' service for broadcasting stations most of which do not have resources to gather news.
- 5. Over the years,** MISA has assisted media practitioners and houses with legal fees to enable them to engage lawyers for their defence in courts of law, mostly brought against them by the State. The majority of cases concern criminal defamation, which is still quite prevalent in the region. The **Legal Support** programme area is the subject of assistance MISA plans to continue to give to media houses and practitioners who may find themselves under such situations. The major element of this programme area is the plan to establish a Legal Defence Fund in each of the countries where MISA operates.

Two strategies will assist MISA in reaching its objectives outlined in its five programme areas. These are respectively the strategies for Communication, Dissemination and Publications and the Implementation and Monitoring. The first strategy recognises that an effective communication and information dissemination system is essential to an advocacy organisation. Furthermore, the fact that the organisation is spread across eleven countries requires an efficient exchange of information to allow for frequent interaction.

The second strategy is concerned with the management of the Strategic Partnership Programme for 2002 to 2005. This includes systematic planning and monitoring, a transparent and accountable financial system, new criteria for budget allocations, a dynamic and cohesive organisation and strong governance structures. It also underlines that gender sensitivity and networking efforts permeate all five of MISA's programme areas.

Finances

MISA has received funding from many donors over the years with its major source being Danida, Sida, Norad, Hivos, USAID, EU, Open Society Foundation, Heinrich Böll Stiftung, Friedrich Ebert Stiftung, Netherlands Institute for Southern Africa and Communication Assistance Foundation.

So This Is Democracy?

State of media freedom in Southern Africa 2004

This eleventh instalment of *So This Is Democracy?* documents the numerous media freedom and freedom of expression violations that MISA recorded in the southern African region in 2004. The documentation and exposure of these media freedom alerts help turn the spotlights from around the world squarely on those responsible for human rights violations. This can make a significant difference, as those who violate human rights often rely on the cover of darkness.

In the period between January and December 2004, MISA recorded a total of 169 media freedom and freedom of expression violations against individual journalists and institutions in the SADC region. Although this figure marks a decrease of 10 percent from the previous year, the nature of alerts and their bearing on the psyche of journalists have culminated into an environment in which journalists practice self-censorship, where media organisations are either closed down by governments through the application of repressive legislation or as a result of degenerating economics conditions and where the pursuit of independent journalism is often labelled as unpatriotic.

Most significantly, the number of alerts recorded in Zimbabwe in 2005 has decreased by 54% from the previous year (from 102 in 2003, to 47 in 2004). MISA attributes this vast difference to the fact that the independent media has been effectively silenced with the vigorous application of the Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA). The closure of the Daily News and Daily News on Sunday in September 2003 and that of the Tribune in 2004, have impacted decisively on critical and independent reporting. Those few independent voices left in the country have certainly experienced their share of harassment in the year under review.

On the other hand, a significant increase in terms of media freedom and freedom of expression violations was recorded in Swaziland, in fact a total of 29 individual incidences. On April 12 this year Swaziland entered its 32nd year under an effective state of emergency. The king's 1973 proclamation stripped Swazis of many basic human rights, including their right to political participation, and snuffed out any embers of popular political activity. It banned political parties, concentrated all judicial, executive and legislative powers in the person of the king and expunged the entire Bill of Rights, which enumerated the protections and entitlement of citizens. The 2004 Constitution Bill does not restore those rights. It entrenches the status quo and prevents the separation of powers essential to fairness and good governance. In such an environment, how can the media report freely?

Although the media in other countries in the region have seen fewer violations, it must be recognised that there remains a need for media law reform as the environment is still littered with legal hurdles that stifle media freedom.

In all, this book remains an important historical document detailing events affecting media workers in most of southern Africa during 2004. It should prove valuable not only to media activists but also to scholars and others interested in plotting the trends and identifying the various devices used to undermine media freedom and the free flow of information.