



How safe are journalists in southern Africa?

Journalist safety in southern Africa 2008 - August 2013

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JOURNALIST SAFETY

essential to media freedom and freedom of expression

Over the past 20 years, the **Media Institute of Southern Africa** (MISA) has been the primary advocate for media freedom and freedom of expression in southern Africa, issuing alerts on media freedom violations, condemnations of killings, assaults and other forms of unjustified treatment to journalists, including restrictions on access to information.

For freedom of expression to exist, there must be access to a free press that can give the public access to non-partisan information; give a voice to the different sectors of society; tell the many sides of a story; deliver information from a variety of sources so as to enable people to make informed decisions; and report on all matters in the public interest, giving a better understanding of the political, socio-economic and cultural environment.

All of the above is highly dependent on a free press, of which safety and security of journalists is the hallmark.

“A free press is at the absolute core of equitable development, if you cannot enfranchise poor people, if they do not have a right to expression, if there is no searchlight on corruption and inequitable practices, you cannot build the public consensus needed to bring about change.”

James D Wolfensohn, former President of the World Bank



A basic human right

The right to work without threat of violence is a basic human right. Everyone – from journalists, to bloggers, to people who just have something to say – has the right to form and express his or her opinions. Article 19 of the Universal Declaration of Human Rights upholds this right to freely seek, receive and send out information, ideas and opinions through any media.

MISA continuously implores southern African governments to guarantee this right and bring to justice those implicated in attacks on media freedom, which have resulted in the death, maiming, beating and arrest, detention and/or charging of scores of media workers across the region.

Over the past five years, MISA has reported at least 800 media freedom and freedom of expression violations within the Southern African Development Community (SADC). Most of these violations are recorded in our annual state of media freedom publication, *So this is Democracy?*.

We collate violations from MISA research and alerts issued throughout the year as a result of our media monitoring work. This also includes information from external reports as well as violations and issues reported directly to us. The violations cover a range of incidents media workers can experience during the course of their work, classified into ten categories, with an 11th category reporting on victories.

MISA monitors physical attacks on journalists through violations classified as beatings, bombings, detentions, killings, and threats. We also monitor violations that can affect media workers psychologically or otherwise threaten their ability to carry out their work in a safe and free environment. These are classified as censorship, restrictive legislation, banning or expulsion, and sentencing of media workers.

Media violation categories

KILLED - This category includes, not only journalists who are found dead, but those who have gone missing and disappeared.

BEATEN - This includes incidents where journalists are assaulted, attacked physically, tortured, or wounded during the course of their work.

BOMBED - This includes incidents where a media worker's home or the office of a media house/outlet/organisation is sabotaged through bombing, arson, vandalism, theft, or is raided or occupied forcibly.

DETAINED - This refers to when a media worker is 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).

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. Censorship can include banning; gagging orders; order for excisions; using legislative restrictions to prevent publication; closing down or suspending a publication or broadcaster; or confiscating equipment and/or materials.

EXPULLED - This refers to 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.

LEGISLATION - This relates to all aspects of the legislative process and the application of common law, including 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 also includes positive events where legislation is enacted that enhances media freedom and freedom of expression. The alerts are categorised as either 'threatening legislation' or 'positive legislation'.

SENTENCED - This is when a judgement is handed down against a media worker involving either a prison term or a fine.

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 about their sources.

VICTORY - This involves a range of positive events making the media environment in southern Africa more conducive to allowing media freedom and freedom of expression. The incidents might affect individual media workers or media organisations (for example, court overturning a gagging order) or more broadly impact on media freedom, access to information or freedom of expression (for example, the adoption of media-friendly laws or policies).

OTHER - These are incidents that do not necessarily involve the media, but affect aspects of freedom of expression or speech in general. For example, cases of sedition against a member of the public or a violation of the right to freedom of assembly and protest. Incidents concerning media pluralism (a publication closing down because of financial reasons) or access to the public media, also belong in this category.

2008 – 2012 marked by restrictive legislation, threats and obstructions to general freedom of expression

Between 2008 and 2012, MISA reported the most significant number of violations in the SADC region in the categories of legislation (130 reported incidents), threats (146 threats against media workers), and ‘other’ (214 incidents reported).

Violations classified as ‘other’ make up 28% of the violations recorded between 2008 and 2012 and shows relatively consistently high numbers of reports throughout the period.

The ‘other’ category refers to incidents affecting freedom of expression or speech in general and not necessarily impacting only media workers, for example a charge of sedition against a member of the public or incidents involving access to the public media.

Therefore, the high level of reports in this category indicate SADC countries have much to do to create environments conducive to media freedom and freedom of expression for their media workers and for all their citizens.

The need to improve the media operating environment in the SADC region is further emphasised in results of the **African Media Barometer** (AMB), an annual self-assessment exercise that provides an in-depth and comprehensive description and measurement system for national media environments on the African continent. The AMB is a joint project between MISA and **Fesmedia**.

Over the past five years, the average of the overall country scores for participating countries from the southern Africa region, although increasing from 2.38 in 2008 to 2.56 out of a possible 5 in 2012, still places the region in the barometer’s category of countries who “meet only a few aspects of indicators”.

Attacks on media workers on the rise from 2012

MISA is gravely concerned about the physical attacks on journalists and other media workers reported in 2012 and 2013.

In the 2011 edition of *So this is Democracy?*, we reported that physical attacks on journalists were in decline, with more subtle forms of attack and intimidation at play, so it has been distressing to see such attacks occurring in 2012 and 2013, which have included the brutal assault of senior editor, Absalom Kibanda in Tanzania and murder of a prominent journalist, Daudi Mwangosi, also in Tanzania.

MISA has reported on 3 deaths over the past five years. While the number of deaths due to media attacks might be considered low in comparison to global statistics, MISA asserts that any murder is unacceptable, and while the number of threats fluctuates over the years, they are consistently at worrying levels, with an average of 29 threats reported each year in the five-year period.





Censorship on the rise

While censorship appeared to be declining between 2009 and 2010, it is unfortunately on the rise again and there was an average of 10.2 incidents of censorship reported yearly throughout the five-year period.

Decrease in banning incidents

MISA is pleased to see that after a peak of 30 incidents reported in 2009, reports of media workers being banned from reporting on issues in the public interest has declined, and 2012 reported the lowest number of banning violations over the five-year period (just two incidents reported).

Low level of sentences reported

While the number of violations classified as 'sentenced' are low throughout the period (there was a high of nine media workers sentenced in the region in 2011, while other years reported between only one and five incidents), the number of violations reported under the 'legislated' classification represents one of the highest categories over the five years. It is important to note that there are likely many cases that go unreported, as well as cases where journalists are charged under restrictive legislation but are released on appeal and not sentenced.

In 2012, **UNESCO reported** that, around the world, more than 600 journalists and media workers have been killed in the past decade. Many more are imprisoned without following proper legal procedure and there are also increasing numbers of sexual assaults, especially against female journalists.

Increase in killings and physical attacks against media workers

There were 121 killings of journalists, media workers and bloggers in 2012 – this is almost double the combined killings in 2010 and 2011. Many more media professionals suffered non-fatal attacks, including being wounded, raped, abducted, harassed, intimidated, or illegally arrested.

Most media violations are not investigated or punished

UNESCO reports that less than ten percent of all the cases they were aware of led to the conviction of those who committed the crimes. By failing to bring perpetrators of crimes to justice, governments allow the cycle of violence against journalists, including community media workers and citizen journalists, to continue.

Local reporters are the most vulnerable

Typically, the murdered journalists were not reporting in armed conflict situations, but on local stories, particularly related to corruption and other illegal activities such as organized crime and drugs.

Increased imprisonments of media workers

The Committee to Protect Journalists reported in 2012 that imprisonment of journalists worldwide reached a record high of 232 people behind bars, 132 of whom were held on anti-terror or other national security charges. This represents 53 more than the number recorded for 2011.



Image: Right to Know (R2K) campaign images

Senior Tanzanian editor loses eye in brutal assault

On the evening of Tuesday 5 March 2013, Absalom Kibanda, Chairperson of the Tanzania Editors Forum (TEF) and Editor-in-Chief at New Habari Corporation was attacked by unknown assailants at the gate in front of his Dar-es-Salaam home as he returned from work.

Tanzanian media reported that three people wielding guns approached Kibanda saying, “kill him” and dragged him from his car before physically assaulting him and leaving him unconscious, with his left eye seriously wounded.

Sources told MISA the attackers plucked out some of Kibanda’s teeth and nails and pierced his left eye with a sharp object. He suffered multiple head injuries, apparently from heavy blows. After receiving treatment in Tanzania and South Africa, Kibanda ultimately lost his left eye.

“We sincerely hope president Kikwete will... devote considerable time and energy in ensuring that an environment exists, in his country, that is not hostile to media freedom and freedom of expression.”

The Minister of Health and Social Welfare, Dr. Hussein Mwinyi, described the attack on the editor as “appalling” and police in Dar-es-Salaam formed a nine-person team to investigate the assault.

It is believed the attack was a result of Kibanda’s work, as the attackers did not steal anything or attempt to enter his house.

Kibanda had been scheduled to appear before the Kisutu Resident Magistrate’s Court on 6 March 2013, facing charges of sedition in relation to a feature article that appeared in former newspaper Tanzania Daima during the time he was Managing Editor of the paper. After the attack, proceedings were adjourned to 26 March 2013.

Fighting impunity – bringing the perpetrators to justice

UNESCO reported that worldwide in 2012, less than ten percent of cases regarding attacks on journalists led to the conviction of those who committed the crimes. Impunity – or failure to bring perpetrators of crimes to justice – allows the cycle of violence against journalists and other media workers to continue.

Therefore, MISA strongly condemned the attack on Kibanda, while acknowledging the efforts of police and health officials to mobilise resources to pursue the attackers and to provide the editor with the best possible medical care.

Many organisations joined MISA in calling on president Kikwete’s government to conduct a thorough investigation and a representative from MISA’s Tanzanian chapter (MISA-Tanzania) joined a five-person team, appointed by the Tanzanian Editor’s Forum, to conduct an independent investigation.

MISA Programme specialist for Media Freedom Monitoring & Research Levi Kabwato said the attack was “an unfortunate sign of waning respect for journalists” in Tanzania, exacerbated by the government’s own conduct towards the media.

“We also know that [Kibanda] is facing sedition charges, along with other journalists. We also know that there is a newspaper that remains banned under the outdated 1976 Newspaper Act and we also know that there are several other journalists, media practitioners and human rights defenders who have come under fire of late in Tanzania. We sincerely hope that president Kikwete will, as a result of this latest attack, devote considerable time and energy in ensuring that an environment exists, in his country, that is not hostile to media freedom and freedom of expression.”

Tanzania is currently going through arguably one of its worst periods in terms of media freedom. In September 2012 a prominent journalist, Daudi Mwangosi died instantly when members of a police unit fired a teargas canister through his stomach. In January 2013 radio journalist, Issa Ngumba, was found dead in a forest with his body showing signs of torture, including gunshot wounds. A newspaper, MwanaHalisi, has also been banned under the draconian 1976 Newspaper Act.

MISA continues to advocate for a media environment in southern Africa that promotes safety and rights of journalists and media practitioners.



MISA working to make southern Africa a more conducive environment for media freedom

When it comes to journalist safety, many organisations offer journalists and media workers practical tools, guidance and services to help them protect themselves and ensure their physical safety. MISA's work focuses on making sustainable, lasting changes to the media landscape in the southern Africa region that will make our countries safer places for journalists to work and more conducive for media freedom and freedom of expression.

For the past 20 years, MISA has been the primary advocate for media freedom and freedom of expression in the southern Africa region. Today, we continue to advocate for and promote journalist safety and journalist's rights through:

- Advocating for changes to restrictive laws;
- Advocating for development of positive legislation, such as access to information laws;
- Publishing media violation alerts;
- Researching and publishing reports on media violations and the state of the media environment in southern African countries;
- Work of individual country chapters; and
- Training, workshops and publications.



CONTACT MISA

Report a media violation

Alerts are important to our advocacy work and we need your help to ensure we provide timely, accurate and relevant information that will spur people to take action against media violations.

To report a violation, send the names of the journalists and/or news organisations; the date and details of the violation; and detailed background information to info@misa.org or call us on +264 61 232975.

What to report:

Journalists and free expression activists 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

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