

ACTIVITY REPORT

OF

*THE SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION AND
ACCESS TO INFORMATION IN AFRICA*

BY

ADV. PANSY TLAKULA

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INTRODUCTION

1. This Report covers the activities undertaken by the Special Rapporteur on Freedom of Expression and Access to Information in Africa (the Special Rapporteur), during the intersession period; May 2009 to November 2009.
2. The mandate of the Special Rapporteur was established at the 36th Ordinary Session of the African Commission held in Dakar, Senegal from 23 November to 5 December 2004.
3. Commissioner Pansy Tlakula was appointed as Special Rapporteur at the 38th Ordinary Session of the African Commission held in Banjul, The Gambia from 21 November to 5 December 2005 and reappointed at its 42nd Ordinary Session held in Banjul, The Gambia from 15 to 28 November 2007.
4. This Report is divided into five parts. **Part I** covers the activities undertaken by the Special Rapporteur in the period under review, **Part II** presents the planned activities of the Special Rapporteur, **Part III** gives an overview of the status of Freedom of Expression and Access to Information on the continent, **Part IV** presents the issues brought to the attention of the Special Rapporteur, and **Part V** provides for the conclusions and recommendations of the Report.

Part I.

ACTIVITIES UNDERTAKEN IN THE PERIOD UNDER REVIEW

A. Global Forum on Freedom of Expression (GFFE)

5. From 1 to 6 June 2009, the Special Rapporteur attended the Global Forum on Freedom of Expression (GFFE) in Oslo, Norway.
6. During the Forum, she participated in a roundtable discussion of Special Rapporteurs for Freedom of Expression from the United Nations, the African Union, and the Organisation of American States.
7. The Special Rapporteur represented the African Union. Other Special Rapporteurs who were represented include; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression from the United Nations Commission on Human Rights (Guatemala), and the Special Rapporteur on Freedom of Expression from the Inter-American Commission on Human Rights (Colombia).
8. There were discussions about the various mandates of the Special Rapporteurs, how they can collaborate, and how their work can support, and be supported by stakeholders that participated at the GFFE.
9. At the same Forum, there was a Training Workshop on 'Regional Human Rights Mechanism for free expression advocacy: Africa.' During this Workshop, the Special

Rapporteur gave training on “How to access and utilise the Special Rapporteur on Freedom of Expression in Africa.”

10. Her training focused on helping participants to access and utilise the Special Rapporteur on Freedom of Expression in Africa, and by so doing maximizing advocacy efforts through institutions that are set out to guarantee such rights.

B. European Development Days

11. From 22 to 24 October 2009, Commissioner Tlakula participated in a panel discussion on “*New Media for a New World: Democracy and Development.*” This panel discussion was organised by the European Commission in the margins of the ‘European Development Days which took place in Stockholm, Sweden.
12. The panel constituted of *inter alia*; the President of Liberia, Her Excellency Ms. Ellen Johnson-Sirleaf and the Prime Minister of Kenya, His Excellency Mr. Raila Odinga. The panel had the style of a TV debate, whereby active moderation with classical elements of interviewing allowed lively discussions among the participants on the podium and with the audience.
13. During the discussions, the panel raised and formulated relevant questions related to the impact new media will have on classical media. It also and provided major tracks to continue a dialogue about the impact of a changing media landscape for development and democracy.

Part II

PLANNED ACTIVITIES

14. Amongst other activities planned for 2010, the Special Rapporteur intends to introduce the African Commission on Human and Peoples’ Rights Human Journalist/Media Practitioner of the Year Award, to commemorate World Press Freedom Day celebrated international on 3 May annually. This Award seeks to recognise journalists and media practitioners who have made outstanding contribution to the advancement of Freedom of Expression and Access to Information on the continent.

Part III

STATUS OF FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION IN AFRICA

15. Article 9 of the *African Charter on Human and Peoples’ Rights* (the African Charter) guarantees the right of every individual to receive information and to express and disseminate his or her opinions. While the *Declaration of Principles on Freedom of Expression in Africa* (the Declaration), adopted by the African Commission during its 32nd

Ordinary Session, which took place in Banjul, The Gambia, in October 2002. This Declaration supplements the provisions of Article 9 of the African Charter.

Appeals

16. Attacks on Media Practitioners and journalists, including prosecution, kidnapping, imprisonment, harassment and intimidation is in contravention of Principle XI(1) of the Declaration which provides as follows:

“Attacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public”

17. In this regard, the Special Rapporteur sent letters of Appeal to the following countries:

Sierra Leone

18. On 19 May 2009, the Special Rapporteur forwarded a letter of Appeal to the Republic of Sierra Leone, in respect of the alleged harassment and intimidation of journalists in the country.
19. She urged the Government of the Republic of Sierra Leone, to ensure that these allegations are investigated and the perpetrators, if any, punished to ensure that the victims are afforded an effective remedy.
20. On 29 June 2009, the Special Rapporteur transmitted another letter of Appeal to the Republic of Sierra Leone concerning threats, attacks and harassment of journalists in Sierra Leone.
21. She urged the Government of the Republic of Sierra Leone to fulfil its obligations under Article 1 of the African Charter in respect of the right to Freedom of Expression, by amending all existing laws relating to the media, including the Public Order Act of 1960.

Kenya

22. On 19 May 2009, the Special Rapporteur forwarded a letter of Appeal to the Republic of Kenya with regard to the murder of Mr. Francis Nyaruri, a reporter with the independent newspaper *Weekly Citizen*, who was found, decapitated in a forest in South Western Kenya on 29 January 2009, two weeks after he was reported missing.
23. She urged the Government of the Republic of Kenya to investigate the murder of Mr. Nyaruri, and punish the perpetrator(s) accordingly.

Gabon

24. On 29 May 2009, the Special Rapporteur forwarded an Appeal letter to the Republic of Gabon regarding the deteriorating situation of freedom of expression in the country, with particular reference to allegations of the alleged ill-treatment, arrest and detention of journalists, denial of access to legal and medical assistance for detained journalists.

25. Principle XII(1) of the Declaration provides that States should ensure that their laws relating to defamation conform to the following standards:

- no one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances;
- public figures shall be required to tolerate a greater degree of criticism; and
- sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others.

26. A number of States Parties to the African Charter still use criminal defamation laws to arrest, prosecute and imprison journalists who publish articles that are critical to the government or other influential persons. In this regard, the Special Rapporteur sent letters of appeal to the following countries.

Niger

27. On 29 May 2009, the Special Rapporteur forwarded an Appeal letter to the Republic of Niger regarding the conviction of Nigerien journalists; Mr. Moussa Aksar and Mr. Aboubacar Sani of the weekly *L'Evènement* who were reportedly convicted of criminal libel and sentenced to three months in prison, and ordered a fine of 500,000 CFA francs each for damages on 18 November 2008. Reports declared that their conviction was prompted by a Complaint made by the Managing Director of NIGELEC (Niger's electricity supplier). Mr. Ibrahim Foukori was also convicted for publishing an article in the paper, alleging nepotism in NIGELEC's recruitment process.

Cameroon

28. On 29 May 2009, the Special Rapporteur forwarded a letter of Appeal to the Republic of Cameroon, regarding Mr. Lewis Medjo, a Cameroonian journalist and publisher of the independent weekly newspaper *Détente Libre*, who was convicted for allegedly "spreading false rumours" and sentenced to three years imprisonment and a fine of two million CFA francs, on 7 January 2009.

29. In the Appeal letter, the Special Rapporteur reiterated her Appeal to Member States to bring their laws in line with Freedom of Expression standards in general and the Declaration in particular.

Cote D'Ivoire

30. On 29 May 2009, the Special Rapporteur forwarded a letter of Appeal to the Republic of Cote D'Ivoire in respect of the alleged arrest and detention of two Ivorian journalists: Mr. Nanankoua Gnamanteh, editor of the independent weekly newspaper *Le Repère*, charged with '*Offending the Head of State*' in relation to an article in the paper insinuating that the President of Cote D'Ivoire and members of the Government had been involved in recent corruption scandals; and Mr. Ebenezer Viwami, the editor of an online news agency *Alerte Info*, arrested and detained for four days, while covering a riot at the MACA prison for allegedly reporting falsely about the riot.

31. The Special Rapporteur urged the Government of the Republic of Cote D'Ivoire, to inform her of steps it is taking to create a culture of respect for the right to Freedom of Expression in the country.

Senegal

32. On 22 June 2009, the Special Rapporteur forwarded a letter of Appeal to the Republic of Senegal regarding alleged arrest and detention of journalists in Senegal.

33. She expressed concern about the decision of the Magistrate's Court on 3 June 2009 which found as "insulting to the President" and "likely to disturb public order" the June 2009 edition of *L'Essentiel*, a monthly news magazine, over a story headlined "*Freemasonry: The Grand Lodge of France Conquers Senegal*", "*Nine years after the power change, the state is exploding, the Mourides are in control and Touba is suffering*".

34. Mr. Samba Diarra, managing editor and Ms Seye Diop, reporter of an independent newspaper *Week-End*, were also convicted by a Magistrates Court and sentenced to three months imprisonment and a fine of 10 Million Francs each, for defamation on 16 June 2009. They were convicted for publishing an article in the newspaper titled "*The underhand dealings of Aida Mbodji*", which accused Ms. Aida Mbodji, member of the ruling party, of being a dishonest politician.

35. While asking the Government of the Republic to provide clarification on the situation of the aforesaid journalists, she welcomed His Excellency's plans to amend the existing media legislation so as to decriminalise press offences.

36. The premises of *Wal Fadjiri*, Broadcasting Company based in Dakar, Senegal, were allegedly destroyed on 25 September 2009 by the *talibes* (disciples) of religious leader Serigne Modou Kara Mbacke.

37. The Special Rapporteur sent a letter of Appeal to the Republic of Senegal, on 15 October 2009, calling on the Government to kindly investigate these allegations, and bring the perpetrators to justice.

The Gambia

38. Three letters of Appeal and one letter of appreciation was sent to the Republic of The Gambia during the inter session.

Letters of Appeal

39. On 22 June 2009, the Special Rapporteur forwarded an Appeal letter to the Republic of The Gambia, addressing the deterioration of Freedom of Expression in the country.

40. She made reference to the alleged warning made by His Excellency Yahya A.J.J Jammeh, President of the Republic of The Gambia, to Imam Baba Leigh, the Imam of Kanifing on 22 May 2009, while addressing a rally in the region to desist from publicly criticising His Excellency. She also stated the alleged warning made to Media Practitioners who would face legal action if they reported any remarks made by the Imam.

41. In her Appeal, the Special Rapporteur mentioned the journalists in The Gambia who were arrested on 15 June 2009 and alleged to have been detained *incommunicado*. The journalists were charged with conspiracy to and publishing seditious publication, “*with intent to bring into hatred or contempt or to excite disaffection against the person of the President or the Government of the Republic of The Gambia*” and conspiracy to commit and criminal defamation “*with intent to bring the President of the Republic of The Gambia and the Government of The Gambia into contempt and ridicule.*” They were also reportedly denied bail, with the exception of one.

42. On 20 July 2009, the Special Rapporteur forwarded another letter of Appeal to the Republic of The Gambia, where she restated her appeal to the Republic of The Gambia as a State Party to the African Charter, to decriminalise media related offences and to amend any existing laws on defamation in conformity with Principle XII of the *Declaration* which provides that:

No one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances;

Public figures shall be required to tolerate a greater degree of criticism; and

Sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others.

43. Subsequent to the sentencing of six journalists, **Ms. Sarata Jabbi-Dibba; Mr. Emil Touray; Mr. Pa Modou Faal; Mr. Pap Saine; Mr. Ebrimma Sawaneh, and Mr. Sam Sarr**, by the High Court of The Gambia on 6 August 2009, the Special Rapporteur forwarded a Joint Appeal to the President of The Gambia, together with the Special Rapporteur on the Rights of Women in Africa, Commissioner Soyata Maiga on 20 August 2009. The Special Rapporteurs were particularly concerned about the imprisonment of **Ms. Sarata Jabbi-Dibba**, and her seven months old baby.

44. The Appeal stated that **Sections 368, 51(1) (a), read together with 52(1) (c), and 178** of the Criminal Code Cap 10 Vol.II Laws of The Republic of The Gambia, which deal with criminal libel and defamation, and which the High Court Judge relied on in sentencing the journalists were incompatible with and contravened international and regional guarantees of freedom of expression.
45. The Special Rapporteur called on the Government of The Gambia to repeal these laws to bring them in line with international and regional standards, and also for the President of The Gambia to use his power to pardon the journalists that were imprisoned and release them from jail.
46. Further to this Appeal, the journalists were released by virtue of a Presidential Pardon.

Letter of Appreciation

47. On 9 September 2009, a joint letter of appreciation was forwarded to the Republic of The Gambia by the Special Rapporteurs after the release of the journalists.
48. In the letter of appreciation, the Special Rapporteurs affirmed that, *“the release of the journalists is a demonstration of the Republic of The Gambia’s desire to engage with relevant human rights stakeholders on the continent and beyond, as well as its commitment to the promotion of human rights in general and freedom of expression, as well as the rights of women and children in particular.”*
49. The Special Rapporteur also conveyed her gratitude to the President of The Gambia, for accepting her request to undertake a promotion Mission in the country.

Response of the Government of The Gambia

50. On 13 July 2009, the Special Rapporteur received a response from the Government of The Gambia with regard to the allegations concerning the Imam of Kanifing, and the *incommunicado* detention of journalists. The Government refuted all the allegations stating that *“the Gambian Press has always carried stories on diverse issues, including publication made by Imam Baba Leigh.”*
51. With regard to the arrest of the journalists, the Government of The Gambia submitted that the journalists did not plead to the charges because they had no counsel to represent them. On the issue of bail, the Government stated that *‘the Director of Public Prosecutions objected to their bail on grounds that they were likely to commit a similar offence, but the Magistrate granted Sara Jabbi Dibba bail.’*¹

Eritrea

52. In her Activity Report of the 45th Ordinary Session, the Special Rapporteur expressed her concern about reports of the continued deterioration of freedom of expression in Eritrea. She was particularly concerned about the continued *incommunicado* detention of the 18

¹ Ms. Sarata Jabbi Dibba was a nursing mother at the time of the arrest

journalists arrested during the 18 September 2001 crackdown on the press by the Eritrean Government, despite the 'decision' of the African Commission in Article 19/ Eritrea, in this regard.²

53. In that Communication, the African Commission held that Eritrea was in violation of **Articles 5, 6, 7(1), 9 and 18** of the African Charter, and further:

Urged the Government of Eritrea to release or to bring to a speedy and fair trial the 11 political dissidents and 18 journalists detained since September 2001, and to lift the ban on the press;

Recommended that the detainees be granted immediate access to their families and legal representatives; and

Recommended that the Government of Eritrea takes appropriate measures to ensure payment of compensation to the detainees.

54. On 8 September 2009, the Special Rapporteur transmitted a letter of Appeal to His Excellency ISAIAS Afworki, the President of the State of Eritrea concerning the above.

55. In the Appeal letter, she recalled her initial Appeal sent to the President of Eritrea in 2007 requesting for the release of the said journalists and human rights defenders, of which no response was received.

56. In the Appeal letter, she also mentioned the decision of the African Commission in the aforementioned Communication, and cited a Resolution on the Human Rights Situation in Eritrea,³ adopted by the African Commission during its 38th Ordinary Session, where it expressed concern about the arbitrary arrests and continued detention without trial of cabinet ministers, opposition groups, journalists and media practitioners. The Resolution called on the Government of Eritrea to guarantee, at all times, the right to a fair trial, freedom of opinion and expression as well as the right to peaceful assembly.

57. Based on the above, she urged the Government of Eritrea to take urgent measures to comply with the recommendations of the African Commission in the Communication against Eritrea, as well as the Resolution, and in particular, to bring to a speedy and fair trial, in accordance with international and regional fair trial standards, the political dissidents, human rights defenders and journalists detained since September 2001. She appealed that, if charges are not brought against them, they should be released and paid fair and adequate compensation.

58. Principle I(i) of the Declaration provides that:

"Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other

² See Communication 275/03.

³ ACHPR/Res.91 (XXXVIII) 05). Can be accessed at www.achpr.org

form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.”

59. The Declaration also imposes an obligation on States Parties to the African Charter. to promote diversity, including among other things;

- Availability and promotion of a range of information and ideas to the public; and
- Pluralistic access to the media and other means of communication, including by vulnerable or marginalized groups, such as women, children and refugees, as well as linguistic and cultural groups;

Namibia

60. In this regard, on 11 October 2009, the Special Rapporteur forwarded a letter of Appeal to the Republic of Namibia, in respect of a ban imposed by a Cabinet **Resolution 38/05/12/00/001**, to *The Namibian* newspaper since 5 December 2001. This Resolution compels Government ministries, offices and agencies to refrain from advertising in *The Namibian* newspaper, because it was allegedly reporting on government leadership and the ruling party negatively.

61. She urged the Government of Namibia to immediately lift the ban, especially due to the upcoming elections in Namibia to ensure freedom of expression, access to information and opinion which form the basis of free and fair elections.

Analysis of National Media Laws

62. The Special Rapporteur also analysed the media laws of certain countries in the continent during the inter session.

Kenya

63. On 19 May 2009, the Special Rapporteur forwarded a letter of Appeal to the Republic of Kenya, expressing her concerns about the recently adopted Kenya Communications (Amendment) Act 2009, in line with her mandate to “*analyse national media legislation, policies and practice within Member States, monitor their compliance with freedom of expression and access to information standards in general and the Declaration of Principles on Freedom of Expression in Africa in particular and advice Member States accordingly.*”

64. She urged the Government of the Republic of Kenya to inform her of steps it intends to take to address the concerns expressed in the Appeal and to ensure that the Act complies fully with applicable regional standards on Freedom of Expression and Access to Information.

65. On 22 June 2009, pursuant to reports that the Government of the Republic of Kenya had introduced the Statute (Miscellaneous Amendments) Bill, to amend some provisions of

the Kenya Media Law, the Special Rapporteur forwarded another letter to the Republic of Kenya welcoming this progress.

66. She welcomed the fact that the amendment Bill provides for the establishment of a Broadcast Content Advisory Council, mandated to manage the content of television and radio broadcasts. Consequently, power will not be exclusively vested in the Minister of Information and Telecommunications, as was the case under the Kenya Media Law.

Swaziland

67. On 20 July 2009, the Special Rapporteur sent a letter of Appeal to the Kingdom of Swaziland concerning charges against Mr. Thulani Maseko, a human rights lawyer, who was arrested on 3 June 2009 and charged with uttering words, contrary to the *Sedition and Subversive Activities Act (Act No 46 of 1938 as amended)* on 4 June 2009. His charge was punishable by twenty years imprisonment without the option of a fine.
68. The Special Rapporteur was concerned that the provisions of the Sedition and Subversive Act were too vague and could be interpreted in such a manner as to severely curtail the enjoyment of freedom of expression as guaranteed under the African Charter. She also expressed her concern that the continued application of this law as well as the *Suppression of Terrorism Act 2008*, would create a climate within the Kingdom of Swaziland, detrimental to the enjoyment of other rights guaranteed under the African Charter, key among them, freedom of association and assembly.
69. The Special Rapporteur urged the Government of the Kingdom of Swaziland, to withdraw all charges against Mr. Maseko, and to take steps in fulfilment of its obligations under Article 1 of the African Charter by amending all existing laws, including the *Sedition and Subversive Activities Act*, and the *Suppression of Terrorism Act 2008* in conformity with the relevant regional human rights standards.

Zimbabwe

70. On 30 June 2009, the Special Rapporteur forwarded a letter of Appeal to the Republic of Zimbabwe, on the procedure for the establishment of the Zimbabwe Media Commission, pursuant to the Access to Information and Protection of Privacy Act (The Act) as amended in January 2008, and the Constitutional Amendment 19 of 2008, which establishes the Zimbabwe Media Commission.
71. The Special Rapporteur expressed her concern that neither the Act nor the Constitutional Amendment 19 provides specific measures guaranteeing the provisions of Principle VII (1) of the *Declaration* which requires that any public authority involved in broadcast or telecommunications regulation is independent and adequately protected against interference, particularly of a political or economic nature. She also expressed concern that both the Act and the Constitutional Amendment 19 are silent on the appointment process of members of the Zimbabwe Media Commission.

72. The Special Rapporteur urged the Government of the Republic of Zimbabwe, to take necessary steps to address her concerns, in order to ensure that the establishment of the Zimbabwe Media Commission complies fully with applicable regional standards on Freedom of Expression.

Part IV

Issues brought to the attention of the Special Rapporteur

73. The Special Rapporteur has received a request from the Media Institute for Southern Africa (MISA) to undertake a fact finding mission in Tanzania this year to amongst other things, ascertain the state of freedom of expression, in particular the media in the country.

74. The invitation was prompted by events that have been taking place in Tanzania since 2008 when Mr. Saed Kubenea, a journalist was allegedly attacked with acid by unknown assailants and was left almost blind. It was also alleged that his newspaper, *Mwanahalisi*, was raided by the police and some materials confiscated. The newspaper was allegedly banned for three months for allegedly publishing a false story about the Head of State. MISA stated in the letter of request for a fact finding mission that, it is particularly concerned about the situation of freedom of expression in the run up to the 2010 elections and wishes that the situation of the media in Tanzania should be addressed as soon as possible, before it deteriorates.

75. The Special Rapporteur therefore hopes that the Republic of Tanzania will accept her request to carry out a promotion mission in the country at a date still to be determined.

Part V

CONCLUSION AND RECOMMENDATIONS

76. Freedom of expression has generally been recognised as a cornerstone of democratic rights and freedoms, and there is a link between the right to receive information and the right to express information. Thus, deprivation of one, automatically leads to deprivation of the other. States Parties can only effectively guarantee citizens' right to free access to information if they allow citizens to express their views freely without any impediment.

77. Journalists in the continent have constantly been victims of attacks in various ways. There have also been censorship designed to prevent or punish publication of materials critical to the government. All of these amount to abuse of the press and violation of the right to freedom of expression and access to information.

78. The Special Rapporteur welcomes progress that has been made by some States Parties in terms of securing respect for the right to freedom of expression and access to information in their respective countries.
79. She also appreciates contributions made by Non-Governmental Organisations (NGOs) and their networks, Journalists' Associations and other stakeholders who constantly provide information on the abuse of freedom of the press in the continent. Their continuous alerts on violations of freedom of expression and access to information in Africa have enabled her mandate to monitor these violations in the continent and act on them accordingly.
80. The Special Rapporteur underlines the dire need for States Parties to propose strategies/measures that will guarantee the rights of individuals to freely express their opinions without any fear of being reprimanded. These strategies/measures should not be in the abstract, but must be accompanied by action, with the help of all stakeholders who have interest in fostering freedom of expression and access to information in the continent.
81. The Special Rapporteur calls on States Parties to allow journalists to be free to report in any situation, because excluding them from reporting translates to a severe restriction on freedom of expression and information.
82. She also calls on States Parties to allow the media to be free from political control in order to serve public interest. Furthermore, she also recommends that bodies with regulatory authority over the media should be fully independent from the government.
83. The Special Rapporteur is aware that criminal defamation laws still exist in some States Parties. These laws are used to prosecute journalists who publish articles that are critical to elected public officials. Media laws can only effectively promote and protect freedom of expression and access to information in Africa if they are guided by the principle of maximum disclosure and if publications regarding matters of public interests are not considered defamatory. She calls on States Parties to end the use of imprisonment for publications critical of the government and abstain from imposing penal sanctions on journalists because of their articles.
84. Criminal defamation laws should therefore be revoked or amended to conform with international and regional standards, and particularly to Principles XII and XIII of the *Declaration*.
85. Principle XIII requires States to *“review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society.”*⁴
86. The Special Rapporteur is gravely concerned about the situation of journalists in war torn countries as well as States Parties undergoing transitional governments. It is imperative

⁴ See also Principle XII(1) of the Declaration

that effective measures should be adopted to prevent any harassment or intimidation of journalists and human rights defenders exercising the right to freedom of opinion and expression in such circumstances. The Special Rapporteur therefore brings to the attention of the States Parties concerned, Principle XI (3) of the *Declaration* which states that '*In times of conflict, States shall respect the status of media practitioners as non-combatants*'.

87. She urges States Parties to revoke any existing bans on newspapers, television stations or channels to guarantee the rights to freedom of expression and information to its citizens.
88. The Special Rapporteur calls on Journalists and Media Practitioners to uphold highest standards of professionalism and ethics in carrying out their activities.
89. She also calls on States Parties to the African Charter to promote professionalism amongst Media Practitioners in accordance with principle X (1) of the Declaration. Principle X (1) provides that; "*Media practitioners shall be free to organise themselves into unions and associations*".
90. With regard to upcoming elections, the Special Rapporteur notes that some countries in the continent are expected to hold elections in 2010. Elections are expected in Sudan, Ethiopia, Burundi, Comoros, Mauritius, Rwanda, Madagascar, Tanzania, and Central African Republic.⁵
91. The Special Rapporteur therefore calls on these States Parties to ensure that journalists and media practitioners are allowed to freely disseminate information on the elections without any form of harassment or intimidation.
92. The Special Rapporteur also calls on States Parties that have received her appeal on the situation of Freedom of Expression in their respective countries to kindly provide responses and clarifications to the concerns raised. This will go a long way to show their commitment in promoting human and peoples' rights in general, and freedom of expression and access to information in Africa and support of her mandate in particular.

⁵ '*Africa still has the opportunity to do it right*' available at http://www.iss.co.za/index.php?link_id=23&slink_id=7885&link_type=12&slink_type=12&tmpl_id=3