

**FAJ Statement at the
56th Ordinary Session of
the African
Commission on Human
and Peoples' Right
Held in Banjul, The
Gambia
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Honorable Chairperson of the African Commission on Human and Peoples Rights

Distinguish Representatives of State Parties

Representatives of the National Human Rights Institutions

Representatives of Human Rights NGOs

Distinguish Guest

Ladies and Gentlemen of the press

Madam Chairperson, The Federation of African Journalists (FAJ) would like to seize this opportunity to congratulate you and the entire members of the Commission in organising the 56th Ordinary Session here in the Gambia capital, Banjul and for extending an invitation to us to attend this unique gathering of human rights defenders in the continent and beyond.

Honorable Madam Chairperson, in cognizant of the fact that the Federation of African Journalists (FAJ) was not able to attend the last Commission Session in Angola; our report to the Commission for the 56th Ordinary Session will cover the whole of 2014, rather than the usual six month.

The situation of journalists and media workers and the freedom of expression in general in the continent is still much to be desired, despite the numerous promises that the majority of African Governments had made in relation to the various regional and international conventions that they had signed and ratified. Journalists and media workers in the continent continued to be at the receiving end of a consistent pattern of harassment and intimidation, physical assaults, arbitrary and incommunicado detention, imprisonment under very vague and rogue charges, torture and other forms of degrading human treatment, forced exiled, forced disappearances and murder with impunity. The paradox is this context is that most of these heinous crimes that are meted out to journalists and media workers are perpetrated by state security agents and other government cohorts in most instances under the backing of the state.

As a result, the media in the continent has been seriously muzzled; stiffen and muted by the very powers that have taken the commitment to defend freedom of expression in their respective countries. Media houses are consistently raided by state security agents; journalists harassed and brutalized in the process, equipment destroyed and confiscated; obnoxious legislations that nullifies all the minimum bearable standards that guarantees the freedom of expression as expressed in Article 19 of the Universal Declaration of Human Rights; the African Charter on Human and Peoples' Rights and the Declaration of Principles on Freedom of Expression in Africa are continuously promulgated in almost every state in order to ensure that voices of dissent and the independent media in particular are silenced once and for all. In short, Madam Chairperson, freedom of expression has been systematically eroded in most of our countries.

Honorable Chairperson and Commissioners,

The International Federation of Journalists (IFJ) in its recent Publication; *Trail of Violence: Journalists and Media Staff Killed in 2014* noted that 17 journalists were killed in the African continent during the year under review. For the first time in many years a different country tops

the list Kill List in Africa instead of Somalia. The Central Africa Republic, recorded the killing of four (4) journalists in 2014 including two female journalists. Twenty-Six year old French freelance photojournalist, **Camille Lepage**, was killed on 13 May, 2014. Camille's body was discovered by French troops while inspecting a vehicle driven by the "anti-Balaka militia, in the region of Bouar, in the West of the Country. Another female journalist, **Elisabeth Olofio**, who worked for Be-Okoko Community Radio station was brutally assaulted by the Seleka Rebels who raided the radio station on 6 January. She never recovered from her injuries.

There were also three deaths recorded each in Somalia and Guinea Conakry. In the wake of the Ebola epidemic in the West African sub-region, three journalists, **Facely Camara** of Liberte FM, N'Zerekore, **Molou Cherif** and **Sidiki Sidibe** both technicians were lynched to death along with about 8 health workers who were on an Ebola sensitization campaign to the communities in Womey in Southern Guinea. In Somalia, three journalists were murdered in targeted killings. **Mohamed Omar Mohamed** of Radio Dalsan was killed by "Unidentified gunman" who shot him several times on the head and chest at Mogadishu's Bakaaro Market. He died on the spot. On 21 June **Yusuf Ahmed Abukar Keynan**, of Radio Mustaqbal, was killed when an explosive device ripped through his vehicle, while **Abdirisak Ali Abdi** who worked for Radio Daljir in Puntland was also shot and killed by unidentified gunman in Galkayo.

The IFJ report also highlighted killings in Uganda, Nigeria, Algeria, Libya, Egypt, and The Democratic Republic of Congo. As it is almost becoming a norm in the continent, there is no body so far arrested and charge in relation to these killings. The culture of impunity continues to reign in the continent.

The Culture of Impunity on the Killing of Journalists

Madam Chairperson,

The killing of journalists with impunity continues unabated in the African continent. Over the past decade at least 110 journalists had been killed in the continent. Out of this number, there is hardly any record by any media organization, were the perpetrators of these heinous crimes have been arrested and brought to justice. The perpetrators of these atrocities continue to roam our streets under the protection of the state. The killing of journalists has become the most effective crude measure employed by the state security agents, business tycoons and politicians to silence journalists. Journalists in the continent are specifically targeted for murder in order to keep them mute from reporting human rights abuses perpetrated by the states, crime and corruption.

The majority of African governments had woefully failed to undertake any serious measure in investigating these crimes against the violation of journalists' rights that will lead to the arrest and prosecution of the perpetrators of these crimes. This deliberate lax attitude of governments to defend and guarantee the security of journalists and media workers has to a great extent emboldened the coward perpetrators to continue their acts.

According to the Secretary General of the International Federation of Journalists (IFJ) Elisabeth Costa, "The prevailing culture of impunity remains the single most important factor which fuels violence on journalists and media professionals". Madam Chairperson, It is the ardent belief of the Federation of African Journalists (FAJ) that the safety and security of journalists in the African continent cannot be properly addressed as long as impunity on crimes committed against

them and other human rights defenders remain unchallenged. It is in this regard therefore that FAJ would like to seize this opportunity to call on the African Commission and the legions of human rights NGOs to join in the campaign against impunity in Africa in order to ensure that the perpetrators of these cowardly acts are brought to justice.

There is no room for impunity in a democratic dispensation. The perpetrators of these heinous crimes against journalists and media workers and all human rights defenders MUST be brought to justice, irrespective of their political, traditional or religious status in society. Impunity must be eradicated from the continent.

Exiled and Imprisoned Journalists

Madam Chairperson, Distinguished Commissioners,

The Federation of African Journalists (FAJ) is deeply concerned at the unprecedented wave of journalists who are forced into exile by their own governments because of the severe repressions on their fundamental rights to exercise their freedom of expression in their respective countries. A number of journalists in Eritrea, The Gambia, The Democratic Republic of Congo, Burundi, Chad, Guinea Conakry and Cameroon had been forced to flee their countries for fear of reprisals in relation to their work as journalists. Most of these journalists had received text messages, or phone calls or late night visits by state security agents, after exposing corruption of crimes in the public interest. Some of them had been arrested and arraigned before Kangaroo courts and tried under very bogus charges and fearing that they would not have a fair trial; have to leave their countries for far of their lives.

The worst scenario is Eritrea, in the Eastern African region where journalists continue to flee with reckless abandon. The Eritrean government has continued to deny any form of access to media organizations to visit the country. Eritrea has more exiled journalists than any other country in the region. A large number of Eritrean journalists are living in very difficult conditions in Kenya, Uganda, Sudan, South Sudan and even in Ethiopia without any hope of returning to their country in the nearest future while some of them have been able to make it beyond the continent into Europe and the United States in search of greener pastures. There are also reports from some media organization in the region that the Eritrean government had made attempts on a number of occasions to kidnap and eliminate these exiled journalists.

In the West African sub-region, at least two Gambian Journalists have fled into exile over the border into Senegal every year over the last five years. Today, there is a sizeable number of Gambian journalists living in Senegal, some of them under very uncomfortable conditions. Their story is the same; severe repression and denial of their fundamental rights to exercise their freedom of expression. There are also reports from some of these exiled journalists that they are not comfortable staying in Dakar, as there have been attempts by the Gambia Government to abduct and forcefully repatriate some of them back to the Gambia. In this regard, most of these Gambian journalists living in Exile in Dakar are under constant hiding.

Madam Chairperson,

Closely related to the issue of exiled journalists is the number of journalists imprisoned in the continent. A recent study by the Africa Office of the International Federation of Journalists revealed that at least up to 60 journalists are incarcerated in prisons across the continent. This

number of imprisoned journalists has been expanded by the recent massive arrest of journalists in Somalia. The majority of these imprisoned journalists are held in Ethiopia and Eritrea. The IFJ Study had revealed that at least 17 journalists are currently imprisoned in Ethiopian jails, including three journalists, namely **Tesfalem Weldey** of the Addis Fortune Newspaper, **Asmamaw Hailegiorgis** of the Aramic Weekly Magazine, *Addis Guday* and **Edom Kassaye** of *Zemzn Newspapers* and the Ethiopian Environmental Journalists Association (EEJA). The bloggers are **Afnaf Berahane**, **Befeqadu Hailu**, **Mahlet Fanlahun**, **Natnael Feleke**, **Abel Wabela** and **Zelalem Kibret**. The bloggers are all associated with the Zone 9 Group which is very much critical towards the Ethiopian government.

In the same vein, the IFJ study also revealed that at least 17 journalists continued to languish in Eritrean jails under very harsh conditions, some of whom have been held incommunicado for the past 15 years. There are also “unconfirmed” reports that some journalists had died in jail in Eritrea due to the inhumane conditions in which they are held. It is very difficult to verify these reports, as access into the country by media organizations is severely restricted.

The Federation of African Journalists calls on the African Commission and the Special Rapporteur on Freedom of Expression and Access to Information, to make everything possible to undertake a country visit to Eritrea in order to assess the media situation in the country and where possible to visit imprisoned journalists. Ethiopia and Eritrea remains the biggest jailers of journalists in the continent.

Madam Chairperson,

Equally worrying is the situation in the Kingdom of Swaziland, Africa’s last monarch. The Swaziland High Court on Friday, 25 July 2014 sentenced **Bheki Makhubu**, writer and Editor of the Nation monthly magazine and **Thelani Maseko**, human rights lawyer to two years in prison without any option of a fine for “criticizing the judiciary and the Kingdom’s Chief Justice” in articles published by the magazine.

This high handed sentence meted out to journalist Makahubu and human rights Lawyer Moseko is a travesty of justice. The imprisonment of the Comrades is a blatant violation of their fundamental human rights and an act of intimidation to silence journalists and human rights defenders in their quest to defend the rights of the general citizenry in Swaziland.

As we speak Madam Chairperson, Makahubu and Moseko continue to languish in jail despite the repeated calls from human organizations in the continent for their release. The Federation of African Journalists would like to reiterate its stance here and now call for the immediate and unconditional release of Comrades Makhubu and Moseko. The Commission must also try and make state visit to Swaziland.

Arrests, Harassment and Intimidation

The arbitrary arrest, harassment and intimidation of journalists continue unabated in the continent. As early as 3 January, 2014 **the Ethiopian Government** arrested and illegally detained journalist **Asfaw Birhanu** accusing him of “spreading false news” in relation to a story that was published by the Reporter Newspaper in August 2013 alleging that three government officials of the Southern Nations Nationalities and Peoples (SNNP) were sacked. The report was

deemed erroneous by the Government and even though a corrigendum was issued by the newspaper, Asfaw was still arrested and detained.

In **The Gambia**, on 13 January the Editor of the Voice Newspaper, **Musa Sheriff** and freelance journalist, **Sainey M.K. Mareneh** were arrested and detained by the police and charged with “giving false information to a public official” over a story that was published by the paper, headlined “19 Green Youths Defect to the UDP” on 9 December, 2013. The journalists were later arraigned in court and after a trial lasting some few months were acquitted by the court.

In **Zimbabwe**, the Daily News Masvingo correspondent, **Godfrey Matimba**, was attacked by the political activists and militants of the ruling party, the ZANU – PF on 22 January and beaten up and asked not to take photographs while covering a US Public Affairs event. Likewise, **Brian Mangwende**, was also attacked outside his house in January, while in another development, the Matabeleland South provincial Affairs Minister, Abednico Ncube, threatened to beat up Southern Eye journalist, **Albert Ncube**.

As we speak Madam Chair, the economic situation in Zimbabwe is very severe and it is creating a serious negative impact on the media. Currently there newspaper outlets that are folding up and asking journalists to leave and look for jobs elsewhere.

In **Angola**, the police on 2 February, arrested the Deputy Editor, of the Despertax private radio station, **Queiro's Anastacio Chiluvia**, for “broadcasting the shouts of prisoners” who were calling out for help in relation to a fellow inmate who was seriously ill and needed urgent medical attention. Chiluvia was held for three days before being arraigned in a court and later given a six months suspended sentence by the court.

In Sierra Leone, journalists **Theophilus Gbenda** was on 11 February arrested and charged with “seditious libel” in relation to a radio programme that he anchored, in which is guest made comments over a land case, which reportedly angered the Vice-President, Sam Sumana.

Similarly President Ernest Bai Koroma ordered for the arrest of journalist **David Tam-Baryoh** “for reportedly making annoying statement” under the state of emergency to fight the Ebola epidemic. David Tam-Baryoh was picked up from his office by security men on an Executive Order signed by President Koroma, alleging “incitement”. David was held in detention for 11 days and then released without being charged.

Also in the wake of the Ebola crisis in the West African sub-region, the Liberian government ordered the security forces to raid and closes the **National Chronicle Newspaper** citing “urgent national security concerns” as a justification.

It is evident that the governments of **Guinea, Sierra Leone and Liberia** has tried to censor media reports during the crisis, by barring journalists from hospitals and treatment centers in an attempt to play down the number of casualties. This though had been consistently denied by government officials in these countries.

In **Kenya**, The Star Newspaper correspondent in Mwingi Country, **Lydia Ngoolo** went into hiding in May, after local police officials, administration officials politicians and some business

people intimidated her and issued death threats to her over a story that was published by the Star Newspaper, calling for the Kenyan authorities to investigate the ongoing activities in a deserter house in Muringi town, which the residents feared is being used to house illegal migrants and terrorist suspects.

Across in **Uganda**, Officials of the Ugandan Security Agency of the Special Investigative Unit (SIU) on 14 May, arrested journalist **Felix Osujo**, of the Vision Group and held him incommunicado for two days. He was arrested by plainclothes security officials over allegations of “extortion and threatening violence”. However, this was just a pretext from the SIU. Felix Osujo was arrested in relation to a complaint made by a politician, dating back to 2011.

Madam Chairperson,

The situation of the media in **Burundi** is very volatile. Radio Bonesha correspondent, Alexis Nibsumba, received a number of death threats from the police, local government agents and the ruling party CNDD – FDD Youth Movement in relation to a story that he had aired, asserting the possible distribution of weapons to the “*Imbonerakure*” the Youth Movement of the Ruling Party. In the same vein, **Serges Nibizi** of *Radio Publique Africaine* (RAP) and **Sonia Rolley** of *Radio France Internationale* (RFI) also received death threats in May from a well known policewoman in Northern Burundi who threatened to kill them and then go to prison.

Alexis Nkeshimana and **Euloge Nigonzima** both working with *Radio Publique Africaine* (RAP) in the Bubanza Province in the North West of the country were summoned and interrogated by the local prosecutor and asked to reveal the source of their information.

The Director of Radio Publique Africaine, **Bob Rugurika** was arrested by the police in January 2015, following the broadcast of an interview, in which an “unidentified guest” said that he was involved in the September murder of three Italian nuns in Kamenge, North of Burundi. According to the Committee to protect Journalists (CPJ) Rugurika was charged with “breach of public solidarity, complicity to murder and violating the secrecy of an investigation”. Rugurika was later released on bail, after spending almost a month in jail. He however received a tumultuous welcome from Burundians of all walks of life upon his release.

The IFJ would like to call on the authorities in Burundi, to dismiss the case against Bob Rugurika and then mount an independent investigation into the murder of the nuns, in order to bring the perpetrators to justice.

Positive Developments

Madam Chairperson, we would like to highlight that the period under review was not only arrests and detentions, intimidation and killing of journalists with impunity. There were also some positive developments even if these were very few.

On March 28, 2014, in Arusha, Tanzania, Africa's highest court, the African Court on Human and Peoples' Rights, delivered a far-reaching decision in a case concerning, **Nobert Zongo**, a Burkinabe journalist who was brutally murdered in December 1998.

According to a press release issued by the Open Society Foundations, the court, in its first ruling held that the failure of a government to diligently seek and bring to account the persons responsible for the assassinations of a journalist intimidates the media, has a chilling effect on free expression, violates the human rights of journalists, endangers truth, and should not be allowed.

The Release further stated "The decision of the African Court has far-reaching consequences for the protection of free expression. Journalists around the world face many hazards, including assassination on the job. In the last 10 years, according to UNESCO, "more than 600 journalists and media workers have been killed..... Attacks on media professionals are often perpetrated in non-conflict situations by organized crime groups, militia, security personnel, and even local journalists among the most vulnerable." In nearly all these cases, no one gets punished for these killings".

Similarly in the West Africa sub-region, FAJ welcomed the ruling of the ECOWAS Court in June in ordering the State of The Gambia, to pay US \$ 50,000 to the **Deyda Hydara** family as compensation for the Government's failure to effectively investigate his murder. The Court also ruled that The Gambia Government should also pay an amount of US \$ 10,000 to the Hydara family for legal cost.

Deyda Hydara, a Gambian journalist and co-proprietor of the Point Newspaper was killed in a drive-by shooting about 12 kilometers from the capital, Banjul in December 2004. No one was ever arrested in relation to his death; through media organizations in the region had pointed fingers to the government's security agents.

In the Southern part of the continent, the Constitutional Court in Zimbabwe, on 12 June, 2014 ruled that criminal defamation law should be struck out from the statutes books. It could be recalled that this law was challenged by two journalists, namely Nevanji Madanhire and Nqaba Matshazi following their arrest in November 2011, when they were accused of "stealing confidential documents" from the office of Lawyer Munyaradzi Kereke.

The Constitutional Court ruled that the clause providing for criminal defamation was unconstitutional as it violates the rights of Zimbabweans to freedom of expression. FAJ welcomed wholeheartedly as criminal defamation is one of the greatest impediments against African journalists in the exercise of their duties. FAJ would like to call on all countries in the continent that still have these provisions in their statutes to do away with them once and for all.

Madam Chairperson, The Federation of African Journalists (FAJ) would like to reassure you of its unflinching commitment in supporting the work of the commission and its availability to collaborate with the Commission in all issues concerning the freedom of expression in Africa. We hope that the Africa Commission would find this report valuable and that it will be able to add some impetus in the Work of the Special Rapporteur and the Commission in General.

Thank you.