PRESS—1998
Editor of Die Burger and TRC chairman Tutu clash over newspaper’s policies

By PIETER MALAN

A heated row has erupted between TRC chairman Des- mond Tutu and Die Burger editor Ebbie Donmasse after Arch- bishop Tutu threatened that the newspaper would be “crushed” for its negative stance towards the TRC.

In a series of letters between Donmasse and Tutu written between October and November and published this week, Tutu accused Die Burger of mislead- ing its readers and marginalising them from the new South Africa.

Donmasse countered that the problem lay with the TRC antici- pating its own findings and by “dishing out collective guilt to Afrikaners”.

The simmering tension between the newspaper and the TRC burst out in the open in October after Tutu severely chastised Die Burger’s TRC reporter Christo van Staden.

Tutu took Van Staden to task after the paper published a leader-page article criticising the commission.

According to reports, Tutu apparently said to Van Staden “Did you read yesterday’s leader and the cartoon? What is going on with your people? You are going to lose. You are going to get crushed.”

The next day Donmasse wrote to Tutu in Afrikaans “In the light of increasing government threats against the press, we view your remark (yesterday) in a very serious light. We must also accept that threats like those against an institution like Die Burger has become part of the TRC agenda.”

A week later Tutu wrote back. “The spirit in which I said to Christo that your newspaper would be crushed is reflected at the end of a speech I delivered in the 1980s.”

The extract of the speech, which was attached, read “You may be powerful indeed (But) you have already lost! We are inviting you to come and join the winning side. You are defend- ing what is fundamentally indefensible therefore you will bite the dust comprehensively.”

“…Tutu wanted me to look into the future in a very frightening way. We would have to look into the destruction of our country,” Donmasse continued.

“Tutu, in effect, explained that if he was correct about the coming decade, his role as TRC chairman included ensuring that the TRC would survive.”

Tutu, in response, said that he was interested in the truth and that he would continue to support freedom of speech.

George Claassens, head of the journalism department at the University of Stellenbosch, said the debate was “in a dead-end street”.

TRC spokesman Christelle Terreblanche said this week that as far as Tutu was concerned, the debate was “in a dead-end street”.

“Neither I nor the commission have any intention of threatening the freedom of the press. The constitution for which I and many others fought and made sacrifices guarantees your freedom of thought as well as mine.”

Donmasse answered it was “complete hogwash” that Die Burger longed for the past, as it was for years a leader with inno- vative thought that eventually led to the transformation of the country.

“…Tutu’s predictions (are) being eliminated by continuous pronouncements by TRC leaders like yourself which are antagonising the findings before they have been made.”
Media confirms watchdog role

Trevor Bisseeke

The SA National Editors' Forum (Sanef) responded to President Nelson Mandela's recent harsh criticism of the media at its inaugural conference in Midrand yesterday by saying that it would never shirk its watchdog role.

Sanef, made up of senior journalists and media educators, is a result of the "marriage" of the Conference of Editors and the Black Editors' Forum.

In noting Mandela's remarks at the African National Congress (ANC) conference last month as well as other criticism of the media, Sanef said it was "committed to transforming our industry to represent fully the communities we serve". SA's constitution granted the media a historic role to be critical watchdogs, "especially over those who wield power in our society", Sanef said.

Interim chairman Mosunnu Williams described Mandela's criticism earlier as a calculated attempt, with an election looming, to influence the medias and gain advantage for the ANC.

The conference committed itself to developing and defending the credibility of its industry and instructed the incoming council to take these issues further in preparation for a meeting with Mandela on March 13.

The council elected Sowetan editor Mike Shuma as chairman, with Williams — editor of the Cape Argus — as his deputy. Judy Sandison, the SA Broadcasting Corporation regional editor in KwaZulu-Natal, was elected general secretary.

Sanef called on Western Cape attorney-general Frank Kahn to withdraw subpoenas on two photographers, to give evidence in the forthcoming murder trial following the public killing of gang leader Rashaad Staggie in 1996.

It rejected Kahn's assertion that they were called as ordinary citizens, not journalists, and described it as "an attempt to circumvent the use of Section 205 of the Criminal Procedure Act, generally accepted as unjust".
Siluma gets Sanef post

By Morgan Naidu

SOWETAN Editor Mike Siluma was elected as chairman of the South African National Editors' Forum (Sanef) yesterday at a gathering of senior print and electronic media editors as well as educational representatives.

Cape Argus editor Moegsien Williams was elected vice-chairman.

In a brief address Siluma said the various editors should take into account the differences in backgrounds and history, but should "rise above the differences" in ensuring a strong and vociferous media.

The three-day launch conference was held in Midrand and delegates, representing university journalism departments, media houses and radio and television broadcasters, also adopted a constitution and certain key resolutions.

One of the hot issues under discussion was the preparation of a response to remarks and criticisms made by President Nelson Mandela at the ANC's 50th anniversary conference in Mafikeng last year.

Mandela launched a stinging attack on the media, especially the larger media houses, accusing them of employing senior black editors as tokens and of trying to undermine the ANC government.

Sanef delegates wanted to send a clear message in their resolution that they did not agree with Mandela's remarks.

A Sanef delegation is to discuss the criticisms with Mandela on March 13.

The media delegates resolved to continue their work as the "critical watchdog" of the Government and society at large and to make clear its concerns over press freedom at the meeting with the President.
Mandela's media attack to top editors' agenda

By Esha Javva

The attack on the media by Nelson Mandela in his valedictory speech at the ANC's 50th conference in Magalies, North West, will top the agenda when the South African National Editors' Forum (Sanef) meets in March, according to its newly elected chairman Mike Siluma.

Speaking shortly after his election, Siluma, who is editor of The Sunday Times, saw his new post as a daunting task because of the relationship between the media and the Government.

"While accepting the Government's right to criticise the media, he felt the robust mud-slinging was not healthy for either party. "We need to develop a mechanism to settle our differences," he said.

A 30-member council of editors which was elected at the launch will meet Thabo Mbeki next month.

Among the key resolutions adopted at Sanef's weekend conference in Mokopane was a reaffirmation that South Africa's new constitution has granted the media a historic role to be critical watchdogs, especially over those who wield power in society.

"This is a responsibility which we will never shirk," the conference said.

Other resolutions taken were:

- To request the president and other relevant government ministries to apply urgent attention to a review of legislation affecting press freedom of expression and freedom of the media.
- To lobby all editors and journalism educators to use their influence to accelerate the transformation of the media and train staff to fairly reflect the demographics of South Africa.
- The conference resolved that Sanef should become involved in the restructuring of journalism education in the context of the National Qualifications Framework and the Skills Development Bill.

The conference supported the concept of an independent media development agency to assist emerging media.

Sanef said it would work with organisations like the National Community Media Forum and the Independent Media Diversity Trust, to lobby the Government for these changes.
Editors reallocate their watchdog role

DELEGATION TO SEE MANDELA ABOUT REBUKE

MONDAY, JANUARY 26, 1998

NEWS

JOHANNESBURG: The New SA National Edition, From Says its To
defend the freedom of the press and work to make the media free.
Editors’ forum calls for press laws rethink

The SA National Editors’ Forum (Sanef), at its inaugural conference at the weekend, called for a review by representatives of media groups and government of all legislation affecting freedom of expression.

It decided that its media freedom committee, as a matter of urgency, should meet other concerned groups with a view to forming a joint committee to approach government and political parties about amending laws restricting media freedom, including section 205 of the Criminal Procedure Act. It also wanted discussions on laws still being promulgated to govern election coverage.

Sanef demanded an end to “the improper use” against journalists of section 205 or any other law. Section 205 can be used to force witnesses to testify about their knowledge of a criminal act.

Sanef has previously discussed the clause with President Nelson Mandela and Safety and Security Minister Sydney Mufamadi, who gave assurances that it would not be used lightly.

Legal opinion obtained by Sanef is that journalists have a “just cause” defence against the provisions of section 205, and this will be used as the basis of Sanef’s case at a meeting with Mandela on March 13.

Sanef said there were far too many laws which restricted freedom of expression and had no place in a democracy.

Ombudsman

The conference committed Sanef to promoting diversity of ownership and “corrective action” in the media, and to assisting small media companies with training and expertise through an independent media development agency.

It asked editors to publicise the office of the press ombudsman, who was an impartial arbiter for unresolved disputes between the public and the print media.

The ombudsman’s office is at 613 Nedbank Gardens, 33 Bath Avenue, Rosebank, Johannesburg. Postal address PO Box 47221, Parklands 2121. Tel (011) 788-4829. Fax (011) 788-4990.
The ANC needs to be a strong, open and transparent organisation with the
needs of its people at the forefront. The new leadership style was
welcomed for its move towards greater inclusivity.

Government's balanced approach to media

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SA media, doing a bad job.

Media coverage of President Nelson Mandela's speech on disarmament was focused on criticism.

"Media COVERAGE of President Nelson Mandela’s speech on disarmament was focused on criticism."

Cape Times, Wednesday, February 18, 1998

Wednesday, February 18, 1998
SA newspapers ‘must be transformed urgently’

By Lee-Amphoe Alfredu

South Africa’s newspapers had to be transformed as a matter of urgency to reflect the “make-up and character” of the country, renowned newspaper editor Ben Bradlee said at the weekend.

Bradlee, the editor of The Washington Post during the Watergate scandal and chairman of the International Advisory Board (IAB) of Independent Newspapers, was in Johannesburg for the board’s annual South African meeting last week.

As a result of the Watergate scandal, President Richard Nixon became the only US head of state ever forced to resign.


One of the central themes of the board’s meeting was the transformation of South Africa’s media industry.

Bradlee said the IAB expected independent newspapers to be transformed within the next 18 months.

“We are saying we don’t have much time. We don’t want a five-year plan.”

He added that ongoing training would also be vital for the success of transformation.

Quality did not necessarily need to be sacrificed because of transformation, he said, but everyone in the newsroom had to be involved for it to be a success.

He said The Washington Post, considered one of the best newspapers in the world, had also been forced to grapple with the question of transformation.

“We started (transforming The Post) 30 years ago. Out of a staff of 370 professionals, we had 5 maybe 6% of minorities. Today out of a staff of probably 640, we have 18% minorities.”

Mwasa slams white domination of the media

Pietersburg – The Media Association of South Africa yesterday condemned continued white domination of the print media and called on media conglomerates to unbundle ownership and diversify control to ensure effective black control in the industry.

At a two-day congress, which ended in Pietersburg in Northern Province yesterday, the union argued there would never be freedom of the press as long as racism persisted in the media.

It also criticised the Government’s Growth, Employment and Redistribution strategy (Gers), saying it undermined the interests of workers.

Mwasa urged the Government to fund the SABC to enable it to carry out its mandate as a public broadcaster.

It also condemned attacks on blacks by white farmers in the Northern Province and urged blacks to defend themselves in the face of such attacks. — Sapa
'Govt and Press should be adversaries'

Cape Town - The relationship between government and the press should be an adversarial one and suggestions to the contrary should be met with scepticism, DP leader Tony Leon said yesterday.

The largest print media group, the Independent Group, was treading a 'dangerous path with a philosophy that saw its role as both court jester and imbondu (praise-singer) of Government, he told a breakfast meeting.

"It is unsettling, to say the least, to think of the press walking arm-in-arm with government down the corridors of power."

Many in the ANC appeared to believe, the press should be more respectful to the nation's leaders, he said.

Business Day was recently taken to task by the ANC for running an editorial urging the IFP to reject ANC merger overtures.

The point was that nearly every publication or broadcaster had acknowledged the legitimacy of South Africa's democratically elected government.

"They question not whether the ANC should govern, but how they govern." - Sapa
Press Freedom is one of the freedoms ANC fought for
Africa must use media to build confidence.
Media unions declare pay dispute

Durban - The Media Workers' Association of SA and other unions have declared a pay dispute with Independent Newspapers, Mwasa said yesterday.

The dispute was referred to the Commission for Conciliation, Mediation and Arbitration following the unions' rejection of an 8.5% increase and the newspaper group's failure to attend a dispute resolution meeting.

Mwasa, SA Union of Journalists, SA Typographical Union, SA General Workers Union and Numdusa want 11.2%.

- Sapa
Say why three papers accused of distortions – Institute

By CP REPORTER (243)

THE FREEDOM of Expression Institute has called on the President’s Office to make known why three newspapers were accused of being part of an elaborate disinformation campaign against the State.

The accusations were made by President’s spokesman Parks Makahla, who claimed that the three newspapers campaigned with the help of disaffected members of the intelligence and military establishments.

The three newspapers accused are Die Burger, Citizen and the weekly Rapport.

The newspapers were accused of publishing distortions and fabrications aimed at creating panic and uncertainty in the country.

The Institute also called for the President’s Office to make public the alleged connections between these newspapers and the intelligence and the military, identify the journalists concerned and make them public.

The report was compiled by Military Intelligence and was submitted by army chief General Georg Merens to President Nelson Mandela two weeks ago.

The release of the Ismail Mahomed report which was established by Mandela to investigate the coup allegations.

The Institute said it regarded the allegations as “extremely serious” and believes that unless there is full disclosure on these claims, the public will remain uncertain of their implications.

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Political comment and newsbriefs by K Sibiya and L Kalane, headlines and sub-editing by F Moyo, all of 2 Herb St, New Doornfontein, Johannesburg

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Union declares dispute with Sowetan newspaper

Renée Grawitzky 242 90 22 44 98

THE Media Workers' Association of SA (Mwasi) has declared a dispute with the Sowetan and plans to pocket the New Africa Investments-owned newspaper for allegedly failing to comply with its affirmative action policy by not promoting internal staffers into more senior positions.

The union, which has a major stronghold in the company and is believed by observers to "de facto run the place", as it demands involvement in all significant appointments, has argued that people inside the organisation should be affirmed. This emerged after the positions of managing editor and picture editor were not filled by those inside the company and had subsequently been advertised externally.

Mwasi said management was trying to undermine some of the gains made by the union with regard to affirmative action. A union meeting held earlier this week adopted a vote of no confidence in the editor, Mike Siluma.

Sources close to the Sowetan said elements within the union had tried to block Siluma's appointment. This was because they felt that Siluma was too close to the African National Congress.
Sowetan staff up in arms

SOWETAN staff staged a lunchtime picket yesterday against the company’s alleged failure to comply with its affirmative action policy.

The workers – who sang, toyed and carried placards denouncing management – said the company was reluctant to promote internal staff to more senior positions.

The workers declared a dispute with management through the Media Workers’ Association of South Africa. They have demanded involvement in all significant appointments at the newspaper.

The workers’ spokesman, Joe Mdhlalela, said they would continue their lunch-time picket daily until management had responded to their demands.

If management failed to respond to their demands expeditiously, staff might resolve to embark on other forms of protest action, including a full-blown strike, he said.

Some of the placards read: “Stooges must go”, “Sowetan is lying about affirmative action”, “Away with racism” and “All power to Sowetan workers”.

The picket followed the placement of two advertisements for a managing editor and a picture editor in the press recently. Workers said the ads implied management was not looking at people inside the company.

Sowetan deputy managing director Mr Mike Tsissong said management did look at workers inside the company but could not find anyone suitable for the positions.

Tsissong said about five or six weeks ago, the newspaper advertised the positions internally and received four applications – one for a pictures editor and three for a managing editor.

He said the applicants were interviewed by a panel and it was felt that they did not qualify because of the kind of responses they gave.

“It’s quite a pity that this matter is now being discussed in the public domain. It is damaging to those people and their careers, if they ever thought of leaving Sowetan.”

Tsissong said the applicant interviewed for the post of picture editor could not be promoted to the position because he demonstrated he could not carry out a management responsibility.

One applicant for the position of managing editor did not qualify because in the interview, he also showed that he could not manage his staff.

Tsissong said the other two applicants did not qualify because they did not have enough experience to occupy such a senior post. – Sapa
Editors meet Mandela over press laws

By Jovali Rastad
Political Correspondent

South African newspaper, radio and television editors have urged President Nelson Mandela to remove from the South African statute books restrictive apartheid-era legislation impinging on press freedom.

A delegation from the South African National Editors Forum (Sanef) met Mandela in Cape Town yesterday to argue for the removal of section 205 of the Criminal Procedure Act, which was used by the previous government to force journalists to disclose their sources.

Many journalists have been detained for refusing to disclose their sources.

Police in the Western Cape recently threatened to invoke section 205 to force journalists to disclose information relating to the gruesome murder two years ago of Hard Living gang leader Rashaad Staggie.

Mandela and the editors agreed that a meeting would be held with Justice Minister Dullah Omar and Safety and Security Minister Sydney Mufamadi to discuss the legislation.

Sanef said section 205 was in conflict with the media freedom clause in the constitution.

The editors also inquired about the Open Democracy Bill.
They gag writers, don't they?

In dozens of countries around the world, journalists, editors and publishers are murdered, assaulted, detained and harassed. Their publications are censored, fined, suspended and closed down. World Press Freedom Day on Sunday exists to recognize the sacrifices made in the struggle for freedom of the press and to put pressure on the numerous governments that continue to deny their citizens this basic human right.

During the 50th anniversary of the Universal Declaration of Human Rights, we are reminding the public that these rights are theirs and that the only valid basis for any society is one based on the rule of law and respect for human rights.

WAN: Seven years ago in Windhoek, an important conference was held under the auspices of the UN and UNESCO, which gave birth to the Windhoek Declaration for an independent and pluralistic African Press. This declaration is now celebrated on the May 3 — the date of its adoption — as World Press Freedom Day. At seven years distance, what are your views on the evolution of freedom of the press in Africa? As an African, from all of us and then as UN Secretary General, are you satisfied with this evolution?

KA: There have been some improvements in some countries, but we still have a long way to go. The question of freedom of the press, freedom of expression and freedom of association are things that the African continent has to work harder at achieving. It is this lack of tolerance and lack of acceptance of diversity that has not only led to many political conflicts on the continent, but also to the tendency to imprison people we disagree with or who don't share our views.

But there are hopeful signs, in the sense that African people are becoming aware of their rights and are starting to assert their rights. More and more governments are beginning to embrace democracy and government based on the rule of law, which should be the only legitimate basis of authority.

And we are also seeing some very hopeful signs where African governments have banded together to remove a ban that came to power through the use of force, as in Sierra Leone. There are hopeful signs. It hasn't resolved all the problems, but I think we would persevere and try to open up society and work hard to create the enabling environment that would allow people to express their views, but to do so in a way that is legal.

WAN: The concept of a New World Information Order was considered in democratic nations for placing information at the service of national governments. It was proposed by UNESCO, but we lose some of its practitioners will try to realize this idea from the headquarters in New York. What is your position on this?

KA: I think that concept, as it was presented, is dead. I think that the approach of the time is dead and there is no desire or intention to review the concept as it was with it. I don't think we need to worry about a revival of the New World Information Order.

WAN: How do you react each time you learn that a journalist has been assassinated or intimidated? How do you react to the fact that the UN do put pressure on governments that denigrate journalists today?

KA: First of all, whenever there is a loss of life, this is something that concerns me and everyone else. But when journalists and people who report and speak for others and express our concerns are eliminated, we all lose. We lose a voice that speaks out, a voice that sheds a light on some of the painful abuses in society. But I think we have learned to do, particularly through our office of the High Commissioner for Human Rights, to try to press for respect for human rights and for societies based on the rule of law.

WAN: In many countries, the main demands are still for food, health and education. In your opinion, what are the links between poverty and the lack of a free flow of information?

KA: Lack of education is a great impediment to the advancement of society. If you have an educated people, who have tolerance and also understand the need for
ers, don’t they?

and publishers are not censored, fined, or jailed to recognize to put pressure on the basic human rights.

a year ago in Windhoek, a Press Freedom Day which took place under the banner of an independence for an independent Press. This declaration on May 3 is the date.

And now the Press Freedom Day what are your views on the press in Africa? Is it free? Is it UN censored or restricted with this evolution?

It appears to some a long way to go. There are press freedom of expression—freedom to say things that the press have a duty to do. It is an expression of democracy. It is a political conflict on the minds of people sharing their ideas.

In the sense that we are aware of their rights.

Rights. More and more people are embracing democracy.

... and by the way, it feels very hopeful. It’s not just wishful thinking but it’s coming together.

These are hopeful signs.

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Jailed, harassed, killed:
A tough April for Africa

ABIDJAN, Ivory Coast: In the space of a week, a reporter was killed, a newspaper editor was dragged off by security agents and a publisher was ordered to remain in prison for a year.

During the same week, a former radio correspondent was accused of treason and the offices of an opposition newspaper were ransacked and looted by armed thugs.

For journalists in West Africa, from war-wrecked Sierra Leone to repressive Congo, April has been a cruel month.

"Over the last two years, the West African sub-region has become the worst region in Africa with regard to press freedoms," says Mr. Kahuna Kenna of the New York-based Committee to Protect Journalists.

BBC reporter Eddie Smith was killed in April during an ambush while trying to cover the latest fighting in Sierra Leone, his homeland.

"Two days later, Hilton Fyle, a former BBC correspondent from Sierra Leone, was charged with treason for allegedly working with that country's recently ousted military junta.

In Cameroon, an appeals court judge ordered opposition newspaper publisher Pas Njaye to remain in prison for a year.

Njaye's crime? Reporting that President Paul Biya suffered from a heart condition. The government denies the report, but Njaye stands by his story.

Silencing journalists in Africa is nothing new, but press freedom activist Mr. Robert Menard says the methods of suppressing information are changing. Leaders intolerant of dissent and criticism in some West African countries are now employing more sophisticated censorship through the courts.

"In Cameroon, for example, President Biya is replacing outright censorship with court rulings against a free press," said Menard, the secretary-general of the Paris-based Reporters Without Borders.

In other cases, censorship still takes the form of outright intimidation. In Niger, gunmen ransacked and looted the offices of the independent Republican newspaper.

"This was a commando operation ordered by the government to silence our newspaper," editor Mamane Abou said.

Days earlier in Congo, newspaper editor Michel Ladi Luya was arrested by security agents and dragged from his newspaper offices in Kinshasa.

No formal charge has been levelled against Luya or his newspaper, The Record, which called the arrest an official "kidnapping" by President Laurent Kabila's security detail.

Luya had written a letter from opposition leader Mr. Etienne Tshisekedi that called Kabila's rule totalitarian.

In February, the editor of The Potential was arrested after publishing an article questioning Tshisekedi's Internal exile to his hometown in eastern Congo.

Monde Mutingo Mutuishayi was freed three days after his arrest.

And then there's Nigeria - perhaps the most repressive regime in West Africa - which routinely jails reporters, trashes newspaper offices and accuses leading opposition journalists of treason.

At least 17 journalists are known to be in prison, the Committee to Protect Journalists says. One senior newspaper editor is on trial for allegedly collaborating with military officers to overthrow General Sani Abacha.

"We have a very active and vibrant press in Nigeria, but you have to know where to draw the line," says Augustine Nwokasaka, a reporter: for the state-controlled Rivers Radio.
Yesterday in honour of World Press Freedom Day, the Freedom Forum in Rabat addressed the freedom of the press. Former American journalist Edward Seifert spoke about the importance of press freedom and its role in a democratic society.

Seifert emphasized the need for press freedom to flourish in order to hold governments accountable and promote transparency. He highlighted the challenges faced by journalists in many countries and the importance of supporting them.

The event was attended by a diverse group of journalists, activists, and representatives from the media industry. It provided a platform for discussion and exchange of ideas on the role of the press in promoting democracy and human rights.

A lack of press freedom threatens the very essence of democracy, as it hinders the ability of citizens to access information and hold those in power accountable. The event emphasized the need for continued efforts to protect press freedom and ensure that journalists are able to carry out their work without fear of retribution.

Edward Seifert, a long-time journalist and advocate for press freedom, delivered the keynote address. He urged all present to support the rights of journalists and work towards a future where press freedom is a fundamental right for all.

The event was hosted by the Freedom Forum in Rabat and was supported by several international organizations dedicated to the cause of press freedom.

For more information, visit the Freedom Forum website.
Media changes boosted by new Chair at Rhodes

Transformation tackled

STAFF REPORTER

Independent Newspapers is to establish a Chair of Media Transformation at Rhodes University in Grahamstown.

The announcement by the head of the department of journalism and media studies, Guy Berger, coincided with International Press Freedom Day at the weekend, which Professor Berger said symbolised the importance of the initiative for South Africa.

The chair will be sponsored by Independent Newspapers for three years. Chief executive officer Ivan Fallon said transformation was the highest priority for the media in South Africa, and Independent Newspapers was pleased to be able to make a contribution to benefit the industry and, therefore, the country.

"We're all engaged in transformation, and we will all benefit," he said.

Professor Berger said the new post would hold up a mirror to South Africa's media, and added: "The chair will research the successes and problems in transforming journalism -- and journalism training -- in line with our changing society. South Africa's context has changed and our society now enjoys free and independent media.

"This chair will give back-up to the changes taking place within the media."

A board representing a range of media companies would act as reference for the chair. Its members included Independent Newspapers editorial director Shaun Johnson, Sowetan editor-in-chief Aggrey Klaaste, Irene Charney of Times Media, Midi Television head Nomazizi Matshothisa, author Anthony Sampson and representatives of the SABC, Primedia, Penta and Kagiso Media.

Mr Fallon said that Independent Newspapers had insisted the company exercised no control over the chair.

"Transformation is bigger than inter-company rivalry," he said.

The challenge to achieve properly representative and relevant media companies, producing journalism of the highest quality, was a national priority.

The Chair of Media Transformation would be advertised in May and he expected it to be filled by August.
Media’s role more than watchdogging

By Annette Lansink

The forthcoming 1999 national elections have re-activated discussions around the meaning of democracy. The discussions, expanded from various platforms, offer an opportunity to reflect on the experiences of the last four years of democratic governance.

Unfortunately most submissions have parrotted an ill-considered notion of democracy — in which democracy is seen as a mere mechanism to control government.

This liberal conception of democracy, preferred by business, white opposition parties and the media, is generally accepted and valued.

In doing so, other conceptions of democracy, such as an African oriented concept of democracy in which notions of rights and duties to the community, a communal approach and communal decision-making are central elements, are brushed aside.

While eager to limit the power and role of government, business and the white media have turned a blind eye to the gross economic inequalities.

The exclusion of the state in important spheres of our existence and the reluctance to take power relations into account are major weaknesses in such a notion of liberal democracy.

This limited and decontextualised notion of democracy can only serve to legitimise and sustain the historical socio-economic imbalances.

Apart from not only manifesting itself in depriving the black majority of the right to vote, but also in total economic subordination.

Civil liberties

So it is fallacious to pretend that with the acceptance in 1994 of universal franchise the government’s role can be limited to non-intervention in the free market forces and in the private sphere by guaranteeing the civil liberties of individuals.

Instead, the government should use its power to implement its philosophy of political and socio-economic change, and in the process utilise the full resources of the state to make the new order a reality.

Surely democracy entails more than the five-yearly walk to the ballot box?

The media could take its lead from the Constitution. The preamble of the Constitution accepts a more substantive notion of democracy, with an emphasis on democratic values, social justice and fundamental rights.

The core values enshrined in the Bill of Rights and its interpretation by the legislative and judicial branches of government, in particular the equality clause, gives credence to a substantive vision of constitutional democracy.

What about the criticism levelled at the African National Congress-led Government of ambiguous opposition and thereby compromising democracy?

The Government stands accused of reinterpreting the meaning of democracy to suit its own party-political interests and to ensure political conformity.

Is the Government endangering democracy by staving off criticism or does it have a right to defend itself, especially when such criticism is couched in racist undertones?

It is important to situate the role of government within the context of transition and nation building, especially when remnants of the old order are still the most influential role players in the economy and when third force and counter-revolutionary activities are no figments of the imagination.

The Government has a historic task and mandate to redress past inequalities, reconfigure the new consciousness and to reclaim the human dignity of all South Africans.

Therefore the Government’s commitment to democracy cannot only be measured by the level of tolerance of criticism, but by its contribution to creating and shaping the new equitable and just society. Centuries of colonisation and apartheid cannot be negated without an affirmative state.

The Government is and should be the major agent in transforming the structures in society from a racist, sexist, authoritarian and unrepresentative past towards a united non-racial, non-sexist democracy.

No real liberation can take place when the previously excluded majority is merely integrated into the structures of oppression.

Furthermore, it can be argued that the dynamics of the dichotomy between governmental and oppositional politics are different in the transitional phase of nation-building.

Also, the potential role which various kinds of institutions in society, such as the media, non-governmental organisations, churches, educational institutions, business, civic organisations, institutions supporting democracy and opposition parties play in enhancing democracy needs to be recognised and examined.

One may rightfully ask how much these institutions and organs of civil society contribute to consolidating and deepening the new democracy.

The impression is sometimes created that the Government is under fire from all these institutions. Closer scrutiny, however, reveals that only two sectors — besides the opposition parties — have been consistent in their fierce criticism of the Government: the business community and the media.

It is no coincidence that these two sectors are still predominantly white.

Valid criticism

Other institutions of civil society, specifically the trade unions, have displayed an extraordinary measure of restraint to ensure a strengthening of the economy and enticing international investment in this country.

Despite the Congress of South African Trade Unions’ persistent and valid criticism of the Government’s macro-economic policy, the Growth, Employment and Redistribution strategy, oppositional mass action has been very limited for the sake of the tripartite alliance.

Institutions supporting democracy, such as the South African Human Rights Commission, the Commission for Gender Equality and the Public Protector, have come out in support of the new Government.

One of the tasks of the media is to challenge the pervasive power of existing “old order” beliefs, prejudices and practices. Unfortunately the white media has failed to engage its readers sufficiently in the socio-economic realities and aspirations of the black majority.

The right to vote or political equality is fundamentally undermined by the gross economic inequalities. It is precisely for this reason that the role of the media should extend beyond being a watchdog. The media should play its role in the effort to create a national consciousness of substantive democracy.

(The writer is a lecturer in the department of public law at the University of Venda, Thohoyandou.)
Major victory for union as judge orders 54 workers to be reinstated

BY MOKGADI PELA

The Media Workers Association of South Africa (Mwasa) scored a major victory yesterday when the Labour Court reinstated 54 members who were dismissed following an industrial dispute in August last year.

At the same time, Judge E. Reveles ordered that the Mwasa members be paid 10 months wages retrospectively. The court gave those applicants whose affidavits in respect of wages were not before court until May 15 to do so.

An elated general secretary of Mwasa, Mr Bhebhele Khula said, "This offer should serve as a lesson to employers that they cannot continue to behave as if we are in the pre-Wahlen times when they would disregard workers' rights with impunity. For far too long we have observed an attitude among employers of disregarding the labour laws of this country."

The workers, all former employees of Mustek, were accused by the company of having gone on an "unprotected strike over wages." The matter was referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) and finally to the Labour Court in Braamfontein, Johannesburg.

Mustek's Belinda Towell said, "We are not aware that there was any court case today or any ruling. We will, however, consult with our lawyers to see what line of action we should take."

Khula invited workers who had not yet filed affidavits in respect of their wages to go to the Mwasa offices tomorrow to enable the union to prepare the documents.

Meanwhile, the Southern Transvaal region of Mwasa will hold its shop steward council meeting at 5 Wanderers Street, Johannesburg, tomorrow. Issues to be discussed include a report-back on the recent national congress in Plettenburg. The meeting will start at 9am.
Calls to regulate mainstream press under fire
Government body sets sights on media owners

Lack of diversity cited as a major problem in informing the public exactly what its rights are

**SAPA**
Cape Town

The new Government Communications and Information System was not intended as a propaganda instrument, but to ensure that the Government’s vision and intentions were communicated to the public, GCIS chief executive officer Joel Netshitenzhe said yesterday.

Briefing the National Assembly’s communications committee, he said the GCIS derived its mandate first and foremost from the constitution, which, in the Bill of Rights, guaranteed citizens freedom of speech.

A corollary of this was their right to receive information about government activity.

“It is recognised in the Reconstruction and Development Programme that an informed public is better able to take an active part in changing its life for the better.

“Thus lies at the foundation of the principle of people-centred and people-driven transformation.”

To afford citizens the right to know and be heard, it was critical that the GCIS emphasised “developmental communications”, directed primarily at communities in rural areas and townships, as well as at the illiterate, youth and women, to allow them to take full advantage of socio-economic opportunities, he added.

A major reason for weaknesses in South Africa’s media was the lack of diversity from ownership through to printing and distribution.

This shortcoming was recognised by at least some of the media houses, as well as by the SA National Editors Forum.

The GCIS therefore considered the achievement of a diversity of voices as a critical element of its vision, Netshitenzhe said.

A directorate of media policy was being set up, and among its immediate tasks would be the drafting of regulations on media ownership, including distribution channels and printing.
Dangers of govt-funded media

In broadcasting of the press, the de facto authority tends to be promulgated, writes Nareg mido.

The government has recently been keen on controlling the media. The SABC TV chief, Malebogiso Kgoame, has been under fire for his alleged bias in reporting, which has led to public outcry. The Mail & Guardian has reported that, despite being a government-owned media outlet, the SABC has been criticized for its lack of credibility and for not adhering to ethical standards.

The SABC's recent decision to fire the investigative journalist, Sipho Hlongwane, has sparked outrage among media rights advocates. Hlongwane's decision to investigate and report on government corruption has led to his termination, which many see as a violation of the Constitution's protections for freedom of expression.

In response, media organizations have called for a boycott of SABC programs, echoing similar calls from South Africa's independent media. Meanwhile, the government has defended its actions, arguing that it has the right to control the media to protect national security.

Despite the controversy, media outlets continue to operate under duress, with many journalists facing harassment and threats. The government's control over the media has raised concerns about press freedom and the ability of journalists to report objectively.

In conclusion, the government's control over the media is a worrying trend that undermines press freedom and the democratic process. It is crucial for the government to respect the rights of journalists to report freely and without fear of retribution, ensuring that the media continue to serve as a watchdog for the public.
SA in 15th place among 186 states in world survey on press freedom

By Rich Mchowdo
Star Foreign Service

Washington – South Africa’s press freedom has been ranked 15th among 186 countries surveyed by Freedom House, according to a survey released last week.

Using scores and the three categories of free, partly free and not free, Freedom House, a Washington-based organisation which monitors human rights and conflicts around the globe, said there is media freedom in SA.

The annual survey measured press freedom by assessing the effect of laws, government decisions and economic and political influence on the content of news reports.

Germany has the most free press in the world, followed by Switzerland and the US. Other countries in this category include Australia, Austria, Canada, Jamaica, New Zealand, Sweden, Holland, Iceland, Bahamas, Denmark, Belgium, Botswana, Namibia and Mali.

China and Nigeria are the worst violators of press freedom.

Countries in the same category include Algeria, Afghanistan, Belarus, Burma, Burundi, Cameroon, Democratic Republic of Congo, Cuba, Equatorial Guinea, Indonesia, Iraq, Israel, North Korea, Libya, Saudi Arabia, Somalia, Sudan, Tajikistan, Turkmenistan, Uzbekistan and the United Arab Emirates.

“South Africa’s diverse and free press is flourishing as the Government tussles with the content of the Freedom of Information Act,” said Leonard Sussman, the organisation’s senior scholar in international communications and professor of journalism at New York University.

On a scale of zero (best) to 15 (worst), SA’s print media received 2 under laws and regulations that influence media content, 5 for political pressure and controls on the media content, and 3 for economic influence over media content.

Using the same scale of zero to 15 to judge SA’s broadcast media, the country got 6 under laws and regulations that influence content, 7 for political pressure and controls on the media, and 1 for economic influence over media content.

“Compared with the previous year, on a percentage basis, fewer people live in nations with a free press,” Sussman said.

In Africa, with 53 countries, three countries improved their ratings.

Sao Tome and Principe went from partly free to free. The Central African Republic and Zambia went from no press freedom to partly free. Congo (Brazzaville), Djibouti, Kenya and Zimbabwe moved to not free from partly free.

Seven other African states improved press freedom slightly, while it declined slightly in 16 other African states.

“Nigeria remained among the worst violators of press freedom in Africa as Sani Abacha regime’s relentless assaults on journalists and their organisations continued,” Sussman said.
South Africa ranks 15th out of 186 for press freedom.

Freedom House
Media diversity critical to free speech.
Workers' morale plunges

By Isaac Model

Sovietani, 7/14/98

The Citizen

K200 million

The morning display of a spectacular fireworks show on the central Lenin Square could not be seen.

According to the police, the owner of the fireworks shop had not been able to deliver the fireworks due to an accident on the road. The police also said that the fireworks display was not approved by the authorities.

The fireworks display was scheduled to take place on the anniversary of the October Revolution, but unfortunately, it was canceled due to safety concerns.

The police said that they would investigate the cause of the accident and take appropriate action to prevent similar incidents in the future.

A witness who was present at the scene said that the fireworks display was a major attraction for people in the area. The witness added that the cancellation of the event was a great disappointment for everyone.

The cancellation of the fireworks display is a setback for the city's tourism industry, which relies heavily on such events to attract visitors.

The city authorities said that they would try to organize an alternative event to compensate for the loss. However, the event was scheduled to take place on a weekday, and it is unlikely that the alternative event will attract as many people as the fireworks display.

The city authorities also said that they would look into ways to ensure that such accidents do not happen in the future.

In conclusion, the cancellation of the fireworks display is a setback for the city's tourism industry, and the city authorities are working to ensure that such accidents do not happen in the future.
An apology to yellow scabies

Pretext: any and other

40-20/199
Sparks defends news item on abortion case

Pearl Sebolao and Thembra Hlengana
27/7/98 (4)

POLITICAL comment in an SA Broadcasting Corporation television item on the first legal challenge to the country's abortion law was relevant and captured the atmosphere surrounding the case, SABC television news editor-in-chief Allister Sparks told the Broadcasting Complaints Commission last week.

Sparks was responding at a commission hearing in Johannesburg on Friday to complaints that the item, which dealt with a court challenge to the Choice of Termination of Pregnancy Act in May this year, was biased and contained inaccuracies.

The complainants, Lynne Mansan and K Worral-Clare of the Christian Lawyers' Association, submitted that the reporter's statements that the anti-abortion legal team was male and the pro-choice team was female, portrayed the "whole battle as a sexist thing." They also argued that the presentation was generalised by journalist Robyn Curnow was biased in favour of the pro-choice lobby.

Although Manson and Worrall-Clare were notified of the hearing they did not attend, commission chairman Prof Kobus Van Rooyen said.

Sparks, who conducted the SABC's defence, said it was important to emphasise the distinction between the legal teams. Curnow's reference to the accurate distinction between the male anti-abortion team and the female pro-abortion team added relevant colour.

He dismissed the other complaints as irrelevant to the hearing because they dealt with legal arguments presented in the case.

Curnow denied that the report mainly carried comments by the defendants, saying it was balanced. She said the anti-abortion group was "distinctly unwilling to comment on the case." The pro-abortion group had a lot of things to say and made a point of being television friendly.

The commission's findings on the complaint will be announced tomorrow.
New forum for black journalists

MOSES MTHELELEI MACKAY
Staff Reporter

A new South African organisation for black journalists is being established and a Western Cape branch of the body is to be formed.

The organisation aims to help black journalists play a leadership role in the media industry.

Oupa Ngwenya is to be secretary general of the fledgling Forum of Black Journalists.

About 40 journalists and photographers met in Cape Town last week to set up the local branch of the new body.

Mr Ngwenya said the launch on August 28 would aim to increase the number and decision-making power of blacks in the media in line with the changing face of the country, that was still struggling to move from an oppressive minority to a liberated majority.

The five-member committee comprises Cape Times photographer Benny Gool, SABC radio journalist Alameen Kafaar, Cape Argus reporter Joseph Aranes, Robben Island Museum media officer Africa Maimang and former Weekend Argus reporter Mxolisi Ace Mgxahe. They will set up a Western Cape chapter of the Forum of Black Journalists.

Mr Ngwenya said there was a need to raise standards and awareness of development needs and to foster training.

“The imperative facing the media industry is its relocation to an African centre that will enable the people of the African continent to engage with those from other continents on an equal footing.”

He said black journalists should become efficient, open-minded practitioners and sound managers as well as effective media owners, not only in capital terms but also in operational ones.

“This power derives its morality from the need to change society, its people and institutions including the media, to make black journalists become authorities and acquaint themselves with the utmost professionalism in adherence to the governing codes and ethics of journalism, and yet tackle issues,” he said.
Editors challenge apartheid-era laws on the press

Talks with Omar, Mufamadi

MICHAEL MORRIS
Special Writer

Scrapping, or amending, apartheid-era laws that restrict media freedom and the public's right to know heads the agenda for talks tomorrow between the SA National Editors' Forum and government ministers.

The forum delegation will highlight between 30 and 40 apartheid-era laws they say are in conflict with the constitution and rights to media freedom and freedom of expression. The editors are to propose to Justice Minister Dullah Omar and Safety and Security Minister Sydney Nkutumaditla that a task group be formed to work through the legislation and suggest amendments.

They will also seek stronger protection for journalists against the State's use of Section 205 of the Criminal Procedure Act to try to force them to reveal confidential sources or news material.

The forum delegation will comprise chairman Mike Shuma, Cape Argus editor Moegsien Williams, Cape Times editor and chairman of forum's media freedom committee Rylend Fisher, Die Burger editor Ebele Domusse, editor of Familia and publisher of Femina and Cosmopolitan Jane Raphaely, Isak Minnar of the SADC, chairman of the Freedom of Expression Institute Raymond Louw and Wendy Morgenrood, former editor of Reader's Digest.

Mr Louw, a former editor of the Rand Daily Mail, said the forum had been researching restrictive legislation with the help of the Centre for Applied Legal Studies and had investigated practices elsewhere in the world.

"We have identified those laws which are important to freedom of expression and media freedom. There are others too, but those would have to be gone into later."

"We want to ask the ministers to set up a committee to incorporate the forum, lawyers from outside the government and their own legal advisers in order to go through legislation and discuss how to amend, or cut off, the restrictive sections."

On the controversial Section 205, Mr Williams said: "We have come full circle on this, since we once again accept it is not really possible or reasonable to abandon it in view of the greater criminal justice system in South Africa, but we are proposing a compromise we think will resolve the situation."

The proposal seeks to entrench the "just excuse" element of the section, providing a stronger protection for media freedom.

He added: "We are prepared to challenge in court, where necessary, legislation we consider to be in conflict with the constitution and the Bill of Rights."

Mr Fisher said: "We cannot work on the basis that the government is a bunch of good guys who will not use bad legislation."

Dangers of SA's legacy, page 12
Editors emphasise need to protect sources

As long as Section 205 is used against journalists, democracy is threatened

(4431), AUG 12/8/98

Protecting journalists from being forced to reveal confidential sources is vital to sustaining a democratic culture, the South African National Editors' Forum (Sanef) told the Government today.

And as long as Section 205 of the Criminal Procedure Act is capable of being used by the state to press journalists to reveal the confidence of sources, democracy is under threat.

Entrenching the concept of a "just excuse" to cover the relationship between journalists and confidential sources was one of the main items on the agenda today for talks between Sanef and Justice Minister Deshah Omar as well as Safety and Security Minister Sydney Mufamadi.

But why should journalists be treated differently from anyone else?

Michael Morris

SPECIAL WRITER

Secrecy, as much as revelation, is at the heart of journalism. But, unlike priests and lawyers, journalists "promise secrecy only to divulge", as veteran reporter Pierre de Villiers once put it.

For as long as a free press has existed, the ethical convention of protecting sources in order to provide information not available by other means has been essential in enabling newspapers and, latterly, other media, to provide the public with the means to make crucial decisions about society, and, especially, the way it is governed.

When a happened frequently under apartheid Section 205 of the Criminal Procedure Act - which allowed the state to subpoena witnesses, and prod them if they failed to testify - was used to try to force journalists to reveal their sources, the consequences were a loss of public confidence in the media and an erosion of the media's capacity to serve the public interest.

Ultimately, it accounts for a weakening of democracy, and of the ability of a society to govern itself freely.

An erosion of trust in journalists' promises of confidentiality would mean that people who had important, "secret" information on matters of public interest, which they could not disclose in a way that would reveal their identity, would summarily stop coming forward.

Governments, corporations and other institutions vital to public life would be all but freed of the scrutiny of a watchdog media.

The Infra Scandal (the government corruption scandal) of the 1970s, and the Watergate saga (which effectively ended Richard Nixon's presidency of the United States), were dependent on confidential sources.

Countless other media exposes here and abroad have, similarly, arisen chiefly from trust in the media tradition of protecting sources.

For these reasons, journalists have been prepared to go to prison rather than breach the trust of their sources.

Under the old law, a magistrate had no alternative but to sentence an unco-operative witness to imprisonment. But in terms of a later amendment, a person subpoenaed who fails to furnish information or hand over documents shall not be sentenced to imprisonment unless the judge or magistrate is "also of the opinion that the furnishing of the information is necessary for the administration of justice or the maintenance of law and order."

In a series of cases, the concept of a "just excuse" has also been broadened to include not only "legal" reasons such as the right not to give self-incriminating evidence, but also situations where a witness feared for his life, where it would be "inhumane and intolerable" to testify, or where professional integrity would be prejudiced.

The delegation, which included Raymond Louw, a former editor of the Rand Daily Mail and new chairman of the Freedom of Expression Institute, noted, "Laws like Section 205 are on the statute books of most countries of the world, and we have realised it is necessary."

"In the prosecution of certain cases, the state must be able to subpoena people - officials, say, of a bank - to come forward and reveal information which they would not normally do unless there was legislation which made them do so."

"However, it has been alleged by the authorities in trying to force journalists to disclose information. We say that, to use the law against journalists in a way that conflicts with the constitution."

Sanef acknowledges that "there is a distinction between the journalist practising his craft, and simply being witness to something on his way home."

We are making a clear distinction between these two circumstances."

But when a journalist has received information that has a bearing on the public interest, from an informant who has given the information on the basis that his identity will be kept confidential, "it's wrong of the state to use that clause to extract information from the journalist."

"We are making a clear distinction between these two circumstances."

"But when a journalist has received information that has a bearing on the public interest, from an informant who has given the information on the basis that his identity will be kept confidential, "it's wrong of the state to use that clause to extract information from the journalist."

C
Laws forcing journalists to disclose sources ‘threaten democracy’ (243) 29 Jan 1998

OWN CORRESPONDENT

Cape Town – Protecting journalists from being forced to reveal confidential sources is vital to sustaining a democratic culture, the South African National Editors’ Forum (Sanef) told the Government yesterday.

And, as long as Section 205 of the Criminal Procedure Act is being used by the state to pressure journalists to breach the confidence of sources, democratic culture is under threat.

Embroiling the concept of a ‘just excuse’ to cover the relationship between journalists and confidential sources was one of the main items on the agenda today for talks between Sanef and Justice Minister Dullah Omar and Safety and Security Minister Sydney Mufamadi.

The Sanef delegation sought to convince the Government to strengthen the ‘just excuse’ element of the law in the interest of media freedom and freedom of expression.

Sanef member Raymond Louw, chairperson of the Freedom of Expression Institute (FSE), noted: “Laws like Section 205 are on the statute books of most countries of the world, and we have realised it is necessary.

“In the prosecution of certain cases, the state must be able to subpoena people – officials, say, of a bank – to come forward and reveal information which they would not normally do unless there was legislation forcing them to do so.”

“However, it has been abused by the authorities in trying to force journalists to disclose information. We say that to use the law against journalists in that way conflicts with the constitution.”

Sanef acknowledged that “there is a distinction between these circumstances.”

But when a journalist receives information with a bearing on the public interest from an informant who prefers his identity to be kept confidential, “it’s wrong of the state to use that clause to extract information from the journalist.”

“It is no good the state saying this is in the interests of upholding the law, because the journalist ends up losing the confidence of the public.”

“The solution we have proposed is that Section 205, which provides for a ‘just excuse’, should apply to journalists too.

“We say that what constitutes a just excuse is the journalist’s right to continue to be able to inform the public and the freedom to conduct his or her profession,” Louw said.

Another element of great concern, he said, was the use of Section 205 to get journalists or photographers to hand in material “which could be of value to the authorities in investigating a crime”, as in the case of the murder of gang leader Rashid Staggie.

“There are two factors,” Louw said. “Any reporter or photographer seen to be handing incriminating material to the police would be regarded as informers for the police, as gatherers of evidence, and they would lose the confidence of the public.

“The other factor is that if they did so, they would be open to threat, and could be in physical danger.”

“This area is much more difficult,” Louw added. “People cannot imagine why, if you have evidence on film or notebook, you are reluctant to hand it to police, but the danger is there, and the principle is very clear. The public will not be informed to the same level if the media is emasculated in this way.”
for SA Press Freedom

Watertashed Judgment
Racial tensions erupt at staff meeting at The Sowetan paper

Pearl Sebolao

RACIAL tensions at the Sowetan newspaper came to a head at a staff meeting last week when the Media Workers’ Association of SA (Mwasa) allegedly tried to prevent MD Mike Tissong from criticising the union’s concerns about a “crisis” in the editorial department.

The union has alleged that Indians get preferential treatment and promotions are made on racial lines.

Tissong confirmed this week that “some union members tried to stop the meeting from taking place”. It went ahead, but without the union’s participation.

Union national treasurer Joe Dhlilela walked out in protest and faces disciplinary action.

Tissong invited staffers to “solve the problem together constructively”. He, however, cautioned that “the union’s racist language... belongs to our discredited apartheid past”.

A source said Tissong’s comments about the union’s alleged vendetta against Indians had only succeeded in creating racial divisions.

A letter from Tissong to the union this week alleged that former news editor Rafiq Rohan resigned because of “derogatory references to him being Indian”.

Dhlilela denied this and said the union had never been racist.

The union’s Sowetan chairman, Mokgadi Peza, would not comment on the dispute.
Government tolerant of media monopolies

Thembahlengani

GOVERNMENT had no intention of regulating media ownership in SA, except within the framework provided by the Independent Broadcasting Authority (IBA), government communications head Joel Ntskhentzenza said yesterday.

Speaking at a seminar on media freedom organised by the Sowetan newspaper, Ntskhentzenza said that there was a massive drive by government to promote diversity in media ownership.

The IBA is a statutory body set up to regulate the SA broadcasting industry.

Ntskhentzenza said that while competition policies were enough to regulate media ownership, the industry "needed to shake up" for the sake of its own credibility.

He challenged the domination of the media by monopolies, saying this raised questions about the nature of free speech in SA.

"How can freedom of expression be possible in a situation in which four major publishers control most of the newspapers and distribution today?" he asked.

However government had no intention of breaking up the monopolies controlling the media in SA.

He said a task team appointed to look into the media industry in SA found that a sizeable percentage of the population did not rely on the media for information.

Government had to do something about this situation which mainly affected rural people.

There was a need for an independent media development agency which would be concerned with media training and ensuring a fair distribution of resources within the population.

The seminar, which formed part of the 10th-year celebration of media freedom in SA, was organised in order to commemorate the banning by the National Party in 1977 of The World and The Weekend World newspapers.

Attended by local and international journalists, the seminar also discussed gender equality within media organisations, with some participants saying the industry was still a "boys' club.

Most black female journalists left the profession because of discontent and marginalisation, some participants said.

Business Day reporter Nomavenda Mathane said that the unfair treatment of black women journalists had not changed, despite the appointment of a number of black males into management positions in most media groups.
Mixed reaction to probe into media

BY RAFAEL BANDA

More than 60% of the complaints received by the Human Rights Commission concerned racism, chairperson Dr Barney Pityana said yesterday.

Speaking at a news conference, Pityana said a current investigation into racism in the media was not aimed at limiting press freedom. "A study of racism in the media hopefully will heighten the sensitivity of all South Africans to the issue of racism and will ensure a greater respect for freedom of expression."

Pityana said the commission had not been under government pressure to launch the investigation, but was approached by the Black Lawyers Association (BLA) and the Association of Black Accountants.

They lodged complaints of racism against the Mail & Guardian and The Sunday Times. The HRC ruled it would not investigate the two newspapers, but would launch a wider investigation instead.

Pityana said: "There is no reason to believe that the media are somehow insulated from the prevailing racism in our society."

Reaction to the announcement of an inquiry was mixed.

"If the HRC is going to undertake such an investigation, we shall have achieved much more than we had hoped for," said Jake Moloi, chairperson of the BLA.

The government's information chief, Joel Netshitenze, said it would be interesting to see the ultimate recommendations and proposals stemming from such a probe.

The Sunday Times said the move by the HRC "is the antithesis to democracy". The result of the probe "will be akin to a regime of censorship".

Business Day, citing Pityana's "ideological baggage", said "there is unlikely to be any mileage in it for any media institution to co-operate".

But Peter Sullivan, editor of The Star, has called the clamour against the inquiry "ill-advised. "The media has been found wanting in the past. The enemy is not the HRC, but racism which keeps reconciliation beyond reach."

"If we are to move forward as a nation, the media should take seriously the perception that it violates the rights of a section of the population."

SA National Editors Forum chairperson Mike Siluma said the HRC was within its rights, but he would have hoped that it had more pressing issues to investigate.

17/11/98
Legal experts warn that an inquiry into racism in the media could result in censorship, writes Jackie Cameron

Press ‘threatened’ by HRC probe

The controversial Human Rights Commission (HRC) inquiry into "subsectional racism" in the South African media could be a precursor to legitimate attempts at harnessing the press, legal experts have warned.

They include University of Cape Town academic Denisa Davis (now a High Court judge) who has voiced concerns over the media’s role in the recent government inquiry on corruption, and former HRC commissioner Helen Suzman, who is now a University of Cape Town researcher.

"The press is being asked to do the work of the courts in a case where there is no found reason to believe that the media has been racist," Suzman said.

"The HRC has not been asked to investigate the media’s role in the press, but rather to investigate the media itself," she said.

"This is a dangerous turn of events, as it could lead to a situation where the media is asked to police itself, which would be incompatible with the principles of freedom of expression."
Probe into media racism won’t affect freedom of expression, says HRC

By SANDILE MEMELA

WHEN the chairman of the Human Rights Commission, Barney Pityana, announced plans to launch a probe into racism in the media, he stirred a hornet’s nest.

Opponents brand the probe an attempt to maul the press and undermine not only its independence but the constitution.

Those in favour say resistance to the Commission’s initiative is part of the agenda to systematically maintain white supremacy and racism.

They argue that whites continue to control and colonise the minds of Africans through a media monopoly that blatantly expresses the conquest and ownership of one person by another.

The executive director of the Freedom of Expression Institute (FXI), Laura Pollecut, views the proposed investigation with caution.

“We have adopted a wait-and-see attitude until the Commission has defined its terms of reference,” she said.

“However, we do believe that racism exists in the media as in any other segment of our society.”

Mandla Selebane, chair of the FXI, told City Press he acknowledged that racism permeated the media industry.

“I want to state quite clearly from the outset that I am not concerned with the factual inquiry whether there is racism in the media in South Africa.

“The Commission has already resolved to carry out that inquiry and we must await its findings.”

“Similarly, I am not concerned with the denial by some people that there is racism in the media.

“Instead, I am concerned with the philosophical issues entailed in the debate,” said Selebane.

The Commission’s spokesperson, Edwina Naidoo told City Press the fierce resistance would not stop the probe.

“We see this as natural extension of our work to investigate racism that continues to violate human rights. In fact, more than 60 percent of complaints received concern racism and nothing is going to stop us from looking at it, especially in the media,” said Naidoo.

The Black Lawyers Association was the first to approach the Commission about the white-owned media’s alleged agenda to indoctrinate people to believe in the inherent inferiority and corruption of blacks in positions of power. Although its charges were thrown out, the Commission’s intention to investigate racism has left the BLA with a sense of vindication.

According to Naidoo the Commission was following a self-determined programme to pursue its aims.

“We have not received specific complaints from any individual, except in comments by journalists throughout the land who have insisted that racism is highest in the media.

“The issue at stake here is racism and not freedom of expression as has been suggested.”

“In fact, there is no way that we can dictate to the media on what to do about its problems. We can only make recommendations to Parliament and the industry in the hope that we can make the country move forward.

“It is very good that the issue has been brought out into the public arena.”
'Media must be open to scrutiny'

By Robert Nkuna

The report released by the Truth and Reconciliation Commission in October revealed the role of the media in human rights violations during apartheid.

From the report it emerged that the media, in their capacity as champions of human rights and democracy, played a significant role in exposing and documenting human rights abuses.

Since the report's release, there have been calls for the media to be more transparent in their reporting and to ensure that their coverage is balanced and fair.

In October 1997, the South African National Editors Forum (SANEF) and Independent Newspapers co-sponsored a conference at Rhodes University on the role of the media in the democratic process.

From the conference it was evident that there was an urgent need to ensure that the media and other media organizations were not only free to operate, but also responsible in doing so.

It is also important to note that the media should be held accountable for their actions and that there should be a system in place to ensure that they are held to account for their actions.

Since the release of the Human Rights Commission's report, there has been a renewed call for the media to be open to scrutiny.

The Human Rights Commission recently announced that it would set up an inquiry into the role of the media in South Africa.

The commission said that it would look into the role of the media in the past and how it has handled cases of human rights abuses.

The commission said that it would also look into the role of the media in the current and future democratic process.

The commission said that it was important to ensure that the media and other media organizations were not only free to operate, but also responsible in doing so.

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Press - 1999
Misunderstanding on racism probe cleared up

Dustin Chick and Sapa

Misunderstanding on the reason for an SA Human Rights Commission investigation into racism in the media had been cleared up during a meeting between the commission and SA National Editors' Forum on Tuesday, Sanele chairman Mike Sihluma said yesterday.

The misunderstanding arose after a number of editors expressed concern that the investigation would result in a "witchhunt" against certain publications.

This was cleared up after assurances that the investigation would examine "the manifestation of racism in the products of the media".

Sihluma said it was the forum's understanding that the commission's investigation would help contribute to the elimination of racism in society.

The commission has also proposed in a discussion document that the constitution does not go far enough to guarantee equality or prohibit unfair discrimination in all spheres of society and that specific legislation is needed to ensure this.

The document explores the idea of introducing laws aimed at addressing various forms of discrimination South Africans experience in their daily lives.

"The problem of discrimination in SA society is deep-seated, multifaceted and pervasive," the document says.

Discrimination based on racism, sexism and other grounds occurs for many reasons. These are related to a range of psychological and sociological factors, including religion, morality or fear.

The document questions whether the law is an appropriate mechanism to address these factors. Although the Constitution guarantees equality and prohibits discrimination it does not go far enough.

The same can be said about other constitutional rights which are expanded upon in more specific legislation.

Discrimination is difficult to prove in the courts. Therefore, legislation which specifically deals with discrimination should provide more useful remedies and speedy procedures," the document says.

Meanwhile, the commission announced the appointment of Thomas Mallatha and Leon Wessels as members yesterday. Both assumed duty on January 1.

Mallatha was for many years a field worker for the Dependents' Conference of the SA Council of Churches.

Wessels comes to the commission from private practice on the Johannesburg Bar. He left Parliament in 1995 immediately on the adoption of the final Constitution and served for many years as a National Party MP for Krugersdorp.
Media racism probe soon

STAFF REPORTER AND SAPA

The Human Rights Commission said yesterday it was ready to begin its probe into racism in the media and would be examining all media producers, regardless of size.

The commission envisaged the investigation helping South Africans with the "process of engaging openly in a dialogue about the lingering effects of racism in our society."

"It's not a witch-hunt; we want to get South Africans to discuss the issue," said HRC spokesperson Robert Nhuna.

He said the HRC did not intend prosecuting any of the media organisations.

"By Monday we might be able to give an indication as to when the investigation will start. It will have to be very soon because we do not have much time or resources."

There will be four stages to the commission's inquiries, the first being an invitation for submissions and the commissioning of independent research.

"The submissions will then be studied, and parties implicated will be called to make a counter-submission. Public hearings will then be convened and a report and recommendations will be published."

The HRC met with members of the SA National Editors' Forum (Sanef) this week and briefed them on the probe.

Sanef chairperson Mike Siluma said the Sanef executive believed there may have been a misunderstanding on the reason for the inquiry. "If the inquiry is successful, we believe the findings could help the media in their capacity to be responsive and sensitive to the needs of all the people of South Africa."

The matter would be fully discussed by Sanef's national council at its meeting in Cape Town next month, when it would adopt an official position on the inquiry.

Comments from concerned parties received by January 23 will be considered before the publishing of the final terms of reference in next month's Government Gazette.
Spectre of the old order still dogs this country's journalists

BY PETER REYNOLDS

Star 4/1/99

The "New South Africa" criminal justice system has been quick to learn from its predecessors the very best way in which to antagonise the media.

Section 205 of the Criminal Code is, on the face of it, a simple provision whereby the police require a person who may have information relating to a crime, to give evidence on oath before a judge or magistrate so as to assist the police in their investigations.

In today's climate of lawlessness, this would seem to be a fit and proper provision to ensure the effective administration of justice. However, the police, like those in the apartheid era, are now using the provisions of section 205, or equivalent legislation, to harass the media into supplying information in relation to criminal activity.

One should remember the cases of two journalists, Benjamin Pogrand and Patrick Laurence (there were others), who, when subpoenaed under section 205 to supply confidential information to the police concerning crimes, refused to answer questions which could disclose the identities of their confidential sources.

Apart from being a breach of confidentiality, it offended their journalist code of ethics. They were sentenced to imprisonment without the option of a fine on the basis that they enjoyed no legal immunity from disclosing such information.

The controversial use of section 205 of the Criminal Procedure Act which, in the apartheid era, saw journalists threatened and jailed for failing to disclose their sources or refusing to give information to the police - has now re-surfaced in the aftermath of the Pagad killing of Reinald Staggie in Cape Town in 1996.

Recently, journalists have received subpoenas to give evidence at an inquest into Staggie's death of what they saw and/or produce film taken at the scene of the murder. Seventeen journalists have been subpoenaed, so far, and have refused to respond. In other words, they are being forced to assist with the police investigations, and give State's evidence against the accused, should there be a trial. This is the resurrection of the journalists' worst nightmare - they either disclose the information and give State's evidence, or go to jail.

But why do journalists have this problem with section 205? Section 205 of the Criminal Procedure Act, and other similar provisions, namely the South African Press Council's guidelines on confidential sources, have been designed to protect newspapers and journalists from being forced to disclose information which might harm the public interest by giving evidence of what they saw while they, in the course of their duties, were in areas of unrest.

Are they the eyes and ears of the police and our justice officials? Are they to be an extension of the criminal justice system? What journalists worth their salt would willingly give evidence for the State for this purpose?

Firstly, they could be singled out for "treatment" next time they ventured into an unrest area, and, secondly, and more importantly, their integrity would be "seized out" for the remainder of their journalistic careers. What local group of persons, eg Pagad, AWB, UDM etc, would allow such journalists near a sensitive area of unrest to film and/or report the events if they are known to co-operate with the police to secure criminal convictions, and who will entrust any sensitive information to such people?

Journalists must be allowed to pursue their profession in a lawful manner, without harassment, in the best interests of what the press is all about; this is what one of the fundamental rights in our constitution is supposed to give us - but does it? This issue, of vital importance to freedom of the press and all media, is being argued by lawyers in Cape Town.

Section 205 and other legislation for legitimate purposes by all means, but don't abuse it by seeking to use reluctant journalists as an extension of the arm of justice - it will not work. What is needed is not possibly favourable court judgments, but a further dramatic change in the law. The minister of justice has been talking about it for some time - now some action is required.

Peter Reynolds is a senior partner at Webber Wentzel Bouws, specialising in media law.
Terms of reference for media probe (249)

Thembahlengani

The Human Rights Commission has finalised its terms of reference for investigation into racism in the media, the SA National Editors' Forum said at the weekend.

The commission will:
- Investigate the media's handling of race and the possible incidence of racism in the industry, and whether such racism constituted a violation of fundamental human rights, and
- Probe the causes and examine the impact on society of racism in the media.

Submissions to the investigation have already been received from Times Media, Print Media Association, Nasionale Pers and individuals. More submissions are still being sought.

The investigation will be conducted by a panel to be headed by commission chairman Barney Pityana or another commission member designated by him.

It is not clear when the findings will be released.

00 16/12/99
New agreement protects journalists and sources

OWN CORRESPONDENT

Cape Town — For years, journalists have fought against the police invoking Section 265 of the Criminal Procedure Act to try to force them to reveal confidential sources or to hand over information and other material.

On Friday, a landmark memorandum of understanding designed to protect journalists and confidential sources of information was signed between the Government's law enforcement ministries and the behalf of the media, the South African National Editors' Forum.

The agreement is an interim measure to provide protection for journalists and their sources while possible amendments to the act continue to be explored and includes provisions regarding the issuing of Section 265 subpoenas on journalists as a measure of last resort, and then only after extensive consultation.

The agreement was signed by Justice Minister Dullah Omar and representatives of Safety and Security Minister Sydney Mufamadi and National Director of Public Prosecutions Bulelani Ngcuka, for the state, and Cape Argus editor and editors' forum vice-chairperson Mongezi Williams, on behalf of the media.

Several Cape Town journalists and newspapers — including the Cape Times, Cape Argus and Die Burger — are in dispute with the state over whether national information surrounding the August 1995 lynching of Hard Livings gang leader Rezaard Staggie should be handed over to the state.
Deal to protect sources a ‘first step’

Taryn Lambert

AN AGREEMENT signed by the SA National Editors’ Forum (Sanef) and government representatives in Cape Town on Friday was described by Sanef as only the first step towards making it possible for journalists to protect sources without fear of prosecution.

Cape Times editor Ryland Fisher, convenor of Sanef’s media freedom committee, said the agreement was “by no means perfect” but would serve as a “safety net” for journalists until legislation could be amended.

Fisher said the next step would be to amend section 205 of the Criminal Procedure Act, which can be used to force journalists to disclose confidential sources. This would probably be done only next year because of the backlog in legislation. The third step would be to amend more than 40 other pieces of legislation which affected journalists.

Friday’s agreement stipulates that prosecutors or safety and security officials seeking to compel journalists to testify or provide confidential documents will be referred to Bulelani Ngcuka, the national director of public prosecutions. Ngcuka will give the media an opportunity to make representations or “initiate a process of mediation and negotiation”.

The agreement was signed by Justice Minister Dali Mpofu, safety and security secretary Azali Chembo, Ngcuka and Cape Argus editor Moegsien Williams, the vice-chairman of Sanef, after six months of discussion.

Sanef said the agreement should ensure that section 205 was invoked only as a last resort.

Fisher said section 205 was frequently used by police in cases not involving journalists, for example to force banks to disclose records which would assist in tax evasion cases.

Journalists have opposed section 205 vigorously and many have chosen imprisonment above disclosing sources in court.

Cape Town media agencies have refused to adhere to subpoenas from the magistrate presiding over the inquest into the death of gang boss Roshad Staggie. The agencies argue that the freedom of the media would be jeopardized if they were forced to give their material on the incident to the police.

Fisher said he hoped the magistrate who had subpoenaed the journalists would see the matter in the “spirit of the new agreement” and drop the subpoenas.

BD 29/3/99
Media freedom queried after journalist’s arrest

The military has defended its decision to lay charges against a Swiss journalist, despite the fact that the documents he possessed were supposedly in the public domain, writes Taryn Lamberti.

CLASSIFIED documents remain classified until they have been in the state archives for more than 20 years or until the originator of the document decides to declassify it, says defence department spokesman Col John Roel.

He said an internal departmental inquiry would be set up “within the next few days” to establish the status of the document over which Swiss journalist Jean-Philippe Ceppi was arrested.

Roel said he could not comment on the fact that truth commission spokesman Mdu Lamba said the document was handed to journalists at the commission’s chemical and biological warfare hearings last year.

He could also not say why the Western Cape’s director of public prosecutions, Frank Kahn, had decided not to pursue the charges.

Ceppi was released from police custody late on Monday after spending the weekend in the Table Bay Police Station.

He was arrested on Friday and charged with being in possession of classified documents which were found in his hotel room.

After his arrest, Ceppi was taken to the Sea Point police station but was later released after Swiss diplomats raised a fuss over the conditions of his detention.

After his release from custody at the Cape Town Magistrate’s Court, Ceppi said he was considering civil action against those responsible for his arrest.

The charges were withdrawn after a lengthy discussion between Kahn, senior public prosecutor Mark Wakefield, Ceppi’s advocate Anton Katz and instructing attorney Richard Rosenthal.

Ceppi, who denied that he had violated any SA law by being in possession of the papers, described his ordeal as “horrific.”

Media observer Raymond Louw, said the “outrageous” way in which Ceppi had been arrested was a setback in the move towards media freedom in SA.

Louw said government had agreed to review legislation affecting journalists in an agreement signed with the SA National Editors’ Forum (Sanef) in Cape Town last month.

Government needed to “move more quickly” in this regard.

The law under which Ceppi was arrested was “an old one” which contravened the constitution, he said.

Despite Ceppi’s arrest, Sanef and government’s agreement was “still making headway,” as the government had withdrawn the charges “because they knew they were making fools of themselves,” Louw said.

He said government was “paranoid about anything to do with state security relating to the last regime,” which “boggles the mind.”

Roel said he could not say why the documents were classified, only that they were classified.

The Foreign Correspondents Association of Southern Africa told Sapa it welcomed Ceppi’s release.

“However, we condemn in the strongest possible terms his original arrest and paling for the alleged possession of confidential documents,” said spokesman Alex Belida.

“We remain deeply concerned about the existence of laws in SA which permit the authorities to restrict the publication or broadcast of sensitive information as well as laws which can be used to harass journalists to reveal their sources.”

These laws remained a threat to freedom of the press, Belida said.
Southern Africa media under siege

Callum DAVIS

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ANALYSIS
MS LAKELA. Kaunda will become
the first woman editor of a daily
newspaper in South Africa when she
assumes the position at the Evening
Post in Port Elizabeth next month.

The chairman of the board of
times Media Eastern Cape, Mr.
Lawrence Clark, announced her
appointment yesterday.

Kaunda replaces Mr Neville
Woolborg who will be taking early
retirement after 21 years as editor.

Kaunda joined the Evening Post
in November last year as deputy
editor after working as a director in
the Department of Communications
in Pretoria.

She previously worked for the
Natal Witness for nine years, where
she started out as a general news
reporter and rose through the ranks
to political reporter, political corre-
spondent, deputy news editor and
assistant editor.

Kaunda said she was excited
about her appointment and was
ready to fast-track the task of
making the Evening Post an authori-
tative and influential daily in the
region.

"The Post has already begun its
journey towards being a leading
quality newspaper that will be a
must read for anyone who wants to
keep up with the changing times. We
will not disappoint our readers," she
said. Kaunda holds a Bachelor of
Journalism degree from Rhodes
University - Sepe.
SAUJ wants TML to disclose empowerment partners

Wyndham Hartley

CAPE TOWN — The SA Union of Journalists (SAUJ) has called for Times Media Ltd in the Eastern Cape to divulge the identity of empowerment partners set to take a 30% share in East London’s Daily Dispatch through Dispatch Media.

The Border region of the SAUJ, through its branch president Graeson Haw, said it supported a broadening of the ownership base, making it more representative but “condemns the secrecy around moves to sell a stake in the company to black empowerment partners”.

Haw said that Dispatch Media MD Basil Haddad confirmed on Friday that negotiations were advanced for the sale.

The TML board is expected to make a decision on the offers today.

He complained that in wage talks last November the union was assured that plans were not at a stage which the union needed to be concerned about Haw said given that negotiations with empowerment groups had been going on for about 18 months, the assurance was at very least “disingenuous”.

He called for the partners’ identities and political affiliations to be revealed.

Sources said the potential buyers of the 30% stake were from the Border region and former Transkei. Apparently none has known high profile links to political parties, but some have been linked to organised black business through the National African Federated Chamber of Commerce (Nafoc).

Haw said staff at the Dispatch had grown used to discovering policy changes from the notice board, reinforcing the view that Dispatch Media was not independent from TML.
Laws needed to ensure free media
SAUJ proposal well received

Media may have one mega union

FRANK NKUMALO

Johannesburg - South Africa's media and allied workers' trade unions are holding a historic moment as they consider merging to form a single union. The proposal, which has been positively received by other unions, including the Media Workers' Association, the South African News Agency, and the South African Union and Catering and Allied Workers' Union, has excited and enthused the prospect.

"Obviously, there is a need to negotiate over the various aspects of the respective constitutions," said Garret MacLiam, the president of the SAUJ.

He said he was looking forward to a planned formal merger meeting between himself, the general secretary of the SAUJ, and their counterparts from Meyase.

"Naturally, when the proposals have been discussed in depth, we will bring it to our membership," MacLiam said.

The point of the merger was that it would lead to more effective unions in the media industry and that a single entity is needed to represent their needs.

"Because of the combined demands, we are going to see greater uniformity in respect of industrial relations practices in this industry," Gerberstein said.

"Thembeka Hlatshwayo, the general secretary of Meyase, said it would be "much more ideal" to have one huge media union.

"We could be a much more powerful pressure group if we could come together and form one huge media union," Hlatshwayo said.

He said the issue will be one of the main items on the agenda of Meyase's national council conference, scheduled for July 9 and July 10.
Democracy challenge to the media

JACOB ZUMA

The deputy president Jacob Zuma's address to the annual general meeting of the South African National Editors' Forum.

I
t is indeed an honour to address you on this auspicious occasion. A media professionals will indeed have afforded the opportunity to address a gathering of the editors of the South African media.

Ten years ago South Africa lived under unprecedented conditions where we could not speak our minds freely without fear of reprisal and where the media was silenced, blackholed and gagged. But like the sea gently lashing against our shores, the tide of freedom could not be stopped by the forces of repression. The people spoke through their liberation movements and broke through the massive walls of apartheid.

Where did the media stand in this process? Some sections of the media unashamedly supported the system of apartheid. Some sections stood on the sidelines observing both sides. Yet other sections of the media spoke out and were punished. This occasion is an important moment in our history where we can sit back, reflect and begin to chart a new direction. The key question is whether the media will stand up and be counted.

To answer this question we must understand what we have achieved in the short five years of our democracy. In this decade we peacefully negotiated a constitutional settlement, we embarked on a representative democracy and we embarked on a process of drafting a new democratic constitution. We have effectively held two peaceful elections.

I will use my point of departure as our Constitution which establishes very sound principles of democracy and the protection of human freedom that we hope we will have to govern for the future. I argue that the Constitution is a democratic one since it is the result of the dialogue and inputs of all the stakeholders and the formation of three separate branches. The process and the product that we are now here to debate is, in fact, widely regarded as one of the most advanced Constitutions in the world.

Our Constitution laid the basis for the establishment of democratic institutions and the foundation for the "deepening of our democracy." The Constitution has made provision for the establishment of state institutions that serve to safeguard and strengthen democracy. These are the Public Protector, The Human Rights Commission, The Commission for Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, The Commission for Gender Equality, The Auditor-General and the Electoral Commission.

While the process of establishing these institutions already exist in our Constitution, there is an absolute right, seemingly, that we do not have individual or political parties to undertake. It is in this spirit where we are calling for a more open society. This means that the media must be open and supportive of our new democracy.

Government must too be at the receiving end of much criticism from the media. The media as well has been on the receiving end of criticism from the government. As government, we appreciate the interaction since we believe that a central pillar to a healthy, democratic and prosperous society is critical debate. Essential is the need for media to provide a platform for democratic values and informed decision making.

However, there is a fine line between constructive criticism and sensational reporting. Sensational reporting can alienate and instead of the very heart of the democracy. Such reporting attempts to cast doubt about what we have achieved and polarizes our society among historical divisions. Such reporting is also characterised by poor investigative journalism where some of the facts of the issue at hand are not accurately and low of the facts are presented in a false manner.

The key challenge for the media is to take responsibility about what they put in the public eye and whether it is presented. The media needs to be seen above the rights of citizens and public figures and should not cast unthinking and unbalanced chains. We believe that the media is a leading responsibility to ensure the deepening of our democracy by being constructive, developmental, educational, transformative and generally patriotic of our future.

Let us take a look at the last election. One of the most salient features of the election was the participation of our youth. They clearly represent our future. Unlike they are actively involved in shaping our collective future and exercising their rights as our young citizens, in through voting for the party of their choice, our democracy is in danger. What we need is to develop a specific focus on these young people and women who will be the cornerstone of our country, our democracy.

Another critical sector that needs to be touched by the media are women. Women are mothers of our children, the breadwinners of our homes, the backbone of our nation. Yet they are marginalised in the mainstream economy and are more vulnerable and isolated than men. Women need to be empowered and made aware of their rights and the roles in which they can claim these rights. The media has a critical role to play in communicating and educating our mothers and our sisters.

For democracy to liberate the people, to set free their minds, it is necessary that the future holds for them in shaping their own destinies.

Another key issue for the media is whether or not they should be playing political stances in the elections. This election was marked by the concentration of various political parties. In all elections, certain sections of the media expressed their support for particular political parties and in some cases even campaign issues. So we government cannot purport the positions that the media has taken on particular issues. We can say that this is an issue that we believe the media must resolve the change, however, of the media taking party political positions is that they become a player in party politics.

They become associated with particular parties and therefore open themselves to becoming questionable protectors of the public interest. There is a fine line between the narrow party political positions and the public interest. The key challenge for the media today, is whether they advance our political and democratic development or the interest of a political party, irrespective of which party it is.

The key priority for our new government over the next five years is economic development. We have to put in place macro-economic policies that will support the growth of the economy. What we need is a sound macro-economic policy framework that will support the growth of the economy and the creation of jobs.

The local media must give a voice to the ordinary people. What government and the media have in common is the public interest.

What government and the media have in common is the public interest. This is what binds us together. I hope the future will mean that we can also co-operate and form strong partnerships, a new mentality, a new partnership, a new bond and take forward the spirit of our Constitution.

This is the challenge for all of us as we speak and reflect on the issues at hand. Our sustainable future is certain, together, with your co-operation and support we can move forward with confidence.
Editors pledge to fight for free press and access to information

THE South African National Editors' Forum (Sanef) said yesterday it would launch a Media Freedom Campaign to force changes to laws restricting freedom of expression, access to information and other constitutionally protected rights.

In a statement issued after its second annual general meeting in Durban, Sanef said while relations between politicians and journalists had improved, legislation that restricted the free flow of information remained on the statute books.

Sanef, which comprises the editors of most of the country's main newspapers and magazines and senior journalists in print and electronic media, was satisfied with a recent agreement with the Government to introduce safeguards to prevent the indiscriminate use of Section 205 of the Criminal Procedure Act against journalists.

During the apartheid era, the section was used to subpoena journalists to testify in court, and they were often forced to reveal their sources.

The agreement is, however, an informal one and Sanef urged the Government to speed up the process of amending the Criminal Procedure Act to provide legislative safeguards for journalists.

"(Sanef) also urges the Government to implement urgently its request that legislation that conflicts with the freedom of expression clauses of the Constitution be scrapped or amended," said the forum.

Sanef said it would also support the Freedom of Expression Institute in its efforts to lobby for provisions protecting access to information and its efforts to speed up the enactment of the Open Democracy Bill.

During the June election, relations between politicians and journalists were better than in South Africa's first all-race national election in 1994 or the 1995/96 municipal elections, Sanef said.

"Sanef believes that the example set during the 1999 election campaign bodes well for the municipal elections due next year, but will continue to monitor the conduct of political parties in politically volatile areas and will play a role to promote tolerance where necessary," it said.

Sanef said it looked forward to "continued cordial relations" with the Government but urged officials and Cabinet ministers to consult Sanef on any legislation or policy that might impact on the flow of information.

Sanef expressed alarm at a recent instruction issued to police officers by SA Police Service management that they should not give statements freely to the media.

Policemen and women who transgressed this instruction were threatened with redeployment, Sanef said.

"Sanef believes this instruction will shut down communication between the police and the media, which is essential in a democracy that aspires to be transparent and accountable," the forum said.

The instruction put senior police officers in control of communication with the media. Sanef regarded this as "a reversion to old style authoritarian practice which has the undesirable effect of censuring information.

In other resolutions, Sanef said the editors would mobilise the media to curb violence against women and children. The editors would "break the silence which has sanctioned the slaughter and abuse of women and children."

-Sapa.
Editors call on Govt to protect journalists

By Waghied Mishbah
Political Correspondent

SOUTH Africa's newspaper and electronic media editors have called on the Government to speed up legislation to protect journalists from criminal prosecution if they refuse to reveal their sources.

At a briefing to the Communication Portfolio Committee in Parliament yesterday, the South African National Editors' Forum (Sanef) made a passionate plea to the Government to amend the legislation to conform with the national Constitution.

The briefing was made by editors of two Cape Town-based newspapers, Moegae William from The Argus and the Cape Times' Ryland Fisher, who also doubles as Sanef's deputy chairman and convenor of its media freedom committee.

Fisher said that Sanef was satisfied with the agreement reached with Government on the rights of journalists to protect their sources.

However, it had resolved at its annual general meeting in Durban last weekend to ask the Government to speed up the amendment of the controversial Section 205 of the Criminal Procedure Act, and to amend or scrap all other legislation that conflicted with the freedom of expression clauses in the Constitution.

Sanef also expressed its "alarm" at attempts by the police to prevent police personnel from speaking to the press. It deemed the fact that those police who do so could be redeployed a move that would shut down communication between the police and the media, which is essential in a democracy. This meant that the communication with the media would be controlled by senior officers and would be a "reversion to old-style authoritarian practice. This would have the undesirable affect of censoring information.

The Communications Committee was also told that Sanef would "condemn" the media to address the HIV-AIDS crisis to help in the fight to protect women and children from this disease.

Thousands of women are raped each year contributing to the shocking HIV-AIDS figures. To illustrate their argument they told the committee that almost 17 000 women are killed and raped in South Africa each year, 7 000 more than the total number of people killed in the Kosovo conflict.

Sanef had resolved to help in "breaking the silence which has sanctioned the slaughter and abuse of women", Fisher said.
The media ... free or still under siege?

By Themba Molefe

Although not included in the same book, October 1977 marked a day commemorated nationwide by media activists and sympathisers. The week-long violent anti-government demonstrations which shook the country were eventually quelled. By the time the 22nd anniversary of this year, the media were still a target.

The media and the government have always been at loggerheads. The police, long banned, were in the habit of conducting searches on the homes of journalists and seizing necessary documents. In 1976, the Sowetan was suppressed.

In defending the rights of his colleagues, Sipho Mzelele, the late editor of the Sowetan, said, "For us journalists who believe that the media is an important element in the struggle, it has always been a challenge to uphold the principles of journalism."

Mzelele's words echoed those of former editor Thabo Mbeki, who said, "The media has always been a catalyst for change in South Africa."

Another defeat that has dominated media news was the fall of the Johannesburg Stock Exchange in 1997.

"We are living in an era of increased freedom, but the battle is far from over," Mzelele said. "The struggle for press freedom is far from over, and the media must continue to fight for their rights."
Zuma promises press freedom

JOHANNESBURG: "Never again shall the state machinery be used to suppress freedom of expression and other aspirations of the people," said Deputy President Jacob Zuma at a press freedom celebration of the Forum of Black Journalists last night.

Speaking to throngs of journalists and media practitioners, Zuma said the growing openness of society and the information technology revolution had posed the two greatest challenges to the media in the new millennium. He said the way in which the media used the space provided by democracy and the information revolution, would determine its future.

"Firstly, we must be clear about the impact of the technological revolution which is sweeping across the world. It has the potential to fundamentally change the power relationships within society and to influence economics, political structures, civil society and corporate destinies," he said.

"As more and more people get access to information we have to ask ourselves: What will come through those communications arteries, what content will run through those optic fibres and what agenda will be pursued?"

Zuma said a related question was the yardstick used to determine newsworthiness. By way of example he quoted a story told by President Thabo Mbeki. A senior journalist had told him: "It is not my duty to report when you build a dam, but it is my responsibility to report when you fail to build the dam."

He said the Government would want to see an agenda which empowered broader society by providing it with information. This would include the promotion of socio-economic development, involving communities in development, facilitating trade, promoting self-determination and human rights. Human Rights Commission chairperson Barney Pityana and Evening Post Editor Lakela Kundai also presented speeches. — Own Correspondent
Journalists under siege

A 243

As local journalists celebrated the gains made in their hard-won battle for media freedom at a gathering in Johannesburg this week, other African journalists reminded us that their struggle was not yet over, writes Sharon Chetty

While South Africa celebrated media freedom this week, other African journalists reminded us that their struggle was not yet over, writes Sharon Chetty.

However, since the poll results were not accepted by the rebel Unita movement, the attention continued and the war re-started last year.

He and Josefa Lambertaga, a Voice of America correspondent, chronicled a systematic and rapid "decline in respect" for the media, especially since the war resumed.

While they say that there was brief respite during the ceasefire after the 1992 poll, journalists were nevertheless harassed, detained and tortured for writing about government corruption, the abuse of state funds and investigating officials' links with smugglers.

The murky deals of sanctions-busting diamond and oil trading with UNITA continued despite efforts by the United Nations to enforce an embargo against the rebel movement.

Often merely quoting UNITA leader Jonas Savimbi or any of its officials is enough reason for the government to clamp down on the media, the Catholic Church's Radio Ecclesia and the privately owned Radio Morena were forced off the air and journalists were arrested and charged for doing so.

Lambertaga says she is part of the generation that has only lived under conflict, which has, in effect, lasted 39 years. When I was born, the Angolan armed struggle against Portuguese colonization had already begun.

"As a teenager I was blessed with Angolan independence but simultaneously condemned to a civil war," she said.

Counting the numerous dead colleagues, every one of whom was killed "mysteriously," Lambertaga said it was both "sad and impossible" to speak of democracy or press freedom in her country.

She was physically attacked by an army corporal earlier this year in retaliation for a report on the renewed conscription of youth.

The government pledged not to enlist any more young men into the army. But when the fighting with UNITA started again, even theology students, who should have been excluded, were drafted.

Lambertaga did a story on the fact that "only poor and black youths" were being conscripted, for which she was pursued and attacked by three soldiers.

Silva captured the fears when he said: "In Angola, when someone tells you to shut up or he'll kill you, you better shut up. "Because it does not matter, who you are, journalist or not, you should listen."
HRD reports back on racism in the media
SA media accused of racism
The Filing by the SHAREC was not
processed and the case never filed in
the Circuit Court of Cook County.

The SHAREC filed a petition for
injunction and temporary restraining
order in the Circuit Court of Cook
County, seeking to enjoin the release
of the information, but the court
refused to issue the injunction.

The SHAREC subsequently filed a
suit in the Circuit Court of Cook
County, alleging violation of federal
laws and seeking declaratory and
injunctive relief. The court dismissed
the case, finding no violation of federal
law.

The SHAREC appealed the decision
to the United States Court of Appeals
for the Seventh Circuit. The court
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Court of Cook County, finding no
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