

# Journalists on the Frontline of Human Rights Defence



## Conference Report

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Proceedings and Resources

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In light of the challenges faced by journalists in the sub-region of the East and Horn of Africa, this report is dedicated to all the journalists within the sub-region who are under detention as a result of their work. Particular attention is drawn to the Eritrean journalists who have been in detention since 2001 and whose whereabouts are not known; and those arrested in Ethiopia in the aftermath of the 2005 General Elections. The East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) continues to advocate on their behalf with the hope that justice shall prevail.



Hassan Shire Sheikh  
Chairperson EHAHRDP/Net

# 1 Background

The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) is a not-for-profit organisation based in Uganda registered in 2005. It is affiliated with the Centre for Refugee Studies at York University, Canada and its activities span IGAD member countries of; Djibouti, Eritrea, Ethiopia, Kenya, Somalia and Somaliland, Sudan including Southern Sudan, Uganda, and also includes Tanzania.

The Project acts as the Secretariat of the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net), a coalition of more than 45 human rights organisations and individuals defending the rights of others.

It envisions a region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights (UDHR) are respected and upheld.

EHAHRDP's mission is to maximize the protection of human rights defenders working in the sub-region and to enhance the awareness of human rights work through linkages with national, regional and international like-minded entities. Its work aims to fulfil the following:

- To protect and defend HRDs in the region
- To build the capacity of HRDs in the region
- To advocate and raise public awareness and profiles of HRDs in the region

The Project is the executing unit of the Network's ideas, and its activities aim to achieve the above-mentioned objectives.

The Journalists' Conference for the East and Horn of was one of the capacity building activities carried out by EHAHRDP targeting journalists and media workers in their capacity as human rights defenders (HRDs). Thirty four (34) journalists including other HRDs working outside the media<sup>1</sup> attended the three-day conference. It aimed at providing an opportunity to discuss and sensitise journalists about issues of human rights work and opportunities of intensified synergetic linkages between the media and other human rights defenders. Background to this was the understanding that journalists, many of them being HRDs in their own regard, are a vital link in the efficiency of human rights defenders' work. However, a need for enhancing the mutual understanding of the relevance of the others' work and their rights was identified.

The UN Declaration on Human Rights Defenders<sup>2</sup> defines a human rights defender as someone, who "[...] individually and in association with others, promotes and strives for the protection and realization of human rights and fundamental freedoms at national and international levels."<sup>3</sup>

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<sup>1</sup> Participants from the following countries attended: Eritrea, Ethiopia, Kenya, Somalia and Somaliland, Sudan including Southern Sudan, Tanzania, and Uganda. Mr Jean-Paul Noel Abdi, prominent human rights defender from Djibouti was unable to attend due to harassment from his Government.

<sup>2</sup> The full title is; United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on 9 December 1998, on the Occasion of the 50<sup>th</sup> Anniversary of the Universal Declaration of Human Rights.

<sup>3</sup> Ibid, Article 1.

Every effort along these lines using non-violent means, accords protection to the HRDs as stipulated in the Declaration and other regional and international documents.<sup>4</sup>

Journalists as human rights defenders face multiple threats in the execution of their work in many countries of the sub-region. This conference was designed to create an improved understanding of human rights among media workers and to initiate closer cooperation with fellow HRDs outside the media in creating higher public awareness, and strengthening protection by a more efficient utilization of the media.

The main objectives of the Journalists' Conference were:

- To create and deepen awareness among journalists on human rights work and their role as human rights defenders;
- To train journalists on existing instruments of HRDs' protection and thereby enhance their knowledge on procedures in case of rights violations;
- To establish synergetic linkages with fellow HRDs and devise plans for regular information exchange.

With the help of the Network's Focal Person in each of the member countries, participants were identified along previously agreed criteria, i.e.:

- Proven experience in journalistic reporting preferably with a focus on human rights reporting;
- Employed with one of the major media houses/institutions (newspaper, radio or TV);
- Having worked in a situation of armed conflict, in divided society or under political/legal repression.

Some participants' experience of having faced direct political or legal repression was thought to prove worthwhile when provided as testimonies to other conference participants. A gender-balanced selection of candidates was furthermore encouraged.

## 2 The state of the media in the East and Horn of Africa

Besides being signatories to relevant international and regional instruments on human rights and fundamental freedoms, most states in the sub-region have freedom of expression enshrined in their national constitutions. However, the following country reports<sup>5</sup> compiled by participants show the non-compliance with international standards and clear breaches of national legal provisions infringing on journalists and human rights defenders' rights.

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<sup>4</sup> For example the EU Guidelines on Human Rights Defenders adopted by the Council of the European Union on 14 June 2004; African Charter on Human and Peoples' Rights & the Special Rapporteur on HRDs

<sup>5</sup> The reports are a result of individual participants' research and experience in their respective countries and therefore constitute personal views which are not necessarily those of the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) or those of all other participants of the conference. Neither are they able to provide full account of the situation of journalists in their respective countries.

## Eritrea



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### Aaron Berhane (Journalist in exile)

If there are people denied their fundamental rights by their own Government after having paid dearly for their independence, it is the Eritrean people. There is no freedom of speech, no freedom of religion, and no freedom of movement. All private newspapers were banned. Fourteen top journalists are in prison since 2001. About thirty journalists have been forced to live in exile. The country remains solely with the state owned media. The press situation of the country is much worse than during colonial times.

The modern printing press was introduced to Eritrea in 1866 by missionaries. However, publication of news began to grow in 1891 only after Eritrea was established as a colony by Italy. Besides the propagandist newspapers, the Italians published some independent newspapers. The dominant topics of these newspapers were; politics, sports, and commerce. Their target readers were Italians who lived in Eritrea. As a result, the Eritrean people were unable to benefit from these few newspapers. They didn't have a forum of their own to practice freedom of the press and they remained marginalized.

During the British colonial period (1941-1952), a small radical press of the indigenous political parties appeared for the first time. Due to the relaxing censorship of the papers by the British in 1947, Eritreans enjoyed free discussion of issues that concerned them. They discussed what was good for the Eritrean people and Eritrea's future. However, this freedom didn't last long; it ended when the UN formed a federation of Eritrea and Ethiopia in 1952. The Emperor Haile Selassie violated the federation and annexed Eritrea. Later, he banned independent newspapers which were an instrument of different parties. Until Eritrea's independence in 1991, electronic and print media were owned by the Government and only served the purpose of the colonialists.

After a 30-year-long armed struggle and referendum in April 1993, the Eritrean people gained their national independence on May 24, 1993. A transitional Government was formed by the Eritrean People's Liberation Front (EPLF) and the Government started to lead the country towards full-scale democracy. Yet, the mass media remained under complete control of the Government. Most people were optimistic about enjoying freedom of speech—the freedom that was denied them by the colonialists.

In June 1996, the Eritrean Press Law was enacted which allowed print media to be owned privately. The broadcast media solely remained under control of the Government. One year later, the first independent newspaper, *Setit*, was published as a bi-weekly. Others followed suit two months later. The fledging independent press didn't take much time to flourish. It literally exploded. At one point, there were eighteen private newspapers. The driving forces behind this roll were the very positive reaction and the unexpectedly high demand which came from the Eritrean public. (This was mainly down to the nature of the independent newspapers: They reported timely issues in which the Government media was unwilling to cover) The cooperation between the independent press and its readership was a totally new and happy surprise to all.

However, the private newspapers had many challenges: Revenue, illiteracy, distribution, and pressures from the Government were some of the main difficulties. Eleven out of eighteen newspapers were kicked off the market due to the tough competition and lack of finances.

The remaining seven newspapers; *Setit*, *Mekalih*, *Kestedebena*, *Tsigienay*, *Hadas Admas*, *Zemen*, and *Wintana*, which survived the market competition continued to be printed twice a week with a circulation of 20,000 to 40,000 copies. They used to run their work under harsh conditions. Intimidation and telephone threats were part of their daily experience. Whenever the newspapers published content critical of the Government, the officials intimidated the editors via telephone. It was very common for journalists to be summoned to the police station for interrogation. The Government had no tolerance whatsoever for any criticism launched by the independent press.

However, the Government was not able to halt the momentum of the independent press. The independent newspapers intensified their criticism. After Eritrea and Ethiopia agreed to settle their border conflict peacefully, the conflict which began in 1998 and continued till the end of 2000. They advised and reminded the Government to respect the rights of citizens. They called for the rule of law and implementation of the constitution. They educated the people of their rights and duties and exposed how the Government worked. They became the voice of the people by echoing their pain and concerns.

At the same time, the Eritrean power circles were set back by the uncontrollable drive of the free press. All sorts of harassment intended to block the development of the free press began to show up. One of the frequently used measures was the forceful and unjustifiable conscription of the independent journalists into national service or, at times, outright arrests of some of them, summoning them to the police station for interrogation. These were common experiences of most independent journalists. There was also a period of official censorship before publication.

The first wave of Government crackdown on the independent press took place in October 2000 when eight journalists were arrested. However, the Government didn't dare to keep them imprisoned for long because the pressure from the international community was strong. They were released a week later.

When higher officials of the Eritrean Government, known as the G15, criticized the President in their open letter of May 2001, the independent press entertained ideas of dissent in their columns, which became a nightmare for the Government. President Isaias Afwerki's regime started to attack aggressively all fundamental freedoms of the country in September 2001 by exploiting the incident of bombing of the World Trade Center. He arrested eleven former leaders of the Government and banned all private press on September 18, 2001, while the attention of the international community was switched to the USA.

This was immediately followed by the second wave of 'group arrests' of independent journalists. Fourteen journalists from the private and State media were arrested and held incommunicado. Amanuel Asrat, Editor-in-Chief of *Zemen*; Matios Habteab, Editor-in-Chief of *Mekalih*; Yosuf Mohamed Ali, Editor-in-Chief of *Tsigienay*; Said Abdelkadir, Editor-in-Chief of *Hadas Admas*; Dawit Habtemichael, assistant Editor-in-Chief of *Mekalih*; Medhanie Haile, Assistant Editor-in-Chief of *Kestedebena*; Dawit Isak, reporter for *Setit*; Fissehaye Yohannes (Joshua) reporter for *Setit* and winner of the International Press Freedom Award of CPJ; Temesgen Gebreyesus, reporter for *Kestedebena*; Seyoum Tsehaye, freelance editor/photographer and former director of Eritrean state television; Fitsum (Wedi Adie), reporter for *Zemen*; Ghebrehiwet Keleta, reporter for *Tsigienay*; Salih Aljezaeri, reporter for the Government radio (*Dimtsi Hafash*); and Hamid Mohamed Said, reporter for the Government TV (*Eri-TV*). This is what made Eritrea, in CPJ's words: "Journalists' largest prison in Africa".

On March 31, 2002 the journalists of the private press, who were vegetating in the prisons, went on a hunger strike in protest of their prolonged detention without any due process of law. Three days later, on April 3, 2002, they were forcibly taken into an undisclosed location and have since

been held incommunicado. The Government hasn't filed any charges against them and no one knows their whereabouts. We don't really know whether they are alive or dead.

International support and sympathy for the cause of the independent journalists has been forthcoming. All the major human rights organizations have been taking initiatives in defence of freedom of the press and, particularly, of the detained journalists. Appeals to the Eritrean authorities; urgent action moves by Amnesty International; Reporters Sans Frontières (RSF); Committee to Protect Journalists (CPJ); PEN International, PEN Canada, the East and Horn of Africa Human Rights Defenders Network and the like, are still ongoing.

In spite of such pressures, the Eritrean Government has not come up with anything to justify the detention of the journalists who are being held behind bars without any formal charge for five years. They were publicly accused of treason, violating the Press Law, but never charged.

The un-elected Eritrean National Assembly in its meeting held in January 2002 came up with a statement endorsing the measures taken by the Government against the free press. They backed the decision taken to set up a committee that would elaborate a new law on which a "responsible" independent press would be based. So far nothing has been done. The private media remains banned. There is only Government-owned media in the country. The journalists who work for the state media do self-censorship due to their great fear of persecution. They are ordered to improve the ugly image of the Government. In other words, they are being asked to be merely propagandists rather than journalists.

This is a big concern to all of us. The Government has made no move to improve the dire political situation of the country. It has kept postponing elections; introduction of the multiparty system; implementation of the Constitution; and allowing the free press to function. As a result, Article 19 of the Universal Declaration of Human Rights has never been put into operation. The Eritrean people are experiencing greater oppression than during colonial times. This is really the ugly and sad part of our history.

## Testimony of Semret Seyoum

Former Editor of *Setit*, Eritrea's first independent newspaper, currently in exile



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### *"Prepare yourselves for the long march to exile"*

My name is Semret Seyoum. While still in my youth, I joined the Eritrean People's Liberation Front - now in Government, at least partly - in 1978. But because I was still under-age, I was sent to the Revolution School.

After thirteen years of service for the Liberation Front, I was among those who happened to see the full independence of my country Eritrea in May 1991. Nevertheless, up until this day, I am yet to see the freedom I was led to believe I would have in a free and sovereign Eritrea.

The time was after the New Year celebration of the year 1994, when students were coming back from an unusually prolonged school vacation. An official circular came from the Office of the President decreeing that all the freedom veterans or ex-fighters to leave the university and go back to their respective ministries or their units.

It was at this juncture in my life that I started to contemplate the idea and to harbour the ambition of founding a private and independent newspaper and I yearned one day to be able to live my dream -

defending the rights, the dignity and the humanity of the people on the one hand, and exposing weakness and failures of Government and helping them to take corrective measures.

This was also the moment that I started to think for myself and look at issues from my own perspective as opposed to following the crowd, blinded by dogmatic ideology as I have done most of my life. This particular event gave me a terrifying glimpse into what the future held for me, my family and my country. I was flabbergasted, to say the least, to be denied this opportunity by a movement that prided itself for championing and providing education to its members and the public.

With this in mind, I approached my colleague Aaron Berhane - a fellow veteran - with the idea of establishing a private newspaper. He liked the idea and we went straight to work. On the basis of Press Law declared on 10<sup>th</sup> June 1996, we founded the private newspaper and named it 'Setit'. The newspaper went onto the market for the first time on 21<sup>st</sup> August 1997, as the first and only private newspaper in the country at the time.

There were many hostile roadblocks that tested its resolve.

On 14<sup>th</sup> October 2000, Saturday morning three Government security members came to our office; the two stood on either side of the entrance, but the third barged in straight into the centre of the office without knocking or waiting for our acknowledgement. To my amazement, he asked me for my name. "Semret Seyoum" I said. Then he flashed his red security card and said, "Let's go," pushing me out of my office. I tried to plead with them telling them that I was a university student and that I had an Identity Card to prove myself. However, they were not interested in what I said; they knew what they were there for. They bundled me into a Land Cruiser and took me to Cinema Hamasien - a building recently converted into a detention centre.

That morning, seven other journalists were arrested and joined me. After one week's detention, thanks to the pressure mounted by the media and international community, six of us including myself were set free.

In May 2001 – Eritrea's 10<sup>th</sup> Independence Day - the National Assembly started to disintegrate. It was the time when, for the first time, high ranking Government officials and ministers - the petitioners known as Group-15 - were prepared to air their views and pose questions to the President. It was imperative for us, as the private media, to present to the public this side of the story.

This continued for almost four months. Finally, the blackest day in the history of the young country arrived, the day when its democratic and constitutional future was thwarted from its natural course. On Tuesday 18<sup>th</sup> September 2001, the G-15 members were rounded up and arrested and all private newspapers were closed down.

The telephone in the office rang and I immediately picked it up. It was a male voice I could not put my finger on saying, "Well, prepare for the long march to exile, fellows!" and slammed the phone in my ears. I was, to say the least, shell-shocked.

A week after the incident on Sunday 23<sup>rd</sup> September 2001, the Government security forces started to clamp down on the journalists of all the private newspapers. Aaron Berhane and I started living in different locations to avoid being rounded up, and this continued for almost three months. Then on Sunday 06 January 2002 at four in the morning, as the anonymous gleefully predicted, the two of us set on the course to exile, our immediate destination being the Sudan.

We departed from Asmara that morning, and after travelling all day we reached the town of Agordet. We stopped there and at dusk we continued our journey and safely reached Girmayka, a small town located very close to the Eritrea-Sudan border. There we rested for a few hours and then continued our escape on foot in the dark.

We were almost crossing the border when suddenly we realised we had blundered into an Eritrean patrol agents. The border guards shouted, “Who’s there?”, and did not even wait for our response to start shooting in our direction. The space between the zealous guards and us was so small that we had only a split second to react. We did the best we could to escape the sure-death and torture capture by those guards whom we knew to follow any order from the top to the letter, and even beyond.

We run in different directions. Aaron Berhane successfully escaped the ordeal, and after a long and treacherous journey he safely entered Sudan. Unfortunately for me, I had no chance as it was me they had chosen to follow. Four of them shouted at me to stop, pointing their guns. It was hopeless and so I gave myself up. They asked me whether I had a weapon of any kind. I said no. Then they grabbed me and ordered me to take off my shoes. They then frisked me and took all the money and other things I had on me.

Then they started beating me. Everything rained on me; kicks, punches, and head butting. Bare foot and both my hands tied behind my back, they walked me back to Girmayka. There, they tied my hands and my legs until they touched my back behind me and threw me on the ground under the night stars with nothing under my body or on me that could have protected me from the desert chill. I spent all night like this.

The next day, at around sun set, they took me to a camp called ‘Haddish Me-asker’. Once there, the rope that was used to tie my hands was replaced by a proper shackle. Moreover, the verbal abuse and incessant threats on my life became an endless daily ration. One of the frequent insults that terrorised and upset me was the word “zumbul”.

That was the favourite insult of one of the authorities of that zone known by ‘Sirnai’. Day in day out, he would call me ‘zumbul!’ He would interrogate me by asking questions like, how we started out as a private paper, who was behind the initiative, who we were meeting when we were doing this and this was always punctuated by threats to my life.

The word “zumbul” came into existence in EPLF during the 1970s and 1980s and was used derogatorily against those who are believed to have democratic and liberal tendencies. In those days, once you were labelled by that word, you were no longer taken seriously or were excommunicated by your fellow fighters. And you became more likely to end up in one of the Front’s secret prisons, probably never to come back again. It was this deep understanding of the connotation of the word that made my blood run cold whenever it was used at me. Like many others before and after independence of Eritrea, I was afraid for my life. I was beginning to wonder whether this was the last chapter of my chequered life, to die without a witness and without someone to tell my end of the story.

When I first came to the Hadish-Me-asker camp, there was not much of a prison facility as such. But then, they hurriedly set up several underground ‘Shellas’ the size of a single-bed complete with re-enforced lock. I was put in one of them and started the painful punishment of solitary confinement for months to come. The room was always dark, my hands always shackled and always bare-foot. I was not allowed to get close to any of the other prisoners whenever I was let out of my room to use the toilet or to eat.

The food was always watery lentils and nothing else. If you refused to eat, they would take you out into the sun scorched sand and they would subject you to a whole host of physical punishment to the edge despair. Given the prevalence of many contagious diseases like diarrhoea among the prisoners, the medical facility was negligible.

At one point during my solitary confinement, they put interrogative questions in writing and I was ordered to answer them in writing. That day, they untied my hands and provided me with a pen and paper. While answering the questions, I was closely watched by a fully armed guard. Some of the

questions were:

- How did you start private journalism?
- Where did you get the money?
- Who supported you in terms of ideas and other things?
- What were the weaknesses and mistakes of all the private newspapers?
- Do you have any advice to the Government about the handling of the private newspapers?  
...etc.

My answers to those questions were as follows: First, as to how we started and where we got the money from, I wrote, when we started our private paper, there was no one person or organisation who offered support of any kind. I explained, very clearly, that we used the money we were given by the Government when we were de-mobilised to establish ourselves into society, for setting up the paper.

As to the weaknesses and mistakes made by all private papers, I only mentioned one about missing letters in print. And I wrote over the course of time, that this was beginning to improve. In the last question concerning my views of the Government in relation to the private press, I re-iterated that the existence of free press was crucial to the development and progress of a nation. And I expressed that the absence of free press would impact on Eritrea negatively, particularly in its diplomatic efforts with the world community.

In the camp of Haddish Me-asker, the prisoner did not have any access to legal representation and there was no one who was brought to the court of justice. As a result, it was not in my expectation that my case would be handled differently. However, the worst thing of all was that I was not allowed to write or receive a letter to and from your loved ones or friends. Paper and pen is strictly prohibited in the camp and there was a dire consequences for any prisoner if found with those items. I was not allowed to read either. In short, I was left only with my thoughts in the dark with nothing to distract me from my ordeal.

It was an unimaginable thing to be visited by your family and relatives.

After eight months in Haddish-Me-asker, I was bundled with one hundred others on an N3 truck to be transferred to a prison known as Track-B, found on the western outskirts of the capital city Asmara .In the track we were set in pairs so that one's left hand was chained to the right hand of the other. In case of accident, it is not difficult to visualize the consequences of such arrangement. But safety was not the priority.

On the morning of 9<sup>th</sup> January 2003 I was released.

That morning, I was taken to the so-called 'Discipline Control Office' in Beleza, not far away from Asmara. There, they told me that I had completed my punishment and sent me home. For the first time in a year, I walked along the Beleza ridge enjoying the fresh air coming from eastern lowlands, before I went home. Soon after my release, I was forcibly conscripted in the Ministry of Defense Force without any salary and without any specific task to do. I repeatedly asked the authorities for my salary and to be transferred to the Ministry of Justice, which was compatible to my qualification, but all was to no avail, and in fact it was unrealistic given the fact I was still closely watched and followed by the security members. Knowing this, I tried my best not to give them an excuse, limiting my movements and my interactions with others. Despite this, I had never stopped thinking of sneaking out of the country for the second time round whatever the consequences. I was bidding my time. Then on September 2004 I crossed the border successfully and entered the Sudan.

In Khartoum I breathed air of freedom and safety. From then on, I was never alone. In the one year of my stay in the Sudan before I left for Sweden at the end of 2005 through the UNHCR, I received lots of support from Elsa Chyrum, Aaron Berhane and others, for which my gratitude abounds. I have never met Elsa in person, but despite this, I have been lucky enough to be a recipient of her

continuous moral support either through the telephone or e-mail from the day I reached the Sudan to date. I am also aware that had it not been for her sustained advocacy on my behalf, with the UNHCR, my case wouldn't have been a success in such a relatively short span of time.

When I came to Sweden, a website posted an interview entitled, "Experience of private newspapers in Eritrea from *Setit* journalist Semret Seyoum" and I was shocked. This was their second attempt in their effort to discredit me in the eyes of Eritreans in general and my fellow journalists in particular when I started to talk about my experience in relation to the Eritrean press freedom and democracy in Swedish media.

Hence, I would like to make it very clear to anyone who wants to know the truth, except what I gave to the media in Sweden - TV, radio and newspaper - I never gave any interview to anyone when I was in Asmara. My exasperation about this whole matter is that, after having escaped the trap of the "man-eating" despotic regime, I am still closely followed by this desperate and pathetic effort of character assassination by the PFDJ media apparatus, namely by *alenalki.com*.

Ever since I left prison and several months of solitary confinement, I have been suffering psychological trauma. Images of torture and abuse of Haddish Me-asker are still with me. Some nights I feel like I am still in that god-forsaken prison and when I wake up I realise I am no longer there and breathe an air of relief and gratitude.

Given my experiences in prison, it is not difficult to surmise what all the imprisoned journalists, members of G-15 as well as the prisoners of conscience are going through. And let's hope one day to see them safe and alive. Because as yet, the only one person we know for sure that is still alive is Dawit Issack. For the rest, the story is sadly different in that we have not heard anything in the five years of their imprisonment, as they are kept incommunicado.

There is not any credible proof that they are still alive. Hence, in my view, it is futile to demand that those prisoners should have access to the court of justice, while we don't even have the faintest idea that they are alive. I then ask all concerned that we work towards pressing the Government to prove they are still alive and say where they are. Then, the rest can follow.

## Ethiopia

### An Ethiopian journalist<sup>6</sup>

A pillar of the check and balance system in democratic institutions, the press in Ethiopia has passed through numerous obstacles and is still faced with persistent challenges in its effort to inform and educate the people and serve on their behalf as a watchdog of power, to make sure that the Government functions within its mandate, and respecting the basic rights of citizens enshrined in the Constitution.

The history of the press in Ethiopia is dominated by political partisanship on both the privately owned and state controlled media outlets. Private media was not allowed to exist during the military regime of the Derg (1974-1991) and the state controlled print and electronic media was solely used for communist propaganda and rallying support for its wars with what it called "enemies of the revolution". Though the media was carefully watched and controlled by the Ethiopian People's Revolutionary Democratic Front (EPRDF) who took office ousting the

<sup>6</sup> These are the views expressed by an individual and have not been shared by all participants from Ethiopia who attended the conference.

military regime in May 1991, the private media has had better environment to flourish and give the people alternative sources of information. However, infringement on media freedom occurred for instance by publishers being fined big sums of money and thereby being forced out of business. Several journalists were detained for different length of period.

The situation of the media in the last 15 years can be characterized by a shadow of suspicion between the Government and the private press where the Government categorizes the majority of the private media, particularly print and electronic [the online news sites and foreign based radio stations prior to and in the aftermath of May 2005 national election] as more of political advocates within the opposition camp using the freedom of speech as a medium of conspiracy and incitement to topple the status quo. However, it has to be pointed out that these media provide a wide range of view to their readership and help the Ethiopian people to receive balanced information. Often they are the ones that expose the human rights violation of the state's security forces.

The Prime Minister himself said in a recent interview with local and international journalists; "The private press is in a ghetto." He accused the private press in the country not to be free of political affiliations, and being consumed by undisguised bias. The cloud of mistrust that reigns between the Government and private media has contributed to under-performance of the journalistic profession. Practicing self censorship is likely to have occurred.

The private press blames the Government for purposeful crippling of media outlets outside of its direct control while the Government accuses the private media of being a propaganda tool working behind opposition political forces. Subsequently, a number of journalists were imprisoned following the October 2005 post-election crisis facing charges of conspiracy to topple a constitutionally established Government through illegal acts. To date many of them remain imprisoned on charges of treason.

In a recent workshop organized at Hilton Hotel by the Graduate School of Journalism, Addis Ababa University, and the European Union as part of celebrations of the European Day, Bereket Simon, Public Relations Advisor to the Prime Minister, stated that relations between private media and Government had been marred owing to misconduct on the part of the private press which eroded the Government's trust on their impartiality and professional capacity. He promised a better and workable atmosphere for the private press and to speed up preparations for private ownership of TV and radio stations. Though the Government has finally shown some relaxation on granting permits to private TV and radio stations, and invites private media to work together, a sense of resentment appears to be the dominant force in the Government's approach towards the private media.

### **The current state and recent history of media freedom**

Currently, private media is more appropriately defined as print media because no privately owned electronic media [TV, radio, website] as alternative source of information exists in Ethiopia. Only one state-owned TV station operates covering around half the land size of the country. And a sole state owned radio station and one other station known to be affiliated with the governing party provide radio service. More than a dozen newspapers were closed down or "forced to halt publication following the political turmoil" following the October 2005 violence. Four of them

are out of circulation because of the refusal of printing houses to print their publications. The publication of the other 9 was stopped due to the arrest of their publishers and editors.<sup>7</sup>

Presently functioning newspapers in the capital are either entertainment focused or less critical ones, or alleged pro-Government or neutrals which have held relatively good relationship with the incumbent and opposition political parties. The publications are mostly bilingual with the Amharic ones enjoying the lion's share of the circulation. Only half a dozen English newspapers are published, which generally focus on business and entertainment, while one, *The Reporter* is a comprehensive newspaper with extensive political and economic analysis.

Technically, the media in Ethiopia is incapacitated, under resourced, and affected by political partisanship, extremism, and a low level of journalistic skills and ethics witnessed among electronic and print journalists working both in private and Government outlets.

The months prior to the 2005 General Elections, could be declared with much greater amount of certainty, the better days in the entire history of the Ethiopian press. Newspaper circulations hit an all time high, [with some weeklies like '*Ethiop*' publishing more than a hundred thousand copies in the wake and aftermath of the disputed election]; but the subsequent crackdown on the private press has shut down or pressured the closure of the majority of the privately owned newspapers published in the capital. Self censorship is believed to be the main culprit that caused many papers to cease publishing following the contested and disputed election.

The EPRDF-led Government has blamed the closed private press for not only facilitating but also jointly engineering street violence and pervasive advocacy of hate speech to topple a legitimate Government. Such mounting and aggressive approaches taken by the private newspapers have in effect dismayed the Government which has claimed, before the October 2005 violence, that it has exercised "tolerance to the fullest in the face of ethnic-based hate speech and encouraged street action". It is also said that the ban passed on some newspapers while putting the self-initiated decisions of the others to halt, [many blame self-censorship] was fully justified and supported by the constitution, i.e. in its duty to uphold peace and maintain national security! Much of the private press has since stayed in closure or refrained from direct and vicious criticisms on Government policies and activities as compared to the period prior to the General Elections and the October violence in many parts of the country.

However some privately-operated newspapers stayed unaffected during the clampdown and have continued to publish public views and news on socio-political and economic issues. A cascade of suspicion on the free press still prevails on the side of the Government, while public opinion still shows favoritism to independent media criticizing the incumbent political party.

The Internet-based electronic media has also suffered considerable setbacks. Many Websites have taken political interests and published critical views on the Government and its performance. Since then, the Government has blocked a number of news Websites operated by Ethiopians abroad; a charge the Government vehemently rejects.

The current media situation is perhaps more clearly characterized by the expansion of entertainment publications, both newspaper and magazine, with many apparently taking more comfort in writing on non-politics like sports, entertainment, and cultural issues than political wrangling that risks a possible backlash from the Government.

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<sup>7</sup> Ethiopian Human Rights Council (EHRCO). The situation of the free press in Ethiopia. A statement by EHRCO on the occasion of the World Press Freedom Day, 3 May 2006.

## **Laws and regulations affecting the media in Ethiopia**

There has been no formal legislation particularly regulating the media, and as such, prosecutions have been based on the civil code. However, a new draft press law has been prepared by the Government and revised by expatriate media professionals pending endorsement by Parliament in the next few months. There was a press law that was enacted during the period of the transitional Government. This law although it has some deficiency, was a much better law than the one proposed as the new draft law. The new draft law is largely criticized among members of the media for being a legal ground for the Government to exercise full control over the flow of information either to cripple media capacity to produce investigative stories or act as a watchdog to the use and abuse of power.

Critics hold that the press law enacted during the period of transitional Government was closer to international standards of media freedom despite some deficiencies. Some even question the necessity of having a separate press law to regulate media activity saying that a journalist shall be treated no differently than any other citizen and shall be prosecuted by the same laws that apply to other citizens. The draft press law stipulates that journalists violating the abiding terms set forth could face prison terms and fines based on the simplicity and complexity of the felony, according to the draft. Critics have also argued that a number of the stated felonies threaten the very rights of Ethiopians to express their views and access to accurate information protected by the Constitution.

## **Abuse of the media and journalists**

Media and journalist abuse is portrayed by the cascade of fear among the publishing community to express strong political dialogue that is critical of the existing policies and strategies. Many journalists now complain of self censorship, and the complaint has not been limited to the media outlets, but has echoed further to the public at large. Many people have become increasingly unwilling to comment on political issues and be quoted on anything that risks a chance of running a possible interpretation of political repercussion. This has especially made the task of political journalists extremely difficult.

## **Personal experience and experiences of other journalists**

My journalistic experience has been relatively smooth in terms of incidents of harassment by the Government, compared to incidents of other colleagues who have passed through harsher circumstances while reporting clashes and other political activities. The most challenging problem I faced took place during the October violence while I was assigned to do stories on families of the victims of the deadly clash. And I encountered immense difficulties to complete the stories and publish them. A number of stories were delayed for lack of willing people whose voices would complement the stories or discarded for last minute refusal of interviewees to have their word published on a newspaper. The refusals usually came following consultation with family members and friends who have advised them not to comment on anything for journalists.

A noticeable challenge happened as I was assigned to cover a story on the families of those killed in the unrest in Addis Ababa. Friends and family members of a teenager victim whose words I took had later refused to have their stories published for fear of persecution. Some have said that they have received warning signals from local authorities and security personnel not to divulge details about the situation and their discomfort.

Other journalists, reporters and photographers, I have heard, have faced physical abuse and temporary detention after attending opposition press conferences and while trying to report clashes between protesters and security personnel.

### **Legal and professional environment**

There are two approaches taken by the Government towards the press; it considers the state-owned media as an appropriate medium to disseminate information, help foster the 'developmental state' and build democratic institutions in the country. Its attitude towards the private press has stayed negative for the most part with some better working relationship promised for the existing newspapers only recently. The private press has been invited, as an instance of Government positive lenience towards the private media, to high profile press conferences at the Prime Minister's office and other authorities which had never previously happened.

But critics argue that the new draft press law awaiting endorsement will be the stiffest regulation impeding citizens right to free and balanced stories in political, economical and social contexts. The Government argues that the law is not intended to strip citizens of their right to free speech but maintain accountable and high standard media which employs the appropriate professional and ethical standards. It also gives a greater access to request and obtain information from institutions and administrative bodies.

Independent journalists' unions are not functional with former Union leader, Kifle Mulat<sup>8</sup>, Chairman of the Ethiopian Free Journalists Association (EFJA), currently in exile. The Government condemned him of pursuing personal political agendas and abusing financial resources of his organization. Other journalists' unions are non-existent and the legally operating Journalists' Association, alleged to be Government staged, is mainly considered as a symbolic establishment in the eyes of many journalists presently engaged in journalism in private media and NGOs working on media and communication programs.

### **Links with international media and organizations**

Links with international organizations and media groups is notably insignificant. Getting accreditation to work with international media groups and press watchdogs is a painstaking procedure; and individuals who work for International Correspondents in the country say the Ministry of Information subjects them to too much scrutiny and bureaucracy for renewal purposes.

### **Training opportunities**

Training opportunities are scarce for journalists, resulting in declining journalistic skills and low capacity to produce balanced and accurate pieces of writing. Some journalists use their contacts to get short term training opportunities in Europe and the US. The Mass Media Training Institute, which has been incorporated to Addis Ababa University, could not have come at a better time to

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<sup>8</sup> Kifle Mulat was charged in absentia with treason and was forced to become a refugee on account of his campaign for media freedom. Fourteen (14) other journalists who were not actively involved in politics were also on trial facing possible death sentences together with opposition party leaders and human rights defenders. See section Update: April 2007 of this report for further information.

equip journalists with basic and advanced journalistic skills and practical hands-on training that they need to strengthen their capacity. The Government should further expand journalism schools and resources in different universities across the country.

### Testimony of an Ethiopian HRD

In Ethiopia, not only the rights of journalists are violated but the general human rights situation is very bad. People are arrested and others killed simply because of showing support to the opposition

As a journalist, I have personally faced a number of challenges resulting from my job. After I started working for VOA, one day (April 27, 2006) I was arrested by the Federal Police and brought to court. The reason was that I was in Federal Supreme Court to cover the news. That day Court was hearing the case of the members of oldest association of the Oromo society, the Mecha and Tullema, who had been kept in prison for three years. I stayed in prison cells for about 6 hours but was later released after receiving a call from the USA questioning my arrest.

The other case I have been involved in was the Ethiopian Ministry of Information's refusal to renew my working license. The reason the Government gave for this was that the VOA reports provocative stories. To date, I am still awaiting my license renewal but all in vain.

## Kenya



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**Victor Bwire (Advocacy Officer, Independent Medico-Legal Unit)**

The media in Kenya is a diverse, vibrant and growing industry with a bright future. Kenya has four major daily newspapers and more than 20 FM radio stations.

The press is marked by extensive cross-media ownership with certain media houses owning several newspapers and magazines, television stations and radio stations. There are also sporadic privately owned rural and local language publications whose performance is not easy to monitor.

### The Kenyan Press: A brief history since independence

The history of the press in Kenya is a mixed one. The political transition from a British colony to an independent country was mirrored by changes in the mass media in Kenya. In 1963 when Kenya became independent the vast majority of broadcasts on Government-owned radio and television stations were a replica of British and American programmes. This changed gradually and home-made programmes promoting Kenyan culture made entry into the mass media under the presidency of Jomo Kenyatta. More programmes were broadcast in the local Swahili language and there was a focus on African music and dance. Likewise, newspapers covered more African traditions and culture.

However, this steady progress of the media was to gradually change with the growth of a monolithic Government under Kenyatta's successor Daniel Arap Moi and the one-party state under his rule. A clampdown on journalists led to arrests and imprisonment as state officials got scared about the media challenging the Government.

However, things were to improve slightly and the press expanded markedly with the birth of multi-party politics in 1992. Things even got better in the initial years of the NARC Government but as things stand now, the relationship between the Government and the press has been an uneasy one. The Government has been critical of the media, its tenure having seen an upsurge in media crackdown and several attempts to expand Government control.

Journalists either arrested or threatened on unclear grounds include; Otsieno Namwaya of *The Standard* newspaper, Kamau Ngotho formerly of *The Standard*, David Makali, and Kwamechitsi Makokha among others.

### **Print media**

There are four major daily newspapers in Kenya:

*The Daily Nation* - established in 1960 and published by the Nation Media Group (NMG). The paper was seen as a consistent critic of the former Kenyan Government of Daniel Arap Moi.

The NMG also owns Nation TV and radio and *The East African* newspaper, *Drum* - a regional weekly paper with its core market in Kenya, Uganda and Tanzania. NMG is the largest media house in Eastern and Central Africa.

*The Standard* (formerly the *East African Standard*) established in 1902, is owned by a group of businessmen associated with the former Kenyan President Daniel Arap Moi. It is increasingly seen as a vocal critic of the NARC Government.

*People Daily* - established in 1992. It is owned by the opposition politician Kenneth Matiba.

*Kenya Times* - established in 1983 by the KANU party - the party of former Kenyan President Daniel Arap Moi but is now largely in the hands of private investors.

### **Broadcasting**

The Kenyan Broadcasting Corporation (KBC) is the largest broadcasting organization in Kenya, and the only service with nationwide coverage and it is owned by the Government. It is a public broadcaster, which is controlled by the state. It is by and large funded by public funds but recent reforms have seen it increasingly generate its own revenue through advertising.

#### *Radio*

There are over 20 FM radio stations in Kenya. Most of the stations are commercial but include programmes on entertainment, including talk shows, phone-ins and music. Kiss FM follows this light entertainment format and is very popular with the young.

#### *Television*

National broadcaster KBC -described above provides KBC Channel 1, Pay Television Channel 2 and Entertainment Metro Television Channel 31.

Nation TV is owned by NMG -the same owners of the *Daily Nation* and *The East African* newspapers- and began broadcasting in 1999.

Kenya Television Network (KTN) became the first private TV station in Kenya when it was allowed to broadcast in Nairobi in 1989. It is owned by the group, which runs The Standard newspaper.

Citizen TV is owned by business magnate Samuel Macharia.

### **Recent developments and the media today**

There is still evidence of huge Government interest in regulating the media rather than promoting media self-regulation in line with more freedom of the press as was expected with the election of the present NARC (National Rainbow Coalition) Government in December 2002.

Instead, there is a range of civil and criminal law statutes that supplement the constitution in severely limiting the freedom of the press as guaranteed in section 79(1) of the current Kenyan Constitution. These include:

- The Penal Code, Cap 63,
- Official Secrets Act Cap 187,
- Defamation Act Cap, 36,
- Preservation of Public Security Act cap, 57,
- Public Order Act Cap 56,
- Books and Newspapers Act, Cap 111,
- Films and Stage Plays Act, cap222, Copyright Act, Cap 130,
- Chief's Authority Act, Cap 84,
- Police Act. Cap 84 and
- The Armed Forces Act, cap 1999

Factors influencing media performance in Kenya are associated with political interference, patronage and bribery of journalists by certain powerful individuals.

The Government in 1993 established a Task Force on Press Law to make recommendations for a comprehensive legal framework for the exercise of the freedom of the press and the development of dynamic and responsible print and broadcast. While the Task Force was still collecting views, the then minister for Information and Broadcasting announced that the Government had completed a Press Council Bill.

Indeed in 1995, information leaked to media that the Kenya Mass Media Commission Bill (1995) and the Press Council Bill (1995) were to be tabled in Parliament by the Attorney General and they were hastily withdrawn.

The Task Force submitted its report to the Attorney General in 1998 but it is yet to be acted on. The Kenya Union of Journalists and the Media Steering Committee also presented media bills to the AG but no action has been taken so far.

The most important benchmark for evaluating media freedom in a country is Article 19 of the International Convention on Civil and Political Rights but in contrast to the convention, the Kenya Constitution falls short of the standards not only with regard to providing for the right to receive and impart ideas of all kinds and protecting it, but more in terms of recognizing the rights of media organizations. This is made worse by the provisions of the Official Secrets Act which severely limits the extent to which the media and the general public may access and publish information in relation to the Government.

Whenever cases reach the courts, the politically correct have always been protected at the expense of the journalists, the media and the public. Hefty fines have been awarded in defamation cases. Currently there are about 230 criminal cases facing journalists in Kenya.

### Testimony of Otsieno Namwaya



Editor, *The Standard*

#### *A call from a "friend"*

My name is Otsieno Nawayya, currently the Editor for Court reporting, Crime and Investigations at *The Standard* newspaper based in Kenya. As an investigative reporter, I have been prone to the age-old controversy between freedom of the Press/Expression and the respect for individual privacy.

I received the greatest threat to my life on January 1<sup>st</sup> 2006, when I published some fairly sensitive articles in *The Standard*. Three days later, at about 6.20pm, I received a call from someone who claimed to be a friend. The "friend", who declined to divulge his name, said he had wanted only to inform me that my life could be in danger and that I should be very careful and keen on what was going on around me.

A few days later, a 'friendly' police officer, in an unplanned meeting in which he informed me that my phone was being tapped, wondered why I was being monitored. It was then that I became aware it was not just by coincidence that my phone was ringing, but whenever I answered it, the caller would simply not talk.

It was also around that time that I noticed that un-known people were trailing me. In most cases, they would keep their distance, but on a few occasions they would move so close and remain there for the better part of the day. I discussed the matter with my editors who felt that we needed to go public, which we did.

After we went public, the trailing subsided a bit until February 8 when at least two people trailed me most of the day. Again, I discussed the matter with my editors who suggested that I should record a statement with the police. I went to Central Police Station in Nairobi and recorded a statement, but what interested me was that an officer informed me that the people who were trailing me were, in fact, state agents. Later my parents informed me that plain clothed officers had gone to my village in the countryside in an unmarked car and made inquiries about me.

With the knowledge that my phone was tapped and that the Government was behind the people who were trailing me, I took the necessary precautionary steps; I informed my family, engaged a lawyer to whom I gave a copy of my statement to police and changed my pattern of communication on the cell phone. What I later learnt is that it's not possible for a cell phone to be tapped without the consent of the Service Provider, in this case, Celtel.

## Somalia

**Omar Faruk Osman (Secretary General, National Union of Somali Journalists, NUSOJ)**

Somalia's media has evolved since it first blossomed in 1991, with private newspapers that were aimed at rather small urban, literate and politicized elite, up to the time when it became a much more populist, commercial and community-based media with a tendency to side with various



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clans. The increase in the number of media outlets has corresponded with the arrival on the labour market of a generation of journalists, unskilled in either the basics of the profession or its ethical requirements.

However, this increase has not led to greater pluralism, as journalists have tended to target the same small market, cover the same type of issues in the same way, and strive to match the real or alleged expectations of the public.

The majority of the media institutions in the country are privately-owned. Business people own over 64 newspapers (mostly A4-sized as newsletters) and 17 FM radio stations. Countless websites are daily visited by many Somali people in the diaspora as well as in the country. But most of the

websites are mouthpieces of different clans.

Infringements of media freedom in Somalia have been unprecedented in the year 2006. Multiple pressures including the use of intimidation and detention based on false allegations, self-censorship, propaganda and suppression of the truth have been the major features of the onslaught on the rights and freedoms of the media. Press freedom is further undermined by media workers' poor social conditions.

The number of offences against journalists and media businesses in 2006 were roughly the same as in 2005; however more substantial perils such as threats to journalists' lives because of their work were monitored by the members of Press Freedom Protectors Group working with the backing of the National Union of Somali Journalists (NUSOJ).

During this year, a range of sophisticated measures have been used to curb media freedom. Some politicians verbally or tactically intimidate journalists while some were put in custody for short periods.

### **Current state of media freedom**

The most recent case involving harassment of journalists occurred at the end of October, when three journalists were arrested by forces loyal to the Transitional Federal Government in Baidoa. The three; Fahad Mohammed Abukar of Warsan Radio in Baidoa, Mohammed Adawe Adam of Shabelle Radio in Mogadishu and Muktar Mohammed Atosh of HornAfrik Radio in Mogadishu were reportedly arrested while returning back to Baidoa, from their trip to Burhaka where fighting had been on and off between Government troops and the militias loyal to the Islamic Courts Union. The journalists were in a while released after a week of detention and investigations.

In March, journalist Hassan Kafi Harred of Radio Banadir was briefly detained at Baidoa police station by militias loyal to the Rahanweyn Resistance Army. Security forces in Baidoa briefly detained Ms. Maryan Mohammud Qalanjo, one of Radio Shabelle's Baidoa correspondents, striking her with their rifle butts. She was later released and told she was banned from working as a journalist. In June, the newly established temporary leadership of Middle Shebelle region jailed Abdikarin Omar Moallim, the regional reporter of Radio Banadir, overnight.

The editor of widely-read daily newspaper Jamhuriya, Mohammed Abdi Urad, was arrested in Hargeisa by soldiers from Somaliland Criminal Investigation Department after a warrant for his arrest was issued by the Hargeisa regional court on 18 June. Journalists Mohammed Adawe and Ali Ajey of Radio Shabelle were briefly arrested on 18 June by the security committee of Baidoa town on the orders of the Minister of Farming who was at the same time the acting Minister of Interior of the Transitional Government, Colonel Hassan Mohammed Nur (Shatigudud).

In August 2006, a car travelled by the leaders of the National Union of Somali Journalists was ambushed on the road to Mogadishu from Baidoa. The driver of the car Madag Garas was killed while the vice president of NUSOJ supreme council Fahad Mohammed Abukar was injured on his right hand.

Since the war between the Islamic Courts Union (ICU) and the Alliance of Restoration of Peace and Counter-Terrorism (ARPCT) started in Mogadishu in February, journalists came under growing pressure to operate self-censorship. Media outlets, particularly the electronic media, were deeply divided in reporting the war and the news from the warring sides. The radio directors tightened their control on news put out by their stations because some of them were supporting the warring sides in different ways.

### **Media legislations**

The Transitional Federal Government of Somalia (TFG) recently announced that it is in the process of drafting a media law. NUSOJ approached the Ministry of Information to get generally accepted media law by all stakeholders. The Government accepted to open dialogue with other stakeholders such as the media community, human rights activists and lawyers. TFG recognizes the National Union of Somali Journalists, and registered it as an independent trade union organization for journalists.

In October, the Islamic Courts Council proposed 13 rules to standardize the media. The media community in Mogadishu asked to be given time to discuss it, and to get back to them, and the consultations are currently ongoing.

Somaliland, which declared itself an independent republic from Somalia, has a media legislation which allows for media freedom and the establishment and existence of journalists' associations. But the Somaliland opposition parties accuse the ruling party of not allowing establishment of independent radio stations.

### **Testimony of Omar Faruk Osman**

#### **Secretary General, National Union of Somali Journalists (NUSOJ)**

In 2002, as a press freedom advocate, I came under threat from security police staff of the former Transitional National Government after the Government officials saw my energetic role in the journalists' community to protest robustly and change speedily a draconian media law that the Ministry of Information had proposed to the Transitional Parliament for endorsement.

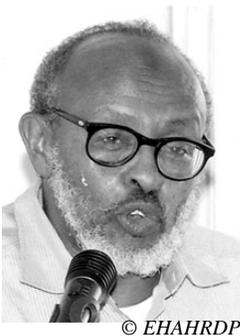
Colleagues informed me that I was being sought by the police on the orders of senior officials within the Transition Government either to kill me if I tried to escape or arrest me. I was also sought at the office of the former Somali Journalists Network where I was the Secretary General. I went into hiding for 91 hours, but thanks to the International Federation of Journalists that brought me to Nairobi.

But being out of my mother country did not discourage me to continue my dedication of defending the human rights of journalists. I was a target to a number of threats anonymously and openly, but as a committed person and a believer in the Almighty Allah, I did not diverge from my route and I never thought to move away. For instance, the last unidentified death threat stated that I would be killed within 48 hours.

As the situation in Somalia is terrible for journalists and press freedom activists, I encountered in this year a deadly act of banditry, which cost the life of our dearly loved driver, when three armed men opened fire on our vehicle as we were travelling from the province of Baidoa to the Capital City. The Vice President of the Supreme Council of the National Union of Somali Journalists, Mr. Fahad Mohammed Abukar was wounded on the right hand in this tragic event.

We were in a situation of shock after this catastrophic incident. Our clothes were covered in our driver's blood. After instant security enforcement from Baidoa and Burhakaba districts, we buried our driver immediately after Friday prayers in Burhakaba. We got a new driver from Mogadishu, and continued our journey. However, the killer is enjoying a complete impunity.

## Somaliland



**Hussein Ali Nuur (Chief Editor, *Republican* newspaper; Jamhuuriya Media House)**

The first independent and privately owned newspapers in Somaliland emerged in 1992, only 8 months after the country declared its independence on May 18, 1991 in Burao.<sup>9</sup>

Two years later private newspapers also appeared in Burao. They were established by professional journalists as well as people who wanted to earn their living from the sale of these papers. Both groups had two factors in common. They had no capital to invest and their target was to pave the way and make a firm foundation for free media and freedom of expression, which the people of Somaliland had been deprived of for more than 3 decades.

Harassment and abuse of journalists began soon after the first papers appeared, not by the Government, for it had no any institution to enforce the law but by gunmen – who pretended to be fighters of the Somali National Movement (SNM) but were in reality, men who used their guns as a way of earning their living.

Journalists worried whenever they published about armed robberies or the need to disarm militiamen before their deployment began in 1994. These gunmen used to visit newspaper headquarters and threaten journalists saying; “How dare individuals who did not fight alongside the SNM Liberation Movement write anything that smears their names and discredit the Movement?”

Two of the most serious incidents were when gunmen visited the office of “XORRIYA” (liberation) newspaper and opened fire from an automatic gun – indiscriminately. Luckily no one was hurt.

The other incident was when two young and drunk gunmen carrying a hand-grenade tried to blow us up while duplicating the following day's paper. I and my colleagues were fortunate because one of the newspapers staff was a kin to one of the gunmen.

<sup>9</sup> The East and Horn of Africa Human Rights Defenders Project does not take a position towards the international recognition of Somaliland's independence.

Detention of journalists for writing anything criticizing the Government was part of the life of journalists. This trend reached its climax when the Government confiscated all the duplicating machines, typewriters of the 3 private newspapers and put 10 journalists in Hargeisa main prison in 1992 and held them in custody for 21 days.

There are no laws and regulations that forbid or restrict the registration of new privately owned media be it electronic or the press but there is an unwritten law that has so far denied the opening of privately owned radio stations. Political parties and individuals are denied license or permit to open radio stations in the country.

Two reasons for such a discrepancy and setback for free media in Somaliland are:

- The only state-owned radio is to cover the whole country.
- Fear that the opposition might use radio, the most effective medium, for their goals as the territory covered by the print media or the 3 TV stations (2 private and 1 state-owned) is very limited.

As a result of the absence of free and privately owned radio stations in the country political party supported radio and individually owned radio stations were opened abroad.

The media in Somaliland has greater freedom than in most of the countries in the developing world and many in the advanced countries. Their major shortcoming is that they are more politicized – due to the nature of the people – and as such their coverage of other subjects is limited.

Journalists are abused or threatened and sometimes detained for a day or two. But there are some who have been jailed for months:

Mr. Hassan Saed who was Chief Editor of Jamhuuriya has been arrested 14 times, before he handed the post to someone else.

Mr. Yusuf Gabobe, owner and Chief Editor of Somaliland Times, has been frequently harassed by the police. He was accused and taken to court, but his case is still pending for a long time. This is to keep him under tension and a means to restrict his criticism.

Mr. Abdirahman Mohamed Habane, a reporter of Jamhuuriya in Awdal Region has been in detention for more than a month in Borama prison. As far as we are aware he is the only journalist that has been tortured while in captivity.

Journalists arrested for either articles in the public opinion section or editorials are very few; but the strange thing is that those arrested if not released, when they appear before the judge, they are told they have a pending case in court. This is the new trend followed.

There are 3 Journalists' Associations in the country. One is a Women Journalists' Association established this year. The Somaliland Journalists Association (SOLJA) has journalist members both from the free media and state media, while the Society for independent Journalists and Writers (SSJW) has writers and journalists from the free media as members.

The associations have links with media and international organizations. Different organizations including UN organizations have provided training opportunities to Somaliland journalists and BBC has completed a 2-year training financed by the European Union early this year. This was the most comprehensive training given to journalists in Somaliland but unfortunately only one of the two organizations benefited from it.

## Sudan



**Liemia Eliaily Abu Bakr (Reporter, *Al Sudani* daily newspaper)**

A former British and Egyptian Condominium, Sudan is the largest country in Africa. The country became independent on the 1<sup>st</sup> of January, 1956. Since then the country has been experiencing different types of Governments (democracies and military dictatorships). Since its independence, Sudan has been embroiled in civil war in the south of the country, which has come to an end after 21 years. But continues to suffer from instability; Sudan is embroiled in another conflict in Darfur in the west of the country.

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It should be noticed that during the democratic forms of Governments between 1956 and 1958, 1964 and 1969, the media was experiencing some kind of democratic set up and practices; but during the dictatorial type of Governments, the media was under total control. Nevertheless, over time, freedom of the media has been on and off with especially the electronic media being under Government control, while the few private print media houses available face routine incidents of censorship.

One could say that the situation has changed a little bit during the period between 1989 and 2006 when the current Government came to power. During the early years there was a total clamp down on the media and several key newspapers were shut down. However in the past 5 years there has been more space for the media and less restriction on reporting, except regarding the Darfur conflict. This has been due to many reasons among them the media society's struggle against bad laws; coupled with international pressure for democratic reform. The policy of "carrot and sticks", which was practiced by the international community, especially the European Union, in addition to the United Nation pressure through the U.N human rights rapporteurs' reports to the human rights committee, and Non-Governmental Organizations (NGOs), have played an important role in influencing the state of the media.

### CPA and the Media

The signing of the Comprehensive Peace Agreement (CPA) between the Government of Sudan, and the Sudan People's Liberation Army/Movement (SPLA/M) in January 2005, has to be considered a turning point in the sense that it opened space for a democratic setup for media ownership and practice, for the first time in the north and the south of the country. Again the new National Interim Constitution of the year 2005 is to be marked as a new stage in the relationship between the state and its citizens. In Article 39-1-2 it clearly mentions the right to freedom of expression and freedom of media, including the right to information.

We however must admit and mention that democratic and good articles written in Constitutions will not work automatically unless they are translated into practice. Incidentally this depends on the political will of the Government that is sadly missing most of the time. The Constitution is yet to be applied in Sudan, i.e. there is yet to be significant changes in the penal code and other relevant legal provisions.

## **Press Law**

The current press law does not include articles guaranteeing freedom of the press, discriminating state censorship, and protecting journalist's right to information. This means there is high need for legal reforms, in the media legislations and practices, and also a need for democratization in the bodies that govern the media, such as the Press Act and the Press Council for the printed media, the Electronic Media Act and regulatory bodies such as the Radio and TV Broadcasting Authorities. Currently, the mandate of the press council gives it power and supervision authority that abuses the freedom and independence of the press. The council has the right to impose administrative sanctions which should be the authority of the court only. Unless the hands of change will reach these acts and bodies, nothing can lead to democratic transformation of media laws and situation in the country.

The right to information is also not well acknowledged. There are no sanctions for Government departments and officials who refuse to give unclassified information. There is not enough protection for journalists at work

The current journalist registration system should also be changed; according to the law journalists should sit for exams organized by the National Press Council to have permission to practice journalism.

## **Media and Censorship**

All the media, whether electronic or the printed press have been suffering from policies and severe practices of Government control and censorship. Print media have suffered from security interference for a long period during the current Government rule, including periods after the signing of the CPA, and the newly introduced Transitional Constitution of the year 2005.

It is not only the direct censorship which is practiced by the security that is the only responsible phenomenon or practice for the deterioration of the media situation. One can add to the security interference, other elements, such as the ownership, which reflects in the policies of the media, advertisement pressure, and absence of an independent journalists' body. The current Union of Journalists is a pro-Government organization which falls short of the necessary aspects of independence, democracy and equal representation of all journalists.

Again, its restrictive laws and practices (Panel Act Article 159, defamation, etc.) together with the whole atmosphere that pushes journalists to practice self-censorship in order to avoid confrontation with the repressive laws and Governmental agencies.

There are also major restriction on reporting on the Darfur conflict; journalists risk being arrested and newspapers fined and closed.

## **Monitoring and Documentation of Media Abuses**

In this repressive situation, media abuses have been monitored and documented by some Sudanese human rights organizations, regional, and international freedom of expression organizations. The main organizations, which are documenting and monitoring the media abuses are; Sudan Organization Against Torture (SOAT), Reporters Without Borders (RSF), Committee to Protect Journalists (CPJ), International Federation of Journalists (IFJ), International Freedom of Expression Ex-change (IFEX). Those organizations are issuing alerts and press releases, statements, and annual reports.

The documentation and monitoring which is being done by those organizations helps a lot in the search for freedom of expression and freedom of the media in the country.

Human rights defenders and those advocating for freedom of expression are playing essential roles in the promotion of freedom of expression in the country. This role is to be appreciated. Among those efforts are the genuine partnerships between the Sudanese and the international organizations for democratization of the media and media laws in the Sudan.

It has to be mentioned that Sudan is part of regional and international treaties and conventions. This means that the Government has to respect its obligations. In addition, it has the obligation to respect the Interim Constitution of the year 2005.

Recently, there were some respective initiatives for promotion of freedom of expression and media democratization in the country. One of the most important initiatives is the Rumbek–Khartoum Declaration<sup>10</sup> December 2005, which is a result of along process of civil society work (Promoting Freedom of Expression & Civil Society Involvement in Developing Democratic Media Legislation, Round tables at Khartoum, Nairobi and Rumbek).

### **Recommendations:**

- 1) Legal reform is the most important; the media laws should comply with the International Standard, Interim Constitutions and CPA. (The situation in the South of Sudan is similar to the situation in the North of Sudan: no laws/bad laws and the need for legal reforms. The old law cannot be amended and there should be a new law. Currently the press is experiencing an era and atmosphere Sudan had passed already, i.e. the marginalisation of freedom. Freedom now should be the main issue.
- 2) Raising journalists' awareness on human rights issues and freedom of expressions
- 3) Net working on national, regional and international levels
- 4) The media in Sudan shall be self-regulated to preserve its independence and strengthen its ability to play its role as a guarantor of democracy and good governance.
- 5) Create different unions for journalists and publishers instead of the current status where they are represented in one union.

## **South Sudan**

### **Janet Logo Maya (Capital FM)**

Just like many African countries, Sudan claims to be a democracy. Former Sudanese Ambassador to the United States, Mahdi Ibrahim Mohamed puts it even better, "The authentic portrait of Sudan is that rosy - Sudan is a democracy."

Since independence, Sudan has always been divided along ethnic, linguistic, geographical and religious lines. The North, which is predominantly Arab and Moslem has always been more developed and exposed to the rest of the world than the South, which is predominantly Black African and Christian.

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<sup>10</sup> The Declaration can be found under: <http://www.article19.org/pdfs/other/khartoum-rumbek-declaration.pdf>.



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In the past, media activities were confined to the North and so the freedom to seek, receive and impart information was denied to the South. Radio stations, newspapers, magazines and television channels were all based in the North.

In order to ensure that the Black Africans were marginalized, almost all programmes were transmitted in Arabic, the official language of Sudan. The official language in South Sudan is English and more than 200 languages are spoken throughout Sudan. Therefore, to write and broadcast information in Arabic would mean that the majority of the people are left

Sudan has been under militaristic regimes including the current one under Gen. Omar El Bashir. The media was closely monitored by those in power and whoever wrote or said anything against the Government was either arrested, tortured or killed in the name of “national security”. However, it should be noted that the phrase “national security” has never been clearly defined and so it has always been an excuse for those in power to keep the media in check.

It is ironic to note that Sudan has always had a Constitution in place which has a provision for freedom of speech using whatever means. Yet, overt measures continue to be used to silence journalists. For example, Alfred Taban and Dr. Mudawi Ibrahim Adam have been arrested several times. The Government also uses other covert measure like bribing journalists and therefore, decreasing their sense of objectivity.

Previously, there only existed Government owned radio stations, which worked as the Government mouthpiece. For example, in Khartoum, there was Omdurman while in Juba, the Southern capital there were Radio Juba and Juba Television.

The National Interim Constitution has a provision for the freedom of speech which can be translated into freedom of media as well. The Comprehensive Peace Agreement (CPA) also has the same provision. However, to a great extent, freedom of the media is just in words and not practicable in the current Sudan. Newspapers only write what they think those in power want to hear, implying that there is lack of objectivity in news reporting. For example, well-informed and researched article can never be run in newspapers like The Sudan Mirror, Juba Post and The Southern Eye.

The Government of Southern Sudan (GoSS) closed down Liberty FM under the pretext of it having no license, yet it is evident that the station was closed down because the journalists there were carrying out their role being the 4<sup>th</sup> estate of democracy and keeping an eye on the Government.

In order to ensure that Liberty FM is silenced for good, the Government is making plans of making this station a Government mouthpiece.

In order to suppress the media, the annual license fee paid is too high. The \$5,000 annual fee tends to discourage interested persons from opening up radio stations.

Also as a way of silencing journalists, Government has from time to time sent journalists and other human rights defenders to jail for their work. Prominent cases include that of Dr. Mudawi Ibrahim Adam, Chairperson of the Sudan Social Development Organization (SUDO), who has been imprisoned several times for his human rights work and Alfred Taban, Managing Editor of the daily newspaper *Khartoum Monitor* that has been taken to court several times in recent years over its reporting on current political issues.

Currently in the Sudan, there are too few training courses for journalists. This has increased the number of quack practitioners who are masquerading as journalists who do not know that in journalism one must ensure that justice is seen by reporting objectively and not being biased regardless of the story. Some of these journalists do not know the code of ethics. Anyone that can write and speak over the radio is called a journalist. Subjectivity comes in, whatever one thinks is right is right; people's opinions rather than facts matter and fill airwaves and newspapers.

Journalists from South Sudan formed the Association of Media Development in Southern Sudan (AMDISS), also referred to as South Sudanese Journalist Association, bringing them together under one umbrella with its headquarters in Juba. However, there is a major rift between the older journalists and the new generation. In July 2006, a group of journalists sat down and proposed to start another association which has not yet been given a name.

The number of radio stations is increasing. Compared to one radio station (Radio Juba) before, today Juba has five stations, i.e. *Capital FM*, *Liberty FM*, *Miraya FM* (owned by the UN), *Radio Juba* and *BBC*. In the same way, there are three newspapers, i.e. *Southern Eye*, *Juba Post* and *Sudan Mirror*.

Compared to other countries, Southern Sudanese media is not yet sensational. Most articles in the newspapers and on radio programmes contain mainly hard news items.

As regards fulfilling Article 19 of The Declaration of Human Rights, with the discussion above, to a greater extent freedom of speech and expression is a myth rather than a reality because people are not allowed to voice their opinions like the article stipulates. However, given the increased number of radio stations, newspapers and magazines in South Sudan, one could say that Article 19 is being honored to some extent.

## Tanzania



**Christopher Kidanka (Information Officer, Legal and Human Rights Centre)**

Tanzanian journalism has come a long way. What we have today is a result of a long history. Once there was no modern media through which to pass information on to a larger community. There was only the traditional media which were contextually relevant and effective at the time. Then came the missionaries with their modern and relatively sophisticated infrastructure to facilitate their modern and 'important' mission; preaching the Gospel. The missionaries therefore established news sheets that met their communication needs.

© EHAHRDP According to records, the first news sheet called *Msimulizi* (story-teller) was established in Zanzibar Island in 1888. *Habari za Mwezi* (Monthly News) followed in 1894.

The main objective of these news sheets was to publicize the missionaries as well as the colonial Government's 'good' work. Since the missionaries had paved the way for colonial establishment, their media could not have played the watchdog role as Nkwabi Ng'wanakilala puts it in his book, *Mass Communication and Development of Socialism in Tanzania*.

The news sheets were adequately funded and were sold at 5 to 10 cents. (Today a newspaper in Tanzania costs between 150/- shillings and 400/- shillings. One shilling equals 100 cents).

Contents of the news included items like, German Kaiser's birthday, construction of a modern hospital, road or bridge, a note on Chief Mirambo of the Nyamwezi tribe, etc.

Then came the private press. The *Zeitung*, a settlers' newspaper, which was established in 1899, became a bi-weekly in 1908. The major policy of the paper was to propagate the rights of the strongest race, particularly the German settlers in then Tanganyika.

During the British colonial rule, a number of tribal as well as national newspapers sprung up. A few African elites, who had benefited from a doze of colonial education, started these papers to shout their grievances.

Some of these newspapers include; *Komkya* (In Kilimanjaro region), *Lumuli* and *Mbegete* (In Lake Victoria region) and *Arumeru* (In Arusha region).

Later in the 1950s *Mwafrika* (The African) was established to become the first nation-wide newspaper that advocated for more representation of Africans in the Legislative council, then self-government and independence. The colonial regime started *Mamboleo* newspaper as a counter-critic of *Mwafrika*. The paper contained a lot of poetry, singing litanies of praise to the colonial regime. The aim was to lure the people away from the struggle for independence. (Nkwabi Ng'wanakilala, Mass Media and Development of Socialism in Tanzania)

This basically became the role of the press then; the Government's newspapers praising the establishment and advocating for continued colonial domination, while the nationalist papers keeping the Government in check and mobilising people to claim their independence.

### **Current state**

Today in Tanzania, it is difficult for an average person to count how many newspapers – dailies, weeklies and even bi-monthlies there are; the titles are ranging from yellow press to serious newspapers.

The major media houses are; *IPP Media*, which owns nine titles of newspapers, two radio stations, and two TV stations; *Business Times*, which owns four newspaper titles, and an FM radio station; *Habari Corporation* that owns four newspaper titles, and *Mwananchi Communication* that owns three newspaper titles. These are private media houses that one could call serious newspapers. Here we do not mention a number of yellow newspapers that publish gossip and porn-related stories, the ruling party's newspapers and a radio station, Government media houses and religious groups' radio stations and newspapers.

“The advent of the private press saw individuals who had no journalistic background entering the business to make fortunes. Businessmen who had dreamt of making quick money through the media started newspapers and invited a few professionals to give their papers a face value. After several publications, the businessmen realized the media business was not meant for making quick money. They therefore closed,” says Ayub Rioba in his unpublished paper, *The State of Tanzanian Journalism*.

The costs of gathering, processing, printing and distributing newspapers threaten the survival of most newspapers. And it is usually the owners (publishers) who determine the allocation of whatever returns from adverts and newspaper sales. They set - without any formal criteria - the salaries, allowances and other incentives for their workers.

## Challenges to journalists

Freedom of Expression is enshrined in Article 18 of the Constitution of the United Republic of Tanzania. It is derived from Article 19 of the Universal Declaration of Human Rights in the UN Bill of Human Rights.

However, there are media laws that contradict this supreme law, the Constitution:

The Newspaper Act of 1976 for instance, contains many restrictions that cannot allow for a free and democratic press to flourish. The Act gives the Minister for Information powers to cease registration of any newspaper which the Minister thinks does not qualify (Section 5-(2) of the Newspaper Act).

In section 13-(1) the Minister may, whenever he deems right, ask the publisher to execute a bond to the registrar of newspapers with one or two sureties. And the Minister himself would determine the amount of the bond. This means, a Minister may decide to 'kill' a newspaper by asking the publisher to execute a bond of 10 million shillings which most publishers in Tanzania may hardly find sureties that can afford to risk the amount.

Section 25-(1) gives the Minister power to ban any newspaper, at any time he deems right to do so. Section 22 gives the police powers to search and cease any publication, which is thought to have contravened this Act.

There are legal impediments to press freedom in Tanzania. But perhaps the situation is worse not because in the law books there are bad laws, but because the ownership of the press is in the 'wrong hands':

- Some Tanzanian media is owned by politicians whose political interests are unquestionable. They become mere mouthpieces for political icons and parties.
- Some Tanzanian media is owned by business persons with vast business interest other than the people's right to know and the journalists' 'right to write'.
- The President of Tanzania, Mr Jakaya Kikwete is said to be well-versed in utilising the media. He has managed to achieve mostly positive coverage by journalists and little is said of Kikwete's blunders.

The fact that the President funds journalists' trips abroad to 'cover' him, the ruling party's treasurer owns shares in two major media houses, and existing legislation makes it easy for a minister to shut down a newspaper, the best way to survive as a journalist report positively about the President.

Journalists still remember the miraculous demise of Stan Katabalo, an investigative reporter of the defunct *Mfanyakazi* newspaper in early 1990s, who unveiled what came to be known as Loliondo Gate Scandal where high ranking individuals were involved in a plot to sell a hunting block to an Arab businessman.

Journalists also recall very well when a radio journalist, Adam Mwaibabile, was imprisoned after unearthing a scandal involving a Regional Commissioner.

Amid threats from repugnant media laws and economic woes, the President is embracing the journalists and they (journalists) are enjoying the heat. The two, are using each other to the detriment of journalism and the nation.

## Uganda

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### A Ugandan journalist

#### Historical background of Uganda's media

Uganda's media was previously largely under state control with Radio Uganda (now UBC radio), Uganda Television (now UBC TV) and the New Vision newspaper operating in the country until the early 1990's when liberalization took shape.

The liberalization of the media industry broke the monopoly of Government ownership over the press in Uganda, thus it marked the beginning of the growth of the media with several newspapers, radio stations and television outlets emerging.

Today Uganda boasts of over 100 radio stations scattered around the country, with an equally increasing number of newspapers and television stations.

Proliferation of media outlets has led to unprecedented competition for audiences which in some cases has affected the quality of journalism and moved it away from the cardinal principles of the traditional free and independent news media whose key roles include information dissemination, entertainment, agenda setting, facilitating mobilization and advocacy, and acting as a watchdog on the exercise authority.

The media in Uganda, like in many countries around the world particularly in Africa, has become big business, with some media houses being listed on the Stock Exchange (Example is the State-owned *The New Vision* newspaper, which is listed on the Uganda Securities Exchange).

#### The current state of press freedom in Uganda

According to the Press Freedom Survey 2005, released in May 2006, Uganda was rated 13<sup>th</sup> among 48 countries in Sub-Saharan Africa in terms of press freedom.

However, this fairly good performance does not mean that the press is totally free. There are various limitations to journalists' freedoms and freedom of the media in state owned and privately owned media.

Cases of Government interference and pressure from public officials/security agencies, lack of access to information (although the law has been passed, it is not yet operational), repressive (draconian) media laws, fear for personal safety/security are among the factors hindering an environment for a free press.

#### Challenges faced by journalists

There are still a lot of hindrances to a free press, thus affecting the work of journalists in fulfilling their key obligations of informing and educating the public.

Like in many African countries, in Uganda, Government agencies continue to impinge on the freedom of the press. Laws such as the sedition, defamation, libel and until lately the law on publication of false news have been big hindrances to media freedom in Uganda.

As such, since the promulgation of the 1995 Constitution, there have been a number of criminal cases involving journalists and their media houses.

Examples of cases where press freedom has been impinged include the 2002 closure of the *Daily Monitor* (then called The Monitor) for one week by the army and police, over a story in which the newspaper reported that an army helicopter had crashed in the Northern Uganda war zone.

In June 2003, security forces closed *Radio Kyoga Veritas* in Soroti for two months, accusing it of running 'alarmist' reports on attacks by Lords Resistance Army rebels.

In another incident in September 2004, the Uganda Broadcasting Council slapped a fine on *Radio Simba*, a local FM radio in Kampala for hosting a group of homosexuals in a live talk show earlier in August. The council also forced the station to air an apology after every news bulletin for two days and to publish the same apologies in three daily newspapers, i.e. the *Daily Monitor*, the *New Vision* and a local Luganda daily, *Bukedde*.

Besides media houses, individual journalists too have been affected by the repressive laws governing media in the country. Several journalists have been detained and imprisoned in the course of their duty.

The first example was a 1995 incident when a journalist, Haruna Kanaabi of The *Shariat* newspaper (it has since folded) was sentenced to five months in jail and a fine of US\$ 49,500 for sedition and another of US\$ 1, 249, 500 for publication of false news. His crime was writing a story in which his paper reported that President Yoweri Museveni had visited Uganda's 40<sup>th</sup> district (Rwanda) to solicit support ahead of the 1996 presidential elections. He became the first Ugandan journalist to be convicted on charges of sedition

In 2005, the *Daily Monitor* Political Editor and KFM talk show host Mr. Andrew Mwenda was also arrested and charged with sedition and promoting sectarianism over an August 10 live debate on his "Tonight with Andrew Mwenda" talk show which discussed the death of former Sudanese President Dr. John Garang.

The State contends that the statements made by Mwenda were "likely to cause public alarm and fear" among the two countries.

He spent three nights at the Central Police Station before being charged at the Nakawa Chief Magistrate's Court. The case is still pending.

Another case is that of two Weekly Observer Editors, James Tumusiime and Semujju Ibrahim Nganda, who were charged with promoting sectarianism. The case is also pending.

### **Supreme Court victory for the media**

While the media suffers from a number of setbacks, one of the biggest affronts on media freedom, the criminalisation of publication of false news was declared null and void.

In a February 2004 land mark ruling, the Supreme Court declared unconstitutional, the section of the Penal Code that criminalizes publication of "false news". The ruling follows a constitutional petition by Two Monitor Journalists, Charles Onyango-Obbo now working with the Daily Nation of Kenya and Andrew Mwenda of the Daily Monitor. The two had been charged under the same law earlier.

## Operationalisation of Article 19 of the Universal Declaration of Human Rights (UDHR) in the Ugandan Constitution

Article 19 of the Universal Declaration of Human Rights says that, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

The last two decades have seen tremendous improvements in the area of press freedom and free expression in Uganda.

However, harsh media laws and criminal prosecution of journalists has had the effect of locking up information to the public, thus imposing limitations on the exercise of freedom in a justifiably free and democratic society.

### Updates: April 2007

Many of the challenges described above continue to persist in the countries of the sub-region with some incidents having taken place since November 2006 that exacerbate the situation of journalists and other human rights defenders in carrying out their work in a given country.

In **Eritrea**, ten journalists are still held incommunicado and in secret detention since 2001 without charge or trial. Some of them may have died though the Eritrean Government refuses to release information on their whereabouts and conditions. In November 2006, nine journalists from the state media<sup>11</sup> were arrested following a number of defections by state media journalists. The arrested were thought to maintain contact with the defectors. Eight of them had been released by the end of February 2007, however their movements are being controlled and restricted and they have been forcibly sent back to work.

On April 9<sup>th</sup>, 2007 the High Court of **Ethiopia** acquitted eight journalists and publishers of Amharic-language newspapers who had been jailed since the massive Government crackdown in November 2005 and charged with “treason”, “outrage against the constitution and constitutional order”, “impairment of the defensive power of the state” and “attempted genocide”, holding death penalties. This follows the acquittal of Kifle Mulat, exiled president of the banned Ethiopian Free press Journalists Association (EFJA) who had been charged with “outrage to the constitution and the constitutional order” over EFJA’s criticism over the Government’s use of violence against demonstrators, opposition leaders and human rights defenders. However, six other journalists remain in detention facing the sole charge of “outrage against the constitution”. Solomon Aregawi, owner of the defunct Amharic-language newspaper *Hadar* and Goshu Moges, a journalist working for *Lisane Heze*, are still on trial for separate charges, i.e. conspiracy and “outrages against the constitution” and “overthrow, modify or suspend the constitution” respectively.

A new press law has been drafted, however its provisions have been severely criticised by civil society for wide-ranging regulations it imposes on the media. To date it has not been presented to Parliament for approval.

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<sup>11</sup> No independent media exists in Eritrea.

The situation for journalists and human rights defenders in **Somalia** has considerably worsened since the end of 2006 when Ethiopian troops entered Somali territory in a bid to drive out the Union of Islamic Courts (UIC) that had previously ruled Mogadishu and other parts of the country trying to establish the full rigours of a Taliban-style government. This was done to reinstall the weak but internationally recognized Transitional Federal Government (TFG). Since then an 8,000 men-strong peacekeeping force has been agreed upon by member states of the African Union to allow Ethiopian troops to leave, pacify the country, disarm militias and support the TFG in establishing a rule of law throughout the entire territory of Somalia. However, so far only 1,500 Ugandan peacekeepers arrived in Mogadishu on March 1<sup>st</sup>, 2007 amidst heavy fighting that has intensified since then leaving hundreds of civilians killed and the numbers of refugees and internally displaced persons rising daily. Journalists and other human rights defenders have become a target by different factions with several being killed such as Isse Abdi Isse, a human rights defender from Kismayo, who was killed in front of his hotel in Mogadishu on March 14, 2007 and Ali Mohammed Omar, a journalist working with *Radio Warsan*, a privately-owned station in Baidoa who was shot by unidentified gunmen on his way home February 16, 2007. The current situation in Somalia makes the work of human rights defenders more difficult and more dangerous as they get targeted in their capacity as defenders without proper protection from the state or other actors. Violations of their rights are bound to remain unpunished.

In **Somaliland**, on January 2<sup>nd</sup>, 2007 the offices of *Haatuf* Media Network were stormed by police and chairman Yusuf Abdi Gabobe who had attended the November conference and editor Ali Abdi Dini were arrested. *Haatuf*'s correspondent in Borame, Mohamed Omar Sheikh Ibrahim was arrested at his home on January 14<sup>th</sup>, 2007 and detained in Kodbur police station in Hargeisa. The arrests were made in connection with a series of articles published by *Haatuf* from November 2006 to January 2007 in which alleged corruption and nepotism practices by Somaliland President H.E Dahir Riyaale's wife had been exposed. Ali Abdi Dini had been charged among others with "offending the honour or prestige of the Head of State" while Yusuf Abdi Gabobe was charged with resisting public officers during his arrest. The author of some of the articles Mohamed Rashid Muhumed Farah was charged in absentia while remaining in hiding. The verdict was delivered on March 4<sup>th</sup>, 2007 following a brief court session on Thursday March 1<sup>st</sup>, 2007 that saw proceedings in front of an incomplete court with the defence lawyer absent, the application of criminal law instead of the national Press Law and charges brought forward different to those referred to in the verdict. Yusuf Abdi Gabobe was sentenced to two years imprisonment while Ali Abdi Dini and Mohamed Omar Sheikh Ibrahim together with investigative reporter Mohamed Rashid Muhumed Farah who was tried in absentia received sentences of two years and five months. In addition, the media house was fined 5 Million Somaliland Shilling (estimated US\$ 800). Presidential pardon was given to all four journalists on March 30<sup>th</sup>, 2007. However, the unconstitutional handling of this matter clearly poses a challenge for journalists and other human rights defenders to struggle for the rule of law to prevail.

### 3 Presentations and discussions

The conference was opened with welcoming remarks by Hassan Shire Sheikh, Chairperson of EHAHRDP/Net. Mr. Sheikh welcomed the participants and provided detailed background on the

East and Horn of Africa Human Rights Defenders Network. He thanked the funders of the conference and the resource persons for their attendance and willingness to share their expertise.

The keynote address was given by H.E. Yoka Brandt, Ambassador of the Royal Dutch Embassy to Uganda. Among other issues, the Ambassador appreciated the considerable number of women journalists represented at the conference, and urged for a need to have women receive equal opportunities in their working environment as their male counterparts. Ms. Brandt noted that journalists are a vital link in human rights work yet they face serious challenges and risks to their lives. She stressed a need for the journalists to work hand in hand with other HRDs to raise their profiles and advocate on their behalf. The Ambassador explicitly commended EHAHRDP/Net on its work and restated the support of the Dutch Government to the organization and human rights defenders in the entire sub-region.

The key note speech was delivered by Hon. Al-Hajji Ali Kirunda Kivejinja, 3<sup>rd</sup> Deputy Prime Minister and Minister of Information and National Guidance with considerable delay. The Minister gave a general overview on the role and responsibilities of the media in relation to the democratisation process in Uganda.

EHAHRDP invited resource persons from reputable organisations defending human rights and protecting human rights defenders, such as Amnesty International, Article 19, Front Line, Human Rights House Foundation and Peace Brigades International – European Office. Some of them delivered presentations and training sessions during the three-day conference which will be reprinted below.<sup>12</sup> Each of the sessions was followed by workshop and/or plenary sessions giving participants the opportunity to deepen their understanding of the topic presented and apply the newly-gained knowledge to specific questions posed to them. The result of this group work was then presented to the plenary and discussed among participants and resource persons. A summary of this discussion is presented after each of the presentation.<sup>13</sup>

## International and regional instruments for the protection of human rights defenders

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**Hassan Shire Sheikh**  
**Chairperson**  
**East and Horn of Africa Human Rights Defenders**  
**Project/Network**

Currently several mechanisms and instruments for a better protection of human rights defenders exist on regional and international level, i.e. the UN special mechanism, the African regional mechanism, and the European Union mechanism. They stipulate the rights of human rights defenders and the responsibilities of states to respect these rights.

<sup>12</sup> All of the presentations have been slightly summarized. However, the outline and tone of the text has been maintained.

<sup>13</sup> A copy of the Conference's agenda and list of participants and resource persons are annexed to this report.

## **The UN Declaration on Human Rights Defenders**

The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the “Declaration on Human Rights Defenders”) was unanimously adopted by the General Assembly in 1998 after an elaborate lobbying and consultation process.

By adopting the Declaration, member states recognized the plight of HRDs worldwide, the right of HRDs to defend human rights and the need for international cooperation in the protection of this right to defend human rights. The declaration reaffirms that individuals, groups, institutions and non-governmental organizations have an important role and a responsibility in contributing to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized. It articulates existing rights in a way that makes it easier to apply them to the practical role and situation of human rights defenders. It specifies how the rights contained in the major human rights instruments apply to human rights defenders. It furthermore contains principles and rights based on human rights standards protected in other international instruments, such as the right to freedom of expression, association and assembly, and the right to freedom of movement.

The Declaration outlines some specific duties of States and the responsibilities of everyone with regard to defending human rights. Article 2 states that each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed. Article 11 makes special reference to the responsibilities of persons exercising professions that can affect the human rights of others, and is especially relevant for police officers, lawyers, judges, etc.

Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration provide specific protections to human rights defenders, among others the rights to o seek the protection and realization of human rights at the national and international levels; to conduct human rights work individually and in association with others; to form associations and non-governmental organizations; to meet or assemble peacefully; to seek, obtain, receive and hold information relating to human rights.

## **The UN Special Representative on Human Rights Defenders**

In 2000, the UN Commission on Human Rights adopted resolution 2000/61 calling on the Secretary-General to appoint a Special Representative on human rights defenders<sup>14</sup>. This was the first mechanism to be created at the international level to protect human rights defenders in accordance with the rights enshrined in the Declaration. Ms. Hina Jilani, a noted human rights attorney from Pakistan, was appointed as the first Special Representative.

The Special Representative undertakes activities in complete independence of any State, is not a United Nations staff member and does not receive a salary. The Special Representative’s mandate is to seek, receive, examine and respond to information on human rights defenders, promoting the implementation of the Declaration by establishing cooperation and conduct dialogue with

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<sup>14</sup> Contact details of the Special Representative for submissions or correspondence can be found in the resource section of this report.

governments and other interested actors and recommend effective strategies better to protect human rights defenders.<sup>15</sup>

The “protection” of human rights defenders is the Special Representative’s overriding concern. Protection is understood to include the protection of defenders themselves and the protection of their right to defend human rights. This includes political, legal and practical efforts that improve the environment in which human rights defenders work.

The Special Representative tries to be available for human rights defenders by receiving information including those of rights violations to raise them with member states as well as attend human rights events on national, regional and international level for information exchange and networking purposes.

The Special Representative maintains regular contacts with States through forums such as the annual sessions of the Commission on Human Rights in Geneva and the General Assembly in New York during which the Special Representative presents annual reports to States, responds to their questions and can meet with individual State delegations to discuss issues of concern, including individual cases. More specific contacts are conducted on a bilateral basis in meetings or in writing. The Special Representative also takes up individual cases of human rights violations committed against human rights defenders with the States. Information on such cases is received from a variety of sources, including State authorities, non-Governmental organizations, United Nations agencies, the media and individual human rights defenders.

### **The African Commission on Human and Peoples’ Rights & the Special Rapporteur on Human Rights Defenders**

The African Commission on Human and Peoples’ Rights (ACHPR) is the first regional human rights body to create a specific procedure to deal with the protection of defenders’ rights with the first Special Rapporteur<sup>16</sup> being appointed during the 35th Ordinary Session, held from 21 May to 4 June 2004 in Banjul, The Gambia. The Special Rapporteur’s mandate includes among others to seek, receive, examine and to act upon information on the situation of human rights defenders in Africa, provide reports to the ordinary sessions of the ACHPR, cooperate and engage with relevant stakeholders on relevant issues and develop and recommend effective strategies to better protect human rights defenders. To carry out her mandate, the Special Rapporteur receives and examines information from a wide range of sources, including NGOs, and issues urgent appeals regarding violations against human rights defenders in the region. The Special Representative has also encouraged individuals and NGOs to submit cases concerning human rights defenders to the African Commission. Under the African Charter on Human and Peoples’ Rights, the ACHPR is empowered to receive and consider reports from individuals and organisations (Article 55). Anybody can submit a communication to the ACHPR denouncing a violation of human rights. The complainant or author of the communication need not be related to the victim of the abuse, but the victim must be mentioned. All communications must be written, and addressed to the Secretary or the Chairman of the ACHPR. There is no form or special format that must be followed in writing the communication.

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<sup>15</sup> The Special Representative’s mandate is spelt out in paragraph 3 of the Commission on Human Rights resolution 2000/61.

<sup>16</sup> Contact details of the Special Rapporteur for submissions or correspondence can be found in the resource section of this report.

### **The EU mechanism**

The European Union has issued Guidelines on Human Rights Defenders providing practical suggestions for enhancing EU action in relation to the protection of human rights defenders. The Guidelines can be used in contact with third countries at all levels as well as in multilateral human rights fora, in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights. The Guidelines also provide for interventions by the Union for human rights defenders at risk and suggest practical means to support and assist human rights defenders. An important element of the Guidelines is to support the Special Procedures of the UN Commission on Human Rights, including the UN Special Representative on Human Rights Defenders and appropriate regional mechanisms to protect human rights defenders. The Guidelines will assist EU Missions (Embassies and Consulates of EU Member States and European Commission Delegations) in their approach to human rights defenders.

The operational part of the Guidelines is to identify ways and means to effectively work towards the promotion and protection of human rights defenders in third countries. Heads of Mission are requested to provide periodic reports on the human rights situation in their countries of accreditation. They are sought to adopt a proactive policy towards human rights defenders. The EU's objective is to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats from non-state actors. The overall objective should be to bring about an environment where human rights defenders can operate freely. The EU will make its objectives known as an integral part of its human rights policy and will stress the importance it attaches to the protection of human rights defenders.

### **The East and Horn of Africa Human Rights Defenders Project**

Despite the existing mechanisms of protection, the situation of human rights defenders has not significantly improved. Civil society has not yet taken advantage of the content of the Declaration. Promoting the implementation of the Declaration at national level is still a major challenge. Africa needs a human rights protection strategy that will offer greater protection, visibility and legitimacy to human rights defenders on the continent, so that they can more effectively carry out their human rights work, and by so doing expand the environment in which human rights defenders are able to exercise their right to defend human rights.

In follow up of recommendations made by Canadian civil society groups including Amnesty International-Canada, the establishment of the African Human Rights Defenders Project at the Centre for Refugee Studies, York University, Toronto, Canada was processed. The first stage of the project was carried out through field trips to Africa between March and May 2004, which involved extensive consultations with a wide range of human rights defenders as well as several public officers. A sub-regional coordination project – the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) was conceived as the result of a set of recommendations put forward by the first and exploratory stage of the African Human Rights Defenders Project which identified the most pressing needs of human rights defenders there, especially regarding personal security and effectiveness, and addressed the question of the kind of assistance that can be provided from outside Africa, particularly from North America and Europe.

The Project is Secretariat to the East and Horn of Africa Human Rights Defenders Network that represents more than 45 members, i.e. Human Rights Defenders (HRDs) and their organisations from Djibouti, Eritrea, Ethiopia, Kenya, Somalia and Somaliland, Sudan including Southern Sudan, Tanzania including Zanzibar, and Uganda. It envisions a region in which the human rights

of every citizen as stipulated in the Universal Declaration of Human Rights (UDHR) are respected and upheld. Its mission is to maximize the protection of HRDs working in the sub-region and to enhance the awareness of human rights work through linkages with national, regional and international like-minded entities.

## **Workshops**

Two working groups were formed with the aim of examining the use of protection mechanisms in different work settings. Their results are given below:

### **Workshop A: How to protect one-self when working in situations of conflict**

What challenges do journalists and other HRDs face in such situations?

- State-organized violence;
- Conflicts between states (Eritrea/Ethiopia);
- Lack of access to information;
- Lack of institutions that journalists can access;
- No rule of law or functional authorities.

What protection mechanisms can be applied in these situations?

- Important to understand which treaty/conventions etc. can be used and referred to;
- Important to have a good monitoring system;
- Remain neutral – do not take sides or become part of the conflict;
- Try to identify credible groups that can help or provide support;
- Understand the dynamic of the conflict.

### **Workshop B: How to protect oneself when working in situations of political and legal repression**

There is a need for reliance on the following mechanisms:

- Lobby Parliament when possible – seek support from legislative bodies;
- Seek to support court independence;
- Get support from the public;
- Important to extensively network with other HRDs and with the diaspora;
- Build contacts with EU embassies for times when in need of quick action;
- Get media coverage of cases, in particular ensure immediate response to violation and get coverage not only inside the respective country but outside as well;
- Long term lobbying through the African Commission and its individual case procedure;
- Establish journalists' associations where possible.

#### Recognition of particular challenges for some countries

- Somaliland is not internationally recognized, so very difficult to appeal to international and regional institutions and its mechanisms;
- Little responsiveness to decisions made by international and regional bodies such as in the case of Eritrea.

### Plenary discussion

The subsequent plenary session provided room for further contributions. Participants noted that despite the protection mechanisms being in place, their potential of protecting HRDs in need is limited. An example of the African Commission on Human and Peoples' Rights was given, highlighting its weakness in achieving compliance by Governments identified as violators of human rights. A case in point, participants noted, is Eritrea, which has repeatedly refused to comply with resolutions passed on the release of political prisoners. This together with the incapacitation of the Special Rapporteur on Human Rights Defenders to execute her mandate makes the Commission appear "toothless" and brings to question the Commission's ability to effectively impact on the situation of human rights defenders in the sub-region. However, the creation of the African Court was seen as a promising innovation, providing individuals and organisations with the opportunity to appeal on a case to case basis, holding African Governments accountable for violating provisions of the African Charter on Human and Peoples' Rights. The importance of knowing the avenues of redress and support among human rights defenders was stressed repeatedly.

### Assessing risks: threats, vulnerabilities and capacities



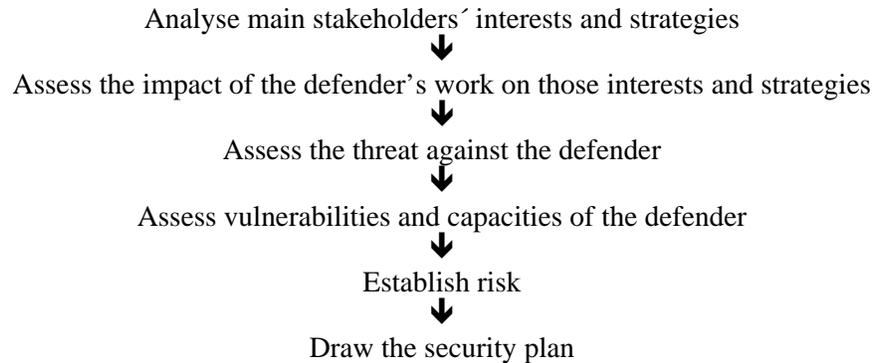
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Extract from the Protection Manual for Human Rights Defenders, by Luis Enrique Eguren (PBI-BEO), edited by Frontline.

Human rights defenders often face situations that bear security risk for them as individuals, as well as the organisation they are working for. To adequately handle these risks therefore, it is necessary to have an understanding of the concepts of threats, vulnerability and capacity in security management and learn how to do a risk assessment.

The following are the main steps:



### Context and stakeholder analysis

To be able to adequately judge your situation or your current state of security, it is necessary to analyse the context and identify influencing factors and stakeholders. This encompasses the legal, political and social environment, stretching the personal and public sphere of your direct and indirect interaction with individuals, groups and institutions. It is therefore necessary to familiarize yourself with the existing legal context on national, regional and international levels, i.e. international law (specifically related to HRDs and your field of work), international humanitarian law and regional instruments like the EU Guidelines on HRD protection.

The force field analysis aims at establishing the forces that support and hinder your work in achieving its objectives. The analysis will allow you to understand how to mitigate or avoid the detrimental effects of resisting forces and benefiting from the supporting forces. Forces of unknown direction can be either treated as supporting forces or should be monitored closely in regard to their positive or negative effects.<sup>17</sup>

A stakeholder analysis aims at identifying who is a stakeholder, what are their “stakes”, i.e. interests and characteristics, and their potential in contributing to protection. PBI categorises stakeholders into primary stakeholders, duty-bearer stakeholders and key stakeholders.

The involvement and strategies applied in a certain context all depend on the interests and potential of the key stakeholders. Identifying and understanding the strategies employed by stakeholders is challenging as their interests are not always known and their relationships are rarely clear-cut. This holds true for governments, security forces and armed opposition who often cause and contribute to human rights violations and security concerns of defenders despite their mandate of protecting them. Competing interests between stakeholders have to be taken into account as well as the fluidity of processes and the multiple levels of interactions and inter-linkages of actors and interest. Taking into account all these factors leaves you with a highly complex picture of your working environment.<sup>18</sup>

<sup>17</sup> The Protection Manual provides a chart to facilitate your force field analysis (p. 12). The manual can be accessed online via [http://www.protectionline.org/article.php?id\\_article=186](http://www.protectionline.org/article.php?id_article=186).

<sup>18</sup> The Protection Manual provides a detailed description on how to do a stakeholder analysis as well as chart aiming at facilitating the visualisation (p. 15f)

## Threats, Vulnerabilities and Capacities

Human rights work is likely to negatively impact on the interests and strategies of other stakeholders, which might cause risks to the defender. It is therefore important to be aware of the risks inherent in one's work. The definition of risk used by PBI is describing it as "possible events, however uncertain, that result in harm."<sup>19</sup>

However, a risk is not always the same everywhere and for everyone. Vulnerability of a defender or a group varies. The risk of a defender or a group of defenders is determined by the threats and their vulnerability to those threats.

$$\text{Risk} = \text{Threats} \times \text{Vulnerabilities}$$

Threats are the possibility of being harmed physically, morally or materially. Assessing threats means analysing the likelihood of a threat being put into action.

Vulnerability describes "the degree to which people are susceptible to loss, damage, suffering and death"<sup>20</sup> in the event of a threat carried out. Someone's vulnerability is always relative and underlies change.

Capacities of a defender are determined by the resources and strengths accessed to achieve a reasonable degree of security, e.g. training on security issues, access to means of communication, networks with other defenders etc. To protect yourself, you must: reduce threats, reduce vulnerability factors and increase protection capacities.

The changing nature of risks makes it necessary to assess risks periodically especially if you experience frequent change in your working environment, threats and level of vulnerability. Interventions should always target the reduction of threats as a source of risks in addition to reducing vulnerability and enhancing capacity.

Defenders use different coping strategies to deal with risks. Many are immediate reactions and therefore, short-term. Others can be harmful especially when they cannot be reversed. It is essential to reinforce effective coping strategies and reduce harmful ones, taking into account others' coping strategies as well.<sup>21</sup>

Once the risk assessment has been completed, it needs to be decided how to treat the risks. It is therefore important to understand the level of risk and how all those affected perceive it and want to react to it.

## Dealing with security incidents

A security incident can be defined as any fact or event which you think could affect your personal or organizational security.

You can deal with security incidents in three basic steps:<sup>22</sup>

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<sup>19</sup> Protection Manual for Human Rights Defenders, p. 17

<sup>20</sup> Ibid, p. 19.

<sup>21</sup> More details on analyzing coping and response strategies can be found in the Protection Manual (p. 24f).

<sup>22</sup> Ibid, p. 37.

1. Register them.
2. Analyse them.
3. React to them:
  - Reaction to the incident itself;
  - Feedback, in security terms, about how you work, your work plans or your work strategy.

Establish your objectives before taking action. Prompt action is important, but knowing why you are taking action is more important. By first establishing what you want to achieve (objectives), you can decide how to achieve it (course of action).

### **Understanding threats**

A declared threat is a declaration or indication of an intention to inflict damage, punish or hurt, usually in order to achieve something. Human rights defenders receive threats because of the impact their work is having, and most threats have a clear objective to either stop what the defender is doing or to force him or her to do something.

A threat always has a source, i.e. the person or group who has been affected by the defender's work and articulates the threat. A threat also has an objective which is linked to the impact of the defender's work, and a means of expression, i.e. how it becomes known to the defender.

### **Preventing and reacting to attacks**

To find out how likely an attack is to happen, you need to analyse the relevant factors involved. To establish what those factors are, it is useful to differentiate between different kinds of attacks, i.e. common crime, indirect attacks (being in the wrong place at the wrong time) and direct attacks (targeting).<sup>23</sup>

### **Preparing a security strategy and plan**

A security plan is aimed at reducing your risk. It will therefore have at least three objectives, based on your risk assessment:

- Reducing the level of threat you are experiencing;
- Reducing your vulnerabilities;
- Enhancing your capacities.

To ensure that the plan is implemented, security routines must be integrated into daily work activities:

- Include context assessment and security points routinely in your agendas;
- Register and analyse security incidents;
- Allocate responsibilities;
- Allocate resources, i.e. time and funds, for security.

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<sup>23</sup> The Protection Manual provides you with tables facilitating the threat assessment and the likelihood of direct and indirect attacks (p. 44f).

If you have done a risk assessment for a defender or organisation, you might have a long list of vulnerabilities, several kinds of threats and a number of capacities. You can't realistically cover everything at the same time. So where to begin? It's very easy:

- Select a few threats.
- List the vulnerabilities you have which correspond with the threats you have listed. These vulnerabilities should be addressed first, but remember that not all vulnerabilities correspond with all threats.
- List the capacities you have which correspond with the threats you have listed.

You are now in a position to address the selected threats, vulnerabilities and capacities in your security plan, and can be reasonably sure that you will be able to reduce your risk from the right starting point.

A security plan must be implemented on at least three levels:

1. The individual level. Each individual has to follow the plan in order for it to work.
2. The organisational level. The organisation as a whole has to follow the plan.
3. The inter-organisational level. Some level of cooperation between organisations is needed.<sup>24</sup>

The handbook offers further tools for risk assessment and security management, among them the security wheel<sup>25</sup> which aims at facilitating the development of the main security components as part of an overall security strategy. It assists in examining the way you manage security, and evaluate the extent to which security is integrated into a group of defenders' work. The security wheel has eight spokes symbolizing different components relevant to successful security management. A periodic review of the result is recommended to be able to realize and capture changes.

## Plenary discussion

Due to time constraints the workshop sessions had to be cancelled. However, time was given for questions and discussion of the issues raised in the presentation. Despite overall agreement on the importance of security training for human rights defenders, participants criticised that the notion of the security environment as presented was very Western and European and therefore appropriate for developed urban areas, not small rural or post-conflict areas. The fact that PBI's security training usually lasts 3 days made clear that the time constraint hindered getting into detail about different situations on the ground.

Examples were brought forward from participants, among those the case of Rwanda and journalists' collaboration in the genocide. This exemplified the need to be cautious about people's intentions and base security assessments not on assumptions but facts.

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<sup>24</sup> The Protection Manual provides detailed information on improving security at home and at work (p. 73).

<sup>25</sup> Examples on how to use the Security Wheel can be found in the Protection Manual (p. 62f).

Overall, the session was very well received but calls for further training in security were made from among the participants, as well as the resource persons.

## Ethics and standards of reporting

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**Cece Fadope**  
**Article 19**  
**Africa Programme Officer**

Article 19 is a non-profit organisation that believes in freedom of expression as being a touchstone human right, implying that all other rights are hinged on it. A right is something possessed by virtue of being and living; not something that has to be earned. Article 19 believes the full enjoyment of this fundamental right is the most potent force in preventing repression and building peace, and it is central to achieving individual freedoms and strengthening democracy. Freedom of expression remains one of the critical tools for African countries to adhere to the principles of good governance. One of Article 19's objectives is to provide perspectives of how African journalists can carry out the duties of their profession and be law abiding in an imprecise or perhaps hostile policy and social environment. There exists a 'code of conduct' defining work ethics and standards of journalistic work. With all the difficulties that journalists are facing, their responsibilities to inform the public is evermore challenging. To do so successfully, the following are key ideas:

- **Ethics** – morality, beliefs, principle, rights and wrongs;
- **Standards** – fairness, accuracy, professionalism in our quality of work, freedom of expression;
- **Good reporting** – access, recognition, responsiveness, and watchdog function.

For societies coming out of conflict as many of the countries from the sub-region of the East and Horn of Africa – special emphasis must be put on fairness and accuracy in the media as a primary concern. These will go a long way towards clearing away mental obstacles to effective communication among groups, majority and minorities.

The role of law in granting freedom of expression is fundamental. The human rights framework that form a base for freedom of expression and our professional ethics include of course Article 19 of the Universal Declaration of Human Rights; Article 19 of the International Convention on Civil and Political Rights as well as Article 9 of the African Charter on Human and Peoples' Rights. These all emphasize the right to impart and receive information. Despite the requirement of streamlining national legislation with these provisions, many African states fail to provide a proper legal framework. The parallel existence of freedom of information law alongside secrecy acts, public order and criminal defamation acts, appears as if the public is not meant to be informed as much as stipulated in the human rights framework.

Conversely, there is need to think about the way journalists do their work. Unquestionably, journalism is regarded with suspicion by African Government authorities. Cece maintained that to help Governments to understand and see why openness and transparency is in their own as well

as the public's interest, the best way is by upholding a high standard of ethics and professionalism in journalistic work. That is not just obtained with each story; but should be evident in the overall editorial policy. If there is an established pattern of balance in analysis, in information sharing, in critique and criticism, then the criticism aspect may be more tolerable.

Another challenge of journalistic work is how to mitigate against the use of restrictive laws for wrongful arrests. Again, the recourse is professional journalism. African Government officials need to be made aware that it is important to win the trust of their citizens by taking steps to promote and to respect freedom of expression.

In addition, they need to get the public involved with journalism. It can seem that journalists work in a vacuum, but it is important to include the audience in journalism practice. The public interest is easy to forget because the public is not in the newsroom or at workshops and summit meetings. The media have a responsibility to know their audience in order to perform their duties effectively. Journalism should also be grounded in context. What is reported and produced should reflect the concerns of the community and invite the community to interact with the issues and participate in solving problems. Basically journalists have a responsibility to provide information that enable communities to reflect on their social concerns proactively.

The democratic principle of free expression is based on a right – right to impart and the right to receive information. Yet the rights-based approach can and does raise ethical questions: Does the right to say something mean anything can be said? With our editors and producers, we make daily decisions about what information gets reported into the public sphere, we must be alert to the impact our news content have on the public and public servants.

Media ethics can be a guarantee of media independence. A valid code of ethics or style guide should be initiated for every organisation and company. Here are some common features of codes:

- Let us be uncompromising in adhering to truthfulness in gathering, reporting and sharing information;
- Let us use language that is non-discriminatory or hateful against anyone;
- Let us have respect for copyright;
- We have a duty not to divulge sources or confidentiality of sources;
- Let us not prejudge any situation, research is fundamental;
- Let us refuse bribes to cover story even if you are poorly paid;
- Let's us make an effort to be comprehensive in our reporting;
- Let us remember that news and information especially in local languages are helpful to non-literate communities and minorities;
- Let us embrace and uphold a code of ethics and abide by it.

Self regulation, meaning abiding by the code of ethics, closes some of the gaps that leave room for outside intervention and Government control. The media have power that should be exercised with responsibility.

When journalists get arrested or detained, support is needed. News organizations must build capacity to be able to stand by colleagues when they are in difficulties with authorities. Currently existing support mechanisms need to be strengthened. Cooperation with civic and human rights organizations can prove helpful in better understanding rights and responsibilities.

Human rights groups can also help guard against substandard laws. Journalists and human rights defenders must work in unison and be actively engaged in drafting and advocating for laws that

serve the public interest and meet international standards – looking closely at what has been agreed in instruments like the African Charter for Human and Peoples’ Rights, International Convention on Civil and Political Rights, etc.

Conversely, we must help officials to better understand and respect freedom of expression. Government structures should be logical. Media regulatory agencies should be independent. Ideally Governments should separate themselves from involvement in the media. There is need to establish an independent media body that has legal immunity. Ministries of Information, where they exist, should only provide official information. They should not interfere in news organizations’ editorial policy.

Ways forward to better self-regulation among journalists improving quality of reporting and better security in existing working conditions:

- Civic or participatory journalism rather than the traditional approach;
- Do team work on investigative journalism;
- Do not use a by-line when the story is sensitive;
- Connect with the audience by doing audience analysis;
- Increase issues reporting by focusing on policy and the people;
- Training in ethics – know the minimum international standards; know the standards provided in your country’s law for freedom of expression, for Government transparency;
- Join professional press associations with aspiration for professional standards and advocacy programmes for a more enabling policy environment for our work.

## **Workshops**

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Three working groups were formed discussing different aspects of journalistic standards, with the following results:

### **Workshop A: Protection of sources**

Examples of sources:

- Government spokespersons
- Individuals
- NGOs
- Politicians including the opposition

Why and how to protect sources

- Sources not to be disclosed: Government officials who are under oath of secrecy, classified information and special cases say rape, defilement or dealing with minors;
- Information from low profile persons and from high profile people ought to be protected equally.

- Need to respect the privacy of sources because it is their right, especially if the information in question is not necessarily in public interest;
- Violation of a relationship with sources could be costly on the side of the reporter, next time the information may not be given;
- Sources providing privileged information need to be protected as this can lead them into trouble;
- Information given by minors could traumatize them;
- Off the record information could land a reporter into trouble;
- Assure sources of their protection by discussing with the editors, make photocopies of the documents received – this can work as a secret defence in case of a court case.

### **Workshop B: Ethics and standards on reporting on human rights**

Need to put into consideration:

- In most African countries, ethical writing is actually made criminal by the Government by using the law to limit journalists;
- Importance of objectivity, accuracy and thoroughness;
- Importance of style: be aware of the tone used and its implication;
- Importance of protecting sources and making sure they cannot be traced;
- Always bearing in mind the consequences of an article;
- Considering issue of consent in using information, names and pictures;
- Thinking about appropriateness;
- Respecting existing laws – journalists are not above the law;
- Avoiding sensational reporting on human rights issues;
- Importance of minding cultural practices and understandings;
- Importance of thinking about the purpose of one's reporting.

### **Workshop C: Ethics and standards of reporting in situations of armed conflict**

- Basic principles as spelt out above hold true for journalistic work in situations of armed conflict but there is need for particular consideration as the difficulty of situation makes precautions even more important;
- Very important to think about the potential of the media to fuel conflicts: reporting on violations if not done well could lead to further violence, hence need to recognise the importance of impartiality and emphasis on fact and tone;
- Issue of knowledge and capacity – how to report on abuse etc.

## International campaigning and media work



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**Natacha O'Brien**  
**Front Line**  
**Protection Coordinator for Africa**

Front Line is an international organisation, which was set up in 2001 with the aim of protecting, defending, supporting and acting on behalf of Human Rights Defenders, whose lives and physical, and mental health is at risk, due to their human rights work. Front Line addresses some of the needs identified by defenders themselves, like protection, networking, training and access to the thematic and country mechanisms of the United Nations and regional bodies. Front Line conducts research and publishes reports on the situation of human rights defenders in specific countries in conjunction with local partners. It runs a small grants programme to provide for the security needs of human rights defenders at risk. It furthermore provides training in protection and IT security and is developing a network of human rights defenders worldwide who are trained in training in protection of human rights defenders.

Independent journalists play a critical role in documenting violations and corruption, questioning State activities. They promote and defend freedom of expression, “provided you are not 'controlled' by State or other actors.” If a journalist cannot freely express his or her views few other rights can be exercised.

A journalist is a human rights defender when he or she is writing or discussing about issues, which seek to promote human rights and or expose human rights violations committed by the state or by other actors. These include issues related to economic, social and/or other rights of society such as state corruption and its effect it will have on the human rights of the people. In the same vein journalists covering democratic reform can also be considered to be human rights defenders when they are reporting on the topic as a human rights issue.

Many journalists in the East and Horn of Africa are persecuted because of their work, the pattern varies. In all countries in the region, journalists are harassed and face censorship.

Strategic campaigning and media work on behalf of journalists can help individuals and improve the situation of media freedom. Before campaigning on a case of a human rights defender at risk or being persecuted, it is necessary to do a situational analysis – mapping out what are the aims and objectives of the campaign, who the key contacts are, and what external factors could affect the campaign. When assessing aims and objectives – it is essential to be realistic and assess what can be achieved in conjunction with your organisation and with your network. There is need to assess who is responsible for the arrest/ arbitrary detention/judicial harassment and who can have influence that person. It is also necessary to assess which international bodies can mediate. The second phase is that of identifying which tactic you are going to use. Front Line has two principal courses of strategic action: urgent appeal letters and networking.

Urgent appeal letters are letters to the authorities in the country where the human rights defender has been targeted and requesting immediate action and protection on their case. Front Line aims at sending these letters out within 48 hours of the incident in order to be most effective and prevent a human rights defender from being tortured or ill-treated. From experience it is known that most cases of torture and ill-treatment happen within the first hours of their detention. The same letters are also sent to the Irish Government, to the Office of the UN Special Representative

for Human Rights Defenders, Ms. Hina Jilani, to country embassies in Ireland, and in some cases to the Irish or other embassies in the country. With urgent appeal requests, it is good to be a member of a national human rights network, who can send urgent appeal requests out on your behalf and a regional network such as the East and Horn of Africa Human Rights Defenders Network. Information used in the urgent appeal request needs to be well researched and verified. The source must be trusted and the information has to be reliable and independent.

Front Line's experience has shown that it is essential to establish a working relationship with a network of national and international networks, human rights organisations (like Amnesty International, Article 19, Reporters without Borders, etc.), church groups and parliamentarian groups within national Parliaments or the European Parliament who can mobilize support for the campaign and who are committed to human rights, justice and peace issues. It is worth taking the time to establish a good working relationship with regional and international organisations, so that when a human rights defender is at risk, the organisation can be contacted with ease. Front Line has found it useful to prioritise countries where you will concentrate your lobby work and campaigns.

When making this choice this it is necessary to take into consideration which countries provide the most development aid or development cooperation finances to your country as this indirectly portrays their potential influence of exerting pressure. It is also helpful to make contact with development agencies operating on the ground or in the country of the donor and ask them to lobby the donor Government on your behalf. Targeting missionaries and justice and peace organisations is another recommendation we make. The aim is to target groups that will mobilise support when needed and assessing who is committed to human rights issues and will keep the momentum of campaign going if a case is submitted which is not resolved immediately. When presenting a case of a human rights defender to such entities, it is good to draw a profile, which will draw attention to the case and will increase the chances of media coverage.

It has to be noted that it is difficult to get the international media interested in cases of human rights defenders being persecuted. This should be kept in mind when profiles are written as the ultimate aim, is to get the international media to take up the case. The correspondent for your country for the different international newspapers like *Le Monde*, the *Guardian*, the *Times* needs to be targeted. Good contacts with the international radio stations – like BBC World Services and Radio France International need to be established.

Front Line has realised that a feature article is sometimes a good way to get coverage on the case of a human right defender in the media. When doing a feature article, the personal story can help in getting coverage. Getting information on the family of the human rights defender, like if he or she is married, does he or she have children, their personal background aims at showing the public that this is not just another statistic case but human life. A good quality photograph can help receive coverage and can mean that the case will be more likely to be taken up. In cases of rape and torture it is ethically important that to obtain consent of the victim if he or she wants their photo to be used in a campaign. It is important to verify that the human rights defender wants public coverage and for how long he or she wants it. It can be difficult to control an international campaign if the human rights defender or the organization decides that campaigning will be or has become counter productive.

These days, unfortunately for many, it is more likely that a case is taken up if it is featured on a website. It gives the impression that of a reliable organisation that has the capacity and resources especially if website features updated cases. So the internet gives a sense of security to people who are researching. The aim of reporting cases on the internet should be presentation of a case in a dispassionate tone, with no emotion. The information should be presented clearly and in an

objective manner. The principle information of who the human rights defender is, what happened to him or her, when and where did it happen, should be featured in the first paragraph.

Besides lobbying and letter writing on behalf of human rights defenders it is necessary to be familiar with the EU Guidelines for Human Rights Defenders, so that when contacting EU Embassies, specific information can be given about what they are requested to do for the case. It is important to spend time making contact with EU Embassies so that there is a working relationship already established. It is then more likely that the case will be taken up if the information is credible. It is important to approach embassies in an encouraging manner and not in a demanding one. It is good policy to ask an embassy to take action, considering the important role they have and request them for feedback in to what they have done on the case. Reliability and accuracy are crucial in regards to urgent appeals to EU embassies. In general, the two most important factors are speed and accuracy. If information is sent that is not accurate in an urgent appeal it is likely to take a long time before reputation for reliability is re-established.

It is also good to check if access to a lawyer is available in case of arrest. Establish if the lawyer is pro-bono or if otherwise his fees are affordable. If this is not the case it needs to be established where to obtain money for lawyer fees. There are a number of international organisations, who have anti-impunity funds and fund lawyer fees for human rights defenders, such as International Commission of Jurists and Interights.

There are also a number of international organisations who send experienced human rights lawyers worldwide, such as Front Line and the International Commission of Jurists, Amnesty International, and the International Federation for Human Rights (FIDH).

If a human rights defender is arrested it is important to get the phone number of the police station and the name of the person who is responsible there. This information can be sent to national, regional and international contacts and asking them to mobilise immediate action on behalf of the human rights defender. Front Line has found that these phone calls show the authorities that the national and international community is aware that the human rights defender is being held in detention. This could reduce the possibility of the human rights defender being ill-treated or tortured.

While designing an international campaign, it has to be decided who the international community should contact, i.e. local, provincial, national or international authorities. There is need to assess and discuss which targets would be the most effective. Try different strategies and see which one works better.

## **Workshops**

Again, working groups were created to analyse certain scenarios in more detail and to draft possible measures of campaigning.

### **Workshop A: Authority's refusal to renew the license of a journalist**

- Two scenarios are likely, depending on whether there exists an independent legal systems that one can utilise;
- In any case, there is a need to analyse the case at hand;

- Communicate the issue to colleague in the organization;
- Explore what the employer's position is, and what they may do;
- Network with other professionals and civil organizations;
- Institute framework for appeal;
- Court action can be an alternative but may not be the first option as it removes the case from direct influence;
- Pressure campaign is a possibility but needs to be weighed against risks to person;
- Seek financial support for the victim;
- Special difficulty for freelance journalists - need to pressure employers.

#### **Workshop B: What to do in the event of the detention of a journalist**

- Get information on the detainee, find out what happened before the arrest, what are the charges, does s/he have access to medical and legal care etc.;
- Share with other actors to seek support, including NGOs, embassies;
- Apply for habeas corpus and ask for the journalist to be brought to court or charged within the legally allowed time;
- 'Break the news' by press releases or press conference
- Possibly petition relevant authority such as the speaker of parliament;
- Link up with journalist associations for legal and financial support for the proceeding.

### **Plenary discussion**

A question was posed on how far EU embassies might be of assistance in supporting defenders when experiencing harassment or in fear of attack. Despite their official commitment to defend human rights and the freedom of expression, donors can be embedded in the system to an extent that they may not be of any help. The issue of absence of foreign representatives in states like Southern Sudan, Somalia and Somaliland was mentioned. It may be more effective to target Parliament for appeals and calls for action or involve NGOs that share the same commitment. Establishment of good ties with foreign missions is however recommendable as it might prove to be a protection mechanism. Participants further remarked that there is need to strengthen the support mechanisms allowing journalists to continue their work once they are in exile. Material aspects of support when having come under attack are also very important, such as to help pay bail.

The conference was officially closed with remarks by Hassan Shire Sheikh, Chairperson of EHAHRDP/Net. He recapitulated the achievements of the conference in deepening the understanding of human rights and the role of journalists as human rights defenders and initiating an exchange with human rights defenders outside the media. He strongly called on the Governments of the region to adhere to national, regional and international legislation on freedom of expression and the right to information and immediately avail justice to journalists and other human rights defenders who have remained in detention for indefinite periods of time without clear charges and a due legal process having taken place.

Mr. Sheikh furthermore expressed gratitude for the contribution of each one of the participants, resource persons and members of the coordination team, making this conference a success, and vowed to continue working to achieve the respect of rights of human rights defenders and their better protection.

## 4 Evaluation

Participants and resource persons completed an evaluation form on the final day of the conference assessing the content, facilitation and coordination of the conference. With regard to content, the majority of participants commended the relevance of the topics addressed but repeatedly stressed the lack of time for detailed discussions and practical application in working groups. Several participants emphasised the need for an extended training on risk assessment and security measures as a follow up to this conference. The facilitation by the resource persons was generally ranked positively. The coordination of the conference was highly commended by all participants, stressing the competence and friendliness of the coordination team. General comments related once again to the lack of time and a need for follow up activities. Recommendations were made to replicate similar activities within each country or among a smaller group of countries allowing for more time and specially tailored training according the prevailing situation in the countries.

In relation to the objectives of the conference, a positive conclusion can be drawn. Participants were sensitised on the concept of human rights defenders, their rights and how to handle challenges that are often attached to their courageous work. Sessions on existing protection mechanism on international and regional level, together with skills impaired on security-management, campaigning and journalistic conduct, provided participants with a wider understanding of the interlinkage of security, professionalism and efficiency of their work. The mutual benefit of closer cooperation between journalists and other human rights defenders in advancing the respect for universal human rights was recognised. Enhanced networking, information sharing and capacity building were identified as key measures for better results and increased protection among human rights defenders themselves. Initiatives like the East and Horn of Africa Human Rights Defenders Network were hailed for their efforts along these lines.

## 5 Conclusion

With regard to the objectives, the conference can be considered successful in bringing together journalists and other HRDs, making the journalists aware of their capacities and potential for mutual support and benefit, and facilitating future cooperation for a common cause of universal respect of human rights.

The participants issued a powerful resolution (see Annex) condemning the persistent infringement on media freedom by Governments of the sub-region and the persecution of journalists and human rights defenders on grounds of their work. Strong requests were made for the reforms of laws that curtail freedom of expression; the more active involvement and advocacy

by donors, regional and international institutions for Governments' adherence to international standards of media freedom and respect of human rights; and the close cooperation of the human rights movement for the betterment of the situation of freedom of expression. A close collaboration of journalists and other HRDs with the East and Horn of Africa Human Rights Defenders Network was explicitly spelt out.

With regard to a long-term perspective, the conference will function as a prelude of better networking among journalists and other human rights defenders. EHAHRDP will be functioning as a hub, collecting, compiling and channelling relevant information for effective action in the defence of human rights using the media, its mandate and might. It will furthermore assist and facilitate similar ventures in member countries addressing specific needs of media workers and human rights defenders in their work on human rights issues. Linking regional actors with international stakeholders for the purpose of information exchange, capacity building and protection will continue.

The major challenge arising for EHAHRDP from this conference is the follow up on issues discussed and prioritized and facilitating the networking efforts of the conference participants and other relevant entities for a better protection of HRDs and strengthening of their human rights work.

## Annexe A

### Resources

#### **Mechanisms and instruments of protection for Human Rights Defenders**

##### **African Commission on Human and Peoples' Rights (ACHPR)**

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African Charter on Human and Peoples' Rights

[http://www.africa-union.org/official\\_documents/Treaties\\_%20Conventions\\_%20Protocols/Banjul%20Charter.pdf](http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/Banjul%20Charter.pdf)

ACHPR Special Rapporteur on Human Rights Defenders

90 Kairaba Avenue

P.O. Box 673

Banjul

The Gambia

Tel:(+220)39-29-62

Fax:(+220)39-07-64

E-mail: [achpr@achpr.org](mailto:achpr@achpr.org), [idoc@achpr.org](mailto:idoc@achpr.org)

Website: [www.achpr.org/english/\\_info/index\\_hrd\\_en.html](http://www.achpr.org/english/_info/index_hrd_en.html)

##### **European Union**

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EU Guidelines on Human Rights Defenders

<http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>

##### **United Nations**

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UN Declaration on Human Rights Defenders

<http://www.ohchr.org/english/issues/defenders/declaration.htm>

UN Universal Declaration for Human Rights

<http://www.udhr.org/UDHR/>

Special Representative of the UN Secretary General for human rights defenders Ms. Hina Jilani

OHCHR

Palais des Nations

CH-1211 Geneva 10

Website: <http://www.ohchr.org/english/issues/defenders/index/htm>

Email: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

## Organisations relevant to the work of journalists and other HRDs

### Amnesty International

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Amnesty International (AI) is a worldwide movement of people who campaign for internationally recognized human rights to be respected and protected. AI undertakes research and action focusing on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, in the context of its work to protect all rights.

<http://www.amnesty.org>

Amnesty's Human Rights Defenders Coordinator for Africa is placed at the Africa Regional Office, Uganda.

P.O. Box 23966 Kampala, Uganda

Tel.: +256-312-350100; +256-414-252900

Fax: +256-312-350230; +256-414-252989

Email: [ai-aro@amnesty.org](mailto:ai-aro@amnesty.org)

### Article 19

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A UK-based not-for-profit organisation advocating for the freedom of expression as stipulated in Article 19 of the Universal Declaration for Human Rights.

Website: <http://www.article19.org>

### Committee to Protect Journalists

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The Committee to Protect Journalists (CPJ) is an independent, non-profit organization promoting press freedom worldwide by defending the rights of journalists to report the news without fear of reprisal.

Website: <http://www.cpj.org>

### Front Line

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Front Line was founded with the specific aim of protecting Human Rights Defenders, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR).

Website: <http://frontlinedefenders.org>

For information in regards to tools and manuals for Human Rights Defenders:  
<http://www.frontlinedefenders.org/manuals/>

For information in regards on how to apply for a security and protection grant from Front Line or for funding from other international organisations which fund Human Rights Defenders please refer to:  
<http://www.frontlinedefenders.org/grants/>

For news on Front Line campaigns and actions on human rights defenders:  
<http://www.frontlinedefenders.org/news/>

For useful links to national and international human rights organisations:  
<http://www.frontlinedefenders.org/links/>

### Human Rights First

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Human Rights First believes that building respect for human rights and the rule of law will help ensure the dignity to which every individual is entitled and will stem tyranny, extremism, intolerance, and violence. Human Rights First has a webpage on human rights defenders that features cases, reports and country profiles.

Website: [http://www.humanrightsfirst.org/defenders/hr\\_defenders.asp](http://www.humanrightsfirst.org/defenders/hr_defenders.asp)

It also has a human rights defenders programme that concentrates among other things on supporting persecuted human rights defenders and human rights defenders at risk:

Email: [defenders@humanrightsfirst.org](mailto:defenders@humanrightsfirst.org)

### Human Rights Watch

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Human Rights Watch (HRW) is an independent, non-governmental organization, supported by contributions from private individuals and foundations worldwide. Human Rights Watch is dedicated to protecting the human rights of people around the world. Human Rights Watch is posting information and statements on the situation of human rights defenders throughout the world.

Website: [www.hrw.org/campaigns/defenders/](http://www.hrw.org/campaigns/defenders/)

### Interights

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Interights aims to enforce human rights through law, providing protection and redress, in particular regions and on issues of strategic focus; and to empower legal partners and promote their effective use of law to protect human rights. It supports lawyers, judges, NGOs and victims on the ground by tailoring activities in response to the needs of each group and region. It works across the developing and developed world.

Website: <http://www.interights.org>

### International Commission of Jurists

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The International Commission of Jurists is dedicated to the primacy, coherence and implementation of international law and principles that advance human rights. The ICJ provides legal expertise at both the international and national levels to ensure that developments in international law adhere to human rights principles and that international standards are implemented at the national level.

Website: <http://www.icj.org>

### International Service for Human Rights

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The International Service for Human Rights (ISHR) is an international association serving human rights defenders. It promotes the development, strengthening, effective use and implementation of international and regional law and mechanisms for the protection and promotion of human rights.

Website: <http://www.ishr.ch>

In May 2000, ISHR created the Human Rights Defenders Office (HRDO) to promote the respect and compliance with the United Nations Declaration on HRDs; develop preventive and protective mechanisms, and empower human rights defenders and their organisations for full and active participation in building a culture of full respect for human rights.

Website: <http://www.ishr.ch/sitemap.htm#HRDO>

### Observatory for the Protection of HRDs

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The International Foundation for Human Rights (FIDH) created the Observatory for the Protection of Human Rights Defenders, jointly with the World Organisation Against Torture (OMCT). The Observatory has a two-pronged approach: intervention to prevent or find solutions in repressive situations and a contribution to international mobilisation to acknowledge human rights defenders' activities and the need for their protection at both regional and international levels.

Website: [http://www.fidh.org/rubrique.php3?id\\_rubrique=180](http://www.fidh.org/rubrique.php3?id_rubrique=180)

Email: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)

To contact the Observatory in cases of emergency:

Tel and fax FIDH: + 33 1 43 55 55 05 / 01 43 55 18 80

Tel and fax OMCT: + 41 (0) 22 809 49 39 / 41 22 809 49 29

### Peace Brigades International

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Peace Brigades International (PBI) is a non-governmental organization protecting human rights and promoting non-violent transformation of conflicts. When invited, PBI sends teams of volunteers into areas of repression and conflict. The volunteers accompany human rights defenders, their organizations and others threatened by political violence.

Website: <http://www.peacebrigades.org>

PBI's European Office (PBI-BEO) is the link between the European Union country groups of Peace Brigades International, international NGOs represented in Brussels and the institutions of the European Union. Its aim is to improve the personal security and protection of human rights defenders.

Website: <http://www.peacebrigades.org/beo>

The **Protectionline** website tries to ensure the inter-change of experience and information between human rights defenders, and to provoke effort and solitary action of as many social actors as possible, who stand up for them who protect the defenders of the abuses of power. The website hosts a wide range of resources relevant to the work and protection of HRDs.

Website: <http://www.protectionline.org>

Email: [pbibeo@protectionline.org](mailto:pbibeo@protectionline.org)

Among them the Protection Manual for HRDs jointly developed by Front Line and PBI.

Website: [http://www.protectionline.org/article.php?id\\_article=186](http://www.protectionline.org/article.php?id_article=186)

### Urgent Action Fund for Women

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The Urgent Action Fund for Women (UA) is the only international women's fund in the world designed to respond on short notice. One of their key areas of engagement is the protection of women human rights defenders.

Website: <http://www.urgentactionfund.org/>

Contact details in East Africa:

PO Box 53841-00200 Nairobi, Kenya

Life Ministry Centre, 2nd Floor, Jabavu Road, Kilimani, Nairobi, Kenya

Tel: 254 20 2731095

Fax: 254 20 2731094

Email: [info@urgentactionfund-africa.or.ke](mailto:info@urgentactionfund-africa.or.ke)

## **Additional resources**

Amnesty International 2006. A Guide to the African Charter on Peoples' and Human Rights. Amnesty International Publications. [AI Index: IOR 63/005/2006]

[http://web.amnesty.org/library/pdf/IOR630052006ENGLISH/\\$File/IOR6300506.pdf](http://web.amnesty.org/library/pdf/IOR630052006ENGLISH/$File/IOR6300506.pdf)

Manual for the EU Guidelines on Human Rights Defenders (published by the Human Rights Department, Ministry of Foreign Affairs, The Netherlands).

“NGO in a box”: a set of peer reviewed and selected Free and Open Source software (F/OSS), tailored to the needs of NGO's. It provides software, but also implementation scenarios and relevant materials to support this. It is available in French and in English on the Front Line website: <http://www.frontlinedefenders.org>

UN Fact Sheet on Human Rights Defenders

<http://www.ohchr.org/english/about/publications/docs/fs29.pdf>

Women Human Rights Defenders Campaign

<http://www.defendingwomen-defendingrights.org>

## Annexe B

### **Resolution of the Journalists' Conference for the East and Horn of Africa, Entebbe, Uganda, 27-29 November 2006**

WE, journalists and human rights defenders from Uganda, Eritrea, Kenya, Tanzania, Somalia, Somaliland, Ethiopia and Sudan including South Sudan, who have gathered in Entebbe, Uganda, to attend a Journalists' Conference for The East and Horn of Africa organised by the East and Horn of Africa Human Rights Defenders Project (EHAHRDP);

REITERATE fundamental principles of freedom of expression enshrined in the Universal Declaration of Human Rights and in the African Charter of Human and Peoples' Rights, as an individual human right which ensures respect for all human rights and freedoms

REITERATE fundamental principles of freedom of expression enshrined in African Charter of Human and people's rights;

RECOGNISE that reporting and disseminating the news is anchored in social reality and human relationships and human rights will always be an essential component of journalism;

MINDFUL of continuous and growing infringements of freedom of opinion, freedom of information and freedom of press in the countries of the East and Horn of Africa, and the continuing cases of killings, illegal arrests, harassments, expulsion, torture and confiscation of equipment;

NOTING that Governments in the East and Horn of Africa Governments are among the most oppressive in terms of press freedom in Africa;

THANKFUL to East and Horn of Africa Human Rights Defenders Network for organizing this vital journalists' conference;

#### **POWERFULLY DENOUNCE:**

Persistence of violations of freedom of press in Eritrea and the uncooperative disposition of the Eritrean Government with regional, sub regional and international press freedom advocacy groups about country's state of press freedom, including recent arrests and allegations of deaths of journalists "disappeared" in secret prisons since 2001.

1. In Ethiopia, numerous arrests, intimidation, jailing of journalists, shutting down of critical newspapers, turning dozens of journalists into refugees with the deliberate aim of suppressing freedom of press. Sixteen journalists are currently on trial on charges of inciting violence, which could carry the death penalty.
2. Continuation of violations of rights and freedoms of journalists and media institutions in Somalia, including arrests and ill-treatment
3. Harassment of journalists including cases of arrests, banning of newspapers and threats, burning copies of newspaper in the East and Horn of Africa.
4. The attempts by Governments to hide from view their high-handed acts, against the public interest and in violation of democratic principles, especially in the context of elections.

5. Failures to enact laws to protect media freedom, or to reform laws subjecting journalists to risks of imprisonment or heavy fines for practicing their profession

**RESOLVE TO:**

- Express support for women journalists facing gender discrimination and encourage reporting on women's rights issues
- Demand that Governments and authorities in the sub region release all detained journalists and end unlawful acts against freedom of press by law enforcement bodies.
- Request reform of all laws, which curtail freedom of opinion, information and the media.
- Appeal to the Eritrean Government to accept a delegation of journalists from the sub-region to visit detained journalists "disappeared" for five years.
- Call upon the UN Rapporteur on Freedom of Expression and the African Union Rapporteur on Freedom of Expression to conduct a fact-finding mission in Ethiopia and Eritrea and propose concrete actions against Governments that decline to cooperate or decline to implement the international and regional instruments on freedom of expression which they have ratified, including the African Charter on Human and Peoples' Rights.
- Urge the international community and donors to support journalists and their associations and unions in the sub-region, and to strongly advocate for their media rights and freedoms, and their civil rights and liberties.
- Strengthen their commitment to working together as journalists and with the East and Horn of Africa Human Rights Defenders Network to protect journalists in the sub-region
- Appeal to the UN, African Union (AU), League of Arab States (LAS) and Inter-Governmental Authority on Development to actively protect freedom of expression and of the press

**Adopted by Acclamation, Entebbe, Uganda 29 November 2006.**

## Annexe C

## Conference Agenda

**MONDAY, November 27, 2006**

8:00 am – 9:00 am	Registration
9:00 am – 10:30 am	<b>Welcoming Remarks</b> <b>Hassan Shire Sheikh</b> - Chairperson EHAHRDP/Net
	<b>Opening Plenary</b> <b>Keynote Address: H.E. Yoka Brandt</b> Ambassador of The Netherlands to Uganda
	<b>Keynote Speech: Hon. Al-Hajji Ali Kirunda Kivejinja</b> 3 <sup>rd</sup> Deputy Prime Minister & Minister of Information and National Guidance
	<b>Introduction to HRDs' working conditions in the sub-region</b>
10:30 am – 11:00 am	Morning Break
11:00 am - 1:00 pm	Presentation of country reports and selected testimonies by participants
1:00 pm – 2:00 pm	Lunch Break
2:00 pm – 2:30 pm	<b>Risk Assessment and Security Management for Journalists</b> Marie Caraj - Peace Brigades International European Offices
2:30 pm – 3:30 pm	<b>Workshops on Risk Assessment and Security Management for Journalists</b>
3:30 pm – 4:00 pm	Afternoon Break
4:00 pm – 5:00 pm	Plenary Session: Workshop Reports & Discussion
5:00 pm – 5:30 pm	Wrap up and Lessons learned
7:00 pm	Dinner & Cocktail

**TUESDAY, November 28, 2006**

9:00 am – 09:30 am	<b>International and Regional Instruments for Human Rights Defenders</b> Hassan Shire Sheikh – Chairperson EHAHRDP/Net
9:30 am – 10.30 am	<b>Workshops on the use of International and Regional Protection Mechanisms</b>

10.30 am – 11.00 am	Morning Break
11:00 am - 1:00 pm	Plenary Session: Workshop Reports & Discussion
1:00 pm – 2:00 pm	Lunch Break
2:00 pm – 2:30 pm	<b>Ethics and Standards of Journalistic Reporting</b> Cece Fadope – Article 19
2:30 pm – 3:30 pm	<b>Workshop A:</b> Ethics and Standards of Reporting on Minority Rights
	<b>Workshop B:</b> Ethics and Standards of Reporting in Situations of Armed Conflicts
	<b>Workshop C:</b> Protection of Sources
3:30 pm – 4:00 pm	Afternoon Break
4:00 pm – 5:00 pm	Plenary Session: Workshop Reports
5:00 pm – 5:30 pm	Wrap up and Lessons learned
7:00 pm	Dinner

**WEDNESDAY, November 29, 2006**

9:00 am – 09:30 am	<b>Media Work and Campaign Strategies for Human Rights Defenders</b> Natacha O'Brien – Front Line
9:30 am – 10.30 am	<b>Workshops A:</b> Design Strategies for Improved Cooperation of Media and HRDs
	<b>Workshops B:</b> Establish Linkages for Improved Cooperation of Media and HRDs work
10.30 am – 11.00 am	Morning Break
11:00 am - 12:00 pm	Plenary Session: Workshop Reports & Discussion
12:00 pm – 12:30 pm	<b>Closing Remarks</b> Hassan Shire Sheikh - Chairperson (EHAHRDP-Net)
12:30 pm – 1:00 pm	<b>Media Briefing</b> Hassan Shire Sheikh - Chairperson (EHAHRDP-Net)
1:00 pm – 2:00 pm	Lunch and Departure

## Annexe D

### Participants

#### Eritrea

Mr. Aaron Berhane	Meftih (Canada)/ Formerly Setit Newspaper (Eritrea)
Mr. Semret Seyoum Gebremedhin	Formerly Setit Newspaper (Eritrea)

#### Ethiopia

Mr. Girmayene Mamu	Ethiopian Human Rights Council
Mr. Nolawi Melakedingel	Reliance Africa/Unity University College
Ms. Nuhamin Yadata	Voice of America

#### Kenya

Mr. Lempaa Vincent	Kenya Broadcasting Corporation
Mr. Victor Bwire	Independent Medico-Legal Unit (IMLU)
Mr. Otsieno Namwaya	The Standard

#### Somalia

Ms. Nasteh Dahir Farah	National Union of Somali Journalists (NUSOJ)
Ms. Farduus Yusuf	Radio Voice of Peace
Mr. Omar Faruk Nur	National Union of Somali Journalists (NUSOJ)
Mr. Ahmed Ali "Kimiiko"	Somali Human Rights Defenders Network

#### Somaliland

Mr. Yusuf Abdi Gabobe	Haatuf Media Network
Mr. Hussein Nur	The Republican

#### Sudan

Ms. Gata Willow	The Juba Post
Ms. Liemia Eliaily Abu Bakr	Al Sudani Newspaper

**South Sudan**

Mr. Juma Samuel	Sudan Development Trust
Ms. Doru Edwina Cirillo	Sudan Development Trust
Ms. Janet Logo Maya	Capital FM Juba

**Tanzania**

Mr. Christopher Kidanka	Legal & Human Rights Centre
Ms. Beatrice Kabojoka	Majira Newspaper

**Uganda**

Ms. Evelyn Lirri	The Daily Monitor
Mr. Mulindwa Mukasa	WBS-TV/Associated Press TV News
Mr. Jaramogi Okech Patrick	The New Vision
Mr. Bwanika Lwanga Mathias	Central Broadcasting Service/Foundation for Human Rights Initiative
Mr. Christopher Kiwanuka	HURINET
Mr. Michael Wakabi	The East African/Uganda Media Institute
Mr. Julius Barigaba	The East African
Mr. Ssebagala Geoffrey	Human Rights Network for Journalists (HRNJ)
Mr. Eddris Kiggundu	The Weekly Observer
Mr. Robert Serumaga	Radio One
Mr. Ahmed Kateregga	Uganda Journalists Association (UJA)

**Resource persons**

Ms. Isabelle Coche	Amnesty International, International Secretariat	Campaigner East Africa
Mr. Martin Hill	Amnesty International, International Secretariat	Researcher Horn of Africa
Mr. Tawanda Hondora	Amnesty International, International Secretariat	Deputy Director, Africa Programme
Mr. Godfrey Odongo	Amnesty International, Africa Regional Office	Researcher East Africa

Ms. Cece Fadope	Article 19	Africa Programme Officer
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