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66TH Ordinary Session of the African Commission of Human and People's Rights 13 July – 7 August 2020 Virtual Session via Webinar

Agenda 8 – Activity Report of the Members of the Commission and Special Mechanisms –
Special Rapporteur on Human Rights Defenders in Africa and Reprisals Focal Points

We received concerning reports of flagrant violation of the right to disseminate information to the public. Enforcement of measures to mitigation the spread of COVID19 pandemic has been used as a pretext to restrict journalists from exercising their duties of covering stories and information about the pandemic, corruption and holding states accountable. In South Africa, the newspaper editor Paul Nthoba fled to Lesotho last week after repeated beatings by police in Ficksburg, Freestate Province for covering news on coronavirus epidemic.

This is the first time in post-apartheid South Africa that a journalist fled the country with the intention of seeking asylum as a result of reprisals in connection media role. He was assaulted in his attempt to lay a complaint against the police at the Ficksburg Police Station and detained arbitrarily for several hours. He reported the incidence to the Independent Police Investigative Directorate, but police retaliated by charging him with violation of the lockdown regulations. He faces up to six months' imprisonment under the Disaster Management Act, as amended in April 2020 to deal with the coronavirus pandemic. His trial is scheduled for 27 August.

Rubber bullets were also fired at Azarrah Karrim *the News24* reporter while covering a lockdown enforcement operation in Johannesburg on the first day of the nationwide lockdown. This is in contravention of the spirit espoused by the COVID 19 National Command Council to work with citizens, national institutions, journalists and private sector to curb the pandemic. The Constitution safeguard freedom of expression, under Section 16 including freedom of the press. Furthermore, the Government is obliged to implement Article 9 of the African Charter on Human and People's Rights which guarantee every individual the right to receive information, express and disseminate their opinions.

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In Swaziland media and journalists face severe repression. The country has about 32 laws that restrict freedom of expression and media freedom. There is no broadcasting legislation or legislation to facilitate access to information. COVID19 is used to reinforce impeding laws for free flow of information and expression of views. Eugene Dube, the Editor of Swati Newsweek covering political, economic and social news. In May 2020, he fled the country following a brutal attack and raid by police officers for publishing articles criticizing the king. He had also posed questions on whether civilians should be assisted with food or cash during the COVID19 pandemic lockdown

The courts provide little recourse to such impunity regardless of protection of freedom of expression in the Constitution which is also guaranteed in the African Charter which the Swazi Kingdom is obliged to implement.

We are also raising our grave concern at the impunity persisting in Zimbabwe and the hostility held by government against journalists in exercising freedom of expression opinions and disseminating information to the public. The state security had forced entry onto the property of Hopewell Chino'ono, an award-winning journalist without a warrant and arbitrarily arrested him. The government has been using this tactic against voices or views exposing corruption, hunger and calling for implementation of the 2013 Constitution.

We are calling the ACHPR to urge the state parties to do the following

- Abstain from abductions, assault, harassment, arbitrary arrests of journalists and guarantee them freedom and safety to conduct their work in their countries as stipulated in Article 9 of the African Charter as well as national constitutional imperatives.
- Implement the African Commission Declaration on Freedom of Expression in Africa adopted in November 2019, affirming individuals guaranteed right to freedom of expression and access to information in conformity with Article 9 of the African Charter.
- To develop framework including, undertaking reforms of information legislative frameworks in line with ACHPR Model Law on Access to Information in Africa
- Government of Zimbabwe to immediately and unconditionally release Hopewell Chino'ono and end persecutions in the country, including, targeting any other journalist carrying out their duties and media houses
- South Africa to arrests law enforcement officers responsible for the attack and arbitrary arrest of the journalist. To immediately drop charges against Paul Nthoba to enable him return home to assume his duties in a safe free environment
- The Kingdom of Swaziland to repeal repressive laws to freedom of expression, opinion and access to information to enable journalist carryout their duties without reprisal.

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