

CCPJ reporter

Newsletter of the Canadian Committee to Protect Journalists

1998 – Issue 2

Three new members join IFEX at annual meeting in Paris

by Kristina Stockwood

Almost every member of the International Freedom of Expression eXchange (IFEX) was represented at the annual meeting May 13–15 in Paris, France. The United Nations Educational, Scientific and Cultural Organization (UNESCO) hosted the meeting at its headquarters.

Three new members were admitted: Media Watch of Bangladesh, the Glasnost Defence Foundation of Russia, and the Press Freedom Committee of the Guatemalan Association of Journalists (Comisión de Libertad de Prensa de la Asociación de Periodistas de Guatemala, APG). IFEX now has 34 members.

Owais Aslam Ali of the Pakistan Press Foundation was elected to head the IFEX Council. He replaces Mette Newth of the Norwegian Forum for Freedom of Expression, who was instrumental in bringing the IFEX Internet Service to life two years ago.

Participants at the annual meeting spent a great deal of time on Nigeria, planning a Day of Action to mark the anniversary of Nigeria's annulled democratic elections. IFEX members also agreed on a joint statement on Nigeria, which was issued June 23 following the release of Christine Anyanwu, and called for the release of 16 journalists still in jail.

A session on Algeria produced a statement signed by 21 groups, which was sent to Algerian authorities. The statement expressed concern that recent progress on press freedom, including a new

information law and consultation of journalists, could be transitory.

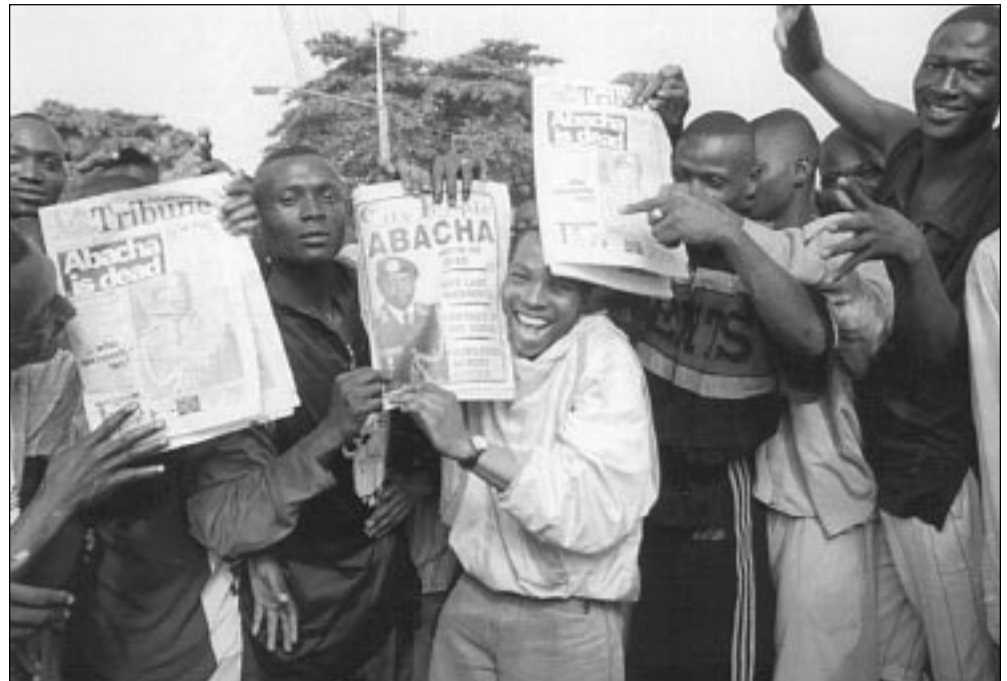
Many groups at the meeting also signed an open letter to Prime Minister Radoje Kotic of the Federal Republic of Yugoslavia, objecting to "exorbitant" licensing fees for broadcast media.

A Resource Development Day attended by IFEX members, Outreach Program participants and donors involved seminars on fundraising, proposal writing, freedom of expression monitoring and partnerships.

Another special event was an

— continues on 3


FOCUS ON NIGERIA:
IFEX members signed a joint statement calling on Nigeria to release 16 journalists from jail.



ASSOCIATED PRESS

Lagos youths celebrate the death of Nigerian dictator Sani Abacha on June 8. His successor, Gen. Abdusalam Abubakar, freed Christine Anyanwu, but 16 other journalists remained in jail. Abubakar promised in July to release all political prisoners, but not before publisher-turned-politician Moshood Abiola died in prison.

 inside	
CCPJ banquet Nov. 24	2
Sierra Leonians helped	2
Nepalese struggle	3
Broadcaster in Arafat's jail	4
South African dream	6
False freedom in Peru	7
Libel jeopardy	8



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The Canadian Committee to Protect Journalists is an independent, non-profit association of journalists, writers, producers, editors and publishers promoting freedom of expression.

CCPJ membership costs \$25. For a tax-creditable donation of \$50 or more, the membership fee is waived.

CCPJ administers a Clearing House for the International Freedom of Expression Exchange (IFEX), which operates an Action Alert Network and globally disseminates information to organizations and individuals.

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NOVEMBER 24

Robinson, Murphy head CCPJ banquet

On November 24, the CCPJ Press Freedom Awards benefit banquet will be held at the Westin Harbour Castle hotel in downtown Toronto.

Keynote speaker will be Mary Robinson, UN Commissioner for Human Rights and former president of Ireland. The evening's host will be CBC-TV's Rex Murphy.

The CCPJ hopes the evening – our first benefit banquet – will increase our profile and raise additional funds to assist journalists and freedom of expression.

Already the dinner promises to be a success. Principal sponsors are *The Toronto Star* and the CIBC. Organizers and volunteers have secured pledges for more than 50 tables from a wide range of commercial and financial enterprises, plus major media organizations.

The inaugural CCPJ Press Freedom Awards will be presented that evening. One international award will go to Dan San San Nwe of Burma, a writer of novels and short stories and one of Burma's most

prominent journalists. She was arrested in August 1994 with her daughter and is serving a ten-year sentence for pro-democracy work,



Mary Robinson is keynote speaker at awards dinner.

such as her alleged contact with banned opposition groups, her "fabrication" of anti-government reports in interviews given to foreign journalists, and her attempts

to contact the United Nations Special Rapporteur on Burma.

The other international award will go to editors Bayo Onanuga, who is in exile, and Babafemi Ojudu, currently in detention without charge, on behalf of journalists of the International Communication Network Ltd. in Nigeria. These journalists have managed to publish *Tempo*, *The News* and *PM News* despite being jailed, killed, banned and having their equipment destroyed.

Paul Kahlila will receive the Canadian Award for a *Maclean's* magazine piece exposing a bungled RCMP drug investigation. The student award will be given to Judy Trinh for the video documentary "The Invisible Minority," about gay teens in London, Ont.

Tickets to the banquet are available to CCPJ members and members of the journalistic community for \$65. The CCPJ is also looking for volunteers for the evening: if you're interested, call the CCPJ at +416) 515 9622.

Assistance comes through for Sierra Leonian journalists

by Mia Rabson

Thanks to Human Rights Watch and European PEN, 85 exiled Sierra Leonian journalists will be able to restart their lives.

The Hellman/Hammett Fund of Human Rights Watch contributed US\$20,000 to the CCPJ's Sierra Leone Journalists in Distress Fund to help after the journalists fled their country in the wake of the 1996 military coup. European PEN's emergency fund contributed an additional US\$1,000.

On May 25, 1996, the Armed Forces Ruling Council (AFRC) overthrew the democratic government of President Ahmad Tejan Kabbah. Journalists and their families were forced from their homes,

threatened, beaten and imprisoned. Newspaper offices were ransacked, computers and records destroyed.

Of the 40 papers publishing in Sierra Leone before the coup, only six survived, and they were forced to comply with the AFRC.

Democracy has since been restored in the West African nation, although serious dangers still exist for journalists. Most exiles are trying to return home, but with their homes and offices destroyed by the AFRC, they have little if anything to return to.

The CCPJ, along with Lansana Gberie and Mohamed Bangura, exiled Sierra Leonian journalists living in Toronto, created the fund to assist other exiled journalists from

Sierra Leone. When the Human Rights Watch donation came through in early April, they were thrilled.

"I was so excited," Bangura says. "I was not expecting such a huge amount of money."

The CCPJ located journalists living in exile in The Gambia, Guinea, Ghana, Liberia and the United States. Many in hiding were hard to find, Bangura says.

CCPJ executive director Wayne Sharpe says the difficulty now is in distribution of the money to the journalists.

Bangura believes most of the exiles will return to journalism once their lives are back in order.

Mia Rabson is a communications student at York University in Toronto.

Press freedom in Nepal fragile

By Doug Watt

Freedom of the press exists in Nepal, at least on paper, but things can still be difficult for independent journalists.

According to a report by the Kathmandu-based International Institute for Human Rights, Environment and Development (INHURED), 27 journalists were arrested under state security laws in the year ending May 2.

Reporters Sans Frontières (RSF) says that since June 9, police in Sindhulimadhi have seized several newspapers. In Kathmandu, a daily paper and five weeklies were confiscated several times at the local market. Similar incidents have been reported in other districts, just as the papers were about to be distributed. The newspapers had all printed information about alleged misconduct by government security forces, who are believed to have killed civilians in clashes with Maoist rebels.

Kishor Nepal, chair of the Nepal Federation of Journalists, accuses the government of “unannounced censorship” in banning the free flow of information.

Nepal has ratified the International Covenant on Civil and Political Rights, which guarantees the freedom to inform and be informed. Nepal’s 1990 Constitution guarantees fundamental rights including freedom of thought and expression. It also specifies that citizens and the government may not censor news and opinions.

However, a constitutional provision gives the government the power to prohibit any spoken or written material that “could threaten the sovereignty and integrity of the Kingdom, disturb the harmonious relations among people of different ethnic castes or communities, promote sedition, defamation, contempt of court, crime, or contradict decent public behaviour or morality.”

Shobhakar Budhathoki, author of the INHURED report, says pro-left journalists are particularly vul-

nerable to these broad provisions. Some face arrest, harassment and even torture.

Budhathoki’s report says that for 30 years, freedom of the press was severely restricted in Nepal. The 1959 constitution included some provisions for freedom of press and expression, but independent publications were effectively banned and journalists who defied state regulations faced severe penalties.

Since the first free elections in 32 years were held in 1991, there have been major changes. According to Budhathoki’s report, Nepal’s private press, including hundreds of independent publications, has flourished. However, most are small newspapers with limited circulation. The government still controls the main Nepali and English daily papers. The Nepal Federation of Journalists now has nearly 2,500 members, mostly working journalists and broadcasters.

Until recently, the state controlled all radio and television stations. Private producers could buy air time and broadcast entertainment programs, but were not allowed to air news or political views.

However, those strict rules were eased slightly recently with the licensing of Radio Sagarmatha, the country’s first independent community radio station. It’s the brainchild of four Nepali NGOs:



Nepal Forum of Environmental Journalists, Himal Association, the Nepal Press Institute and Worldview Nepal.

The station broadcasts a two-hour daily mix of music and spoken word, with its signal reaching the most densely populated area of Nepal. Programming covers economic and social issues as well as environmental and development topics. Radio Sagarmatha also focuses on issues facing women and children, the poor and minorities, as well as health and cultural concerns.

The station is preparing to extend radio to rural areas, and hopes to start two additional stations in other parts of Nepal within a year.

Doug Watt is a journalist with Broadcast News/Canadian Press.

LIMITED DEMOCRACY:
In the past year, 27 journalists were arrested under state security laws.



DAVID COZAC / CCPJ

IFEX examines Article 19

— from page 1

Open Conference May 14 to mark the 50th anniversary of the Universal Declaration of Human Rights. The conference examined the efficacy of the declaration’s Article 19, which guarantees freedom of expression and opinion, and declares that “Everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Palestinian journalist Daoud Kuttab, who has been jailed for defending his freedom of expres-

sion in his homeland, gave the keynote address. [See pages 4-5.]

Iván García, former news editor of Frecuencia Latina television in Peru, said the crackdown on his station reflects the government’s disregard for freedom of expression and the will of the people.

Other Open Conference speakers included Alain Modoux, director of UNESCO’s Unit for Freedom of Expression and Democracy, and Andreas Harsono of the Jakarta-based Institute for Studies on the Free Flow of Information.

Freedom of expression challenges in

Daoud Kuttab is director of the Institute of Modern Media at Al Quds University, which owns and runs Al Quds Educational Television. In May 1997, Kuttab was arrested and detained for a week after the station broadcast live sessions of the Palestinian Legislative Council debating corruption in the Palestinian Authority.

by Daoud Kuttab

About a year and a half ago, after the Palestinian Authority had established control in many of the major cities in the Palestinian areas, the university I was involved with received a licence for an educational TV station. We were very excited about this opportunity. For 30 years under Israeli control we had no chance of having public or private Palestinian radio or TV.

We chose a campus outside Ramallah to establish the educational TV station. One of the few things I wanted to do was to use the station as a means of communication and public service. And the Palestinian Authority, established about a year before, had received very little attention from the Palestinian press.

So I asked the speaker of the Legislative Council if we could cover their sessions live. He said: "Why don't you make short, half-hour features about this every week?" And I said: "No, no. I want to do live, unedited coverage" – because I know that if you do anything that is edited and not live, you'll get three people over your shoulder telling you "take this out," "put that in." I said: "We want live, unedited." And they said: "Fine."

For about two months we were covering the Palestinian Legislative Council with very cheap, basic equipment. We noticed changes in the first week or two: some of the members started putting on better clothes, sitting up. They stopped reading newspapers and the whole Legislative Council, which had

been completely ignored, started getting attention.

And we started getting hints and comments to stop: "don't put this," "don't put that." But we ignored all these comments. Finally a larger comment or hint came when our screen started to be jammed.

After some technical investigation we found that the official Palestinian TV was jamming our station. I went to the speaker of the Palestinian Council and said: "What's going on?" And he said: "Don't worry, just continue, even if you have to distribute copies on the black market. We want people to know what we're doing."

And that's what we did. Until May 20th when, at 11 p.m., I got a phone call from the local police saying to come in "for a cup of coffee."

The lieutenant said: "Are you organizing this educational TV station?" I said: "Yes." And they said: "Can you wait in the room next door?" And I waited for seven days, without being questioned or charged. After four days I started a hunger strike.

A very wonderful thing happened. My arrest triggered an international campaign. Someone said in an earlier session that we never hear about successes. But thanks to you and many others, including government officials and many Palestinian journalists, legislators and cabinet ministers, I was released after seven days.

Someone said to me here: "Too bad you were released after seven days, because the campaign was going so well, people were working together" But it's OK – you



KRISTINA STOCKWOOD/CCPI

can try on somebody else.

Many things happened after my release that are a tribute to the campaign many of you were involved in. We continue to broadcast the sessions. The speaker of the house has asked us to do it taped. Nobody has interfered in our work in the last year.

Palestinian newspapers, and Israeli and international media, which were not covering the Palestinian Legislative Council, started after my arrest to pay attention. There is at least half a page of coverage every day of Legislative Council meetings, including verbatim quotes of what councillors were saying.

Council itself became much more effective and courageous.

And the most important thing: two weeks after my release, a liaison committee was established by the Palestinian Authority regulating the work of private radio and TV. I was elected to be a member of this intergovernmental, interministerial committee to regulate the work of the Palestinian radio and TV stations...

There are a lot of positive chal-

SUCCESS STORY:
"My arrest triggered an international campaign. Thanks to you and many others, including government officials and Palestinian journalists, legislators and cabinet ministers, I was released after seven days."

e n the Middle East

allenges ahead for us. There are opportunities, and if we use them well we can turn a negative situation into a positive one. I want to talk about three areas: the role of technology, the role of youth and the democratic yearnings that exist in the Middle East.

With technology, a fabulous opportunity is being created to break the walls of censorship and the walls of control. Satellite is doing an amazing job of breaking the barriers. I'm not only talking about international stations being on satellite, but today we have three major Arab stations, all based in Europe, that are beaming to the Middle East. And on each one of them, in different ways, there are at least one or two programs that are challenging the status quo and creating very lively debates that are shaking up taboos that have existed for a long time ...

In addition to satellite, the Internet has also done wonders in our area. About three years ago I got a grant from an international foundation to create a web site called Arabic Media Internet Network (at www.amin.org.)

The concept I won the grant for was simple: in the Arab world, the Arabic media is free and open on all Arab issues except the news of its own country. So Syria is excellent on Algerian news, and Egypt is great on Algerian news, and Morocco is excellent on Lebanese news, but they don't do a good job reporting their own news. With the Internet, my idea was to put all these Arabic newspapers on one site, so if you're a Palestinian or a Jordanian, you can read news about you just by looking at the web site of Syrian or Iraqi or Gulf newspapers, and vice versa.

Part of the project was to train journalists to create the first-ever guide for journalists in Arabic on how to use the Internet, and the reaction has been tremendous. A lot of journalists who have Internet connections but who maybe

don't know enough English were able to use the Internet to connect ... The whole idea of the traditional censor has been made completely obsolete.

I'm very excited about the whole area of digital technology – small video cameras are doing wonders today. I've been involved in a couple of projects where we distribute these small video cameras and produce documentaries shown on international TV stations. In the Intifada, we used them very effectively. When the Israelis were closing Palestinian areas to prevent foreign journalists from coming, we just snuck in Hi-8 cameras or digital TV cameras. Local Palestinians were filming and smuggling the tapes out and the story was out. Major documentaries are being produced with these small cameras.

In the 10 years I've been involved in TV, I've seen an amazing change in the way these cameras have empowered Palestinians. In the beginning of the Intifada we were always seeing foreign producers coming with Israeli camera people and filming our area.

I always commented that these

young Israelis were shooting us with a camera 11 months a year. And because they have to do one month service in the army, in the 12th month they come and shoot us with real guns. That situation encouraged us to train Palestinian journalists and Palestinian camera people.

As part of that, I got the idea of establishing a film institute, which is now part of an institute of modern media trying to train Palestinians. Over the past three years, every single Palestinian we've trained is now working. We've had at least 50 people who've gone through the training courses. They're working now in the local media, for international media. And there is a demand, because this is a growing field ...

The [other] area I'd like to talk about is the yearning for democracy that I can see today in Palestine. The yearning for democracy is so overwhelming today. People are really thirsty for democracy. They have seen democracy in action.

Television and Internet have broken all the barriers and people are seeing other people, whether it is people across the political border or across the continent. People's lives are being changed because they're seeing debates and arguments going on. And that is opening up all kinds of situations.

In Palestine, we have 21 local private TV stations and five radio stations. They're all run by young people, many of them volunteers. And almost every one of them depends on the system of people calling in, discussing, arguing about issues, complaining, praising - and it is empowering people.

Democracy, technology and youth are a combination that I think is a challenge for all of us. If we are going to have in any way a change from the last "50 black years," as an earlier speaker described them, we need to find a way to harness these new possibilities of technology, the existence of a vibrant youth community and the yearning for democracy.

Thanks to Kelly Haggart of the Freedom Forum in London, U.K., for the transcription of this speech.

HOME RULE EXCEPTION:
"In the Arab world, the Arabic media is free and open on all Arab issues except the news of its own country."



SPINNING: Kuttab created the Arabic Media Internet Network web site at www.amin.org



Aiding a South African dream

***Through the Tunnel* by Dale Ratcliffe**

Dale Ratcliffe worked at the CBC for 15 years. She has led workshops for broadcasters in Namibia, and in 1997 was a trainer at SABC. In addition to teaching at the Ryerson School of Journalism, Ratcliffe was on the CCPJ's board of directors.

She is moving to South Africa to be the director of regional information programming of the World Space Corporation.

by Gordana Knezevic

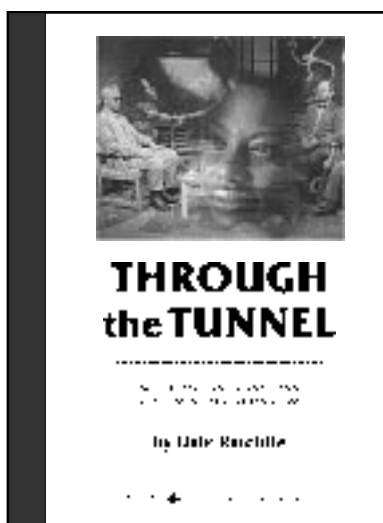
The abolishment of apartheid in South Africa was the most extraordinary event in the last decade of this century. Some world-class journalists were on the spot and, apart from reporting, they were affected by the colour, the passion and the intensity of events.

For South African journalists it was a more complex experience. Their entire lives were affected. They were born, brought up and trained to be journalists in an oppressive, unjust and painfully divided society. "News" was often just a manipulated piece of information, polished to serve the white power structure.

Many South African journalists who cared about their profession experienced prison, exile and other forms of persecution. Once the cornerstone of apartheid was demolished and the first free elections took place, South African journalists had to catch the light "at the end of a tunnel" – while still being in the middle of it.

Through the Tunnel is the title of a new book by Dale Ratcliffe, published by Canadian Broadcasting Corporation Training and Development (1998). It's a powerful document about South Africans, Canadians and democratic journalism.

In a war correspondent's manner, Ratcliffe summarizes what



made a commitment.

"South African journalists were on a journey through a tunnel filled with lies, deception and many people who would rather not hear the real story of South Africa," Ratcliffe writes. "Some of them dared to dream about turning the SABC into a public broadcaster. It was their tiny flicker of light at the end of a tunnel.

"They asked people at the CBC to help them on the last leg of the journey by talking about truth and democracy in journalism," writes Ratcliffe, explaining how the training project connected journalists of different backgrounds. Canadian lives intersected with South African lives.

With photographs taken at both ends of this training project in South Africa and Canada, this book is a story about courage, dignity and resilience. It's a valuable reminder that the ideal of being "free and fair" is precious once you have to fight for it.

Through the Tunnel is available for \$12 by calling Rachel at the CBC, (416) 205-3329.

**CLARIFYING
OBSCURITY:
South African
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was going on in South Africa and at the South African Broadcasting Corporation (SABC) through the early and mid '90s: "Exciting. Emotional. Historic." It was in contrast to what was happening in Canada and at the CBC: "Downsizing. Cutbacks. Layoffs."

A unique training project was staged in spite of, not because of, circumstances. It took place thanks to some exceptional people who

Free speech win in Canada: Daishowa loses lawsuit

In a landmark decision in April, Ontario Provincial Court Judge James MacPherson threw out a lawsuit with worrying implications for freedom of expression.

Rejecting arguments from the multinational paper company Daishowa against a boycott organized by the Friends of the Lubicon group, the judge affirmed that free speech in Canada includes individuals' rights to advocate boycotts of corporations.

A month later, in a dramatic reversal that went largely unreported, Daishowa capitulated to the seven-year-old boycott. The company publicly announced that it would not harvest or purchase timber in unceded Lubicon traditional territories until the Lubicon land rights claim is resolved with both levels of government. FOL responded by calling off the boycott.

For more information, see the last issue of the *CCPJ Reporter* or the CCPJ web site: www.ccpj.ca

Quenching the thirst for justice

Pedro Valdez Bernales is a Peruvian journalist living in Canada. He was arrested in November 1992 and falsely accused of collaborating with the Maoist Shining Path guerillas. Sentenced in 1993 to 20 years in prison by an anonymous tribunal of the Lima Supreme Court, Valdez was released in June 1995 after having been found innocent by a special anonymous tribunal of the same court.

By Pedro Valdez Bernales

The struggle for a genuine democracy signifies a fight for the life and dignity of the individual as well as political, social and economic aspirations.

Yet in Latin America – such as in Guatemala, Colombia and Peru – individuals feel they cannot live with dignity even in their own personal sphere. Fear of persecution for one's political beliefs is omnipresent, while the free and truthful exercise of a journalist's duties encounters serious obstacles.

Violations are carried out by governments in the name of "the law," by groups or individuals clearly linked to these regimes. They are responsible for having hatched, ordered or perpetrated serious crimes – the perpetrators can be bosses or subordinates, civilians or part of the military, or associated with paramilitary groups or the police. Few of them are brought to court; for those who are, the proceedings are lacking in impartiality and justice.

Journalists murdered

In Peru, the number of journalists murdered in the last 13 years is 29. Those responsible for these crimes still remain unpunished.

In December of 1993, I was among more than 30 journalists unjustly imprisoned, proclaiming our innocence against a variety of the most absurd charges. However, thanks to several human rights and press freedom organizations, we

were acquitted and set free from prisons that are, in truth, like cemeteries for living human beings.

In approximately three years in prison, the moral and physical wounds inflicted on me were irre-



KRISTINA STOCKWOOD/CCPI

TIME TO THINK: Pedro Valdez Bernales spent nearly three years in Peru's prisons.

parable. Material losses were also substantial; computer and publishing equipment used by myself and other journalists was either destroyed or remains confiscated.

Some journalists in Peru were freed thanks to a presidential pardon – for a crime never committed. Nevertheless, more than six journalists remain in prison, among them Antero Gargurevich, Juan Jara and Hermes Rivera.

Violations of press freedom continue. Recently, two former agents with the intelligence service of the Peruvian military reported on plans to "silence" certain journalists, including Cesar Hildebrant. In April 1998 Angel Paez reported receiving death threats. In addition, Paez, José Arrieta and Fernando Rospigliosi were targets of a series of attacks by elements linked to the state-run media. On 26 May, television host Cecilia Valenzuela received death threats.

The events surrounding the persecution of Baruch Ivcher, the owner of Canal 2 television, represent even greater press freedom violations on the part of the Peruvian government. After numerous critical reports, Ivcher lost control of the TV station when the government rescinded his citizenship.

Owners of media outlets say violations of press freedom are due to superficial or simple mistakes – that press freedom suffers under subtle forms of pressure including control of advertising and taxation.

They are certainly not wrong. However, violations of human rights, including freedom of expression, have a deeper origin than mere "mistakes" and high taxes. I believe that a truly democratic society cannot exist while its structures not only do not function but also have rotted from the inside.

The governments in question are weak and corrupt, and stay in power thanks to tanks and guns. Dictatorships follow one another with differences in form: some stronger or weaker, some dressed up in civilian or military clothes, all the same in the end.

On international trial

As a consequence, people all around are clamouring for answers. They want to quench their thirst for justice. In this respect, it is opportune to demand the establishment of a permanent international criminal court. This court would have the mandate to try individuals accused of abominable crimes against society, by applying the highest norms of justice and impartiality that embody the basic principles of international criminal law. In this way, an important step would be made in confronting the injustice that affects our lives.

Translated from the Spanish by David Cozac.

SOURCE OF TROUBLE:
"The governments in question are weak and corrupt, and stay in power thanks to tanks and guns."

IFEX Community News

The crime of libel: using the law to restrict freedom of the press

by Beth Asher

In Canada, the civil tort of defamation exists to offer protection from harm through false remarks, made either verbally (slander) or through the printed word (libel.)

Even within the exercise of a free press, journalists are not above this law. Those who feel that a journalist has libelled them by printing false and derogatory statements can seek redress by bringing a civil libel suit, asking the court for monetary damages to compensate for their loss of reputation. Any journalist found to have committed libel would face a fine, as well as the consequences to their professional reputation.

In many countries around the world, however, libel laws are used not to protect the public from damaging statements, but rather as a tool of censorship. In these countries, libel is a criminal offence, and those who face prosecution, often journalists, face prison sentences if found guilty.

Clearly, the use of imprisonment as a punitive measure for freely imparting information is inconsistent with the guarantees set out in Article 19 of the Universal Declaration of Human Rights.

Criminal defamation provisions often take the form of "insult laws," which make it a crime to publish material that insults or offends the leaders or institutions of a state. Criminal libel laws exist as a tool of repression, most often by states that have

nonetheless explicitly guaranteed free expression by ratifying Article 19. These laws work to limit press freedom, both by punishing journalists who try to expose government misdeeds and by forcing journalists to practice self-censorship in order to avoid severe sanctions.



Croatia's *Feral Tribune*, publisher of these magazines, was charged with offending the president.

One of numerous examples of criminal libel prosecutions is a case involving the *Samoa Observer*. Defamatory libel charges under Samoa's Crimes Ordinance have been brought against the paper and its editor, initiated by the country's Prime Minister over a critical letter to the editor.

The newspaper's lawyers attempted to challenge the constitutionality of the libel law before Samoa's highest court, but their argument was recently rejected and the case sent back to trial. The editor and publisher face up to six months in prison if convicted.

The *Samoa Observer* is the main independent news medium in a country where, ac-

ording to the Pacific Islands News Association (PINA), the government exercises tight control over news broadcast on national radio and television. The *Samoa Observer* has a history of reporting on corruption and has been targeted by the government.

Recently, the government



announced that it would set aside public funds for government leaders to use to sue the news media for defamation, a move that will open the door to even more legal actions while pressuring the media to stay away from sensitive issues.

The situation in Samoa is far from unique. In a case widely monitored by freedom of expression groups, Croatian President Franjo Tudjman initiated a criminal libel trial against the editor-in-chief and a correspondent for the independent weekly *Feral Tribune*. The journalists have been charged with offending Tudjman's "honour and reputation" in a satirical article. In

addition to this trial, the *Feral Tribune's* editor-in-chief is facing 17 other criminal libel cases.

In Cameroon, Pius Njawé, editor-in-chief of *Le Messager*, has been in prison since December 1997, convicted of "spreading false information" after he published a report suggesting Cameroon's President had suffered a cardiac incident while watching a soccer match. [See Issue 1, 1998 of the *CCPJ Reporter*.]

In Uzbekistan, a radio journalist was recently handed an 11-year prison sentence for criminal defamation and extortion, after he broadcast a radio program satirizing a local businessman.

Freedom of expression organizations worldwide have been campaigning against the proliferation of criminal libel laws. The World Press Freedom Committee in the U.S. has published a statement against the use of insult laws, while the U.K. group ARTICLE 19 is planning to promote defamation laws that respect freedom of expression, and PINA is supporting the *Samoa Observer* in its libel case.

These efforts are much needed. In the words of the United Nations High Commission on Human Rights, "detention, as punishment for the peaceful expression of an opinion, is one of the most reprehensible ways to enjoin silence and, as a consequence, a grave violation of human rights."

Beth Asher is a lawyer working with the IFEX Clearing House.

International Freedom of Expression eXchange