

CJFE

reporter

1999 – Issue 3

Press freedom assailed in Canada

By Marianna Tzabiras

November 18, 1998, will be remembered as a low point for press freedom in Canada. On that evening, moments after arriving at his British Columbia home, newspaper publisher and editor Tara Singh Hayer was shot to death while transferring from his car to his wheelchair.

Later that night, Hayer's son, Sukhdev (Dave) Hayer, went back to the office of the *Indo-Canadian Times* to add a special insert that would let readers know of the killing. He believed it was important to keep publishing Canada's largest and oldest Punjabi weekly, a paper his father had fought so dearly to keep alive.

Tara Singh Hayer was a moderate Sikh who often criticized the violent tactics of Sikh separatists in Canada and India, and had already been the target of an assassination attempt at his newspaper office in 1988, which left him partially paralysed. His reporting landed him on a hit

list, according to the police.

One week before his death, Hayer said in an interview that he was not concerned by ongoing threats against his life. "If they get me, they get me. There's nothing I can do and I'm not going to stop my work."

Hayer's son believed the killer was trying to frighten people prior to then-upcoming Sikh temple elections because of a fear that moderates would win.

Days after the murder, a threat was called in to a volunteer at the moderate headquarters for the upcoming elections, in which reference was made to Hayer's killing. Fundamentalist and moderate factions in the community have feuded for years, sometimes violently, over religious doctrine and efforts to create an independent Sikh homeland in India.

In an editorial entitled "A man of courage pays for his principles," the *Vancouver Sun* noted that Hayer's death "is an especially frightening event for peo-

— continues on page 6



DEBBIE HOLLOWAY / TORONTO SUN

Dave and Isabelle Hayer accept the Tara Singh Hayer Memorial Award from CJFE president, Arnold Amber at CJFE's International Press Freedom Awards banquet Nov. 15, 1999 – which would have been Singh Hayer's 63rd birthday.

Malaysia frees Canadian journalist after 30 days in jail for 'contempt'

By Murray Hiebert

I'm a Canadian journalist for whom Canadian Journalists for Free Expression (CJFE) is more than some vague idealistic notion. I recently spent 30 days in prison in the Southeast Asian country of Malaysia and was a direct beneficiary of CJFE's activities. When I went to jail on Sept. 11, 1999, it gave me a moral boost to know that there were groups like CJFE out there kicking up a fuss.

Two days after I was imprisoned, I was taken to meet the prison director and watched while he flicked through my file. It al-



FAR EASTERN ECONOMIC REVIEW

Murray Hiebert

ready contained copies of protest statements by CJFE, Amnesty International, Canada's Foreign

Minister Lloyd Axworthy and United States President Bill Clinton. I'm convinced these statements played a key role in determining the relatively polite treatment I experienced in prison.

I went to jail not for writing some diatribe attacking Malaysia's Prime Minister Mahathir Mohamad, but for focusing attention on a debating team. I wrote an article in early 1997 in the *Far Eastern Economic Review*, a news-weekly published in Hong Kong by Dow Jones & Co, about a mother who was suing the International School of Kuala Lumpur for US\$2.4 million. The reason? Her 17-year-old son was kicked

off a debating team for alleged cheating. I used this case as an example to show how Malaysia is becoming increasingly litigious.

In many Commonwealth countries like Malaysia, it is possible for private citizens – not only the attorney general – to bring contempt of court charges against an individual. In my case, the plaintiff was the wife of an Appeal Court judge who got a High Court judge to hear her charges against me. The judge found me guilty of contempt of court – he said I had scandalized the court – and sentenced me to three months in prison. I appealed but

— continues on page 2

CJFE hires
new executive
director p 2

Banquet spotlights
threats to free
expression p 4-5

La liberté de la
presse au Congo
sous Kabila p 7

New legislation
leads to censorship
in Azerbaijan p 8

Hiebert calls for press to be vigilant

— continued from page 1

had to wait two years for a hearing, during which time the courts held my passport as a condition of bail. In the end, the Appeal Court upheld my conviction, although it reduced the sentence to six weeks. Prison officials cut my term by one third for good behaviour.

I was held in two different prisons. The first one was Sungai Buloh, a new maximum-security prison with 3,400 inmates, located about 25 kilometres west of the capital of Kuala Lumpur. After 10 days I was moved without warning to a second prison in the town of Seremban, about 60 kilometres south of the capital. Seremban was a 98-year-old minimum-security prison holding mainly drug offenders.

The most shocking part of going to prison was the loss of freedom. If you're used to determining your own schedule, deciding what you eat and moving about freely, it's shocking suddenly to be locked in a room with people you didn't choose to be with. The second shocking thing is the dehumanization. You're not a name but a number. I was BSB 1366/99 HL. You have absolutely no privacy. If you get ill, you have to use the toilet in the room in front of your fellow inmates and guards.

I was fortunate not to experience any of the physical violence often witnessed in prison in many countries. In both prisons, other prisoners adopted me almost in-



Canadian journalist Murray Hiebert spent a month in Malaysian jails after publishing an article that upset the wife of an Appeal Court judge. "You cover political and economic developments in Malaysia at your peril," writes Hiebert.

FAR EASTERN ECONOMIC REVIEW

stantly into their prison family. Moments after I arrived, for example, an inmate who was in for burglary offered me a small towel and soap so that I could take a shower. After I'd been in the second prison for a week, prisoners started thanking me for being there. They said the beatings and abuse had stopped because officials were afraid that I'd write about what I saw.

Most of the guards treated me

with as much respect and dignity as a jailer can have for a prisoner. Because of all the publicity surrounding my case, prison officials wanted nothing untoward to happen to me. My biggest problem with the guards was their omnipresence. They took notes in a ledger book about all of my activities during my hours awake. But many of the guards also became friendly and wanted to chat. Their favourite topic: the politi-

cal crisis in Malaysia brought on by Prime Minister Mahathir's ouster and imprisonment of his former deputy, Anwar Ibrahim.

Although my case was unique, it has implications for other journalists, both local and foreign, working in Malaysia. When the judge sentenced me, he made it clear he was making an example of me. "In my view, for far too long there appears to be unabated contemptuous attacks by and through publications or the media on the judiciary," the judge said. "It is high time that our judiciary shows its abhorrence to such contemptuous conduct as is illustrated by the facts of this case."

Mine isn't the only example in Malaysia in which the courts are being used to intimidate the press. The firm I work for, Dow Jones & Co., and another foreign journalist face libel suits in Malaysia. Damages requested total the equivalent of several hundred million dollars. The message to journalists is clear: cover political and economic developments in Malaysia at your peril.

Murray Hiebert is now Washington bureau chief of the Far Eastern Economic Review.

New executive director, board members, for CJFE

After an extensive search, CJFE is very pleased to announce that **Sharmini Peries** is our new executive director. Peries served as executive director with the Ontario Council of Agencies Serving Immigrants from 1994 to 1999, giving her valuable experience at the head of a large non-governmental organization.

From 1992 to 1994 she was executive director of the Commission on Systemic Racism in the Ontario Criminal Justice System. Peries is also a member of the Free Media Movement, an IFEX member in Sri Lanka, and

is completing her PhD in social and political thought at York University.

Having presided over an incredible period of growth at CJFE, **Wayne Sharpe** resigned in October to work as a freelance consultant. For four and a half years, Sharpe managed the freedom of expression work of both CJFE and IFEX.



JOHN SCULLY

Wayne Sharpe goes freelance

His first project is working with a radio training project in Cambodia.

CJFE's annual general meeting Nov. 22 resulted in two new faces on the board of directors.

In fact, **Bob Carty's** face is familiar, as he has served on the board before. Carty works with CBC Radio's *This Morning* from Ottawa.

Sean Silcoff, a senior writer with *Canadian Business*, was also elected to the board. Silcoff is Toronto chapter vice-president of the Canadian Association of Journalists.

2



CJFE reporter

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Canadian Journalists for Free Expression (formerly the Canadian Committee to Protect Journalists) is an independent, non-profit association of journalists, writers, producers, editors and publishers promoting freedom of expression.

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

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

Exiled Belgrade journalist starts life over in Canada

By Zdenka Acin

The first part of the rest of my life began when the Malev plane from Budapest touched down on Canadian soil with me and my 11-year-old son Stefan in its belly.

That was June 15, 1999. What was my previous life?

I was born in 1951 in the town of Ivangrad, Montenegro, Yugoslavia. I had taken a keen interest in writing since my early childhood. I wrote poetry and short stories that were published in literary newspapers and magazines. I also wrote two books, *Neither Voice of God nor Voice of State* and *I Renounce Revenge*.

Independent critic

I lived for 30 years in Belgrade, and worked as a journalist for 20 of those. My articles and TV programs encompassed all subjects: culture, philosophy, politics, art, environment, religion, theatre and film.

I interviewed prominent national and international figures, including three winners of the Nobel Prize for Literature: Czeslaw Milosz, Joseph Brodsky and Naguib Mahfouz. The compendium of my interviews brought out crucial issues of our times: freedom, censorship, human rights, non-violence and criticism of totalitarian regimes.

My position as an independent intellectual in opposition brought me many problems. I was blacklisted in both the former and today's Yugoslavia. My television talk show *Press Club*, for instance, was removed from the air three times – first in 1995 on the personal order of President Slobodan Milosevic, then in 1996 and 1997 because of political reasons and censorship.

In 1997 I was removed as editor-in-chief of *Interview*, a biweekly cultural and political magazine, because I published articles that criticized Milosevic and his regime, and his wife, politician Dr. Mira Markovic.

Symbolic call

I was a member of the Serbian Philosophers Society and Independent Association of Serbian Journalists, but am no longer. Now, I am a member of Canadian Journalists for Free Expression (CJFE), and this is the starting point of my professional life here in Canada.

I will always remember May 3, 1999, when the visa officer at the Canadian Embassy in Vienna phoned to inform me that visas for Stefan and me were ready. (My other son, Andrej, a musician and composer, is building his career in Paris.) It meant a



CHRIS HARBORD / CJFE

Zdenka Acin thanks CJFE and all who helped her come to Canada to create a safer life for herself and her son.

starting point for our future life. Her call was a gift with great symbolic meaning as well, because it was World Press Freedom Day.

I concluded then, "There is no better day than this one to hear a promising voice which will bring to both my private and professional life a new chapter. All my life, it has been my dream to live

in a country as good as Canada – in a country of freedom, liberty and justice."

My and Stefan's reality in Canada has turned out well, thanks to people of good will who are helping us. Besides the staff and board of CJFE, who have given us both material and moral support, we are grateful to our new Canadian friends and organi-

University partners seize campus/community radio

By Eric Mills

On Friday Oct. 1, volunteer programmers arrived at the University of Toronto's campus/community radio station to find the doors locked. After more than a decade of cooperation among student and non-student volunteers, the undergraduate student council and the university had taken total control of CIUT-FM.

When the doors opened 11 days later, the station (renamed "One World. One Radio") had a new direction.

Six hours a day of less-regulated overnight time had been sold to a commercial operator to broadcast electronic dance music. Programs invited back were squeezed into the remaining time, and most were reduced or rescheduled without consulting the volunteers who produced them. Spoken word programming, previously CIUT's forte, was cut the most. Five long-time volunteers active in calling for accountability and due process in the station were banned on unsubstantiated charges of "harassment."

Student president Matt Lenner pointed to a station debt approaching \$200,000, a paucity of campus content and a history of internal conflict as reasons for the drastic move.

The Volunteer Action Commit-

tee (VAC) countered that students always had a potential or actual majority on the board of directors, that recent boards had been unresponsive to station problems, and that volunteers had warned the board and student council more than a year earlier that management was spending far beyond CIUT's means.

Also, in the two months preceding the lockout, the council had refused to let volunteers or-



ganize an on-air funding drive. This springtime budgetary staple, which used to raise more than \$50,000, wasn't held in 1999.

Since Oct. 12, many spoken word programs – including a pilot monthly segment produced by CJFE – have not returned to CIUT airwaves.

VAC has complained to the Canadian Radio-television and Telecommunications Commission (CRTC) that the takeover tram-

plated on the mandated partnership underlying campus/community stations. Truncating spoken word programming violated CIUT's promise of performance to broadcast alternative news and opinion, adds the committee. VAC also argues that the commercial sale of a quarter of broadcast time is unnecessary and contradicts the station's purpose.

Thanks for help

CIUT's licence is up for renewal next August. VAC is encouraging supporters and listeners to write to the CRTC.

Five years ago, however, the CRTC stood by as management at CHRW, a campus/community station in London, Ont., ousted long-time community volunteers. A 300-page brief to the CRTC by Volunteer Advocates for Campus Community Radio achieved little, according to volunteer Brian Hannigan.

Eric Mills is a member of CJFE and the Volunteer Action Committee to Save CIUT.

For more information:

www.tao.ca/~vac (VAC site)

www.ciut.utoronto.ca (CIUT)

www.web.net/vaccr (re CHRW)

Five long-time volunteers active in calling for accountability and due process were banned on unsubstantiated charges of "harassment."

CJFE honours slain Canadian editor at press freedom awards banquet



BRIAN PHILCOX

Bob Macdonald of the *Toronto Sun*, Ontario Chief Justice R. Roy McMurtry and Richard Gwyn (from left) at the VIP reception. McMurtry later thanked Madam Justice Louise Arbour for her keynote address.

By Rebecca Nelems

Journalists from Zimbabwe, Pakistan, Mexico and Canada were honoured on Nov. 15 at the second annual International Press Freedom Awards Dinner hosted by Canadian Journalists for Free Expression in Toronto. Mark Chavunduka and Ray Choto of Zimbabwe, Zafaryab Ahmed of Pakistan and Jesús Barraza Zavala of Mexico received the 1999 CJFE Press Freedom Awards. Canadian Tara Singh Hayer, the editor of the *Indo-Canadian Times* who was murdered on Nov. 18, 1998, was also honoured at the event.

The international awards are presented to journalists from around the world "who have suffered personally and professionally in their pursuit of journalism and free expression." All the recipients said the award gave them courage and support to continue

their work, and recognized not only them, but also their many colleagues who have suffered and continue to suffer persecution.

Madam Justice Louise Arbour, recently appointed to the Supreme Court of Canada, gave the keynote address (see next page).

The event was widely attended by members of the media. More than 50 corporate sponsors, including media organizations, made the event possible and contributed significant funds for CJFE's Journalists in Distress Fund.

Tortured in Zimbabwe

Mark Chavunduka and Ray Choto, journalists with the *Sunday Standard*, were detained and tortured in January 1999 for publishing an article that chronicled an alleged coup attempt in December 1998 and the subsequent arrest of 23 soldiers, including seven officers.

By refusing to reveal his

vunduka and Choto were formally charged under the Law and Order Maintenance Act, legislation that was introduced in 1960. They are to appear before Zimbabwe's Supreme Court on Jan. 4.

Accepting the award, Chavunduka noted, "This is the same law under which President Robert Mugabe and other current political leaders were charged before they came to power. When they came to power, these leaders promised to eradicate the legislation."

The journalists' case was met with much public outcry both within Zimbabwe and internationally. Choto, who remains in Zimbabwe, has faced new threats since returning from the CJFE awards ceremony.

Pakistani in exile

Zafaryab Ahmed presently lives in exile in the United States, where he continues to write about human rights abuses and the gap between the rich and poor in Pakistan. He still faces charges of treason and a possible death sen-

Marlene Benmergui (right), chair of the banquet organizing committee, addresses more than 600 guests.

Mexican editor at risk

Jesús Barraza Zavala, editor of *Pulso*, has received multiple threats for his work on drug trafficking and corruption within the Mexican government. Due to ongoing threats to his life and the financial precariousness of keeping a weekly newspaper going while under such threats, Barraza was unable to travel to Canada to receive the award.

Barraza wrote that the award serves two important purposes: "One, that those who want to assassinate me know that we're not alone; and two, that my *Pulso* colleagues share the joy of knowing that our work is not in vain."



BRIAN PHILCOX PHOTOS



Banquet organizing committee member Richard Gwyn (left) with Nobel laureate John Polanyi at the head table.

Miguel Acosta, of the Mexican Academy for Human Rights (centre), accepted Jesús Barraza's award. Others are Oscar Ortiz of the AMPH (left) and Pedro Valdez, a Peruvian journalist exiled in Toronto.

Canadian Ian Stewart, an Associated Press journalist wounded last January in Sierra Leone, talks with journalist Stevie Cameron.



KRISTINA STOCKWOOD / CJFE



BRIAN PHILCOX

source, Choto says, "I handed myself over to the military."

After their arrest, the two were taken to a torture centre three floors underground, where they could hear each other crying out in pain.

On Jan. 21, Cha-

venge for reporting on the murder of 12-year-old child labour activist Iqbal Masih.

Ahmed accepted the award in commemoration of his colleagues who have died for their work in Pakistan. "There are many journalists who are much more courageous than I am," claimed Ahmed. "These are stories which the world does not know about and which must be told."

He added, "Since a gang of drug traffickers murdered Benjamin Flores González, our former editor, we have lived through many tumultuous and difficult days. One cannot imagine the anxiety in which we live ... It fills me with joy to know there are Canadians who share in our cause and who are interested in our situation here."

Miguel Acosta, coordinator of the Commission to Protect Journalists of the Mexican Academy of Human Rights, received the award on Barraza's behalf.

"Barraza's case is symbolic of attacks on freedom of expression in Mexico," Acosta said. "It is difficult to be an independent journalist in Mexico, and this

award provides important support and recognition of the work of these journalists.”

Family receives award

The banquet concluded with CJFE’s announcement that its Canadian Press Freedom Award has been renamed the Tara Singh Hayer Memorial Award in honour of the Canadian journalist killed in November 1998.

Hayer, editor of the *Indo-Canadian Times*, received numerous death threats, survived one assassination attempt and was ultimately killed last year for his outspoken commitment to press freedom.

Hayer’s son and daughter-in-law, Dave and Isabelle Hayer, received a commemorative award. They said Tara Singh Hayer’s case demonstrates that violent attacks on press freedom can happen in a democracy like Canada.

His dedication should encourage all journalists, they added.

“The support we have received from groups in Canada and internationally has meant a lot to those who continue to work on our father’s paper,” said Isabelle.



STEVE RUSSELL / TORONTO STAR

Madam Justice Louise Arbour speaks with award winners Zafaryab Ahmed, Ray Choto and Mark Chavunduka. On Nov. 21, days after returning from Canada, Choto received a package at home containing a teddy bear with two bullets tied to its neck, and a note threatening him and his family. Two other Zimbabwean journalists received similar threats within a few days.

Keynote speaker Louise Arbour praises ‘the power of truth’

By Beth Asher

A highlight of this year’s CJFE International Press Freedom Awards was a thoughtful and articulate address by keynote speaker Madam Justice Louise Arbour. Although Arbour was recently appointed to Canada’s Supreme Court, her remarks on free expression and the many shades of gray in the notion of “truth” reflected her experiences as chief prosecutor of the war crimes tribunal for the former Yugoslavia and Rwanda.

Her work investigating war crimes brought Arbour “in contact with another order of magni-

tude of evil,” and she shared her insight that one must delve deeper than merely asserting the need for a free press. Indeed, it is necessary to look at the larger issue of what constitutes reality in the pursuit of truth, and “the pathology of memory and the manipulation of facts, and of history.”

Arbour illustrated this “pathology” with a seemingly harmless story she had been told of a beautiful art deco mansion in the Netherlands acquired by Canada after the Second World War. Arbour had been told that this residence had been a gift from the Dutch government to Canada to express its

thanks for Canada’s role in liberating that country.

The problem with this story, which represents the undeniable gratitude of the people of the Netherlands to Canada, is that it is not true. In fact, the Canadian government bought the house, which never belonged to the Dutch government. Nonetheless, the story persists because it “is a metaphor that is too useful to have dismissed in favour of a reality that is completely meaningless.”

The great danger in deceit played out as truth is that the door is opened for those who will “fabricate a past upon which the

worst excesses of the future will be justified.” Caution is required here, because in the wrong hands myths allowed to mask truth can serve the brutal purposes of those “who seriously purport to justify these kinds of excesses, by reference to alleged injustices suffered centuries before.”

Arbour chose to pay special tribute to the journalists who had reported on the work of the International War Crimes Tribunal, and whose efforts will ensure that “the integrity of the memory will be restored and preserved.”

Her comment that “the power of truth is often measured by the intensity of the means deployed to suppress it” was brought home vividly at the end of her remarks.

She mentioned news she had recently received of Zeljko Kopanja, a Bosnian Serb journalist with an independent newspaper published in Republika Srpska. Kopanja, who was apparently the first to publish a series of articles on war crimes committed by Bosnian Serbs, had been the victim of a bombing attack, following which both his legs had to be amputated.

This was a stark reminder to her audience, composed largely of Canadian journalists, that maintaining the integrity of memory often comes at considerable risk. Arbour said she unequivocally disapproves of “silencing the press with tanks” and urged those present to be vigilant in promoting press freedom around the world.

IN MEMORY OF TARA SINGH HAYER



TARA SINGH HAYER
continued publishing
despite death threats

- 1936** Born in Paddi Jagir, Punjab, India, Nov. 15.
- 1966** Master of Arts degree, Punjab University, Chandigarh.
- 1970** Emigrated to Canada.
- 1978** Founded *Indo-Canadian Times*; became full-time independent journalist.
- 1988** Survived assassination attempt by a Sikh extremist.
- 1992** Received Governor General of Canada Commemorative Medal at 125th anniversary of Canada’s confederation.
- 1995** Received Order of British Columbia from B.C. government.
- 1998** A Sikh high priest in India issues an edict excommunicating Hayer from the religion and prohibiting Sikhs from buying or reading the *Indo-Canadian Times*, April. Killed in his garage at home in Surrey, B.C., Nov. 18.
- 1999** On what would have been his 63rd birthday, CJFE renames its Canadian Press Freedom Award the Tara Singh Hayer Press Freedom Award, Nov. 15.

Other Canadian journalists under attack

— continued from page 1

ple in the newspaper business.

"We believe he is the first Canadian journalist to be killed for his views. People at newspapers and magazines often publish material that angers some readers, and occasionally there are threats. Freedom of the press means nothing if we don't stand up to such threats."

At the same time, a member of Parliament called for a public enquiry to investigate whether Hayer's death could have been prevented, and whether the media are adequately protected when they are the targets of threats.

Another journalist on the hit list

But Hayer's case is not isolated. CJFE's decision to rename its Canadian Press Freedom Award in his honour (see story page 4) is an attempt to highlight the struggles of Canadian journalists who will not be silenced.

In February 1999, journalist Kim Bolan found her name on a hit list circulating among extremists in the Sikh community – likely the same list that included Hayer's name.

Bolan, a journalist with the *Vancouver Sun* since 1984, has covered wars in El Salvador, Guatemala, and Afghanistan.

However, she is best known for reporting on the Indo-Canadian community in Vancouver, having covered extensively the activities of a small group of Sikh extremists – who are condemned by the vast majority of Sikhs. Her coverage has led to critical breaks in the investigation of the 1985 Air India bombing that killed all 329 passengers and crew.

Her stories have also encouraged a police investigation into financial mismanagement and sexual abuse of girls at a local independent school that was controlled by several suspects in the bombing.



CJFE members and staff participated in Word On The Street, a Toronto festival of the written word and literacy in September. The booth collected signatures on letters protesting the jailing of journalists.

KRISTINA STOCKWOOD / CJFE

Bolan's reporting has elicited differing reactions among the Sikh community. In March 1998, about 250 Sikh protesters gathered in front of the *Sun's* editorial offices to demand that she not be permitted to cover B.C.'s 150,000-member Sikh community.

In contrast, a coalition of 36 B.C. Sikh societies has defended the *Sun's* coverage of Sikh issues as "fair and balanced," noting that the perpetrators of violence and intimidation are responsible for negative coverage of the community, not those who have reported on the incidents.

Since December 1997, Bolan

has received death threats by mail, by phone and during a call-in program on local Punjabi language radio. Threats escalated after her coverage of Hayer's murder.

Police stated that Bolan was targeted because she linked Hayer's assassination with a group of extremists suspected of carrying out the Air India bombing and a bombing in Narita, Japan, that killed two baggage handlers. Despite the difficulties, Bolan is determined to cover the trials in both cases when they start.

Since February 1999, she has moved out of her house, switched

vehicles, and is escorted on assignment.

"It has been extremely difficult for my work to continue, but I am committed to doing so," she says.

For her determination, Bolan won a 1999 Courage in Journalism Award from the International Women's Media Foundation, for which she was nominated by CJFE.

Biker gangs threaten journalist

Greg Rasmussen, a Vancouver-based CBC radio news reporter who began reporting on security problems at Canada's ports in November 1997, found himself in a different type of trouble. Many of his stories have dealt with the Hell's Angels motorcycle gang, their influence at the Vancouver port and their involvement in the multi-billion dollar narcotics trade.

In March 1998, after Rasmussen's first major investigative report aired on CBC radio, his home was broken into and his radio receiver submerged in a bathtub full of water. Police considered the break-in a thinly veiled threat.

In response to the threat, the CBC offered him a chance to withdraw from working on the series. Rasmussen declined, instead moving to a hotel to continue his work. He has had to overcome obstacles in reporting on organized crime, such as the difficulty of finding witnesses who are willing to speak out.

Partly based on the information uncovered by Rasmussen, new government policies for tackling organized crime have been announced by the provincial government, and new strategies are being pursued by federal crown attorneys.

Nominations for the Tara Singh Hayer Award for Canadian Press Freedom will be sought next spring. For information and nomination forms, contact CJFE.

AFRICA IN THE WESTERN PRESS

In May 1997, Western media reported on the advance of Laurent Kabila's troops on Kinshasa with great fanfare. Journalists predicted the beginning of a new era of cooperation and openness for the renamed Democratic Republic of Congo (DRC) and its neighbours – a period that would be more tolerant, liberal and democratic than under the last years of the Mobutu regime in the former Zaire.

Today, the enthusiasm of Western governments and media has once again been replaced by cynicism and silence. Despite the disappointments, Congolese journalist and human rights worker Modeste Mutinga

still believes the West has an important role to play in the region's progress.

"Canadian and international media, which generally ignore Africa, could help us by focusing more closely on our continent and opening their columns to Africa," he remarked.

"We also think that Western governments, particularly Canada, should link all foreign aid programs to a greater respect for human rights and fundamental freedoms. This is how they will be able to influence African governments."

Despite the West's seeming indifference and inaction, Mutinga suggested it was in

large part thanks to international pressure that the Kabila regime finally relented and released most imprisoned journalists in recent months, including himself.

"I was released because information concerning my arrest was immediately broadcast on the BBC, Voice of America and RFI (Radio France International), and the authorities realized that they might have another scandal on their hands. So they released me after 24 hours.

"You understand how this efficient network of media solidarity can yield real results," he said.

By Michaël Elbaz

Le Congo de Kabila et la liberté de la presse

Par Michaël Elbaz

Plus de deux ans et demi après l'avènement de Laurent-Désiré Kabila dans la République démocratique du Congo (RDC), la presse reste toujours aussi surveillée à travers le pays que pendant les pires années de la dictature du Maréchal Mobutu Sese Seko. Selon Modeste Mutinga, l'un de nombreux journalistes persécutés en RDC depuis l'accession à la présidence de Kabila, la situation ne s'annonce pas très encourageante pour les médias congolais à court terme.

En visite à Toronto fin septembre, à l'occasion d'une série de conférences dans plusieurs villes canadiennes, organisée par le CJFE, le directeur du quotidien *Le Potentiel* de Kinshasa, président de l'organisme non-gouvernemental « Médias pour la paix », a rappelé que, « ces deux dernières années, selon les rapports de Reporters sans frontières, et d'autres organismes des droits de l'homme, 80 journalistes ont été interpellés ou arrêtés, et pour le moment, deux d'entre eux sont en prison ».

Presse = opposition

Effectivement, malgré le fait que la RDC a ratifié plusieurs traités internationaux sur le respect de la liberté d'expression et la liberté de la presse, dont le Pacte international relatif aux droits civils et politiques et la Charte africaine des droits de l'homme et des peuples, les Congolais sont encore bien loin de profiter de tels droits et libertés dans leur pays. À l'heure actuelle, « la liberté de la presse en RDC n'est toujours pas respectée, malgré la loi qui existe sur cette liberté », a rappelé Mutinga.

Mutinga a expliqué que « depuis maintenant près de 33 ans,

la RDC ne connaît pas la démocratie. Sous le règne du Président Mobutu, c'était le parti unique. Sous le règne du Président Kabila, actuellement, les partis politiques sont interdits. Vous comprenez que, dans ce contexte politique, la presse est considérée comme une opposition. Elle est aussi considérée comme ... la voix de la majorité et des plus faibles ». D'où la méfiance et la peur de la dictature au pouvoir.

Compliquant d'autant plus la situation, « à l'arrivée du Président Kabila, il a pu acheter la majorité de la presse écrite et audiovisuelle ... Aujourd'hui, il y a une tendance qui se manifeste, où les hommes politiques tentent de créer leurs propres journaux ... Ils ont tendance à régler les comptes de leurs ennemis politi-



QUICK MAPS

ques ». Attaquée constamment ces derniers temps, la presse indépendante congolaise est aujourd'hui réduite à une demi douzaine de titres.

Mutinga a rappelé également qu'il n'existe pour ainsi dire pas de délits de presse en RDC, aujourd'hui, mais seulement des délits politiques. « Sur toutes ces arrestations et interpellations ... la majorité sont des interpellations faites par les services de sécurité, par la police politique ». Dans ce pays plus divisé que jamais aujourd'hui, avec une

rébellion armée qui a saisi près de la moitié du territoire, toute critique des autorités, ou toute accusation de corruption, est interprétée tout simplement comme une prise de position en faveur de l'ennemi: « [Les journalistes] qui sont dans les régions contrôlées par le gouvernement ... souffrent psychologiquement, car, même si la censure officielle n'est pas instaurée, les journalistes sont obligés de pratiquer l'auto-censure, de peur d'être persécutés, de peur d'être arrêtés, et c'est une torture morale ».

Le silence médiatique et le manque d'informations sur ce qui se passe dans les zones du pays occupées par les rebelles compliquent encore davantage cette situation. « Aujourd'hui, avec la guerre que sévit au Congo, la république est divisée en deux. Dans la partie occupée par les rebelles, la situation des journalistes n'est pas claire. Les radios privées ont été fermées, aucun journal ne fonctionne, nous ne savons rien sur nos confrères qui sont sous le contrôle des rebelles ... nous ne pouvons pas contacter la zone occupée par les rebelles. Si vous le faites, le gouvernement vous accuse d'être complice des rebelles et vous êtes condamné pour haute trahison. Cette situation nous préoccupe beaucoup, parce que nous ne savons pas ce que nos confrères sont devenus ».

Dans cette situation très tendue, où les journalistes sont la cible des autorités et des alliés du Président Kabila d'un côté, et des différents groupes armés incorporant la rébellion de l'autre, il n'est pas étonnant que leur situation soit aussi précaire. De plus, dans cette situation de guerre, les journalistes poursuivis en justice sont habituellement traduits devant des tribunaux militaires plutôt que civils.

Ainsi, Mutinga, lui même ar-



CLAUDE VILLEMAR

Modeste Mutinga répond aux questions de son audience montréalaise.

rêté à plusieurs reprises cette année, a décrit sa propre expérience, typique, à son audience Torontoise: « l'exemple le plus représentatif, c'est ma dernière arrestation. À la suite du reportage d'une collaboratrice sur un jugement prononcé par le tribunal militaire, j'ai été arrêté parce que notre collaboratrice a écrit qu'en ce qui concerne la liberté d'expression et d'opinion, sous le régime Kabila, il n'y a pas de différence avec le régime Mobutu ».

Un avenir incertain

Mutinga voit une solution éventuelle venant de la classe politique congolaise elle-même. « Je dirais que la liberté de la presse, la liberté d'expression et d'opinion en Afrique, dépendent du régime politique mis en place. Aussi longtemps que les dirigeants africains continueront à croire qu'on ne peut acquérir le pouvoir que par les armes, on n'aura jamais la démocratie, et on n'aura jamais la liberté de la presse. Aussi longtemps qu'en Afrique, la classe dirigeante ne comprendra pas qu'il faut une bonne gestion, et qu'il faut privilégier l'intérêt général au lieu de l'intérêt individuel, aussi longtemps que les classes dirigeantes ne comprendront pas qu'il faut éviter la discrimination ethnique, la discrimination tribale, on aura la guerre, et on n'aura pas la liberté ».



PHOTOS PAR CLAUDE VILLEMAR

Le journaliste Jean-François Lepine (à gauche), animateur de la conférence montréalaise « Les Ennemis de la presse 1999 », et journaliste Modeste Mutinga suivent la présentation de l'éditeur égyptien Hisham Kassem sur la situation de la liberté de la presse dans son pays. À droite, le paneliste Sierra-Léonais David Tam Baryoh décrit la situation désespérée des médias au Sierra Leone suite à la guerre civile.

U.S. governor signs death warrant for journalist Mumia Abu-Jamal



SCOTT PEARCE

Toronto protesters in November called for a new trial for writer and broadcaster Mumia Abu-Jamal, in his 18th year on death row in Pennsylvania. Lawyers have obtained a stay of execution pending a review.

By Pedro Sanchez

In October, Pennsylvania Governor Tom Ridge signed a death warrant for award-winning journalist Mumia Abu-Jamal to be executed on Dec. 2, 1999.

This was the 176th death warrant signed by Ridge in four years – five times the number signed by two previous governors over 25 years.

On Oct. 26, Judge William Yohn stayed the execution pending his review of the case. Abu-Jamal supporters urged Yohn to call for evidentiary hearings, which would allow the first opportunity to present new evidence to a court other than Judge Albert Sabo's.

Sabo presided over the original trial and the subsequent post-conviction relief appeals in 1995 and 1996. The Philadelphia judge is famous for presiding over more trials resulting in death sentences than any other judge in the United States. Sabo is also a former policeman and long-time member of the Fraternal Order of Police, which is leading the push for Abu-Jamal's execution.

Global demonstrations

Demonstrations against the Oct. 13 execution order exploded around the world, including in Canada. In Toronto, the police – some in riot gear and others on horses – used heavy-handed tactics against a crowd of 300 peaceful demonstrators, and arrested and charged three people.

The Toronto protesters, like others world-wide, proclaim Abu-Jamal a political prisoner. Supporters argue that the journalist did not receive a fair trial due to suppression, manipulation and fabrication of evidence against him; denial of his right to self-representation or to have an

attorney of his choosing; underfunding and ineffectiveness of his court-appointed attorney; evidence that key prosecution witnesses were coerced and intimidated into changing their original testimonies; use of preemptory strikes by the prosecution to exclude potential black jurors; and most important, use

by the prosecution of Abu-Jamal's membership in the Black Panther Party more than a decade earlier to argue for the death sentence.

At the time of his arrest in 1981, Abu-Jamal was a reporter for National Public Radio and the Mutual Black Network, president of the Philadelphia chapter of the Association of Black Journalists, and, according to *Philadelphia Magazine*, one of the city's "people to watch." But his commitment to exposing injustices such as police brutality, corruption and racism in the city had made him a target for vengeance from the police and city officials. As a result, he started losing work and was forced to drive a cab to support his family.

In the early pre-dawn hours of Dec. 9, 1981, Abu-Jamal came upon a Philadelphia policeman beating a black man. Abu-Jamal realized the man was his younger brother, Billy; then shots were fired.

Both Abu-Jamal and the policeman were shot and hospitalized. Officer Daniel Faulkner died of gunshot wounds. Despite being badly brutalized at the scene and at the hospital by police, Abu-Jamal survived, only to be charged with Faulkner's murder.

Abu-Jamal's commitment to the "voiceless" as a journalist may account for his immense and growing popularity around the world. That and the fact that despite the brutal conditions on death row, Abu-Jamal's commitment and spirit are unbroken as illustrated by his two published books and close to 400 columns.

Call for clemency

In the words of Alice Walker, June Jordan and Angela Davis in an editorial for *The Nation*:

"It is his one life that provokes our persevering resistance. It is his one, persisting life that permits us hope beyond our day-to-day irrelevance. It is his living, still, as a black man sentenced to death that condemns our complacency and puts all our acquiscent inclinations to shame."

Pedro Sanchez is a researcher with CBC Radio, a broadcaster with CKLN-FM and a volunteer with the Free Mumia Now Campaign in Toronto.

To join in the fight for a new trial, write The Honorable William H. Yohn Jr., c/o Leonard Weinglass (Defense Attorney), 6 West 20th Street, Suite 10A, New York, NY 10011 USA.

AZERBAIJAN:

A new era of censorship

By Chris Harbord

Having gained independence from the Soviet Union in 1991, Azerbaijan is still on a new political course. On the one hand, it has established a constitution based on democratic principles and the separation of powers. Citizens have the constitutional right to form and join political parties, and the right to freedom of expression.

On the other hand, the government has always attempted, in some way or other, to infringe on these rights.

A year ago, it seemed as if President Heydar Aliyev was taking steps toward increased press freedom when he dismantled the Main Administration for the Protection of State Secrets, the Soviet-style censorship machine established in 1993. Aliyev announced the cleanup "to guarantee 100 per cent transparency during the presidential elections" of October 1998 after opposition parties threatened to back out.

It is clear now that the Aliyev government, having won the elections, has reverted to its old ways of heavy-handed and blatant media censorship.



The recently adopted Law on Mass Media authorizes censorship of information that could threaten "social and national security" or "defame the honour of Government officials."

This act has met with harsh criticism from many groups in Azerbaijan, including the Trade Union of Journalists (TUJo) which sees it as undemocratic. According to TUJo, some members of parliament walked out of the National Assembly to protest against the law.

Azerbaijan's most recent and distressing case of censorship occurred on Oct. 9 this year with the shutdown of Sara TV, one of three independent television stations in the country. Fifteen police officers armed with Kalashnikov automatic weapons burst into the building without warn-

ing. The heavily armed force neglected to attain a warrant from the Justice Ministry until after the raid.

The shutdown came after Sara TV criticized President Aliyev's son in recent broadcasts and aired messages from opposition parties urging anti-government rallies.

Sara TV journalists have contacted international groups, including Canadian Journalists for Free Expression, to ask for support and report that they are living in constant fear of arrest. They were hopeful that the international community would respond and that Sara TV would be allowed to broadcast again.

CJFE wrote to the Justice Ministry of Azerbaijan deploring the shutdown of Sara TV, which provides an independent voice for the people of Azerbaijan.

While these recent events do not augur well for free expression in Azerbaijan, international support provides journalists in such situations with hope that positive change will occur.

Chris Harbord is a student in Toronto who volunteers with CJFE.

CJFE's letter protesting the closure of Sara TV is on our web site: www.cjfe.org.