

Media on 'death row' as ANC NGC kicks off



By [Issa Sikiti da Silva](#)

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More than 2000 registered ANC members from all corners of the country have arrived this week in Durban to attend the party's national general council (NGC), a gathering due to discuss, among others, the establishment of a media appeals tribunal (MAT) - an organ that will allegedly seal the fate of the free media in South Africa.



"It is like being on death row while the court decides whether you will get a reprieve that could stop your execution altogether or postpone it at later stage. And imagine the emotional and physical stress," a local journalist told Bizcommunity.com on Sunday, 19 September 2010, requesting anonymity.

"Pity how tables have turned"

"It is a pity how tables have turned in the so-called new SA, where the future of a free institution such as the media is being discussed by a small group of powerful politicians over wine and biltong just because the newsrooms' principles don't suit their macabre agenda," the visibly frustrated journalist added.

SACP secretary general Blade Nzimande was quoted last week as telling the Cape Town Press Club: "The SACP don't want a tribunal that punishes journalists. We want a tribunal that punishes media houses... One problem was that the media was run by a few media houses."

Meanwhile, in a scene reminiscent of the US fighting insurgency in two fronts - Iraq and Afghanistan - the media, under the banner of civil society, is also focusing on another battle: the constitutionality of the Protection of Information Bill.

Will be removed

Addressing Parliament's adhoc committee about the bill last week, minister of state security Siyabonga Cwele said the broad and vague definitions that also include the concepts of 'national interest' and 'commercial interest' will be removed from the bill.

However, media watchdog Media Monitoring Africa was unimpressed by the proposed changes.

MMA director William Bird told Bizcommunity.com yesterday: "From MMA's perspective we are still concerned about the excessively high minimum sentences and the disparity between those who may wrongly classify (lesser sentence) and those in possession of classified documents (strong sentence depending on level of document)."

Secrets and shadows

As things stand, a journalist could face up to 25 years in jail if caught with a 'classified' document, while the person (civil servant) who helped him or her get it may be jailed for up to three years.

Bird, who accuses the minister of tending towards secrets and shadows, added: "It is also still worrying that some agencies will have the power to classify information and we are left with the uncertainty of establishing if something has been wrongly classified when to be in possession of it is a crime."

He said fixing the overbroad definitions will go some way in ensuring the bill is more likely to be constitutional, but there are other elements that must be addressed as mentioned above.

SANEF welcomes indication of willingness

Reacting on the bill's proposed changes, the South African National Editors' Forum (SANEF), which met yesterday in Durban, said it has welcomed the indications by the minister of a willingness to review the definition of 'national interest' under which information may be classified, and noted the other changes mooted.

SANEF says it is, however, concerned that, based on the limited information so far given by the minister, the proposed changes fall far short of rendering the bill compliant with the Constitution.

SANEF suggests, as a way forward, that the bill's drafters engage with the forum and other stakeholders to address this and remove the threats it still poses to the free flow of information and citizens' right to be informed.

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- Times Live: [Ombud rules against press in 64% of cases](#)
- Daily Maverick: [Cwele: Protection of Information Bill is \(mostly\) right, critics are \(almost entirely\) wrong](#)

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ABOUT ISSA SIKITI DA SILVA

Issa Sikiti da Silva is a winner of the 2010 SADC Media Awards (print category). He freelances for various media outlets, local and foreign, and has travelled extensively across Africa. His work has been published both in French and English. He used to contribute to Bizcommunity.com as a senior news writer.

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