



**THE SOUTH AFRICAN CENTRE OF
INTERNATIONAL P.E.N.**

A World Association of Writers

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PEN–South Africa

**PEN–South Africa alarmed at the number of journalists arrested
by the police while carrying out their reporting duties**

South African PEN, an affiliate of PEN International, with 144 Centres worldwide, defends free expression and promotes the interests of poets, essayists, editors, novelists, writers and journalists. We are seriously alarmed at the increasing reports of police officers harassing, detaining or arresting journalists and photographers while carrying out their Constitutional duties of informing the public of what is occurring in South Africa. In PEN's experience authoritarian restrictions on access to, and publication of, information starts with attacks on journalists and then is expanded to encompass writers and others engaged in freedom of expression.

In the last 18 months some twelve journalists and photographers have been detained and arrested while reporting at crime or incident scenes, the latest two instances having occurred on Friday, February 4, in Pretoria and Bloemfontein.

In Pretoria the Chief Photographer Masi Losi of the *Pretoria News* was attacked by a police officer, grabbed by the throat and thrown to the ground while taking pictures outside the paper's office of the police rescuing a suspected thief from a mob and bundling him into a police van. The policeman, who earlier had shouted, "He's taking pictures", was trying to wrestle his camera from him and eventually sat on him with one hand, according to an onlooker, clasping his pistol holster. Fellow journalists argued with the police about Losi's right to take pictures of their activities in a public place and then dragged him from them into the building. By then several other police cars had arrived and some 30 police officers stormed the building calling for Losi to be handed over to them. The journalists and a security guard barred them entry while the paper's executive editor, Jos Charle, called Gauteng Police Commissioner Lieut-General Mzwandile Petros to protest. Petros apparently told the police to leave the area and apologised to Charle. The police had accused Losi of "interfering" with their work.

In Bloemfontein, *Volksblad* photographer Theo Jeptha had his camera taken from him by a policeman as he was taking pictures of a group of schoolchildren fighting in the street while the policeman and a colleague sat in their car watching. Jeptha was pushed into the back of the police car and driven off. While driving away a policeman called a person on a cellphone

and apparently was told to release Jephtha. He turned the car around, went back to where they had arrested him and let him free.

It appears that in both instances – as in several of the previous cases – the police improperly sought to prevent their actions being pictured and published in newspapers.

PEN-South Africa is concerned at the frequency and manner of the illegal police attacks on journalists which contradicts their proper role, as laid down in Police Standing Orders, that “under no circumstances” may police verbally or physically abuse journalists, seize or wilfully damage their cameras, film, recording or other equipment unless it was required as a court exhibit.

Some months earlier in September three photographers were detained for 45 minutes after they had taken pictures outside the Musina Police Station in Limpopo. The station commander said it was “his station” and the photographers had not asked him for permission to take the pictures.

The worst case, however, was the arrest by a group of policemen of *Sunday Times* journalist Mzilikazi wa Afrika in August as he walked with his lawyer to the Rosebank police station in response to a police request that he present himself. He was separated from his lawyer, pushed into a car and driven to Mpumalanga where at 2 a.m. the following day he was interrogated without his lawyer. He was released when his lawyer applied for, and was granted, an order for his release by the High Court. The charges against him of defeating the ends of justice and fraud were later dismissed by a prosecutor as lacking substance. Indeed all the cases brought by the police against the journalists have been thrown out of court on grounds that the charges were baseless.

PEN-South Africa supports the SA National Editors’ Forum in reporting the Friday attacks to President Zuma on the grounds that the attacks on journalists have now assumed serious proportions and must be dealt with at the highest level. Sanef said it had protested in the past to the Minister of Police and the national Police Commissioner as well as senior officers but whatever action they took was ineffective.

PEN-South Africa is concerned that these attacks on journalists coupled with the number of other crimes by the police is creating a dangerous lawless element among the police. It also notes that in trying to censor journalists, the police are apparently extending the climate of secrecy now enveloping South Africa -- which is seen in increased dumbing down of information by police and other civil servants in line with the steady encroachment of new laws restricting access to information.

The US-based Freedom House which monitors the state of freedom in the world last year downgraded South Africa from “free” to “partly free” – the status the country was accorded during the apartheid era – and which is only one stage away from “not free”. Though South Africa does not yet qualify for that further downgrading, these attacks and growing restrictions are pointers to where South Africa may be headed.

PEN-South Africa urges the authorities to take steps to stamp out these illegal practices.

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