

Trouble ahead if press is muzzled



Devi Sankaree Govender

Carte Blanche investigative journalist and presenter and *Sunday Times* columnist, Devi Sankaree Govender needs little introduction. Recently named as one of South Africa's most influential women in business and government, Govender is not only one of the most recognisable faces of investigative journalism, she's also one of the most outspoken voices on consumer rights and issues affecting the South African public. **Melany Bendix** spoke to her about the two proposed measures that have the media up in arms and why all South Africans, not just the media, should be weighing in on the debate.

[The Big Issue] What's your understanding of the Protection of Information Bill — its purpose and how it will work?

[Devi Sankaree Govender] The Bill is designed to protect state information. It will do so by classifying — denying and basically throwing a shroud of secrecy over — any information that is seen to threaten 'national interest'. National interest is defined in worryingly broad terms including "all matters relating to the advancement of the public good" and all matters relating to the protection and preservation of all things "owned or maintained for the public by the State".

On the face of it, it may seem pretty harmless. After all, it's incumbent on any government to protect the interests of its people, right? But, what our government

is calling for is unabridged censorship and legislated protection of their own interests, at least that's how I read it.

So, if a journalist were to write about classified information, that journalist could face some serious jail time — up to 25 years with no option of a fine. Put simply, if passed, this Bill will criminalise investigative journalism and destroy press freedom in our country.

Let me paint a picture — let's say I come across a classified document which details serious government corruption. I can't let the public know about it. So, the public get wind of it and the actual criminals will get away with their shameful deeds. So, how this Bill is meant to be protecting "national interests," I am clueless. In my mind, this Bill is aimed at protecting government from further embarrassing public scrutiny.

[TBI] And the proposed Media Appeals Tribunal — what will it entail, who will run it and how will it work?

[DSG] The Media Appeals Tribunal will regulate media self-regulation. As it stands now, the Press Ombudsman [who is the guardian of self-regulation].

The ANC's discussion document proposing the tribunal is rather weak on detail on how it will work. There've been rumblings that the tribunal will oversee a certain press code and that it will be chaired by a judge or former judge and will consist of four other members: two nominated by the President and two newspaper representatives. Decisions will be made based on a majority vote. The tribunal will oversee complaints and if a newspaper article is in contravention of the code, the chairperson has the power to reprimand or fine the journalist, the owner of the newspaper or even suspend the publication in question for a period of time. But, none of this is set out clearly.

al lean more towards the public than individuals.

Writing in *Business Day* recently, Friedman, director of the Center for the Study of Democracy, said that much of a threat to the Bill, according to him, have the poor hire a legal team to challenge a wrongfully arrested under the Bill. He argues that the real threat is, especially the poor who cannot afford lawyers to challenge a wrongful arrest. Has the Bill, in general, misinterpreted the impact of the Bill? Will it affect?

When Friedman does make a good point — and expensive — is the public to defend themselves under the Bill. But, media is never-ending cash resource. And, the Bill gives more than that the media will be spent more than actually doing their rights Commission has described as “potentially negative effect on the right to receive and freedom of expression, the and access to justice”. We at — and the quicker citizens of this, the more pressure to rethink its extreme. **do you believe enough to make the general public the Bill will affect them, remained in the realm and within the higher**

we haven't done enough. It's academic debate thus far. So now — if you're a member believes that this Bill will not on your life, think again! In the not too distant future **what's your gut feeling — what the Media Appeals To reality?**

Certain that the Bill and the and up to scrutiny from a court. The last time I checked, press was one of the pillars of. In fact, our troubled road is lined with the bodies of report on matters of the State's junction, yet again, is depicting that government will see the trouble as a nation. Deep