
MLDI

**Annual
Review
2014**



Peter Noorlander

Intro

This year, with the imprisonment of three Al Jazeera journalists in Egypt on false news charges, press freedom issues made headlines around the world. News coverage of this scale is rare, but the sentences are not: oppressive governments around the world are increasingly using false news, criminal libel and national security laws to criminalise free speech.

For cases like this we provide emergency support, but we also take a principled stance and try to have the laws that allow these cases to be overturned. We do this by appealing to constitutional courts or international courts such as the European Court of Human Rights and the East African Court of Justice. On page 6 you can read about our work on a case that has been brought before the African Commission on Human and Peoples' Rights.

At the heart of what we do is a belief that journalists, bloggers and independent media must have access to the best possible legal support and the necessary financial support to defend themselves when cases are brought against them. Defending journalists and others who report on issues of real public interest will continue to be a priority for us. For example, in Cambodia we supported a radio journalist who was accused by the Government of inciting hatred by reporting on issues of deforestation and land rights, and in India we are helping a medical publisher defend a case brought against him by a large Danish pharmaceutical company after he reported that drugs being marketed were not licensed for use in India.

As we look ahead, we expect to see more cases like the one we explore on page 10 where we support Bytes for All in their efforts to overturn the ban on YouTube in Pakistan. Internet censorship is a growing problem. As well as blocking entire platforms such as YouTube, many Governments are singling out individuals. For example, in Malaysia and Singapore the Prime Ministers are now personally suing bloggers and online media, while in Russia a new law requires popular bloggers to register with the Government.

Our long-term goal is to strengthen media legal defence capacity around the world by making sure that journalists can access local support when they need it. We do this by supporting individual cases, assisting groups to set up media defence centres within their countries and providing training to build legal expertise. Our partnerships with media defence centres across Asia, Europe and Africa provide the funding and strategic support needed to build the capacity of these organisations.

I hope you enjoy reading this review of our work and I thank you for your support.

Peter Noorlander
Chief Executive Officer

“Without MLDI, we wouldn’t be able to defend journalists like we do now.”

Violence and legal cases against journalists are on the increase in Uganda. In response, we’ve helped our partner Human Rights Network for Journalists build a thriving legal team which is making an impact in the Ugandan courts.



Image: Elizabeth Adams, University of Delaware, 2014

As a teenager, Catherine Anite was inspired by journalists she saw on television. “I admired people like Riz Khan and Larry King on CNN as they discussed issues like human rights violations and current affairs around the world,” she recalls. “I looked forward to becoming a journalist.”

But as she learnt about the way journalists were treated in her native Uganda, Catherine realised she could contribute more profoundly to the profession as a lawyer than as a reporter. She wanted to defend journalists who face intimidation, violence or arrest, simply for doing their jobs.

Her younger self would be justifiably proud. Today Catherine is head of the legal department at Human Rights Network for Journalists (HRNJ), an organisation promoting media freedom and freedom of expression. Catherine represents journalists in court, trains them in professional standards and analyses laws and policies that impede on freedom of expression.

When we started working with HRNJ in 2008, its legal department didn’t exist. We helped HRNJ identify and fund external lawyers who could represent journalists. But by 2011, it was clear that the threat of legal action and violations against journalists was increasing and there was an urgent need for lawyers who could work on the issues full time. By providing funding for an in-house lawyer and resources such as legal texts, we helped HRNJ set up its own legal department. It is run by Catherine, supported by fellow lawyer Diana Nandudu. They are the only dedicated media lawyers in Uganda.

The team is busy. “We can get up to 150 reports of alleged violations against journalists in a year,” says Catherine. “We follow them all up and find out which violations warrant going to court.”

HRNJ’s records show that the police pose the biggest threat. Violations against journalists range from beatings to blocking them from news scenes to deleting the contents of their cameras. HRNJ’s new tactic of suing individuals - rather than police departments - is proving an effective deterrent among officers.

“So far this year we’ve recorded 50 cases and we’ve had some successes,” says Cathy. “For example, early in 2014 a person who assaulted a journalist was sentenced to four years in jail.”

Catherine Anite

If a case is complex and the team needs extra support, Catherine has funding from MLDI to hire additional lawyers within Uganda. We also provide HRNJ with international expertise by drawing on our network of pro-bono lawyers. These lawyers usually come from large firms in the UK, US and elsewhere in Europe. “If Ugandan law isn’t clear or we need to find out how laws work in other countries, MLDI will identify a firm or a barrister who can help us with our research. Without MLDI, we wouldn’t be able to defend journalists like we do now,” Catherine explains.

Catherine believes that things will get even tougher for journalists in the run up to the 2016 general election. With so few lawyers in Uganda dealing with media freedom, Catherine hopes to run a training course to engage more lawyers in the issues. “If one journalist is beaten in another corner of the country, I can’t always run to defend them. If we have lawyers all over Uganda interested in media law, it will be easier to fight for freedom of expression.” ■

“I’m very happy to have left prison and I’m going to pursue my journalism career. I’m not afraid.”

In Rwanda, we helped free two journalists from jail - and by taking their case to an international human rights body, we hope to set a precedent for other reporters under threat.



Image: Getty Images/AFP

Two Rwandan women who were jailed for their independent journalism are now free and courageously pursuing their reporting work - after MLDI succeeded in getting their sentences reduced.

But the fight continues on an international level to set a precedent that could help other journalists who are threatened under Rwanda’s criminal defamation and national security laws.

In 2010, Agnès Uwimana Nkusi was ordered to serve 17 years in jail for undermining national security, “minimising” the genocide and for defaming the Rwandan president, Paul Kagame, as a result of reports in her newspaper, Umurabyo, that were critical of government policy.

Her colleague, reporter Saidati Mukakibibi, received a seven-year sentence for her work in the same newspaper. Their articles had criticised government policy, corruption among officials and the workings of the gacaca court system, through which justice was dispensed for genocidaires.

The newspaper had previously been warned by Rwanda’s government-appointed Media Council to tone down its coverage. We provided financial and legal support for their appeal, and our lawyers flew out to Rwanda to plead before the Supreme Court on human rights and freedom of expression grounds.

This had an immediate impact - the pair were acquitted of the most serious charges of ‘minimising the genocide’ and had their sentences reduced. Saidati was freed in June 2013 and Agnès left prison in June 2014. Agnès says: “I’m very happy to have left prison and I’m going to pursue my journalism career. I’m not afraid and I have no regrets.”

A journalist for the past 12 years, Saidati Mukakibibi has now returned to work, writing for the newspaper Mont Jali News, which is about to celebrate its first anniversary. She says: “As I walked free from prison, I immediately told people that I will continue to do my job - with difficulty, but with courage. I love this profession - it’s my means of expressing myself. It’s a relief.

Journalists work in fear, worrying they will be jailed or killed. Defamation is still a criminal offence and it’s used as a weapon to silence us.”

The two journalists were locked up at Kigali’s notorious ‘1930’ prison and spent their days alongside confessed genocidaires as well as other women, some as old as 90, who say there were no grounds for their arrest. Saidati adds: “I feel proud to have been jailed for exercising my freedom of expression - and for having given others the opportunity to express their opinions. MLDI visited us in prison. I was very moved by that and I’m still very grateful to them.”

Nani Jansen, MLDI’s Legal Director, says: “Rwanda has a deteriorating media climate. We used to support many cases there, and there are hardly any at the moment - which I and human rights experts take as a sign that the government has been effective in its campaign to silence a free press.”

We have now taken the two journalists’ case to the African Commission on Human and Peoples’ Rights, arguing that their rights to a fair trial and freedom of expression were violated. We hope that a ruling from the Commission will have a long-term impact in Rwanda by limiting the use of national security and criminal defamation laws against journalists.

The case before the African Commission is ongoing and the journalists are represented by Nani Jansen, John Jones QC and Evaliste Nsabayeze, a Rwandan lawyer. Saidati Mukakibibi concludes: “We remain optimistic. With time, everything will work out.” ■

Direct Case Support

61
PRO-BONO

89
INDIVIDUAL
GRANTS

71%
SUCCESSFUL
IN

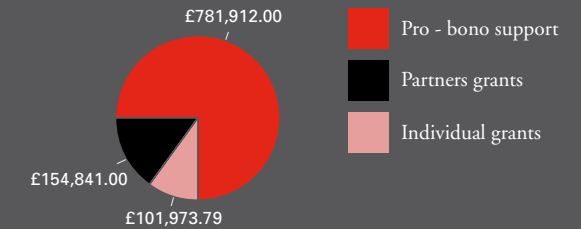
CASES WITH SUBSTANTIVE LEGAL INPUT

Provided substantial legal input to local lawyers in

1/3

of funded individual cases

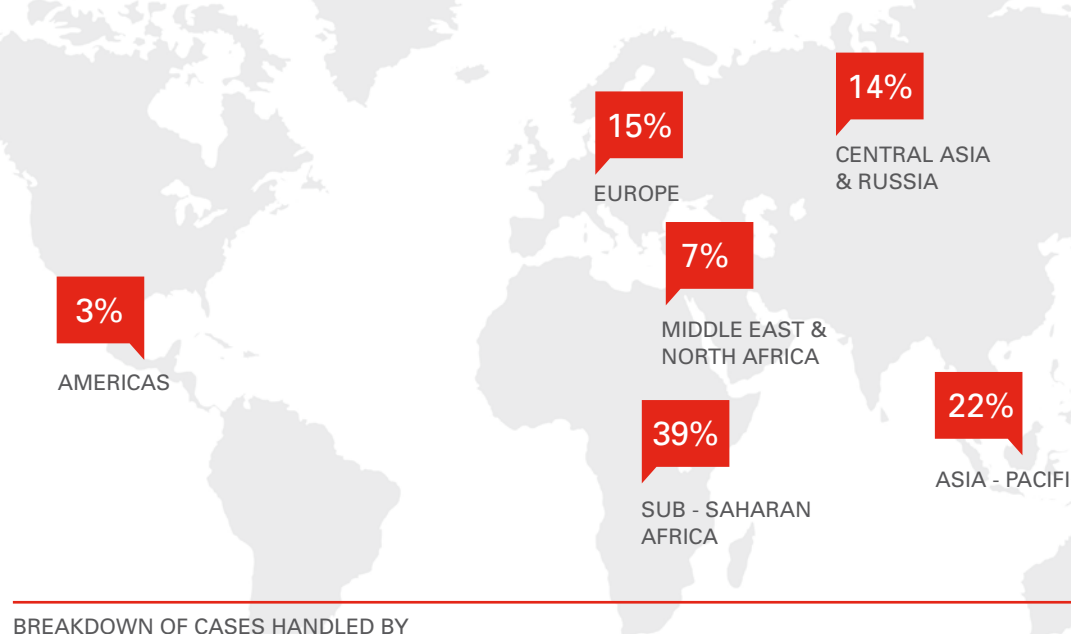
FINANCIAL BREAKDOWN



TYPES OF CASES SUPPORTED

36	Civil defamation / libel
24	Other civil
20	Criminal defamation / libel
16	Other criminal
13	Endangering national security
13	Harassment or bodily harm by security agents
12	Administrative measures / sanctions
6	Access to information
3	Contempt of court
2	Insult (government or official)
2	Protection of sources
2	Sedition
1	Closure of media outlet

BREAKDOWN OF DIRECT CASE SUPPORT PER WORLD REGION (%)

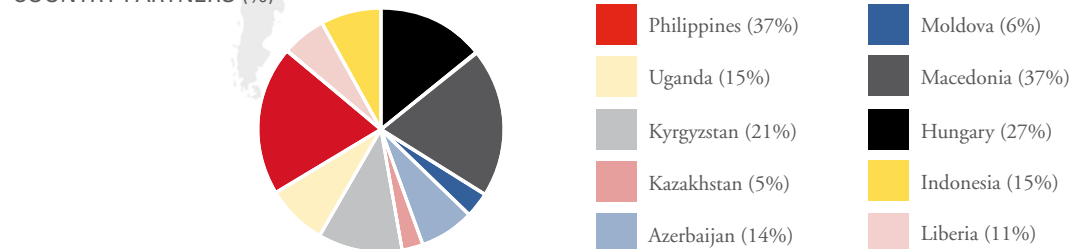


INTERNATIONAL AND REGIONAL MECHANISMS

International and regional human rights mechanisms were used in...

29%
OF DIRECT CASE SUPPORT

BREAKDOWN OF CASES HANDLED BY COUNTRY PARTNERS (%)



NUMBER OF CASES SUPPORTED VIA PARTNERS GRANTS

188

* All data for period between September 2013 & August 2014

“Working with MLDI, we were always more credible, more authentic, more confident.”

In Pakistan, we're helping Bytes for All fight the blocking of YouTube – a renowned internet freedom case that will impact on people throughout the Islamic world.



As the director of human rights organisation Bytes for All, Shazad Ahmed has brought the banning of YouTube in Pakistan to the world's attention. He claims he couldn't have done it without our support: "I would say we owe it all to MLDI."

The Pakistani government blocked YouTube in September 2012 on the grounds of protecting morality and restricting access to so-called blasphemous content. But research suggests that the block was politically motivated. The government didn't want anyone to see a video of the military's involvement in a land grab or a clip of the president telling members of the public to 'shut up' in the middle of a public speech.

The impact of the block has been huge. As well as the violation of the human right to seek and receive information, there is the day-to-day impact on people's development and well-being. The Virtual University, for example, relied on YouTube to provide thousands of free lectures to those who want to educate themselves in their spare time. Since the blocking, all these opportunities have been taken away – ultimately hindering the development of Pakistan and the country as a whole.

Bytes for All worked with pro-bono lawyer Yasser Latif Hamdani and lodged a challenge against the block in the High Court of Lahore in January 2013. After the case had been stalled on numerous occasions Shazad approached MLDI; "I knew we didn't have the capacity to fight the case alone."

We bolstered the case by bringing our global perspective which complemented the local expertise of their lawyer and

helped them form a rational, constitutional argument, moving the focus away from Pakistan's complex blasphemy laws: "We were able to take stances that we wouldn't have been confident about if MLDI hadn't been backing us."

Together we requested the urgent intervention of the UN Special Rapporteur on Freedom of Expression. The case attracted attention from around the world, including in The New York Times, The Washington Post and The Guardian. "Working with MLDI, we were always more credible, always more authentic."

After 20 hearings, in May 2014 the High Court of Lahore stated that YouTube should be unblocked. A technicality means that the case needs to go through the Supreme Court before the ban can be lifted.

Shahzad is optimistic that the ban will be lifted within the year. In the meantime, the case has proved a learning curve for the Pakistani courts. "Before this case, lawyers and judges didn't know about how online censorship worked," says Shahzad, "So it's been a very useful process with a community of lawyers and judges having been educated on these issues."

He also believes the case will help create internet freedom for people not just in Pakistan but throughout the Islamic world. "Pakistan is very influential and we have already devised a strategy for reaching out to other countries like Turkey, Egypt and Bahrain. I think what is happening here will have a very positive impact on internet censorship in the rest of the Islamic world."

About MLDI

The Media Legal Defence Initiative supports journalists, bloggers and independent media outlets around the world to defend their rights. We ensure they have the best possible legal defence by providing access to pro bono lawyers, paying legal fees where necessary and by working alongside lawyers to build strong cases. We also have partnerships with national organisations who provide legal aid to journalists. At any one time we are supporting around 100 cases in some 40 countries. We are successful in more than 70% of cases.

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