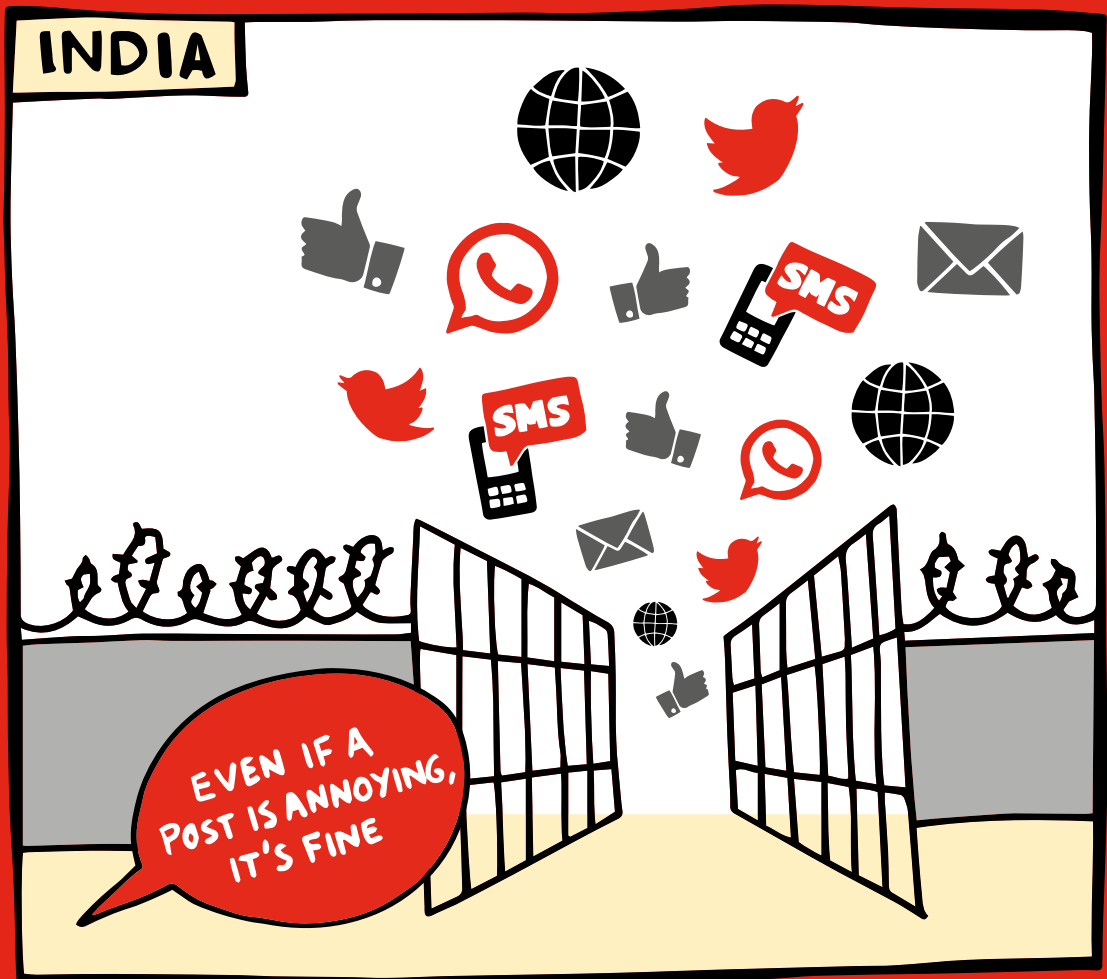
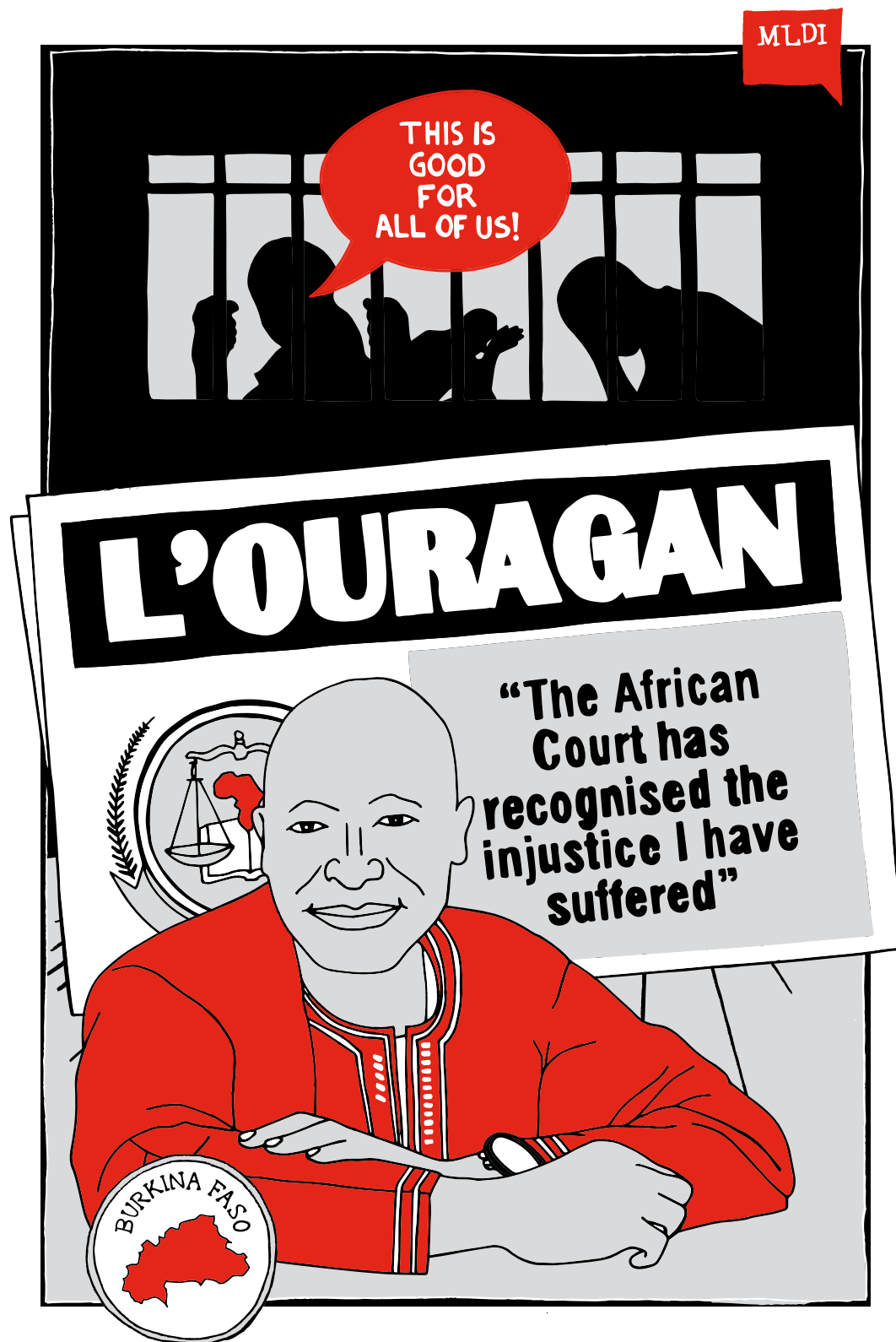


MLDI

Annual Review 2015





Intro

The past twelve months have seen strong results for the journalists we defended but also a decline in respect for freedoms overall. We won the first free speech case ever to be litigated at the African Court on Human and Peoples' Rights, getting a strong judgment in which the Court held that no journalist should face prison for their work; and the first media freedom case decided by the East African Court of Justice, in which that Court held that major parts of Burundi's oppressive Press Law violated fundamental principles of the rule of law and democracy.

While the current political situation in both countries is volatile, the impact of both judgments is felt across the continent. Lawyers and media freedom activists are relying on them to establish law reform in Uganda, Senegal, South Africa and elsewhere. Moreover, the journalist whose case we took to the African Court will be able to publish his newspaper again. Cases like his are what MLDI exists for: to help journalists who are unfairly prosecuted for their work, and in the course of that to tackle and remedy fundamental injustices in the country's legal system.

While we rightly take time to pause and celebrate these victories – we were awarded Columbia University's inaugural Global Freedom of Expression Prize for Excellence in Legal Services in March – we must also recognise that the world around us poses increasing challenges.

There has been a steep rise in the number of journalists imprisoned for their work over the last few years and a pronounced decline in

respect for rights generally in many countries. New laws enacted to fight “cyber-crime” or “terrorism” have a disproportionate impact on media freedom, and the overall environment for legal defence is fast deteriorating – in some countries, our partner organisations have been forced to stop working altogether.

We have therefore embarked on a new strategy that will see us focus more of our resources on countries and regions where we believe we can significantly increase our impact. We will seek out partner organisations in those countries where domestic legal defence capacity is most needed, and our strategic litigation will be clearly focused around tackling illegitimate criminal restrictions and protecting online media. We will not shrink from engaging in countries where getting a good result in court is increasingly difficult; we will continue to work with lawyers to get the best possible outcomes for journalists under threat.

We would not be able to do any of our work without a fantastic staff team, a network of partners around the world (some of them featured in this annual review) as well as the support of our donors and law firms who provided hundreds of hours of legal work pro bono. With their ongoing support, we are confident that we can rise to the challenge of defending journalism in an increasingly repressive environment, and to continue litigating for the highest possible levels of respect for media freedom.

Peter Noorlander
Chief Executive Officer

MLDI's Work in 2014-2015

Over the last 12 months, MLDI has continued to achieve impressive results across its work.

Direct Case Support

Between September 2014 and August 2015, MLDI provided expert legal advice and funding to support 134 cases. This has been vital to journalists who would otherwise not have been able to afford a lawyer, as can be seen in the case of Latvian journalists Inga Sprunge and Nellija Locmele featured on page 6. Theirs is but one example of the many journalists we have helped over the year. Most of the cases we and our partners support end successfully: our success rate of 79% shows that the majority of legal cases against journalists can be won and suggests that most are brought with no purpose other than to disrupt the journalist's work.

MLDI's work is vital and helps journalists focus on their reporting instead of being diverted by malicious lawsuits. Over the past twelve months, with our help, journalists across Asia, Africa and Europe won their cases. In Burma, for example, blogger Nay Linn Thinn faced five years in prison and a fine for a Facebook post commenting on someone detained by the country's biggest entertainment company. In Thailand, Alan Morison and Chutima Sidasathian faced seven years in prison over their reports of army involvement in the smuggling of Rohingya refugees out of Myanmar. They won their case and Morison singled out MLDI for praise, saying that "[t]he lawyers could not have performed as they did without MLDI's support". In Ethiopia, award-winning journalist Reeyot Alemu was released after four years

spent in jail. She had been imprisoned under Ethiopia's anti-terror laws. Terrorism charges were also dropped against all Zone9 bloggers and they were freed after 18 months in prison. Their release was the result of sustained legal work as well as pressure from media freedom advocacy groups timed to coincide with a visit to the country by US President Barack Obama, showing that in some cases legal and wider public advocacy go hand in hand. MLDI continues to advocate for the release of other bloggers and journalists who are still in prison, including Eskinder Nega.

Strategic Litigation

An important part of our work consists of "strategic" litigation: cases that have an impact on media freedom across a country or region. For example, our case at the African Court on Human and Peoples' Rights (African Court), described on page 8, set a precedent which will require all African countries to stop using imprisonment as a sanction for defamation.

We typically take these cases at international courts because precedents set there can impact on an entire region. In addition to the cases at the African Court and East African Court of Justice, we had successes at the European Court of Human Rights, where we won a case establishing that journalists can use hidden cameras in investigative journalism, and at the Inter-American Court of Human Rights where we won a ruling that broadcast regulations should not be used in a discriminatory way.

Other cases are on-going. For example, at the African Commission on Human and Peoples'

Rights we are challenging the use of draconian anti-terror and insult laws, and at the European Court of Human Rights we are challenging the systemic use of violence to oppress the media.

We don't just undertake these cases ourselves: a key part of our strategy is to multiply our impact by enabling our partners to engage in strategic litigation. For this reason we are supporting the Human Rights Network for Journalists in their challenge to Uganda's criminal defamation laws, and we will keep supporting our partners in Pakistan and Kenya in their work – to name but a few.

Partnerships

Building local capacity is key to achieving our mission, and over the year we supported NGOs in Egypt, Hungary, India, Indonesia, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, the Philippines, Turkey, and Uganda to run media legal defence centres. These partners have been instrumental in providing access to good quality and free legal defence, handling more than 200 cases between them in 2014-15.

We began new partnerships in India and Egypt. In India, the Committee for Legal Aid to Poor trained 11 lawyers in north-eastern states. They are expected to take on 100 cases over the coming months. We provide funding and mentoring in collaboration with experienced national and international media lawyers. MLDI has also continued capacity building work with its Ugandan partner to strengthen its legal department, and we will engage in capacity building of other partners over the coming year.

Training and Capacity Building in Media Law

A key component of MLDI's mandate is to facilitate media law training for lawyers, enabling them to defend journalists. In 2014-15, MLDI developed a set of media law training materials and ran a number of workshops.

We tested the approach for our new training materials in a series of four defamation law workshops, organised in partnership with the International Press Institute, in Spain, Portugal, Macedonia and Croatia. We also held a litigation 'surgery' in Uganda, for East African lawyers working on media freedom cases. The surgery built litigation skills, facilitated cross-learning and has identified opportunities to support further precedent-setting cases in the region.

In Asia, we teamed up with Thai organisation iLaw and organised an Asia-wide workshop on internet freedom litigation, facilitating cross-learning and training 43 lawyers from across the region. Finally, we co-organised a "Freedom of Expression Law Clinic" with Oxford University, the University of Zagreb and Garden Court Chambers. Through this, we wanted to make students aware of media law and freedom of expression work as a possible future specialisation. The students drafted and filed two petitions to the United Nations Working Group on Arbitrary Detention on behalf of Vietnamese and Burmese bloggers and journalists. ■

“If they’re going to try to shut us down, we have to fight back.”

Latvian journalists Inga Springe and Nellija Locmele are fighting hard to keep media freedom alive in their country. Despite recent successes in court, legal threats remain and MLDI’s support is vital to these media outlets.



Nellija Locmele (left) and Inga Springe (right).

When Latvia’s leading daily newspaper *Diena* was sold to anonymous businessmen in 2009, 30 members of its editorial team walked out.

Editor-in-chief Nellija Locmele and investigative journalist Inga Springe were among them. According to Nellija, they had been informed that *Diena*’s new priority was to make money and that “quality journalism is expensive crap.”

“What shocks me about the Latvian media is that the people who own it just see it as a business,” says Inga. “There is no social responsibility.”

Inga went to the USA, having won a place on a Humphrey fellowship programme. Meanwhile, Nellija started making plans for something new. “After we left *Diena* we could have said ‘ok, free media is finished in Latvia, there is nothing we

can do, we can sit and cry.’ But we decided no! We must create a free media again from scratch.”

IR was born from this philosophy in 2010. An independent weekly magazine covering politics, economics and culture, the first edition sold out within half a day. Nellija was stunned by its success. “We were told we’d run out of money after five issues. But we kept going. Every week we felt we were creating a miracle.”

In the USA, Inga was gaining the skills to set up her own organisation – one dedicated to keeping good-quality journalism alive in Latvia. She returned in 2011 and founded The Baltic Centre for Investigative Journalism – Re:Baltica, which produces stories about corruption, crime, health and human rights.

IR and Re:Baltica are now among the most powerful voices in the Latvian media. As a result, both have been targeted by people who want to silence them, using the courts as a tool for intimidation. MLDI provides vital support. “We don’t have the money to fight these guys who want to kill us,” says Nellija. “So MLDI’s support is very important to us.”

In 2012, Re:Baltica was sued for defamation after re-publishing a story about Russian money laundering. Despite their flimsy arguments, the claimants demanded around \$16,000 in compensation – money the fledgling Re:Baltica didn’t have. “Often the big guys suing don’t care if they win in the end,” says Inga. “They just want to damage the lives of journalists.”

MLDI part-funded Re:Baltica’s lawyer and provided international case law to help build arguments for the legal defence. The courts ruled in favour of Re:Baltica in May 2014 and, following an appeal, the case was finally closed in March 2015.

IR faces multiple law suits. The most chilling was a defamation case filed in 2012 in response to the magazine’s stories on corruption in insolvency processes. The claimant demanded €22,000 in damages and then, in an unprecedented move in May 2014, filed a request for *IR*’s assets to be frozen for this amount. This was denied in the first instance but, to widespread shock, approved in appeal.

IR’s assets were frozen for five months. It scraped by with a loan before parliament intervened in the scandal, changing legislation and forbidding the use of asset freezing for defamation cases. *IR* won the case in the first court instance in May 2015. “This is important not only for *IR*, but for media freedom in Latvia,” says Nellija.

With MLDI’s ongoing support, Nellija is convinced that *IR* will win its other cases too. She and Inga are as determined to fight for media freedom as the day they walked out of *Diena*. “If they’re going to shut us down, we have to fight back,” Nellija says. “It makes us feel that our work is more important than ever.” ■

“This decision will have positive implications for all my fellow journalists. It is a victory for the entire profession.”



Lohé Issa Konaté and MLDI's Legal Director Nani Jansen, at the African Court on Human and Peoples' Rights.

In December 2014, an MLDI-led team won a landmark victory at the African Court on Human and Peoples' Rights paving the way for new outcomes in criminal defamation cases around the world. In *Konaté v. Burkina Faso*, the Court in Arusha cleared Mr Konaté of charges of defamation, public insult and insulting a

magistrate in two articles in which he accused a prosecutor of corruption. The ruling makes clear that prison is never an acceptable sanction for libel and that criminal sanctions should be imposed on journalists only in extreme circumstances.

Mr Konaté was represented by MLDI's Legal Director Nani Jansen along with John Jones QC and Steven Finizio of WilmerHale, both of whom appeared pro bono. They argued that the Court should rule not only that Konaté's rights were violated but, that as a matter of course no journalist should ever be imprisoned for defamation. The Court agreed with their arguments. Burkina Faso must now change its criminal defamation laws and the ruling sets an authoritative precedent for all African countries where imprisonment for libel is still used as a tool to silence members of the press, bloggers, political activists and human rights defenders.

Mr Konaté expressed his delight with the decision. He said that, "the African Court has recognised the injustice I have suffered. Not only am I happy from a personal point of view, but also because this decision will have positive implications for all my fellow journalists who face great risks, including, as I did, imprisonment, for reporting on issues that matter. This is a victory for the entire profession."

The judgment was also welcomed by journalists organisations around the world. The President of the International Federation of Journalists, Jim Boumelha said, "We welcome this magnificent victory for press freedom. The African Court has delivered an extraordinary first ruling on press freedom which will have a knock-on effect on the legislation in all African countries forcing them to change their law on defamation. African governments should now amend their laws, drop pending criminal defamation charges, and free those jailed under such laws."

The judgment will be used as a stepping stone towards defamation law reform across the continent. MLDI's Legal Director Nani Jansen explained that "the African Court has aligned itself with consistent case law from the European and Inter-American Court by declaring that criminal defamation can only be resorted to under restricted circumstances. We, our partners and others can now rely on this ruling in other important cases across Africa." This process of 'using' the judgment to achieve libel law reform has already started. MLDI's partner, the Human Rights Network for Journalists, is relying on it in their challenge at the East African Court of Justice of Uganda's criminal defamation laws (where MLDI leads a coalition of intervening organisations); Dakar-based human rights lawyer Amadou Kane, the Vice Chair of the African Court Coalition, is relying on the judgment in a case in Senegal; and the case has been cited by South African freedom of expression campaigners. Further afield, in India it has been referenced at the Supreme Court in a challenge to the constitutional validity of penal provisions relating to defamation.

The case has brought recognition for MLDI's legal work as well. In March 2015, MLDI was awarded the inaugural Global Freedom of Expression Prize by New York's Columbia University, which celebrates judicial decisions and legal representation around the world that strengthen freedom of expression, for its work on this case. In their citation Columbia's judging panel said that MLDI's work was "of immense quality, well researched, well argued, with a particularly strong commitment and understanding of global jurisprudence and standards, and great influence and impact for freedom of expression in the region." ■

MLDI and Partner Impact



598

JOURNALISTS, MEDIA OUTLETS
& BLOGGERS DEFENDED



70 LAWYERS TRAINED IN 17 COUNTRIES



79%

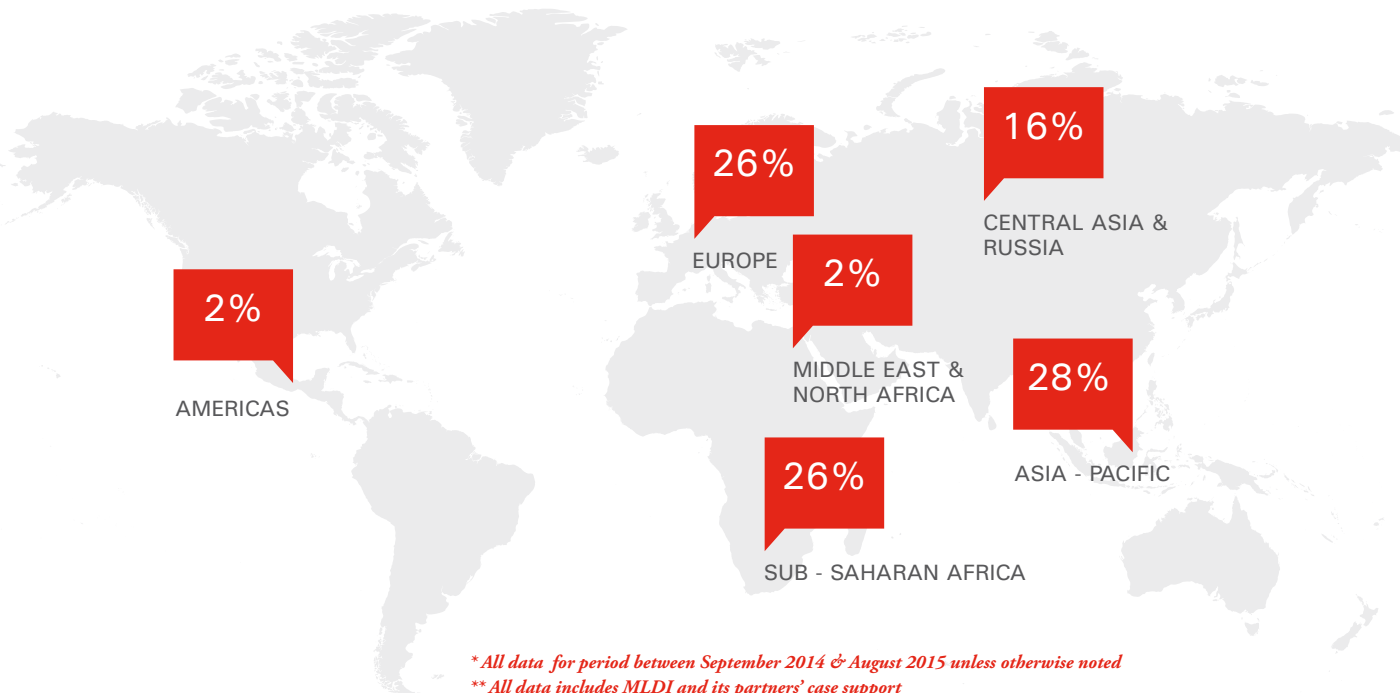
CASE SUCCESS RATE
AS OF 23/09/15



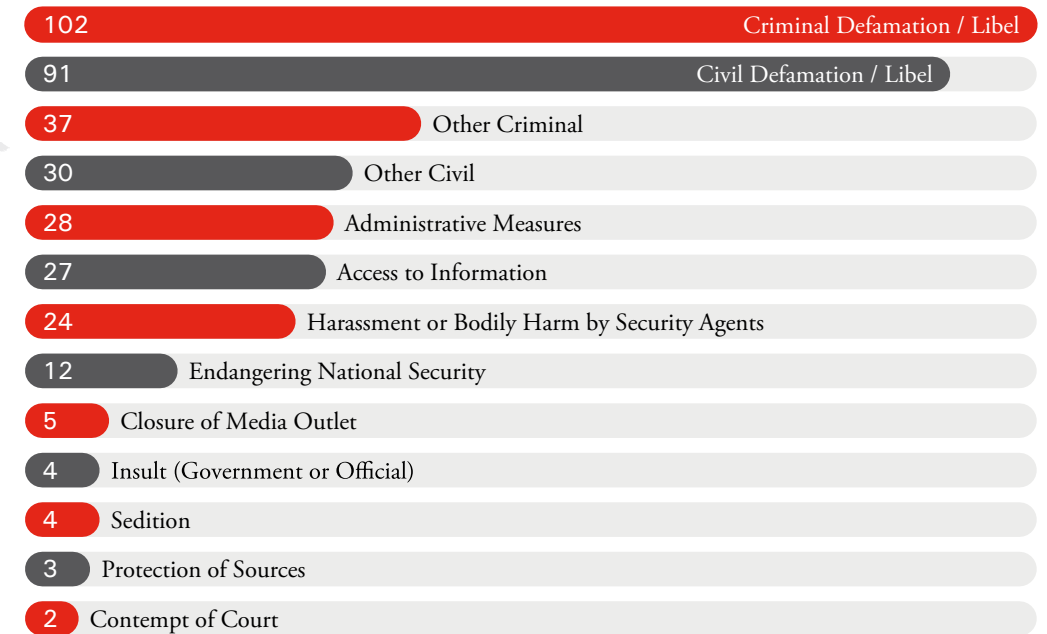
98.6%

OF BUDGET SPENT
ON CHARITABLE ACTIVITIES
2014 Audited Accounts

BREAKDOWN OF CASE SUPPORT PER WORLD REGION (%)



TYPES OF CASES SUPPORTED



“I will do everything in my power to bring back freedom of expression to my country.”

In 2009, Macedonia came 34th in the World Press Freedom Index. In 2015, it was ranked 117th. With the mainstream media controlled by the government and journalists fearful of being sued by politicians, MLDI's support is more vital than ever. Through our partnership with the Media Development Centre, over the last year we've helped leading media lawyer Filip Medarski defend 40 defamation cases.



Macedonian lawyer Filip Medarski.

There was never really any doubt that Filip Medarski would go into law. His grandfather was a judge, his mother a public prosecutor, and from a very young age he was exposed to lively discussions about their work. “When I finished high school I had no dilemmas about what I should study,” says Filip. “I went straight to the law faculty.”

In 2008 Filip was working as an independent criminal lawyer when he heard that the Media Development Centre was looking for lawyers to provide free legal aid for journalists sued for defamation. At the time, defamation was still a crime in Macedonia. Filip stepped forward, initially attracted by the media frenzy that surrounded the cases. “But when I started working on them, I got more and more interested in freedom of speech as a basic right,” he says. “I started to understand the true meaning of freedom of expression.”

MLDI started working with the Media Development Centre in 2011. MLDI is the sole funder of its free legal defence programme, which has become a crucial safety net for journalists and media outlets. MLDI also provides Filip with advice on case law and strategy – for example for a case concerning journalists who were violently removed from the parliament press gallery in October 2014.

“MLDI is very important. It is our main source of finance and a source of expertise on freedom of expression, particularly defamation,” says Filip. “The most challenging part of my job is preparing cases for the European Court of Human Rights in Strasbourg. It is very good for me to know that I can use MLDI's experience in this.”

Filip claims that things are getting worse for Macedonia's journalists. The country's plummet down the World Press Freedom Index certainly supports this. Defamation may have been decriminalised in 2012, but journalists are still justifiably fearful of being sued. “We have a government showing more autocratic tendencies and less tolerance of freedom of expression,” says Filip. “Politicians are pressing charges and then they guide the decisions in court. As a result, we have an atmosphere of self-censorship. The best journalists have now left the mainstream media.”

In many cases the charges are insubstantial – and the politicians know it. Filip describes how one politician sued a journalist and then failed to turn up to 13 hearings. “My opinion is that he knew he didn't have a well-founded law suit. He just wanted to take up the time and energy of the journalist.” The charges were eventually dropped.

Funded by MLDI, the Media Development Centre has been successful in all 16 cases concluded this year - success Filip wants to build on to get Macedonia back to a respectable position on the World Press Freedom Index. “I will do everything in my power to influence the process of bringing back freedom of expression to my country.” ■

A Landmark Ruling Secured, But Challenges Remain



Zambian lawyer, Marshal Muchende, commenting on false news charges. ©Hot FM

A landmark ruling by the High Court of Lusaka of December 2014 held that Zambia's so-called "false news" law violated the right to freedom of expression and was therefore unconstitutional. The case, which was led by Zambian lawyer Marshal Muchende, with support from MLDI, brought success for Richard Sakala and Simon Mwanza of the *Daily Nation* newspaper, and human rights and democracy activist McDonald Chipenzi, who had been jointly charged with publishing false information with intent to cause fear and alarm.

The judgement marked a significant success in the fight for freedom of expression in Zambia and as a result several other ongoing prosecutions were

halted. However, as Marshal tells us, challenges to free speech remain.

What legislation exists in Zambia that hinders press freedom?

The 4th of December 2014, when the High Court struck down the false news law, was a defining moment in Zambian legal history, but there are still many challenges for freedom of expression in our country. There are currently 10 pieces of legislation that hinder media freedom, including the State Security Act, the Penal Code Chapter 87, the Public Order Act and the Defamation Act. These ostensibly protect national security, public order and other interests, but in practice they are used to silence journalists. Recently the editors

of a well-known Zambian newspaper, *The Post*, were incarcerated and indicted for the offence of publication of classified information under the State Security Act.

In what other ways is the Government intruding on press freedom?

The Constitution has also given powers to the President so he can hire and fire members of the Independent Broadcasting Authority (IBA), the Zambia National Broadcasting Corporation and the Zambia National Information Services. New IBA rules are effectively silencing the media; journalists are at risk of being silenced if they report in a manner that is hostile to the interest of the State.

How are journalists responding to these situations?

Since the false news ruling in December 2014, many Zambian journalists have been compromised and have sacrificed their ethics and principles for the sake of appeasing the powers that be so as to avoid law enforcement. The brave and searching journalist is slowly disappearing in Zambia, his place being taken by champions of government propaganda. The *Daily Nation* newspaper, for whom we challenged the false news law, now seldom publishes news that is critical of the government. Instead they are now critical of government opponents and they suffer from a flurry of defamation cases connected to this.

Are there alternative ways for the public to seek out news and comment?

Daring journalists have resorted to going into online media where they can critically reflect on the conduct of those in government with the comfort that it is difficult or impossible to trace them. The downside of online journalism has been that journalists and bloggers throw daggers of journalism carelessly and this has resulted in serious damage to the reputations of many innocent people. The

challenge now is how these journalists can report in line with professional ethics, without facing legal sanctions.

What is the situation for you, working as a media lawyer?

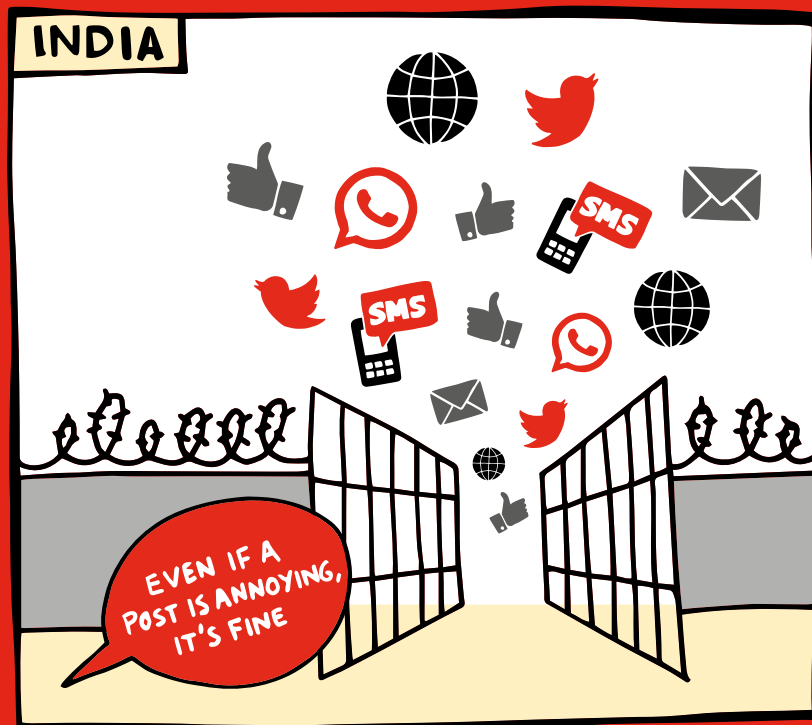
There are many challenges to working as a media lawyer in Zambia. The President has huge power over the judiciary, which exposes journalists who are perceived to be anti-government. We have a sluggish justice system. On average there's a turnaround time of over three years to conclude a case and receive judgment. There is also stigma attached to being seen as an anti-government or opposition lawyer. This means that the tax men and other law enforcement agents are always trailing you in anticipation that you fumble even one bit.

How does the support from MLDI enable you to work more effectively?

My affiliation with MLDI has established my presence and respect in the legal fraternity in Zambia. The importance of MLDI's work cannot be over-emphasized. We do not have libraries that can give us access to international authorities and MLDI's research has, in almost all cases, resulted in the positive judgments we have secured for media practitioners in Zambia. In addition, the financial support is valuable. Many journalists are not economically endowed and so settling a fee can be a drain on their meagre resources. MLDI bridges the gap to free the mind of the embattled journalist. ■

MLDI has provided both legal and financial support in eight cases in Zambia between September 2014 and August 2015, three of which are concluded and resulted in a successful outcome for the journalists or media outlets prosecuted.

“It has allowed ordinary netizens to speak freely without the fear of impending arrest and emboldened them to challenge the culture of censorship.”



On 24 March 2015 the Supreme Court of India ruled that parts of India’s controversial Information Technology Act violated the public’s right to know and were unconstitutional. Section 66a made it a criminal offence to send through a communication device any information that was “grossly offensive or has menacing character” or to send messages “for the purpose of causing

annoyance or inconvenience”. Misuse of Section 66a had become widespread, with hundreds of cases being reported where the provision had been used to punish online speech.

The Supreme Court also clarified the law on intermediary liability in India, stating that section 79 of the Information Technology Act should be

interpreted with the right to freedom of expression in mind. It ruled that liability should only attach to intermediaries where they have received a court order. The practice of taking down blogs as soon as there was a complaint from anyone had resulted in censorship.

Mishi Choudhary, Executive Director of the Software Freedom Law Centre (SFLC), counsel to one of the petitioners in the case, heralded the decision as being forward-thinking and pragmatic, describing the Supreme Court as “tech-savvy”. Petitioner Professor Ambikesh Mahapatra who was arrested for circulating a cartoon depicting West Bengal Chief Minister Mamata Banerjee in 2012, said on the verdict that “section 66A was being used by governments to clamp down on free speech and was restricting citizens from freely expressing themselves. The Supreme Court’s decision comes as a huge relief to people like me who were wrongly arrested”.

In the months that followed the ruling there were both positive and negative developments. For those involved in online discourse, the threat of arrest has diminished and the sites that host them are no longer forced to indulge in proxy censorship or spend legal resources in responding to take down requests.

A further, although unintended, benefit has been an increase in the amount of coverage of the issue of freedom of speech in the traditional media. The press covered the judgment extensively and a month after the Supreme Court’s judgment, the Ministry of Home Affairs reportedly constituted a high level committee to look into security concerns following the revocation of Section 66A. The committee is seeking a constitutionally viable law that will exclude ambiguous phrases such as ‘grossly offensive’ or ‘annoyance’ and that will have necessary safeguards for the protection of

free speech. Discussion in traditional media and amongst the general public has become much more informed and these issues have now become mainstream.

However, on the negative side, in response to a recent list of petitions filed before the Supreme Court asking for the decriminalization of defamation, two judges suggested during verbal arguments that new laws could be made to regulate free speech on social media. This comment was in reply to an incident narrated by Senior Advocate L. Nageswara Rao, that serious allegations and rumours about him were circulating on WhatsApp.

In light of worrying developments such as this, the SFLC continues its work to promote freedom of expression online. “We are working with the government and media to ensure that any new laws that are enacted don’t become tools of political censorship and respect the fundamental rights of free speech and expression,” said Mishi. “We write regularly in the media, use electronic media to talk about these issues so it remains in public memory why these issues matter. In a democracy, at the end of the day, issues reside in the hands of an informed voter.”

Describing the value of the partnership from MLDI, which comprised legal advice and financial support, she said that “not many organisations are ready to fund efforts for strategic litigation. In the current environment, where the desire to censor is becoming universal, journalists, bloggers, and internet users need financial support so that they can preserve freedom for themselves and for the next billion who come online. Also the global community they offer is invaluable. MLDI has such great experience working with people in different jurisdictions and this really helped us in adding material to our pleadings.” ■

MLDI Leads the East African Court of Justice's First Ever Freedom of Expression Case



Alexandre Niyungeko, President of the Burundi Union of Journalists. ©Iwacu

In its first judgment on free speech, the East African Court of Justice found Burundi's 2013 Press Law to be in breach of fundamental principles of the rule of law and democracy. The landmark ruling sets a precedent for all members of the East African Community including Rwanda, Tanzania, Uganda and Kenya, all of whom score low on the World Press Freedom Index.

MLDI brought the case on behalf of the Burundi Union of Journalists after Law No. 1/11, known simply as the 'Press Law', was passed in 2013 in anticipation of the 2015 elections in the country. The law had been used to imprison journalists who refused to reveal their sources and, through a government-controlled media council, effectively created a regime of prior censorship. It was enacted

despite criticism from journalists, human rights organisations and even the UN Secretary General.

MLDI's in-house legal team led the legal challenge, assisted by a team of lawyers acting pro bono. Renowned Kenyan lawyer Donald Deya, CEO of the Pan African Lawyers' Union, argued the case in Court. The East African Court's judgment was handed down in May, before the scheduled elections, but amidst severe political turmoil.

Despite the ruling, 2015 has been a challenging year for journalists and media outlets in Burundi. In July, President Pierre Nkurunziza won a highly-controversial third term, provoking an attempted coup, months of civil unrest and a string of killings. The media have been severely harassed throughout, and the four leading privately owned radio stations were closed down.

Alexandre Niyungeko, the founding president of the 300-member Burundi Union of Journalists says: "It's impossible for journalists to work in this country when free media are destroyed by Nkurunziza's power. This is a chaotic situation in which independent media have been silenced and the majority of journalists and their families are in exile."

Despite the continued challenges, Niyungeko, who is also in exile, believes that winning the case marked a watershed moment for press freedom: "This was a victory for the Burundi Union of Journalists and for all the press in Burundi. The decision was also very important for the whole region because the legislature will think more thoroughly in the future before adopting restrictive laws."

The judgment is strong precedent for future cases. It removes any doubt over whether the East African Court of Justice can consider freedom of expression cases, despite its lack of explicit human rights jurisdiction, because press freedom has been recognised as a fundamental principle for the rule of law in the East African Community.

MLDI has encouraged its partners to follow up and the Human Rights Network for Journalists has already brought a case before the Court challenging Uganda's criminal defamation laws. MLDI's Legal Director, Nani Jansen, explained that this is exactly how MLDI sees its role: "The Court's decision is a significant first step in the East African Court of Justice's press freedom jurisprudence, and by accepting jurisdiction over such matters the East African Court of Justice has paved the way for similar legal challenges in the future. This is what MLDI's role should be: to break new ground and lead the way for its partners to challenge illegitimate restrictions on press freedom. HRNJ's case challenging Uganda's criminal defamation laws before the East African Court of Justice was made possible by the Court's judgment on the Burundi Press Law, and we hope to support other such cases in the future." ■

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 directly supporting 115 cases in some 46 countries. We and our partners are successful in 79% of cases.

Media Legal Defence

Initiative

The Foundry

17 Oval Way
London
SE11 5RR
United Kingdom

Website

www.mediadefence.org

Email

info@mediadefence.org

Skype

[mldi.law](https://www.skype.com/people/mldi.law)

Phone

+44 (0)203 752 5550

Twitter:

[@mediadefence](https://twitter.com/mediadefence)

Facebook:

[/mediadefence](https://www.facebook.com/mediadefence)

Registered Charity: 1128789

Registered Company in England and
Wales: 6621203

Design & illustration: [Lulu Kitololo Studio](#)