

Press Release



**South African
Institute of
Race Relations**

South Africa's Leading Research and Policy Organisation

For immediate release

5 August 2010

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Statement by the South African Institute of Race Relations on the arrest of *Sunday Times* journalist Mzilikazi wa Afrika.

It has been widely reported in South Africa's Media yesterday and this morning that a journalist working for the *Sunday Times* newspaper in South Africa was, yesterday morning, arrested by a large contingent of police officers. He was initially held at an undisclosed location and allegedly denied access to legal representation. The South African Police Force has intimated that his arrest was in relation to a document he had in his possession which reportedly alleged the resignation of the Premier of Mpumalanga, Mr David Mabuza. The police allege that the document was fraudulent. Mr wa Afrika has reportedly been charged with fraud and defeating the ends of justice in relation to his being in possession of the document. The merits of this case still have to be heard.

The Institute suspects that this document is not the actual motivation for the arrest but that the arrest is an effort by the police and the Government to intimidate journalists in South Africa. Our suspicion is grounded on the following seven points:

1. South Africa's Media has published a great number of exposés of corruption and wrongdoing by senior leaders of the Government and the ANC. These have deeply embarrassed the Government and eroded confidence in the bona fides of the ANC.
2. These reports have in some cases put immense pressure on the Government to initiate criminal investigations against senior Government officials, which have at times led to the criminal conviction of those same officials.
3. This past Sunday the *Sunday Times* published a front page report alleging that the Commissioner of the South African Police Force, General Bheki Cele, had played an improper role in authorizing the signing of a R500 million rental agreement for a new police headquarters. Mr. wa Afrika played a prominent part in the report.
4. Following that report General Cele allegedly described Mr. wa Afrika as a 'very shady journalist'.
5. Following General Cele's comments, a large contingent of police officers, allegedly in six vehicles, from the Hawks unit arrested Mr. wa Afrika. It is very unusual, perhaps without precedent, for so many officers from such an elite unit to conduct an arrest on this scale for a fraud and defeating the ends of justice complaint of this nature.
6. The Government and the African National Congress have long insisted that the free Media in South Africa have a hostile agenda against them and have warned that steps should be taken against journalists who are accused of publishing 'false' reports on corruption and wrongdoing by senior leaders of the Government and the ANC.
7. Recent weeks have seen the ANC and the Government again propose both laws and policies that would both limit the access of journalists to government information and

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allow for punitive measures to be taken against journalists who authored reports based on such information.

The seven points above build the case that Mr. wa Afrika may have been arrested primarily as a warning to other journalists not to write critical investigative reports alleging wrongdoing by senior government officials. The intention of the police and the Government may well be to instill a measure of fear among journalists and editors that they could be next in line for arrest and detention if they do not desist from exposing wrongdoing by senior government officials. This may, in part, be a result of individual officials seeking to shield themselves from future criminal sanctions. At other times it may be an effort by the Government to shield its reputation from further embarrassment. The Government, and senior officials within the Government, may therefore have demonstrated their willingness to abuse the security forces in order to protect their interests against the investigative efforts of journalists.

It is quite possible that the Government's intimidation will have the desired effects, for investigative reports are not written and published by 'newspapers' but by people with families.

The events of the last 24 hours are very important as they leave little doubt that the fundamental freedoms that the country won in 1994 are now under threat and that this threat emanates entirely from elements within the Government and the African National Congress.