

15 December 1989

Mr J. H. Steyn,
Chairman,
S.A. Media Council,
P.O. Box 522,
CAPE TOWN,
8000

Dear Sir,

I write to you on behalf of the Interim Committee of the Save the Press campaign in the Transvaal, representing a wide range of media organisations and individual journalists. We are taking the unusual step of writing to you because we are extremely concerned about the implications of your recent judgement in the matter between the South African Police and The Star concerning the interpretation of the NPU/SAP Agreement.

Whilst we appreciate your important comments on the Emergency Media Regulations, and your call for them to be lifted, you have negated the value of such an important message in the rest of your ruling.

We believe you have made use of an extremely narrow and restrictive interpretation of the agreement, one we are unable to accept. It must be emphasised that the agreement empowers the police to do no more than request that information not be published or that publication be delayed, and that it is wholly unreasonable to expect the press to comply with such a request unless it is fully and properly motivated, and manifestly in the public interest. We believe that in the absence of such exceptional circumstances, a great deal of importance must be attached to the right of the press to publish.

The root of the problem, however, lies in the agreement itself. We believe that the judgement has served to highlight the fact that the agreement is outdated, discriminatory, prejudicial to the right to publish, and in need of serious reconsideration. It is outdated in the sense that it takes no account of the changing political circumstances that have led to a much greater public demand for information about the activities of the police. It also takes no account of the fact that many newspapers are not members of the NPU, and are therefore entirely excluded from the privileges accorded to NPU members in the agreement. The agreement expressly states that a journalist who is not in physical possession of a valid press card should have "no claim to any information", and such a press card is only available to journalists who work on NPU member papers. This clause allows the police to use the agreement to actively block the "alternative press" from normal channels of information - an anachronistic and extremely undesirable situation.

Furthermore, the agreement allows the police to discriminate even among journalists who work on NPU newspapers. The Commissioner of Police is given sole power to award special accreditation to journalists of his choice, who are the only ones to have access to "confidential or sensitive information". We believe that it is a grave error for the press to allow the Commissioner of Police to select which journalists he deals with and give him the power to refuse to deal with anyone he dislikes.

We believe that as a matter of urgency the NPU/SAP agreement should be reviewed. We urge you and all the parties to the agreement to initiate such a review and help ensure that a more equitable and up-to-date understanding can be achieved.

Yours sincerely,

ANTON HARBER

on behalf of THE SAVE THE PRESS INTERIM COMMITTEE

c.c. : Mr T. P. C. Coetser, Alternate Chairman, Media Council
Mr J. C. Viviers, Cape Times Editor
Mr J. Nuttall, Chairman of the NPU
General H. D. Stadler, Head of the Public Relations Division,
South African Police