

22 January 2013

Statement on ANC's reaction to FNB adverts

When the ANC was in opposition, it called on business to speak out on issues of national importance. Even in government, the ANC has recently called on business leadership to be more engaged with government and policy issues. In its criticism of the FNB's advert, the ANC and its alliance partners are now showing intolerance of views which might be uncomfortable and critical.

FNB was only giving voice to a view from some young South Africans and this appears to be a useful contribution to our national debate. We do not hear enough of the voices and opinions of young people and it is useful and valuable to bring such views to the fore – even if they are critical and discomfiting.

The ruling alliance is free to disagree with and criticize the FNB, but it has done so in a way that is threatening and likely to have a chilling effect on debate and discussion. The Youth League has called this “treachery”.

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28 November 2012

FXI CONCERNED OVER BANNED ADVERT BY THE SABC

The FXI notes that the SABC has withdrawn an advertisement depicting the

president. The FXI is of the opinion that this action by the SABC may constitute censorship in the absence of an explanation as to why the advert was banned. A public broadcaster is supposed to act in the interests of all citizens ensuring that there give the platform for a free flow of information.

This is especially concerning as this is not the first time that the SABC has banned an advert for one reason or the other but what is more concerning is that this follows shortly after the SABC agreed to settle a dispute with the FXI over editorial "blacklisting" and undertook to avoid arbitrary action of this kind in future.

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JOINT STATEMENT OF THE FXI AND SABC ON THE CCC HEARING

The Freedom of Expression Institute and the South African Broadcasting Corporation issue this joint press statement after appearing before the CCC today. The parties had started settlement negotiations last week and they were finalised this morning.

In the settlement agreement the parties have agreed to the following terms:

- The SABC acknowledges that the conduct of its employees and former employees named in the FXI complaint, including its former head of News and Current Affairs division was not in line with:

1.1 the SABC's editorial policies and Code of Conduct for Broadcasters;

1.2 The provisions of schedule C of its licence conditions in respect of News and Current affairs;

1.3 The SABC charter as contained in section 6 of the Broadcasting Act 4 of 1999 ("the charter").

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12 November 2012

"BLACKLISTING" COMPLAINT LODGED BY FXI AGAINST THE SABC TO BE HEARD TODAY

The matter between the Freedom of Expression Institute (FXI) and the South African Broadcasting Corporation (SABC) is finally to be heard by the Complaints Compliance Committee (CCC) of the Independent Communications Authority of South Africa (ICASA) today.

The complaint lodged by the FXI first came about when allegations of a 'blacklist' that was implemented by the then Group Executive of News of the SABC, Dr Snuki Zikalala, surfaced. The 'blacklist' allegedly contained the names of certain political commentators which Dr Snuki Zikalala had instructed his staff not to use because of their political views on the Thabo Mbeki presidency. These commentators held particular views on the African National Congress (ANC) succession debate and so the 'blacklisting' of these commentators indicated that Dr Snuki Zikalala may have been politically motivated in excluding the comments of the 'blacklisted' commentators.

A Commission of Enquiry was then set up to investigate these allegations against the SABC and found that Dr Zikalala had indeed instructed his staff not to use certain commentators and that his instruction to do so was unjustified. The FXI then launched a complaint with ICASA based on the findings of this Commission. The FXI has argued in its complaint that the SABC has violated its founding statute, the Broadcasting Act, the ICASA Act, the Constitution and its licence conditions in excluding some commentators from commenting on the succession debate.

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MEDIA STATEMENT – FOR IMMEDIATE RELEASE

27 SEPTEMBER 2012

EFFORTS TO CURTAIL WORKERS' FREEDOMS HAMPER MEANINGFUL RESOLUTION OF CONFLICT

The FXI is deeply concerned at on-going violations of workers rights' to gather and organise in

the Rustenburg area of the North West Province. The area is currently plagued by a rash of strikes by workers in the platinum mining sector, and is also still reeling from the massacre of 36 workers at nearby Marikana last month. Workers at the Royal Bafokeng Mine and Anglo Platinum Mine in Rustenburg have been on strike for the past two weeks.

Reliable information received by the FXI paints a picture of a shrewd disregard for the law and workers' rights to freely assemble.

In an incident last week, the Rustenburg Joint Strike Coordinating Committee reports that the police refused to issue a permit to the committee for a mass meeting that was to be held at Bleskop Stadium (Anglo Platinum) on Wednesday, after initially indicating that the permit would be granted. The permit was refused on the grounds that another union had a permit for a rally there, but the police refused to produce proof of such a permit.

In other incidents, permits to assemble have been issued and then withdrawn on dubious legal grounds. Late last week, the Rustenburg Local Municipality issued a notice to the Strike Committee, of which the FXI has a copy, indicating that permission for a mass meeting on Monday the 24th was disapproved on grounds that "striking workers are allegedly contravening the rights of the workers through intimidation, assaults and denying them to exercise their rights of not participating in the strike".

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FREEDOM OF EXPRESSION INSTITUTE (FXI)

MEDIA RELEASE

18 September 2012

POLICE VIOLATE JULIUS MALEMA'S RIGHTS

The police in the North West set a dangerous, if not illegal, precedent yesterday in preventing Julius Malema from addressing striking miners gathered at a stadium in Marikana.

Police summarily stopped Malema from entering the stadium where workers were gathered and then proceeded to escort him by car out of the district.

The FXI is aware of the tragic watershed moment that the Marikane Massacre symbolises in our history of democracy. We are further aware of the unresolved conflicts, grievances and demands of the Marikane workers and which could easily be a touchstone to further inflame emotions.

While noting the criminal complaint of incitement that has been lodged against Malema, and notwithstanding an investigation in this respect, Malema still had a right to address the workers who had invited him.

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MEDIA RELEASE – FOR IMMEDIATE RELEASE

24 August 2012

FXI Welcomes appointment of Presidential Commission of Inquiry into Marikana Massacre

The Freedom of Expression Institute welcomes the timely appointment of a Presidential Commission of Inquiry into the Marikana Massacre, to be headed by Justice Ian Farlam. The events in Marikana on August 16 marks the tragic apex of growing problems around the right to protest which people in poor communities across South Africa have been experiencing over recent years. The death of Andries Tatane in April last year, is no less a similar reminder of how the right to protest can be systematically undermined and repressed in this country. While these incidents demonstrate in shocking detail the use of brutal force to break up demonstrations or protests, the FXI has also documented other abuses by authorities to silence protests. These include illegal prohibitions on marches; bureaucratic procedures to stall protests; and the suspicious arrests and charging of community leaders ahead of protests.

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MEDIA STATEMENT – FOR IMMEDIATE RELEASE

2 AUGUST 2012

DON'T SILENCE THE MESSENGERS

The FXI is concerned at the way in which Presidential Spokesperson, Mac Maharaj, is aiming to silence and criminalise the messengers who have uncovered allegations of corruption on his part during the so-called "Arms Gate" scandal of 2003.

This comes after three journalists from the Mail & Guardian newspaper – Nic Dawes, Stephaans Brummer and Sam Sole - were formally warned that they could face criminal charges in terms of Section 48 of the National Prosecuting Authority (NPA) Act for disclosing information obtained during a NPA investigation.

The information in question was apparently evidence that Mr Maharaj and his wife gave to the NPA as part of its investigation into corrupt dealings around a large arms deal contract. It was part of an article in November 2011, which the M&G eventually did not publish in full, which alleged that Mr Maharaj and his wife had received large sums of money from companies associated with the arms deal and from other companies bidding for contracts with the Department of Transport. Mr Maharaj was Minister of Transport at the time.

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