

Terrorist talk? The right to freedom of expression in the 'war on terror'

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On World Press Freedom Day 2007 the Commonwealth Human Rights Initiative (CHRI) decries the use of anti-terrorism legislation to suppress free speech. The growing trend to brand as terrorist anyone who reports on, speaks out against or questions government action and policy is of grave concern. Since the 2001 terrorist attacks in the USA, governments have either strengthened or passed new and even more stringent anti-terrorism laws. In many cases these measures serve political agendas rather than counter terrorism.

Press freedom and the right to political dissent and voicing peaceful protest have fallen victim to the illegitimate use of anti-terrorism legislation. Overly vague and broad definitions of 'terrorism' are too often used to arrest and intimidate journalists, detain protesters and target political dissidents in the name of security. These actions are justified by the so-called global 'war on terror'. All across the Commonwealth their cumulative effect is to undermine human rights and threaten the same freedom anti-terrorism laws are meant to protect.

Illustratively, in Sri Lanka there is a recurring pattern of treating members of the press as enemies of the state for questioning or criticising the government. Anti-terrorism legislation is used to silence media, particularly those reporting on Tamil issues or disseminating Tamil-language news. The spokesperson and financial director of Standard Newspapers Private Ltd., Dushantha Basnayake, was arrested in February 2007 under the Prevention of Terrorism Act (PTA 2002). Alleged to have links with the Liberation Tigers of Tamil Eelam (LTTE), Basnayake remains detained without charge. The company has since had its assets frozen and closed down. Standard Newspapers Ltd. publishes the leading Sinhalese-language weekly, Mawbima, which has also been under attack. Maunasamy Parmeswaree, a journalist for Mawbima, was arrested on 26 November 2006. Accused of associating with the LTTE, the police sought to charge her under the PTA. But she was released in March this year having been detained without charge for seven months due to lack of evidence.

In Uganda Kizza Besigye, President Museveni's political foe, continues to be detained under charges of treason and terrorism. While in exile for four years, he appeared regularly on a popular Ugandan radio show. For this the show was routinely threatened with prosecution under the Anti-Terrorism Act 2002. Threats were extended to anyone seen to be 'spreading propaganda' and supporting Besigye. This attack on the media violates the public's democratic right to political choice.

In Kenya in 2007 despite having all clearance and the proper documentation, a British journalist and his colleague were arrested and questioned on the pretext of being suspected terrorists merely for filming the outside of a police station as part of a documentary on the arrest and deportation of Islamists.

"Honest and probing journalism is vital to the protection of rights and belongs to everyone," said Maja Daruwala, Director of the Commonwealth Human Rights Initiative. "All members of the Commonwealth must respect their commitment to the freedom of speech and expression. The illegitimate use of anti-terror laws to silence, intimidate and create an atmosphere of chill and censorship damages society as a whole and does not make the world a safer place. It is inexcusable."

The only justification for extraordinary anti-terrorism legislation is to protect the public from the menace of terrorism. It must not curtail civil liberties or defend impunity for human rights violations. CHRI urges governments to use anti-terrorism legislation only as an extraordinary measure in very limited situations and ensure that all actions taken can be vigorously monitored through transparent mechanisms of accountability.

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The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international NGO working for the practical realisation of human rights in the countries of the Commonwealth.