SOUTH SUDAN

WORLD'S YOUNGEST COUNTRY YET TO EMBARK ON ROAD TO CIVIL LIBERTIES

INVESTIGATION REPORT - JULY 2012





Report by Ambroise Pierre, Africa Desk

n imposing concrete block is the first building that catches your eye on the Juba airport tarmac. It is still surrounded by cranes because it is not finished. The future international terminal was meant to have received those coming for South Sudan's independence celebration on 9 July 2011 but construction only began a few months before the date. It was not ready in time and now no one knows when it will be completed.

Like the terminal, the Republic of South Sudan and its capital, Juba, are still being built. Born in the summer of 2011, the world's youngest state became the 188th member of the International Monetary Fund and the World Bank in April 2012. Two weeks later, the World Bank issued a very alarming report about the state of its economy.

Since South Sudan's separation from Sudan, the two capitals, Juba and Khartoum, have failed to agree on how to share oil revenue and where to draw their common border. These and other differences led to a resumption of hostilities in the spring of 2012 and to concern that all-out war could ensue. Thousands were displaced by the fighting, the UN warned of a possible humanitarian crisis and there was a surge in human rights violations in some of South Sudan's states as well as in Blue Nile and Kurdufan, Sudanese states on the other side of the border. The situation degenerated to the point that a Juba-based diplomat said South Sudan "risked becoming a failed state before it even came into existence."

Everything still needs to be built or rebuilt. This includes freedom of information. The young republic is at a crossroads, wondering whether to behave differently from Khartoum or give way to repressive instincts, whether to defuse tension with the North or step up the bellicose rhetoric, whether to allow the media some freedom or yield to the temptation to bring them under close control.

Reporters Without Borders visited Juba from 9 to 15 May to evaluate the state of freedom of information in South Sudan.

In Juba, Reporters Without Borders' representative was received by information and broadcasting minister Barnaba Marial Benjamin, who is also the government's spokesman, and by deputy information and broadcasting minister Atem Yaak Atem, a former journalist.

He met Jacob Akol, the head of the Association For Media Development in South Sudan (AMDISS); a dozen reporters for local and foreign media; the staff of the AMDISS Media Centre; and most of the Juba media including four radio stations (*Bakhita FM, Miraya FM, Sudan Radio Service* and *Catholic Radio Network*), four newspapers (*The Citizen, Juba Monitor, Al-Masier* and *Juba Post*) and state-owned *South Sudan Television* (*SSTV*).

Reporters Without Borders was also received by European Union delegation chief Sven Kühn von Burgsdorff, a French embassy diplomat and three representatives of Norwegian People's Aid, a humanitarian NGO.

An appointment was obtained with South Sudanese army chief of staff Col. Philip Aguer but the meeting fell through at the last moment. The organization attended a news conference in Juba by United Nations High Commissioner for Human Rights Navi Pillay, who was visiting South Sudan at the same time.

In all, Reporters Without Borders' representative met with about 30 people.



KHARTOUM, SO FAR BUT SO NEAR

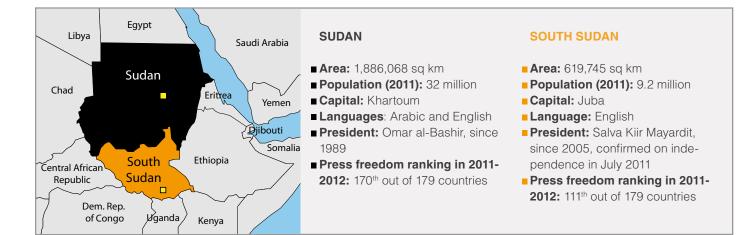
With an initial 17-year civil war (from 1955 to 1972), a second, 22-year civil war (from 1983 to 2005), a 2005 peace accord and a referendum on self-determination in January 2011, South Sudan had to struggle hard for its independence from Sudan. It is by constantly sizing up its neighbour to the North that Juba takes stock of itself. Independence was not given, it was won. The South Sudanese themselves created the state in which they now live. Most people agree that, as a result, the authorities have an "enormous responsibility."

It was largely for the sake of freedom that the South Sudanese population decided to break away from Khartoum, so any disappointments in this area will be sorely felt. Expectations are high. Deputy information and broadcasting minister Atem Yaak Atem's elation on seeing that, on the 2012 Reporters Without Borders freedom of information map, Sudan is coloured black (for "very serious situation") while South Sudan is coloured orange (for "noticeable problems") made it clear that "beating Khartoum" is permanent challenge and potential source of satisfaction. "We do things very differently here," Atem told Reporters Without Borders. "We have never experienced prior censorship, for example. Khartoum's laws were not implemented here."

Are the two countries really so different? Alfred Taban is an expert on the subject. He was the editor of the Khartoum-based *Khartoum Monitor* until President Omar al-Bashir's government

closed it when South Sudan became independent and he was forced to move back to Juba. Thereafter he launched the *Juba Monitor* and became its editor. "The problems on one side of the border are of a different nature from those on the other side," he said. "Here we are free but financially the situation is very difficult. In Khartoum, they crack down on us but we suffer less economically."

South Sudan may be able to claim to offer more freedom than Sudan but Khartoum's heritage is still felt everywhere. A South Sudanese consultant who follows the media was less optimistic than Taban. "The authorities in Juba were brought up in the Khartoum school and now they are getting ready to put what they learned about repression into practice," she said. "Listen to the information minister. He tells us: 'Watch what you write. Be patriotic.' Unlike what happens in the North, the repression is not concerted, but high-handed actions, harassment, impunity and brutality are nonetheless the rule." A European diplomat responsible for political affairs and security issues added: "South Sudan's security forces have the attitudes of the police in the North."



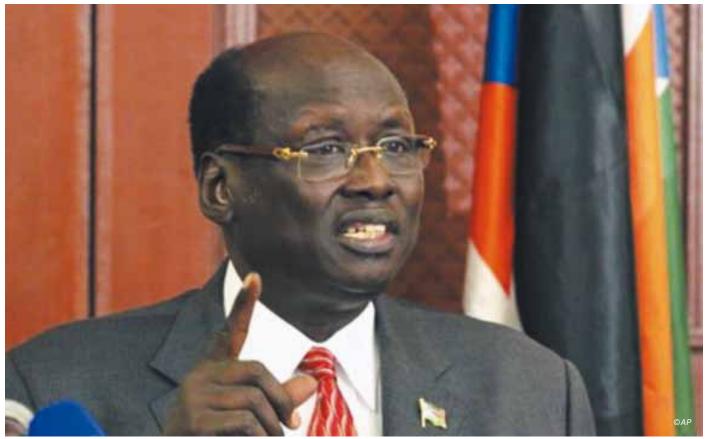
WAR'S IMPACT ON MEDIA

"This is the most screwed-up place on earth." That terse remark came from a European who has been based in South Sudan for nearly 30 years. Was it a worn-out expatriate's sour comment or a lucid analysis of a desolate country? Probably a bit of both.

More than 30 years of fighting have traumatized the country and have been absorbed into its DNA. War has marked the past and, through the current border clashes, continues to shape the present. And it fills the media. The two Sudans wage their wars through their media as well as in the field, through a bellicose rhetoric. "The media have long been used as a propaganda tool here," Atem said. "Our minds are permeated by it. The road to objective reporting will be a hard one."

Atem's minister, Barnaba Marial Benjamin, who is also government spokesman, goes further and does not conceal the government's use of the media. "In a conflict or post-conflict situation, the government's communication with the people is crucial," he said. "Our job is to inform the population but also to transmit messages. The media are a tool for us." Getting the government's message across is the priority. News and information can wait. Faisal Mohammed Salih, a Sudanese reporter, political columnist and media consultant, said in April that: "The media on both sides of the border have exaggerated the number of victims in the opposing camp while playing down their own casualties." According to International Crisis Group: "High rhetoric is something of a national pastime, and both sides are now seeking to control the narrative."

In recent months, the resumption of border hostilities has made it harder to access information and has complicated news reporting. Juba's minister of media and broadcasting boasts of never having imposed any restriction on the movements of journalists in South Sudan but he well knows that access to remote areas is difficult and dangerous. It is virtually impossible for news organizations to get to the war zones in South Sudan. Very rarely, teams of journalists may go for just a day to somewhere such as Unity state. "The rest of the time, we rely on what the government and the armed forces tell us," a Juba-based radio journalist said.



Barnaba Marial Benjamin, South Sudan's minister of information and government spokesman.

The media do not have the capacity to send reporters into the field or have them based there fulltime. This also applies to the state-owned media, which do not send crews to cover the fighting. Moyiga Korokoto Nduru, the head of *South Sudan Television (SSTV)*, said: "If the journalist I sent to the front was killed or came back handicapped, I would not be able to pay compensation. We have no insurance." The risk is too great.

"The media don't cover the war, they cover the government's reaction to the war," a humanitarian worker said. Ian Timberlake, *Agence France-Presse*'s Khartoum correspondent, wrote: "In the absence of significant coverage in the field, the government radio and TV stations have been used in both countries as weapons for spreading hate."

Journalists reporting on the war situation usually resign themselves to being disinformation and propaganda tools. "The United Nations and NGOs say nothing so we have no choice but to repeat what the government says," a reporter for foreign media said. The few newspapers on both sides of the border that try not to be used find an accusing finger pointed at them. "If we try to be objective according to western standards (...) we are branded as traitors and accused of not defending the national interest," Faisal Salih said. As a result, South Sudan is a very politicized society. Uniting behind the government is a sacred duty. No one sticks their head up. Criticizing is difficult. One day, UN-backed radio *Miraya FM* (see box) scheduled a debate with the opposition parties entitled "Opposition parties: what's your voice?" All the participants and special guests backed out at the last moment.

It is the same in Sudan, where dissidents pay dearly for speaking out and where the government has tightened the curbs on media freedom since the South's independence. When President Bashir referred in April 2012 to the South Sudan's government as an "insect to be eliminated," Sudanese journalist Faisal Salih agreed to be interviewed by the pan-Arab satellite TV station *AI-Jazeera*. "Leaders must display some wisdom when they make comments," Salih told *AI-Jazeera*. "They should not get carried away by their emotions and say any old thing." Salih's sensible advice led to his being harassed, repeatedly summoned by the police and jailed from 9 to 15 May. He was eventually freed on bail and then acquitted.

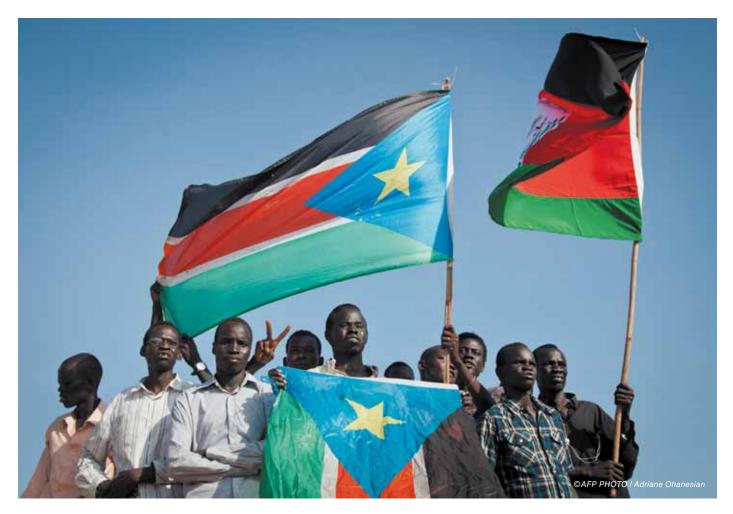


Radio Miraya FM in Juba

UN uses *Miraya FM* to reach almost entire country

Like the staff of *Radio Okapi* in the Democratic Republic of Congo, *Miraya FM*'s producers and presenters work out of containers in the middle of a UN camp, in this case the headquarters of the United Nations Mission in South Sudan (UNMISS). With two offices, in Juba and Malakal, and around 120 employees spread around the country, the station reaches 80 or 90 per cent of the population. Supported by the Swiss-based Fondation Hirondelle, it broadcasts around the clock in English and Arabic.

INDEPENDENCE: A TURNING POINT?



The independence proclaimed on 9 July 2011 obviously caused an upheaval in South Sudan, especially in political and economic terms. But attitudes have not changed fundamentally. And there has been no major improvement in civil liberties.

Although enjoying a degree of freedom, the media are still in terrible shape. They have started virtually from scratch and their needs are enormous, especially as regards training and learning journalism ethics and professional conduct. The environment in which they have to operate is barely viable. As Benno Muchler of the *New York Times* said: "Making a newspaper anywhere these days is not easy; making a daily newspaper in South Sudan can seem nearly impossible (...) Power losses, a scarcity of paved roads, scattershot Internet access and increasing tribal violence make it that much harder."

The media have to deal with a high level of illiteracy (about 80 per cent of the population), limited purchasing power, high printing and transport costs, a non-existent distribution network and a very limited advertising market. As media are created, others disappear and their number continues to be low. Without external support, it is hard for news media to survive and almost all those that have kept going for any length of time have foreign funding – from the UN for *Miraya FM*, from USAID for *Sudan Radio Service*, and from the Catholic Church for *Bakhita FM* and *Catholic Radio Network*.

Are the attitudes of the authorities and the population towards the media more relaxed? Some like to think so. They include a former adviser to the information minister, Bruce Macpherson, who said: "No one gives you any trouble any more when you pull out your camera on the street." But that is not necessarily true. In a country at war or with a war just over, the tendency to assume that all journalists are spies, or that an ordinary citizen

with a camera must be suspect, dies hard. While in Juba, the Reporters Without Borders representative saw a youth roughed up by police officers because he had just used his mobile phone to photograph a long line outside a service station.

Independence has induced many South Sudanese to return from abroad to work for the government or civil service, or in some cases the media. Some returned from western countries, where they were educated, others from refugee



A line outside a service station – a photo that could give you problems.

camps in neighbouring countries. This is the case of a group of young people, all aged less than 30, who have launched a national film industry by creating the Woyee Film and Theatre Industry. Its founders all met at Kenya's Kakuma refugee camp.

Their story began with the creation of a theatre troupe in 2000. The initial aim was to find an entertaining way to pass time in the camp. Having discovered a liking for it, Woyee's founders got support from NGOs, including FilmAid International. After the two Sudans signed a peace accord in 2005, some gradually started going back. The pace of return picked up after independence. Now with 70 members and an office in Juba, Woyee released "Jamila," the first film entirely produced by South Sudanese, in February 2012.

Such ambitious initiatives are refreshing and encouraging, but sadly rare. In the view of the more pessimistic observers, inde-

pendence has maintained the status quo rather than marking a turning point. Evolution, where it is happening, will take time. It began a few years ago, above all with the 2005 peace accord. "Independence has brought sovereignty but, in reality, the authorities have been consolidating their power since 2005," said a young woman who freelances for several newspapers in the capital. "Last year saw more steps backwards than forwards. I never imagined things could be as bad as they are today."

Nhial Bol (see box), the editor of Juba's only daily, *The Citizen*, and one of South Sudan's best known journalists, regards independence as a turning point in the negative sense. He thinks it brought positive changes but also many negative ones as well. In Bol's view, there was more freedom before independence. "We were in a position to put pressure on the authorities and haggle with them," he said. "We could threaten to get closer to the northerners and that way we could get the concessions we sought. All that is over now. Independence has brought nothing for the media. I even fear that things are getting worse."

Nhial Bol, South Sudan journalism pioneer

Proudly posing outside the long hanger that houses Juba's only printing press, which he owns, Bol points out that he has been detained five times in recent years. The editor of *The Citizen*, an English-language newspaper that has one of the country's biggest circulations, he graduated from London's City College in 1987. After working for various newspapers in Khartoum, he co-founded the *Khartoum Monitor* in 2000 before finally launching *The Citizen* in Juba in 2005. The bugbear of the authorities, it was closed in 2007 for paying too much attention to the charges brought by the International Criminal Court against Sudan's President Omar al-Bashir. It was soon allowed to reopen but in 2008 it was forbidden to cover the government. Again, a compromise was found and the ban was quickly lifted.



Nhial Bol outside the printing press of his newspaper, The Citizen.

CURRENT PROBLEMS AND CHALLENGES

1. Heavy-handed security forces



Philip Aguer, chief of staff of South Sudan's armed forces

The No. 1 problem raised by all the people Reporters Without Borders talked to during its visit is the brutality of the security forces and the Sudan People's Liberation Army (SPLA), as South Sudan's armed forces are called.

Journalists are rarely subjected to formal arrest, but they are often briefly detained and beaten. Violence and intimidation are common. Last year, *Miraya FM* did a report on the increase in police involvement in crime. Shortly after it was broadcast, the journalist who did the report was beaten. "It's a classic case," said Jacob Akol, the head of the Association For Media Development in South Sudan (AMDISS). "All this goes completely unpunished. The interior ministry should be held responsible for these abuses."

The brutality of the security forces is sometimes the result of orders from the authorities, who want to hunt down spies and who think that their suspicions and national security imperatives justify the use of unorthodox methods. But usually the brutality is the personal initiative of policeman, soldiers, security agents and bodyguards who are not being controlled by their superiors.

As a direct consequence of this brutality and the failure to punish it, journalists are afraid and censor themselves. The comments of a young woman journalist employed by a foreign news outlet were telling. She told Reporters Without Borders: "Of course I censor myself. Yesterday (13 May 2012), a woman was shot dead in broad daylight in Juba in front of the John Garang mausoleum. It's an incredible story and we ought to cover it, but I thing I'd better not investigate it. Firstly, because I don't really have the resources and secondly, and even more so, because the security forces could come looking for me."

She added: "Let's be serious. I am a woman. You are physically abused in prison. They can do terrible, hideous things to you. So I prefer to take care. I think we are partly saved by the fact that the authorities and even more so the public are still at a far remove from the press. They are unaware of us and take little interest in us. I am sure that if people read what we wrote, we would have more problems."

Meetings between the media and the security forces are being organized by the humanitarian NGO Norwegian People's Aid, in partnership with AMDISS and other organizations such as Article 19 and International Media Support (IMS). A workshop was held in November 2011 and others are planned in 2012 with the aim of making the security forces more aware of what the media do and facilitating mutual understanding. But it will take time to defuse all the tension. During the November 2011 meeting, an SPLA spokesman told the journalists which subjects they could cover and which they should avoid. The latter included the armed forces. Angering many of the journalists present, military intelligence spokesman Philip Chol said: "If you are a responsible journalist, you will not go against your country's interests.

2. Dangerous precedents

Ngor Aguot Garang, the editor of *The Destiny*, the Englishlanguage version of the Arabic daily *Al-Masier*, and his deputy, Dengdit Ayok, were arrested in November 2011 – Garang on 2 November and Ayok three days later – because of a by-lined column by Ayok on 26 October criticizing the fact that President Salva Kiir Mayardit's daughter was marrying an Ethiopian. The two journalists were held in a detention centre near Jebel Marra without being formally charged.

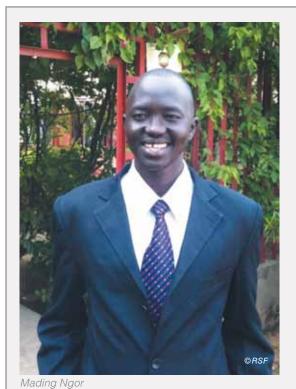
"When I appeared before national security chief Akol Koor Kuc, he asked me why I approved the article's publication," Garang said. "I replied that, firstly, the constitution guarantees freedom of information, secondly, the article reflected the opinion of its author, who had the right to express it, and thirdly, I was out of the country at the time and that it was Dengdit Ayok who, as deputy editor, took the decision to publish it."

Garang and Ayok were finally released on 18 November, after being held for more than two weeks. "During the first two weeks at the national security facility at Jebel Marra, I was not allowed to sit down and I had no access to the food my family brought for me," Garang added. "We were 30 to a cell, in the dark, and we had the right to only a litre of water for two people a day."

Although both *The Destiny* and Ayok apologized, the information ministry suspended the newspaper and banned Ayok from working. *The Destiny* has not resumed publishing and Ayok has moved to Cairo to resume his studies and, he says, to escape the threats and intimidation to which he was exposed in Juba as a result of this case.

Although Reporters Without Borders recognizes that the article was tactless and even insulting, the response from the authorities was out of all proportion.

In a more recent case, *Bakhita FM* presenter Mading Ngor was manhandled by security personnel while visiting parliament in February 2012 (see box).



Mading Ngor, iconoclastic young «star»

The star host of the "Wake up Juba" and "Liberation Square" programmes on the Catholic Church's radio *Bakhita FM*, Mading Ngor is a young and ambitious journalist. He was educated in Canada and worked as a freelancer there before moving to Juba in July 2011. "I came to see if this country allowed any media freedom," he said. He has not left, but is nonetheless disappointed. "The freedoms for which we fought are not yet in place. We are politically independent, sure, but economically? And what about civil liberties? There is still a long way to go. We will need time."

He was roughed up by security guards while attending a National Legislative Assembly session in February 2012. He was sitting with members of the assembly in order to be better able to record the debate when guards came and told him he was not supposed to be there. When he objected, they grabbed him, tearing his clothes, and threw him out of the chamber. The incident sparked an outcry that continued for several days. He was then officially banned from visiting the parliament but did not respect the ban.

Mading is outspoken and bent on practicing journalism as he learned it. An amused Juba-based European observer said: "President Salva

Kiir went to China at the end of April, at the height of the border crisis with Sudan. At a news conference by the government spokesman, Mading asked, 'Is this the sign of a man missing in action?' No one but him would have dared ask such a question." Not everyone likes his provocative or even iconoclastic attitude and some of his colleagues think he goes too far. But everyone has heard of him.



Pagan Amum, the ruling SPLM's general secretary.

Finally, the heavy fines imposed in March 2012 on *The Citizen* and *AI-Masier* showed that corruption in general and corruption within the ruling Sudan People's Liberation Movement (SPLM) in particular are off-limits for the press. In February, former finance minister Arthur Akuien gave a news conference at which he said he had transferred 30 million US dollars to the private account of SPLM general secretary Pagan Amum in 2006. Like all the Juba media, *The Citizen* and *AI-Masier* covered the news conference and reported Amum's allegations. *The Citizen* even contacted Amum and tried, unsuccessfully, to get his reaction. Instead he sued them for libel and, in March, a court fined both of them 1 million South Sudanese pounds (150,000 US dollars), an astronomical sum that neither intends to pay. *The Citizen* editor Nhial Bol, who wants to appeal, said the aim of the court's ruling was to intimidate them.

3. Urgent need for legal framework

It is clear from all these cases that the South Sudanese media suffer from a legal void and lack of a legislative framework for their activities. Under what law is a journalist arrested or prosecuted? Should disputes involving the media be handled by the courts or by a regulatory body? So far, there are no answers to these questions.

The earliest draft laws governing the media date back to 2005. Legislation was the theme of this year's World Press Freedom Day celebrations in Juba on 3 May. The need for a legislative framework is becoming a leitmotiv within the South Sudanese media. In May 2012, three bills were approved by the cabinet and were submitted to the National Legislative Assembly. The first, the Right of Access to Information Bill, is about the public's right of access to state-held information. The second, the Broadcasting Corporation Bill, would separate state-owned *SSTV* from the government, ending the current situation in which *SSTV* acts as a government media rather than a public-service one. "It's the government that hires my journalists," *SSTV* chief Moyiga Korokoto Nduru complained. "I don't even see them before they are hired. I don't give them any interview." The third, the Media Authority Bill, would create a media regulatory body.

With much to be done to construct the South Sudanese state and progress being hampered by the economic crisis and tension with Sudan, the government and parliament do not see media legislation as a priority. They nonetheless need to appreciate its importance. The media laws would establish ground rules for a sector that has none and would end the reign of the arbitrary. They could protect journalists and media, which would as a result be better able to do their job of reporting the news. They would also enable this young state to put freedom of expression and information at the heart of its system of values and governance.

The head of AMDISS, which is spearheading the effort in Juba to promote these laws and have them passed, said: "The authorities are in no hurry to see these laws adopted. They are dragging their feet. They are resisting until they have no other choice. With these laws, access to information would be guaranteed so, obviously, the authorities are taking their time. When access to information is guaranteed, skeletons are going to be discovered in cupboards."

WHICH MODEL FOR JUBA: NAIROBI OR ASMARA?

After promising but hesitant initial steps, the Republic of South Sudan is at a crucial point in its young existence. It has so far benefitted from sustained attention from the international community, which has encouraged it to protect fundamental freedoms. But once the post-independence honeymoon is over, there is always a danger that it could slide into repression and dictatorship instead of continuing the positive progress.

While the South Sudanese government often plays for time, it understands the overall role of the media and the advantages it can derive from respecting freedoms. "Our authorities know that they must behave in a manner that is at least satisfactory if not exemplary," Jacob Akol said. "They do not do it so much out of conviction or respect for freedom, but because they are aware of its importance to their image. It is the concern of a young state to be seen as democratic."

Does this mean that Juba's authorities can be accorded our entire confidence? No, but the immediate danger lies elsewhere. South Sudan is not currently prey to concerted and systematic harassment of its media. But there has been a disturbing accumulation of incidents and isolated acts of repression or intimidation that end up undermining the climate in which journalists and media operate.

A year after its independence, South Sudan must make a decisive and historic choice as regards its media. Reporters Without Borders urges the authorities to choose the road of openness, diversity, tolerance and development. The alternative is internal tension, increasing use of bellicose and ultranationalist propaganda, and recourse to censorship and repression to deal with criticism and dissent – a choice similar to that taken by Eritrea, one of the world's last totalitarian dictatorships and Africa's biggest prison for journalists, a choice that would have dramatic consequences for the population and civil liberties in South Sudan.

GIVEN THE CURRENT SITUATION IN SOUTH SUDAN AND THE HISTORIC CROSSROADS AT WHICH THIS YOUNG COUNTRY FINDS ITSELF, REPORTERS WITHOUT BORDERS URGES:

THE SOUTH SUDANESE AUTHORITIES

to forcefully affirm their commitment to freedom of information and to demonstrate it through action; to severely punish anyone violating this freedom; and to stop using nationalistic and pseudo-patriotic arguments in an attempt to get the media to accept that some subjects are "permitted" and others are "prohibited."

THE MILITARY AND SECURITY APPARATUS (SUDAN PEOPLE'S LIBERATION ARMY, INTERIOR MINISTRY AND NATIONAL SECURITY MINISTRY)

to respect reporters by putting an immediate stop to acts of brutality towards them; and to use training and consciousnessraising to ensure that their personnel understand this obligation.

THE NATIONAL LEGISLATIVE ASSEMBLY

to quickly adopt the media laws, which will provide the legal framework that the media now need.

THE INTERNATIONAL COMMUNITY

to continue its aid to South Sudan but to condition it on respect for fundamental freedoms, especially freedom of information; and to ensure that aid for the media sector does not enable the authorities to implement repressive policies (ensuring, for example, that the government does not use control of a European Union-funded printing press in order to censor).

NGOS

to support the development of South Sudan's media and training of journalists.

SOUTH SUDAN'S JOURNALISTS

to form associations and unions in order to energize the media and defend their interests; and to adhere to journalism ethics and professional conduct, resisting calls for self-censorship in the name of so-called "patriotic" journalism.





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REPORTERS WITHOUT BORDERS is an international press freedom organisation. It monitors and reports violations of media freedom throughout the world. Reporters Without Borders analyses the information it obtains and uses press releases, letters, investigative reports and recommendations to alert public opinion to abuses against journalists and violations of free expression, and to put pressure on politicians and government officials.

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