

SOS: Support Public Broadcasting Coalition

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SOS SUPPORTS THE FINAL RESOLUTION OF FXI'S BLACKLISTING COMPLAINT

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On Monday 12 November the Freedom of Expression Institute's long-running SABC "Blacklisting" case will finally be heard by the Independent Communications Authority of South Africa's Complaints and Compliance Committee. SOS hopes for a speedy resolution to this six year battle. FXI has been struggling to get the SABC to admit to violations of its editorial policies, license conditions, its Charter and the Code of Conduct of Broadcasters.

Sadly the issues of blacklisting / censorship raised by this complaint remain as burningly relevant today as when they were raised in 2006. There is a long list of censorship cases including the recent banning of coverage of expelled ANC Youth League President Julius Malema during the Marikana mine tragedy.

Brief history of the SABC blacklisting complaint

Briefly, the "SABC's Blacklisting Crisis" emerged in 2006 when the Sowetan newspaper published allegations that the SABC was "blacklisting anti-government political commentators". Initially the SABC denied these allegations. However, SAFM talk-show host at the time, John Perlman, confirmed on air that there *was*, in fact, a blacklist. SABC GCEO, Dali Mpofu, then instigated the Sisulu Commission of Enquiry to investigate.

The Commission made some important findings. It claimed that blacklisting was taking place and further that an authoritarian culture of self-censorship had started to develop in the newsroom. A list of recommendations was made to rectify these problems. Despite his promise to release the full report, Dali Mpofu however backtracked and released a sanitised version. The Mail & Guardian newspaper then obtained a full copy and released this on their website. In a move that profoundly undermined the SABC's commitments to transparency and the public's right to know, Mpofu threatened to sue the newspaper.

FXI obtained a leaked copy of the report and laid a complaint with South Africa's regulator, ICASA, arguing that the findings of the report showed that the SABC was contravening South Africa's Constitution, the Broadcasting Act, 1999 and its own editorial policies. ICASA, however, disappointingly refused to move on this. The Authority argued that the Report had never been officially released or verified. It argued that FXI must gather its own evidence to argue its case. FXI duly did this, gathering a number of affidavits, however, ICASA subsequently argued that it lacked jurisdiction over the issues since the complaint related to internal journalistic practices. FXI finally took the matter to the High Court in 2010. This time it won. The Judge handed down a judgement in January 2011 stating that ICASA had to deal with the substantive matters of the case and referred

the matter back to ICASA's Complaints and Compliance Committee (CCC). The matter will finally be heard on Monday.

Way forward

SOS is both delighted and relieved that the ICASA's CCC will finally hear the matter. We hope, that in the process, the SABC will finally acknowledge that it violated its own editorial policies, license conditions and Charter. More importantly, we hope the SABC will, going forward, commit to strict adherence to these policies. Further, to restore faith in the SABC's news coverage, we call on the SABC Board, CEO and Acting Head of News to publically commit to news coverage that is hard-hitting, covers all points of view and ultimately holds those in positions of power in the public *and* private sectors to account. The SABC, as our public broadcaster, needs to set the standards of quality, investigative journalism in our country.

The SOS Coalition represents a number of trade unions including COSATU, COSATU affiliates CWU and CWUSA, FEDUSA, BEMAWU and MWASA; independent film and TV production sector organisations including the South African Screen Federation (SASFED); and a host of NGOs and CBOs including the Freedom of Expression Institute (FXI), Media Monitoring Africa (MMA), and the Media Institute of Southern Africa (MISA-SA); as well as a number of academics and freedom of expression activists.

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