

MALAWI HUMAN RIGHTS COMMISSION



THREAT TO PRESS FREEDOM

The Malawi Human Rights Commission (The Commission) is deeply concerned with media reports that investigative journalist, Gregory Gondwe is receiving threats following a story that was published on the Platform for Investigative Journalism (PIJ). Gondwe reported on his Facebook Page that he has been forced to go into hiding following threats received after the publication. The Commission also takes note that Mercy Matonga wrote a similar story in Malawi News and is keenly following developments around her safety as well. It is the considered view of the Commission that any threat to a journalist is a threat to media freedom in Malawi as a whole and can impact negatively on the state of governance in Malawi.

Press freedom is a fundamental right that allows journalists and media organizations to report and communicate information without censorship or interference from the government or other entities. Needless to say, the Constitution of the Republic of Malawi which is the supreme law of the land provides under section 36 that: *the press shall have the right to report and publish freely, within Malawi and abroad and to be accorded the fullest possible facilities for access to public information.*

The freedom accorded to journalists and other people in the media, allows for a space where public functionaries are held accountable and this helps to facilitate public disclosure and safeguard democracy in the long run. Freedom of the press is a prerequisite for good governance because it serves as a check on potential abuses of power and helps to uncover wrongdoing. Malawi subscribes to international human rights instruments that promote media freedom. Article 19 of the Universal Declaration of Human Rights states that: *everyone has a right to freedom of opinion and expression, this right includes freedom to hold opinions without interference, and to seek, receive and impart information and ideas through any media regardless of frontiers.*

Principle No. 2 of the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information (the Johannesburg Principles) clearly states that a restriction on the freedom of expression sought to be justified on the ground of national security is not legitimate if its genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions. Press freedom fosters democratic principles and an open society. In addition, our laws also protect informants and whistleblowers within the mandate of legally privileged information. Considering that nobody is above the law, no person has the power to force a journalist to reveal their informants under any circumstances. Section 32(1)(c), of the Access to Information Act (ATIA) prohibits disclosure of journalist sources of information. Further to that, section 50 of the ATI law protects whistleblowers who release information in the public interest.

The Commission therefore strongly condemns any threats directed towards the journalists. Moreover, international conventions to fight corruption, both in the United Nations system and regional systems, include rules that encourage States to adopt laws that facilitate the reporting of corruption when public officials become aware of them in the scope of their work. The media provides information on public sector corruption where governmental activity is opaque by design or by default. The media, and in particular investigative journalism, plays a crucial role in exposing corruption to public scrutiny and fighting against impunity.

The Commission calls on the Malawi Police Service to investigate the alleged threats against Mr. Gondwe and Ms. Matonga and ensure that they are protected from any harm.

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a series of loops and a horizontal line at the bottom.

Chikondi Chijozi
Chairperson
3rd February 2024