

FROM STATISTICS ON ABANDONED BABIES TO TENDERS THAT TOPPLE GOVERNMENTS

Investigative journalism in Africa



Investigative stories, lectures and presentations by FAIR members at the occasion of the FAIR Pan-African Investigative Journalism Summit 2008, held in partnership with the Power Reporting Workshop of the University of the Witwatersrand

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FAIR Summit keynote address

Living in fear of reporting the truth: African journalism challenges

Gerard Guedegbe, Secretary-General, FAIR

Gerard Guedegbe's work on hidden practices of ritual infanticide in Benin was the key exposé at the pan-African Investigative Journalism Summit organised by FAIR in September 2007. At the 2008 Summit he addressed the audience both as a keynote speaker on challenges faced by African journalists and on the current state of access to information legislation and practice on the continent (see further on in this dossier).

In his *Rhodes Journalism Review* article 'Journalism in Africa: Modernity, Africanity', Francis Nyamnjoh calls African journalism a 'journalism of bandwagonism, where mimicry is the order of the day, as emphasis is less on thinking than on doing, less on leading than on being led.' He observes that 'African journalism lacks both the power of self-definition and the power to shape the universals' and blames this on the fact that journalism, perceived as an attribute of so-called 'modern' societies or of 'superior' others, is taught, in Africa, and to Africans, by (outsiders) who 'know' what it means to be civilised and to be relevant to civilisation.

"Aspiring journalists in Africa must, like containers, be dewatered of the mud and dirt of culture as tradition and custom, and filled afresh with the tested sparkles of culture as modernity and civilisation," he says. "African journalists are thus called upon to operate in a world where everything has been predefined for them by others, where they are meant to implement and hardly ever to think or rethink, where what is expected of them is respect for canons, not to question how or why canons are forged, or the extent to which canons are inclusive of the creative diversity of the universe that is purportedly of interest to the journalism of the One-Best-Way."

As Africans we have not, or have only in a limited way, developed our own media even as an addition to the amount of information from outside Africa that is bombarding Africans. I feel that it is now critical for Africa to define itself in terms of its media and its image. Africa cannot be passive in the current global environment. Media everywhere should define its own space, one that is empowered and self-sufficient, and able to face the world on its own terms,

and there is no reason why African media should be an exception.

Defining African journalism cannot be done outside of parameters such as:

- the socio-economic and political environment;
- armed conflicts and political tensions; and
- famine, droughts and other natural disasters.

The challenges of African journalism today within this context are as follows:

1. The 'citizen journalism' trend

The ICT boom has dramatically changed the relationship between journalists and their audiences. 'Citizen journalism' means that everybody can now report, record and publish. The problem arises precisely out of the word 'everyone'. Who is checking for news authenticity? Who verifies? In a situation where the work of trained journalists is often still considered wanting, the 'citizen journalist' who has received no journalism skills, practice or ethics training at all is suddenly fashionable.

As African journalists whose mission it is to redefine and improve African journalism and African media, in the interest of the African audiences whose right it is to receive proper, tested and verified information of relevance, we need to ask ourselves 'why this fashion'? Is citizen journalism a threat to 'real' journalism at a time when we need journalism standards to improve, or can it be converted into an asset? Can we incorporate citizen reporting in the journalism profession so that it enhances the quest of African media and African journalists to develop a functional, skilled, interesting and ethical journalism in Africa?

2. Lack of investigation

A second challenge lies precisely in the lack of quality that is common in established African journalism. Our journalism is mostly reporting: it is the journalism of speeches and press conferences. If it is revealing, it is often of the kind that reveals only incidents of petty bureaucratic corrup-

tion. We need investigative reporting that questions society in all its aspects on a continuous basis.

3. Low quality of technical skill

A third challenge lies in low quality of the technical aspects of journalism. In the last five years, Africa has seen massive proliferation of media, especially in radio and print. But despite this growth, the media sector still faces, besides challenges of professional quality, also technical challenges. The late Zakeus Chibaya, Secretary-General of Cross-border Association of Journalists (CAJ), and FAIR member, identified the lack of equipment and infrastructure (computers, adequate newsrooms, landlines, fax machines, internet connections) and technical skills (IT illiteracy) as major obstacles. I concur with this. In certain African countries, some journalists not only lack computer skills – because there are no computers – but also still rely on old typing machines to build up their stories.

4. Bad management

Low management standards are arguably even a more pressing problem. Some people entrusted to run newsrooms are not at all qualified to do that job. They lack leadership skills and often do not even have media backgrounds, having been appointed only because they happened to fill a certain racial quota, or because they have powerful friends in the right places. Such a newsroom editor does not care about the quality of the journalism generated in his newsroom, so why should the journalists who work there?

The lack of inspiration, pride and aspiration, and the sad reality that one often gets ahead in the media environment by pleasing powerful friends, rather than through truthful and investigative reporting, has been identified by FAIR as perhaps the most heavy obstacle weighing down on journalism potential in Africa.

5. Censorship and self-censorship

Connected to the above is the persistent lack of press freedom in many parts of the continent. With our nepotistic appointments and powerful interests reigning in newsrooms, journalism output is not created to serve the truth, but often to suppress it. Where there is no outright censorship, self-censorship suffices. We live in fear of reporting the truth. A FAIR member recently reported that an article of his was rejected by his editor with the words: ‘There is WAY too much truth in this!’

6. Journalists paid as ‘glorified typists’

Again connected to the low management and low quality standards in journalism, is the fact that journalists are not valued as much more than as simple conveyors of messages ‘from above’. Of course, media bosses don’t see why they

should pay such ‘glorified typists’ a good salary and, consequently, nobody who aspires to a rewarding professional career wants to be, or remain, a journalist. In order to attract the right potential, it is important that the journalism profession is seen to be a career that *could* be rewarding, if one is good enough. Improving journalist’s living and working conditions on the basis of good performance is therefore paramount. On this note, allow me to quote once again Zakeus Chibaya:

the most worrying problem is low pay. It is increasingly becoming a major cause of frustration for reporters. In many parts of Africa, hungry, underpaid and demoralised journalists cover their stories in quite hostile conditions. They often only use a motorbike for transport on the different reporting fields. This state of poverty and low morale leaves them vulnerable to corruption and ‘ready to do whatever it takes’ to survive.

7. The ethics of the hungry stomach

This then brings the (almost) last, but not least, question of ethics into the picture. A hungry stomach does not care much about ethics. The choice for many of us is either to stick with ethics and die a poor chap or girl, or side with the powers that be – be they government, private sector or international institutions. In all cases, the temptation to write ‘what they want to hear’ in order to survive, drowns out any hope Africa might have of at one stage systematically producing home-bred, real journalism of quality.

8. Access to information: the challenge for 2009

Having the right to access to information is routinely defined as the ability of the citizen to obtain information that concerns him or her, whether it is in the possession of the state or the private sector. Some states provide for access in their constitutions and laws; many, especially in Africa, do not. Even where ‘access to information’ is nominally recognized in law, it is invariably subject to limitations: it often takes months for a simple request even to be merited with a response. In addition, states may impose fees, and require the payment of administrative costs before they start to process the request – if they process it at all.

As long as this is the case, and information is routinely refused to anyone seeking it, including journalists, the African public will not see its information needs met. One particular case I studied, of a South African-based journalist requesting information on the basis of PAIA (*see case study on page 10 – ed.*), clearly shows what an arduous process it is to obtain it, even in the country with arguably the best access to information law on the African continent.

The access to information challenge, and the other challenges mentioned above, together cry out for sustainable

and consistent funding for media in Africa, and innovative strategies to be employed by media-conscious professionals – journalists, editors and publishers – to develop an

African media that truly serves the African public in its need for relevant information and, above all, truth.

Swimming in lies in Zimbabwe

Charles Rukuni

Charles Rukuni is founder and editor of Zimbabwe's only professional investigative newsletter, *The Insider*, and Bulawayo bureau chief for the *Financial Gazette*. He is also the Chairman of FAIR.

When I first visited the United States in 1983, I was often asked: 'Where do you come from?' When I told them: 'Zimbabwe', the next question was: 'In which country is that?' Today, everyone knows where Zimbabwe is. Sadly, this is because of all the bad news emanating from my country.

When one talks about investigative journalism in Zimbabwe or reporting about Zimbabwe, one can not avoid talking about the country's repressive media laws. These laws have seen the closure of *The Daily News*, *The Daily News on Sunday*, *Business Tribune*, *The Tribune*, *Weekly Times*, the *Daily Mirror* and the *Sunday Mirror*.

As a result of the closure of these papers, a very large number of experienced journalists were forced to leave the country. This left the media with very young journalists who were quickly promoted to positions of editor when they were not mature or experienced enough. The quality of journalism suffered.

But that was not all. Inflation also saw the erosion of incomes of most journalists who remained in the country. In some cases a journalist's salary became less than the cover price of the newspaper that that journalist worked for. This erosion of income forced most journalists to moonlight to earn a living. In many instances, this moonlighting happens for publications that publish overseas – in the UK and US – because they pay better and in hard currency. The best stories are saved for these publications and, as a

result, the information that is available to Zimbabweans gets worse and worse.

Since Zimbabwean media laws do not allow the practice of moonlighting, most journalists who 'freelance' in Zimbabwe are forced to use pseudonyms. This in itself, whilst meant to protect journalists, has opened avenues of abuse. Journalists in desperate need of a few quick bucks, now end up filing any stories that they know the publishers, the public and donors want to read. So, just as one would file pro-Mugabe stories if one works for state media, one would file anti-Mugabe stories if one manages to get work from one of the opposition media or websites. One simply guesses what the paymaster wants to hear, and writes that, true or not.

Economic hardships have also forced some journalists to fabricate stories for the specific purpose of getting into trouble with the regime. This may sound odd, but the mechanism works like this: if the regime does not like you because of a story you wrote, you are likely to receive help and protection from an outside institution. You can move to a new country, get shelter and even a bursary. This is not to say that there aren't any journalists who are persecuted for real – there are. But for an increasing number, profiling themselves as 'persecuted' is simply an easy way to leave the troubled country and to find a future elsewhere, whilst avoiding the cumbersome process of obtaining visas and work permits.

The result is that accusations from the Mugabe regime that this-or-that opposition story contains falsehoods or fabrications are, ironically and sadly, often true. Two examples: Britain's biggest selling daily, *The Sun*, published pictures of what it called 'Mugabe's mansion'. A reader

later alerted the paper that the pictures were in fact from the set of a 2001 film: *Beethoven's 4th*. At about the same time, the *New York Times* published a front page picture of an 11-month old baby who was reported to be a victim of Mugabe's militias. It was said that the baby had been hurt. The journalists filed and the story was published. After medical examination at the clinic where the journalists had taken the baby, doctors told them that all that was wrong with the little boy was that he had congenital club feet.

We all know that the Zimbabwean state media publish biased and often untrue reports. Assertions that there is no food scarcity in the country were amongst the most notorious. The entire world is aware of the problems with the media under Mugabe control. Awareness is, however, lacking on the very structural corruption of all

Zimbabwean media that has taken place as a result of current events. Reporting in Zimbabwe has become littered with weak journalism, one-sided journalism, chains of unnamed sources, unnamed writers, outright lies and stories published without verification. All best practice and ethics rules in journalism appear to have been discarded on all sides.

When Mugabe goes, and the current opposition becomes the new government, what will happen to our media then? They will still be populated by ill-trained youngsters who have become accustomed to writing whatever they guess the highest bidder wants to hear. That is a much bigger and more acute problem for our media than the state propaganda ever was or is.

How to topple a government

Finnigan wa Simbeye

Chief reporter at *ThisDay* and *Kulkoni* newspapers in Tanzania, Simbeye also works as a correspondent for the *French African Report* magazine, an online publication called *Central and Eastern Europe Market Watch* and the Botswana-based *Inside Southern Africa Trade (Insat)* magazine. Simbeye's reports on corrupt tenders in 2008 led to the fall of the Tanzanian government.

It all started when a local company, Africommerce International Limited (AIL), complained that the government was grabbing back a project already allocated to AIL: the Dar es Salaam to Mwanza oil pipeline. Instead, the government was now awarding it to a foreign company called the Richmond Development Corporation (RDC). AIL had spent over \$15 million on this project already and therefore sought parliamentary intervention to stop the take over.

Background expertise and a scanning eye

The request for parliamentary intervention was a small note in the newspaper and my eye happened to fall on it because I routinely scan such legal and tender notices. I had done stories about construction projects before. I won-

dered why in this case the government wanted to snatch the project altogether, instead of getting the two firms to work in partnership, as suggested by the local investor. All this was contrary to government's policy, which was to encourage development of the private sector.

Personally, as a citizen of Tanzania, I feel passionately about the development of our private sector. This passion encouraged me to do the story.

I started off by clearly defining my various sources. I came up with the parliamentary committee chairman Njelu Kasaka, AIL managing director Elisante Muro, AIL technical director Dr Athuman Mfutakamba, Minister for Energy and Minerals Daniel Yona, RDC principals Dr Mohammed Huque and Mohammed Gire, the RDC website, ministry and company documents amongst others.

From these interviews and documents I gleaned that RDC had political backing both at home from the minister responsible and from the then Tanzanian ambassador to the US, Andrew Daraja. I established this beyond doubt from the RDC website itself and also from exchanging emails with

the company's owners. I also found that the RDC company's website claimed Tanzania and East Africa as places where the company's major projects are. This was incorrect.

The story was published, but that was not the end of the awarding of government tenders to RDC. The company then moved on to win a \$172 million tender to supply power to the state power company, Tanesco. I went back to my notebook and found the interview with former minister Yona, in which he admitted that the RDC was an incompetent firm, that would be incapable of delivering on the 100MW power supply contract with Tanesco.

After digging again into the nature of the RDC, I established that the company was in fact a mail-box company. Its two owners were a Pakistani power engineer and a Tanzanian businessman based in the US. All they had was a printing shop in Houston and an annual turnover of not more than US\$ 500 000 annually. At this point in time, RDC made attempts to get a US\$ 10 million down-payment from our government before they even delivered on the Tanesco project. Fortunately, parliament did not allow this.

Paper trail

I then started to follow a paper trail of correspondence and company staff movements and overlaps, showing who were the political and business heavyweights in Tanzania who were in with RDC. My initial story had now grown into a series and other media were also following up. The story had become a national issue, since the country faced 12 hours of load-shedding daily due to poor hydro-electricity supply as a result of droughts. When RDC failed to deliver 100MW by November 2006, there was widespread media condemnation. By then, my stories had already led to the formation of a parliamentary select team to investigate the RDC's power purchase agreement with Tanesco. Under all this pressure, RDC then sold the contract to Dowans Holdings of Kuwait.

In November 2007, parliament initiated a new probe, led by Kyela MP Dr Harrison Mwakembe, this time into the RDC-Dowans deal swapping. The committee investigated a US\$ 150 000 daily capacity charge fee paid by Tanesco to Dowans between April 2007 and August 2008. This was again condemned.

In February 2008, the committee reported its findings to parliament. Amongst these was the finding that our Prime Minister, Lowassa, had been among the political heavyweights who had supported RDC. This led to Lowassa's resignation. In August 2008, Tanesco severed its ties with Dowans as droughts had subsided and the extra power was no longer needed.

Obstacles and challenges

In doing this story I faced the usual difficulties: bureaucracy, stone-walling, threats of libel actions. There was lack of co-operation from public officials who feared exposure of the scandal; there were threats from key players such as one of the RDC principals, Dr Huque, who emailed me a threat in 2005. I also encountered spin doctors who offered false information and sometimes even false documents meant to trap us into a possible libel suit. If we would have taken these false documents at face value, and printed them, we could not have defended ourselves against a lawsuit. I can therefore not emphasise enough how careful I had to be in cross-examining documents and also in dealing with persons who volunteered information. Sometimes I even faced sabotage from within, among fellow journalists who were sent to distort information in the story.

Last but not least, I had to deal with corruption accusations against myself, since sometimes people accused me of having been corrupted by AIL, who were the rightful owners of the pipeline.

Rewards and lessons learned

All in all, doing this series has greatly advanced my career as an investigative journalist. I have been rewarded both in terms of earning more income and respect in the profession, I currently correspond with foreign publications such as *Inside Southern Africa Magazine* and *The Africa Report* as a direct result of my work on the RDC story. I have also managed to broaden my network with valuable contacts, such as high profile public and business officials with high moral values.

The lesson I have learned is that high moral values are important in investigative journalism. If you are irreproachable, you will earn respect. On the other hand, double dealing or loose talk may even endanger one's life. I was shocked to read for example, the story of Congolese journalist, Frank Ngyke Kangundu, who was allegedly murdered for trying to serve several political masters. This is a very real scenario in Africa and journalists should try their best to stay away from such situations.

My further tips for tender and contracts investigations are the following:

- Check company websites carefully – that was how I discovered the inflated claims RDC was making.
- Cross-check documents and make sure they are authentic. As said above, I was offered forged documents from people trying to expose my newspaper to libel suits.
- Integrity is very important to win the confidence of both parties in a conflict. Never show bias at the initial stage and get the facts correct as to who is really the bad guy.

Corruption in the public sector: the misuse of debt relief money in Nigeria

Theophilus Abbah

Theophilus Abbah is the editor of *Sunday Trust*, a weekly publication in Nigeria renowned for its investigative and exclusive stories. Earlier in the year, Abbah was awarded a FAIR grant to investigate how the debt relief fund allocated to Nigeria by the Paris and London Clubs, is being utilised. The resulting investigative report was published in the Nigerian *Sunday Trust* on 16 November 2008 and on www.fairreporters.org.

When former Nigerian President, General Olusegun Obasanjo, was negotiating debt relief with the country's Paris and London Clubs creditors, he argued that the US\$ 36 billion debt was a huge burden on Nigeria, making it difficult to raise funds for capital expenditure. He added that with about 25 per cent of the country's earnings going to foreign debt servicing, Nigeria would not be able to meet the 2015 Millennium Development Goals (MDGs). This argument helped, as the foreign creditors forgave US\$ 19.2 billion debt in 2006, and advised Nigeria to put the funds into the pursuit of the MDGs.

To a large extent, the fund boosted the MDG efforts, as it was planned that every year, from 2006, the sum of US\$ 1 billion would be channelled into specific MDG goals through government ministries and departments. As at June 2008, over US \$3 billion has entered into various projects, but the question many Nigerians are asking is, where did the money enter?

One area into which the funds are being channelled is primary health care delivery. Hospitals are built in rural areas and equipped with drugs and personnel. Primary health care is the responsibility of local councils, but over the years, not much has been done to lift it from the basement. The use of debt relief funds to build hospitals in rural areas was a welcome relief. But in spite of the exorbitant contract fees of US\$ 2.5 million each, not more than 10 per cent of the total of over 150 primary health care centres has been completed.

Local communities allocate land for the projects for free,

contractors are mobilised with no less than an advance of half the contract sum, but one or two years after, the structures are never completed. Most of the centres which are completed are without drugs, as the companies who won contracts to supply drugs reneged on the deals. Also, there are no medical personnel to man the centres.

In the area of water and road projects, the story is not very different. Only a few states have accessed the funds for water projects, and in some places where contracts are said to have been completed, water stops running immediately after top government officials leave the scene. Only one state has made a success of the water project. On the part of roads, many of them have been abandoned by contractors after receiving 'mobilisation fees'. In the education sector, contracts to build new primary schools have been awarded but only a few have been completed, while teachers trained under the scheme are not absorbed by the education ministries of state governments.

Huge funds have been allocated for poverty alleviation, but their use has become an issue of debate. Funds are given out to rural poor, vehicle grants are given out, and skill acquisition centres are supposed to be rehabilitated, but the transparency in the process is in doubt. The federal government has begun to investigate the agency involved.

As a result of my reports on the misuse of the 'debt relief funds', an anti-corruption agency said it would move to investigate some of the agencies and government departments involved.

Approaches to investigating public sector corruption

1. Check budgetary allocations for each sector. These would serve two purposes: to know what kind of projects government agencies are executing for that year, and to find out the estimated cost of the execution. In most cases, the cost of projects is inflated.
2. Cross-check with the company registration agency

who the owners of companies that execute projects are. In Nigeria, this agency is called the Corporate Affairs Commission (CAC). It is possible that top officials of government ministries/departments have interests in the companies they award contracts to.

3. Find out if projects are actually advertised in newspapers to ensure competitive bidding. In many cases, government officials do not advertise projects, and in the process, award contracts to themselves.
4. You should work with experts to gain insight into whether projects are properly awarded or the probability that they would be executed appropriately. For instance, while investigating the construction of primary health care centres across Nigeria, I discovered that the cost of erecting one of the structures – N19 million (US\$ 135 000) is too expensive. A quantity surveyor claims that those buildings could be completed at a cost of N5 million (US\$ 40 000). In this way it is possible to find out how government treasury is being looted.
5. Visit locations of projects. When you do so, you will know whether or not they are being executed. Most times, government releases funds to contractors, but instead of executing such projects, the contracts connive with top officials and get the money shared among themselves. They would close the issue by signing all the necessary

documents indicating that the projects have been completed, but on the ground one can see it is not true.

6. Meet beneficiaries of projects. Most times, those who are earmarked to benefit from support from the government do not get it. For instance, during my investigation, I discovered that communities where roads, water and electricity projects were to be sited were not even aware that the contracts had been awarded. But, it is on record that those projects had been completed!
7. Work with anti-corruption agencies. Aggrieved stakeholders should always raise allegations of corruption against officials and submit them to anti-corruption agencies. In Nigeria, we have a functional Economic and Financial Crimes Commission (EFCC) and an Independent Corrupt Practices and Other Related Offences Commission (ICPC). A reporter could get vital documents from these commissions, but they would need to be scrutinised properly and verified, because in some cases, petitioners submit 'half information' to anti-corruption agencies.
8. Work with parliamentary committees. Parliamentary committees have access to a lot of information. They could help to provide insight into government departments where they have oversight functions. Reporters could gain a lot from them.

Fifty-six dead and counting: How the *Mining Mirror* in Zambia investigated fatal mining accidents

Danny Sinyangwe

After working as a reporter and radio programme producer for *Trendsetters* youth magazine in Zambia, and later as a health researcher for the International Labour Organization, Danny Sinyangwe joined the *Mining Mirror* newspaper in Ndola in 2006. Due to his in-depth investigative reports on mining privatisation, mining accidents and general safety and health concerns in the mines in northern Zambia, he was appointed editor of the newspaper in 2007.

The *Mining Mirror* newspaper, that I work for, was historically owned by the mining conglomerate Zambia Consolidated Copper Mine (ZCCM) which used to control the mines. After the privatisation of the mines in 1996–7, however, the new mine owners didn't want to have anything to do with the paper and they sold it. This was a blessing in disguise, because it gave us a chance to follow and interrogate what happened on the mines, and what the new bosses did, afterwards.

At the time when the mines were privatised, the copper prices were not doing so well. The new owners, as a result, opted to halve the work force because law obliged them to take care of medical care and school allowances for miners' children, and they said they could not afford that. The government had to agree as its hands were tied by the International Monetary Fund (IMF). Much needed financial aid from the IMF was dependent on Zambia privatising as quickly as possible, and there was no time to argue. So half of the miners were fired.

After two years of operations, labour-related disputes between mine owners and the unions about salary issues emerged. There was also unhappiness about wage discrepancies between the assistant managers and their immediate supervisors. As a result, the new Chinese mine owners fired the managers and replaced them with loyal employees they had in place elsewhere. They also brought in expatriates, who had been in learning positions under Zambian workers, but were being paid more. In some cases, those who were doing the same work, on the same level with the Zambians were paid more. I reported on the disputes all along and in the end they were settled.

Some get tax benefits, others don't

When the copper prices went up, the mine bosses looked for more labourers to maximise production and make more profits. It was urgent for them to still benefit from the 'tax holiday' they had been given by the Zambian government under pressure from the IMF.

Also because of the booming copper prices, and high profits, the Chinese conglomerate was able to branch out. It got a license to start manufacturing explosives under a subsidiary called Bgrimm. They too enjoyed good tax incentives and as a result forced an older local company, called Dyno Nobel, that received no tax benefits, to collapse. We ran a story on that, too.

The Bgrimm factory owners then engaged subcontractors to provide labour in poorly ventilated parts of the factory. In that way, they were not going to be responsible for damages in case of accidents. They did, however, push the contract companies to meet the production target, saying that if they did not deliver, they would get another subcontractor. This resulted in a lot of accidents. There was a big disaster in 2005, where 56 Zambian people died. They were young: the average age between them was 25. No Chinese national died. The factory closed after that, but the cause of the accident was never made public.

After the Bgrimm disaster, I spoke with the Dyno Nobel engineer who had drawn up the manufacturing plan for Bgrimm when there was still talk of the two explosives factories merging. The engineer, however, left after his plan was rejected. He told me that the new, cheaper plan was

based on storing the positive and negative ionized explosives parts in the same building. This is risky because once the place gets too hot, the ions can get charged and start to react together. That is what led to the explosion.

He also confirmed that a deceased heavy-machine operator died from poisonous gas that had been leaking from one of the pipes. There had not been enough oxygen where he was working. I ran these stories, too. There was no response from either the mining authorities, the explosives factory or the government.

What did happen was that workers rioted after the accidents, also demanding better pay, but the Chinese security guards fired live bullets into the crowd, killing 5 people. This actually almost cost the then President Mwanawasa (now deceased) his victory in the 2006 election. The pattern of voting indicates that the people are bitter with what has been going on.

Headaches and breathing difficulties in Mufulira

In another town in our area, called Mufulira, the Mopani mine owned by Glencore also experienced serious accidents. The employees' wives started marching in the streets, protesting and demanding an explanation for the frequency of the accidents.

After talking to families that had been victimised by accidents, I discovered that they all shared complaints that were unrelated to the accidents themselves. The workers told me that they had difficulty breathing, and also suffered from eye irritations and continuous headaches. A safety officer of my acquaintance explained that most of the areas where these casual workers were employed were not safe.

He also explained a mystery that had been bugging me for a while: the cause of death of a miner who had found dead under an earth moving machine, after just working for the Chinese NFC company for three days, had been reported as malaria. I doubted this, and the safety officer confirmed my doubts. It was improbable that the man had had malaria, certainly not at such an advanced stage, because to go underground one has to be certified fit. A routine six-month check is mandatory. If he had had malaria, this would have been picked up. This again was a case of mine owners refusing to take responsibility for lack of safety, which was killing people.

Back to the breathing difficulties, the sore eyes and the headaches. At Mopani mine, the copper prices, which were now under pressure on the world market, pushed the mine owners for more production. Each time the production process starts, a waste gas called sulphur dioxide, is released into the atmosphere inside the mine, but also outside. This mine is located within the community where people live, within close range of a school, a hospital and parks. One day, when I went to watch a rugby match on a

field near the mine, the fumes started coming out. I could hardly see the person next to me. I could not finish watching the game.

I kept wondering how safe the situation is for the children because some of them have lived in those areas for

long time and are adults now. In the rain season, it gets particularly bad because the sulphur mixes with rainy and collects in the streams; this forms acidic water and children swim in these streams. I am now working on that story concerning the effects of sulphur dioxide in children.

Houses not built, children left without medicines, and a death squad in Luanda: Community radio as an investigative journalism tool

Manuel Vieira

Manuel Pedro Vieira is editor of Radio Ecclesia, Angola's Catholic churches-linked community radio service. He edits the news service, edits informative programmes, chairs 'open microphone' community debates, participates in general fora where the role and responsibilities of media in Angola are debated and regularly trains young radio journalists. He won Best Radio Journalist awards in Lubango for two consecutive years, in 1999 and 2000. At the FAIR Summit, Vieira presented several investigative programmes recently broadcast by Radio Ecclesia.

Angola has almost 15 million inhabitants, but since many years have passed without a population census, it may be much more than that. According to some studies, 6 million people, hailing from a total of 18 provinces, live in our capital, Luanda. Angola is poor: 70 per cent of my compatriots live on less than US\$ 1 per day.

The media, at least the private media, are poor too. The sector receives no state support and depends on the sale of publications as well as the sale of space and (in the case of broadcast media) airtime to advertisers. Foreign donors assist some of these private media institutions. This is also the case with Radio Ecclesia.

State-funded official media do not provide for the information needs of Angolan citizens. People in areas that are far from the capital do not even get to know what the state policies, in relation to the needs of these areas, are. When the Cabinet approves a plan for a certain community, no one broadcasts the news in an intelligent manner: asking what is being done, what is planned and what is needed. This is why alternative media, like Radio Ecclesia, work

hard to investigate policies, compare them with needs, and look for manners to pressurise the authorities to ensure that needs are addressed and plans are properly implemented in the communities.

Often, however, it is difficult for us to cross-check the information. The big problem here is that, as a rule, our leaders do not speak to the private media. It is only occasionally that we receive responses to our questions.

This is not the only difficulty. Often, authorities get really upset with the activities of the alternative media, and as a result many investigations are left unfinished. Some journalists are pressured psychologically, are threatened or lose their jobs. The unsolved murder of Ricardo de Melo, editor of *Imparcial Fax*, in 1995, is still fresh in our memories.

Journalistic investigation is still an uncertain adventure here in Angola. Corporate interests of media houses, prescribed political editorial lines, interference by political power, lack of press freedom, lack of money, the non-existence of freelancers, lack of training and a culture of fear stop journalists from looking for truth.

In the face of these challenges, Radio Ecclesia particularly focuses on the following three areas, that represent three principal aspects of present day Angolan society:

1. National reconstruction: The sector of investments in civil construction is important, since Angola is at a stage of accelerated reconstruction and many tenders, projects and contracts materialise as a result. After the war ended five years ago, the president of our country promised the construction of twenty houses per day. The public was elated when the news was broadcast in

the state media, but the reconstruction did not happen.

2. The HIV/AIDS epidemic: This is a national emergency.
3. Police violence: Recently, there have been many unexplained murders of young men in Sambizanga, considered Luanda's most violent area. These are attributed to a police death squad. Groups of national policemen are accused of 'fighting crime' (mostly muggings and armed robberies) by simply and randomly shooting young men.

The following community radio work by Radio Ecclesia in these three areas can be reported.

National reconstruction

We found that house construction programmes continued at the same slow pace as before, with no acceleration. In the electoral campaign in 2006, our leaders promised that 1 million houses would be built during the next four years. Again, until today, this has remained an empty promise. Building is slow and all the enterprises that got contracts belong to people who are connected to those in power, and to army generals in particular. Even the Minister of Housing is a general. This very fact makes it difficult for us to investigate the contracts and the implementation. Suspicions of corruption abound, but as yet we have been unable to find evidence.

Public health, HIV/Aids and antiretroviral roll-out

A few months ago we discovered that about a hundred children, in the biggest paediatrics hospital in Luanda, were in need of second-line antiretroviral medicine, but were not receiving it. We went to the hospital and listened to doctors, parents and children; we reported on their trauma, their dreams, their agony and much more. We contacted the government but, as usual, they didn't want to talk to us. We published the recordings in a series, broadcasting our findings: that the Angolan state spent US\$ 5 million per month buying the needed drugs, but that the principal hospital of reference in the capital did not receive any.

Finally we succeeded in contacting the minister of the sector, who had been the vice minister in the same health portfolio for the past five years, and he said that he didn't know. He only announced an enquiry, which is still underway. During this investigation, the national director for the fight against poverty verbally attacked one of our reporters, accusing her of 'poking her nose in his business'.

Radio Ecclesia continues to investigate its suspicions that there is large-scale embezzlement of medicines for the purpose of fraudulent sales to private clinics.

The killings in Sambizanga

As I said before, Luanda has about 6 million inhabitants. It's too many people altogether! Some ran from the war in

many parts of the country and settled in Luanda as a place of refuge. The Sambizanga area is one of the poorest, and most crime- and violence-ridden in the entire capital.

According to inhabitants of Sambizanga, for the past few months, groups of men in civilian clothing have entered the area in the evening, looking for 'criminals'. They then shoot young men they seem to suspect of being criminals, often close to their homes.

In one incident, an armed group in civilian clothes, which had arrived in a civilian car, murdered some actors who had been in Sambizanga to film a scene for an action film about juvenile robbery. Clearly, this death squad was not aware that these were actors working for a film, or that the making of the film even had received permission from the authorities.

Some time before that, a musician called 'Amizade', who was a member of the group 'Os Lambas', was shot by armed men, who had confused him with someone else. Another supposed 'delinquent' was killed near his home. In the same municipality, near the Roque Santeiro market, excessive police shooting caused the death of a youngster and a woman who had been selling her wares.

Our investigation of these incidents accelerated when, on 23 July 2008, four armed men ambushed eight young men at a meeting. They shot them at point blank, many times. Witnesses said they referred to their actions as '*a frescura*': the breath of fresh air. The witnesses identified the men as policemen of the Sambizanga division. Though police for a long time refused to entertain the issue, or to answer any questions, eventually the social pressure through Radio Ecclesia led to the arrest and the prosecution of seven men thought to be involved in the massacre.

What we did was the following. Our reporter went to the terrain, and gathered and counted the bullet casings. There were 57 bullet casings of the same calibre as used by the men, proving that this had really been a massacre. We then approached some witnesses, and with their help, were able to produce a reconstruction of the crime. A specialist also assisted us and, in the end, we were able to prove that this had been an organised group, and an organised and premeditated action. We then opened the microphones to the public. Many people demanded the death sentence for those responsible.

It is a difficult investigation, since we are dealing with the police here and we ourselves are not safe. In spite of all the evidence, and the concern of many experts and academics about the goings-on in Sambizanga, police still refuse to admit that a death squad with police links is operating in the area. However, we have established, through many chronological reports and statements, that about 25 policemen have been involved in these events. So far none have been brought to justice.

The investigation continues.

Investigating trans-border environmental issues

Ken Opala

Ken Opala is founder and executive editor of the Africa Investigative News Service (AINS Media). He won the Global Natali Lorenzo Prize for Human Rights Reporting in 2003 and the Brussels-based International Federation of Journalists (IFJ) award in that same year. He was CNN African Journalist of the Year in 1997, Kenya Print Journalist of the Year in 2000 and he won the Peter Jenkins Award for East African Conservation Journalism in 2002.

A year ago, I stumbled on a story that redefined my focus about international investigative journalism. While attending a conference on the environment in the Norwegian coastal city of Trondheim, I got to know that neighbouring Tanzania planned a soda ash mining project in the northern part of the country. But the mine, Lake Natron, was the hatching ground for a unique flamingo that happens to be the key cash-cow for Kenya's tourism industry, contributing one in every three shillings the country earns from tourism.

Interestingly, the Tanzania government was hardly conscious of this fact – and if it was, it didn't appear to care about the looming environmental destruction. My subsequent article in Kenya's *Daily Nation* managed to stall the project – temporarily. But the best outcome was that the one-page article got the two governments talking, even as it set the environmental watchdogs on a collision course with the proposed miners and the Tanzanian leadership.

The relevance of this story is that investigative journalists should be in the know about key developments not only in their own, but also in neighbouring countries. Investigating cross-border issues is gradually becoming a central theme in journalism in the world. Issues such as pollution, fraud, wildlife use and conservation, tobacco smuggling, immigration, and terrorism transcend national boundaries and their effects are felt on the global stage – not just at home. They are global crises.

Take the example of pollution. A leading blogger, Larry West (about.com), says: 'As a result, pollution from one

country often causes environmental problems in another, creating a dilemma for both nations as they try to work through diplomatic channels to assess the damage, assign blame and develop practical solutions.' A good number of water masses are shared across borders. The Nile is a good example. It starts in Kenya and Ethiopia and snakes all the way through Uganda, Sudan and Egypt to pour into the Mediterranean Sea. Pollution at source in Kenya would affect the Egyptians and the Sudanese. Equally, destruction at the source (such as deforestation) could deny end users this critical commodity.

Pollution apart, use of wildlife is contentious too. The possibility of conflict is so eminent owing to the trans-border sharing of the resource in east, central and southern Africa. Remember bird-flu?

How does one isolate a story that originates in another country? Here are a few tips:

1. Go through the development plans/policies of your neighbouring countries with a fine tooth comb. In the blueprints are proposed projects that may have a bearing on the use of shared resources, such as wildlife, rivers, etc. For instance, Kenya and Tanzania share a wildlife corridor called the Mara-Serengeti that features the Great Wildebeest Migration. If, for instance, Tanzania were to allow commercial wildlife sports hunting, it would impact heavily on a Kenya that is defiant to the activity.
2. Have your ear to the ground for the sound of war drums. Go beyond the typical story such as refugees. War destructs the environment as much as lives. In the DRC, warlords are using timber sales to further their murderous acts. Yet the culprits are not the Congolese: the traffickers are cabals of Kenyan, Ugandan and Tanzanian traders who have been moving the timber to Asia. The destruction of the ubiquitous Congo Forests

will have a great impact on the rainfall regimes in neighbouring regions – as well as the continent.

3. Examine the budget (government expenditure proposals). How much is your neighbour allocating to environment issues? A good journalist warns about an impending disaster. Thus, if your neighbour cares less about the environment, talk about it and make people aware about the likely impact on poaching, water pollution, trans-boundary flow of poison, etc.
4. Epidemics or disease warnings. The discovery of a bird flu case in Botswana could affect the entire region. An investigative writer should therefore view the incident against immigration, customs traffic, seasonal flow of wildlife and birds, the capacity of neighbouring countries to deal with an epidemic, etc. How is your country prepared? Indeed, this would give the journalist a chance to scrutinise her/his country's (region's) preparedness for crises.
5. Tests. Take random tests of river water sourced in a neighbouring country but that is consumed locally. What are the chemical levels and what do the results say about the environmental policies (and/or practices) of the neighbouring country? Test the results against diseases/epidemics that afflict people who use the respective river water (this info can be acquired from local hospitals, medics, etc).

Of course it is assumed that you have run all these checks on your own country already!

As sources of info, it is not only 'googling' the internet that is useful. Networks of journalists, international media (newspapers and magazines), international workshops,

visits and travel, can deliver important information. Since cross-border investigative projects require a lot of team work and coordination, whoever is interested in pursuing such a project should identify colleagues in the neighbouring country that share the interest. Networks of journalists are key here. The Forum for African Investigative Reporters (www.fairreporters.org) runs a helpdesk that, upon request, actively mediates in bringing colleagues in different African countries together. FAIR also assists when a cross-border project requires co-operation between colleagues in Africa and internationally (for instance, when the investigation concerns the activities of a multinational company with headquarters in Europe).

Besides FAIR, other essential network websites are :

- www.ire.org (Investigative Reporters and Editors)
- www.ijnnet.org (International Journalists' Network)
- www.cpj.org (Committee to Protect Journalists)
- www.ifj.org

Good information sources include the following :

- World Health Organisation (www.who.org)
- International Monetary Fund country information (www.imf.org/external/country/index.htm)
- Transparency International (www.transparency.org/documents/index.html)
- Centre for Diseases Control and Prevention (www.cdc.org)
- World Bank (www.worldbank.org)
- United Nations (www.un.org)
- CIA World Fact Book (www.cia.gov)
- Environmental Protection Agency (of respective country)
- The media (in respective countries)

Dead mothers and closed hospital doors: the Kinshasa abortion story

Charles Mushizi

Charles Mushizi is a lawyer by profession and an investigative journalist by passion. After investigating dozens of cases of censorship and assault against journalists whilst working for *Journaliste en Danger* (JED) in the DRC, most notably his investigation of the murder of Franck Ngyke Kangundu in Kinshasa in 2005, and starting an investigative blog in 2006, Mushizi launched his career as a journalist for IPS and Africa News in 2008. He started the foundation *Publication en Danger* in the DRC with assistance of FAIR and local FAIR members in the same year.

In June 2008, a beautiful and recently divorced academic of 34, bled to death on the doorstep of a private clinic in the Kintambo suburb of Kinshasa, the capital of the DRC. She had been transferred there from another clinic, but had already been bleeding when she left there and did not make it to the operating table in time. Her cause of death: excessive haemorrhaging from the womb – a symptom consistent with unprofessional curettage as practised in unprofessional abortions.

On the morning of that very same day, in the icy cold of the dry season, two babies of less than three weeks old were found in separate gutters in another suburb, Makala, of the same city. Ten days before that, in yet another part of town, close to the Kalumu river, a baby of no more than three days old was found dead in a black dustbin bag. In February 2008, TV reported how street children living near Kinshasa's Central Market were seen taking care of a newborn that they had found. And in 2007, local TV interviewed a lady who was on her way to buy bread in bulk for her to hawk on the road, and who found, on the side of the road, a 'plastic bag that moved': yet another abandoned baby.

Babies are frequently abandoned in Kinshasa. On hospital beds, from where the mothers run shortly after giving birth, or in the streets. Though the Kinshasa General Hospital and health authorities routinely and stubbornly refuse to respond to requests for numbers and statistics

or indeed any information at all, records that were finally obtained from the Health Ministry mention hundreds of cases of abandonment of babies, together with hundreds of cases of illegal abortion, in one city, every month. The same statistics mention another few hundred cases of female patients hospitalised with abortion complications (consistent with illegal abortion) per month.

These statistics do not include the estimated hundreds of babies that are found dead every month in the same city: strangled, buried alive or dropped into long drop toilets by the women from whose wombs they came.

'Happy to be alive'

More than ten out of twenty young women interviewed by this reporter, said that they were aware of the present ongoing carnage of young women and babies in the DRC, and that they would liberalise the country's current abortion laws that forbid termination of pregnancy even in the case of rape or an unhealthy or disabled foetus. About half of this number had had abortions themselves, and all had friends or relatives who had gone for abortions. All were aware that abortions in the DRC are illegal and unmonitored by health authorities, and therefore carry health risks. Some said they were 'happy to be alive' after having suffered perforated uteruses, infections and fertility problems.

In Kinshasa, everyone knows about 'these things'. But the matter is never discussed where it matters, and the silence from authorities, be they hospital directors, health administrators or government is the most deafening of all. The underlying reality might be too scary to handle for these authorities, as it indicates a silent revolt of women against the burden placed on them by a society: to bear, feed and educate offspring all alone, often without resources and without help from fathers, family or society itself.

That reality is probably too much for those in positions of authority – be they in charge of government or of entire

families – to stomach. The church doesn't talk about it – except when efforts to liberalise abortion are to be condemned – and families don't talk about it. Even the DRC government and parliament refuse to talk about it.

The silence surrounding the very modest proposals for a slight liberalisation, contained in the Maputo Accord on the Rights of Women, that was accepted by member states of the African Union in 2003, speaks volumes: the DRC parliament hasn't discussed it even once. When there were indications, in mid-2008, that the Accord might finally be tabled, the Catholic church protested so loudly that it was again hastily removed from the agenda.

So the DRC stays for the foreseeable future with Criminal Law articles 165 and 166, which label all abortions carried out without medical recommendation (i.e. to save the mothers' life) as criminal. The crime carries a maximum sentence of 15 years, both for the woman seeking the abortion as well as for the practitioner who carries it out. (Cynically, at the same time, the Mobutu-era law dating from the seventies, that proclaims that women are 'sexually mature' at 14 years, leaves grown men free to sexually prey upon and intimidate such young girls without risking a statutory rape charge. Many cases of sexual 'relationships' between 'dignitaries' in the Mobutu (and successive Congolese regimes) and very young teenage girls, have been reported since.

Meanwhile, investigations and criminal prosecutions in abortion cases do little more than point fingers at 'criminal' women, whereas the responsibility of the man who caused the aborted pregnancy is ignored and protected, both by the legal system and present social morality. It could be said that the women who are criminally prosecuted are the lucky ones: at least they survived a practice that is estimated to kill thousands of women in DRC and other African countries where abortion is outlawed, every year.

Some women are lucky. One can get an abortion in a hygienic environment, carried out by a real doctor, with sterilised equipment, if one has the right contacts. According to Kinshasa gynaecologist, Dr Bamba, who is a supporter of abortion liberalisation, 'Many doctors do assist with requests for abortion,' simply to help women in need of the procedure, but 'none of them would ever admit to it because they would go to jail.' These abortions, though organised by such doctors to comply with standards of medical hygiene and infrastructure as much as possible,

are still out of necessity carried out in 'underground' conditions of secrecy, and are therefore still riskier than they need to be.

Says Dr Bamba: 'It's mostly young girls, and even concerned parents of young girls, who come to ask for the procedure. Loving parents are concerned for the effects of a pregnancy and motherhood on a young girl, who will likely lose out on her education, or she or her family are simply unable to carry the cost of a child. There are also many cases where parents are concerned for the "honour" of the family.'

'Girls who do nothing to prevent babies are stupid'

But it is Kinshasa's university environment, where young adults of both sexes explore their first sexual relationships in relative freedom, where one would find legions of cases of young women actively looking for abortion facilities, and passing on 'helpful' information to fellow students in the same situation. Interviewed students admitted that they had 'a lot of sex' and that 'a lot of abortions' happened as a result. All mentioned the regrettable attitude of many male students, who 'simply refuse to use condoms'. Regular safe birth control for females was also often hard to come by, though it was also admitted that 'Many of us have not been educated about contraception. In school, they only talk about this to the boys.' One student related how she 'almost died' after having an illegal abortion and said that from then on, she had been 'extremely cautious'.

Most female students interviewed, whether they were religious or not, supported the liberalisation of abortion. 'How must a girl who already had a baby ever get married?' said one. 'Men don't marry you if you already have a child. And those girls who do nothing to prevent having babies, whilst they do not have the money to feed them, are simply stupid.'

But the countries' leaders seemingly don't hear the cries emanating from statistics, backyards, doctors and 'moving plastic bags' in the street. 'The issue is not a current priority,' said a parliamentarian who agreed to speak to this reporter on condition of anonymity. 'Every session we as parliament draw up an agenda and this sort of thing doesn't interest anybody yet.'

Lack of access to information in the DRC

Charles Mushizi

Like in most countries in sub-Saharan Africa, accessing information sources, both public and private, in the DRC is still a major challenge for a journalist. Access to state archives is a superhuman effort, even when these archives are not subject to any 'state secret' regulation. When I investigated the abortion and abandonment of babies in Kinshasa, wanting to know how many such cases were registered in maternity and other public services, or with the police and in the justice system, literally every door I knocked on remained closed. For two months I tried in vain to get official information on the number of 'illegal' abortions and the abandonment of babies in the streets of Kinshasa. As a lawyer by profession, I am aware that this information does exist in the social, health, justice and census departments. Authorities simply don't want to give it out.

In this situation, only a certain flexibility would get me the information I was looking for. Whilst I applied other methods on the side, like a mini-survey amongst young city women, I also approached old friends and acquaintances who worked for the relevant departments. I had to do a lot of convincing to get them to help me, because they could be suspected of 'leaking' and then be victimised. Fortunately, they understood my arguments that this information was in the interest of the Congolese public and that the behaviour of the officials was against modern norms of social justice and transparency. But in some cases I had to resort to the payment of small 'commissions' in order to get the information. On the Congo, that's just the way it is...

Is this ethical? I would say, in most cases, yes. An investigative journalist is also an activist for freedom of the press and the public's right to information. If the investigative journalist does not research and publish information in the public interest, holders of power will continue to deceive the public by hiding important information about their management of public affairs while they commit corruption, embezzlement, theft and even murder. Therefore I strongly

support, in the DRC at this present time, a special code of ethics that allows for the use of unconventional methods to access information. The only criteria here should be that, firstly, the issue that is being investigated is clearly in the public interest, and secondly, that the published information should not harm anyone except, of course, the individuals that have committed the exposed misdeeds. And then the only harm should be that of the exposure of these misdeeds, and no other.

A legal, but surprisingly underused method, is the technique I used of creating my own 'statistics'. A so-called 'small survey', like the one I did of young city women in Kinshasa, can give a reporter a quick general idea of the scope and importance of the issue that he/she is investigating. I asked a sample selection of 20 Kinshasa women of different social backgrounds and professions about their personal experiences with abortion, and found that the majority either had had an abortion or knew somebody who had. This allowed me to proceed with some basis to the story.

This method should in my view be promoted and used much more vigorously, especially in countries like mine, where documentary information is so hard to access. A small survey, even if methodologically not on the same level as those produced by expert polling agencies, can help a lot in creating a reporter's own database.

We have, however, another big problem when it comes to publishing investigative stories in my country. Our draconian information laws make it almost impossible to publish anything about powerful personalities in the political, economical and military elite. Any published negative information regarding such a person can, and is often, prosecuted as a case of 'defamation', 'insult' or a 'false rumour', even if it is true and even if you have the evidence on which to base such accusations. With or without evidence, these are 'media crimes' in the DRC. When VIPs really get angry with you, you can even be killed by 'unknowns'. This has

happened to Bapuwa Mwamba, Serge Maheshe and Didace Namujimbo.

A third, massive problem, is the reluctance of our media houses to publish information that does not generate income for the media house. Our press is not at the stage where media owners see it as their business to furnish good journalism products to the public. Most of them see themselves as public relations vehicles for sources – politicians and other VIPs – that will pay money to see their names and speeches carried and broadcast. As a result, for example, my article on abortions is being carried only outside, and not inside, the DRC, because publishing it is simply not attractive to our media owners: it doesn't come with money or important connections, it is simply an informative piece.

And even if the man (or the woman) in the street may buy the newspaper because he or she is interested to read about the deaths of women and the abandonment of babies, the street purchase of the newspaper is not what matters to

the media house. The income from the public is too little, and therefore the public interest doesn't matter.

We will have a long way to go to develop a proper, modern press in my country. In a first effort, intended to bolster a journalism that focuses on the right of the public to know, we – a few colleagues and myself – have put in place an organisation called *Publication En Danger (PED)*. PED brings together journalists, activists and researchers in order to promote the public's right to information through professional journalism. PED campaigns for the publication of public interest stories by media houses, and for the journalists' right to access information in the course of their pursuit of such stories. We haven't booked any major victories yet, as we have only existed for a few months, but we have good hope that we will be able to report some progress at the next African Investigative Journalism Conference. Who knows, maybe by that time the above story may have been published in Kinshasa...

The South African access to information law: a case study of hard work and surprising rewards

Gerard Guedegbe

One of the most far-reaching pieces of A2I legislation passed in Africa is South Africa's (SA) Promotion of Access to Information Act of 2000 (PAIA). The purpose of PAIA, in its own words, is: 'To give effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.'

The South African PAIA is one of the few pieces of access to information legislation in the world to apply to both public and private bodies as well as to records, 'regardless of when the record came into existence' (Section 3, p.9). It also applies 'to the exclusion of any provision of other legislation that prohibits or restricts the disclosure of a record ... and is materially inconsistent with an object, or a specific provision of this Act'.

PAIA sets out a wide range of enabling provisions for information requesters, one of the most important being that a requester's right of access is not affected by 'any reasons the requester gives for requesting access' or by the relevant information officer's 'belief as to what the requester's reasons are ...'. There is also an expansive list of the duties and responsibilities of public and private information holders, a key feature of which is the requirement to publish manuals containing comprehensive details of how to access information as well as provide categories of records that are automatically available. PAIA also provides for the Human Rights Commission to play a major role in assessing, monitoring and implementing various aspects of the legislation.

Despite its progressive and expansive content, however,

there are several aspects of PAIA that present serious barriers to the full realisation of the right of access to information. PAIA provides a limited right of access to information since it reduces access to records only, leaving out all other types of information that are not contained in a record. This is in direct contradiction to Section 32 of the right of access as contained in the Constitution, which states that, ‘everyone has the right of access to any information’ (held by either public or private bodies). According to Section 27 of PAIA, if an information officer fails to give the decision on a request for access within the prescribed 30 day period, then such a request is deemed a refusal. This allows holders of information the option of simply ignoring certain requests and gives lie to one of the main objects of PAIA which is ‘to promote transparency, accountability and effective governance of all public and private bodies ...’ (Section 9, e, p.11).

PAIA sets out several grounds for the refusal of a request for access to records in both public and private bodies. One of those grounds for refusal prescribes the ‘mandatory protection of commercial information of a third party’ (Sections 36 and 64). This provision has the potential to prevent access, on the grounds of ‘commercial confidentiality’ to information emanating from the privatisation and/or corporatisation initiatives of the government that fundamentally affect the realisation of certain socio-economic rights.

In relation to the various grounds for refusal, there are no specific guidelines contained in PAIA for an information officer to be able to make a distinction between those that are mandatory and those that are optional. This applies, most importantly, to the optional grounds for refusal associated with information that might ‘cause prejudice’ to the defence, security and international relations of the Republic of South Africa and that cover related records ‘held for the purpose of intelligence’ (Section 41, p.24). This leaves the field of interpretation wide open for refusing access to centrally important spheres of information, including information directly connected to human rights violations.

Section 12(a) states that, ‘this Act does not apply to a record of the Cabinet and its committees’. The exemption of Cabinet records effectively renders the right of access to major policy decisions and processes of government inaccessible to the public (for example, state policy on reparations). This is completely inconsistent with the constitutional right of access to ‘any information’ held by a public body. Human rights in general cannot be exercised fully when access to the key decisions and processes that provide the foundation for both legislation and administrative action by government is denied.

While PAIA provides for the mandatory disclosure of

information in the ‘public interest’, the applicability of such a public interest override is incredibly narrow. The stated grounds for mandatory disclosure are only applied to records that would reveal evidence of illegal acts and/or ‘serious public safety or environmental risk’. There is also no clear guide as to what the ‘public interest’ might actually be.

A success story

In spite of the abovementioned problems, several investigative reports have been published on the basis of PAIA applications. One such a story concerned military relations between apartheid SA and Switzerland, between 1948 and 1994 – the time period in which apartheid was law in South Africa. The initiative for the story was taken by a Swiss researcher, Dr P. Hug, in the context of a bigger academic research programme into Swiss-SA relations at the time of apartheid. In this bigger programme, of course, arms trade was the ‘hottest’ issue to investigate. Dr Hug approached FAIR member Evelyn Groenink for help.

It was Dr Hug who, from the start, proposed that they use the PAIA to get information from the military. This is important because it shows that even in this SA case, the initiative did not come from the SA-based journalist but from a European researcher. Maybe African and African-based journalists lack faith, courage, time, or simply they are ignorant of such possibility? ‘In my case it was faith,’ says Groenink. ‘I never thought it would work, since I was aware of the huge obstacles and the bureaucratic delays. But Peter Hug had reserved time for the process in his project, and encouraged me constantly. In the end, it worked.’

The procedure indeed took the duo almost a year. The law existed, but management structures to implement the law did not exist. No information officers had been appointed. No department (not Foreign Affairs nor Armscor, the crucial parastatal company where all the shady contracts had been drafted and concluded) even knew that the law existed. For a long time, all phone calls, visits and complaints failed to elicit even an acknowledgement.

Luckily, after campaigns by the Open Democracy Advice Centre (ODAC) and the South African History Archives (SAHA) at the University of Witwatersrand, the military and the police (two crucial apartheid state structures) had appointed information officers. ODAC and SAHA had even gone to court to force the military to release catalogues of their records. Catalogues are important, since researchers can’t do much without them. PAIA prescribes that one has to apply for a specific document; you can not ask for ‘anything you have on Swiss contracts’. The answer will be that this request is too vague and that there is no capacity or time to go and dig for any record that may fall within the subject. It is for that reason that PAIA

prescribes that all institutions must provide a catalogue of their records, to enable the researcher to ask for specific documents.

SAHA had already received (through court cases) such catalogues from the military. The police was being helpful as well and had made available some papers. Hug's and Groenink's search delivered some records from these entities. However, still, the most crucial entity, Armscor, simply did not answer the phone or emails. The researchers were faced with having to take them to court, but there was no money for such an action. SAHA was able to help fund a few lawyers' letters, but after that, they had also reached their limits.

Everything would have stopped there, if our investigators didn't strike it lucky through a contact close to the then Minister of Defence, Mosiua Lekota. The contact convinced the minister to act against Armscor. From then on a friendly, Armscor-employed, lawyer assisted them and, all of a sudden, catalogues existed, records were identified, assessed and, in many cases, where the security of the nation was deemed not at stake, even released. Dr Hug even received a letter with apologies from the minister himself.

In the end, the duo was also rewarded with a Golden Key Award for access to information activities, awarded by the South African Human Rights Commission.

The story shows that PAIA laws need:

1. cases where journalists ask for real information (otherwise, the law remains a piece of paper);
2. pressure from civil society (SAHA & ODAC did great work); and
3. political campaigning by journalists and democrats together (the intervention with the minister, through a mutual friend, came about because he and they knew each other as political activists. The arguments were also political: it wasn't a question of asking for a friendly favour).

Most of all, PAIA laws need media who are willing and able to spend time, energy and resources on access to informa-

tion pressure and procedures. The African media, with the exception of some, are generally not in a position to do that. Even if they are willing, they are often too poor to employ legal expertise for long periods of time.

FAIR is presently fine-tuning a campaign that will enable journalists to pressurise and encourage editors and media houses to assist them in the fight for information. A hall of fame, a courage award for editors, a channel, through FAIR, to various international Legal Defence Funds, are part of this campaign.

Caution: read first before campaigning

We generally support the introduction of A2I laws in countries that do not yet have these on their books. However, we need to be careful about the *type* of A2I law a government passes. What about Zimbabwe? In 2002 Zimbabwe passed the Access to Information and Protection of Privacy Act (AIPPA). It sounds positive enough from the title. However, the key provisions of this law were aimed at regulating the media. All media houses and individual journalists were required to register with a government-appointed Media Commission. Severe limitations were placed on foreign journalists' access to the country. In effect, the government was undermining the constitutional right to freedom of expression by deciding that it alone had the right to decide who could publish a newspaper or be a journalist. Not surprisingly, Zimbabwe's AIPPA became the subject of widespread protest.

What was largely ignored on all sides, though, was that AIPPA does indeed include some access to information provisions. They are not strong ones, but they do provide a weak acknowledgment of the principle of public access to government information. Of course, in the current Zimbabwean situation, any positive aspects of this law are effectively almost unusable. Nevertheless, as the South African story shows, a journalist with passion, who is ready to spend time, might manage to use even this law in the end.

Breaking the silence on defilement

Rosebell Kagumire

Rosebell Kagumire contributes in writing to *The Independent*, a political magazine based in Kampala, and in broadcast to Nation TV Uganda (NTV). She specialises in justice, peace and conflict reporting and covered, amongst other issues, the peace talks between the Ugandan government and the rebels of the Lord's Resistance Army in Sudan. Kagumire explored the role of the media in reporting on criminal justice issues in a documentary on the Ugandan judiciary's failure to deal with child abuse cases. She was awarded an honourable mention at the Uganda Investigative Journalism Awards in 2008.

In June 2007, NTV broadcast a feature by Rosebell Kagumire that contained interviews with some child victims of sexual abuse (called 'defilement' in Uganda) and their mothers. The feature showed how traumatised children and mothers who tried to help them – often at great expense to 'peace and quiet' in their families – were sent from pillar to post in this quest. The children and their mothers showed how they were finally defeated when they found out, often only after a long period of visiting police stations and magistrate's offices, that they were supposed to go through a medical examination that cost 20 000 Ugandan shillings (US\$ 12), payable by the victim.

None of the mothers (in the case of victims who had mothers), nor the many victims of sexual assault in refugee camps and terrorised villages in the war-torn north of the country, could afford this fee. Kagumire's feature showed how justice in Uganda was in a very elementary way denied to its most vulnerable citizens: poor women and children.

'But I could only film this by gaining the trust of victims, who were hurt, ashamed and embarrassed by what had happened to them. I had to convince them that this programme was not going to add to their pain, but that it was an effort to improve the situation,' says Kagumire. In the following presentation Kagumire outlines how she did that.

The background of defilement and defilement cases in Uganda

Defilement accounts for 60 per cent of the capital offences in Uganda. Many girls and women are victimised by it, especially in refugee camps and war-torn villages, but it also happens on a large scale in 'normal' areas. Only few of the

victims report the cases, usually to family members, who then contact the police. The police refers the victim for a medical examination, which, they say, will provide the report, and if any, the evidence, that will underpin prosecution. Without the medical examination there will be no case.

However, government police and justice departments are not equipped with clinics for these forensic services. It is almost impossible to be attended to in overcrowded and severely under-resourced public hospitals. So, routinely, victims are referred to police surgeons who operate, part time, in private clinics. These clinics charge a fee of 20 000 Ugandan shillings, the equivalent of US\$ 12. These clinics, too, have a huge workload and one usually sees long queues outside. The trauma experienced by many victims is that they go and wait at these private clinics after being referred there by the police, only to be told after hours of waiting that they must come back when they have the required fee.

Challenges in the investigation

Unlike other sources, most sexual abuse victims will not easily talk to a TV journalist with a camera. It is therefore important to establish rapport with the victims and their families first. The victim here was a 13-year-old girl, whom I met at the police surgeon's place with her mother. Minors usually won't easily relay their stories to you but relatives can help you take her through the experience. I also worked with child protection officers to understand the story-line and to get reports of similar cases.

Of course, one has to provide confidentiality and stick to one's promises. The child was filmed outside Kampala as her environment might have identified her. The mother appeared under a pseudonym. We also took care not to show their faces.

We do try to ensure credibility of the story as much as possible, but the use of real names is difficult, particularly when the victim is a juvenile and the social environment

is such that victims could be shunned permanently. In the end I had to settle for interviewing mostly mothers, and without revealing their identities.

We had to spend enough time on the story. Other than the time that was needed to win the victim's confidence, we also had to film them far from the home, as it was there that the abuse had occurred. The victim needed to be comfortable. It took us two days to organise to pick up mother and child from their home, film them elsewhere, and bring them back. Sexual abuse stories aren't instant so patience is required.

Getting to shoot in sensitive areas is also complicated. At the police surgeons' clinic we ended up not getting shots inside, because there were armed guards. We did not have small or hidden cameras because the TV station doesn't own them.

A big challenge is empathy. I really wanted to help one family, a mother and child who were suffering and who did not have the money to pay for the girls' medical examination. I had to stop myself from giving them money. It would have compromised me and my story. This part is very difficult.

It took a further three weeks to get comments from the authorities. Some were relatively easily obtained. The director of police health services was candid about his job description, which excluded forensic service. He is not really part of the police, so it was easy for him to say that

it was police regulations and practices that were to blame. The Director of Public Prosecution also gave an interview, simply to say he was unaware that these fees were payable. His Department was not in charge of that, so again, it was easy to pass the buck.

As expected, police and government refused to talk to us openly. Police officers would not speak in front of the camera for fear of retribution from their superiors. The responsibility for the lack of assistance victims received from the system lied squarely with police management and it was clear that they were not going to answer our questions in this respect. Likewise, all police surgeons refused to speak to us. They are actually employed by government hospitals but they offer these services as extras in their private clinics. In a way they have a point when they say they are not paid to do this, because their governments' salary is little and they do not get extra pay to attend to these victims. Police management spokesperson Barungi in the end admitted that he did not see the forensic part of the investigation, which came from attending to the victims, as part of his job.

We did get an important official in Police and Internal Affairs to admit that he was ignorant of the situation. He would not go on camera, but we did mention that ignorance was widely claimed by those responsible, and that is as far as we could go.

Victims pay for justice in Uganda

Note from the editor: *Unfortunately, Kagumire's final TV feature script was lost when Uganda NTV's storage system crashed in 2008. The following text was published in print by the Ugandan Independent on 15 January 2008.*

It's hardly visible for passersby: next to Sure House on Bombo Road, one can easily miss the sign 'POLICE SURGEON', which stands next to so many other signs for shops and offices. But the small clinic, like the few others in Uganda like it, provides a crucial role in the delivery of justice.

It is here where victims of physical abuse, including defilement, must undergo the medical examination necessary to prove that a crime has been committed.

Prosecutors and defence lawyers later rely on the report from the police surgeon to argue out cases in the courts of law. Unfortunately for many, the report comes at a heavy price and long queues.

It's Monday afternoon, and Mary Kyarimpa (not her real name), a resident of Kasangati a Kampala suburb, is

seated on the bench just outside the clinic. Besides her, her 13-year-old daughter. She's holding a police form 'Three', a form given to persons who have reported sexual offences.

Ms Kyarimpa looks puzzled and confused. Her daughter was defiled the previous day. She reported the incident to a police station in Kasangati but she was informed by the police there that she had to take her daughter for a medical check. In Kasangati she was referred to the police surgeon on Bombo Road, who, they had said, would carry out the medical exam. When she arrived at reception with her daughter she never expected the service was to be paid for.

Ms Kyarimpa owns a small grocery stall where she earns income to look after her three children alone. At this clinic

she was asked to pay 20 000 shillings for the exam. She does not have the twenty thousand, so as she sits outside this clinic, she says she's considering going back home. 'I came all the way from my home to access a service which I thought was provided by police for free and now I have to pay all this money? It will be days before I get that kind of money so I will go back home,' said Kyarimpa.

Ms Kyarimpa is not alone; these medical fees have kept many poor Ugandans from accessing justice when dealing with sexual offences. Although sexual abuse cases have shot up in recent years, legal experts believe many victims are not getting justice mainly because of these medical fees.

According to last year's police crime statistics defilement accounts for 60% of all capital offences; in 2006 about 15 000 cases were reported and rape continues to go on unreported. The Uganda Police lack clinics to do forensic work on victims of crime so this clinic on Bombo Road is one of a few private clinics that have been selected to carry out the examinations. Although the sign post says 'police surgeon', indicating that the medical official is in the employ of the state, the doctor works at Mulago and service is purely on private arrangement.

There's no standard fee charged across these clinics. It differs from one clinic to another. At the police stations that make referrals, officers tell victims of sexual offences that one pays between ten and twenty thousand. Most of the clinics charge victims of common physical assault 10 000 shillings, while in sexual violence cases one has to part with 20 000 shillings.

There are three other private clinics allowed to provide police reports in Kampala: in Bwaise, Kabalagala, and Bukoto, but the Bombo Road clinic is the busiest.

Even when you can afford the fee the delivery of services at these clinics leaves a lot to be desired. Being raped or child being defiled is the beginning of the trauma. There's limited privacy at most 'police surgeon's' places. Also, due to the limited availability of doctors in these clinics, long hours of waiting in the queue make it easy for other people in the clinic to know who's there for assault, defilement and rape.

According to the director of police health services, Dr Thaddeus Barungi, outside Kampala there's just one approved surgeon's clinic to check victims for every three districts. The Kampala High Court registrar, Paul Gadenya, says there's just one surgeon in Mbale to cater for the whole of the Eastern Uganda. There's no specific clinic or surgeon for the whole of northern Uganda.

According to a recent Amnesty International report, Uganda: Justice System Fails Victims of Sexual Abuse, Uganda's justice system tacitly condones and protects suspected perpetrators of rape and other sexual abuses against women and girls in northern Uganda. The report claims sexual abuses against women are still commonplace despite calm returning to the region after two dec-

ades of a civil war. Also the report indicated that most sexual violence victims in northern Uganda do not report the crimes because they have lost hope in the justice system. 'Many are afraid to report rape and other forms of violence, not only because of intimidation, hostility and ridicule from the community, but also due to state inaction in ensuring re-dress,' Amnesty said. Another report, by World Vision, showed that 62% of children living in displaced persons camps in northern Uganda are victims of sexual abuse.

'It's a shame that many Ugandans are not accessing justice because of medical fees which should ideally be provided for by the government,' Gadenya said. He says that, if the government cannot pay for these services separately, there should be provision at all government hospitals in the country to carry out these examinations. But despite having at least one government dispensary for every sub-county in Uganda, there's no provision for sexual offences victims here. Many government hospitals, especially in rural Uganda, lack not only resident doctors but also equipment.

Gadenya himself worked in Mbale and saw many victims go without justice, he says.

'Most children are defiled after luring them with amounts of money as little as 100 shillings. How can you demand that the parents pay more than 10 000 to access justice?' he asked. Gadenya says that if the situation is not looked into, in the near future victims of sexual violence will find it even more difficult to access justice. This is due to a new law that requires a mandatory HIV test.

According to this law, any suspect in a defilement or rape case will be subjected to an HIV test. If one is HIV positive, the suspect will face a bigger sentence for 'intentional transmission'. In such a case, the government (through the police) will pay for the necessary examinations for a suspect – but not for a victim.

Dorothy Amuga, a criminal investigations officer at Kiira Road police station, faces challenges arising from these medical fees every day. 'Most of the victims of these crimes are too poor to even afford transport to police stations. Once there, telling them to go for medical exams is like delivering worse news, because you can tell they won't afford the fees,' she said.

Amuga says more than half of the people who report sexual abuse don't return after picking the police form 'Three'. That is when she learns that they have given up the case.

She believes that what then happens is that many go back to settle their cases with the perpetrators for money. Amuga: 'I explain to them that they have to go through mental checks and also physical checks to prove that there was penetration. It's kind of a shaming experience to many ordinary Ugandans already. And then to pay for all that... people just don't have that money and they give up on cases.'

Although two-thirds of prisoners in Uganda are convicted for defilement, Amuga says many cases are either abandoned or lost due to lack of proof caused mainly by these medical fees. For rape cases, many continue to go unreported.

Annette Natukunda, a counselor at Hope after Rape, an organisation that does counselling and legal referrals for abused women and children says many victims report cases late.

'Most of the sexual violence victims that come here are refugees and they only report months after the abuse, especially in circumstances where they are pregnant or suspect that they got HIV,' she said.

Natukunda said sexual abuse among refugees is high but they cannot easily get justice because they are not conversant with the justice system, nor can they afford medical fees.

Established in 1994, Hope after Rape was to offer help to abused children and women.

Natukunda says the majority of cases they deal with are defilement but she believes few rape victims come out to report. Once trials begin victims have to pay more at these

clinics to have the doctors testify. Regina (not her real name) whose niece was defiled last year says she paid another 10 000 shillings to bring the doctor to testify and present the report to court.

This seems to be far from ending. Officials in the justice and law sector who should address the problem either have no knowledge this is going on or they shrug off responsibility. When we contacted Dr Thaddeus Barungi, he said that this forensic work is not part of his job. He said that the police clinics which he oversees only cater for the health of police personnel and their families. Barungi also defended the clinics that charge these victims, saying the doctors at the selected clinics are neither paid nor employed by the government.

Most victims of sexual violence in Uganda will continue to pay for justice while those shut out by the system settle cases with their tormentors out of court, or simply live with the damage. With 30 per cent of people living in absolute poverty, Ugandans like Kyarimpa can only watch as their children are defiled and raped, and justice will continue to elude them.

Maputo: city of drug money

Luis Nhachote

Luis Nhachote joined the staff of the first Mozambican independent publication, *Savana*, in 2000. After numerous investigations into financial links between the Mozambican business and political elites, he joined the internet-based 'Canal de Moçambique' and the investigative weekly *Zambeze*. In a cross-border investigation with other FAIR members in 2007, Nhachote helped unearth disconcerting truths around a mysterious Mozambican drugs manufacturing license for a pharmaceutical company with a past in arms and mercenary trafficking. He currently focuses on drug smuggling and organized crime. He received the Mozambican Journalist of the Year award in 2008 for the 'Maputo, city of drugs money' series, which was published in *Zambeze*.

After the South African Institute of Security Studies asked researchers in southern Africa to embark on money laundering investigations – unfortunately with little response – the Mozambican weekly paper *Zambeze* and this author took it upon themselves to do just that.

Mozambique's low wages, endemic corruption and 'leaking' airport, make our country an ideal place for the transit and storage of illicit goods. In many countries, storing illegal wares is risky because authorities' raid warehouses, but not in Mozambique. Combined with international law enforcement agencies' assessment of

Mozambique as an important station on at least two major drug routes, (heroin travels from Pakistan to Dubai, then to Tanzania and Mozambique, and then to Europe; cocaine shifts from Colombia to Brazil, then to Mozambique and then to Europe and East Asia), this was enough to derive a working hypothesis that Mozambique's booming economy is in large part built on laundered drug money.

Our first step was to assemble expertise on the subject of money laundering. The work of a British veteran investigative journalist, Joe Hanlon, who lived in Mozambique for a long time and is a specialist on developmental economies, was the starting point. Hanlon had also investigated the murder of investigative journalist Carlos Cardoso in 2000, who was shot dead in a professional hit while investigating the country's US\$ 14 million bank fraud scandal. This investigation had convinced Hanlon, as it had Cardoso, that the Central Mozambican bank had been involved in laundering the proceeds of criminal, and probably drug-related, money.

Of course Mozambique, as a small African country, can not be a very important player in the worldwide drug trade. But, precisely because this is a very poor country, these relatively small amounts of money have enormous social and economic impact. Experts estimate that presently more than a tonne of cocaine and heroin pass through Mozambique every year. The retail price of these drugs is about US\$ 50 million. Part of this money, estimated at US\$ 2.5 million, remains with traffickers in Mozambique. This is such a large sum of illicit money that it is difficult to believe that very important officials in state structures would not be involved in its storage.

Profiling the suddenly very rich

We then investigated a number of businessmen in Maputo who had become very rich, and had acquired large properties, in a relatively short time. As we were drawing up profiles of these traders, we discovered that two of them had earlier been arrested on drugs trafficking charges. The first, Umar Surathia, was of Indian origin and the second, Jussub Salim Mohamed, from northern Mozambique, was a Portuguese national.

We decided to continue building up the profiles of these two. We cross-checked records on Umar Surathia with colleagues of the *Indian Express* in India and found out that between 1999 and 2000 Umar had also been arrested on drug trafficking charges in that country.

He had been arrested at Bombay airport, after Indian authorities had been informed by Interpol that his name was on the cargo papers of a consignment of drugs, hidden in lamps, that had been discovered at the border of Swaziland and South Africa on its way to Mozambique.

A Google search enabled us to reach the Indian Interpol

website where we found Umar's court record. It appeared from the record that he had already been laundering money through Mozambique when the country had barely come out of the devastating, 16-year long, war of destabilisation waged against it by the (apartheid) South African backed Renamo fighters. This was in the mid-nineties, exactly the time period when major international drugs networks, troubled by increased international law enforcement agencies' control over their old routes, were starting to look for alternative routes. Now that the war had ended in Mozambique, this country immediately became very attractive. Communications were reinstated. Foreign exchange infrastructure was being set up and, with the demise of a socialist state structure, 'forex' was becoming freely accessible to everyone. The long coastline, with many islands and no navy, facilitate the drugs' movements. Getting into this about-to-boom business this early on, Umar built an empire that extended from travel agencies and foreign currency exchange houses to clothing shops.

Similar search engine searches gave us background on the second drug trafficker, Jussub Salim. Salim had been arrested in South Africa in September 2000 with 4.5 tonnes of Mandrax: 19 million tablets! His court record revealed that the United States government also suspected him of belonging to al-Qaeda, and that he had financially backed the attacks on the US embassies in Kenya and Tanzania. He was convicted, but released again the following year. Today, Salim Jussub is Mozambique's major investor in hostelry and tourism.

Silence from the Seychelles

We continued to search records of the two individuals on the internet and discovered that both of them had access to diplomatic passports and status. Surathia Umar, according to Interpol India, had, at the time of his arrest in Bombay, shown a diplomatic passport that stated that he was de facto honorary consul of Liberia in Mozambique. Indian authorities investigated and found that Umar had purchased this status in that country for US\$ 1 million. Upon his release, Umar returned to Mozambique, apparently unhindered by an official ban on his residence there, and after one year obtained the status of honorary consul from the Seychelles: a position earlier held by known international traders in drugs and arms. Salim Jussub, Umar's partner in several enterprises, is currently honorary consul from the Seychelles in Portugal. This information is listed on that country's Foreign Affairs website.

We sent emails to the Seychelles government's communications department, asking how it was possible for these two individuals with criminal records to have been appointed to such positions, but to date we have received no answer.

Hotels and empty arrest warrants

Some relatives and friends of the above duo are linked to the Ayooob family, which owns ten hotels, as well as a toy store, in Maputo. From six brothers in this family, four have in the past been jailed in Portugal and India on drug trafficking charges. The most influential brother, Omar Faruk Ayooob, is Surathia Umar's brother in law. Other Ayooob family members are business partners with Salim Jussub in the hotel ventures.

According to Portuguese authorities contacted by *Zambeze*, one of the Ayooob brothers is a fugitive from justice and a Portuguese arrest warrant still hangs over his head. Mozambique and Portugal have an extradition treaty between them, but the Ayooob brother wanders unpunished in the Mozambican capital.

The Ayooob family and Salim Jussub are presently constructing two more hotels, at a value estimated at around US\$ 20 million. Meanwhile, the Mozambican Attorney-General's Office has not investigated the origins of this amazing fortune, that is estimated to reach US\$ 100 million over the next three years.

Drug trade profits for Mozambique are probably laundered through Mozambican forex houses, casino's and banks. How else can it be explained that a country with such a small economy counts no less than ten different banks and about thirty *bureaux de change*? Even a superficial glance at the banks' activities shows that most have little connection with the domestic economy and mainly derive profit from foreign exchange transactions. Even if the input from the equally huge international aid industry is counted, the size of this financial traffic can only be explained by massive money laundering. A domestic laundering vehicle that is often used is that of the trade in bonds and deeds, which can be sold at a profit without anyone asking too many questions.

It was in the course of counting the value of financial transactions of the Banco Central de Mozambique, and comparing them with their official 'explanations', that our colleague Carlos Cardoso was murdered in the year 2000 – by a hit squad connected to forex exchange house owners and the son of the then president, Nyimpine Chissano.

From US\$ 3 million to US\$ 100 million in two years

But even if a large part of the illicit money is deposited in foreign investment accounts by the culprits and the international traders, Mozambique as a country remains with a significant part of it. It can be seen in the beach homes and luxury cars, the exquisite feasts thrown by VIPs in holiday resorts that are unaffordable to any normally earning citizen.

Expensive property is one of the best 'storage vehicles' for illegal money. Property can be sold again later, without any questions being asked. The new buildings boom of mansions, businesses and hotels in Maputo, Nampula and Pemba speaks volumes in this regard.

Investing in tourist hotels is really the best thing to do if one is stuck with a few millions one can't legally account for. One can always declare more guests than the real number, and at the same time, drug carriers can have safe meeting places there. It's not surprising that, according to a study by Carlos Nuno Castel-Branco, tourism, together with banking, accounts for 18 per cent of total investment during the nineties in Mozambique.

The poor in Mozambique would be surprised to learn that their country has suddenly turned very rich. The chairman of the Mozambique Stock Exchange (BVM), Jussub Nurmamade, stated in an interview with *Zambeze* on 7 June that the rapid growth of the BVM was 'unique', 'We started with US\$ 3 million less than two years ago. Today the value of the five listed companies plus the treasury titles and bank investments amount to US\$ 60 million,' he told reporters, adding that he expected to reach US\$ 100 million by October.

Last year, BIM became the first private company to issue its own bonds which are now traded on BVM. Bonds have been issued beyond 80 billion Meticaís (more than US\$5 million) in the last five years.

We printed our conclusion, saying that the fast expansion of our banking and stock exchange, the boom in our construction, the investment growth in our tourism and, ultimately, the increased consumption of luxury goods, have probably everything to do with dozens of millions of dollars in annual profits from the drug trade. To date, no authority has responded to our findings.

The smuggling channels between ZANU PF, South Africa and beyond: The laundering of Zimbabwean diamonds as 'excess chemicals'

Charles Rukuni

A Zimbabwean chemical company, ACOL Chemicals, paid diamond mining company, River Ranch, more than US\$ 150 000 in a two-month period, during October and December 2007. According to ACOL, it was simply buying 'excess chemicals' from River Ranch. The Kimberley Process Review Team, which monitors the diamond trade in Africa, seemed to concur and said that River Ranch was not selling any diamonds. This was in accordance with a ban on it to do so because of an ownership dispute.

I started off by questioning the official version of the reason for the payments. Firstly, what is River Ranch (which is a diamond mine that employs 300 people) selling, if not diamonds? There is no evidence that it has gone into chemicals production. The chemicals mentioned are not even used in diamond production. Secondly, River Ranch is known for its ownership and operational debacles. The present owners Adel Aujan, a Saudi Arabian billionaire, and Solomon Mujuru, the former Zimbabwean army commander and a member of Robert Mugabe's ZANU-PF politburo, took over the mine from previous owners in a heated fight. Whilst the legal ownership is still in dispute in Zimbabwe, regulatory authorities have banned the mine from selling diamonds altogether.

The mine has now operated for four years whilst officially not selling diamonds.

South African and UN links

I investigated allegations that the mine has survived through smuggling diamonds through South Africa and/or Dubai. One of the most interesting allegations is that River Ranch has used the diplomatic status of personnel seconded to the mine by a United Nations-linked management company registered in the Netherlands but with headquarters in Johannesburg.

The buyer of the alleged 'excess chemicals' ACOL, is half-owned by a South African chemicals company, Protea Chemicals, which is in turn part of Omnia Holdings, a Johannesburg Stock Exchange-listed company.

After cross-checking sources' details of the smuggling channels with company registries and regulatory authorities, as well as with expert sources in the diamond industry, a picture has emerged of a smuggling network involving Zimbabwe, SA and the UN.

Now at the final stage, this investigation-in-progress already has international officials worried over the question as to why a United Nations and World Bank funded company is helping a company owned by a person (Mujuru) who is banned from receiving investment as specified under the United States's Zimbabwe Democracy and Economic Recovery Act (ZIDERA).

Going undercover as an extreme medicine for an extreme disease: The battlefield journalism of the *Crusading Guide* in Ghana

Anas Aremeyaw Anas

An undercover investigative reporter with the Ghanaian *Crusading Guide* newspaper, Anas is credited for breaking major trafficking rings in Africa and has been awarded Ghana's 'best journalist of the year' as well as 'investigative journalist of the year' twice in succession. His trafficking stories also won him three major international awards in 2008: the US State Department Hero Award on Trafficking, the Kurt Schork Award in International Journalism and the Every Human Rights Award. Anas was also runner up in the Global Shining Light Award 2007, the CNN MultiChoice African Journalists Award and a two-time winner of UCIP'S Excellence in International Journalism Award. He currently leads the undercover unit at his newspaper.

Undercover journalism, is often criticised. It is said that we invade people's privacy, we set traps for people, we attack people, and worse. Even this morning here at the conference someone teased me by saying 'Hey!! You guys practice journalism without ethics'. And that is just one dose of such reactions, which I get every day. I am now going to respond fully to these critics of mine.

Here it is: I do not regret at all the type of journalism that I practice. If there is any regret at all, then it is regret that most of you, or indeed all of you, do *not* practice my kind of journalism. My undercover journalism is a product of my society. It deserves this creature, that it has created, fully. The apostles of ethics can sermonize all they like, but I am talking reality here, not textbooks. This doesn't mean that we at the *Crusading Guide* do not think a lot about what is right and what is wrong. We do. I will try and give you a simple outline of how my newspaper operates and the system we put in place to ensure that the right things are done and that, in the end, it is clear who works in the interests of mankind.

The constitution of my country upholds and defends the principle of privacy – which we are accused of invading – but it does create a little window in special cases of public interest. The code of ethics of the Ghana Journalists Association (GJA), of which we are members, reiterates

these cardinal principles of privacy and public interest.

I have four desks in my newspaper house. The first desk deals with normal reporting the 'who says what', as long as it is said publicly, in my society. The second desk tries to put through phone calls to find out *why* somebody said what they said. The third desk does real investigation. And I am at the fourth: the undercover desk..

Between the third and fourth desks are a team of lawyers who critically examine what the third desk does. They pass judgment as to whether that issue is fit for undercover investigation by my fourth desk. It therefore takes a long and tortuous time before my editorial team agrees for me to go undercover: it is not done at a whim.

A few examples of undercover stories I have undertaken are the following. I mention them so that all of us here can judge whether it was prudent to go undercover on those stories or not.

Once, I enrolled into a secondary school called Nkroful as a student, in order to expose bad activities that were going on there. At Nkroful, students were sleeping with their teachers and known drug peddlers operated on school premises. Since it was located far from the capital, it escaped monitoring by authorities. When we first came out with our news report, the school quickly denied everything we said. Therefore we decided that the only way to tell the story, was to be a student: live with them, eat with them, smoke illegal substances with them, go to night clubs with them and also sleep with the girls they sleep with to tell the story. How else were you all expecting me to expose this reality?

Second example. My Euro-food scandal story showed how a biscuit and confectionery manufacturing company was using expired flour, that was infected with maggots, termites and other insects. The factory had its operations closed down because of my work. We achieved this even though Euro-food was a multinational company, that could

boast the crème de la crème of lawyers in my country.

I had joined Euro-food Company as a labourer working at the production sector, where I came into direct contact with the weevils and maggots in the flour of which the biscuits were made. I gathered video and audio evidence so there was no doubt about our reports. Even with all the evidence we had, it was still a tough battle, but in the end we won and I am glad I knocked out this big company despite the company's spin doctoring and enormous wealth. Again, I ask, how else could we have done this story?

The third example I want to give you is the work I did at Soja-Bar, where I was a labourer in a brothel. There, I witnessed and produced hard evidence of the sexual exploitation, by adults, of little children from the ages of 9, 10, 11 and 12. Again I knocked out my opponent because of the hard evidence I had obtained – even the Ghana Police had never come this far.

In another human trafficking story of mine, I befriended one of the trafficked girls as my girlfriend. This eventually led me into the illegal activities of the trafficking syndicate. In the story, I posed as a very rich *Alhaji* [*a pilgrim who has been to Mecca – ed.*] and ended up filming Ghana Immigration officials who take bribes to allow trafficked girls to pass through Kotoka International Airport to their destinations for prostitution in Europe.

If I continue giving examples, we may end up not finishing the lecture in time. So to summarise: it takes a long time for my editorial team to come to a decision that I should go undercover, but if we do decide to do that, we go all-out. To quote my editor-in-chief, Kwaku Baako Jr: 'Bring me every evidence from documentary to motion to still pictures, even the sound of a fallen needle, bring it to me.' I look out

for evidence.

I am just a young boy trying to eke out a living. I have no stated capital and neither do I have any big property except for my old trunk. In fact, I do not have the energy to keep going to court neither do I have the money to pay lawyers to fight for my cause. This is why I do not underestimate the people I pursue. I try hard, when undercover, to gather and collect and keep every single bit of evidence so that it is ensured that I can give my opponent a knock-out punch.

I compare my journalism to boxing. Why take my opponent to twelve rounds when I can knock him out in the second one? I don't give room for government and their bunch of conspiratorial renegades to set up fruitless investigative committees to investigate my undercover story. My stories speak for themselves. If I say a government official has taken a bribe, I'll give you a video of him, live and in colour, taking the bribe. So what will you set up an investigative committee to do? To interpret my video?

My journalism is a complete battlefield. If there is anybody to blame, blame my society. I am a product of that society: an agent echoing the frustration of that journalist who did everything right in his story, but yet these big companies zoomed in on him with their array of spin doctors and lawyers, making this already-fragile journalist look stupid and foolish in spite of the truth he is pursuing.

So, don't blame me, the undercover journalist. Blame the big companies and multi-nationals who are prepared to pay billions in the name of spin doctoring. Extreme remedies are the most appropriate for extreme diseases. I, without any regrets, have chosen to belong to the extreme remedy and I shall fight the extreme diseases anywhere, anytime. Stay tuned.

About the Forum for African Investigative Reporters (FAIR)

The Forum for African Investigative Reporters (FAIR) is a professional association of investigative journalists in Africa. Its mission is to enhance, deepen and build investigative journalism as a profession throughout the continent.

FAIR was established in May 2003 by investigative journalists from six African countries on the basis of the awareness that, firstly, investigative journalists have a vital role to play to enhance the African public's right to information about all matters of social development and social justice; and, secondly, that African investigative journalists at present face many obstacles, ranging from lack of encouragement and low pay to life-threatening situations.

FAIR's areas of focus are:

- Independence from undue editorial pressure, physical threats and constraints on time and resources;
- Access to information and information resources as well as to training and career development opportunities;
- Support through peer networking, advice and solidarity; through media legal defence funds and trauma counselling where necessary.

FAIR works to achieve its goals through:

- Professional support for African investigative journalists;
- Provision of resources and networking services for African investigative journalists;
- Facilitating cross-border partnerships in investigative stories through-out Africa;
- Facilitating access to information on Africa archived internationally, as well as access to a network of internationally based colleagues;
- Initiatives to support aspiring African investigative journalists through training and placement;
- Support for, and promotion of, methods of best practice in African investigative journalism

FAIR now counts 90+ investigative journalists in 18 countries in Africa.

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This FAIR dossier highlights the best in African investigative journalism as presented by the FAIR members who convened between 28–30 September 2008 at the occasion of the Power Reporting Conference held by the University of the Witwatersrands' Investigative Journalism Workshop, in partnership with FAIR.

Besides these presentations, the Wits' Power Reporting Conference programme also contained lectures by many eminent journalists and journalism trainers from other parts of the world.

To find out more about the PRC, its programme and speakers in 2007 and 2008, please visit:

http://www.journalism.co.za/index.php?option=com_content&task=view&id=758&Itemid=366.