



Right2Know Campaign

**Let the truth be told
Stop the Secrecy Bill!**

A responsive and accountable democracy that can meet the basic needs of our people is built upon transparency and the free flow of information. The gains of South Africans' struggle for freedom are threatened by the Protection of Information Bill (the Secrecy Bill) currently before Parliament. We accept the need to replace apartheid-era secrecy legislation. However, this Bill extends the veil of secrecy in a manner reminiscent of that same apartheid past. This Bill fundamentally undermines the struggle for whistleblower protection and access to information. It is one of a number of proposed measures which could have the combined effect of fundamentally undermining the right to access information and the freedom of expression enshrined in the Constitution.

Our concerns:

The Bill will create a society of secrets

- Any state agency, government department, even a parastatal and your local municipality, can classify public information as secret.
- Anything and everything can potentially be classified as secret at official discretion if it is in the 'national interest'. Even ordinary information relating to service delivery can become secret.
- Commercial information can be made secret, making it very difficult to hold business and government to account for inefficiency and corruption.
- Anyone involved in the 'unauthorised' handling and disclosure of classified information can be prosecuted; not just the state official who leaks information as is the case in other democracies.
- The disclosure even of some information which is not formally classified can land citizens in jail. This will lead to self-censorship and have a chilling effect on free speech.
- Whistleblowers and journalists could face more time in prison than officials who deliberately conceal public information that should be disclosed.
- A complete veil is drawn over the workings of the intelligence services. It will prevent public scrutiny of our spies should they abuse their power or breach human rights

Who will guard the guardians?

- Officials do not need to provide reason for making information secret

- There is no independent oversight mechanism to prevent information in the public interest from being made secret.
- The Minister of State Security, whose business is secrecy, becomes the arbiter of what information across all of government must remain secret or may be disclosed to the public.
- Even the leaking of secret information in the public interest is criminalised.
- Unusually severe penalties of up to 25 years in prison will silence whistleblowers, civil society and journalists doing their job.
- All these factors will limit public scrutiny of business and government, whether through Parliament or journalists. Accountability will be curtailed and service delivery to the people will be undermined.

Our demands:

The Constitution demands accountable, open and responsive government, realised among other things through freedom of expression and access to information. Our elected representatives are bound by these Constitutional values and any legislation they pass must comply. We demand that the Protection of Information Bill - the Secrecy Bill - must reflect the following:

- Limit secrecy to core state bodies in the security sector such as the police, defence and intelligence agencies.
- Limit secrecy to strictly defined national security matters and no more. Officials must give reasons for making information secret.
- Exclude commercial information from this Bill.
- Do not exempt the intelligence agencies from public scrutiny.
- Do not apply penalties for unauthorised disclosure to society at large, only those responsible for keeping secrets.
- An independent body appointed by Parliament, and not the Minister of Intelligence, should be the arbiter of decisions about what may be made secret.
- Do not criminalise the legitimate disclosure of secrets in the public interest.

Signatories:

South African Civil Society Organisations: ActionAid International, Afesis-Corplan, Anti Privatization Forum (APF), African Centre for Citizenship and Democracy, African Network Constitutional Lawyers, AfriForum, Alternative Information and Development Centre, AIDS Foundation of South Africa, Aksie Gleniqua Foundation, Alliance for Children's Entitlement to Social Security, Amnesty International (Durban), Association for Freedom of Thought and Expression, Association for Progressive Communication, Biowatch South Africa, BirdLife South Africa, Black Sash, Boggomsbaai Belastingbetalersvereniging, Book Southern Africa, Cape Environmental Trust, Ceasefire Campaign, Centre for Civil Society Environmental Justice Project (UKZN), Centre for Constitutional Rights, Centre for Economic Governance and AIDS in Africa, Centre for Environmental Rights, Centre for Justice and Crime Prevention, Channel Managed PR, ChrioJIRAH Academy, CIVICUS, Clairwood Social Forum, Coalition Against Nuclear Energy, Cooperative and Policy Alternative Centre, Cullinan Residents Association, Democracy Development Programme, Desmond Tutu Peace Centre, DGR Writing and Research, Diakonia Council of Churches, Durban YMCA, Earthlife Africa (Johannesburg), Earthlife Africa (Cape Town), Earthlife Africa (eThekwin) EcoDoc Africa, ECOPEACE, Economists Allied for Arms Reduction, Engender, Ensure Viable Environment, Environmental Monitoring Group, Equal Education, Far South Peninsula Community Forum, Federation for a Sustainable Environment (FSE), Forum for African Investigative Reporters, Free Society Institute, Gay & Lesbian Network, Gayspeak.co.za, Glencairn Action Group, Global Campaign for Education, GM South Africa Foundation, Greater Cape Town Civic Alliance, Greater Lynfræ Civic Association, Greenpeace Africa, GroundWork, Gun Free South Africa, Habitat Council, Health-e News Service, Historical Society of Southern Africa, Hout Baai Farm McGregor, Highlands Herald, Human Rights Watch, Idasa, Imara Consulting, Impumelelo Innovations Award Trust, Indaloyethu Environmental Cooperative, Institute for Accountability in Southern Africa, Institute for Justice and Reconciliation, Institute for Security Studies, Institute for Zero Waste In Africa, International Centre of Nonviolence, Durban University of Technology, International Fund For Animal Welfare, Inyathelo: The South African Institute for Advancement, KhoeSan Womens Circle, KZN Inter-religious council, Khulumani Support Group, Lesbian and Gay Equality Project, Litnet, M&G Centre for Investigative Journalism (amaBhungane), Media Institute of Southern

Africa (MISA-SA), Media Monitoring Africa, Modjaji Books, National Welfare Forum, Open Democracy Advice Centre, Open Society Foundation- South Africa, Other-Wise media, Out of the Box, Overstrand Conservation Fund, Palestine Support Committee (Durban), Paradise Beach Community Association, Parliamentary Monitoring Group, Pelindaba Working Group, Poetry International- South Africa, Politicsweb, Professional Journalists' Association, Peoples Health Movement (PHM) South Africa, Public Service Accountability Monitor, Quindiem Consulting, Rainbow UCT, Rape Crisis, SA Council for English Education, SA Pen, Sannieshof Ratepayers Association, Save the Vaal Environment, Section27, Sector 5 Umbilo Policing Forum, Sedgefield Community Intelligence Centre, Serengeti Media, Shadow Films, Social Justice Coalition, Social Movements Indaba, Socio-Economic Rights Institute of South Africa, South African Education and Environment Project, South African History Archives (Freedom of Information Programme), South African Labour Bulletin, South African Litigation Centre, South African National Editors Forum (SANEF), South Durban Community Environmental Alliance, Southern African Faith Communities Environment Institute, Southern African Historical Society, Southern African Media and Gender Institute, St Francis Bay Residents Association, St Martin's Anglican Church, Students for Law and Social Justice, SynergyWORKS, The AIDS Consortium, Timbila Poetry Project, The Book Lounge, The Centre for Applied Legal Studies, The South African Gay & Lesbian Alliance Against Defamation (SA GLAAD), The Umbilo Action Group, The World AIDS Campaign, Third World Investment Gateway Trust, Treatment Action Campaign, UCT Press, Uitkamp Action Group, Umbilo Park Conservancy, Umphilo waManzi, Unemployed People's Movement, Walmer Estate Civic Association, Wildlife & Environment Society of SA: Lowveld Region, Wildlife and Environmental Society of South Africa, Women's Legal Centre Trust, Zwartkops Trust

International Friends: Access Info Europe, Access to Information Programme (Bulgaria), Action Aid Australia, ActionAid Nigeria, African Freedom of Information Centre, Arab Freedom of Information Network (Casablanca, Morocco), Article 19, Kenya and Eastern Africa (Kenya), Asociacion por los Derechos (ADC) (Argentina), Bangladesh NGOs Network for Radio and Communication (Bangladesh), Bank Information Centre (USA), Bond (UK), CAinfo de Uruguay (Uruguay), Carter Centre (USA), Catholic Agency for Overseas Development (London) Centre for Independent Journalism (Romania), Centre for Law and Democracy (Canada), Centre for Peace and Development Initiatives (Pakistan), Citizens' Campaign for Right to Information (Nepal), COECOCEIBA-FoE (Costa Rica), Committee to Protect Journalists, Commonwealth Human Rights Initiative (Africa Office), Cyrus R. Vance Centre for International Justice (New York City Bar), EarthRights International (USA), Freedom Forum Nepal (Nepal), Friends of the Earth (Australia), Friends of the Earth (Scotland), Friends of the Earth (Spain), Global Witness (London), Heinrich Boll Foundation, Inter Africa Network for Women, Media, Gender and Development (FAMEDEV), International Commission of Jurists (Kenya), International Press Institute (Austria), Jamaicans for Justice (Jamaica), Jubilee Australia (Australia) Ligue Centrafricaine des Droits de L'homme (Central African Republic), Media Institute of Southern Africa (Namibia), Netherlands Institute for Southern Africa (NIZA), Open Society Archives (Central European University), People's Advocacy (USA), Proetica Peru (Peru), Sustainable Development Institute (Liberia), Transparency International (Hungary), Transparency International Secretariat (Berlin, Germany)

Over 400 individuals including: Archbishop Desmond Tutu, Nadine Gordimer, Prof Kader Asmal, Zakes Mda, Prof. Max Price, Prof. Jonathan Jansen, Zackie Achmat, Pieter-Dirk Uys, Mary Burton, Mazibuko K Jara, Prof Hoosen Coovadia, Max Du Preez, Andre Brink, Pippa Green, Breyten Breytenbach, Cathi Albertyn, Rhoda Khadalie and Andrew Feinstein

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