

Burkina Faso parliament criminalises false news, reporting on terrorism

Burkina Faso authorities should prevent the enactment of revisions of the penal code that criminalise false news and reporting on terrorism or security operations, and ensure laws do not permit jail time for reporters, the Committee to Protect Journalists said.



Burkina Faso's presidential palace is seen in Ouagadougou on March 20, 2019. The president and Constitutional Council have the power to prevent the enactment of revisions of the country's penal code that could result in jail time for reporters. Credit: CPJ/AFP/Olympia de Maismont.

On June 21, Burkina Faso's parliament adopted revisions to the country's penal code which criminalise using any means of communication to disseminate information about terrorist attacks and security forces that could undermine public order or the conduct of security operations, according to a copy of the revisions seen by CPJ. The code also criminalises the "demoralisation" of defence and security forces" by whatever means".

These offenses, according to the revised code, are punishable with prison time ranging from one to five or 10 years and a maximum fine of 10 million Central African francs (\$17,331).

The revisions also prohibit communicating, publishing, or sharing "false" information on any medium that may bring harm to people or property, and grants prosecutors or "any person having interest" the ability to petition a judge to have such information removed from any website or publication.

Following the revisions' passage in parliament, President Roch Marc Christian Kaboré has the ability to prevent the publication of the laws in the country's official journal, a necessary stage for their enactment, and the Burkinabe Constitutional Council, a government-appointed body charged with determining the constitutionality of the country's laws, can block enactment by declaring the articles to be unconstitutional, according to Guezouma Sanogo, president of Burkina Faso's Journalists' Association, an independent professional organization. A number of media organizations in the country have written letters to both Kaboré and the council, which CPJ has reviewed, expressing concern about the code revisions.

"President Roch Marc Christian Kaboré and the Constitutional Council should reject changes to Burkina Faso's penal code that criminalise disseminating information and reporting on security concerns, and should also act to remove all threats of jail time for press offenses," said Angela Quintal, CPJ's Africa program coordinator. "Under no circumstances should journalists face imprisonment or crippling financial penalties for their work."

The revisions also expanded a section of the penal code to criminalise online publications that insult the memory of a dead person without consideration for those close to them.

Aboubakar Sanfo, a reporter with Burkina Faso's national public broadcaster Radiodiffusion Television Du Burkina and deputy secretary general of the Autonomous Union of Information and Cultural Workers, an independent media workers' union, told CPJ via messaging app he was worried about the vaguely defined offenses listed in the revisions, and feared that "even the attempt to cover a terrorist attack is criminalised."

CPJ called Remis Fulgence Dandjinou, the Burkinabe Minister of Communication and Media, who is also a spokesperson for the government, and contacted him via messaging app, but he did not immediately respond to requests for comment.

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