

RIGHTING *Wrongs*

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UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
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INSIDE

02

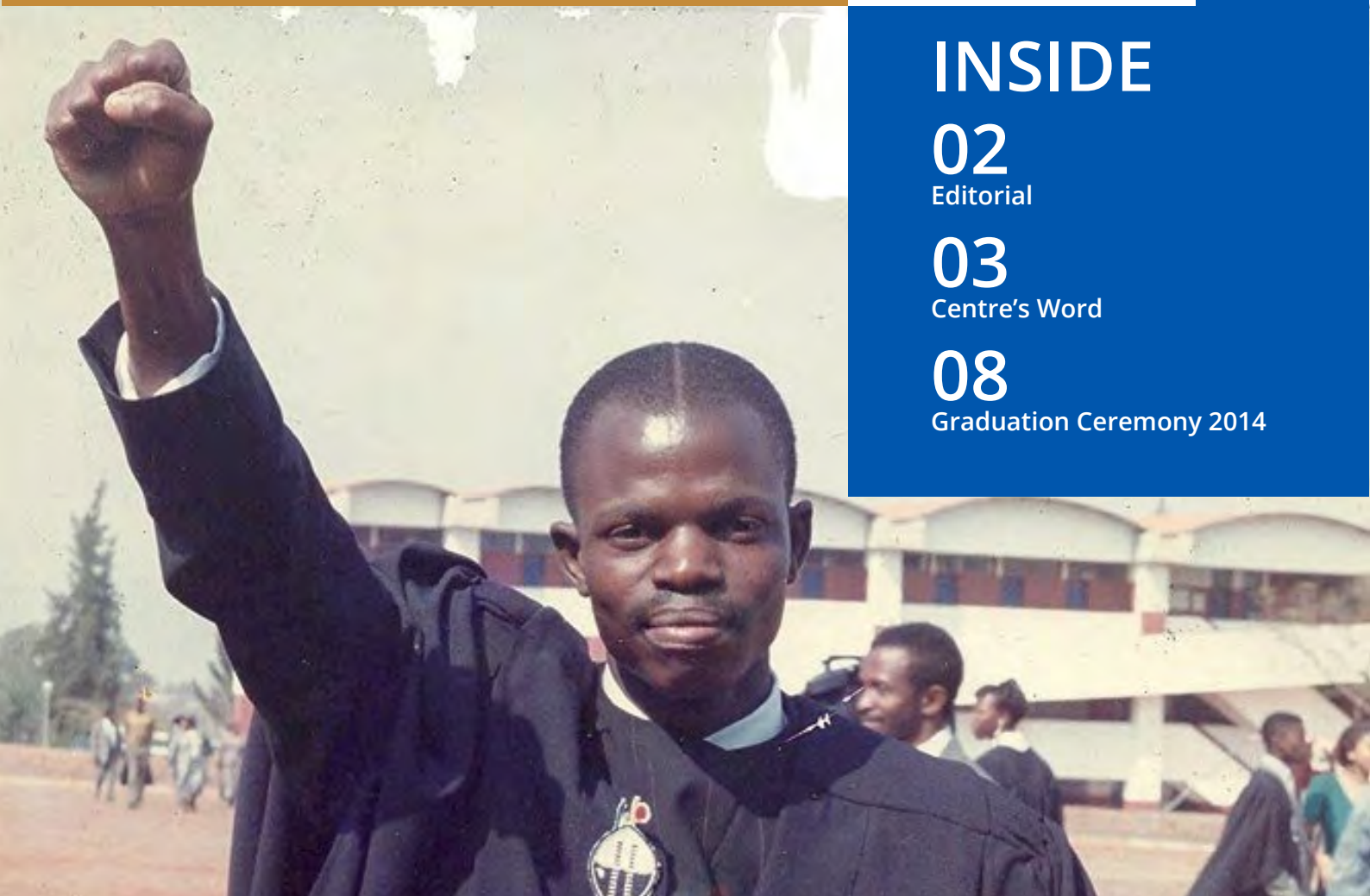
Editorial

03

Centre's Word

08

Graduation Ceremony 2014



Farewell Editorial | Thulani Maseko | Dean's Essay Prize Winners

Graduation Ceremony 2014

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Centre for
Human Rights
UNIVERSITY OF PRETORIA

Editorial

Farewell editorial...

It has been a pleasure leading our association and I thank you for your cooperation. I thank you for the support I have received from you and I thank you for the experiences we have shared together.



I am grateful to have known you, to have sent you emails and to have received your responses. I am indeed proud that our association has grown and now we are a network of over 400 alumni from 36 African countries, Spain and the United States of America.

In this farewell, I will like to remind you of the goal ahead of us. The goal to see an Africa that respect human rights and embraces democracy. When I think of Africa, I think of a continent that needs to breathe more with the lungs of wise people and think more with the heads of good women and men.

I think of a continent that 'Advances Forward In Creating Abundance

But we cannot see this Africa if we do not do something about mismanagements of public funds.

We cannot see this Africa if we do not act in propelling the wheels of governance on our continent.

We cannot see this Africa if we do not seek to contribute to moving forward in creating abundance.

We cannot see this Africa if we do not control, (through our thoughts, actions and deeds) the wind of change on our continent.

So I implore you in this New Year to make up your mind to move the continent forward.

Pray to God for our continent more often. Do that little you can in the way that you can and you will be contributing to an Africa that we all can be proud of.

Romola Adeola (Nigeria, 2012)
Alumni Coordinator

Centre's Word

The knock-on effect

I am very honoured to have been invited to make a contribution to this month's edition of the alumni newsletter. Let me also take this opportunity to welcome the LLM/MPhil (HRDA) class of 2015.



At the beginning of February 2015 I was appointed to coordinate the African Human Rights Moot Court Competition. As we gear up for the preparations for the 24th edition of the African Human Rights Moot Court Competition, I am reminded how closely linked the Moot Court Competition and the LLM programme have been for the past 15 years.

When the Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights was adopted on 10 June 1998, the organisers of the Moot Competition realised that it was time to start training human rights lawyers who would be litigating 'real cases' before the African Court on Human and Peoples' Rights.

In 2000 the LLM programme was started and the Moot Court participants constituted a pool from which to recruit the candidates to the LLM programme.

The Moot has also engendered a number of other initiatives such as the African Human Rights Law Journal and the African Human Rights Law Reports. Contributors and correspondents to both the Journal and the Reports are former students and lecturers of the LLM programme.

As I sift through the archives of the Moot, I realise how much the Moot has influenced and popularised the LLM programme for a decade and a half. The LLM programme is now less dependent on the Moot as far as recruitment is concerned. New communication tools – internet, social media platforms, etc. – are mostly used to reach out to prospective students.

Fifteen years on, over four hundred alumni and an impressive network of Human Rights practitioners across the continent, the African Human Rights Moot Competition could not have been any more proud for one of its offspring.

Ahmed Sayaad
Coordinator: African Human Rights Moot Court Competition

Recent Event

Centre for Human Rights Alumni Association presents humble gift to Thulani Maseko

On 19 February 2015, our Alumni Association presented a humble gift to Mrs Tanele Maseko, the wife of our dear Alumnus Thulani Maseko.

As you may be aware, last year, there was a call sent out for us as alumni to financially contribute towards the welfare of Thulani and his family. The responses to this call were amazing. Promises were fulfilled and donations were made and as such the presentation of the cheque was made possible. Following the photo session, a lunch was held at the Adler's restaurant.

On behalf of our Association, I thank you. I thank you for your cooperation. I thank you for making this occasion possible.



News

Madam Nicole

Most of us, and in fact, those of us who came to the Centre with little to no knowledge of French will remember Madam Nicole. The lovely Belgian woman who served the early morning cup of French lessons mixed with fun ushering us into a day of human rights, democratisation and everything in between.



I doubt if there is any class without a story about the charming Madam Nicole who with a warm smile would lit up the room as she taught French in words and in songs.

Well, our Madam Nicole has retired and as such has handed over. But we will have the fond memories of her warmth. Her patience. Her smile.



News

Alumni Wedding!

It gives me great pleasure to inform you of another alumni meeting that was held in Kampala, Uganda on the 29th and 31st of January 2015. The wedding was between Ms Barbara Kitui (Uganda, 2012) and Solomon Joojo Cobbinah (Ghana, 2013).



Reflections

Restoring peace to the DRC: Some reflections

The economic interests of different groups and nations to seize control of natural resources in the DRC has blindfolded many of the stake holders in the conflict who are meant to be guarantors of human rights in the region.

The war in eastern Congo which began in the early 1990s and has since continued to this day has involved several African countries from 1996 to 1997 and 1998 to 2003. The Eastern part of DRC is plagued with instability, as several militias (the most powerful of which is the FDLR) continue to wreak havoc on the population.

Several international NGOs have however called on the international community to intervene and protect human rights in Eastern DRC. However, the interventions have been marred by political and economic interest of different players in the region.

Although DRC is the home to the largest and most expensive UN peacekeeping mission in the world (MONUSCO – which has more than 20,000 personnel and a huge budget), the conflict in the region has not been quelled which begs the question: what can be done to address the situation in DRC?

One significant answer is: good governance. The international community must assist the DRC in setting up structures for good governance. When this structures are set up, peace will be restored and the exploitation of natural resources will be brought to an end.

Paul Mugemangango (Rwanda, 2004)
*Senior Corporate Legal Officer,
MTN Rwanda*



Highlight Graduation Ceremony 2014

On 10 December 2014, the University of Pretoria held a graduation ceremony of students from the Masters programme offered by the Centre for Human Rights and the Faculty of Law in the University of Pretoria. The Graduation Ceremony marked the 15th Graduation Ceremony of students from the Masters in Human Rights and Democratisation in Africa offered by the Centre for Human Rights.

At the 2014 Graduation Ceremony,

- **27 students** graduated from the Masters in Human Rights and Democratisation in Africa.
- **18 students** graduated from Masters in International Trade and Investment in Africa.
- **2 students** graduated from the Masters in Multidisciplinary Human Rights.
- **1 student** graduated from the Masters in Procedural Law.

At the Ceremony, **8 students** were also awarded with Doctorates. These students are:

- Abdalla Amir Kamaleldin Ahmed
- Beredugo Ayebaesin Jacob
- Jegede Ademola Oluborode
- Miamingi Remember Philip Daniel
- Mundia Kenneth Ferdie
- Oloko Temitope Oredola
- Possi Ally
- Savage-Oyekunle Oluremi Ajoke

Three students from the Masters in Human Rights and Democratisation in Africa programme received prizes for good performances.

- **Ms Thuo Lucyann Wambui** (Kenya) received the *Nelson Mandela Prize* for the best overall academic performance.
- **Ms Kamunyu Mariam Wambui** (Kenya) received the *Kéba M'baye Prize* for the best dissertation.
- **Ms Thuo Lucyann Wambui** (Kenya) also received the *Victor Dankwa Prize* for the best performance in the module: Human Rights in Africa.
- **Ms Sawo Musu Bakoto** (The Gambia) received the *Ubuntu Prize* for the student who best embodied the spirit of ubuntu (compassion for others on the course).

Vera Chirwa Award

The *Vera Chirwa Award* was also given to an alumna of the Masters in Human Rights and Democratisation in Africa who has made significant contribution to human rights on the continent.

The award was given to **Ms Leda Hasila Limann** (Ghana, 2003) for her contribution to fostering peace and unity in Darfur and South Sudan and also for her contribution to the edification of people through ministry, personal leadership and financial support.



Dean's Essay Prize Winners 2014

Excerpt: Winner (Sally Hurt, South Africa)

I've always believed the majority of one's learning takes place outside the classroom. Participating in the CHR's LLM HRDA has reaffirmed that belief.



That is not to say what goes on in the classroom is unimportant or irrelevant, but rather the space for engagement and learning that such a unique programme provides, is hugely important and extends beyond the walls of the windowless classroom affectionately nicknamed 'Guantanamo', that we came to know so well over the first half of 2014.

The 'in-classroom' learning has been invaluable. Particularly coming from an LLB that, despite being taught in Africa, focussed precious little on Africa, the African system, and the very unique challenges and opportunities human rights specialists face on this continent of contrasts.

As I write this, it is raining outside. It is unusual for it to rain here in Ethiopia at this time of year. The sound of the rain falling gently outside is in stark contrast to the fierce afternoon thunderstorms of Pretoria that I know I'll get to experience after 5 December when our class reunites for graduation and storytelling of events and adventures from the second semester. The difference between these two types of rain reminds me of a description from a book of South African folktales. The soft, gentle and nourishing rain was described as 'female rain' as it allows the soil time to absorb it and soak it in. The other type, 'male rain' describes

the hard and fast thunderstorms that come on suddenly and leave just as quickly, where most of the water rushes away and sometimes takes the nutrient-rich topsoil too. There is little chance for the ground to absorb this water and make it work its magic.

I'm aware of the potentially damaging gendered stereotypes in these descriptions. But if I were to use one of these rain metaphors for the way in which knowledge is gained outside of the classroom, I would choose the soft rain. Inside the classroom can sometimes be a Pretoria summer thunderstorm. Unless you are equipped with a mechanism you can use to capture that water-knowledge and harness its potential, much of it can be lost. My classmates, and conversations and debates after class hours, have been that mechanism for me. One allowing for contextualisation and application of knowledge and concepts to everyday situations not just in my country-context, but across the continent.

There are many outside of the classroom experiences I could write about, not least of which is the practical element of the course and enriching experiences in the latter half of the year. However, I would like to focus on something more personal. The following paragraphs describe two specific examples epitomising processes of learning and unlearning. These are just two experiences though, two out of many. I've chosen them for their particular meaning to me, and because they show very different attitudes. Not every experience is positive, but even when one is negative, positive lessons can be gained.

I am grateful for the opportunity for these lessons, but also believe far more can, and should, be done to facilitate a space where more positive outcomes can be garnered by future participants in this programme...

Sally Hurt (South Africa, 2014)
Winner, Dean's Essay Prize

Dean's Essay Prize Winners 2014

Excerpt: Runner-up (Petronell Kruger, South Africa)

This essay is a retelling of 2014 – a year of espionage, dangerous liaisons and government secrets. Except, those things are all obviously lies.



virtues to the world and expose their flaws for future improvement. Clarkson is renowned for being good at his job.

So this year when Professor Magnus Killander lined us up on the first day and ominously announced that he will control our lives, we braced ourselves. The work came in like a flash flood. I took too many naps on the couch in the Centre. Each time I heard a noise, I jumped up out of fear, hoping that some high ranking academic has not witnessed my loving embrace of the seating pillow. I considered taking my coffee intravenously. As a class, we adopted a variety of food items available at the kiosk as addictives. This includes the pies. I will not disclose any names.

The remarkable thing about my classmates – friends, really – and the lecturers, were their ability to keep things light. I was tired, but I had fun. Some of the best laughs of my life were had in the early morning hours, calling campus security, because Bayo and myself were accidentally locked inside the faculty. We fought tenaciously for the little cheese grillers during the weeks that Adlers catered. We met in the halls of our communes for midnight complaint sessions. Once, I woke up all my housemates and we stood staring at the power box that made a bizarre noise – A feat I only managed by vividly describing how we will inevitably die the moment a spark occurs. They forgave me... eventually.

We also cried together. Two of my friends lost a parent. It was heartbreaking. Two lost family and countrymen due to war. Devastating. We shared personal experiences of assault, alienation, political suppression and fear. Our class collectively mourned for the victims of the 2004 Sri Lankan civil war and the kidnapped girls in Nigeria. Life happened to each and every one of us and it happened while Clarkson was setting up his flamethrower...

Petronell Kruger (South Africa, 2014)
Runner-up, Dean's Essay Prize

I am guilty of over-sharing on social media, so a 007 lifestyle is not in the cards for me. I did learn the nifty trick of fabricating an elaborate lie at the start of a personal narrative through the autobiographies I read throughout the year. I read autobiographies as a coping mechanism. Fran Drescher starts hers with a sex scandal. William Shatner recounts his meeting with an ape. Or a gorilla. Actually, I read his autobiography at the beginning of the year, so it might even be a lemur. The point is that 2014 was a year of coping mechanisms.

At school my creative writing teacher said that the key to describing an experience is through the use of a rich metaphor. How to describe my year as a master's student with the Centre for Human Rights? I opt for the image of a Hilux pick-up truck (or 'bakkie' as the locals call it). On Top Gear, the British motoring show, a segment was dedicated to different attempts at 'destroying' the vehicle. The Hilux was smashed by a small wrecking ball, set on fire and even broke the fall of a caravan. The Centre for Human Rights is Jeremy Clarkson in this metaphor. At first this sounds horrible. Who in their right mind drops a figurative caravan on the heads of students? Yet one must remember, Jeremy Clarkson (the Centre) loves cars (students). Jeremy Clarkson tests them to promote their

Dean's Essay Prize Winners 2014

Excerpt: 2nd Prize (Ben Nyabira Christopher, Kenya)

After almost twelve months in Pretoria and Cape Town with trips to Harare and Venice in between, I finally without doubt, say that this has been my busiest year in my life so far.



Looking back, I gladly say that if I have learnt anything during this period, then it is how to learn. It all began in early July 2013, when a friend shared the LLM/MPhil in Human Rights and Democratisation in Africa programme offered at the Centre for Human Rights, University of Pretoria, on her Facebook page. Immediately I came across it, I felt convinced that it was the right course for me. I had done Economics and History for my undergraduate but I did not want to advance my studies in any of those disciplines. In addition to the two disciplines, I had done International Humanitarian Law (IHL) of which this program closely matched. While I still did not know how to connect Economics, IHL and History to find a career path to follow going forward, I was convinced that somehow I could find a way as pursued the programme, Human Rights and Democratisation in Africa.

On 18 October 2013, I received an email letter, signed by the Director for the Centre for Human Rights, Frans Viljoen that read in part: "I am pleased to inform you that your application to study for the Master of Laws (LLM) in Human Rights and Democratisation in Africa has been successful." I went on to read this section of the letter several times just to verify that I had read it correctly before telling anyone else of the good

news. The letter further, asked me to either accept it or reject the offer within a week of which the affirmative was definitely the easiest option for me. The Director further described the course as unique, challenging and rewarding experience.

I left Nairobi for Pretoria on 8 January 2014, ready to begin the unique, challenging and rewarding experience as was described by the director. At the airport in Johannesburg, a stranger holding a placard with my name received me. With him was one of my new classmates, Alphonse from Tanzania, who had arrived a few minutes earlier. He then drove us to our new residences on South Street where Eric Lwanga, whom I already knew from the correspondences, received us. Eric later brought us milk and bread to begin life in a faraway country. In the days that followed, our other colleagues joined us. We stuck together in the first few days as we oriented ourselves with the new environment. Most of us matched together when going for shopping or for supper. One particular restaurant where we visited was ChesaNyama in Hatfield. The restaurant had different kind of foods with funny names like pap and briskette, hunger-buster among others. I remember, the uniqueness of the food names became the subject of many discussions in those early days of our stay in Pretoria but it did not take long before they disappeared.

Outside my class, were mostly students that spoke in languages I could not understand and some shops where they spoke to me in South African languages. The names of people were also very difficult. Having been brought up speaking languages, which consonants are, followed by vowels or in rare cases just two consonants or vowels following each other, here in South Africa, some names had up to three, least expected consonants, following each other. Pronouncing the names became more difficult when the accent was added and the impossible click sounds, as was the case in some names in Cape Town. Except for the click sounds, with time though, I stopped noticing some of those initial surprises.

On 13 January, we had our first day in school. We were introduced to the people at the centre and told many other things some of which I cannot

recall. However, one particular message that is still vividly in my mind is the words of Professor Magnus that he was going to control our lives very much for the better part of the year. While I could imagine what the words meant, not to the extent that I experienced them. The classes kicked off almost immediately beginning as early as 8.00 am to, on average, 5.00pm with French coming first four days a week. Only the nights and the weekends were spared for the assignments and the many reading materials for the upcoming classes. The student bond to Hatfield began to break. Not even the excitement over different kinds of food with funny names could further be heard. The conversation had shifted to; when is the submission date, have you downloaded the materials, when are we meeting for the clinics, for those that managed to meet often, among other such like engagements. For the better part of the

year, that became the conversation until I finally submitted my dissertation at exactly 10pm of 30 October 2014, which was the last minute for its submission. One notable experience was my colleague at the University of the Western Cape, Biel Boutros from South Sudan whose room was adjacent to mine. When the assignments were so much for him and the dissertation deadline was looming, I remember he never slept the whole night until the afternoon of the following day for almost every day. These are just but a few examples of how tough the journey became...

Ben Nyabira Christopher (Kenya, 2014)
Second Prize, Dean's Essay Prize



Current Year

'Je Suis Charlie' and the freedoms of media and expression in the 21st Century

Following the killing of 12 journalists at the Paris offices of the French satirical magazine *Charlie Hebdo* by supposedly Islamic fundamentalists, debate has been rife with regard to the freedoms of media and expression.



Is it legal for a person to denigrate another person's faith by invoking the right to freedoms of media and expression?

The right to freedoms of speech, media and speech is provided for in article 19 of the Universal Declaration of Human Rights of 1948. These provisions are replicated in article 19 of the International Covenant on Civil and Political Rights. The same provisions can be seen in Article 9 of the African Charter on Human and Peoples' Rights. The article provides that every person has the right to receive and impart information as well as to express and disseminate opinions within the confines of the law.

From the above provisions, it can be concluded that the freedoms of expression, media and speech are a fundamental part of these international treaties and declaration. These rights can only be limited to the extent that:

- They are exercised within the confines of the law
- They are exercised while respecting the rights and reputations of others and

- For the protection of national security or of public order, or of public health or morals

The question that arises is whether the caricaturing of Prophet Mohammed (PBUH) was a wrongful exercise of these freedoms. *Charlie Hebdo* had previously caricatured Muhammad and other Muslim characters and was firebombed in 2011 as a response to these caricatures. It did not however stop its publications of these supposedly offending cartoons. The actions of *Charlie Hebdo* and the aftermath are not in isolation. There have been other violent reactions against the depiction of Prophet Muhammad (PBUH) and the Holy Qur'an. These range from the *Satanic Verses* by Salman Rushdie, the killing of Theo van Gogh to *Innocence of Muslims*. The reactions against such depiction and criticism of the Islamic faith show the danger that journalists and artists get themselves into whenever they touch on the delicate topic of Islam.

In the year 2005, a Danish newspaper *Jyllands-Posten* drew several cartoons most of which featured Prophet Mohammed (PBUH). The newspaper stated that it did so as a response to break free from the self-censorship that most newspapers had resorted to with regard to issues relating to the criticism of Islam. The response from the Islamic world was overwhelming with some calling the depictions as a clear testament of rising Islamophobia in Europe. In 2012, the release of the trailer to the movie *Innocence of Muslims* set the Muslim world ablaze and fatwas were declared against the participants of the film. The protests resulted in the killing of the American ambassador to Libya and other deaths throughout the Muslim world. These reactions reveal the extent to which any depiction of the Prophet (PBUH) leads to religiously motivated violence.

It must, however, not be thought and taken as a fact that these violent reactions are only limited to Islam. The reactions to the release of Dan Brown's *The Da Vinci Code* cannot be gainsaid. This clearly shows that violence directed at those that are



perceived to 'denigrate' other people's beliefs is not a monopoly of any religion.

So, the question that we are left with is: Can the right to freedom of expression and media be limited outside the traditional limitations listed above especially where the freedom is invoked to attack religion?

'Respecting the rights and reputations of others'

Our starting point should be the understanding the limitations placed on the right to freedom of expression/opinion/speech and media. The underlying reason for the limitation, 'respecting the rights and reputations of others,' is to prevent harm to other persons. In that case, the exercise of this right with the intention of defaming somebody is limited. This is the reason for the existence of anti-defamatory laws in various countries' laws. Additionally, as Justice Oliver Wendell Holmes in *Schenck v United States* stated, the right does not extend to falsely creating alarm for instance by shouting 'fire' in a theatre.

On the other hand, if the right is exercised in a manner that violates other people's rights, then it is imperative that it is limited. If the right is used to call for the annihilation of a section of the population with total disregard to their right to life etc. any limitation put on it is justified for the protection of that community's human rights. This is informed by the experiences had in the Nazi Germany and the use of media by the regime's Ministry of Public Enlightenment and Propaganda to propagate hate against the Jews in Germany.

The experiences had in Rwanda in 1994 and the *inkonyazi* metaphor does justify the limitations that are necessary to prevent the emergence of contemporary *Joseph Goebbelses* and the aftermath of their hate campaign.

'For the protection of national security or of public order, or of public health or morals'

The other limitation is pegged on the protection of national security or of public order, or of public health or morals. Where there is a limitation as to the content that a public media or private person can express etc. in the interest of security, such limitation is justified. A case in point may be the prevention of showing live pictures of a police or military operation. Allowing such a broadcast may hinder the attainment of public security where such an operation is aimed at keeping the public peace. A person cannot lay bare the secrets of a nation in a state of war and invoke the right to freedom of media/expression. In such a scenario, the state is justified in limiting the freedoms.

The second limb of the limitation proves problematic and is sometimes used to justify the limitation of these freedoms when issues relating to morality are of concern. What is public morality or order? These are the questions that the Hart-Devlin debate sought to address by debating the role of the law in maintaining public morality. However, there may be justifications for the regulation of certain type of materials especially where it may be injurious a given section of the population. This was the position held by the court in the United Kingdom in *Shaw v DPP* (1962)



AC 220 where the court considered itself the custodian of public morality and stated that it had 'residual power to enforce' this morality. However, this power was put to test with the successful publication of the book *Lady Chatterley's Lover* and the successive litigation against the publisher that led to the repeal of all laws regulating 'obscene publications' in the United Kingdom. I still agree with the traditional school of thought that in cases where pornographic/violent/graphic material is peddled in family newspapers or any public media accessible to underage children, the courts have an obligation to exercise that power.

Religion and the exercise of the right to freedom of expression and media

This leads us to the question of regulating the right to freedom of expression where it denigrates religious beliefs. Religion and morality are bedfellows and the mention of religion has an effect on morality. I will however stick with religion. The Merriam-Webster Online Dictionary defines religion as the belief in a god or gods. It is also an organized system of beliefs, ceremonies and rules used to worship a god or gods. Put simply, religion is at its core an idea in the belief of a supernatural and the system of worshipping the supernatural. Kathleen Taylor in her book *Brainwashing: The Science of Thought Control* refers to this system as a set of 'ethereal ideas'.

Considering that religion is a set of ideas about a god or gods, there needs to be a debate about these ideas. Stifling the debate of these ideas in the name of protecting the feelings of billions of people who believe in such ideas stifles freedom of expression and in extension media which is charged with conveying such expressions.

The charge being laid against those who support *Je suis Charlie* is that that freedom of expression

and media is stifled by Western governments whenever it is perceived as being Anti-Semitic. I disagree with that assertion. Anti-Semitism must be differentiated from the criticism of Islam or Christianity. These religions spun the whole world and are not only a preserve of particular group or a specific race etc. Anti-Semitism on the other hand is hatred directed at people of the Jewish race. There are Jews who are Christians but still face persecution on the account of their being Jewish. The stories from Auschwitz reveal this fact. Therefore, freedom of expression that is aimed at fomenting Anti-Semitism is not speech directed at the Judaic religion but is racially-charged speech directed at people of the Jewish race whether professing Judaism or not. On the other hand, any expression of art or speech that is intended to criticize Islam or Christianity is not racist as the adherents of these religions are diverse and are not a race. It is basically an attack on the idea of Islam or Christianity. It cannot be justified by juxtaposing it with Anti-Semitism propaganda.

In the words of Rowan Atkinson popularly referred to as 'Mr. Bean', "To criticize a person for their race is manifestly irrational and ridiculous, but to criticize their religion, that is a right. That is freedom. The freedom to criticize ideas-even if they are sincerely held beliefs-is one of the fundamental freedoms of society. A law which attempts to say you can criticize and ridicule ideas as long as they are not religious ideas is very peculiar indeed." Indeed, history is rife with debates concerning the rationality of ideas.

The Holy Bible in Acts 17 records Paul debating the rationality of his Christian ideas with Athens' Epicurean and Stoic philosophers who derided him as a babler. The belief in an unseen God who came to earth in the form of man, died and rose from the death is a very peculiar belief indeed. Still he debated his ideas as was the Athenian

tradition. The practice that an attack on a religious idea must be responded to with violence acts is peculiar indeed. No idea is infallible. Pope Francis, the acclaimed progressive pope, seems to have forgotten this assertion when responding to *Je suis Charlie*. He referred to people who make fun of other religions as 'provocateurs' and what would happen to them is what would happen to someone who uses a curse word against someone's mother. This statement justifies the use of violence against the criticism of an idea and which is quite telling considering his position in the Catholic Church.

The caricaturing of the Muslim prophet falls within this regime. Islam as a religion is an idea founded on the Holy Qur'an and which has been extrapolated through hadiths and other theological materials. As such, it is not immune to criticism. Claiming that issues regarding the Islamic religion are a *faux pas* violates the whole essence of the right to freedom of expression and media. In the 21st century, the free exchange of ideas and the criticism of ideas are essential in understanding the endemic challenges of this

century. Understanding religious fundamentalism in both the Christian and the Islamic religions and the violence bred by this fundamentalism requires poking our noses into the businesses of these religions. Playing at a safe distance is self-censorship which is risky in a just and democratic society. In a world that is as diverse as the colours of the rainbow, censoring the ideas of one faith seeks to kill this diversity and elevates the ideas of one religion over another.

To conclude, most liberal constitutions follow the tradition of separating religion from the state. The state is under an obligation not to pass any religiously motivated laws. A law barring the caricature of Prophet Mohammed (PBUH) is a religious law that is in contravention with that liberal spirit and violates the principle of separation of state and religion. As such, the law should dissociate itself from these religious debates. Therefore, in the spirit of democracy, free exchange and criticism of ideas, and the secular state, the *Je suis Charlie* tradition has a place at the table in the 21st century.





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CENTRE FOR HUMAN RIGHTS

Faculty of Law
University of Pretoria
PRETORIA
0002
Republic of South Africa

Phone: +27 12 420 3810
Fax: +27 12 362 5125
Email: chr@up.ac.za
Web: www.chr.up.ac.za

sentrum vir menseregte
centre for human rights

Defending with Excellence, Advocating with *Ubuntu*
A network of 428 Alumni from 37 African countries, Spain and the USA

Alumni Association / Righting Wrongs Contact Details

Email: hrda.alumni@up.ac.za | Website: www.chr.up.ac.za

Editor: Romola Adeola (Nigeria, 2012)
Advisory and Review Team: Prof Frans Viljoen, Norman Taku,
Dr Martin Nsibirwa, Dr Magnus Killander and Yolanda Booyzen.

Alumni Dues:

To pay your dues, please obtain transfer details from:
Harold Meintjes (harold.meintjes@up.ac.za) or
Romola Adeola (romola.adeola@up.ac.za).



**Centre for
Human Rights**
UNIVERSITY OF PRETORIA