

**Proclamation No. 90/1996
The Press Proclamation**

**GAZETTE OF ERITREAN LAWS
Published by the Government of Eritrea**

**PART I
PRELIMINARY PROVISIONS**

1. Short title and effective date

(1) This proclamation may be cited as the “Press Proclamation No. 90/1996”.

(2) This proclamation shall enter into force on the date of its publication in the gazette of Eritrean Laws.

2. Repeals

All laws, directives and procedures in effect before the entry into force of this proclamation are hereby cancelled and replaced.

3. Definitions

Unless the context otherwise requires, in this proclamation:

“Press” means the profession of seeking, gathering and disseminating information and news, the preparation of analyses, comments and programs, the interpretation of articles the production of cartoons and pictures, editing and dissemination thereof through mass media;

“Journalist” means a natural person who is engaged in the profession of press as his main source of revenue and working in mass media or news service in Eritrea or abroad and whose name is registered in the register of Journalists in the Ministry;

“Newspaper” means printed matter containing news, reports and analyses issued regularly or periodically for general circulation, and includes cultural, literary, scientific, artistic, sports and other magazines;

“Minister” or “Ministry” means the Minister or Ministry of information;

“Court” means the court established pursuant to article 14 of this proclamation to hear and decide matters pertaining to press;

“Register of Journalists” means the register where persons engaged in professional press activities and permitted to engage therein by the Ministry are registered;

“Press products” means all writings, pictures, video and tape cassettes, musical notes, photographs and products disseminated to the public by means of new techniques, technology and others;

“Publishing” means the production for sale or the sale and dissemination, the affixing on walls, the exhibition or display to the public by any means of newspapers, magazines and other press products;

“Bookshop” means a place for the sale and display of press and press products;

“Foreign press products” means foreign publications printed outside the geographical boundaries of Eritrea as well as foreign publications reprinted in Eritrea by special permit, irrespective of the language in which they are disseminated or the nationalities of their editors or owners.

PART II FREEDOM, OBJECTIVES, AND FUNCTIONS OF PRESS

4. Freedom, objectives and function of Press

(1) Freedom of Press

- (a) Freedom of press is guaranteed pursuant to this Proclamation.
- (b) The censorship, suspension or banning of newspapers and other press products administratively, except under the provisions of this proclamation or with the approval of the competent court, shall be prohibited.
- (c) The Government may, under special circumstances, where the country, or part of it, is faced with a danger threatening public order, security and general peace caused by war, armed rebellion or public disorder or where a natural disaster ensues, by proclamation, undertake measures to censor all publications and mass media. The Government shall rescind the proclamation by another one upon the termination of the conditions warranting it.
- (d) Except for radio and television, the ownership of which is reserved for the Government, private ownership of press and all equipment of expression shall be permitted to Eritreans only.

(2) Objectives and functions of press

Press:

- (a) serves society by disseminating political, social, economical and other knowledge;
- (b) provides news, information and entertaining to citizens;
- (c) respects basic human rights and liberties and defends them;
- (d) enriches and deepens national tradition and works for national unity, peace and stability and the development of democratic practice and culture;

(e) works to realize national objectives, rectify the operations of government and develop public control and constructive criticism by affording opportunity for diversity of opinion in national matters and affirmatively contributing to the clarification of ideas helpful to the organs of government in rendering solutions.

(3) Division of press

Eritrean press is divided into to parts pursuant to this proclamation:

- (a) press owned by the State; and
- (b) private press owned by political associations, juridical persons and individuals in accordance with guarantees provided under this proclamation.

PART III JOURNALISTS

5. The Rights and Duties of Journalists

(1) Rights of Journalists

- (a) A journalist shall have the right to obtain news and information from any official or unofficial source and disseminate the same after verifying the truth thereof.
- (b) Except on the basis of law, a journalist's security may not be encroached upon, nor may he be exposed to pressure by any party or official on account of the opinion he expresses or the correct information he disseminates.
- (c) Except by the order of court, a journalist has the right to preserve the secrecy of the source of his information and not to be compelled to disclose it, as well as the right to secure his products against plagiarism.
- (d) Eritrean journalists registered in the Ministry's Register under this proclamation shall have the right to establish a journalist association.

(2) Duties of Journalists

- (a) A journalist shall, in his work, be bound by the rule of law, professional ethics and his conscience.
- (b) A journalist shall be bound by the laws of Eritrea with respect to whatever he writes or disseminates.
- (c) A journalist shall respect the private life, dignity and prestige of all families and individuals where he raises matters related to public interest.
- (d) A journalist may neither disseminate information the veracity of which has not been ascertained nor distort information.

(e) A journalist may not, for an illegal personal motive or gain, whether for himself or for others, use his profession to blackmail or threaten individuals or juridical persons.

(f) A journalist may not disclose the identity of children and minors who have committed crimes or have been the victims of crime.

(g) A journalist may not infringe upon national safety and security and supreme national interests, promote divisions and dissension or ideas inciting violence and terrorism.

PART VI OWNERSHIP AND PUBLICATION OF NEWSPAPERS

6. Ownership of newspapers

(1) Ownership of newspapers and press products shall be permitted to Eritreans only.

(2) Press and press products may be owned individually or by associations or business organizations. The minimum capital for press and press products shall be determined by the Ministry.

(3) Since the publication of newspapers and press products is an exclusive right, partial or full ownership thereof may only be transferred with the authorization of the Minister and in accordance with the modes and restrictions provided for in the Transitional Commercial Code of Eritrea.

7. Publication of newspapers

(1) This proclamation guarantees the freedom of publication of newspapers and press products by political associations, juridical persons and individuals legally permitted to publish press or press products.

(2) No person may, with out permission, publish newspapers or press products under the provisions of this proclamation.

(3) The Ministry shall issue a permit within two months of receipt of an application, for the same. The Business License Office shall subsequently issue the necessary license. If the Manistee's permit is not issued within the said period, the application shall be deemed rejected.

(1) An applicant whose application for a permit has been rejected shall be entitled to appeal to the competent court.

(4) The permit of newspaper or press product which is not published within six months as of the date of issue of permit or fails without good cause to publish four successive publications shall be cancelled.

(2) The Ministry shall notify the concerned party and the Business License Office of the cancellation thereof.

(5) The following persons or groups of persons shall be prohibited from publishing newspapers and press products or participating therein.

- (a) those prohibited from establishing political associations;
- (b) those deprived of their political rights;
- (c) those who oppose the principles of national unity or advocate for division and disintegration;
- (d) those convicted of immoral crimes and crimes of corruption misappropriation.

(6) Any Eritrean desiring to publish a newspaper shall submit to the ministry a personally signed application containing the following particulars;

- the applicant's full name;
- the name and address in Eritrea of newspaper or publication;
- the type of publication(political, non-political; literary, scientific, etc.);
- the language and time-schedule of publication;
- the editor's name;
- the financial resources;
- documents providing that he has no tax liabilities and that he is not subject to the prohibitions mentioned in sub-articles (5) hereof;
- the printer's name and address.

(7) He shall notify the ministry promptly in writing where the particulars submitted pursuant to sub-article (6) hereof change after the issue of a permit.

(8) The capital of the newspaper or press product shall be entirely Eritrean.

(9) A party permitted to publish a newspaper or press product shall submit financial accounts to the ministry annually.

(10) The editor of the newspaper or publication shall, as the head thereof, be answerable under the law regarding anything published therein.

(11) The printer's name, the chief editor's name and the place and date of publication shall be written on newspaper or publication. The distributor or seller of the newspaper or publication shall have the duty of ascertaining that said information is contained therein.

(12) The provisions of this proclamation shall not apply to religious printing and publication pursuant to proclamation No.73/1995 enacted to clarify and regulate by law the activities of Religions and Religious Institutions.

8. Artistic press products

(1) The export and import, lease, sale, reproduction, display or distribution of artistic goods such as films, cinema, tape cassettes or video cassette without a permit from the ministry and license from the Business License Office is prohibited.

(2) Except for goods the distribution and hand-to-hand transfer of which is prohibited, the display of any other artistic goods shall be permitted.

(3) The provisions of sub-article(1) hereof shall not apply to displays of the activities of political associations, mass organizations, associations, inventors, ministries and other governmental institutions, artistic institutions, as well as displays of diplomatic missions and consular sections to their members within their premises.

(4) Any person may, without contravening the provisions of this proclamation, produce or participate in works of drama, cinema, television, songs, music and similar works, and participate, assist and administer in the direction or production thereof.

9. Foreign newspapers and publications

(1) The power of issuing import and distribution permits for foreign newspaper publications and foreign artistic press products is vested on the Minister and applications therefore shall be submitted to this office. The Business License Office shall subsequently issue licenses.

(2) The Ministry may, in accordance with this proclamation, confiscate any press product imported with out a license and bring the importer before the law. In addition, the Ministry may confiscate any foreign press product imported with a license where it is found to contain material disrupting peace, spurring divisive religious and sub-national differences in Eritrean society and contrary to the public morality.

(3) No foreign publication may be reprinted in Eritrea without a permit.

Where there is a permit, said press products may not be distributed unless such license allows local distribution too.

10. Preconditions to be met by foreign journalist to work in Eritrea

(1) In order to work in Eritrea as a resident correspondent of one or more than one foreign news agency, a foreign journalist has first to obtain permission from the Minister. And he shall commence his work upon obtaining a press card issued by the Ministry to foreign correspondents.

(2) A foreign correspondent shall be issued with an annually renewable permit. The Minister may, without giving reasons, reject applications or refuse renewals.

(3) A foreign journalist permitted to work in Eritrea shall have the following rights:

- (a) the right to obtain a residence visa for himself and his family;
- (b) the right to obtain an entry visa for himself and his family;
- (c) the right to open an office with the permission of the Minister.

(4) A foreign journalist permitted to work in Eritrea shall be bound by the laws of Eritrea, respect the sovereignty and independence of Eritrea and refrain from activities detrimental to the national security.

(5) a foreign journalist shall seek and gather news and information only by lawful means.

(6) The Minister shall issue directives clarifying the pre-conditions to be met by a foreign journalist desiring to work in any Eritrean press.

(7) A foreign journalist permitted to work in Eritrea as a foreign correspondent pursuant to the provisions of the sub-Articles (1-5) hereof may, in addition to being liable under the penal and civil codes for acts he commits, be subjected to measures by the Minister for other discrepancies or infractions he may commit.

11. Right of reply and correction

(1) Correction:

(a) whenever a publication disseminates inaccurate news or information, the chief editor or concerned journalist shall, on the basis of the request of the person to whom the matter concerns, publish a reply or correction in its earliest publication as of the time of receipt of the request;

(b) a reply or correction shall be published free of charge exactly on the same column and page and in identical letters. The size of reply or correction may not exceed that of the original publication;

(2) Cases where there shall be no right of correction

There shall be no right of correction where:

(a) on the part of the newspaper, the appropriate corrigendum has already been made in respect of the article, information, news or statement published;

(b) the request for correction is submitted after 30 days of the dissemination of the matter in respect of which correction is sought;

(c) the language in which the correction is written differs from that in which the news, information or article giving rise to the correction was written; and

(d) the correction contains statements which entail criminal punishment or is contrary to morality.

PART V
MATTERS NOT TO BE DISSEMINATED, PROVISIONS OF COPIES, COMPETENT COURT AND OFFENCES

12. Matters not to be disseminated

All those participating in public or private press in general, and heads of press in particular, [illegible] chief editors and journalists, are prohibited from publishing and disseminating the following matters.

- (1) any matter which vilifies or belittles humanitarian and religious beliefs;
- (2) any document or secret information on the supreme interest of the nation and people, as well as national security and defense secrets;
- (3) any matter which incites religious and sub-national differences, promotes the spirit of division and dissension among the people, vilifies the Eritrean peoples tradition of struggle and incites violence and terrorism;
- (4) any matter which undermines the territorial integrity and sovereignty and independence of the nation;
- (5) any matter which contravenes general morality, encroaches upon the dignity of minors or the personal liberties and private lives of the citizens;
- (6) any defamation or blackmail;
- (7) the in-camera meeting of high officials and organs of the state;
- (8) cases which has been suspended from publication or dissemination by courts, prosecutors and investigation organs or cases at the investigation or trial stages which may be prejudicial to the process of justice;
- (9) inaccurate information and news intentionally disseminated to influence economic conditions, create commotion and confusion and disturb general peace; and
- (10) shapes, pictures and maps of Eritrean territory without first obtaining permissions from the concerned governmental agency.

13. Gratuitous copies

Every Eritrean printer or publisher shall, pursuant to this proclamation, submit two gratuitous copies of every publication that he or it publishes or disseminates to the Ministry.

14. The competent court

(1) The High Court shall have the jurisdiction to hear and decide the cases of persons who have violated the provisions of this proclamation, as well as the appeals of those whose applications for permits have been rejected by the Ministry.

(2) Where disagreements arise as to the interpretation of the provisions of this proclamation, the power to interpret the same shall be vested in the High Court. Only those persons directly involved in the matter may request the court to give its interpretation.

15. Offences

(1) Whosoever, for any reason whatsoever, attempts to present himself or presents himself as a journalist when actually he is not a journalist within the meaning of the definition provided for in Article 3 of this proclamation shall, upon conviction, be punishable with imprisonment from six (6) months to one (1) year or with a fine from one thousand (1000) to two thousand [2000] US Dollars or its equivalent.

(2) Whosoever produces or publishes a newspaper or publication without the Minister's permit and Business License Office's license permission shall be directly suspended from so doing, his copies and products confiscated and the owner thereof shall, upon conviction, be punishable with a fine from three thousand (3000) to five thousand (5000) US Dollars or its equivalent. He shall be prohibited from being issued with a license for a year. The editor-in-chief shall be prohibited from heading any publication for a year.

(3) Whosoever prints or reprints for an Eritrean newspaper or publication which doesn't have a permit or which is prohibited from printing or reprinting shall, upon conviction, be punishable with imprisonment from six(6) months to one(1) year or with a fine from three thousand(3000) to five thousand(5000) US Dollars or its equivalent. And the publication shall be confiscated.

(4)Whosoever prints or disseminates a foreign newspaper or publication which has been prohibited from or not permitted entry to Eritrea or the copies of which have been confiscated shall, upon conviction, be punishable with imprisonment from six(6) months to one(1) year or to a fine from four thousand (4000) to six thousand(6000) US Dollars or its equivalent. Where the offence is committed for a second time he shall be punishable with both. But where offence is committed for a third time, his license shall, in addition to the punishment provided for herein, be revoked and his printing press permanently closed.

(5) Whosoever, without obtaining a sales and distribution license, is found selling or distributing permitted newspapers and publications shall, upon conviction, be punishable with a fine from three hundred (300) to five hundred (500) US Dollars or its equivalent. Where he repeats the offence, he shall, in addition to being punished with the fine provided for herein, be prohibited from obtaining a license for selling and distributing press products.

(6) Whosoever, being licensed to sell or distribute newspapers or publications, is found selling prohibited newspapers or publications in violation of this proclamation shall, upon conviction, be punishable with a fine from five hundred(500) to one thousand(1000) US Dollars or its equivalent. Where he repeats the offence, in addition of being punished with the fine provided for herein, his license shall be revoked.

(7) Where a newspaper or publication disseminates wrong news or information regarding individuals or juridical persons and, in violation of the provisions of Article 11 of this proclamation, refuses to accept a reply or to correct it, he shall, upon conviction, be punishable with a fine from five hundred (500) to one thousand (1000) US Dollars or its equivalent, but shall not be liable to concurrent penalty under sub-article (9) hereof. The competent court may also suspend all the activities of the newspaper or the press product unless and until it publishes a reply or correction.

(8) Whosoever, in violation of the provisions of Article 8(1) of this proclamation, imports, sells or rents artistic goods without a license shall, upon conviction, be punishable with a fine from three thousand (3000) to five thousand (5000) US Dollars or its equivalent. In addition, all the goods found in his possession shall be confiscated.

(9) Where the wrong or false news or information disseminated injures the honor or prestige or the freedom of privacy of individuals or juridical persons, the offender shall, upon conviction be punishable pursuant to the provisions of Article 580 of the Transitional Penal Code and be liable to pay compensation under the Transitional Civil Code of Eritrea for damage caused.

(10) Where inaccurate news or information disrupts general peace as provided in Article 12(2),(4),(5),(6) and (8) of this proclamation, the editor-in-chief and the concerned journalist shall, upon conviction, be punishable pursuant to the relevant provisions (Articles 256,257,259,260,261,263,264, or 269) of the Transitional Penal Code of Eritrea. Where the offence is committed for a second time, the newspaper shall be banned, its license cancelled and the editor-in-chief be punishable pursuant to the provisions of this sub-article.

(11) Where any newspaper or publication disseminates materials which vilifies religions or incites violence as provided in Article 12(1) and (3) of this proclamation, the editor-in-chief and the concerned journalist shall be punishable pursuant to the relevant provisions (Articles 256,474,479, or 480) of the Transitional Penal Code of Eritrea. Where the offence is repeated, the newspaper shall be banned, its license cancelled and the editor-in-chief be punishable pursuant to the provisions of this sub-Article.

(12) Where any newspaper or publication disseminates material which violates morality in contravention of the provisions of Article 12(5) and (6), the editor-in-chief and the concerned journalist shall be punishable pursuant to the relevant provisions (Articles 574-580) of the Transitional Penal Code of Eritrea.

(13) Where any newspaper or publication obtains revenue in accordance with the provisions of Article 7(8) and (9) of this proclamation but the owner fails to prove that it is earned by lawful means, the newspaper or publisher shall be proscribed issuing not less than three and not more than six successive publications and the owner punished by payment of double the amount of the revenue obtained. Where the offence is repeated, the owner shall be punished by payment of double the amount of revenue obtained and with imprisonment not exceeding one year.

(14) Where illegal revenue obtained by any newspaper or publication serves external or internal interests, conflicts with the national interests and contravenes the provisions of Article 7(8) of this proclamation, the owner shall be punished pursuant to the relevant provisions (Articles 261 or 264) of the Transitional Penal Code of Eritrea.

(15) Where the owner of a newspaper uses the name of another newspaper or uses a name likely to bring about confusion of names, he shall be punishable pursuant to Article 673 of the Transitional Penal Code and liable under the Transitional Civil Code of Eritrea.

16. Miscellaneous

(1) Unless specifically mentioned in this proclamation, the provisions of the Transitional Penal Code and Transitional Civil Code of Eritrea shall be applicable in determining punishment and civil liability of press and publication offences.

(2) The Minister may issue regulations for the implementation of the provisions of this proclamation.

Done at Asmara, this 10th day of June, 1996
The Government of Eritrea