



February 2026

# **A DEMOCRACY AT THE CROSSROADS**

## **Mapping threats to the media in Botswana**

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# EXECUTIVE SUMMARY

*For decades, Botswana has been lauded as a model of stability and democratic governance in Africa, a reputation underpinned by constitutional guarantees of freedom of expression. However, this esteemed standing is increasingly at odds with the on-the-ground reality facing the Fourth Estate.*

The trajectory of media freedom has witnessed a precipitous decline; Reporters Without Borders (RSF) ranked Botswana **81st out of 180 countries in its 2025 World Press Freedom Index**—a stark regression from its 42nd position in 2015.

A historic November 2024 political transition saw the fall of the Botswana Democratic Party (BDP) which had ruled since independence from Britain in September 1966 and the advent of the Duma Boko-led Umbrella for Democratic Change (UDC) government. While this was widely celebrated as a triumph for democratic maturity, the media landscape remains perilous.

Although the new administration initially signalled a commitment to openness, the ‘honeymoon period’ has been marred by disconcerting rhetoric. President Boko’s recent unsubstantiated claims that 90% of media reports are “fake” potentially undermines public trust in the media, and could result in widespread criticism and ridicule of journalists from both the public and social media users. The President has accused some newsrooms of presenting their opinions as facts.<sup>1</sup> His warnings that journalists could face imprisonment for “fake news” and “criminal defamation” is disturbing as it suggests that the spectre of state hostility towards the media has not vanished with the change of government but merely changed hands.

The absence of systematic mass arrests of journalists in the immediate aftermath of President Boko’s ascension masks deeper, more insidious systemic threats that

undermine the media’s democratic function. The media operates within a suffocating legal framework where archaic colonial-era laws, such as sedition and criminal defamation, remain on the statute books, ready to be weaponised. Furthermore, the long-delayed enactment of a robust **Access to Information (ATI)** law continues to hinder investigative journalism, forcing reporters to rely on leaks rather than legally accessible information.

While Botswana’s Constitution guarantees freedom of expression, its silence on specific media rights and freedoms renders this guarantee largely ineffective for journalists. Consequently, the general constitutional guarantee affords journalists little protection if at all, primarily due to the prevalence of repressive statutes. Specifically, the Penal Code’s sedition provisions (sections 51–59) and criminal defamation laws have frequently been weaponised against independent media outlets. Compounding these legal threats is the rise of Strategic Lawsuits Against Public Participation (SLAPP) aimed not at winning cases, but at sapping the funds, time and energy of journalists and media houses through attrition.

This report provides a forensic analysis of the multi-faceted threats- legal, political, economic, digital, and societal factors that currently besiege Botswana’s media, hindering it from effectively serving the public interest and ensuring democratic accountability. It posits that without urgent structural reforms and a genuine political will to protect journalistic independence, Botswana risks sliding from a defective democracy into a regime of information authoritarianism.

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<sup>1</sup> Botswana Daily News, Maintain high ethical standards - Boko, published 07 May 2025. Accessed on 06 December 2025. Available at <https://dailynews.gov.bw/news-detail/86207>

# KEY FINDINGS

*The deterioration of Botswana's media environment is not the result of a single factor but a convergence of structural vulnerabilities and deliberate political strategies.*

Despite constitutional provisions for free speech, the legislative environment is hostile to independent inquiry. The following legal and regulatory considerations inhibit press freedom:

- **Weaponisation of the Penal Code:** Sections of the Penal Code criminalising “sedition”, “alarmist publications”, and “criminal defamation” remain in place. These provisions have been invoked on numerous occasions, not to maintain order but to shield public officials from scrutiny and silence dissent.
- **The Cybercrime Dagnet:** The **Cybercrime and Computer Related Crimes Act (2018)** and the **Data Protection Act (2024)**, while necessary for digital security, contain broad provisions that can be exploited to intercept journalistic communications and criminalise whistleblowing under the guise of “national security” or protecting “personal data”.
- **Strategic Lawsuits Against Public Participation (SLAPPs):** There is a rising trend of litigious attrition, where wealthy political and business elites utilise defamation suits with exorbitant damages to bankrupt media houses and intimidate individual reporters into silence.

## **Political Hostility and Institutional Capture:**

The relationship between the state and the private press is defined by mistrust and adversarial tension. This has been reflected in the following:

- **Rhetoric from the Top:** The new administration's narrative has quickly shifted from reformist zeal to media bashing rhetoric. The current President Boko has led senior government officials in publicly disparaging media professionals, labelling critical reporting as “fake news” or “unethical”. This normalisation of hostility from the highest

office legitimises online harassment and emboldens state security agents.

- **State Media Monopoly:** The broadcasting sector remains dominated by state-run entities (Btv, Radio Botswana) which, despite the change in government, continue to function largely as mouthpieces for the ruling elite rather than public service broadcasters. This hegemony distorts public discourse and marginalises opposition or critical voices.

**Economic Asphyxiation:** The failure to achieve financial viability and self-sustenance remains the Achilles' heel of the independent press. Consequently, the press has suffered from:

- **Weaponised Advertising:** The government remains the largest advertiser in the economy. The strategic withdrawal or “ban” of state advertising in private newspapers deemed “critical” acts as a potent tool of economic censorship, forcing outlets into self-censorship to survive.
- **Market Fragility:** High operational costs, coupled with a small market and the digital disruption of traditional revenue models, have left media houses financially anaemic. This vulnerability makes journalists susceptible to «brown envelope» journalism (bribery), undermining ethical standards from within.

**The Digital Panopticon:** Once seen as a frontier for free expression, the digital realm is increasingly a space of state-led surveillance and intimidation of journalists. In this regard, the following findings have been made:

- **State Surveillance:** Credible reports indicate the use of sophisticated forensic technology (such as **Cellebrite** and **Circles**) by the **Directorate of Intelligence and Security (DIS)** to intercept journalists

communications and uncover confidential sources. This chilling reality forces journalists to adopt defensive tradecraft, hampering their ability to work freely.

- **Cyber-Harassment:** Journalists, particularly women, face coordinated campaigns of abuse on social media platforms. These attacks are often gendered, focusing on personal morality rather than professional conduct, intended to discredit and silence female voices in the public sphere.

**Professional Deficit within the media:** It must be acknowledged that the media sector itself is not without fault. A lack of resources for training has led to lapses in verification and ethical breaches. These gift-wrapped 'own goals' provide ammunition for the government to justify draconian regulation. However, the solution lies in self-regulation and capacity building, not state control.

# INTRODUCTION

## *The Importance of media freedom in democratic Botswana*

Media freedom is a cornerstone of democratic governance, vital for ensuring transparency, accountability, and inclusive public discourse. A free press serves as a watchdog, holding both government and corporations accountable. It also facilitates social dialogue by providing a platform for divergent views. In societies facing entrenched inequalities, political volatility, or rising authoritarian tendencies, media freedom becomes an essential safeguard against corruption, abuse of power, and democratic regression.

In Botswana, long regarded as one of Africa's most politically stable and democratic nations, the media plays a central role in sustaining democratic norms. Since independence from Britain in 1966, the country has upheld a multiparty system and professes a commitment to the rule of law.<sup>2</sup>

However, there is a lot of controversy regarding the extent of media freedom in the country. An academic, Dr Letshwiti Tutwane, contends that, despite Botswana's international reputation for democratic stability, its media policy has consistently exhibited authoritarian characteristics.<sup>3</sup>

Dr Tutwane further argues that Botswana's media landscape has been shaped by a prolonged history of state control that began during the colonial era, when the British administration relied on official publications to

regulate information and suppress indigenous expression.<sup>4</sup> Following independence, the government inherited and reinforced this centralised, state-centric media system, most notably through the 1968 Hughes Report, which institutionalised the use of state media as a public relations instrument for the ruling party and marginalised opposition voices. In the 1980s and 1990s, government interference in media affairs intensified and this took various forms, including direct ministerial manipulation of content and politically motivated transfers of state journalists. There were also deportations of foreign journalists considered critical of the state and withdrawal of government advertising from 'hostile' publications like the Botswana Guardian. Legislative measures, particularly the Media Practitioners Act of 2008, further entrenched state oversight by enabling ministerial influence over media regulation.<sup>5</sup>

During President Seretse Khama's administration (September 1966 to July 1980), government communication systems were centralised within the Office of the President, drawing on colonial-era propaganda practices and reinforced by advisory reports that explicitly directed civil servants and media institutions to advance the ruling Botswana Democratic Party (BDP)'s interests. These policies institutionalised political interference, censorship, and the merging of government communication with party messaging.

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2 Botswana Country Profile by the BBC. 2024. Accessed on 19 September 2025 <https://www.bbc.com/news/world-africa-13040376>

3 Mmegi, Academic traces state media policy to Seretse, <https://www.mmegi.bw/news/academic-traces-state-media-policy-to-seretse/news#:~:text=University%20of%20Botswana%20academic%2C%20Dr,unlimited%20access%20to%20premium%20articles>.

4 Media Regulation in Democratic Africa: The Case of Botswana, <https://pure.port.ac.uk/ws/portalfiles/portal/28229911/tutwaneFINAL2021.pdf>

5 CS Canada, Cross-Cultural Communication, Vol. 10, No. 5, 2014, pp. 139-147, Government and Press Relations in Botswana: Down the Beaten African Track by Letshwiti Tutwane, Department of Media Studies University of Botswana, Gaborone Botswana. \*Corresponding author. Published online 31 August 2014

State media followed direct instructions from the presidency. Sensitive stories, including student protests and governance failures, were suppressed. The state-owned Daily News and Radio Botswana faced routine censorship.<sup>6</sup> Evidence from investigations, interviews, and archival records shows widespread political manipulation. There were frequent delays in publication approvals and tight editorial control by senior government officials. Election coverage was often partisan, with state publications endorsing the then ruling BDP. Editors who tried to uphold journalistic standards were often overridden. This fostered a culture of self-censorship that persists to this day. This study finds that Botswana's media landscape, especially the state media, has been shaped by what Professor Kenneth Good called "authoritarian liberalism" where economic success has concealed democratic deficits, including persistent government control over public information channels.<sup>7</sup>

Collectively, these historical developments demonstrate a persistent pattern in which the government has regarded the press not as an independent democratic institution but as a mechanism for managing political narratives. This trajectory reflects broader African trends of post-colonial media repression and

underscores enduring structural threats to press freedom in Botswana.

Botswana's media landscape is increasingly characterised by threats that undermine press freedom and limit the public's access to credible, independent information.<sup>8</sup> These threats include legal intimidation, state surveillance, digital harassment, economic vulnerabilities, and a shrinking civic space.<sup>9</sup>

As the country confronts pressing socio-economic challenges, including youth unemployment, poverty, and social and economic inequality,<sup>10</sup> the role of the media in promoting transparency, public engagement, and government responsiveness becomes ever more critical. Yet, this democratic function is under threat from actors and institutions that seek to control or manipulate media narratives to serve political or economic interests.<sup>11</sup>

This report comprehensively unpacks and analyses the various threats. It goes on to suggest recommendations that could be undertaken by the government, the media and other stakeholders to unshackle the media and enable it to fully play its watchdog role as its contribution to a democratic culture in Botswana.

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6 Mokganedi Zara Botlhomilwe, David Sebudubudu & Bugalo Maripe (2011): Limited freedom and intolerance in Botswana, *Journal of Contemporary African Studies*, 29:3, 331-348

[https://www.researchgate.net/publication/233467593\\_Limited\\_freedom\\_and\\_intolerance\\_in\\_Botswana](https://www.researchgate.net/publication/233467593_Limited_freedom_and_intolerance_in_Botswana)

7 Tutwane, L. B. B. (2011), 'The myth of press freedom in Botswana: From Sir Seretse Khama to Ian Khama' *Journal of African Media Studies*, 3: 1, pp. 43–55, doi: 10.1386/jams.3.1.43\_1

8 The State of Press Freedom In Southern Africa 2025. Botswana: New Regime- New Dawn? By Queen Mosarwe, 2025. <https://unesdoc.unesco.org/ark:/48223/pf0000393618?posInSet=1&queryId=N-EXPLORE-c680f127-3d8e-4e87-96cf-1b748f6b05a4>

9 CIPESA (2022) The State of Media Freedom and Journalists' Safety in Africa 2022, Increasing Surveillance and Monitoring of Journalistic Activities, 44-45. Available at CIPESA (2022) The State of 15 Media Freedom and Journalists' Safety in Africa 2022, Increasing Surveillance and Monitoring of Journalistic Activities, [https://cipesa.org/wp-content/files/The\\_State\\_of\\_Media\\_Freedom\\_and\\_Safety\\_of\\_Journalists\\_in\\_Africa\\_Report\\_1.pdf](https://cipesa.org/wp-content/files/The_State_of_Media_Freedom_and_Safety_of_Journalists_in_Africa_Report_1.pdf)

10 United Nations Botswana, Common Country Analysis, 2023 Annual Update <https://botswana.un.org/sites/default/files/2023-11/BOTSWANA%20COMMON%20COUNTRY%20ANALYSIS2023%20Annual%20Update.pdf>

11 Failure of Media Self-Regulation? Documenting Stakeholders' Attitude to the Botswana Media Complaints/ Appeals Committees. Eno Akpabio\*, Seamogano Mosanako, Department of Media Studies, University of Botswana, Gaborone, Botswana. *Open Journal of Social Sciences* >Vol.6 No.2, February 2018. Available at <https://www.scirp.org/journal/paperinformation?paperid=82642>

## PURPOSE AND SCOPE OF THE REPORT

This report is aimed at providing a comprehensive, evidence-based mapping of the threats facing media freedom in Botswana. It aims to inform policymakers, journalists, civil society actors, media owners, and the general public about the nature, scope, and impact of these challenges. Integrating historical context with recent developments presents an in-depth analysis of how structural and emerging forces undermine press freedom and democratic accountability.

The analysis covers both traditional and digital media platforms, exploring the experiences of journalists, editors, media owners, and media advocacy organisations. It addresses threats across the entire media ecosystem, ranging from restrictive legislation and arbitrary enforcement to economic pressures, online harassment, and disinformation campaigns.

The report also contextualises Botswana's media freedom within the broader Southern African region.

## METHODOLOGY AND DATA SOURCES

**The report employs a mixed-methods approach that combines:**

- **Quantitative analysis** of media freedom indicators.
- **Qualitative case studies** of harassment, censorship, legal intimidation, and digital threats.

Primary sources include:

- Journalists, legal experts, civil society actors and analysts
- Botswana's constitutional and legal documents.
- Official statements and policy papers.

Secondary sources include:

- Reports from civil society organisations and international NGOs, such as the

Media Policy and Democracy Project (the forerunner of Intelwatch), Freedom House, Reporters Without Borders, and the Committee to Protect Journalists.

- Outcomes from national media summits/press conferences and workshops.
- Newsroom documentation, journalistic investigations, and local advocacy initiatives.
- Academic research papers

The analysis incorporates insights from media practitioners, legal experts, and civil society leaders with direct experience navigating Botswana's media landscape. The analysis incorporates insights from media practitioners, legal experts, and civil society leaders with direct experience navigating Botswana's media landscape. Data collection begins with Botswana's pre-independence and continues through 2026, focusing more on events from the 2000s onwards that illustrate the evolution of threats and regulatory gaps.

## GEOGRAPHIC AND THEMATIC SCOPE

Geographically, the report focuses on Botswana while drawing comparative lessons from Southern Africa where appropriate. It considers both urban and rural contexts, acknowledging that media threats often manifest differently across geographic, linguistic, and socio-economic divides.

Thematically, the report is structured around five core threat categories:

1. **Legal and regulatory constraints;**
2. **Political and institutional pressures;**
3. **Economic vulnerabilities and media ownership;**
4. **Digital and technological threats** and
5. **Societal and extra-legal risks**, including gender-based violence and disinformation.

Each category is examined through a multi-stakeholder lens, integrating the perspectives of journalists, editors, media owners, policymakers, and human rights advocates to build a nuanced understanding of the challenges and pathways to reform.

## HISTORICAL CONTEXT

Botswana's peaceful transition to independence set it apart from neighbouring countries that experienced prolonged liberation struggles or post-independence authoritarianism.<sup>12</sup> This relatively stable foundation created what seemed to be favourable conditions for press freedom and democratic media. The country's early commitment to democratic institutions, regular elections, peaceful transfers of power, and a functioning Parliament enabled the emergence of a media landscape with what appeared to be more operational freedom than in many parts of sub-Saharan Africa.

Historian Jeff Ramsay says the first newspaper in the Setswana language, *Mokaeri oa Becuana le Muleri oa Makuku*, appeared in 1857. The newspaper was printed at the Kuruman Mission Press by the British missionary Robert Moffat, who also completed the first full translation of the Bible into Setswana that same year. Moffat's work was a significant step in the development of Setswana print culture and literacy. Other notable Setswana newspapers published later include *Mahoko a Becwana* (1883-1898),<sup>13</sup> and those established by writer and activist, Sol Plaatje, in the early 20th century, such as *Koranta ea Becauna* (1901) and *Tsala ea Batho* (1910).<sup>14</sup>

Although several others followed, there was a long silence until the 1940s, a period when the country was experiencing its greatest poverty. In the absence of local print media

during that period, South African journalist-cum-intellectual-cum-politician, Sol Plaatje, introduced a completely different form of communication of a travelling 'bioscope'. In the 1920s and 30s, he toured villages showing silent films accompanied by live narration and performance — a technique he had first developed while in London.<sup>15</sup>

State media expanded after independence. Radio Botswana and a free government daily – *Daily News* – started in 1966. Private media began to grow in the early 1980s, with new weekly newspapers, branches of international educational publishers, and limited local television broadcasting.<sup>16</sup>

## EARLY POST-INDEPENDENCE DEVELOPMENTS

In the early years of independence, state-owned and independent media institutions were established. Independent newspapers emerged beginning with *The Botswana Guardian* (1982); *Mmegi/The Reporter* (1984); *The Botswana Gazette* (1985); and *The Midweek Sun* (1989). Previously, the only newspaper in the country was the government-owned *Daily News*, which began life in 1964 as a free, two-page newsletter.<sup>17</sup> These outlets played significant roles in promoting civic engagement and public accountability during the presidencies of Sir Seretse Khama (1966-1980) and Sir Ketumile Masire (1980-1998).<sup>18</sup>

Botswana's media has also performed essential normative roles, serving as a watchdog, investigating and exposing

12 40 years of Democracy in Botswana: 1965-2005. Mmegi Publishing House. Edited by Zibani Maundeni <https://library.fes.de/pdf-files/bueros/botswana/04917.pdf>

13 Setswana Bible printed, July 1857, by Jeff Ramsey, July 4, 2022. Accessed on December 2, 2025 <https://www.facebook.com/jeff.ramsay.948/posts/setswana-bible-printed-july-1857-the-first-setswana-translation-of-the-full-bible/2526951194103099/>

14 The Presidency Republic of South Africa, Solom Tshekiso Plaatje (1876 - 1932). Accessed on December 2, 2025 <https://www.thepresidency.gov.za/solomon-tshekiso-plaatje-1876-1932>

15 Botswana Notes and Records Volume 38, [https://journals.co.za/doi/pdf/10.10520/AJA052550590\\_202](https://journals.co.za/doi/pdf/10.10520/AJA052550590_202)

16 Botswana History Pages, By Neil Parsons, <https://www.thuto.org/ubh/bw/bhp15.htm>

17 Index on censorship 4/1992. 64. Available at <https://journals.sagepub.com/doi/pdf/10.1080/03064229208535344>

18 Journal of African Elections. Elections in Botswana. 2006. Guest Editor, David Sebudubudu, <https://www.eisa.org/pdf/JAE5.2.pdf>

government misconduct and corruption. The media has also provided a forum for public dialogue and debate; facilitating transparency and oversight of government decisions; and contributing to civic education.

Investigative journalism exposés of corruption and other forms of malfeasance have in some instances resulted in government commissions of inquiry and policy changes.

Between the mid-1970s and the 1990s, journalists revealed corruption within government ministries, the cattle industry, land allocation processes, and state-owned corporations. These investigations brought to light the 1975 Kunz corruption case, irregularities at the Botswana Meat Commission, and pervasive mismanagement in public institutions. Such exposés generated public pressure and established the groundwork for increased scrutiny of government actions.

In the early 1990s, media influence reached its apex as sustained investigative reporting compelled the government to establish three major Presidential Commissions of Inquiry: the Aboagye (schoolbooks scandal), Kgabo (Mogoditshane land scandal), and

Christie (Botswana Housing Corporation scandal) commissions. The findings of these commissions confirmed systemic corruption among senior officials and revealed substantial losses of public funds. Ongoing media investigations also contributed to additional reforms, notably the establishment of the Directorate on Corruption and Economic Crime (DCEC) in 1994. Collectively, these cases demonstrate the press's recurring role in prompting government action, shaping Botswana's anti-corruption framework, and reinforcing democratic accountability.<sup>19</sup>

However, Botswana inherited several restrictive laws from colonial rule, including sedition and defamation provisions, which provided broad legal scope to suppress dissent. These laws have posed ongoing challenges to press freedom, as illustrated by the 2014 case of journalist Outsa Mokone, editor of the *Sunday Standard*, who was arrested on sedition charges after publishing an article about President Ian Khama. In September 2014, Mokone was issued an arrest warrant on charges of sedition following the publication of an article in the *Sunday Standard* titled "President hit in car while driving alone at night" on 31 August 2014. (See Legal and Regulatory Threats).

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19 Sabinet African Journals, Corruption and its control in Botswana by David Sebudubudu, pages 122 - 128. Accessed on 2 December 2025  
[https://journals.co.za/doi/pdf/10.10520/AJA052550590\\_137](https://journals.co.za/doi/pdf/10.10520/AJA052550590_137)

# CURRENT LANDSCAPE

*The media in Botswana operates within an increasingly constrained environment characterised by multiple, intersecting threats to press freedom. These threats have evolved from traditional forms of media suppression to encompass sophisticated digital surveillance, economic manipulation, and social harassment that collectively undermine the media's ability to serve the public interest.*

Unlike previous eras where threats were primarily governmental, today's media professionals face risks from diverse sources, including cyber-criminals, political activists, and economic interests that seek to influence or suppress journalistic content.

Recent assessments by international organisations confirm the persistence of these challenges. The Freedom House 2025 report indicates that media freedom is threatened by hostile lawsuits against journalists and restrictive legislative provisions.<sup>20</sup> This assessment reflects a pattern of legal intimidation that has become increasingly sophisticated and targeted.

This section comprehensively analyses these threats across five distinct but interrelated categories, namely: legal and regulatory frameworks; political and institutional pressures; economic and ownership-related challenges; digital and technological risks; and societal and extra-legal intimidation. Each threat category reveals how various actors—state and non-state alike—have deployed different mechanisms to restrict, intimidate, or silence critical journalism. Not only do these threats restrict the ability of journalists to operate freely, they also erode public trust in the media and undermine its capacity to fulfil its democratic mandate

## LEGAL AND REGULATORY THREATS

Successive pre- and post-independence governments have armed themselves with several draconian laws to create a draconian regulatory environment that has proved inimical to press freedom in Botswana. These laws broadly target any reporting deemed “seditious,” “causing disaffection,” or a threat to the “national interest,” providing cover for arbitrary arrests, harassment and even prosecution of journalists. This legislative trajectory reveals a persistent effort by the state to intensify oversight through mechanisms that critics argue enable political interference and silence dissenting voices.

In 1997, a controversial media bill was proposed but eventually shelved following significant pressure from local press organisations. However, similar provisions resurfaced in 2001 via the draft **Mass Media Communications Bill**. This proposed legislation sought to establish a government-controlled press council and mandated state accreditation for all journalists. Crucially, it granted police the authority to seize publications that violated its provisions, signalling an early intent to formalise state control over the media profession.

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20 Freedom House “Freedom in the world 2025” Accessed 20 September 2025 <https://freedomhouse.org/country/botswana/freedom-world/2025>

## THE 2008 MEDIA PRACTITIONERS ACT: A TURNING POINT<sup>21</sup>

The regulatory climate shifted significantly with the enactment of the **Media Practitioners Act of 2008**. Though framed as a mechanism for professional standards, the Act introduced two pivotal provisions that undermined judicial and professional independence:

- **Executive Control:** It empowered the Minister to appoint members to the Media Council and the Appeals Committee, granting the executive branch political discretion over regulatory structures.
- **Mandatory Registration:** It placed the power to determine who could practice journalism squarely in the hands of the Minister through compulsory registration and the threat of deregistration.

Beyond media-specific laws, the state has utilised a broader legislative toolkit to deter investigative reporting and protect officialdom:

- **Information Access:** The **National Security Act** and the **Public Service Act** have frequently been used to discourage journalists from accessing public information, often citing «national security» as a blanket justification for non-disclosure.
- **Surveillance and Sources:** The **Criminal Procedure and Evidence (Controlled Investigations) Act** poses a direct threat to source protection; for instance, it allows state security personnel to review CCTV footage of journalists to identify their confidential contacts.<sup>22</sup>
- **Financial and Reporting Pressure:** Both the **Declaration of Assets and Liabilities Act** and the **Whistleblowing Act** contain

provisions that can be leveraged to compel journalists to disclose sources or face legal repercussions.

In 2022, the **Media Practitioners Act** was repealed and replaced by the **Media Practitioners Association Act**. While this new framework ostensibly attempts to shift regulatory authority back to the profession itself, it remains contentious.

The 2022 Act retains the mandatory registration of journalists but adds a new hurdle: a minimum requirement of a Diploma in Journalism. This “professionalisation” has been met with resistance from stakeholders who argue that journalism is a craft rooted in talent, curiosity, and critical thinking rather than purely formal accreditation. Critics point out that a practitioner with a PhD may lack the investigative instincts of a self-taught reporter. Consequently, the 2022 law has yet to be fully operationalised, as the industry grapples with the risk of excluding capable voices through rigid, state-linked qualification barriers.

Some of the major laws that severely impact on media freedom are discussed in greater detail below. These include the following:

## THE PENAL CODE (CHAPTER 08:01) OF 1964 (AS AMENDED).<sup>23</sup>

The Penal Code contains some of the most antiquated and direct threats to journalistic practice in the form of provisions like sections 50 and 51 which define and criminalise sedition respectively.

According to Section 50, “A seditious intention is an intention- (a) to bring into hatred or contempt or to excite disaffection against the

21 Botswana Country Profile by the BBC. 2024. Accessed on 19 September 2025 <https://www.bbc.com/news/world-africa-13040376>

22 African Media Barometer - Botswana 2023, by Tabani Moyo, Regional Director MISA Harare, Zimbabwe and Freya Gruenhagen Director Fesmedia Africa Friedrich-Ebert-Stiftung Windhoek, Namibia [p9https://library.fes.de/pdf-files/bueros/africa-media/21325.pdf](https://library.fes.de/pdf-files/bueros/africa-media/21325.pdf)

23 <https://policehumanrightsresources.org/content/uploads/2016/03/Penal-Code-Botswana-19641.pdf?x49094> accessed on 15 February 2026

person of the President or the Government of Botswana as established by law; (b) to excite the inhabitants of Botswana to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Botswana as established by law; (c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Botswana; (d) to raise discontent or disaffection amongst the inhabitants of Botswana; or (e) to promote feelings of ill-will and hostility between different classes of the population of Botswana..”

Section 51 defines seditious offences as: “(1) Any person who- (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention; (b) utters any words with a seditious intention; (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; (d) imports any seditious publication, unless he has no reason to believe that it is seditious, is guilty of an offence and is liable to imprisonment for a term not exceeding three years; and any seditious publication shall be forfeited to the State.”

The breadth of these provisions creates a chilling effect on journalism. The vague definition of “seditious intention”—particularly the prohibition on exciting “disaffection” against the government—effectively criminalises legitimate criticism of public officials and government policies.

The threat of seven years’ imprisonment represents a disproportionate sanction that deters investigative journalism and critical reporting on matters of public interest. International human rights standards, including those articulated by the United Nations Human Rights Committee, have long held that sedition laws should not be used to suppress legitimate expression and that any restrictions on freedom of expression must be narrowly tailored, proportionate, and necessary in a democratic society.

Even reading or being found in possession of a newspaper that is deemed seditious can be punished according to Section 51 (2) which

provides that “Any person who without lawful excuse has in his possession any seditious publication is guilty of an offence and is liable to imprisonment for a term not exceeding three years; and such publication shall be forfeited to the State”.

Media houses and printing companies could potentially lose their equipment to the state according to Section 51 (4) which provides that:

“Any printing machine which has been, or is reasonably suspected of being, used for or in connection with the printing or reproduction of a seditious publication may be seized or otherwise secured by a police officer...and, when any person is convicted of printing or reproducing a seditious publication, the court may, in addition to any other penalty which it may impose, order that the printing machine on which the publication was printed or reproduced shall be either confiscated for a period not exceeding one year, or be forfeited to the State, and may make such order whether or not the person convicted is, or was at the time when the publication was printed or reproduced, the owner of the printing machine... A printing machine forfeited under this subsection shall be sold, and the proceeds, less expenses, shall be paid into the general revenue.”

Another chilling clause is Section 51 (5) which empowers the state to ban publications for a year upon being found guilty of publishing “seditious” content.

There are several cases illustrating the deleterious impact of the sedition clauses on press freedom. In 2022 a journalist, Tshepo Sethibe, was arrested and charged for allegedly publishing what the state considered to be false news regarding the disappearance of a minor in Lobatse. Sethibe had made critical comments about the local police’s performance on the matter. The charges against Sethibe were dropped in August 2024. He subsequently challenged the constitutionality of Section 59(1) of the penal code, which criminalises the publishing of

statements that are “likely to cause fear and alarm to the public or to disturb the public peace.”<sup>24</sup>

A year before that in 2021, police arrested two journalists and three staffers at the *Moeladilotlhoko News Boiler* - a privately-owned news outlet that publishes on Facebook. The police also seized computers and phones, demanded passcodes, read messages, and retained phones as evidence even after charges were withdrawn in April. All five were charged with one count of seditious offences and six counts of criminal trespass for activities related to their continued investigation of one, Oratile Badubi’s disappearance. Criminal trespass is punishable with up to one year in prison, according to Botswana’s penal code.<sup>25</sup>

Back in 2014, the sedition clauses were used against the *Sunday Standard* editor, Outsa Mokone, who was arrested and charged after publishing a story about then President Ian Khama. The ‘offending’ article appeared in the *Sunday Standard* edition of 31 August 2014, under the heading, “President hit in car while driving alone at night”. Mokone’s legal team, led by Dick Bayford (now Attorney General of Botswana), contested several aspects of the arrest, including the warrant’s lawfulness, denial of immediate access to legal representation, and the constitutional validity of the sedition charge itself.

The charges were eventually dropped in September 2018 after the Court of Appeal upheld an earlier High Court judgement

which had ruled Mokone’s arrest to be unlawful. However, and unfortunately so, the apex court did not entertain the issue whether the sedition offence is inconsistent with the Constitution: “Since I have already declared the warrant invalid, this is an *a fortiori* case for resisting the temptation to embark upon a constitutional investigation which would make no difference to the eventual determination of the issues raised in any conceivable way.” The Court upheld the principle that where it is possible to decide any case without reaching a constitutional issue, “that is the course that should be followed”.<sup>26</sup> This means that the colonial-era sedition clauses remain intact and can be weaponised against any journalist whenever the state and politically connected individuals feel the need to. The case reflected the persistent tensions between colonial-era legal frameworks and current expectations for free expression.<sup>27</sup>

Beyond sedition, Botswana’s Penal Code contains several other colonial-era provisions that impact on press freedom.

Section 59 criminalises the publication of “any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace”, with violations punishable by up to two years’ imprisonment, a fine, or both.<sup>28</sup>

This provision, sometimes referred to as the ‘alarming publications’ law, suffers from similar deficiencies as the sedition provisions: vague language that fails to

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24 Freedom House “Freedom in the world 2025” Accessed 20 September 2025 <https://freedomhouse.org/country/botswana/freedom-world/2025>

25 Committee to Protect Journalists, Botswana police charge Moeladilotlhoko News Boiler staff with criminal trespass, 02 June 2021. Accessed on 17 October 2025 <https://cpj.org/2021/06/botswana-police-charge-moeladilotlhoko-news-boiler-staff-with-criminal-trespass/>

26 Southern Africa Litigation Centre, Botswana: Challenge to the offence of sedition. 2018. Accessed on 19 September 2025 <https://www.southernafricalitigationcentre.org/botswana-challenge-to-the-offence-of-sedition/>

27 Southern Africa Litigation Centre, Botswana: Challenge to the offence of sedition. 2018. Accessed on 19 September 2025 <https://www.southernafricalitigationcentre.org/botswana-challenge-to-the-offence-of-sedition/>

28 <https://policehumanrightsresources.org/content/uploads/2016/03/Penal-Code-Botswana-19641.pdf?x49094> accessed on 15 February 2026

provide clear guidance on what constitutes a prohibited publication, and a broad sweep that captures statements that may be erroneous but published in good faith. The provision's requirement that a statement merely be "likely" to cause alarm—rather than intentionally designed to do so—places an unreasonable burden on journalists to predict public reaction, thereby incentivising self-censorship.

## POST-INDEPENDENCE LEGISLATIVE RESTRICTIONS

Whilst colonial-era laws such as the Penal Code continue to constrain press freedom, post-independence governments have also enacted laws which have had the effect of further restricting media freedom. These include the following:

### The Public Security Act (Chapter 22:01), 1966

This Act grants the President extraordinary powers to maintain "public order." While it is rarely invoked in its entirety, its mere existence provides a "nuclear option" for the executive to bypass constitutional protections during times of perceived unrest.

**Section 3** of the Act which speaks to Emergency Powers, empowers the President to declare a "state of emergency," during which the latter can make regulations for the detention of persons and the suppression of publications. These persons and publications could be journalists and newspapers respectively. In an emergency, constitutional rights to expression can be suspended and when this happens, a 'legal black hole' can be created and used to shut down the media without any immediate judicial recourse.

**Section 4** empowers the executive to prohibit the publication of information deemed

prejudicial to public security. This clause overlaps with the National Security Act but the Public Security Act is more dangerous as it facilitates the immediate gagging of specific stories or media outlets under the vague umbrella of 'national security.'

### The National Security Act (Chapter 23:01), 1986

This Act contains broad, vaguely worded provisions that enable the government to classify information and criminalise its unauthorised disclosure. For example, Sections 4 and 5 prohibit the disclosure or possession of "classified" information deemed prejudicial to the state.<sup>29</sup>

With such broad and sweeping definitions of national security and classified information which fail to consider the public interest, the Act enables the government to shield information from journalistic or public scrutiny whenever it feels that information is embarrassing rather than genuinely security sensitive. The Act creates a chilling effect where sources are terrified to leak and journalists are afraid to receive documents, even if they serve the public interest.

In 2016, the Act was invoked against freelance journalist, Sonny Serite, who was arrested and detained after he published a story about corruption at a state-owned entity. According to a report by the Southern African Litigation Centre, Serite was denied access to his lawyer before being pressured to reveal the sources for his story. He was told that refusing to divulge his sources would be in contravention of the National Security Act which requires information to be passed on to a police officer. Although the charges were later dropped, the mere fact of the arrest and detention contributed to a culture of fear and self-censorship among journalists in Botswana.<sup>30</sup> Sources would also be fearful of

29 [https://www.vertic.org/media/National%20Legislation/Botswana/BW\\_National\\_Security\\_Act.pdf](https://www.vertic.org/media/National%20Legislation/Botswana/BW_National_Security_Act.pdf) accessed on 15 February 2026

30 Southern Africa Litigation Centre, The court's role in contributing to a culture of accountability for corruption, by Caroline James, p132. Accessed on 04 December 2025 <https://www.southernafricalitigationcentre.org/wp-content/uploads/2017/08/GOAL-16-Book-James.pdf>

divulging crucial information to journalists if their anonymity cannot be guaranteed.

### **The Corruption and Economic Crime Act (Chapter 08:05), 1994<sup>31</sup>**

Ostensibly aimed at fighting corruption, the Act nevertheless contains provisions that could be and have been weaponised against journalists.

Specifically, **Section 44** bars anyone from publishing or revealing details of an ongoing Directorate on Corruption and Economic Crime (DCEC) investigation. It effectively prevents the media from following up on corruption cases once the DCEC takes over and begins probing a case even if that case had been brought to the public attention by the media. In other words, the Act places a gag order on the progress of high-profile corruption cases. Offences attract a penalty of a year's imprisonment and a fine of P2000 (approximately US\$152), or both.<sup>32</sup>

In May 2015, DCEC Officials raided the offices of the Botswana Gazette and arrested its manager Shike Olsen, editor Lawrence Seretse (now a civil servant, Deputy director at BGCIS- Botswana Government Communications and Information System), journalist Innocent Selatlhwa and the paper's lawyer, Joao Salbany (now Deputy Attorney General), in what was widely condemned as a state assault on the private press.

The arrests and raid came shortly after the newspaper had published an investigative story that linked a deported Zambian national, Jerry Chitube, to illegal activities for Botswana's intelligence arm, the Directorate of Intelligence and Security Services (DIS), and

the then ruling Botswana Democratic Party.<sup>33</sup> The editor and journalist were charged under Section 44 for allegedly disclosing information about an ongoing DCEC investigation. Although they were eventually released, the case illustrated how anti-corruption legislation can be turned against journalists and anyone else seeking to expose corruption.<sup>34</sup>

### **Intelligence and Security Service Act (CHAPTER 23:02), 2007<sup>35</sup>**

**Section 22** of the Act grants Directorate of Intelligence and Security (DIS) agents broad powers of surveillance and seizure. These powers could be weaponised against journalists, resulting in their physical harassment of journalists as well as the seizure of their digital tools (such as mobile phones and laptops) without robust judicial oversight. In such instances, the confidentiality of sources is compromised.

### **Cybercrime and Computer Related Crimes Act as amended in 2018**

The 2018 Act replaced the earlier 2007 version with amendments ostensibly aimed at strengthening Botswana's cybersecurity framework. While the Act addresses legitimate concerns about cybercrime such as hacking, data theft, and cyber fraud, it contains broadly worded provisions that could be used to suppress online expression and target journalists who publish information deemed sensitive by the state.

**Section 4** of the Act criminalises unauthorised access to computer systems with penalties of up to two years imprisonment or a fine of P40,000, or both.

31 [https://www.vertic.org/media/National%20Legislation/Botswana/BW\\_Corruption\\_and\\_Economic\\_Crime\\_Act.pdf](https://www.vertic.org/media/National%20Legislation/Botswana/BW_Corruption_and_Economic_Crime_Act.pdf) accessed on 15 February 2026

32 [https://www.vertic.org/media/National%20Legislation/Botswana/BW\\_Corruption\\_and\\_Economic\\_Crime\\_Act.pdf](https://www.vertic.org/media/National%20Legislation/Botswana/BW_Corruption_and_Economic_Crime_Act.pdf) accessed on 15 February 2026

33 <https://mg.co.za/article/2015-05-07-botswana-gazette-journalists-arrested-over-story/> accessed on 15 February 2026

34 <https://www.refworld.org/reference/annualreport/freehou/2016/en/113636> accessed on 15 February 2026

35 <https://botswanalaws.com/consolidated-statutes/principle-legislation/intelligence-and-security-service> accessed on 15 February 2026

While targeting genuine hacking offences, the provision's broad definition of 'access'—which includes "instruct, communicate with, store data in, retrieve data from, or otherwise make use of any of the resources of the computer or computer system"—could be weaponised against legitimate investigative journalism activities.

This provision is particularly disturbing for journalists who rely on whistleblowers or leaked documents accessed from government computer systems. A journalist receiving information from a source who may have accessed data without explicit authorisation could be charged as an accomplice under this provision.

**Section 6** of the Act prohibits the intentional and unlawful interception of computer data transmissions through technical means. While designed to protect privacy, this provision has implications for investigative journalists who may receive intercepted communications as part of their reporting on government wrongdoing or corruption. The law's failure to provide explicit protections for journalists acting in the public interest creates significant legal risk.

**Section 15** of the Act criminalises cyber harassment, defined as making requests, suggestions, or proposals that are "obscene, lewd, lascivious or indecent," or threatening to inflict injury or physical harm. Violations carry penalties of up to six months imprisonment, a fine of P10,000, or both. While addressing legitimate concerns about online harassment, the vague terminology allows for arbitrary application against critical journalism, particularly satirical or strongly worded political commentary.

**Section 18** is also highly problematic from a media freedom perspective as it prohibits "offensive electronic communication" with penalties of up to two years imprisonment or a fine of P40,000, or both. The Act does not define what constitutes "offensive" communication, leaving the determination to law enforcement and judicial interpretation.

The provision's vagueness creates a significant chilling effect on online journalism and social media commentary. What government officials consider 'offensive' may simply be satirical, critical or investigative reporting on corruption, abuse of power, or policy failures.

### **Impact on Media Freedom: The Cybercrime law's impact on media freedom manifests in several interconnected ways:**

**Self-Censorship:** The vague language of provisions like 'offensive communication' forces journalists and media houses to engage in self-censorship, avoiding critical reporting for fear of prosecution. The breadth of potential criminal liability—covering essentially any digital communication—means that media practitioners cannot reliably predict what journalistic content might trigger charges.

**Sources/whistleblowers afforded no protection:** Provisions on unauthorised access and data interception place journalists at legal risk when working with confidential sources, particularly whistleblowers within government or security agencies. This undermines the foundational principle of source protection essential to investigative journalism.

The Act's provisions work in tandem with other legal tools—particularly the Intelligence and Security Service Act—to facilitate the harassment and intimidation of media practitioners. For example, when security agents seize journalists' devices, the Cybercrime Act provides the legal framework under which they can analyse digital communications, access passwords, and search for allegedly 'unauthorised' data.

In 2015, journalist and blogger Daniel Kenosi was arrested and charged with the "unlawful distribution of pornographic or obscene material contrary to Section 16 of the Cybercrime and Computer Related Crimes Act", after posting on his Facebook page (called Papparazi) allegations that a minister

was involved in a sex scandal.<sup>36</sup> He also faced a criminal defamation charge contrary to Section 192 of the Penal Code in Francistown. The Media Institute of Southern Africa (MISA) Botswana chapter subsequently called for the withdrawal of the charges, arguing that the cybercrime law's provisions violated freedom of expression as guaranteed in the Constitution.<sup>37</sup>

## THE WEAPONISATION OF CIVIL DEFAMATION SUITS

From 2001 onwards, government officials and political figures increasingly and systematically used civil defamation lawsuits to intimidate media outlets and discourage accountability reporting. These strategic lawsuits served a dual purpose: imposing severe financial penalties that threatened media viability whilst creating a climate of fear that discouraged critical journalism. The pattern reveals a deliberate strategy to suppress press freedom through the manipulation of civil law remedies.

In 2001, a High Court judge sued Mmegi for an unprecedented P5 million (approximately US\$853,000) in damages, threatening to bankrupt the paper. Justice Maruping Dibotelo brought the case after the newspaper published an article alleging that he failed to deliver P7,500 (approximately US\$560) to a former client during his time in private practice. Both parties agreed the article contained incorrect and damaging allegations, and when they could not settle on the amount of compensation, the matter

proceeded to the High Court in Lobatse for assessment of damages. Though damages were reduced to P250,000 (approximately US\$18,800), the case demonstrated the chilling effect of massive civil penalties. The initial claim of P5 million represented more than 100 times the actual alleged loss, exposing the punitive rather than compensatory intent behind such lawsuits.<sup>38</sup>

In 2002, then cabinet minister Tebelelo Seretse sued the Botswana Guardian for P500,000 (US\$37,000) after it reported her law firm was found guilty of professional negligence. Although the newspaper won on public interest grounds, the case illustrates how senior officials use defamation litigation to intimidate the media and discourage reporting on matters of accountability. The financial and legal burden of such lawsuits has a chilling effect on press freedom in Botswana.<sup>39</sup>

In 2007, The Sunday Standard was slapped with a P3 million (US\$224,500) damages claim for articles on alleged corruption by Minister Charles Tibone. The newspaper accused the minister of involvement in covering up corruption and theft of public funds in an electrification project. The Court of Appeal eventually reduced damages from P400,000 (US\$30,000) to P250,000 (US\$18,800), ruling that excessive awards risked chilling press freedom and that politicians must tolerate greater criticism than judges and private citizens. This judgment suggested a shift towards balancing the protection of reputation with safeguarding freedom of the press.<sup>40</sup>

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36 <https://wacphila.org/uploads/attachments/ck2xfe12k01sf3gqutnjh748k-botswana.pdf> accessed on 16 February 2026

37 <https://www.sundaystandard.info/misa-botswana-press-release-on-mr-daniel-kenosi/> accessed on 16 February 2026

38 Committee to Protect Journalists, Attacks on the Press in 2001-Botswana. 2002. Accessed on 20 September 2025

<https://www.refworld.org/reference/annualreport/cpj/2002/en/55760> accessed on 16 February 2026

39 Global Freedom of Expression - Columbia University, *Setese v. CBET*, Accessed on October 2025 <https://globalfreedomofexpression.columbia.edu/cases/seretse-v-cbet-ltd/> accessed on 16 February 2026

40 Columbia Global Freedom of Expression. *Tsodilo (Pty) Ltd v. Tibone*. 2011. Accessed on 19 September 2025 <https://globalfreedomofexpression.columbia.edu/cases/tsodilo-services-pty-ltd-v-tibone/> accessed on 16 February 2026

In 2012, Yarona FM was ordered to pay P1.5 million (US\$31, 500) in damages to a BDP legislator, Phillip Makgalemele, over a 2008 report alleging he was willing to take bribes to orchestrate losses by the national soccer team whilst he was head of the Botswana Football Association.<sup>41</sup>

That same year, veteran journalist and publisher Methaetsile Leepile won dismissal of a thirteen-year libel case brought by a senior judge Mpaphi Phumaphi, over an article on judicial nepotism, though the prolonged proceedings drained his resources and he faced potential damages of up to P3 million (US\$224, 500).<sup>42</sup>

### Strategic Defamation Cases Against Media (2001-2023)

Year	Case	Amount Claimed	Outcome	Impact
2001	High Court Judge v. Mmegi	P5million	Reduced to P250,000	Financial threat to viability
2002	Min. Seretse v. Guardian	P500,000	Newspaper won on public interest	Chilling effect persists
2007	MP Tibone v. Sunday Standard	P3 million	Award reduced to P250,000	Induces fear in going after political figures.
2012	Makgalemele v. Yarona FM	P1.5 million	<i>Yarona</i> ordered to pay US\$31,500 in damages.	Chilling effect. Induces fear of reporting on prominent people
2012	Judge Mpaphi Phumaphi v. Methaetsile Leepile	Up to P3 million	Lawsuit dismissed after 13 years	Financially draining and time-consuming for a journalist

These cases illustrate the weaponisation of civil defamation law, creating financial jeopardy that discourages public interest reporting even when cases are ultimately unsuccessful. The cumulative effect has been to foster self-censorship and constrain the media’s capacity to hold power to account.

## POLITICAL AND INSTITUTIONAL THREATS

Beneath the surface of Botswana’s democratic image, successive governments have maintained a deeply ambivalent, and at times openly hostile, relationship with independent journalism. This section comprehensively documents that relationship tracing the political and institutional mechanisms through which the state has sought to constrain, co-opt, and intimidate a press that dared to hold it to account over the years.

As shall be shown, these threats are neither incidental nor disorganised. They form a coherent and evolving pattern of repression, adapted to the prevailing political climate and the technological possibilities of each era. In the 1990s, as an assertive independent press began to find its voice, the government’s preferred instruments were broadly drafted legislation and the selective withdrawal of state advertising — a financial weapon of particular potency in a small market where private newspapers depended heavily on public revenue. By the time Ian Khama assumed the presidency in 2008, those tools had been supplemented with mandatory journalist registration, a domestic intelligence agency granted sweeping powers without commensurate oversight, public campaigns to delegitimise critical journalists, and the strategic acquisition of media ownership by ruling party sympathisers. Under

41 UNHCR, Freedom of the press 2013 - Botswana, 24 July 2013, <https://www.refworld.org/reference/annualreport/freehou/2013/en/29747> Accessed on 16 October 2025

42 Media Defence, Botswana journalist defeats lengthy libel case, 14 April 2014. Accessed on 16 October 2025 <https://www.mediadefence.org/news/botswana-journalist-defeats-lengthy-libel-case/?tztc=1> Accessed on 16 October 2025

subsequent administrations, the means became still more sophisticated: Israeli-developed spyware, commercial digital forensics platforms capable of stripping a seized phone of its entire contents, targeted doxxing of journalists by public officials, and the weaponisation of defamation law through ruinous litigation designed not to secure justice but to exhaust and intimidate.

## LEGISLATIVE INSTRUMENTS OF CONTROL

The principal legislative weapons deployed against journalists during this period were broad in scope and vague in definition, precisely the qualities that make such laws effective tools of intimidation.

The National Security Act was invoked to deny journalists access to information, with 'national security' serving as a catch-all justification for official non-disclosure. The Public Service Act introduced further legal tools that could be used to discourage investigative reporting, whilst the Declaration of Assets and Liabilities Act contained provisions that could compel journalists to reveal their sources — a fundamental threat to the confidentiality upon which effective journalism depends.

Other legislative instruments identified by practitioners as potentially dangerous to media freedom include the Whistleblowing Act and the Criminal Procedure and Evidence (Controlled Investigations) Act. The latter is of particular concern: as the African Media Barometer noted, it permits the use of CCTV footage to identify journalists' sources by state security personnel — a surveillance mechanism embedded within the ordinary architecture of the law.

In 2001, the government proposed a Mass Media Communications Bill that would have established a government-controlled press council and required all journalists to obtain state accreditation before practising in Botswana. The bill also granted police

the right to seize publications that violated its provisions. Crucially, it was substantially identical to a 1997 bill that had been shelved under pressure from local press organisations — an early sign of the government's willingness to revisit rejected regulatory frameworks in the hope that political conditions might eventually permit their passage.

Local press organisations successfully resisted the 2001 bill, which remained pending at year's end and was ultimately not enacted. However, the attempt was revealing: it demonstrated the government's desire to bring journalists within a state-administered licensing regime, a goal it would return to with greater persistence in subsequent years. (See section on legal and regulatory threats for a comprehensive discussion of the laws and regulatory environment).

## STATE ADVERTISING AS FINANCIAL WEAPON

Alongside legislative efforts, the government during this period also discovered the utility of state advertising as a political instrument. In 2001, all government offices were ordered to cease advertising with publications critical of the then Vice-President, Ian Khama. The advertising ban extended beyond its initial target, affecting other independent publications.

The editorial leadership of the **Botswana Guardian** and **The Midweek Sun**, led by Outsa Mokone, challenged the ban in court. Justice Isaac Lesetedi of the High Court ruled that the government's withdrawal of advertising from these newspapers violated their constitutional right to freedom of expression. The court found that placing pressure on newspapers to alter their editorial policy infringed their freedom of expression. Whilst the ruling was a significant legal victory, the underlying threat was not extinguished.<sup>43</sup> The episode established a template for financial coercion that would be refined and escalated during the Khama presidency.

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43 Committee to Protect Journalists, *Attacks on the Press in 2001-Botswana*. 2002. Accessed on 11 October 2025 <https://cpj.org/2002/03/attacks-on-the-press-2001-botswana/>

## The Khama Presidency (2008–2018): Systematic Repression

The presidency of Ian Khama, a former military commander who served from 2008 to 2018, represented the most sustained and systematic assault on press freedom in Botswana's post-independence history. The deterioration occurred across multiple dimensions simultaneously: legislative, financial, surveillant, and rhetorical. The cumulative effect was to create what the **Mail & Guardian** described as a culture of fear that pervaded journalism in Botswana.

In an interview with Intelwatch, Spencer Mogapi, veteran journalist and former Chairperson, Botswana Editors' Forum, bemoaned "a lost decade" during the reign of President Khama, saying there was a lot of push back against the growth of the independent media. The government had detached itself from the independent media and there were incessant skirmishes between the government and the independent press.

The most significant legislative development of the Khama era was the **Media Practitioners Act of 2008**, which created a regulatory authority with the power to register, discipline, and deregister journalists. (The act is discussed in greater detail in the section on legislative and regulatory threats.)

What was particularly disconcerting was that although the Act was framed as a professional standards mechanism, it was structured in a manner that enabled political interference and could readily be used to silence dissenting voices. The threat of deregistration — effectively the revocation of a journalist's right to work — was a powerful incentive towards self-censorship.

The Act was eventually repealed in 2022 and replaced by the Media Practitioners Association Act of 2022- an equally

problematic law which is also discussed in greater detail in the section on legislative and regulatory threats.

However early this year the State circulated, to key stakeholders, a Draft Media Bill, ahead of the winter session of the National Assembly which is expected to debate and replace the 2008 Act. The current Draft Media Bill seeks to establish an independent regulatory body, the Media Practitioners Council, which purports to operate without direction or control from any person or authority.

The Bill intends to uphold ethical standards, protect media independence and combat the use of the legal system to stifle free speech. This step by the Umbrella for Democratic Change (UDC) government which came into power in the 2024 polls, comes after years of tension over the 2008 Media Practitioners Act, which local media deemed restrictive and represents a push toward legitimate self-regulation.<sup>44</sup>

Media practitioners' wish is to have a framework that balances regulation with the protection of press freedom, including measures to prevent the misuse of legal actions against journalists.

## Advertising Bans and Financial Coercion

Under President Khama, state advertising bans became an institutionalised instrument of editorial control. In the run-up to the October 2014 general election, then Vice-President Mkgweetsi Masisi explicitly warned **Gabz FM** radio and four newspapers — **Mmegi**, **Botswana Guardian**, **The Midweek Sun**, and **The Monitor** — that they survived on government advertising, an unmistakable signal that continued critical coverage would be financially punished.<sup>45</sup>

Weeks later, the government made good on this threat, issuing instructions to media

44 Draft Media Bill, 22 December 2025, Daily News. Accessed on 24 February 2026 <https://dailynews.gov.bw/news-detail/89477>

45 <https://mg.co.za/article/2015-05-21-africas-model-democracy-is-sliding-into-a-monocracy-that-is-punishing-the-media/> accessed on 17 February 2026

officers and chief executives of parastatals to advertise only with approved publications.<sup>46</sup> For private newspapers that relied heavily on state advertising for revenue — an unavoidable dependency in Botswana’s small advertising market — this policy posed an existential commercial threat. The practical effect was to align editorial policy with the government’s preferences, not through legal compulsion but through economic pressure.

### Harassment, Arrest, and Legal Intimidation

Alongside financial pressure, the Khama era was marked by the physical harassment and arrest of journalists.

In September 2012, photojournalist Keoagile Bonang of Mmegi and colleagues from other outlets were threatened by defendants at a Francistown courthouse whilst police looked on without intervening, illustrating both the physical dangers faced by journalists and the impunity with which those threats were made.

The government’s corruption watchdog, the Directorate on Corruption and Economic Crime (DCEC), sought in 2015 to charge **Botswana Gazette** journalist Innocent Selatlhwa and the paper’s managing editor, Shike Olsen, for publishing a story that linked a deported Zambian national to alleged illegal operations involving the Directorate of Intelligence and Security (DIS) and the ruling BDP, in apparent violation of the Corruption and Economic Crime Act’s prohibition on disclosing information in ongoing investigations.

In the same year, journalist Daniel Kenosi was arrested and charged with the unlawful distribution of obscene material under the Cybercrime and Computer Related Crimes Act, after posting allegations of a ministerial sex scandal on Facebook. He also faced a criminal defamation charge under Section 192 of the Penal Code.

In early 2016, freelance journalist Sonny Serite was arrested and detained after publishing a story about corruption at a state-owned entity. Denied access to his lawyer, Serite was questioned about his sources and warned that refusing to disclose them constituted a violation of the National Security Act of 1986. Although the charges were eventually dropped, commentators widely noted that the arrest itself — regardless of its legal outcome — contributed materially to the climate of fear. The Southern Africa Litigation Centre documented the case as an example of the use of detention to coerce source disclosure.

Khama also floated, at a gathering of business leaders in 2013, the idea of using public funds to sponsor defamation lawsuits against the media by Cabinet ministers and senior public officials. The proposal was subsequently disavowed by the government spokesperson as an off-the-cuff remark, but the suggestion alone — made by a head of state in a semi-public forum — sent a chilling signal to journalists and editors.<sup>47</sup>

Radio Botswana (RBI) morning show host Letumile “Lets” Montsosa was reportedly temporarily removed from the *Masaasele* morning programme in late January 2026

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46 Ibid

47 Pen America, Journalists in Botswana working in ‘persistent climate of fear’ by Bill Snaddon, August 16, 2016. Accessed on December 08 2025. <https://pen.org/journalists-in-botswana-working-in-persistent-climate-of-fear/>

following a tightly controlled broadcast focusing on the Constitutional Court. Following public outcry and online support, he was reinstated to the show.<sup>48</sup> MISA Botswana also condemned this act.<sup>49</sup>

Botswana is actively moving to establish a dedicated Constitutional Court to strengthen its judicial system, with nationwide consultations. But the proposed legislation has attracted heated national debate with the opposition, civil society and some citizens resisting, urging prioritisation of “bread and butter” issues.<sup>50</sup>

During the 2026/27 Budget Speech, Duma FM journalist Roberta Akanyang was physically pushed and obstructed by the President’s Press Secretary, Emang Mutapati, while attempting to interview officials. The Botswana Editors Forum condemned this action saying it undermines press freedom.<sup>51</sup>

## MEDIA OWNERSHIP AND POLITICAL CAPTURE

The Khama era also witnessed a more subtle but equally concerning form of media influence: the strategic acquisition of stakes in independent media houses by BDP-aligned investors. The **Mmegi Group**, widely regarded as Botswana’s largest media company and publisher of **Mmegi**, **Botswana Guardian**, **The Midweek Sun**, and **The Monitor**, became the subject of particular concern.

At least one of the Group’s directors was linked to property mogul Sayed Jamali, who was regarded as sympathetic to the BDP. Jamali’s Duma FM radio station was in partnership with former BDP chairperson Daniel Kwelagobe and former Cabinet minister Patrick Masimolole. Whilst Jamali publicly denied any interest in the Mmegi Group, he subsequently acquired a 28 per cent stake in the company — making him its single largest shareholder.<sup>52</sup> The episode illustrated how ownership could become an instrument of political control, with financial capital deployed to align editorial institutions with ruling party interests.

### The Masisi Administration (2018–2024): Continuity and Division

When Mokgweetsi Masisi succeeded Khama as President in 2018, initial signals were cautiously optimistic. According to Spencer Mogapi, formerly of the **Sunday Standard** and Botswana Editors’ Forum, Masisi began his presidency in a manner that was broadly accommodating of the private press. That accommodation proved short-lived.

In an interview with Intelwatch, Mogapi noted that Masisi reverted to a posture of marginalising the private press, continuing from where Khama had left off. More distinctively, the Masisi administration developed what Mogapi characterised as a ‘divide-and-rule’ approach: granting access

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48 Montsosa axed from Masaasele after gagged Con Court show, Mmegi newspaper 28 January 2026. Accessed on 23 February 2026. <https://www.mmegi.bw/news/montsosa-axed-from-masaasele-after-gagged-con-court-show/news#>

49 MISA Botswana Condemns Emerging Threats to Media Freedom, 29 January 2026. Accessed on 24 February 2026 <https://misa.org/blog/misa-botswana-condemns-emerging-threats-to-media-freedom/#:~:text=Of%20serious%20concern%20are%20reports%20that%20Radio,and%20represents%20political%20interference%20within%20public%20broadcasting.>

50 BOCONGO questions timing of Constitutional Court consultations, Sunday Standard newspaper, 02 February 2026. Accessed on 23 February 2026. <https://www.sundaystandard.info/bocongo-questions-timing-of-constitutional-court-consultations/>

51 Patriot of Sunday Newspaper Facebook page, BEF raises concern after Duma FM journalist Roberta Akanyang was stopped from interviewing President Duma Boko at Parliament during the 2026/27 Budget Speech. Accessed on 23 February 2026 <https://www.facebook.com/ThePatriotOnSunday/posts/bef-has-raised-concern-after-duma-fm-journalist-roberta-akanyang-was-stopped-fro/1362589659232533/>

52 Botswana in the grip of bad Khama. By Joel Konopo, 21 May 2015. Accessed on 23 November 2025. <https://mg.co.za/article/2015-05-21-africas-model-democracy-is-sliding-into-a-monocracy-that-is-punishing-the-media/>

and interviews to favoured journalists whilst freezing out others, thereby fragmenting the media landscape and undermining its collective capacity to scrutinise power. Masisi also demonstrated a preference for entertaining the international media whilst effectively ignoring the local press — a pattern that satisfied an external audience without conceding meaningful accountability domestically.

This selective engagement was corrosive in its own way. By privileging some journalists and outlets at the expense of others, the administration cultivated dependency and rivalry within the media sector, reducing its coherence as a watchdog institution.

### Government Interference in State Broadcasting

The pattern of political interference has been particularly acute in state-owned broadcasting. Botswana lacks a genuinely independent public service broadcaster: Botswana Television (BTV) and the Daily News have functioned, in practice, as institutional mouthpieces for the government of the day, and successive administrations have been willing to intervene directly in editorial decisions.

A notable early illustration of this occurred in April 2001 when Chris Bishop, head of news and current affairs at **BTV**, resigned abruptly to protest what he described as repeated threats from state officials and direct interference in the station's editorial policy and programming. The immediate catalyst was the government's decision to block the broadcast of a feature documentary on Marietta Bosch, a South African woman executed in Botswana following a murder conviction.<sup>53</sup>

The dominance of state-owned media is most acutely felt in rural areas, where access to alternative sources of information is limited. This creates a structural information inequality, in which citizens in urban centres have access to a diversity of viewpoints — including critical independent journalism — whilst rural populations are dependent on a media environment largely shaped by state interests. Opposition voices and civil society actors are systematically excluded or delegitimised within this information ecosystem.

The International Press Institute has identified the misuse of state advertising as a related mechanism of media capture, noting that publicly funded advertising in Botswana is allocated not on objective commercial criteria but as a tool of influence and control.<sup>54</sup> This creates a structural dependency that private media are largely powerless to resist without sacrificing their financial sustainability.

### Harassment, Doxing, and Gender-Based Violence

In recent years, a new form of journalist harassment has emerged: the deliberate exposure of journalists' private information online, commonly known as doxing. This practice weaponises personal data to facilitate targeting, harassment, and intimidation, and it has been deployed in Botswana by political actors from both the ruling establishment and the opposition.

In November 2023, Assistant Minister of Investment, Trade and Industry Beauty Manake posted screenshots of her private WhatsApp exchange with journalist Kabo Ramasia on Facebook, deliberately exposing his phone number to her 63,000 followers.<sup>55</sup> The post followed Ramasia's request for comment on allegations of abuse of office,

53 <https://allafrica.com/stories/200105040365.html> accessed on 17 February 2026

54 The Pan Afrikanist, Botswana: Media environment faces key risks and challenges, IPI urges close monitoring of the Press freedom situation in the country. 3 September 2022 <https://thepanafrikanist.com/botswana-media-environment-faces-key-risks-and-challenges/>

55 <https://cpj.org/2024/02/botswana-politicians-dox-2-journalists-by-posting-their-personal-data-online/> accessed on 17 February 2026

and remained publicly accessible as of February 2024. In December 2023, the political group Madibelatlhopo — linked to the then-opposition Umbrella for Democratic Change — posted the phone number of journalist Kealeboga Dihutso to its 10,000 followers, alongside false claims that Dihutso worked with intelligence services or the former ruling party.<sup>56</sup> Online commentators amplified these allegations, accusing Dihutso and Duma FM of criminal links.

These incidents are not merely individual acts of political rudeness. They violate journalists' privacy rights under Botswana's Constitution, international press freedom standards, and the Data Protection Act. More significantly, they function as deterrents: a journalist who publishes material that attracts such a response may be harassed by thousands of members of the public, and knows that their personal safety may be compromised. MISA Botswana condemned the growing trend of officials and political actors exposing journalists' personal data, calling for accountability and protective measures from government, civil society, and political leaders.<sup>57</sup>

## **GENDER-BASED VIOLENCE AGAINST FEMALE JOURNALISTS**

Female journalists in Botswana face a distinct and heightened set of risks. They are disproportionately targeted with sexual harassment, misogynistic abuse, and threats that focus on their personal lives rather than their professional work. These threats occur both online and offline and are frequently

minimised or ignored within male-dominated newsroom cultures.

During the Botswana Democratic Party's internal elections in Ramotswa in July 2024, at least four journalists were attacked and media equipment was destroyed.<sup>58</sup> A female journalist was physically manhandled by BDP members attempting to seize her mobile phone. The elections had been characterised by tensions as election officers and party supporters sought to bar journalists from covering proceedings on the grounds that it was "an internal matter." Letlhogile Mpuang of the Botswana Gazette (now with *Tuesday Grill* - an online newspaper) had his phone damaged in the melee.<sup>59</sup> Women In News (WIN) condemned the incident as a blatant violation of press freedom, calling on authorities to take immediate action to protect journalists' right to report without fear of reprisal.

Another example of gendered violence came after Gaone Khumomatlhare, a broadcaster at Gabz FM, conducted a live radio interview with Minister of Local Government and Traditional Affairs, Ketlhalefile Motshegwa on August 8, 2025. She quizzed him about the four months delay in wage payments to workers in the Okavango area on the Ipelegeng programme. The workers had not been paid for four months.

Ipelegeng is an unemployment relief programme which offers short term employment, for a maximum of one calendar month. On completing the month, interested parties may re-apply to be re-enlisted into the programme.<sup>60</sup>

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56 <https://cpj.org/2024/02/botswana-politicians-dox-2-journalists-by-posting-their-personal-data-online/> accessed on 17 February 2026

57 MISA, Concern over exposure of journalists' personal data on social media platforms and threats to journalists, 20 December 2023. Accessed on 25 September 2025 <https://misa.org/blog/concern-over-exposure-of-journalists-personal-data-on-social-media-platforms-and-threats-to-journalists/>

58 <https://ifex.org/journalists-attacked-during-bdp-primary-elections-in-botswana/> accessed on 17 February 2026

59 MISA regional, Journalists attacked during BDP primary elections in Botswana, 30 July 2024. Accessed on 17 October 2025 [https://www.facebook.com/MISARegional/photos/journalists-attacked-during-bdp-primary-elections-in-botswana-at-least-four-jour/515723121109809/?\\_rdr](https://www.facebook.com/MISARegional/photos/journalists-attacked-during-bdp-primary-elections-in-botswana-at-least-four-jour/515723121109809/?_rdr)

60 Gov.bw Ipelegeng - Unemployment relief programme <https://gov.bw/social-upliftment-programme/ipelegeng-unemployment-relief>

She stated that her line of questioning focused on accountability and the concrete steps taken to resolve the issue. According to Khumomatlhare, the minister responded defensively and confrontationally, avoiding direct answers. The interaction generated significant reactions on social media, including debates about government accountability and her professional conduct.<sup>61</sup>

Khumomatlhare also received aggressive, demeaning, and sexist comments via social media and private messages, which sometimes escalated to threats directed at her and her family. The harassment highlighted the gendered nature of backlash against female journalists in Botswana, with attacks targeting her appearance, character, and competence rather than focusing solely on the content of her reporting.

Following the incident, she reported experiencing emotional and reputational strain.

Khumomatlhare emphasised that while male journalists also face criticism, female journalists often experience more intensely personal and gendered attacks. She said the incident affected her social interactions and public engagement, prompting her to adopt more strategic approaches to sensitive interviews, including thorough preparation, anticipating evasive responses, and relying on institutional support. Despite the backlash, she affirmed her commitment to asking tough questions and reported threats to the relevant authorities and press groups. At the same time, Khumomatlhare experienced a sense of vindication. The issue she raised regarding delayed payments received public attention within a week, and the minister eventually made part payments to the council. She highlighted this outcome as an example of responsible journalism in action.<sup>62</sup>

Overall, Khumomatlhare's experience shows the challenges journalists face in Botswana when holding public officials accountable. Her experience indicates the connection between political pressure, social media harassment, and gendered attacks in shaping journalistic practice.

UNESCO notes that the role of political actors, including presidents and elected representatives, party officials and members in instigating and fuelling online violence campaigns against women journalists is a major issue.

At the height of electioneering in 2019, the member of parliament for Selibe-Phikwe West, Dithapelo Keorapetse was accused by the media union of cyberbullying a female reporter, Tirelo Ditshipi. During a public spat with another journalist, Phillemon Mmeso, who is also Ditshipi's partner, Keorapetse shared the female journalist's pictures on social media platforms, ridiculing her. Keorapetse's party president refused to call the MP to order, saying Ditshipi was 'collateral damage'. In another incident MISA documented that a Botswana Guardian investigative journalist, Yvonne Mooka, who exposed a prophet for illegal activities bordering on money laundering, was trolled online and harassed by those who did not like her investigative story, something which they noted does not often happen to male journalists.<sup>63</sup>

In 2022, during the sixth edition of the World Association of News Publishers' (WAN-IFRA) Digital Media Africa Conference, WAN-IFRA Women in News (WIN) programme hosted a critical discussion on online harassment and digital safety. Mooka, who was one of the panelists, revealed how her experience hurt her mental health and her family, and that she ended up quitting her job. She considers herself a survivor and now advocates for

61 Intelwatch Interview with Gaone Khumomatlhare on 16 October 2025

62 Intelwatch Interview with Gaone Khumomatlhare on 16 October 2025

63 Meta Public Policy Department for Southern Africa, Understanding Online Gender-Based Violence, Pamela Dube, 2021. Accessed on 15 October 2025 <https://genderlinks.org.za/wp-content/uploads/2022/05/Understanding-Online-GBV-in-Southern-Africa-FINAL.pdf>

newsrooms to speak up and put in place policies that protect their employees.<sup>64</sup>

The gendered dimension of press freedom violations requires dedicated analytical attention and targeted institutional responses. When female journalists are physically assaulted for covering a political party's internal affairs, the message is not only to those individual journalists: it is to every woman who might consider a career in investigative or political journalism.

## THE BOKO ADMINISTRATION (2024–PRESENT):

### Early Signs and Emerging Concerns

President Duma Boko assumed office in November 2024, initially to considerable optimism from media practitioners and civil society. Boko's early public rhetoric was broadly supportive of constitutional rights and democratic values, and many hoped that his administration would mark a decisive break from the adversarial posture of his predecessors.

Those hopes have begun to fray. In a statement made to his Cabinet at the Pavilion conference facility in Gaborone, Boko alleged that 90 per cent of media reports in Botswana are false — a sweeping and undifferentiated indictment of the entire journalism profession.<sup>65</sup> The claim triggered a strong backlash from journalists and media organisations. MISA Botswana's chairperson, Thomas Nkhoma, characterised the statement as 'sweeping and unsubstantiated,' warning that it unfairly brands journalists and news consumers alike as dishonest.

Nkhoma also told Intelwatch that the president's remarks risked undermining confidence in the press at a time when

the industry is grappling with financial constraints, shrinking advertising revenue, and competition from unregulated platforms."

**Associated Press** correspondent and **Tswana Times** publisher Sello Motseta described Boko's stance as 'astounding and bizarre,' observing that the President's own party might never have risen to power without the scrutiny and visibility provided by private media. Motseta warned that the rhetoric could influence ongoing reviews of media legislation, potentially paving the way for politically motivated regulatory changes.

Further cause for concern emerged at the Botswana National Front (BNF) Congress in Palapye, where journalists were subjected to verbal harassment and disparaging language by party operatives. The Botswana Editors' Forum condemned the conduct and criticised the President for rhetoric that it argued undermined public trust in journalism.

The Forum's former chairperson, Lawrence Seretse, acknowledged that media criticism is a legitimate feature of democratic discourse, but warned that the use of political power to delegitimise the press is a categorically different matter — one that endangers journalists and erodes the democratic fabric.

Before assuming power, President Boko had previously hailed freedom of expression as "one of the most important fundamental rights that are enshrined in the Constitution."<sup>66</sup>

The shift in his tone after taking power, has left observers worried about declining media freedom and the negative impact on governance transparency and accountability in Botswana.

64 WAN-IFRA WIN, Bleed the trolls: Five takeaways from WIN's panel on Online harassment at #DMAfrica22, Women In News, 12 July 2022. Accessed on 15 October 2025 <https://womeninnews.org/2022/07/bleed-the-trolls-five-takeaways-from-wins-panel-on-online-harassment-at-dmafrica22/>

65 <https://www.mmegi.bw/news/boko-fake-news-dictum-sparks-row/news> accessed on 17 February 2026

66 Mmegi newspaper, Boko 'fake news' dictum sparks row. May 09, 2025. By Ryder Gabathuse <https://www.mmegi.bw/news/boko-fake-news-dictum-sparks-row/news>

It would be premature to characterise the Boko administration as definitively hostile to press freedom: its record is still being written. However, the early trajectory is disquieting, and the contrast between the President's professed commitment to freedom of expression and his sweeping condemnation of journalism represents an internal contradiction that merits close scrutiny.

## ECONOMIC AND OWNERSHIP RELATED THREATS

### Media Ownership Concentration

Botswana's media sector is dominated by a small number of politically affiliated owners, limiting editorial diversity. These owners often control multiple outlets, allowing them to shape narratives and suppress dissenting perspectives.

The Botswana Competition Act of 2018 and BOCRA prohibit the simultaneous ownership of a radio station and a newspaper or a TV station and a newspaper, but one company is allowed to own multiple publications or more than one radio or TV station. Some see this as hampering media diversity.

A media monopolisation case in point is that of Sayed Jamali, who in 2017 was ordered by the Competition Authority to divest a 28.73% shareholding from Mmegi Investment Holdings (MIH), which owns four newspapers. Jamali bought the shares through his company, Universal Holdings, in a deal not approved by the Competition Authority and which violated the Competition Act. Jamali already owned a controlling stake in **Duma FM**, while **Mmegi**, through one of its subsidiaries, owned an 18% shareholding in another private radio station, **Gabz FM**. More than eight years after the decision, Jamali has still not divested his 28.73% shareholding.<sup>67</sup>

### Financial Sustainability and Market Constraints

Independent media in Botswana face persistent financial instability, worsened by the Covid-19 induced economic downturns, and politically driven advertising boycotts. The small advertising market forces outlets to depend on a few major clients, often connected to the government, making them vulnerable to editorial pressure through spending decisions.

Rural-based media face even greater constraints due to limited infrastructure, small audiences, and high distribution and printing costs. As a result, most private newspapers are concentrated in urban areas.

Affordability and language further restrict access. Many Botswana prioritise basic needs over buying newspapers. English-dominated publications exclude large segments of the population from independent news and public interest reporting.

Some outlets have shifted to digital models, but these strategies have not fully resolved financial strain.

Meanwhile, state-owned media largely serve as government information outlets, with content centred on the presidency and executive agendas rather than public accountability. This leaves under-resourced private media carrying the burden of watchdog journalism with limited support and high risk.<sup>68</sup>

### State advertising as a political tool

The widely held view is that the state has consistently used advertising as a reward-and-punishment mechanism, undermining media independence. Private outlets that are critical of government policies risk being excluded

<sup>67</sup> Competition and Consumer Authority, Competition Authority Rejects Acquisition Of Shares In Mmegi Investment Holdings By Universal House, Accessed on 25 September 2025 <https://www.competitionauthority.co.bw/competition-authority-rejects-acquisition-shares-mmegi-investment-holdings-universal-house>

<sup>68</sup> African Media Barometer, Botswana 2023. Accessed on 25 September 2025 <https://library.fes.de/pdf-files/bueros/africa-media/21325.pdf>

from advertising contracts, while the lack of transparent criteria for allocation enables political favouritism and soft censorship.

Like in many small media markets, Botswana's private media depend heavily on advertising revenue, including from the state. Stakeholders have raised concern that public advertising is routinely used to influence editorial positioning and exert control over newsrooms.

Following a fact-finding mission to Botswana, the International Press Institute (IPI), warned that misuse of public advertising remains a significant threat to media plurality. The IPI network called on the government to ensure fair market conditions by introducing transparent, objective, and accountable processes for allocating state advertising.<sup>69</sup>

## DIGITAL AND TECHNOLOGICAL THREATS

### Surveillance: The Directorate of Intelligence and Security

The Directorate of Intelligence and Security (DIS), established during the Khama presidency under the Intelligence and Security Services Act of 2007, upped surveillance and technological threats aimed at targeting the media. Reporting directly to Khama, the DIS was granted extensive and vaguely defined powers, including the authority to arrest individuals, seize property, and detain persons without a warrant. These broad powers were accompanied by minimal parliamentary oversight.

The unchecked powers enabled the DIS to become an instrument of media surveillance. Citizen Lab has identified the use of two Circles-linked surveillance systems in Botswana since at least 2015, one of which — named 'Bentley Boulevard' — was reportedly operated by the DIS, as evidenced by TLS certificates linking the system to the DIS domain.<sup>70</sup> In 2014, it was reported that the DIS had used surveillance and jamming technology developed by Israeli firm Elbit Systems to conduct electronic warfare against private media, and had engaged in attempts to compromise the confidential relationship between sources and reporters.<sup>71</sup>

In 2010, coverage of a major split within the ruling BDP and the formation of the opposition Botswana Movement for Democracy (BMD) was conspicuously absent from state-run broadcasts, with journalists reportedly fearful of reprisals for interviewing opposition leaders.

Khama rarely held domestic press conferences throughout his tenure, and his administration publicly attacked independent journalists as 'unpatriotic' or 'unprofessional' — language that reinforced a broader culture of hostility and signalled to both state actors and the public that critical journalism was a form of disloyalty rather than a democratic service.

Freedom House downgraded Botswana's score during this period, citing growing attacks on freedom of expression as evidence of the country's democratic regression.<sup>72</sup>

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69 The Pan Afrikanist, Botswana: Media environment faces key risks and challenges, IPI urges close monitoring of the Press freedom situation in the country. 3 September 2022 <https://thepanafrikanist.com/botswana-media-environment-faces-key-risks-and-challenges/>

70 The Citizen Lab, Running in Circles, Uncovering the clients of cyberespionage firm Circles, By Bill Marczak, John Scott-Railton, Siddharth Prakash Rao, Siena Anstis, and Ron Deibert, December 1, 2020. Accessed 25 September 2025 <https://citizenlab.ca/2020/12/running-in-circles-uncovering-the-clients-of-cyberespionage-firm-circles/>

71 Ibid

72 Botswana Gazette journalists arrested over story, amaBhungane, 7 May 2025, Accessed on 11 October 2025 <https://amabhungane.org/botswana-gazette-journalists-arrested-over-story/>

## Attacks targeting critical media houses

Ahead of the 2014 general elections Gabz FM conducted election debates in which the ruling party faced criticism, private radio station Gabz FM experienced signal interruption. A regulatory inquiry found “possibility of interference” but made no finding regarding origin.<sup>73</sup> Afrobarometer, citing articles from The Sunday Standard and amaBhungane, however pointed out that the DIS had purchased equipment that allowed it to interrupt radio signals.<sup>74</sup>

In 2015 Mmegi experienced a sophisticated cyberattack destroying 12 years of archived material. The attack occurred whilst *Mmegi* was publishing damning information about Isaac Kgosi (deceased) the then Director-General of the Directorate of Intelligence and Security who was under investigation for illicit financial activities.

*Mmegi* had reported on documents and video material leaked to the newspaper on the interrogation of Kgosi by the Directorate of Corruption and Economic Crime (DCEC) about large sums of money that he allegedly amassed after his appointment as DIS chief. Kgosi’s interview, conducted by the then DCEC director, Rose Seretse, and former deputy director, Donald McKenzie, was recorded in 2012. It has never been publicly aired.

Initial hacking attempts 10 days prior had not caused significant damage; the perpetrators left a Twitter handle (#13gion) which locked upon discovery. The subsequent total blackout deleted online archives, though

some material was later recovered. Editor Ntibinyane Ntibinyane stated: “We have been reliably informed by our sources that spy agents were under the impression that we were about to post some of the material online at the time the site was hacked. We have since established with certainty that the hackers are based in Gaborone.” The website is “one of the most secure in Botswana,” suggesting sophisticated technology was employed. MISA Botswana director Buyani Zongwane suspected DIS involvement: “The hacking was done by someone who is aggrieved, and who is well resourced and equipped.”<sup>75</sup>

## Surveillance, Digital Forensics, and the Technological Threat (2019–2024)

The post-Khama period saw no diminution in the use of surveillance against journalists; rather, the tools deployed became more sophisticated and the operations better documented. The DIS and the Botswana Police Service have been identified as users of an array of commercial surveillance technologies with capabilities that far exceed what is necessary for ordinary law enforcement.

The AccessData Forensic Toolkit (FTK), developed by the US-based AccessData Group, enables the extraction and analysis of data from seized devices, including the decryption of passwords and the recovery of deleted files. It has been deployed by the Police Service’s Digital Forensics Laboratory.<sup>76</sup>

Cellebrite’s Universal Forensic Extraction Device (UFED), manufactured by the Israeli

73 amaBhungane 2015, Accessed on 15 October 2025 <https://www.afrobarometer.org/publication/1009-batswana-support-press-freedom-and-medias-watchdog-role/>

74 Afrobarometer, AD1009: Batswana support press freedom and media’s watchdog role, <https://www.afrobarometer.org/publication/1009-batswana-support-press-freedom-and-medias-watchdog-role/>

75 amaBhungane Center for Investigative Journalism, Editor suspects that an intelligence agency run by a feared spy is behind the sophisticated attack, amaBhungane, 30 January 2015, Accessed on 11 October 2025 <https://amabhungane.org/editor-suspects-that-an-intelligence-agency-run-by-a-feared-spy-is-behind-the-sophisticated-attack/>

76 AccessData, United States, accessed on 25 September 2025

<https://www.surveillancewatch.io/entities/accessdata>

firm Cellebrite, is capable of bypassing encryption and device passwords to extract messages, call logs, contacts, images, audio files, and social media accounts. It has been sold to law enforcement agencies in over 150 countries and is alleged to have been used invasively against journalists in Botswana.<sup>77</sup>

Predator spyware, developed by Cytrox, is an advanced mobile surveillance tool — comparable to the notorious Pegasus — capable of targeting both Android and iOS devices for comprehensive monitoring and data extraction.<sup>78</sup> Huawei's Safe City systems combine cameras, facial recognition technology, and big data analytics, and operate with minimal transparency regarding data collection and use.<sup>79</sup> Hiddentec GPS trackers<sup>80</sup>, developed by the UK-based firm later acquired by MetOcean Telematics, have been used in Botswana for real-time location monitoring.

Each of these technologies, deployed individually or in combination, represents a profound threat to journalistic source protection and editorial confidentiality — the twin foundations upon which investigative journalism depends.

## DOCUMENTED CASES OF SURVEILLANCE AND ARBITRARY ARREST

The following cases illustrate the systematic nature of digital surveillance against journalists in Botswana during this period:

### Tsaone Basimanebotlhe, Mmegi — July 2019

Security agents visited Basimanebotlhe's home outside Gaborone. Without arresting her, they seized her devices. The Committee to Protect Journalists (CPJ) reported that the Botswana Police used Cellebrite UFED to extract thousands of messages, call logs, emails, and browsing history from her devices. The investigation related to photographs allegedly taken by former DIS chief Isaac Kgosi of undercover agents, which had been published by Mmegi.<sup>81</sup>

### Oratile Dikologang, Botswana People's Daily News — April 2020

Police detained Dikologang, co-founder and digital editor of the privately owned website, on 9 April 2020, alongside opposition spokesperson Justice Motlhabani, in connection with Facebook posts about COVID-19 and local politics. Police deployed both AccessData's FTK and Cellebrite's UFED to extract thousands of messages, contacts, images, audio files, videos, and social media account data from his phone.<sup>82</sup>

### David Baaitse and Kenneth Mosekiemang, Weekend Post — 2020

Intelligence agents arrested reporter Baaitse and photographer Mosekiemang after they photographed a building linked to the DIS. Agents confiscated both journalists' phones and camera for 'analysis' during the arrest, without any transparent legal process to govern that analysis.<sup>83</sup>

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77 Cellebrite, Israel, Accessed on 25 September 2025

<https://www.surveillancewatch.io/entities/cellebrite>

78 <https://www.surveillancewatch.io/targets?country=botswana&entity=predator> Accessed on 25 September 2025

79 <https://www.huawei.com/en/huaweitech/publication/winwin/ai/nowhere-to-hide> accessed on 17 February 2026

80 Hiddentec, United Kingdom, Accessed on 25 September 2025 <https://www.surveillancewatch.io/entities/hiddentec> accessed on 17 February 2026

81 Committee to Protect Journalists, Botswana Police use Israeli Cellebrite tech to search another journalist's phone, by Jonathan Rozen. 2021. Accessed 25 September 2025 <https://cpj.org/2021/07/botswana-cellebrite-search-journalists-phone/>

82 Committee to Protect Journalists, Equipped by US, Israeli firms, police in Botswana search phones for sources, by Jonathan Rozen, 05 May 2021. Accessed on 17 October 2025 <https://cpj.org/2021/05/equipped-us-israeli-firms-botswana-police/>

83 Committee to Protect Journalists, Journalists arrested, charged with 'nuisance' in Botswana, 29 June 2020. Accessed on 17 October 2025 <https://cpj.org/2020/06/journalists-arrested-charged-with-nuisance-in-botswana/>

### Reporters at Moeladilothoko News Boiler — 2021

Police seized computers and phones from five journalists, demanded device passcodes, read messages in real time, and retained the devices as evidence even after charges of sedition and criminal trespass were withdrawn in April 2021. The journalists had been investigating the disappearance of a person named Oratile Badubi.<sup>84</sup>

### Tshepo Sethibe — 2022

Sethibe was arrested and charged with publishing false news regarding the disappearance of a boy from Lobatse. The charges, brought under Section 59(1) of the Penal Code — which criminalises statements likely to cause public fear or alarm — were eventually dropped in August 2024. Sethibe subsequently challenged the constitutionality of the provision, highlighting its chilling effect on legitimate public interest journalism.<sup>85</sup>

### Ryder Gabathuse and Innocent Selatlhwa, Mmegi — 2023

DIS agents detained the editor and a senior reporter for about eight and four hours respectively, confiscating laptops, tablets, mobile phones, and cameras. Devices were returned only after extended DIS possession, raising well-founded concerns about data extraction and source identification. The International Press Institute and local civil society organisations condemned the arrests as violations of constitutional rights.<sup>86</sup>

The cumulative pattern of these cases is clear. Digital forensics tools are not being

deployed in Botswana to solve crimes; they are being deployed to identify journalistic sources, suppress investigative reporting, and intimidate media workers into compliance. The effect is not merely on those individuals arrested: it is felt across the entire journalism community, as each high-profile case reinforces to every working journalist the risks of investigating matters the state considers sensitive.

### The 2022 Surveillance Legislation

In 2022, the government introduced the Criminal Procedure and Evidence (Controlled Investigations) Bill under a certificate of urgency, ostensibly to comply with recommendations of the Financial Action Task Force (FATF) during a period when Botswana had been grey-listed by the European Union for deficiencies in its financial integrity frameworks. Had the Bill passed in its original form, it would have granted the government the power to intercept the communications of journalists and other citizens, compel the disclosure of information, and conduct surveillance operations without judicial oversight for periods of up to 14 days.<sup>87</sup>

The provisions generated significant pushback from civil society, the legal fraternity, and media organisations, both local and regional. The government ultimately withdrew the most egregious clauses, including those permitting warrantless surveillance and undercover operations. The Bill was passed into law in February 2022 in a diluted form.

However, a critical oversight mechanism was never established. The Act provided

84 Committee to Protect Journalists, Botswana police charge Moeladilothoko News Boiler staff with criminal trespass, 02 June 2021. Accessed on 17 October 2025 <https://cpj.org/2021/06/botswana-police-charge-moeladilothoko-news-boiler-staff-with-criminal-trespass/>

85 Freedom House “Freedom in the world 2025” Accessed 20 September 2025 <https://freedomhouse.org/country/botswana/freedom-world/2025>

86 Accessed 21 September 2025 <https://www.surveillancewatch.io/targets?sort=alpha-asc&country=botswana&entity=accessdata>

87 Golden Maunganidze, MISA Regional Chairperson, Concern over Botswana’s Criminal Procedure and Evidence Bill, 02 February 2022, Accessed on 15 October 2025 <https://misa.org/blog/concern-over-botswanas-criminal-procedure-and-evidence-bill/>

for a Controlled Investigations Coordination Committee — to be chaired by a judge and staffed by experts in human rights, finance, law enforcement, and ICT — to coordinate investigations and protect the interests of those subject to surveillance. Four years after the Act's passage, the committee remains unestablished, leaving surveillance authority effectively unchecked.<sup>88</sup>

As the University of Botswana law professor Tachilisa Balule has noted in an interview with Intelwatch, privacy is guaranteed in Botswana's Constitution, and all surveillance must be compatible with that constitutional guarantee. The absence of the oversight committee is not merely an administrative failure: it is a structural deficit that leaves journalists and citizens without the protection Parliament intended to provide.

## SOCIETAL AND EXTRA LEGAL THREATS

### Harassment by non-State actors

While much of the discourse regarding media freedom in Botswana focuses on state-led repression, a parallel and increasingly potent set of threats has over the years emerged from non-state actors, including powerful corporate entities and wealthy individuals. These societal and extra-legal risks manifest primarily through Strategic Lawsuits Against Public Participation (SLAPPs) which take advantage of the country's civil defamation laws, which have also been used by political actors to fight the media.

The *Choppies v. Mmegi* Case (2013) is the most prominent example of corporate intimidation. In the case, Choppies, a

Gaborone based multinational grocery retailer, filed a suit seeking P100 million (approximately US\$7.5 million) from Mmegi newspaper. The suit followed an article questioning the company's business practices. Although a stalemate was eventually reached, the sheer scale of the claim—unprecedented in Botswana—had a chilling effect on the media while demonstrating how private capital can be used to threaten media viability.

Choppies filed the suit in April 2013 for an article questioning a number of the company's business practices. The matter was later settled, resulting in *Mmegi* and Choppies issuing a joint statement which 'clarified' the business practices, establishing that none were unethical or unlawful. The statement was seen by some as an apology, though a stalemate was reached between the two entities regarding the massive damages claim.<sup>89</sup>

In 2021, Turnstar Holdings Managing Director Gulaam Abdoola banned the sale of Sunday Standard newspapers at his filling stations.

The press reported that GH Group, which is one of Abdoola's companies, issued e-mail messages terminating its business relationship with the Sunday Standard. This followed a series of investigative reports detailing how Botswana pensioners had been fleeced of millions of Pula in a questionable deal by Turnstar Holdings in Dubai.

The reports also questioned whether Abdoola made unbiased decisions during the controversial Dubai deals.<sup>90</sup>

In 2022, it was reported that Abdoola was suing Sunday Standard newspaper

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88 Sunday Standard newspaper, Botswana uses Israeli inspired digital surveillance on journalists? By Mmapula Molapong

<https://www.sundaystandard.info/botswana-uses-israeli-inspired-digital-surveillance-on-journalists/>

89 Freedom House, freedom of press 2014-Botswana, published 01 August 2014.

<https://www.refworld.org/reference/annualreport/freehou/2014/en/100906> Accessed on 04 December 2025

90 Turnstar boss bans Sunday Standard, Sunday Standard newspaper facebook page, 13 December

2021. Accessed 23 February 2026 <https://www.facebook.com/SundayStandardBW/photos/turnstar-boss-bans-sunday-standard-turnstar-holdings-managing-director-gulaam-ab/4400223753437278/>

P20 Million for articles which the company said were false and misleading.<sup>91</sup>

More recently, in September 2023, two newspapers—the Botswana Gazette and Mmegi—along with their editors and journalists, were ordered to pay P1 million in punitive damages in a defamation lawsuit. The eight-year-long case involved Vlatacom, a service provider to the Directorate of Intelligence and Security (DIS) and a suspected bribe. The documents used in the story were classified as “top secret” and could not be used as a defence in the lawsuit.

Vlatacom subsequently notified Mmegi that it did not have to pay the damages, adding a retraction of the story would suffice. This suggests that Vlatacom was merely pursuing what is commonly referred to as a strategic lawsuit against public participation (SLAPP). SLAPP suits are generally pursued not necessarily to win cases or financial damages but more as a war of attrition to deplete a media organisation’s financial resources and time and deter journalists’ investigations into public and private sector corruption and mismanagement.

By dragging journalists through courts for nearly a decade, the litigation forced media organisations to deplete their financial resources and deterred future investigations into private-sector corruption.

A 2023 Botswana Media Defence Seminar Report highlighted that several journalists

and media houses, particularly in print media, were facing numerous defamation cases which are frivolous in nature. These include The Gazette, Sunday Standard, The Patriot on Sunday, Mmegi, Botswana Guardian, Midweek Sun, Weekend Post, Business Weekly & Review and The Voice.<sup>92</sup>

Outsa Mokone – the Sunday Standard Editor said most cases that were ongoing dated five or more years back. He said letters of demand from rich and powerful individuals and big corporations, calculated to intimidate journalists continued to increase - leaving a chilling effect on the quality of journalism. Other participants decried that litigants in SLAPP cases often abandon such defamation cases after dragging them in court for many years (over 4-5 years), draining the financial resources of already struggling media houses.

Participants noted that in some instances, subjects of stories pursued by journalists ignore inquiries/ questionnaires from journalists for a long time, only to turn around and sue the journalist/ media house for defamation despite being accorded the right of reply.

As aptly put by African Media Barometer, “in most cases against the media, the complainants don’t want the money. They are just dragging you through the courts to frustrate you, milk you, and run you dry. This gives you a sense of fear, so you back off.”<sup>93</sup>

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91 Turnstar MD sues Sunday Standard for P20m, by Kabo Ramasia, Business Weekly, 17 January 2022.

Accessed on 24 February 2026 <https://businessweekly.co.bw/news/turnstar-md-sues-sunday-standard-for-p20m>

92 Freeexpression.org, 31 October 2023, <http://freeexpression.org.za/wp-content/uploads/2023/12/BOTSWANA-MEDIA-DEFENCE-SEMINAR-REPORT-OCT-2023.pdf>

93 <https://library.fes.de/pdf-files/bueros/africa-media/21325.pdf>

# IMPACT ANALYSIS

*The various threats - legal, political, economic, digital, and societal factors - outlined in this report have resulted in a complex, multidimensional impact on journalism, public information, democracy and human rights.*

Legally, Botswana's media freedom is constrained by enduring colonial-era laws such as criminal defamation, sedition, and ambiguous statutes that enable SLAPPs. These legal tools chill critical reporting. Journalists and media houses risk financial hits which can threaten the existence of a media house as seen by the 2013 P100 million lawsuit targeting Mmegi. Besides, the SLAPPs often take a long time before finalisation sapping energy, time and resources from journalists and media houses. These factors have the combined effect of militating against robust investigative journalism.

The lack of comprehensive freedom of information laws and regulatory capture within media oversight institutions further restrict journalists' ability to hold power to account. Most critically, the absence of specific legislation authorising communications interception and public surveillance creates a regulatory vacuum, permitting unchecked digital surveillance by state entities like the DIS and the Botswana Police Service's Safe City project. This surveillance, conducted with sophisticated foreign technology without meaningful legal oversight, threatens journalists' privacy and source protection, encouraging a climate of fear and self-censorship that undermines the media's watchdog role.

Politically and institutionally, the media operates under considerable state pressure and repression. Recent presidential rhetoric, such as that from President Duma Boko discrediting the media as largely "fake news," and actions like punitive defamation lawsuits exemplify increasing intolerance toward independent media scrutiny. Government control over broadcast media and information flow is reinforced by state-owned outlets that function as government mouthpieces,

marginalising opposition and independent voices, especially in rural areas. State advertising, crucial for many private media financially, is strategically allocated to reward government-friendly coverage and punish dissent, weakening editorial independence. In tandem, institutional intimidation, including arbitrary arrests, seizures of journalists' equipment, and harassment, coupled with unchecked surveillance, diminishes media autonomy and stifles dissenting narratives.

Economically, Botswana's media sector suffers from ownership concentration where politically-affiliated proprietors dominate multiple outlets, curtailing editorial diversity and press pluralism. This concentrated ownership structure increases editorial biases and self-censorship, as owners often align media narratives with their political or business interests. Financial fragility is widespread due to a small advertising market, exacerbated by the withdrawal of government advertising from critical outlets and high operational costs, forcing some reputable media to transition online. The economic uncertainty and reliance on politically-influenced advertising revenue undermine sustainable, independent journalistic practices, privileging media that support ruling interests and silencing critical voices essential for democratic oversight.

The digital and technological environment introduces huge threats that affect journalism and public information profoundly. Journalists face an escalating range of cyberattacks, spyware intrusions, and online harassment. Targeted digital attacks are particularly gendered, with women journalists disproportionately subjected to sexualized abuse, threats, and doxxing campaigns that expose their private information online, endangering personal safety and

mental health. Digital platforms amplify misinformation and polarise public discourse, shrinking spaces for neutral, inclusive dialogue. The technological surveillance apparatus, empowered by advanced tools from companies like Cellebrite and Predator spyware, enables pervasive monitoring of journalists' communications, sources, and movements, escalating pressure to self-censor and compromising investigative reporting. Such invasive digital practices constrain journalists' ability to inform the public fully and transparently.

Social and extra-legal factors increase these challenges by promoting a hostile environment for journalists. Non-state actors such as business have also presented threats to the media, when their wrong doing is exposed.

Societal intolerance has normalized verbal harassment, physical attacks, and digital smear campaigns against journalists, often incited or overlooked by political leaders. Such harassment not only threatens journalists' safety but also erodes public trust in the media as an institution. The gendered violence against women journalists reflects broader societal discrimination, pushing many out of the profession or into self-censorship, thereby depriving society of diverse perspectives and expertise.

Collectively, these intersecting legal, political, economic, technological, and societal factors profoundly impact journalism in Botswana by undermining media independence, compromising journalists' safety and autonomy, and delaying investigative work. This weakening of journalism reduces the media's capacity to inform the public accurately and equitably, restricting access to diverse, reliable information necessary for informed citizen engagement. Consequently, Botswana's democracy and broader human rights framework are undermined; the erosion of press freedom diminishes governmental accountability, advances political ambiguity, and compromises citizens' rights to freedom of expression and privacy. The media's diminished role weakens democratic discourse, oversight, and development efforts, challenging Botswana's reputation

as a stable democracy and threatening its socioeconomic progress. Comprehensive legal reforms, institutional safeguards, economic support for diverse media, digital security protections, and societal commitment to media freedom and journalist safety are urgently needed to restore and strengthen Botswana's democratic vitality and human rights protections.

## RESPONSES AND INTERVENTIONS

Efforts to safeguard media freedom in Botswana have emerged from a combination of civil society advocacy, legal action, institutional capacity building, international support, and limited government engagement. While these responses have yielded some progress, systemic reforms remain elusive, and many interventions are constrained by limited resources, political resistance, or institutional inaction.

### Civil society and advocacy efforts

Civil society organisations have played a central role in defending media freedom and supporting journalists in Botswana. Key players include the Media Institute of Southern Africa (MISA) Botswana, which provides legal assistance, documents violations, and lobbies for legal and policy reform. Similarly, Intelwatch, alongside scholars such as Professor Tachilisa Balule, have produced critical research on digital surveillance and press freedom, helping ground advocacy in robust evidence.

Professional bodies like the Botswana Editors Forum, Press Council of Botswana, and the Publishers Association of Botswana have worked to uphold ethical standards and engage the government through stakeholder consultations, though they remain severely resource-constrained. These organisations also offer training in media ethics, legal awareness, and trauma resilience, particularly targeting women and vulnerable journalists.

Coalition-building has emerged as a strength with civil society, academia and media advocacy groups jointly challenging

repressive laws and supporting journalists during periods of crisis. However, sustainable impact remains limited by capacity shortfalls and uneven policy uptake.

On October 31, 2023 Campaign for Free Expression (CFE) partnered with Botswana Editors' Forum (BEF) and INK Centre for Investigative Journalism to conduct a Media Defence Seminar in Gaborone, Botswana, with support from Media Defence London. Journalists, social commentators, legal experts and other media practitioners from various publications and radio stations, gathered to analyse the environment of escalating legal cases against journalists, dissect the underlying causes, and propose strategies to foster regional collaboration to safeguard press freedom and protect journalists in Botswana and beyond.

### **Legal and judicial responses**

Legal advocacy has produced some important but limited victories. Courts have occasionally overturned unlawful search-and-seizure operations or dismissed punitive SLAPP suits, affirming constitutional rights to privacy and freedom of expression. However, these judicial remedies are typically retrospective, offering redress after harm has occurred rather than preventing violation.

Challenges persist due to the lack of specialised media courts and a judiciary that is often reluctant to confront government actions, especially those justified under national security. Legal defence resources are limited, with few lawyers available to provide pro bono representation to embattled victimised journalists or outlets.

### **International support and monitoring**

Botswana's press freedom situation continues to attract regional and international attention. Organisations like Freedom House, Reporters Without Borders and the Committee to Protect Journalists regularly document abuses and advocate for reforms. These

reports play a critical role in international benchmarking and pressuring government actors to uphold media rights.

Donor-funded programmes support investigative journalism, digital security and capacity building, especially for young and female journalists. International partnerships also help train local actors in risk management and resilience. Yet, the long-term sustainability of these efforts depends on continued funding and domestic political will.

Regional frameworks under the Southern African Development Community (SADC) and African Union (AU) offer norms on media freedom, but enforcement mechanisms are weak and rarely invoked in Botswana's case.

### **Government and policy responses**

The Botswana government has made limited and largely symbolic gestures toward improving media freedom. The introduction of the Access to Information Act in 2024 which grants the right to access information held by public authorities, promoting transparency, accountability and an informed citizenry. The Act establishes prompt, low-cost information access. However, its implementation has been slow, and administrative resistance has hampered its effectiveness.

While some officials have made public commitments to improving government-media relations and strengthening transparency, these statements have not translated into substantive reforms or protections. The government continues to wield influence over public broadcasters and advertising budgets, maintaining powerful levers of indirect control over the media sector.

Participation in regional dialogues has opened channels for engagement, but political considerations and institutional reluctance to transfer real power to independent media continue to undermine meaningful progress.

# RECOMMENDATIONS

*To address the growing threats to media freedom in Botswana, a multi-stakeholder response is necessary.*

These recommendations are directed at policymakers, media organisations, civil society, technology platforms, donors and international partners with a focus on systemic reform, institutional resilience and sustainability.

## FOR POLICYMAKERS AND GOVERNMENT

### 1. Legal and Policy Reform

- **Repeal or amend colonial-era and vague legislation**, including the National Security Act, defamation, and sedition laws, to ensure they are not used to criminalise free expression or intimidate the press.
- **Enact comprehensive data protection and communications interception laws** with safeguards for journalistic sources, oversight mechanisms, judicial authorisation requirements and penalties for abuse.
- **Decriminalise criminal defamation** and implement anti-SLAPP legislation to prevent abuse of civil lawsuits aimed at silencing investigative reporting. More repressive regimes like Zimbabwe and Lesotho have both decriminalised defamation in recent years.
- **Accelerate full implementation and enhancement of the Access to Information Act**, including provisions for proactive disclosure, reduced exemptions, timely responses and penalties for non-compliance. An independent Information Commissioner should oversee enforcement. However the draft media bill of 2025 once it matures to a law will address some of these concerns.
- The draft media bill 2025 should be debated and passed into law to allow the media to self-regulate.

### 2. Regulatory independence and media pluralism

- Reform the Botswana Communications Regulatory Authority (BOCRA) to ensure independence from political influence. Regulatory appointments must be transparent and merit-based.
- Promote ownership transparency and anti-monopoly regulation to ensure a diverse and pluralistic media environment.
- Transition state-owned media into public service broadcasters with independent editorial boards and legal protections from government interference.
- Mandate equitable and transparent distribution of government advertising, prioritising editorial merit and audience reach over political alignment.

## FOR MEDIA ORGANISATIONS AND CIVIL SOCIETY

### 1. Legal defence and advocacy

- Establish a cross-sectoral legal defence fund to support journalists and media houses facing prosecution or SLAPPs.
- Strengthen coalitions and advocacy partnerships among media, civil society, academia and international actors to campaign for legal reforms and rapid response to press freedom violations.

### 2. Capacity building and safety

- Invest in training programmes on digital and physical safety, investigative journalism, media ethics, trauma resilience and legal literacy.
- Develop confidential reporting channels for harassment, particularly targeting the safety of female and vulnerable journalists.

### 3. Economic sustainability and innovation

- Diversify revenue streams by exploring subscription models, international grants, crowdfunding and cooperative models to reduce reliance on politically influenced advertising.
- Facilitate shared services and collaborative news production, especially for small outlets, to achieve economies of scale and reduce operational costs.

### FOR TECHNOLOGY COMPANIES AND DIGITAL PLATFORMS

#### Addressing digital harassment

- Implement effective mechanisms for digital harassment, doxxing and targeted misinformation campaigns against journalists.
- Collaborate with local media and civil society to develop tools and resources that counter coordinated abuse and protect reporters.

### • FOR DONORS AND INTERNATIONAL BODIES

- Prioritise funding and training for rural-based and under-resourced media, not just urban or capital-based organisations.
- Offer long-term support for investigative journalism, digital safety, legal advocacy and organisational resilience.
- Fund programmes addressing gender-based threats, increase women's representation in senior editorial roles and support safe reporting environments for female journalists.
- Align donor aid with human rights benchmarks, making legal reform and media freedom progress key conditions for development assistance.

# CONCLUSION: AT THE CROSSROADS OF PROMISE AND PERIL

*Botswana stands at a defining historical juncture. Long celebrated as one of Africa's most resilient democracies, the country now faces a paradox that lies at the heart of this report: the coexistence of strong democratic symbolism with an increasingly constrained media environment.*

This study has demonstrated that the threats confronting Botswana's media are neither incidental nor temporary. They are structural, cumulative, and deeply embedded in historical legacies that stretch from colonial governance through post-independence state-building to the present political transition. While Botswana continues to enjoy relative political stability and institutional continuity, the conditions under which journalism operates reveal an erosion that, if left unaddressed, could alter the country's democratic trajectory.

At its core, this report has mapped the ecosystem of pressures constraining the media. These pressures manifest through a complex interplay of legal ambiguities, political rhetoric, economic vulnerabilities, digital surveillance, and societal hostility. The persistence of colonial-era laws such as sedition and alarming publications provisions illustrates the enduring power of inherited legal frameworks that remain misaligned with modern democratic norms. The mere existence of these laws creates a climate of anticipatory compliance, where journalists self-censor to avoid legal entanglements.

The transition of power to the opposition in 2024 was widely interpreted as a democratic milestone, signalling maturity in Botswana's electoral and institutional culture. Yet, the findings of this report underscore a sobering reality: political alternation alone does not automatically translate into expanded civic freedoms. The rhetoric emanating from political elites such as President Boko, particularly the delegitimisation of the media as purveyors of "fake news," reflects a broader

global trend in which elected governments increasingly contest the legitimacy of independent journalism. In Botswana's context, such narratives risk normalising public distrust in the media and providing tacit permission for hostility, both online and offline.

Economic vulnerability further compounds the threats to Botswana's media sector. The media is operating within a fragile market ecosystem with limited advertising pools, high operational costs and digital disruption. This structural weakness renders independent media outlets highly susceptible to economic manipulation. The strategic withdrawal of government advertising and the proliferation of costly litigation, including SLAPP suits, have transformed financial vulnerability into a tool of indirect censorship.

The digital domain, once heralded as a frontier of liberation, has emerged as a new battleground. Advances in surveillance technologies and cyber legislation have expanded the state's ability to monitor communications and identify sources. This has huge implications for investigative journalism, which relies on confidentiality and trust. At the same time, the rise of coordinated online harassment, particularly targeting women journalists, introduces a gendered dimension to media repression that is often overlooked in traditional press freedom analyses.

These dynamics paint a picture of a media landscape under strain but not beyond recovery. Botswana is not yet a case of overt media authoritarianism. Instead, it occupies

a liminal space — a democracy at risk of incremental backsliding. If left unchecked, these incremental changes can accumulate into systemic decline, transforming a once-open media environment into one characterised by compliance and fear.

Looking forward, the future of media freedom in Botswana will hinge on the choices made by multiple stakeholders. For policymakers, the path ahead demands more than rhetorical commitments to democracy. It requires tangible legislative reform, including the repeal or amendment of archaic laws that criminalise legitimate expression, the enactment of robust access-to-information protections, and the establishment of safeguards against surveillance abuses. Political leadership must also recognise that a critical press is not an adversary but an essential partner in democratic governance.

For the media sector, the road ahead calls for renewed investment in professionalism, collaboration, and innovation. Strengthening ethical standards, expanding investigative capacity, and embracing new sustainable business models will be crucial in rebuilding public trust and institutional resilience. Media organisations must also explore collective strategies to resist economic coercion and defend journalistic independence.

Civil society and international partners have a complementary role to play. Advocacy, monitoring, and solidarity mechanisms remain vital in ensuring that media freedom remains a central pillar of Botswana's democratic agenda. Regional and global attention can serve as both a protective spotlight and a source of technical support for reform initiatives.

If the current pressures intensify without corrective action, Botswana risks a slow but consequential democratic dilution, where institutions remain intact but their substance gradually erodes. Conversely, if the present moment is seized as an opportunity for reform, Botswana could reaffirm its democratic credentials and emerge as a renewed model for media freedom in Africa.

Botswana is therefore standing at a crossroads. The direction it chooses will determine whether the country consolidates its democratic legacy or allows it to fade into symbolic memory. The stakes extend beyond journalists and newsrooms; they encompass the broader promise of accountable governance, informed citizenship, and the integrity of the democratic project itself. The coming years will test whether Botswana can translate its democratic heritage into a future where media freedom is not merely proclaimed, but fully realised.



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