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catalysts for social justice

## MEMORANDUM CONCERNING HUMAN RIGHTS VIOLATIONS BY AL JAZEERA ENGLISH ONLINE AND THE STATE OF QATAR

PRESENTED TO MR THEMBISA FAKUDE OF AL JAZEERA ENGLISH ONLINE

14 FEBRUARY 2012

Dear Mr Fakude

Today we are picketing the offices to Al Jazeera in Johannesburg to protest against severe human rights violations by Al Jazeera English Online (“Al Jazeera”) and the State of Qatar (“Qatar”).

SECTION27 is an organisation that campaigns for the right to health, guaranteed under section 27 of the South African Constitution. We have a particular focus on HIV/AIDS and ending unfair discrimination. In this regard SECTION27 acts on behalf MR. In January 2011, Al Jazeera dismissed MR, and complied with the laws of the kingdom of Qatar in effecting his detention and deportation, solely because he is living with HIV.

A person with HIV presents no threat to the state of Qatar or Al Jazeera and is fully able to fulfil all of his or her terms of employment.

At the time of his dismissal, MR was a Senior Editor at Al Jazeera, and Al Jazeera had informed him that he would be promoted to the position of Managing Editor. Al Jazeera then subjected MR to compulsory medical testing without his consent.

Upon discovering that MR is living with HIV, Al Jazeera:

- Dismissed MR;
- Acted together with Qatar in detaining and deporting MR; and
- Disclosed MR’s HIV status to numerous parties without his consent;
- Failed to consider measures to reasonably accommodate MR.

Al Jazeera has therefore unlawfully discriminated against MR on the basis of his HIV status and unlawfully breached MR’s rights to dignity and privacy. It has acted in defiance of universally agreed principles of non-discrimination. This is unacceptable behaviour for any company, but particularly for your company which brands itself as a media channel that articulates and often operates in solidarity with the issues that confront the developing world.

We therefore demand the following:

1. That MR be employed in the position of Managing Editor with retrospective effect from the date of his dismissal to the date of his appointment to this position;
2. That MR be allowed to perform his duties as Managing Editor from South Africa for as long as Qatar continues to discriminate against people living with HIV; and
3. That Al Jazeera provide a formal acknowledgement of the violations of MR's rights, in particular:
  - i. Discrimination by Al Jazeera against MR on the basis of his HIV status;
  - ii. Subjecting MR to medical testing without his informed consent;
  - iii. Failure to offer MR counselling and support services both before and after he was tested for HIV;
  - iv. Failure to inform MR of the results of his HIV test(s);
  - v. Failure to maintain the confidentiality of MR's HIV status;
  - vi. Failure to consider or implement measures of reasonable accommodation to avoid the dismissal of MR; and
  - vii. Cooperation with the State of Qatar in effecting MR's detention and deportation from Qatar, including the invasion of MR's dignity and privacy.

We trust that you will communicate this letter to your head office. Please inform them that we will continue to support MR, and stand against Al Jazeera, until these demands are met. We have already drawn this issue to the attention of the South African government, the International Labour Organisation and UNAIDS.

If the issue is not resolved by June 2012 we will ask that the International AIDS Conference, taking place in Washington in July this year - which attracts 25 000 delegates from all countries of the world – to publicly condemn your company and question its ethics and commitment to human rights.

We look forward to your response.

Yours sincerely

Director  
**SECTION27**

Memorandum received on 14 February 2012 by: \_\_\_\_\_