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South Africa's bishops say state secrets bill fails to promote openness

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The Southern African Catholic Bishops' Conference said it regrets that South Africa's parliament passed a bill expanding protection for state secrets Thursday, noting that the country needs more openness, not more secrecy, to fight corruption.

The bishops urged President Jacob Zuma, who must sign the Protection of State Information Bill before it becomes law, to refer it to the Constitutional Court for deliberation in order to protect the democracy that "we all cherish."

The bill "lacks a full public interest defense and will thus make the fight against corruption more difficult," they said in a Friday statement, signed by conference president Archbishop Stephen Brislin of Cape Town.

"The penalty clauses provide that severe punishment (up to 25 years in prison) can be imposed if someone discloses a secret that the person 'knows or ought reasonably to have known' would benefit a foreign state. This, in effect, creates an excessive penalty for a possible negligence crime," the bishops said.

Referring the bill to the Constitutional Court will help to avoid "a prolonged and expensive court battle," they said.

Opposition parties and civil society organizations have said they intend to launch a legal challenge should Zuma sign the bill.

The bill "allows for the decision to classify information to be delegated to a staff member of a sufficiently senior level without indicating what such level may be," the bishops said. They also noted that the definition of national security is too broad.

The controversial bill was first passed by lawmakers in November 2011 and returned this time after amendments were made by the National Council of Provinces, parliament's upper house.

While the bill remains an "unsatisfactory piece of legislation," its journey has been an object lesson in cooperation and engagement between civil society and parliament, the bishops said.

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