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Nigerian Press Gets Respite From Repression: Four Jailed Editors, Others Released

The four-year old siege on the Nigerian Press was partially lifted last month following the sudden death of General Sani Abacha, rated “Number One Enemy of the Press” in the World at the time of his demise.

Besides releasing several jailed journalists, including four editors imprisoned three years ago by a special military tribunal on treason charges following stories published by their news magazines, General Abacha’s successor as Head of State, General Abdulsalam Abubakar, gave a presidential pledge on July 20 to protect freedom of expression.

Editors who have benefited from this armistice are Chris Anyanwu, publisher and editor-in-chief of The Sunday Magazine (TSM); George Mbah, senior assistant editor at TELL magazine; Kunle Ajibade editor of TheNews magazine; and Ben Charles Obi, editor of the new defunct Weekend Classique.

They are among scores of journalists, human rights and pro-democracy activists, labour leaders, and other persons released from various prisons and detention centers across the country since last month.

Other journalists who have recently been released from detention include Adetokunbo Fakeye, defence correspondent of PM News, who was arrested on November 4, 1997; Rafiu Salau, Administration Manager of the Independent Communications Nigeria Limited (ICNL), publishers of TheNews magazine, who was arrested on November 18, 1997; and Babafemi Ojudu, Managing Editor of TheNews, who was arrested on November 17, 1997.

Abacha’s four and a half year old rule witnessed a reign of terror and repression against the media unparalleled in Nigeria’s history, recording media closures, arrest and detention of
scores of journalists without trial arson attacks on media facilities as well as torture and ill-treatment of journalists.

His administration introduced the practice of trying journalists by special military tribunals and jailing them for treason-related offences for stories published by them. Five journalists were tried and jailed in this manner over the last three years.

General Abacha, a prominent feature over the last four years on the Committee to Protect Journalists’ (CPJ) “Top 10 Enemies of the Press” in World, rose in May to the top of the list, a month before his death on June 8, which was officially attributed to cardiac arrest.

The New York-based CPJ conferred the dubious honour on him on May 3, World Press Freedom Day, because he “has escalated his outrageous assault on the country’s one thriving independent press and reneged on his promise to return the country to democracy.”

The organization said at the time of the announcement that with 21 journalists behind bars, Nigeria held more journalists in prison than any other African nation.

Following General Abacha’s death, General Abubakar, then a Major-General and the Chief of Defence Staff, was appointed by the Provisional Ruling Council on June 9 as the Head of State.

In his televised national broadcast on July 20, General Abubakar promised that “This administration will respect human rights. In particular, freedom of expression, of peaceful assembly and of association as enshrined in the laws of our country will be protected.”

He also expressed his determination to “put in place all necessary measures to breathe into the conduct of government, a fresh air of openness and accountability” and urged all public officers to “demonstrate transparency, uprightness and honesty in the conduct of government.”

Attempts by journalists to expose corruption and challenge secrecy in the conduct of government business was the most frequent cause of official displeasure against them during the Abacha era.

But the Abubakar Administration signaled its intention to chart a different course when on June 15, the Presidency announced that General Abubakar had ordered the release of Anyanwu, along with eight other prisoners and detainees. Anyanwu’s release was however said to be on health grounds.

However, welcoming Anyanwu’s release, which it described as long overdue, Media Rights Agenda (MRA) said in a statement that it was a “clear indication that her imprisonment along with other journalists in 1995, after secret trials on charges of treason from stories published by their news magazines, was a gross violation of their fundamental human rights.”

It noted that “a clear path to genuine reconciliation can only be achieved when all detained journalists and all political detainees are released.”

It therefore called on the Federal Government to immediately and unconditionally release all other journalists detained or jailed in the course of their professional duties.

The release of Fakeye and Salau followed that of Anyanwu on July 15 without announcement.

On July 20, the Chief Press Secretary to the Head of State, Chief David Attah, issued a statement announcing that General Abubakar had ordered the immediate release of Ajibade, Charles Obi and Mbah, along with seven other civilians convicted in the 1995 alleged coup plot against the administration of the late General Abacha. Ojugu’s release took place on July 23.

Although it commended the Government for their release, MRA argued in a statement on July 21 that “since we have consistently maintained that there was no justifiable basis in the first instance for the trial and subsequent imprisonment of the journalists by the Aziza Tribunal, we would urge the Federal Government to go a step further to obliterate the invidious slur on the character of the journalists by granting all of them, including Chris Anyanwu, who was previously been released, a presidential pardon.”
It noted that this was not entirely novel and recalled that when General Babangida came to power in 1985, he granted presidential pardon to two journalists – Mr. Tunde Thompson and Mr. Nduka Irabor – who were jailed under the obnoxious Decree No. 4 of 1984.

Besides, MRA said, General Abubakar had himself granted presidential pardon to the recently released General Olusegun Obasanjo and post-humously to Major-General Shehu Musa Yar’Adua.

It expressed the hope that the Government would take further steps to establish its commitment to human rights by immediately releasing all other detained journalists.

MRA also requested the “Government to undertake an urgent and comprehensive review of all media laws as well as other general legislation, which have made the atrocities of the past possible, with a view to bringing them into conformity with international standards of freedom of expression and of the press.”

Prominent among the journalists who are still in custody is Niran Malaolu, editor of The Diet newspaper, who was tried last February by a Special Military Tribunal on a charge of “concealment of treason” for which he was convicted and sentenced to life imprisonment on April 28.

After its meeting on July 9, the Provisional Ruling Council (PRC) under the leadership of General Abubakar, merely reduced Malaolu’s jail term to 15 years.

In a statement following the announcement, MRA said it was dismayed by the decision in the light of the apparent grave breaches of the norms of due process and fairness which attended the trial, adding that it failed to understand the rationale for it.

MRA noted that the decision indicated “a lack of genuine commitment to right the wrongs of the past and enthrone respect for the fundamental rights and freedoms of Nigerian citizens.” It called for the immediate and unconditional release of Malaolu.

Other detained journalists are Bagauda Kaltho, a senior correspondent of The News magazine who was based in Kaduna, but disappeared in March 1996 and is believed to have been arrested by security agents from the Directorate Military Intelligence (DMI); Moshood Fayemiwo, publisher and editor-in-chief of the Razor magazine, who was abducted on February 14, by Nigerian security agents from Benin Republic and has since been detained at the DMI; and Okina Deesor, a producer for Radio Rivers in Port Harcourt, who was arrested in July 1996 and detained without charge for broadcasting the Ogoni “national anthem” on the radio station.

Besides, the Abubakar Administration continues to retain a plethora of Decree and other laws which restrict the exercise of the right to freedom of expression or are used to punish those who express critical or dissenting view points.

Such laws include the Official Secrets Acts, 1962; the law of Sedition; Offensive Publications (Proscription) Decree No. 35 of 1993; Treason and Treasonable Offences Decree No. 29 of 1993; the State Security (Detention of Persons) Decree No. 2 of 1984; and the treason and other offences (Special Military Tribunal) Decree No. 1 of 196.

Without a fundamental review of these laws, the government’s assurance that it will protect human rights, including the right to freedom of expression, will remain suspect.

Besides, its promise to “put in place all necessary measures to breathe into the conduct of government, a fresh air of openness and accountability “ will have no meaning unless such a pledge is backed by legislation which gives journalists, and indeed all citizens, a legal right of access to information and legal right of access to information and records in the custody of the government or any of its departments and agencies.
and People’s Rights and is a component of the FEDERC FOUNDATION which is registered under Nigeria law.

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**EDITORIAL COMMENT**

For the Nigerian media, the four and a half years of the Abacha regime was the worst thing that ever happened to them. It was like a plague that swept the land leaving virtually no house untouched.

The practice of journalism during the period was like walking a minefield: one of the mines laid by mindless security agents could go off at any time to simply immobilize an unwary victim or, worse still, maim or decapitate.

Then, suddenly on June 8, the man dropped dead unmourned. Not even a deep-seated culture of respecting the dead could prevent the widespread jubilation that followed what could only have been divine intervention on behalf of a conquered people.

Within 24 hours, General Abdulsalam Abubakar became new helmsman.

He has opted for rapprochement rather than the irascibility of his predecessor. He has made a public commitment to respect human rights and protect the right to freedom of expression, amongst other rights frequently violated by his predecessor.

With this has come freedom for many jailed and detained journalists who only a few months ago seemed doomed to rot away in dungeons across the country.

Although we welcome and commend these initial steps, we remain cautious and concerned. We hope it is not a temporary cease-fire, as we have witnessed in the past at the inception of the regimes of General Ibrahim Babangida and General Sani Abacha.

Our concern stems largely from the fact that despite the new wind of change, a number of journalists remain in detention or unaccounted for. And the reason for their plight remain unknown to us.
Besides, all the laws and decrees used by previous regimes to repress the media and any member of the public who expresses critical or dissenting views remain firmly in place, waiting patiently to be put to use once more.

A comprehensive review of these legislation is an imperative for any meaningful change. On the whole, we congratulate our colleagues, especially “The Innocent Four”, who have made it out of prison.

We are deeply impressed by the fact that they weathered this period of extreme hardship rather well as that instead of being broken, as was intended by their tormentors, they have come out more determined and strengthened in their convictions.

* Austin Agbonsuremi

**LETTERS**

**Great Job**

Having received my third copy of Media Rights Monitor, I am delighted in your coverage, your analysis and your commitment.

Keep up the good work, and I hope you will consider covering the regional landscape even more broadly.

I have been able to find many references to important international resources for our editorial and political cartoonist members in your pages, and I look forward to your issues with anticipation.

* Dr. Robert Rusell*

Director
Cartoonist Relief Network
Arlington, VA
United States of America

**Your Name Shall Be Written In gold**

I write to express my heartfelt congratulations for the great campaign you carried out for the release of the four editors, Messrs Chris Anyanwu, Kunle Ajibade, George Mbah and Ben Charles Obi.

Certainly, when the history of the emancipation of the Nigerian Press from the stranglehold of military dictatorship shall be written, your organization’s name shall be written in gold.

Yes, the pen is mightier than the sword!

* Ahamefula Njoku, esq.*
Coordinator, Lawyers’ Group
Amnesty International, Nigeria
Lagos.

**It’s A Bold Effort**

I am in receipt of your newsletter. Thank you for putting me on your mailing list.

I will not however fail to commend your concern for journalistic practice in the country. It is a bold, courageous effort.

Keep it up.

* Simeon Alozieuwa*

*The Source*
Ikeja, Lagos.
Index on Censorship and WPFC Mark 50th Anniversary of UDHR

The London-based Index on Censorship and the World Press Freedom Committee (WPFC) in the United States have issued separate publications marking the 50th anniversary of the Universal Declaration of Human Rights (UDHR), which examine the implications for a freedom of expression, enshrined in Article 19 of the Declaration.

The special issue of Index on Censorship title “Gagged for it”, (Issue 3/98) was released at the 1998 Annual Meeting of the International Freedom of Expression Exchange (IFEX).

In an article in the publication entitled “When more is less,” Granville Williams examined the forces at work in the media which are undermining human rights reporting, hence freedom of expression, one of the basic tenets of the UDHR.

He cited media concentration in the hands of global media corporations as one factor in silencing reporting of human rights abuses.

For example, he said, media mogul Rupert Murdoch recently prevented British publisher Harper-Collins from publishing former Hong Kong governor Chris Patten’s book East and West because it was critical of China, a country where Murdoch has heavy media investments.

Serious issues are being jettisoned from the media in favour of entertainment, or “infotainment,” said Williams, who cited the case of U.S. journalist Danny Schecter, author of the book More You Watch, The Less You Know, who created a human rights documentary series “Rights and Wrongs”.

According to him, Schecter could not even interest the Public Broadcasting Service (PBS) in his series because they said human rights was an insufficient organizing principle for a TV series,” although it did air on numerous affiliates.

Williams also documented in Index on Censorship the decline of serious programming in the U.K.

In the article, Williams paraphrased media critic Ben Bagdikian, who wrote that the mergers of large media corporations “raise concerns about the powerful influence these corporations have on democratic processes by shaping countries’ political and economic agendas.”

Williams concluded that Article 19 of the UDHR “is most clearly and publicly challenged by despotic governments able to manipulate and control both their own media and global media companies that want to do business with them.”

The WPFC presented essays by five scholars in its publication entitled Everyone Has The Right: The Enduring Importance for a Free Press of Article 19.

In his introduction, WPFC Chairman, James Ottaway, noted that the United Nations’ adoption of the UDHR was “a remarkable achievement” for uniting so many governments in a public commitment to freedom.

Fifty years later, according to Leonard Sussman of the New York-based Freedom House, in his contribution entitled “Many Rulers Still Fear Full Freedom”, some world leaders think the Declaration should be revised.

He cited the example of Prime Minister Mahathir Mohammed of Malaysia who suggested that the UDHR “should be re-written to accommodate Asian values, not just Western ideals.”

Prime Minister Mohammed also claimed that the press is not responsible enough to report freely and needs government control to direct it away from “calamity.”

In her essay entitled “The touchstone Of all Other Freedoms”, Rosemary Righter of The Times of London noted that those in power can retain control of access to information, to the detriment of others adding, however, that advances such as the spread of the Internet have helped to spread freedom of expression beyond the control of the censors in some countries.

In “The Sea Change From Caution To Openness” lawyers Michael Reisman and Ralph Wilde explored the legal barometer for freedom of expression established by Article 19 of the UDHR.
In his essay entitled “Without Article 19: Eastern Europe’s Bleak Years”, journalist Christopher Cviic re-visited the censorship faced by journalists in Eastern Europe prior to the collapse of the Berlin Wall in 1989.

In the book, WPFC’s vice-chairman and editor, Cushrow Irani, affirmed in his essay that “Press Freedom IS a Universal Right.” (IFEX)

**WAJA To Hold Annual Conference In February …Focuses on Media’s Role in Promoting Children’s Rights**

The next annual conference of the West African Journalists Association (WAJA) will be held in Banjul, The Gambia, on February 22 to 25, 1999.

The theme of the conference, which will coincide with the association’s fourth triennial Congress, is “Child Rights and the Media.”

WAJA said it had become paramount to focus on children’s right following the International Federation of Journalists’ (IFJ) 23rd Congress in Reife, Brazil, where this issue was examined in detail.

According to the association, “It is evident that the media in West Africa have not given prominence to children’s rights, which should form the core of any advocacy of human rights.”

In its view, West African children are indeed very vulnerable, their plight ignored as the media of the region focus on high politics.

It noted that the phenomena of street children, child labour, illiteracy and exploitation of children in conflict in war situations have not been adequately covered by the West African media.

WAJA stressed that there was therefore the need to bring together West African journalists to discuss these issues as a way of sensitizing the media to give proper and adequate coverage to children’s rights.

A special segment of the Banjul conference will be dedicated to the role of women in the media.

This follows from the Dakar conference in 1986 where delegates stressed the need for effective participation of women in the West African media.

Accordingly, WAJA said, more women delegates will be invited to the Banjul conference as it is planned to have a leadership forum for women during the conference.

The aims and objectives of the conference/congress are:

- To discuss coverage of children’s rights in the West African Media;
- To create and promote awareness of children’s rights among West African journalists;
- To draw up guidelines for the coverage of children;
- To discuss the report of the IFJ Conference on children’s Rights held in Radcliff, Brazil in 1998;
- To hold elections for the new executive council of WAJA; and
- To discuss the role of women in the media in West Africa.

As a prelude to the Conference on children’s rights and the media, WAJA will commission a study of media coverage of children in four countries: Senegal, Cote D’Ivoire, Liberia and Ghana.

The reports of these surveys will be discussed at the conference in special sessions and syndicated group discussions on various sub-topics of the main theme.

Three days of the conference/congress period will be devoted to the main conference, while one day will be devoted to WAJA business.

Also, before the Banjul regional conference, country seminars will be organized in the four countries on specific themes: Children In Conflict Situations, the Media and Child Labour, and Media Coverage.

Participants at the conference will be drawn from WAJA’s 16 member unions and one observer union from Benin Republic.
Two delegates will represent each member union, one of whom should be a woman. A delegate will represent AJBP from Benin, which has an observer status. A number of international media organizations will also be invited to participate in the conference, along with selected National Commissions on Children in the sub-region. WAJA will raise funding for travel, boarding and lodging of its member unions, but all non-WAJA participants at the conference would be expected to pay for their travel. They will also pay a conference participation fee which has not been determined. This would cover their hotel accommodation, breakfast and lunch.

The conference is expected to result in:
- Publication of conference material;
- Sensitization of West African media to protect the rights of children;
- Create a network of journalists who cover children’s rights on a regular basis; and
- Build relations between media and institutions or commissions working on children’s rights and issues.

WAJA, established in June 1986, has in its 12 years of existence held workshops, seminars and congresses/conferences on various themes and issues. These events are aimed at achieving the goals of WAJA, which is the promotion and defence of press freedom in the West African sub-region.

As the umbrella organization for journalists associations in the sub-region, WAJA said, the association has a responsibility to strengthen its member associations and utilize its annual meetings and congresses to discuss issues of relevance to media practice and democracy in West Africa.

Three congresses have so far been held in Dakar, 1986; Cotonou, 1990; and Accra, 1996. The Accra Congress, held with the support of the Friedrich Ebert Foundation, agreed that an annual conference should be held every year to review the state of the media in West Africa. Following this decision, WAJA met again in Dakar in February 1998 to review the state of the media in West Africa.

The Dakar Conference, which was supported by the Danish Department of International Development Cooperation (DANIDA) and The Friedrich Ebert Foundation, brought together WAJA members and a number of international groups.

Further information on the conference may be obtained from Kabral Blay-Amihere at WAJA, International Press Centre, Accra, Ghana or P.OBox: 4031, tel: +233 21 234692/27558765, fax: +233 21 234694/772990, E-mail: waja@africaonline.com.gh (IFEX).

Journalism Is About Truth, Says Chris Anyanwu

After her release from prison, the jailed publisher and editor-in-chief of The Sunday Magazine (TSM), Chris Anyanwu, spoke with executive Director of Media Rights Agenda, Edetean Ojo, and Director of Publications, Austin Aghonsuremi, on her experience. Following are excerpts from the interview:

Can you give us a summary of your experience in prison over the past three years?
I saw things that I never thought existed. It was a different world. It was like being lost in some other world, surrounding by walking deads, more or less.

When I got to Gombe (Prison), for instance, my first sight of the prisoners made me cry. And if you ask the officers there.. in fact, the health officer, the doctor that used to treat them (the prisoners), used to come from Bauchi.

I said: “these are God’s children?” they were half naked, their bodies covered with dust, this was during the harmattan, in that cold, bare-chestedno uniforms, some of them were covered with something like lice-ridden blankets and things like that.
It was terrible. I never ever could have imagined that such people live in this nation. It was horrifying.

But you know, there is something about horror. When you stay in a situation, in this condition over a prolonged period, even horror itself begins to seem normal. It becomes normal. And that is the danger because when that which is an aberration, that which is abnormal, seems to you as normal, you are walking into a psychological trouble zone.

In prison, one really had to try to forge an existence. Within that state of abnormality, you had to forge an existence to move on from day to day and you say: “hold yourself, hold your heart, hold your peace, hold your spirit” because one thing that helped me a lot was the realization that I haven’t done anything wrong.

I considered all the rules of journalism, all the ethics of journalism, all the laws applying to our trade and I came to the conclusion that I did not do anything (wrong).

I was not tried. I just faced a bunch of men who competed with each other to ask me questions about irrelevancies.

And I was just like a lamb laid away to slaughter, handcuffed, abused, this and that. I said to myself, there is something to this beyond this – what you have written, what the magazine has written. They want to steamroll you, crush you.

I decided that I had to do everything possible to survive. And in that situation of absolute hopelessness, there was no other recourse but God and I held on to God. And he filled me with the strength and the courage that saw me through.

Another thing that helped me exceedingly was the fact that I was able to receive cards and postcards and little notes from people all over the world.

At one point, I received 11,000 letters and cards from all over the world. I received only one letter from Nigeria, from a Nigerian, and of course, you know, it had a different tone.

It helped a lot because it was encouraging and of course, later on, when I began to get hints that okay, people gave you an award and all that, I said to myself, those people out there, they will not give you an award for emotional reasons.

They have seen what you have done, they have looked at it, there are no rules applying to journalism that are exclusive of Nigeria. They are all of international application – the same rules, the same job. And they must have looked at them, they must have considered them and they must have judged and come to the conclusion that she did nothing, she is on her right. And it encouraged me a lot.

*Just before the trial, at the time you were considering all these stories, you said you judged all of them using all the ethical standards, the rules and the regulations. Did you think you were daring? Did you think the reports of TSM at that time were really daring, looking at the circumstances in Nigeria?*

Well, you know, the report was an ordinary report that Comfort (Obi) wrote. It was totally, totally misinterpreted by them.

In fact, I am not sure that the people that did this judgment and the rest of it, that they understand English, that they took their time to read and appreciate these things fully.

I don’t mean any insult, but that is the truth because you know, one of the basic requirements in a story is that you background the story.

If you write a story about Mr. A and you say Mr. A before now has been so,so and so, he has done this, he studied this, he occupied this position, he had problems here, he did this, those are his antecedents, those are the background that paint a picture.

Now, when somebody comes to me and says to me, “you have this information you have given, you meant them order to make the man look good, in order to get the public to have sympathy on him”, he is not making sense to you as a professional.

That was the kind of trial, the issue was you tried to create public sympathy for someone: How did create this background to a story, an ordinary story”

When you see the story we are talking about, it is laughable. And I told them so.
There are things you have to understand. You cannot by decree, decree the style in journalism, decree how you gather information, decree how you write stories, there is a limit to what you can decree. It is like telling a soldier that you stood up to shoot your gun because so, so and so, you should have laid down.

I mean, if we were talking about truth, the issue should be: the substance of the story, is it true, are the facts correct, is it balanced? Is it fair?

Both those were not issues at contest…what we were talking about was that the story was too positive on the side of the individual, that if reflected positively on the side of the individual, because it pointed at his antecedents, therefore that you make people have sympathy for him.

Now, by painting a picture of the major characters of this coup, which is what you should do so people know this is the man to destabilize the nation, who is going to affect your life, who is going to cause you to lose your freedoms because if there is a coup, you cannot move, you cannot speak, all the freedoms are lost. You must paint an adequate picture of the characters involved.

If in the process of doing that somebody says “why did you do that? In doing that, you make government look bad, you make people have sympathy”, it doesn’t make sense under our profession.

This is what we are talking about. I didn’t think that I was particular daring. if there was anything daring, it was probably my column. You must go back and read the column. I titled it “Leave Something for Tomorrow” it is in the cover edition “Coup Update: Bloodbath soon”. When you read that column, that is what they read and they said we wanted to get the public to rise up against the government.

That is my column. When you read it, you will see the things that I said there and you will ask yourself, how many of these have happened. It happened to be a sibylline prophecy and all of it have happened.

The information we had is that you were charged with being an accessory after the fact to treason and my understanding of that is that you had knowledge of the coup plan and you did not reveal it. Now, during the trial, what kind of evidence or information was brought to support that charge?

That is not what I was tried about at all. Nobody ever told me that I had knowledge of the coup which I did not reveal. Maybe they were telling you people that for after effect. What I was told was that we tried to raise public sympathy for a coup plotter in order to help him escape justice and that through my column, we tried to cause Nigerian people to rise against their government.

This is a new thing you are telling me now. That is what they told the chief in my village too. But that is not what I was told, that is not what was argued in the tribunal. I can tell you who my lawyer is. In fact he was threatened with court martial.

Let us look at the future now that you are out. What do you have for journalism? What do you think about journalism now?

Well, you know, journalism all over the world is becoming a very dangerous profession and it will continue to be so, so long as there are agents of darkness and you know, light and darkness don’t go together. You see, it is in the Bible.

Journalism is about the truth. We are touch bearers. Where a touch bearer goes, it enlightens everything and it wrecks the darkness and reveals all the deeds of darkness and you know, those who want to hide things, those who engage in all sorts of negative things, they are not going to sit down and allow you to go on a rampage to shed the light on the earth.

So you continue to have the resistance, some measure of resistance in all societies. It is not only in Nigeria.
But the thing is it is like soldiering. Because people die in the field in the process of
defence of the fatherland, people die in the process of pursuing positive causes for society, it
hasn’t made people to leave soldiering.

This is our calling. Unless you are here, just passing, unless your presence in the
profession is accidental or is based on financial motive. If it is really a calling, then you are
going to have to stay no matter what.

And I think that our people have fought very well, they have shown themselves to be
committed journalists. They must continue to pursue the cause because it is only through that
that we can have a better society.

Even if we run away to America or to Europe, whatever it is, people have fought for
them there and they have gained those freedoms.

That is why they have good societies. We must be willing to make these sacrifices that
are necessary in order to forge a better society and it is our duty to do so, and if we don’t do it in
our generation, in the time of our children, it will come up again.

Someone has to pay and I will encourage our journalists to be steadfast in the profession.

Good journalism, fighting good causes does not mean that you have to be reckless and
all that.

Reckless journalism is bad journalism and nobody in our group was punished because of
reckless journalism, but because a group of people who have taken up the leadership of the
country thought that nobody had any right to call them to question in any of their acts. That is
what is at issue.

What is at issue, the heart of the matter, is that they were trying to silence the nation, to
completely take away from us our fundamental rights of free expression, free speech.

They had an agenda and they knew that free speech and that agenda could not co-exist
and therefore, they did everything to silence us and we were just punished, as I was told, just to
teach journalists a lesson. But it didn’t work because the others continued to fight.

*Are you resuscitating TSM?*

TSM will be resuscitated. But as you know, in three years, a lot of damage has done and
there is nothing that was not done to cause us to crumble. Everything was done by the system,
by the set-up, to do that.

It would take some time to reorganize. It will take some time for even me to regain
myself and reorganize my life, my family, this and that. So *TSM* will come back.

I do not own *TSM* alone. A group of people own *TSM*. They have to also show the will
that they want their product to be back.

I will continue to serve the purpose as the primary force. But we have a lot of sorting out
to do.

**London Exhibition To Show Cartoons About Free Expression**

A n exhibition of international political cartoons entitled “The Great Challenge” will open in
London, England in November 1998 to coincide with the 50th anniversary of the Universal
Declaration of Human Rights and then tour the world in 1999.

Cartoonists may submit cartoons for the exhibit which are based on the theme of Article
19 of the Declaration, which guarantees “the right to freedom of opinion and expression.”

The “Great Challenge” is the name of a cartoon exhibition held in London in 1958,
which displayed hundreds of political cartoons from around the world.

The 1998 “Great Challenge” is a tribute to the show held 40 years ago, which “will
contrast political cartoons of the 1990s with those featured in the 1958 exhibition, thereby
revealing the challenges to freedom of expression prevalent in the world today…and contrasting
them with the challenges faced during the…Cold War, as illustrated by cartoons of that period.”
The organizers will welcome cartoons for the exhibition. To qualify to submit a cartoon, entrants must have been previously published.

A maximum of three cartoons may be submitted by each person. Artists are asked to submit original cartoons, clearly marked on the back, along with a short biography and black and white photograph of the artist.

The deadline for submission is August 31.

For more information, to submit a cartoon, or to suggest tour venues, contact Alexander Ellerington, Exhibition Secretary, at 54 – 62, Regent Street, 7th Floor, London W1R 5PJ, United Kingdom. Telephone: 44 171 439 4052, Facsimile: 44 171 437 5908. E-mail: letters@greatchallenge.org.uk, Website: http://www.greatchallenge.org.uk

RSF Annual Report Records Fewer Journalists Murdered

Fewer journalists were killed worldwide in 1997, but other press freedom violations have not decreased, according to the Paris-based free expression organization, Reporters sans Frontiers (RSF), in its annual Report of the Press Throughout the World.

RSF recorded 26 journalists murdered in the course of their work last year and attributed the decrease in the number of journalists’ deaths to the cessation of fighting in places where numerous journalists had previously been killed, such as the Republic of Chechnya and the former Yugoslavia, as well as the “change in the nature of the terror that reigns in Algeria.”

Although non journalists were recorded killed in Algeria in 1997, RSF said the press was prevented from reporting openly by both the government and its opponents.

Other violations against the media worldwide include the imprisonment of numerous journalists. As of January 1, 1998, RSF recorded 90 journalists in jail.

RSF’s annual report also recorded the use of threats and laws to stifle the media, among other violations.

More information or a copy of the report can be obtained at RSF at 5, rue Goeffroy Marie, Paris 75009, France, tel: +33 1 44 83 84 84, fax: +33 1 45 23 11 51, e-mail: rsf@rsf.fr, website: http://www.rsf.fr

New Director for Committee to Protect Journalists

Ann K. Cooper, a veteran national Public Radio journalist, has been named the new Executive Director of the New York based international press freedom organisation, Committee to Protect Journalists (CPJ).

Cooper took over from the former Executive Director, William J. Orme, last month.

Orme resigned to become a reporter in the Jerusalem bureau of The New York Times. (WPFC).

IAPA “Chapultepec” Conference Holds In Costa Rica

The Chapultepec Conference on Freedom of Expression will take place on August 16 to 18, 1998 in San Jose, Costa Rica.

The special Hemispheric Conference on Freedom of Expression is being organized by the Inter American Press Association (IAPA) and will examine the principles of free speech in the Declaration of Chapultepec.

The document, signed by 17 heads of state and government in the Americas since 1994, “sets out ten fundamental principles necessary for a free press to carry out its essential role in a democracy”, according to the IAPA.
The conference will witness a gathering of judges, lawyers journalists, editors and other representatives from all over the Americas. They will meet and interact in the form of working groups in order “to lay the foundation for these principles to become an effective instrument for eradicating obstacles to freedom of the press and the right to public information.

Among the conference sessions will be group discussion and analysis of the 10 principles of Chapultepec as well as the application and use of the 10 principles in the countries of the Americas.

During the conference, there are scheduled keynote speeches by the President of Costa Rica, Miguel Angel Rodriguez, and by the President of the Inter American Court on Human Rights, Hernan Salgado Pesantes.

The IAPA is also hoping that the Organisation of American States (OAS) will use the Declaration of Chapultepec as the framework for its proposed Inter American Declaration on Freedom of Expression.

On June 2, 1998, the OAS adopted a resolution at its general assembly in Caracas, Venezuela, in which the nations of the Western Hemisphere agreed “to strongly repudiate attacks on the practice of freedom of the press and crimes against journalists.”

In point five of the resolutions, OAS member countries resolved “to instruct the Permanent Council to study the appropriateness of drafting an Inter-American Declaration on Freedom of Expression.”

IAPA President, Mr. Oliver Clarke said after the adoption of the resolution that: “We trust the OAS Permanent Council will look into the possibility of the /declaration of Chapultepec, signed and endorsed by a score of heads of state and government in the Americas, serving as the framework for this new document on freedom of expression.” (IFEX)

**International Writers Parliament Expands “Cities Of Asylum”**

The Network of Cities of Asylum is expanding world-wide to provide journalists and writers in exile with a place to live and write, according to the International Parliament of Writers (IPW)

With the addition of Mexico City, there are now more than 20 Cities of Asylum world-wide, with plans being made for another dozen to join imminently.

According to the latest edition of the IPW bulletin, Correspondence of the IPW, among the journalists in residence under the Network is Faraj Sarkoohi, the Iranian writer who was freed from jail earlier this year and went into exile in Frankfurt, Germany in May.

Another writer and poet, Saphar Bekszan of Uzbekistan, is hosted in Lausanne, Switzerland after fleeing his country where he has jailed for three years and legally and physically attacked.

In December this year, the IPW plans to launch its Web site. “The Censored Library”, to coordinate the Network of Cities of Asylum. It will feature news on the IPW’s activities and those of the Network, and newspapers in Europe have promised to publish columns entitled “The Censored Library” to complement the work of the IPW.

The IPW will also open the Research Centre on the Suppression of Language and Creation in Paris, France, in January 1999 to “undertake a research programme on the ‘new forms of censorship’ and the violence directed against words, literature and art.”

The Centre will conduct research into the cases of writers in residence in the Cities of Exile.

**CPU conference To Discuss Press Freedom**

Freedom of expression will be among the topics to be covered at the Commonwealth Press Union’s (CPU) Biennial Conference in Kuala Lumpur, Malaysia scheduled for October 26 to 29, this year.
Other issues on the agenda include “Reporting Under Repressive Regimes” and “Effective Lobbying For Press Freedom.”

Malaysia’s Prime Minister Dato Seri Dr. Mahathir Mohammed will open the conference, which will also feature the former Governor of Hong Kong, Mr. Chris Patten, and Commonwealth Secretary-General, Chief Emeka Anyaoku.

New Zealand’s Foreign Minister Don McKinnon, a member of the Commonwealth Ministerial Action Group (CMAG), which monitors human rights in the Commonwealth, will speak on human rights and press freedom.

Electronic Communications Training for African NGOs

The world Organisation Against Torture (OMCT) USA is convening two computer and electronic communications training sessions this year as part of efforts to provide communications support for African non-governmental organizations (NGOs).

Funded by the National Endowment for Democracy (NED), the computer and Electronic communications Support Project for African Non-Governmental Organisations will also focus on the establishment of an electronic information clearinghouse serving all African human rights and democracy support NGOs.

At its inception last year, the project concentrated on providing computer equipment and Internet access to participating groups.

This year’s trainings will be part of broader meetings and conferences that are being held by human rights NGO networks.

The first training targeted at French speaking NGOs, will take place on July 28 and 29 as part of the UIDH human rights conference at the Hotel Independence in Ouagadougou, Burkina Faso, scheduled for week of July 27 to 31.

The second training session, targeted at English speaking NGOs, will take place in Harare, Zimbabwe, at the Mandel Training Center on August 6, as part of the conference of the human Rights Network (HURINET) scheduled for the week of August 3 to 7.

The project coordinators are also seeking the involvement in the development and ongoing work of the electronic clearing house, which will be housed in Burkina Faso, but will serve all African NGOs.

French and English speaking or bilingual staff will be recruited for the clearinghouse during the two training sessions.

The goal is to have the electronic clearinghouse and its staff serve as a focal point for information gathering and exchange among African NGOs, and to provide training and technical assistance to NGOs on an ongoing basis on the use of computers, electronic mail and the worldwide information sources on the Internet.

Topics to be discussed at the HURINET conference include: the Philosophical, Moral and Historical Basis for Human rights; Economic, Social and Cultural (ECOSOC) Rights under International and Regional Mechanisms for Protection of ECOSOC Rights with cases studies of South Africa and Rwanda.

Others include Advocating ECOSOC Rights; Regional Human Rights Networks’ Role in Protecting and Promoting ECOSOC Rights; Information Technology for ECOSOC Rights; and Country and Regional Action Plans.

Further information about the computer and electronic communications training may be obtained from Morton Sklar, Director, World Organisation Against Torture, USA, Room 400, 1015 18th Street, N.W. Washington, DC. 20036, USA. Tel: (1) 202 861-6494, Fax: (1) 202 659-2724, E-mail: msklar@igc.apc.org
Africa Human Rights Camp Holds in Morocco

This year’s Africa Human Rights Camp will be held from September 20 to October 9 in Haroura-Temara, Morocco, about 15 kilometers from the country’s capital city, Rabat.

Organized by the Human Rights Institute of South Africa (HURISA) and the Moroccan Organisation for Human Rights (OMDH), the camp is a three-week long intensive training course in human rights, designed for people working in the field of human rights education.

The first of the annual camp took place in South Africa in 1995, the second in Zimbabwe and the third in Ghana.

A maximum of 30 participants are expected in this year’s camp.

Out of this, 16 places will be allocated to representatives of non-governmental organizations (NGOs) in African countries other than the host country, while 10 places will be offered to NGOs in the host country.

The remaining four places will be made available to representatives of governmental institutions in Africa involved with human rights programmes and activities.

The objectives of the camp are: to increase the knowledge of participants on basic human rights concepts; to discuss the practical implementation of human rights in different environments; and to facilitate the exchange of experiences in the field of human rights training and education.

Other objectives are: to develop a pool of resource people (trainers) who can articulate and teach human rights in their own countries and regions; to provide a forum for the dissemination of information concerning country-specific human rights situations; and to further promote human rights networking in Africa.

Topics to be dealt with at the camp include the philosophical and historical basis of human rights; the universality and cultural relativity of human rights and international protection and promotion of human rights as well as regional systems for the protection of human rights.

International protection will cover international human rights instruments and the United Nations, including its structure, complaint and reporting procedures, and non-governmental interventions.


Other courses outlined for the camp are International Humanitarian Law, Human Rights of Women, The Rights of the Child; as well as Social, Economic and Cultural Rights.


English and French will be used during the course sessions. Participants who have attended all the course activities will be awarded a certificate of attendance.

Media Law Report:
Courts Have No Function to Act As Press Censors

In the Supreme Court of Zimbabwe Judgment No. SC 35/98 Crim Application No. 687/97

Between:
Canaan Sodindo Banana – Applicant

V
The Attorney-General-Respondent

Before Gubbay CJ, McNally JA, Ebrahim Sandura AJA
Held:

Freedom of expression is a right and enjoyment always to be jealously guarded. It is recognized as a core value of society, essential to truth, democracy and personal fulfillment. Freedom of the press is also crucial to the public nature of the administration of justice and the potential for scrutiny that comes with such openness.

Prosecutions, judgments and sentences of the courts have always been matters of legitimate public interest. In many cases, the press renders great service by the publication of reports of events surrounding the commission of a crime or an alleged crime and it is no function of the courts to act as censors.

Freedom of expression and of the press are not conferred in absolute terms. They carry with them the quality of restraint. In the context of legal proceedings, such freedom must be exercised reasonably, especially where the person targeted is awaiting trial on criminal charge.

What always has to be balanced is the right of the public to information and of the media to report and express views freely against the right of an accused person to a fair trial. To be avoided is a situation in which media coverage adversely influences or trespasses upon the proceedings, or the judicial officer trying them.

On the hierarchy of constitutional rights, there can be no doubt that the right to receive a fair trial, which is the central percept of criminal law, must be given priority over freedom of the press. So held the Supreme Court of Zimbabwe in dismissing the claim by the country’s former President, Canaan Sodindo Banana, of the existence of a real or substantial risk of his not being afforded a fair hearing before the High Court on the charges for which he was indicted by the Attorney-General.

Delivering the opinion of the Court, Chief Justice Gubbay said the court was confronted for the first time with the contention that widespread pre-trial publicity adverse and hostile to an accused person may so indelibly prejudice the minds of the judge and assessors at the criminal trial as to negate the constitutional protection of a fair hearing before an independent and impartial court.

The facts:

The background facts, as stated by Justice Gubbay, are as follows:

The application was appointed the country’s first non-executive president with the advent of independence on April 18, 1980 and remained in office until the end of 1987.

He is an acclaimed academic and minister of the Methodist Church, and an honorary professor and lecturer in religious studies, classics and philosophy at the University of Zimbabwe.

In 1989, he served as a member of the United Nations Commission of eminent multinational activities in South Africa.

In 1996, he was named as the Organization of African Unity’s special envoy to mediate an end to civil wars raging in Liberia and Sierra Leone.

Justice Gubbay said it was apparent that by virtue of his position in society and international standing, Mr. Banana is a newsworthy personality, both within and outside the borders of Zimbabwe.

On February 24, 1997, Jefta Dube, a former police inspector who served as Mr. Banana’s aide-de-camp, was convicted by the High Court of having murdered a police constable.

After a finding of extenuating circumstances was made, Dube was sentenced to undergo 10 years imprisonment with labour.

The court accepted the claim that when committing the crime, Dube was suffering from diminished responsibility brought about by drink and stress.

It held that it could not reject as false the uncontroverted claim that he had been traumatized as a result of being the victim of repeated homosexual abuse by Mr. Banana at the State House, during the years 1983 to 1986.
The presiding judge recommended that a full investigation be instituted through the Attorney-General’s Office and the police to establish the veracity of Dube’s claims of sexual abuse.

The judgment, now reported as S v Dube 1997 (1) ZLR 229 (H) was given extensive prominence by the media.

The next day, the Commissioner of Police announced that the allegations of sodomy against Mr. Banana were to be investigated immediately.

On July 7, 1997, Mr. Banana was indicted to the High Court for trial on two counts of sodomy, three counts of attempted sodomy and six counts of indecent assault.

The offences were stated to have been committed during the period extending from January 1, 1980 to December 31, 1996.

Mr. Banana was remanded on bail to appear before the High Court on August 4, 1997 although the trial date was later altered by consent to September 22, 1997.

At the inception of the trial presided over by Blackie J and two assessors, counsel for Mr. Banana moved an application for a permanent stay of proceedings.

The grounds advanced were that there was a real risk that Mr. Banana would not receive a fair trial in consequence of both the pre-trial publicity to which he had been subjected and statements as to inadmissible evidence set out in the outline of the State’s case.

In the event of the refusal of that form of relief, an order was sought directing the Attorney-General to furnish Mr. Banana with the investigation diary contained in the police docket.

It was submitted that under the common law, the High Court had inherent power to stop a prosecution which creates unfairness, injustice and an abuse of its process.

The Director of Public Prosecutions (DPP) opposed the applications on their merits.

Although he did not suggest that the High Court should refer to the Supreme Court the questions arising as to the alleged contravention of Section 18(2) of the Constitution, nonetheless, the trial judge, in the exercise of his discretion, resolved to refer the questions.

The Decision:

In the Supreme Court's decision, Justice Gubbay noted that one of the crucial elements of a fair hearing is the right to be tried solely on the evidence before the court, and not on any information received outside that context.

According to him, Section 18(2) of the Constitution, as read with Section 18(3) entrenches the right of any person charged with an offence to a fair hearing and to be presumed innocent until proved guilty.

The fairness and impartiality of the criminal process is the cornerstone of the legal system and in protecting the fairness of the trial both under the Constitution and at common law, it is to be accepted that the potential for prejudice relates not only to the accused but to society in general.

The judge stressed that freedom of expression is a right and enjoyment always to be jealously guarded, adding that it is recognized as a core value of society, essential to truth, democracy and personal fulfillment.

He cited cases where the court has previously stated this view such as Retrofit (Pvt) Ltd v PTC and Anor 1995 BCLR 1262 (ZS) at 1271/f – 1272C; and the United Parties v Minister of Justice, Legal and Parliamentary Affairs and Ors S-139-97 (not yet reported) at p.20.

He noted that freedom of the press, which is encapsulated within the provisions of Section 20(1) of the Constitution, is also crucial to the public nature of the administration of justice and the potential for scrutiny that comes with such openness.

Prosecutions and judgments and sentences of the courts, he said, have always been matter of legitimate public interest, adding that in many cases, the press renders great service by the publication of reports of events surrounding the commission of a crime or an alleged crime.

He emphasized that “it is no function of the courts to act as censors.”
In the opinion of the court, the people have a right to know. But occasionally, restrictions will be necessary and acceptable in a free and democratic society because freedom of expression and of the press are not conferred in absolute terms. They carry with them the quality of restraint.

Justice Gubbay said in the context of legal proceedings, such freedom must be exercised reasonably, especially where the persons targeted is awaiting trial on a criminal charge.

He remarked that what always has to be balanced is the right of the public to information and of the media to report and express views freely, against the right of an accused person to a fair trial, adding that to be avoided is a situation in which media coverage is a situation in which media coverage adversely influenced or trespasses upon the proceedings or the judicial officer trying them.

Justice Gubbay held that on a hierarchy of constitutional rights, there could be no doubt that the right to a fair trial, which is the central percept of Zimbabwe’s criminal law, must be given priority over freedom of the press.


He also referred to the decision in D v Director of Public Prosecution (1994) 2 IR 465 (Supreme Court of Ireland) where Finlay, CJ sounded this caution at 468: “Even though it is clear that in the interests of justice much greater vigilance should be shown by newspapers in the type of publicity which they give to crime in which trials are still pending, it is not to be taken that every criminal trial in respect of an offence which has recovered significant publicity will by that fact become an unfair trial. If a contrary view were taken, the administration of the criminal law in notorious cases could be brought to a halt by adverse media publicity.”

But Justice Gubbay said “while accepting the good sense of these remarks, it cannot be gainsaid that media reporting of a judicial process, or in advance of it, may, in exceptional circumstances, be so irresponsible and prejudicial as to make the unfairness irreparable and the administration of justice impossible. If that were to occur, then there is, quite literally, nowhere to go. The court will have no option but to grant a stay of proceedings, for it is more important to retain the integrity of the systems of justice than to ensure the punishment of even the vilest offender.”


Considering the publications in the media and their overall effect, he noted that Mr. Banana placed before the trial court a series of articles about him which appeared in the press very shortly after the Dube judgment was published.

Such publications include as article on the front page of the weekly Zimbabwe Independent of February 28, 1997 with the headline: “Banana sex scandal balloons”, which quoted General Solomon Mujuru as saying that during the period of Mr. Banana’s presidency, troops stationed at the State House had to be withdrawn in order to prevent them from being sexually abused; an editorial comment in the same issue of the newspaper entitled: “Chickens coming home to roost”, and another article in the April 1997 issue of Parade magazine titled “Allegations against Canaan Banana shock churches” with the sub-title “But insiders say reports had been rife for a long time.”

Other publications include an article in the Financial Gazette of May 8, 1997 entitled “Fresh allegations against Banana” with the sub-title “Dozens flood police investigators with new charges”, the first paragraph of which claimed that dozens of current and former students of the University, soccer players and members of the security forces had “trooped before a panel of police investigators to level new allegations of homosexuality” against Mr. Banana; another
Justice Gubay also referred to an interview by Mr. Banana on June 19, 1997 with the Zimbabwe Independent where he described the allegations against him as “a mortuary of pathological lies, a malicious vendetta of vilification and character assassination – the biggest joke in living memory, absolutely laughable.”

He said although to some extent, these protestations of innocence may have neutralized the antagonistic and prejudicial pre-trial press coverage to which Mr. Banana was subjected, he was nonetheless persuaded to accept the argument that the cumulative effect of the publicity was to induce a belief that Mr. Banana has a propensity to homosexuality and was guilty not only of the charges for which he was to be prosecuted, but many other similar offences.

He observed that “It is true that the applicant possesses a marked degree of notoriety. He is an extremely newsworthy person, a prominent leader in society against whom the commission of grave crimes is alleged. As such, the media had every right to report on matters of public interest and concern. This is a feature of modern times. Inevitably, therefore, the applicant had to succumb to greater coverage than those individuals who are less well known, or whose cases are not as serious.”

Justice Gubbay added however that “even so, the impugned articles, to my mind, represent a marked departure from the standard of fair, temperate and unbiased reporting that a high profile figure accused of criminal charges is entitled to be accorded.”

But he noted that an accused person who seeks an order prohibiting his prosecution on the ground that circumstances have occurred which would render it unfair (which include pre-trial publicity), must establish on a balance of probability that there is a real or substantial risk that by reason of such circumstances he could not obtain a fair trial.

According to the judge, the real or substantial risk of partiality of the judge and assessors has to be weighed against the backdrop of the developed system of safeguards that have evolved to prevent just such a continuity, adding that only when these built-in mechanisms are inadequate to guarantee impartiality will the test be satisfied and a fair trial rendered impossible of attainment.

He examined the safeguards contained in the composition of the High Court in a criminal trial, the capacity of trial judges to disabuse their minds of extraneous and prejudicial matter, the capacity of assessors to similarly disabuse themselves of information they are not entitled to consider, as well as judicial mechanism and procedures.

Justice Gubbay said he was inclined to think that it is fallacy to assume that trial judges cannot be affected by persistent outside information of a prejudicial nature as judges are mortals with human frailties.

He held however that “it is my firm conviction that only a remote possibility exists of a judge, imbued with basic impartiality, legal training and power of objective thought, being consciously or subconsciously influenced by extraneous matter.

Besides, he said: “To accept that there is a real or substantial risk of a judge’s mind becoming so clogged with prejudice by what he has read or heard about an accused, would mean that it would be impossible to find an impartial judge for a high profile case, and that such an accused could never receive a fair trial. The result would be nothing less than judicial abdication. The proposition needs merely to be stated to convince of its unsoundness.”

Justice Gubbay stressed that the determination of the existence of a real or substantial risk of partiality at the trial of Mr. Banana did “not entirely rest on the deserved faith I have in this country’s judges and assessors to accomplish their task. There is the availability of in-built mechanisms in the criminal law system designed to protect the fairness of the trial. Only when such measures are inadequate to guarantee impartiality and to rid the influence of prejudice, will...
Section 18(2) of the Constitution has been breached and the benefit of the fair trial process lost to the accused.”

He therefore held that he was entirely satisfied that Mr. Banana failed to discharge the burden of establishing the existence of real or substantial risk of not being afforded a fair hearing before the High Court on the charges for which he has been indicted by the Attorney-General.

He dismissed the application for a stay of the criminal proceedings instituted against Mr. Banana, but made no order as to costs.

J.C. Anderson SC, for the Appellant
A.V.M. Chikumira, for the Respondent.

PINA Holds Convention in October
The Pacific Islands News Association (PINA) will hold its 1998 annual convention in the French Polynesian capital, Papeete, on October 19 to 22.

The PINA convention is attended by senior executives and journalists from radio and television stations, newspapers and magazines, national associations, regional organizations and those involved in training and education.

One day of the convention will be devoted to freedom of information and expression issues, and will feature keynote speakers, country reports, panel discussions and study groups. PINA will also present its annual Pacific Freedom of Information award at the convention.

PINA said the convention is being held in French Polynesia as part of PINA’s efforts to strengthen links between the English-speaking and French-speaking news media in the Pacific.

PINA said it has also moved from being a mainly English-speaking organization to one in which the region’s two main languages, English and French, are used equally.

Further information can be obtained from Nina Ratuelele, Coordinator, PINA Freedom of Information Network, Pacific Islands News Association, Mailing Address; PINA Private Mail Bag, Street Address, 46 Gordon Street, Level w Damador Centre, Suva, Fiji Islands, tel: +679 303623, fax: +679 303943/302101, e-mail: plomas@ibi.com.fj

NATIONAL HUMAN RIGHTS COMMISSION

Introduction
The National Human Rights Commission was established by Decree No. 22 of 1995 to create an enabling, environment for extra-judicial recognition, promotion and enforcement of human rights.

The commission’s Mandate
The Commission is empowered to deal with all matters related to the protection of human rights as provided by the constitution of the Federal Republic of Nigeria, the African Charter on Human and Peoples’ Rights, the Universal Declaration of Human Rights and other international instruments to which Nigeria is signatory. Its functions include the following:

a. to monitor and investigate all alleged cases of human rights violation in Nigeria and make appropriate recommendation to the Federal Military Government for the prosecution of such other action as it may deem expedient in each circumstance;
b. to assist victims of human rights violation and seek appropriate redress and remedies on their behalf.
c. To undertake studies on all matters pertaining to human rights and assist the Federal Government in the formulating of appropriate policies on the guarantee of human rights;
d. To publish, from time to time, reports on the state of human rights protections in Nigeria.
e. To organize local and international seminars, workshops, and conferences on human rights issues for public enlightenment;
f. To liaise and cooperate with local and international organizations on human rights with the purpose of advancing the promotion and protection of human rights.
g. To participate in all international activities relating to the promotion and protection of human right.
h. To maintain a library, collect data and disseminate information and materials on human rights generally; and
i. To carry out all such other function as are necessary or expedient for the performance of its functions under the Decree.

Complaints Procedure
Complaints may be lodged with the Commission by the following:
I. Any person acting in his or her own interest;
II. Any person acting on behalf of another person who cannot act in his or her own names.
III. Any person acting as a member of or in the interest of a group or a class of person; and
IV. An association acting in the interest of its members.

Complaints may be made in writing or orally to the national office of the commission or to a representative of the Commission at the zonal or other office of the Commission.

The complaint must be signed or thumb-printed by the complainant or his agent.

A complaint made orally must be reduced into writing by the officer or representative of the Commission to whom the complaint is made and signed or thumb-printed by the complainant or his agent.

A complaint must contain full name and contact address of the complainant and the body or person against whom the complaint is made.

Full particulars of the complaint and the facts in support must also be stated, as well as the relief sought. A complaint should not be made in abusive language.

Treatment of Complaints
On receiving a complaint, the commission decides if the complaint falls within its jurisdiction. If it does, then the commission forwards it to the person or the head of the body organization alleged to have committed the violation for comment. He has 21 days from the receipt of the complaint within which to respond, unless the Commission specifies a longer period.

If it deems fit, the commission may assign an investigator or officer of the Commission to carry preliminary investigation into any complaint lodged with it. If following the preliminary investigation the Governing Council of the Commission decides that the complaint couldn’t be mediated upon or settled, it may decide to institute a full investigation.

Such a decision will be conveyed in writing to the complainant and respondent, who will also be informed of the date, time and place of the hearing.

Persons appearing before the Council for investigation may appear in person or be represented by counsel of their choice.

At the conclusion of investigation, the Council will inform the complainant and respondent of its findings, and may therefore forward its comments and recommendations to the Federal government.

Redress
In respect of any complaint lodged with it, and which it finds admissible, the Commission may make recommendations with a view to resolving the issue, and forward same to the Federal Government of Nigeria, or the agencies responsible for the alleged violation.

A recommendation may include:
i. Recourse to a court of law at the instance of the Commission or of the person directly involved; or

ii. Appropriate sanctions against as offending officer.

The Commission’s recommendations aim at reconciliation, redress, reparation, compensation, restoration, or any other remedy or redress for a right denied or deprived.

**Representation**

The meetings of the Governing Council of the Commission and of its committees are private. The Council may however, if it deems it necessary, permit a person making a complaint or against whom a complaint is made to be represented during the consideration of the complaint.

**Provisional Measures**

Before or after making recommendations in respect of a complaint, the Council may ask that provisional measures be taken in order to avoid irreparable harm to a person.

**Zonal Offices of the Commission**

The Commission proposes to open zonal offices across the country. In the meantime, commissioners have been assigned to the zones shown below to receive complaints from the public.

**FEDERAL CAPITAL TERRITORY:** Dr. Muhammed Tabi’u (Executive Secretary) and Mallam Bukhari Bello.

**NORTH EAST’** comprising Borno, Taraba, Adamawa, Bauchi, Yobe and Gombe States: Mrs. Fatima Kwaku and Alhaji Mohammed Bah.

**NORTH WEST,** comprising Sokoto, Kano, Kaduna, Katsina, Zamfara, Kebbi and Jigawa States: Dr. I.N. Sada, Senator Adamu Augie and Mallam Garba Shehu.

**NORTH CENTRAL,** comprising Benue, Plateau, Kogi, Nassarawa, Niger, and Kwara States: Mr. H.O. Sulaiman and Barrister A.D. Sodangi.

**SOUTH EAST,** comprising Anambra, Abia, Imo, Enugu, and Ebonyi States: Hon. Justice P.K. Nwokedi (Chairman) and Professor U.O. Umozuruike

**SOUTH WEST,** comprising Oyo, Ogun, Ondo, Osun, Lagos Etiki States: Mr. Obafemi Adewale, Mr. Kunle Fadipe and Mr. Ray Ekpu.

**SOUTH SOUTH,** comprising Edo, Delta, Rivers, Bayelsa, Akwa Ibom and Cross River States: Mr. Tom J. Orage and Mrs. Valerie-Janette Azinge.

(excerpted from the information Brochure of the National Human Rights Commission).

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**JOURNALISM/PRESS FREEDOM AWARDS**

**Center Announces Award for Investigative Reporting**

The Center for Public Integrity, an independent research organization based in Washington D.C. in the United States, has announced a new US$20,000 award recognizing the best international investigative reporting.

The award, part of the Center’s new international Consortium of Investigative Journalists (ICIJ), will be given to “a journalist or team of journalists who have demonstrated excellence in transnational investigative reporting the previous year.”

It will be presented in November at the ICIJ members’ conference at Harvard University, hosted by the Nieman Foundation for Journalism.
Along with its annual award, ICIJ said it “supports and showcases the best international investigative reporting and, through that, hopes to be a force for greater global accountability.”

Entries must be postmarked 15 August 1998.

More information on the award, including how to apply, can be obtained at the ICIJ at the Center for Public Integrity at 1634 Eye St. NW, suite 902, Washington D.C. 20006, United States, tel: +1 202 783 3900, e-mail: infor@icij.org. The information can also be obtained on the ICIJ website: http://www.icij.org/award.html

ICFJ Holds Awards Dinner in October

The International Centre for Journalists (ICFJ) will hold its inaugural Excellence in International Journalism Awards dinner in Washington D.C. on October 14, 1998.

At the Awards dinner, which focuses on the profession, the Centre will honour two distinguished journalists around the world who have adhered to standards of excellence.

The dinner will be held at The Phillips Collection in Washington D.C. and will be addressed by Jim Lehrer of the “Newshour with Jim Lehrer”, An American all-news television station.

The ICFJ’s Knight International Press Fellowship Award will be presented to a journalist from outside the United States who has upheld the independence of the press in his or her country and exemplifies the highest standards of professional journalism.

The Henry Brandon Award for outstanding coverage of international affairs will be presented to a U.S. print or broadcast reporter.

Attendance at the awards dinner will support ICFJ’s work in fostering free, independent media of the highest quality around the world.

AMARC Calls for Nominations for Solidarity Prize

The world Association of Community Radio Broadcasters (AMARC) has called for nominations for the AMARC Solidarity Prize.

The award will be presented during AMARC’s Seventh World Conference scheduled for Milan Italy, from August 23 to 29.

The prize will be awarded to a radio station or organization which has distinguished itself under particularly difficult circumstances in the defense of its community’s right to freedom of expression.

At its sixth world conference held in Dakar, Senegal, in January 1995, AMARC awarded the prize to South Africa’s National Community Radio Forum (NCRF) in recognition of its struggle for and contribution towards the emergence of a free and democratic society in South Africa.

Nominations for this year’s prize are welcome from AMARC members as well as non-members.

Each person is entitled to nominate one candidate and candidates must be groups such as radio stations, associations, organizations, etc.

Nominations must also be based on events that took place after January 1995.

The deadline for submission of nominations is August 15, 1998.

More information or nomination forms can be obtained from AMARC’s International Secretariat at 3575, St-Laurent, No. 611, Montreal, Quebec, H2X 2T7, Canada. Telephone: 1 514 982 0351, Fax: 1 514 849 7129, E-mail: amarc@amarc.org, or website: http://www.amarc.org

WAN Calls for Nominations for Golden Pen Award

The World Association of Newspapers (WAN) is calling for nominations for its 1999 Golden Pen of Freedom, an annual award given “in recognition of the outstanding action, in writing
or deed, of an individual, a group or an institution in the cause of press freedom.

According to WAN, the rules for the attribution of the Golden Pen state that freedom of the press should be “taken in the general sense of freedom of expression.”

They also stipulate that the action in favour of press freedom for which the award is made must have been undertake for “the benefit of all and not for the sole benefit of a person who would later refuse this same freedom to the expression of opinions different from his own.”

WAN requests that candidatures reach the Secretariat by August 24, 1998, supported by the fullest possible details and documentation.


Further information on the award and how to make a nomination may be obtained from Peter Whitehead at the World Association of Newspapers, 25, rue d’Asstorg, 75008 Paris, France, tel: +33 1 47 42 85 00, fax: +33 1 47 49 48, e-mail: pwhitehead@wan.asso.fr, website: http://www.fiej.org/ (IFEX)

AMARC Holds World Conference in Italy

The Canada-based World Association of Community Radio Broadcasters (AMARC) will hold its seventh world Conference at the Forte Crest Hotel in Milan, Italy, on August 23 to 29, 1998.

The theme of the conference is “Communication and Human Rights.”

Under this theme, AMARC will gather to mark the 50th anniversary of the Universal Declaration of Human Rights.

The community broadcasters will address the role of communication in underpinning other human rights.

The conference will also seek to reinforce the right to communication, to extend the role of the media in promoting tolerance and cultural diversity, and to respond to the challenges posed to the challenges posed by new information and communication technologies.

Over 400 participants from all continents who are active in community media and the international movement for the democratization of communication are expected at the conference.

They will include technicians, producers, coordinators of women’s groups, journalists, communicators, video-makers, researchers, computer scientists, sound makers and more.

August 25 to 28 will be devoted to conferences, debates, workshops, and regional gatherings while August 29 will be the general assembly day.

During these days, the discussions will generally focus on the main theme: “Communication and Human Rights” and particularly the right to non-discriminatory access to broadcast media.

However, the theme of the official opening session, which is scheduled for August 25, is “Community Media and Human rights: Article 19 of the Universal Declaration of Human Rights as the Support to Other Human Rights.”

Topics which will be discussed during the conference include: Reinforcing the right to communicate; Media, tolerance and cultural diversity; access to the new communication technologies; Women and broadcasting; Media for development; Radio campaigns; Electronic networking; Working in multimedia; Digital Broadcasting; and Digital Production.

Other activities at the conference include a Mediterranean Meeting and a Women’s Meeting. The Mediterranean meeting whose theme is “Community Media as a Tool for Communications and Development in Southern Europe, Northern Africa and the Middle East”, will focus especially on developing a communication space for NGOs in countries where community media in countries where community media are weak or not yet existing.
The women’s meeting, whose theme is “Policies and Development Programmes are Needed to Ensure Women’s Participation in Communications Sector”, will focus especially on developing an awareness campaign for content policies concerning women; developing a training resources programme for women, and developing institutional reinforcement.

The AMARC world conference has a tradition of setting up a radio station on the conference venue.

At this year’s event, radio producers, young journalists and presenters will come together to broadcast news, music from all over the world, features, discussions, and live artistic creations from the conference site.

This year, the association is planning to broadcast globally from an on-site radio station, Radio Planete Terre, which will be relayed locally on the Frequency Modulated (FM) band and to the world via the Internet and satellite.

AMARC has asked prospective participants at the conference to send in advance or bring with them material for possible broadcast.

During this year’s conference, a solidarity prize will be awarded to a radio station or organization which has distinguished itself under particularly difficult circumstances in defense of its community’s right to freedom of expression.

During its sixth world conference held in Dakar, Senegal, in 1995, South Africa’s national Community Radio Forum (NCRF) was awarded the solidarity prize in recognition of its struggle for free radio and contributions to a democratic society in South Africa.

AMARC is an international non-governmental organization serving the community radio movement.

It campaigns for the right to communication to be recognized and guaranteed as fundamental to securing human rights founded on the principles of genuine participation, social justice, plurality and diversity which reflect gender, cultural and regional perspectives.

It also recognizes that there is a need to defend and deepen an open public space for debate and actions that build critical understanding of the ethics of communication, democratic policy development as well as equitable and effective access.

Although its International Secretariat is based in Montreal, Canada AMARC coordinates its work on a worldwide level in collaboration with three regional offices.

The regional offices are AMARC Latin America with its operation base located in Quito, Ecuador; AMARC Europe located in Sheffield, United Kingdom; and AMARC Africa which is based in Braamfontein, South Africa.

AMARC provides a forum for cooperation, exchange and promotion of community radios.

Its goal is to support and contribute to the development of community radio along the principles of solidarity and international cooperation.

Its specific services include an International Training Programme under which it organizes and coordinates training workshops on radio production and management of community radio stations in different regions of the world; and the Women’s International Network (WIN) which was established in 1990 to promote solidarity among women working in alternative radio and encourages information exchange and training programmes for women.

Others are the Solidarity Network through which Radio Action Alerts are distributed by volunteer regional and national coordinators worldwide to mobilize the international community to protect and promote community radio broadcaster’s right to communicate; lobby and representation through which AMARC represents the community radio sector at international fora; as well as conferences and seminars under which the association organizes regional and global conferences and seminars of community radio and the democratization of communication.

AMARC, which now represents over 2000 community radio broadcasters and activists around the world, started with a world conference of community radio type broadcasters in
Montreal in August 1983 at which 600 people from 36 countries met in the World Communication Year event. But the organization was officially set up during the third meeting in Managua, Nicaragua, in 1988.

The Media Rights Agenda (MRA) is an independent, non-governmental organization established in August 1993 for the purpose of:

b. Providing protection and support for journalists and writers engaged in the lawful pursuit of their professional duties.
c. Promoting the highest standards of professionals ethics, integrity, training and conduct in the journalism profession; and
d. Promoting about conductive social and legal atmosphere for the practice of journalism, and in particular, ensuring the protection of the journalist’s right not to be compelled to work against his or her conviction or disclose sources of information.

In pursuing its objectives, the MRA seeks to ensure compliance by governments and other private or governmental organisations with relevant provisions in the Constitution of the Federal Republic of Nigeria, the Africa Charter on Human and People’s Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international human rights instruments.

The MRA is a component of FEDERC FOUNDATION which is registered under Nigerian Law.

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