

# Media Rights Monitor November 2000. Vol 5 No. 11

## In This Issue

1. MRA Commences Efforts To Reform Nigerian Media Laws
2. TI Boss Endorses FOI Law As Panacea To Corruption
3. "Freedom Of Information Is A Panacea To Corruption -Hees
4. LETTERS
5. Media Groan Under Multi-Million Naira Libel Suits Recommendations
6. EXECUTIVE WATCH: Lagosians Endorse TI's Rating of corruption in Nigeria, Lack Faith in Anti-corruption Crusade
7. Nigerians Call For Sanitization Of The Airwaves
8. AFRICAST 2000 CONFERENCE: Survival Creed For Africa Broadcast World
9. Bayelsa Donates N20m, Plots Of Land To State NUJ
10. IPC Immortalises Dele Giwa
11. CLO Challenges Unlawful Arrest Of Journalist
12. Film On Saro-wiwa Out
13. Media Adviser To Speaker Sues Four Reps For Alleged Defamation
14. Ethiopian Journalists Trained In Investigative Reporting Techniques
15. Liberian Journalists Urged To Improve Ethical Standards
16. State Monopoly Of The Airwaves To Continue In Zimbabwe Despite Court Ruling
17. MRA LEGAL SERVICES
  - ◆ MRA Files Four More Suits Against Publishers
18. Congo Authorities Seize Two Private Radio, TV Networks; Ban Others
19. ATTACKS ON THE PRESS IN OCTOBER
20. JOURNALISM / PRESS FREEDOM AWARDS

## MRA Commences Efforts To Reform Nigerian Media Laws

**M**edia practitioners and other stakeholders in the industry have embarked on a process of media law reform in Nigeria aimed at harmonizing the numerous media laws in the statute books and bringing them into conformity with international standards for the protection of media freedom and freedom of expression.

Last month, representatives of various sectors of the media industry, meeting with non-media practitioner stakeholders at two workshops held in Abuja, discussed the text of two draft media Bills and agreed on a framework for achieving reform.

The objectives of the exercise, according to Media Rights Agenda (MRA), which is facilitating the exercise, include:

- \* To assess the current legal and institutional framework for the operation, control and regulation of the media in Nigeria and agree on areas in need of reform in accordance with international standards for the protection of media freedom.
- \* To raise the profile of the issue of the reform of media law in Nigeria within the present democratic dispensation as well as broaden the constituency for such reform by sensitizing relevant sectors of Nigerian civil society, public functionaries and institutions about the inadequacies of the institutional and legal framework which presently governs the media.
- \* To agree on the text of draft media laws, in accordance with minimum standards for the protection of media freedom, which seeks to harmonize in one document all laws affecting the media and which will form the basis of a programme of legislative advocacy for reform of media law in Nigeria.

Speaking at the forums, Mr. Edetaen Ojo, MRA's Executive Director said the need for such a comprehensive programme of legal and institutional media reform has been dictated by two primary considerations.

The first consideration, he said, is the fact that the laws, which affect the media, are scattered across the statute books in a manner that defies logical analysis. Some of these laws either duplicate each other or overlap. In some instances, the laws contradict each other.

For this reason, Mr. Ojo said, there is a need to harmonize media laws in a single document to make them more easily accessible and more coherent.

The second reason is that the laws affecting the media in Nigeria, both at common law and under statutes, fall below international standards for the protection of the media in many respects. He said there is, therefore, a need to bring Nigerian media law into conformity with international standards on free expression and the protection of media freedom.

Mr. Ojo noted that in the 15 years of military rule preceding the recent enthronement of democratic rule in Nigeria, the promulgation of obnoxious decrees was one of the main tools used by the successive governments to control the media.

According to him, although a democratically elected government had been installed in Nigeria, the media still operated under virtually the same legal framework, which existed during the years of military rule and is thus subject to nearly the same legal disabilities of that period.

He expressed the hope that as Media Rights Agenda embarks on the process of reforming media laws in Nigeria media practitioners and other stakeholders in the industry would identify with the effort to positively influence the legal regime governing the media to make it more responsive to the needs of the people.

Mr. Ojo traced the history of the project to July 1997, when MRA, working with Article 19, the Global Campaign for Freedom of Expression, based in London, published a report on the state of the media in Nigeria. Entitled "Unshackling the Nigerian Media: an Agenda for Reform", the report demonstrated the inadequacies of the institutional and legal framework within which the media operates, and how these inadequacies have allowed for and legitimized violations of media freedom.

He recalled that as a follow up to this, in March 1999, again working with ARTICLE 19 and the National Human Rights Commission, MRA organized a workshop on media law reform at Ota in Ogun State to initiate the process of the media law reform in Nigeria.

At the end of that workshop, which was attended by 61 participants, representing the public and private media, relevant government departments and agencies, the legal profession, local and international human rights organizations, including the United Nations Special Rapporteur on Freedom of Opinion and Expression, Dr. Abid Hussain, as well as other stake holders, a consensus document tagged: The Ota Platform of Action on Media Law Reform in Nigeria, emerged.

According to Mr. Ojo, one of the key features of the Ota Platform of Action was a consensus that a programme of legislative reform should be pursued through a combination of litigation and legislative advocacy. He noted that the litigation programme was well under way and had achieved modest successes which will provide the necessary impetus for the programme of legislative advocacy.

Under the programme of legislative advocacy, he said, MRA had already introduced a Bill on Freedom of Information at the National Assembly, which is currently awaiting its third and final reading in the House of Representatives, after which it will be submitted to the Senate, if it is passed by the House.

In furtherance of the major objective in media law reform programme, MRA on October 19 to 21, organized a technical workshop in Abuja where participants discussed a draft Nigerian Broadcasting Bill proposed by it, which it intends would govern the operations of the broadcast media.

Participants at the workshop were drawn from relevant organisations in the society. These include the Broadcasting Organization of Nigeria (BON) Federal Ministry of Information and National Orientation, private and state-owned radio and television stations, the legal profession, media organizations and associations, local and international human rights non-governmental organizations, the Nigerian Law Reform Commission, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the National Assembly.

In considering the draft Broadcasting Bill, participants discussed issues such as the regulatory framework for the broadcast media, focusing on the independence of the National Broadcasting Commission, oversight responsibilities for the Commission, the licencing process and powers to grant licences; the State-owned Media, focusing on the regulatory authority, editorial independence, oversight responsibilities and licencing process.

The meeting also considered private broadcast stations, focusing on the licencing process and conditions for licencing, programme content, sourcing and development, prospects for growth and survival; and then community broadcasting.

A week after the first workshop, on October 26 to 28, MRA organized another technical workshop, also in Abuja, where the participants discussed a draft Nigerian Press Bill also proposed by MRA, to regulate the print media.

The participants were similarly drawn from among relevant organisations including the Nigerian Law Reform Commission, the Newspapers Proprietors Association of Nigeria (NPAN), the Nigerian Guild of Editors (NGE), the National Assembly, practicing journalists, the legal profession, UNESCO, local and international human rights non-governmental organizations, media organizations, the Nigerian Press Council, and the National Human Rights Commission.

In considering the draft Press Bill, the participants discussed issues such as the imposition of criminal sanctions for published information and violation of code of professional standards or the press law, focusing on criminal defamation, seditious publication, publication of false news, obscene publication, incitement, invasion of privacy, copyright violations, contempt of court, and other content related offences.

Participants also discussed pre-publication rights such as access to information, prior restraint/judicial injunctions, access to judicial proceedings, access to parliamentary proceedings, and editorial independence, as well as post publication rights and responsibilities such as protection of sources, civil defamation, and the right of reply.

The participants also discussed the regulatory framework for the Nigerian media, focusing on independence of the Nigerian Press Council, oversight responsibilities, powers of the Press Council, registration of journalists as well as registration of newspapers and magazines.

They also debated media ownership, including conditions for establishment of media organs, promoting diversity, and media monopolies/cross-ownership.

Mr. Ojo told participants at the workshops that although it was an acceptable strategy during the period of military rule for organizations like MRA to simply catalogue the unsavoury state of affairs and draw public attention to them, since there was no scope for civil society intervention in the legislative process, the coming of civil rule and the functioning of democratic structures and institutions, including the National Assembly and the Legislatures in the different states, has meant that a new approach needs to be adopted in remedying these shortcomings.

But he stressed that MRA did not see its role in the exercise as being the determinants of the contents of the laws, as it was merely seeking to play a facilitating role for the process which will allow stakeholders to discuss the relevant issues and agree on the best framework, which MRA could then help to push through the legislative process.

It is for this reason, Mr. Ojo said, that MRA had embarked on an extensive process of consultation within and outside the media industry.

He explained that the draft Bills, which MRA produced for discussion at the workshops, revealed in concrete terms its views on the various issues and is based on agreements reached at previous consultative meetings, including the Ota workshop on media law reform in Nigeria.

Participants at the workshop on broadcasting law agreed at the end of the workshop on the need to provide a legal framework for recent developments in broadcasting as well as to harmonize all laws relating to broadcasting in Nigeria, and review such laws to bring them into conformity with international standards for the protection of media freedom and freedom of expression.

The participants also agreed that there should be a single law on broadcasting in Nigeria under which a strong and independent National Broadcasting Commission will remain the regulator for the broadcasting industry in Nigeria. They proposed that the Federal Government should establish a Commission as an Executive body with oversight responsibilities resting with the National Assembly.

In addition, the participants suggested that the law should provide for a three-tier system of public, commercial and community broadcasting services and that the characteristics and licencing requirements for each of these categories of broadcasting services should be outlined in the law.

The participants gave the National Broadcasting Commission the task of promoting the development of these services to be responsive to the needs of the public.

Participants at the workshop on the press law further suggested that rather than have two laws one each to govern the print and broadcast media, there should be a single law on the media in Nigeria which may be known as the Nigerian Media Act.

In addition, they agreed that content related offences should be abolished, except for the narrow purpose of protecting public order and public morality. They therefore stressed that provisions relating

to criminal defamation and seditious publications as well as all other legislation which do not meet these criteria should be repealed.

There was also a consensus among the participants that the provisions relating to obscene publication should be retained with substantial modifications, including a clearer definition of obscene publication that is not restrictive of the freedom to receive and impart information, while recognizing the need to protect children, young persons and persons of unsound mind.

Although the participants took the view that court injunctions restraining publication were a form of prior censorship, they said it would be inappropriate to attempt to limit judicial powers of injunction through legislation. Rather, they said, clear guidelines limiting the circumstances in which such forms of censorship can be imposed should be developed through judicial activism, while free expression organizations should act as catalysts for this process.

The participants agreed that public media should be protected from political interference through the establishment of independent boards and that an independent media body should be responsible for the appointment and removal of members of the governing boards for public media as a way of ensuring editorial independence. Furthermore, they said, there should evolve a code of practice to guide media proprietors on minimum standards of editorial independence which would insulate the editorial leadership against a requirement to engage in unprofessional practices.

There was a consensus that journalists and members of the news media should be protected against compulsory disclosure of sources of published information and journalistic materials which may reveal sources of information.

But they agreed that the present provisions relating to civil defamation should be retained and that efforts should be made to develop, through litigation, the principles governing civil defamation as it relates to publications on public officers and actions taken in their official conduct.

On the issue of the framework for the regulation of the media, the participants agreed that the consensus document which may evolve from the ongoing discussions on the modification of existing legislation on the Nigerian Press Council should be adopted for inclusion in the Bill since it largely represents the will of stakeholders in the industry.

They also agreed that in order to promote diversity in media ownership, efforts should be made to prevent media monopolies.

The participants proposed that all practices, regulations and legislation which enable government authorities to preclude the establishment of any medium for the dissemination of information otherwise than as stated in Section 39(2) of the 1999 Constitution should be abolished. In addition, they said, all practices, regulations and legislation that inhibit publications from trans-State movement should be abolished.

The participants resolved that the Newspapers Proprietors Association of Nigeria and the Nigerian Press Council should act as the last clearing house for the documentation of newspapers and magazines, while the Nigerian Guild of Editors will undertake the responsibility of seeking to fashion out minimum standards in relation to conditions of service for journalists, which should be industry friendly.

At the end of both workshops, it was agreed that MRA should produce a second draft of the Nigerian Media Bill to reflect the proposals and agreements reached.

Following the production of the second draft, MRA will embark on a process of further consultations on the text of the second draft of the Nigerian Media Bill by seeking further inputs and comments from stakeholders.

This it will do by organizing another consultative forum in the form of a stakeholders meeting to review and consider the revised draft, after which MRA will produce a final draft Bill to be subsequently submitted to the National Assembly for consideration and passage.

The participants agreed that since representatives of the National Assembly present at the workshops indicated support for the exercise, members of either the House of Representatives or of the Senate should be approached for sponsorship of the final Bill.

The participants gave a commitment to support the process of advocacy for the enactment of the final Nigerian Media Bill into law.

## **TI Boss Endorses FOI Law As Panacea To Corruption**

**P**resident Olusegun Obasanjo's anti-corruption campaign may flounder if the government fails to ensure the passage into Law of the Freedom of Information bill. This is because a meaningful anti-corruption campaign is impossible where citizens do not have a legal right of access to information to enable them participate fully in governance.

This grim prospect for the anti-corruption campaign and the imperative of a freedom of information regime was painted in an interview with Media Rights Monitor by Mrs. Roslyn Hees, Executive Director of Transparency International (TI), renowned anti-corruption and pro-integrity in business and governance organisation with headquarters in Berlin, Germany. The organisation recently listed Nigeria, as the world's most corrupt nation in it's annual Corruption Perception Index (CPI) for year 2000. The report, entitled "International 2000 Millennium Survey" was released on September 13, 2000.

This is the second time Nigeria would be rated the world's most corrupt country. In 1998 during the regime of the late military dictator, General Sani Abacha, Nigeria was rated as the most corrupt nation in the world.

This second time rating of Nigeria by TI as the most corrupt nation in the world came after President Obasanjo raised hope, upon assuming office on May 29, 1999, that anti-corruption drive would form a major plank of his government's policy. The president followed this declaration by sending to the National Assembly an anti-corruption bill, which was recently passed into law and a commission constituted for the purpose of realizing the objective.

Despite the damning verdict on Nigeria, TI, however, acknowledged and noted that: "Valiant efforts are being made by President Obasanjo to promote large-scale changes in a country whose people have been robbed by the grand deception of their past leaders," warning that "changes take time". This optimism and caveat did not, however, impress some Nigerian government officials including information minister, Professor Jerry Gana, who maintained that the report differs tremendously from reality and might have been a deliberate international blackmail against Nigeria's nascent democracy.

But Mrs. Hees, maintains that Transparency International, an organisation which President Obasanjo had been an Advisory Council Chairman, does not conduct independent surveys. Rather, TI relies on the results of different surveys conducted by other independent and credible organisations. For this report, TI said it relied on the result of 16 different surveys conducted by eight organisations. Among these organisations are Freedom House Nations in Transit, the Economic Intelligence Unit (EIU), the Institute for management Development (IMD) in Lausanne, the International Crime Victim Survey (ICVS) and Political Risk Services (PRS). Others are Political and Economic Risk Consultancy (PERC) in Hong Kong, the World Bank and European Bank for Reconstruction and Development (WB) and the World Economic Forum (WEF). In addition, the survey spans three years (1998-2000), which it considers more accurate and realistic, and pooled over 75,000 people in 60 countries.

The controversy over the veracity of TI's rating aside, the prescription by Mrs. Hees that a successful prosecution of the anti-corruption battle rests on clearly defined legal and constitutionally empowered access to public records for citizens, echoes a growing recognition for a freedom of access to information by numerous persons, national and international organisations and governments.

For example, the Commonwealth Head of Government Meeting (CHOGM) in Durban, South Africa, in November 1999, adopted a freedom of information principles. The organisation in a communiqué at the end of its meeting said it took note of the Commonwealth Freedom of Information Principles earlier endorsed by Commonwealth Law Ministers and forwarded to Heads of Government. It, therefore, declared its recognition of "the importance of public access to official information, both in promoting transparency and accountability in governance and in encouraging the full participation of citizens in the democratic process."

In an earlier communiqué issued at the end of its meeting in the Port of Spain, Trinidad and Tobago between May 3 to 7, 1999, the Commonwealth Law Ministers, had noted the receipt of a set of draft principles and guidelines on "the right to know" prepared by an Expert Group in March 1999. They recalled that at their meeting in Barbados in 1990, they emphasized the importance of access by citizens to official information in the promotion of public participation in a democratic governmental process. They noted that the benefits such access can bring include the facilitation of public participation in public affairs, enhancing the accountability of government, providing a powerful aid in the fight against corruption as well as being a key livelihood and development issue.

Numerous countries in the world, including South Africa, Costa Rica, Guatemala, India, Malawi, United States, Australia, Canada, New Zealand, Norway, Denmark, Holland, Sweden and South Korea, have constitutional guarantees of access to government-held information. Many more others have explicit legislative provisions on freedom of information. Sweden has had a freedom of information legislation for over 200 years. In all these countries, accountability and transparency in public life are almost legendary.

The FOI bill, presently before the Lower House of the National Assembly, has undergone its second reading and received impute from the House Committee on Information. The bill aims to eliminate unnecessary official secrecy and to give citizens and non-citizens alike the legal right to information in possession of government officials and agencies, public institutions and/or private bodies carrying out public functions. Such information need not be of interest to the person(s) making a request for any special purpose but for whatever purpose: either because they need it for research or to hold public officers properly accountable. It also seeks to provide the disclosure of public records or information by public officers without authorisation thereof provided it is for public interest and such officials are protected from adverse consequences flowing from such disclosure.

Government is, however, obliged to withhold information, but only if it could show that disclosure would cause real harm to essential interest, such as defence, security, law enforcement and privacy.

The bill became necessary to remove the veil of secrecy that surrounds publicly held information. In Nigeria, even the most mundane of information suffers from this tendency. Apart from a plethora of administrative bottlenecks meant to enforce denial of access to public information, governments, including those that make pretensions about being democratic in orientation, routinely erect legal huddles.

For example, with an excuse of lack of terms and conditions for granting public access to declarations made to it by public office holders, the Code of Conduct Bureau denied Media Rights Agenda access to information regarding assets and liabilities declared by public office holders in the present government. This is in spite of the fact that the Bureau acknowledges the constitutional guarantee given under Paragraph 3 of Part One to the Third Schedule of the 1999 Constitution to members of the public who may be interested in such information.

This denial has effectively disabled persons and institutions interested in helping to inject accountability and transparency into the governing process of the country. Such denials nurtured and protected by numerous secrecy clauses usually under very broad "public interest" claims and sundry Acts and the criminal Code, which provides penal sanction for citizens who undertake to blow the whistle on wrong doers in the public sector and government, has effectively ensured acts of corruption in that sector and this has effectively stunted the nation's development.

The FOI Bill is a product of years of collaborative efforts by Media Rights Agenda (MRA), the Civil Liberties Organisation (CLO) and the Nigeria Union of Journalists (NUJ), with technical inputs from ARTICLE 19, the London-based International Centre Against Censorship. The Bill is being sponsored in the House of Representatives by Dr. Jerry Sonny Ugokwe, Hon. Tony Anyawu, Hon. Nduka Irabor and scores of other members of the House. It is made up of nine basic principles. These include: Maximum disclosure; Obligation to publish; Promotion of open government; Scope of exemptions; and Process to facilitate access. Others include: Costs; Disclosure takes precedence; and Protection for whistle-blowers (see Media Rights Monitor Vol. 4. No. 11 for November 1999).

Ironically, while government officials busied themselves seeking to rubbish the TI's uncomplimentary report, Lagosians expressed their lack of faith in the anti-corruption crusade of President Obasanjo. Similarly, they consider the TI rating as an indictment on the Obasanjo's government, and say it is capable of having a dissuading effect on foreign investors who may have wanted to beam their attention on Nigeria. They also condemned the argument that the rating is an international blackmail against Nigeria's nascent democracy. These views of Lagosians were expressed in a survey carried out by Media Rights Agenda, in its Executive Watch project.

Similarly, the minister for information and other participants at a two-day meeting of the Stakeholders of Freedom of Information law organised by MRA in Abuja on September 14 and 15, 2000, were of the view that an FOI regime will aid accountability and transparency in governance and as well accelerate the development of the various facets of Nigeria's national life. The meeting was attended by 42 participants representing various interests groups, including human rights Non-Governmental Organisations (NGOs), Civil Society Organisations (CSOs), the media, the legal profession, international

organisations and agencies, academic institutions, government institutions and agencies, Labour and the National Assembly.

According to Professor Gana, "No State, especially in a democratic state, can achieve any meaningful development if the citizens do not have access to information about matters that affect their everyday life. It is, indeed, fundamental in any democratic governance." He, therefore, pledged the Federal Government's support for the Freedom of Information Bill.

Other participants at the workshop echoed similar views. If FOI bill is passed into law, Nigeria will become the second in the continent after South Africa.

As President Obasanjo makes progress in institutionalizing the structures for his anti-corruption crusade, it is hoped that he will act along with the sentiments expressed by his information minister and vote with the growing club of nations and voices who now recognise that an FOI regime is an essential tool for a meaningful anti-corruption crusade.

## **"Freedom Of Information Is A Panacea To Corruption -Hees**

**N**igeria recently got another badge of infamy when she was listed as the most corrupt nation in the world in the Corruption Perception Index released by the world renowned anti-corruption and pro-integrity in business organisation, Transparency International.

*Though government spokespersons tried to discredit the report in view of efforts by the President Olusegun Obasanjo's government anti-corruption drive, but as Mrs. Rosyln Hees, Executive Director of the organisation, explains in this interview with Osaro Odemwingie for the Media Rights Monitor, such reforms take time before they begin to take effect on the level of corruption.*

*She warned that for all his effort, President Obasanjo's reforms end in naught if the government fails to ensure the passage into Law of the Freedom of Information bill. This is because a meaningful anti-corruption campaign is impossible where citizens do not have a legal right of access to information to enable them participate fully in the governance process to ensure transparency and accountability.*

**Q: Your organisation recently released the Corruption Perception Index for year 2000 which rated Nigeria as the most corrupt nation in the world and there have been some reactions from government official debunking the report. What do you have to say?**

A: Well, I think it is understandable that the Nigerian government would be disappointed in the ranking that Nigeria got in the most recent edition of Corruption Perception Index. Because, this is a government that has made the crusade against corruption as one of its primary policies and has begun to institute a number of reforms. The problem is that these reforms take sometime before they begin to take effect on the level of corruption in the country. And so probably the perception of corruption in Nigeria by some others will not go down for a little while. I think this is very normal.

But I certainly understand why the government is disappointed. I want to clarify that this is not a Transparency International's judgment of the situation in Nigeria. The way the index is constructed is that there are a number of surveys that are carried out independently, not by us, by anyone under our contract, or by anyone who is hired as part of our staff.

These are independent surveys carried out by the business environment. They are carried out by such organisations as the World Bank, the World Economic Forum, the Political Risk Services and so on. They carry out these surveys whether or not Transparency International is interested in corruption perception. They are trying to get the perception of people. By and large people outside the country, and to a certain extent, businessmen and leaders within the country, try to see how they perceive the level of corruption in a country.

**I recall that in 1997 Nigeria was rated the world's most corrupt nation, the following year, 1998, Cameroon was rated the most corrupt. But I notice that the recent report under reference is said to be for three-year, 1998, 1999 and 2000. This looks confusing?**

Well, we want to make sure that we are as fair and objective as possible by construction these ratings from three different surveys. First and foremost, for every country that is included in this index, there has to be at least three independent surveys by reliable institutions, and the surveys have to be recent. That is why we take only surveys that are within the last three years. Of course every year we drop one year, the earliest year, and add the most recent year.

So, last year we would have taken surveys from 1997, 1998 and 1999, and this year we would have taken surveys from 1998, 1999 and 2000. So, the actual surveys that are used to calculate these indexes would change from year to year only at margin from year to year. They would have been slightly

updated because we still use the surveys that are considered still valid for the last two years. There would be less change as you might expect.

**Some people hold and express the opinion that if there is legal right of an access for the media and the people to government held information that would essentially aid anti-corruption in the polity. What is your view?**

Certainly! We believe that the media is one of the most important pillars in what we would call the National Integrity System. The National Integrity System being the whole group of policy governing the civil society and the private sector, the policy institutions and legal framework that can prevent and sanction corruption. The press is very important, so is an informed civil society. If there is no freedom of access, if there is no access to information on what the government is doing, it becomes pretty difficult for the press or the civil society to monitor the government, to match how well or how poorly the government is keeping its promises and implementing its policies. So, I think that the freedom of access by the public and press to information is extremely important.

**Beyond just issuing your CPI, if you recognize that the press, NGOs and CSOs have a tremendous role to play in promoting anti-corruption, what interventionist programmes is TI engaged in with these groups to further these values?**

First of all, let me say that each one of our national chapter, including the one in Nigeria which is called Transparency in Nigeria, are fully autonomous and independent NGOs and there are certain guiding principles, overall values, which our chapters subscribe to. But we give them a leeway in deciding the issue that is the most important priority they would wish to focus on in their countries. Now, some groups have focused on working with Union of Journalists or media associations together in partnership to for example push for a freedom of information. But we do not have a policy that says you must make this your priority. Each chapter is allowed to decide whether they want to work on judicial reform, is the issue improving the civic education curriculum in the school? is it problem in the health system or is it media legislation that is their priority?. But I know that Transparency in Nigeria is working with the Nigeria Union of Journalists on several projects including the protection of whistle blowers.

**Appeal to sentiment, which is akin to moral suasion, has not been known to be a very effective method of fighting corruption. What is TI doing to ensure that the legal framework for anti-corruption crusade existing in Nigeria is brought up to meet the very stringent internationally acceptable standards?**

Well, I can tell you that one of the ways that we encourage and help our local chapters is that we try to put together a collection of what we would call a best practice legislation or regulation and we do have, back at the secretariat, samples of these legislation to do the freedom of information and we make these available to our national chapters so that they can see what has worked in other countries. We don't say there is single model, we say there are different models that have been adopted and worked in other countries, why don't you examine them and pick any aspect you think is most appropriate.

At the national level, many of our chapters do work in partnership with press and other civil society groups to press for appropriate legislation. I do know that our chapter in Nigeria was consulted on the corruption practices bill that was passed a few month ago and has also had a lot of consultations on what would be the programme for the anti-corruption commission. We participated in what is known as the expertise group, which is composed of people from the private sector, civil society groups and government officials on the priority areas for reforms. The group worked under the chairmanship of Ambassador Azika, the president's special adviser on corruption. Eventually this group hopes to be able to propose some new initiative in legislation. But the first piece of legislation to be adopted by the government with this kind of a framework is the corrupt practices bills, which I think is quite important.

Now, I just want to say one thing, it is very important to put in place new laws when the laws are simply inadequate. But what we find in a lot of countries is that the laws were fine but no one applies them. So having the right legal framework is only the first step then you have to make sure that the laws are fairly applied.

**Until recently, President Obasanjo was the chairman of your advisory council. Since your report has he made any contact with your organisation to say anything about it one way or the other, although we know some of his ministers have debunked the report?**

No, not to my knowledge. I know that he is a personal friend of the chairman of our board, Mr. Peter Edgan, and also he has worked in the past with one of our executive directors. I know that they have had contact when the President was starting to design his anti-corruption crusade but to my knowledge he has not called to complain about the CPI report.

*Media Rights Monitor* is published monthly by the Media Rights Agenda (MRA), an independent, non-governmental organisation established for the purpose of promoting and protecting press freedom and freedom of expression in Nigeria. The MRA is registered under Nigerian law and has Observer Status with the African Commission on Human and Peoples' Rights.

### **Executive Committee**

**Edetaen Ojo**, Executive Director  
**Tunde Fagbohunlu**, Director of Legal Services  
**Morenike Ransome-Kuti**, Director of Research  
**Austin Agbansuremi**, Director of Publications  
**Eze Anaba**, Director of Projects  
**Tive Denedo**, Director of Campaigns  
**Josephine Izuagie**, Treasurer  
**Anselm Chidi Odinkalu**, Member

### **Secretariat**

**Edetaen Ojo**, Executive Director  
**Osaro Odemwingie**, Publications Officer  
**Maxwell Kadiri**, Legal Officer  
**Adeola Ademola**, Legal Officer  
**Ese Acholonu**, Legal Officer  
**Ayode Longe**, Programme Officer  
**Joy Kadiri**, Accountant  
**Ademoyewa Johnson**, Campaign Officer  
**Mercy Jones Epete**, Litigation Officer  
**Oluwabunmi Oke**, Secretary  
**Yunus A. Abdulsalam**, Administrative Assistant  
**Rose Aikhuele**, Office Assistant

### **Members, Editorial Board**

**Edetaen Ojo; Eze Anaba; Josephine Izuagie**  
**Tive Denedo; Austin Agbansuremi**

### **Newsletter**

**Eze Anaba**, Editor  
**Osaro Odemwingie**, Publications Officer  
**Ayode Longe**, Research Officer

All correspondence should be addressed to the Editor,  
*Media Rights Monitor*,  
44, Alhaja Kofoworola Crescent,  
Off Obafemi Awolowo Way, Ikeja,  
P. O. Box 52113, Ikoyi, Lagos, Nigeria  
Tel: 234-1-4930831, Fax: 234-1-4930831.  
E-mail: [pubs@mediarightsagenda.org](mailto:pubs@mediarightsagenda.org)  
[mra@mediarightsagenda.org](mailto:mra@mediarightsagenda.org)  
Web site: [www.internews.org/mra](http://www.internews.org/mra)

## LETTERS

### **Re: Nigerian Government Defends Treason Trials Under Abacha**

Isn't it absurd and down-right disgusting that the government of General Obasanjo would want to defend the indefensible (*Media Rights Monitor* Vol. 5. No. 10. October 2000). It's as if they think that merely stating that a military government is an aberration excuses any act under military rule. Such utter non-sense.

I don't understand why the President would even allow his embassy to bother putting up a defense. Doesn't the thrust of this defense also imply that the President was also properly tried and his punishment justified?

Nigeria doesn't get it. I had always felt that there are many among our elites who truly believe that we all were guilty of crime. This defence by the government only strengthens that belief.

Nigeria is unrepentant, unapologetic, unashamed of what it did to us through its government of barbarians. She will do it again and again.

**Chris Anyanwu**  
nigerkris@hotmail.com

### **A Watchdog For The Watchdog**

After reading your article on the above (The Nigerian Media And The Challenges Of Professionalism - *Media Rights Monitor* Vol. 5. No. 9. September 2000), I cannot but commend your incisive reporting on the matter.

It does help to have a "watchdog" keeping watch over the watchdog.

Keep up the good work.

**Ibim Semenitari**  
Tell Magazine  
aibee@infoweb.abs.net

### **Trouble In The Airwaves**

I wish to once again commend Media Rights Monitor on the good job the organisation is doing and pray that God the Almighty will grant you strength to uphold the good gesture.

I have read with keen interest the conflict threatening the broadcasting sector in Nigeria (*Media Rights Monitor* Vol. 5. No. 3. March 2000). The first was the tussle over broadcast 'right' of the FIFA World Youth Football Championship hosted by Nigeria and secondly over the broadcast 'right' of the African Nations Cup co-hosted by Ghana and Nigeria between independent television stations and the Government-owned Nigeria Television Authority (NTA).

I think it is high time Media Rights Agenda mediated to find a lasting solution to this recurring conflict.

On a final note, please do send me a copy of your 1999 Annual Report on the State of Media in Nigeria (Harvest of Blooms). I have read very interesting reviews of it in the media.

Yours faithfully,

**Jerome Martins Ajayi**  
NIPOST TEL. Headquarters  
Kaduna.

### **Media Groan Under Multi-Million Naira Libel Suits**

As the Nigerian media get reprieve from the jackboots of military dictatorship following the country's return to democracy on May 29, 1999, it is now experiencing a subtle threat to its freedom. The dynamism of the democratic environment has seen several aggrieved persons, mostly politicians, turning to the law courts to seek redress over publications and broadcast they consider defamatory.

Although resort to court action to seek redress for alleged libel is a welcome development, one common denominator with most of the suits is the claims which run into several millions of naira. This raises a fundamental question of the real intention of the complainants.

Clearly, what has emerged in the last few months is a subtle but systematic assault on the freedom of the press to report and comment on matters of public concern through the phenomenon of libel suits, which threaten the existence of media establishments.

Numerous media organisations currently face multi-million naira libel suits which cost them huge sums of money, valuable editorial time and loss of confidence in the process of defending such suits.

During the military era, some media institutions which were spared the brute assault of officers of government, had frightening awards of damages made against them such that if paid, would completely ruin their operations.

Defamation laws, originally meant to protect the reputations of members of the public, have become a potent threat to press freedom in the manner of their application. The present state of Nigerian defamation laws, both in its civil and criminal aspects, render media institutions vulnerable to libel suits by public officers.

Since the return to civil rule, politicians and other Nigerians that have approached the courts or threatened such action over alleged libelous publications against them include the former Speaker of the House of Representatives, Alhaji Salisu Buhari; former Senate President, Dr. Chuba Okadigbo; Kwara State Governor, Mohammed Lawal; former Minister for Works, General Abdulkarim Adisa among others.

As presently framed, the laws of defamation in Nigeria violate international human rights standards that are protective of the right to freedom of expression. Thus, while in the jurisprudence of international human rights bodies as well as some national courts, limitations are placed on the circumstances in which public officers can successfully maintain libel suits against the news media in respect of reports or comments on matters of public concern, no such limitations exist under Nigerian law. On the contrary, awards of damages tend to be aggravated where public officers are concerned.

Nigerian Defamation Laws require libel defendants to prove the truth of opinions or value judgments contained in news reports or commentaries, and thus, severely limits the circumstances in which media defendants can rely on the defence of "fair comment on matters of public interest."

Again, by international human rights standards, it is violative of the right to free expression to require a libel defendant to prove the truth of opinions and value judgments, particularly where these concern matters of public interest.

The common features of these spates of libel litigation that have, in the last few months, been instituted against newspapers and their editors, are:

- ◆ The plaintiffs in such suits are usually public officers, public figures and politicians;
- ◆ Such suits are instituted against media institutions and their personnel (particularly newspapers, their reporters and editors);
- ◆ The suits complain about alleged libels contained in media reports or comments on issues of public concern or interest; and;
- ◆ The suits claim excessive damages against their media defendants.

The effects of this phenomenon can sometimes be devastating. For example, on December 27, 1990, a weekly news magazine, *ThisWeek*, had all its valuable assets seized and its premises in Surulere, Lagos, sealed up. It went out of business because of its inability to satisfy a N3.5million damages awarded against it by a Kaduna State High Court Judge, Justice Abubakar D. Yahaya, in a libel suit instituted against it by Alhaji Mahmoud Attah, the former chairman of the federal government-owned parastatals, the Ajaokuta Steel Company.

Attah had sued the magazine for N10 million over an article it published in its August 21, 1989 edition. *ThisWeek* remained shut for a long time after the execution of that judgment.

In the last decade and half when the military held sway, the courts regularly awarded exceedingly high damages against publishers found guilty of libel. The point is the fact that some of the damages awarded are such that threaten the very existence of the newspapers and magazines.

Virtually all the very high awards have been made to either serving or former public officers. In a bid to avoid such huge libel fee many newspapers and magazines tend to avoid into stories which could result in actions for libel against them, even when such stories are true, or carrying opinion articles of public interest.

Instances of hefty awards for libel include one made by Justice James Oduneye of the Ikeja High Court on May 28, 1993 against *Classique* magazine. He ordered the magazine to pay N10 million to

Brigadier-General Haliru Akilu, then Director-General of the National Intelligence Agency for libel. In December 1996, an Ikeja High Court judge, Justice Eniola Longe, ordered the Vanguard newspapers to pay a former Mushin Council Chairman, Mr. M. O. Odele, N5 million as damages for libel.

On March 20, 1989, Justice Kayode Ibidapo-Obe of the Ibadan High Court ordered the *Nigerian Tribune*, the *Daily Times* and *Newswatch* magazine to pay N1 million each as damages for libel to Professor Dupe Olatunbosun, formerly of the Nigerian Institute of Scientific and Economic Research (NISER) in Ibadan over their report of a press conference addressed by the former Governor of Gongola State, Colonel Yohanna Madaki, whom the court also ordered to pay N5million to Olatunbosun.

In July 1997, a Warri High Court Judge, Justice M. E. Akpiroroh, ordered the Daily Times and a columnist for the newspaper, Dr. C. S. Momoh, to pay former Petroleum Resources Minister, Professor Tam David West, ₦5 million as damages for libel contained in an article published in the October 6, 1990 issue of the newspaper.

In the same month, an Ikeja High Court judge, Justice Afolabi Adeyinka made a N67million damages award for libel to former Federal Commissioner for Finance, Major-General James Oluleye, against the British author, Jeffrey Archer; his publishers, Hodder and Stoughton Limited, and Express Newspapers Plc, publishers of the British newspaper, *Sunday Express*. The Court held that Archer's book, *A Twist in the Tale*, and the October 28, 1988 issue of the *Sunday Express*, which published excerpts of it, libeled Oluleye.

The latest in the list of alleged libel suits that seeks to censure the media is the N150million suit instituted by the Deputy Speaker of the House of Representatives, Prince Chibudom Nwuche, against The Punch newspapers and *TELL* magazine and its Editor, Nosa Igiegbor.

Nwuche is claiming N100 million from The Punch newspapers over a story captioned: Reps Day of Reckoning Looms, published on the August 13, 2000 edition of *Sunday Punch*.

According to the writ of summons filed by the defendant, the story which appeared on pages 29 and 30, alleged that the deputy speaker was claiming rents for an official guest house which is actually his own house. The story also stated that the speaker and his deputy spent over N370 million on foreign trips.

In another publication of August 19, 2000 of *Saturday Punch*, captioned: Crisis Looms Over Na'Abba's N25 Million Furniture Grant, the deputy speaker was also alleged to have collected N17 million as furniture allowance and another N2 million to buy a bullet proof door for his residence.

Also, Hon. Nweche complained that a story in the October 14, 2000 edition of *Saturday Punch* on page 3 captioned: Edewor-Abiola wipe your tears and take a second look, suggested that Na'Abba and himself profitted from a street lighting contract that was inflated by N120 million.

Post Publishing Company Limited, publishers of *The Post Express* newspaper and its other titles on its part, is contending with a suit filed against it by President of the Nigeria Labour Congress (NLC) Mr. Adams Oshiomhole who is asking for N50 million for alleged libelous publication. Suid along with *The Post Express* is the editor of its Sunday edition, Ms. Angela Agoawike.

In the suit filed at a Lagos High Court by Gani Fawehinmi Chambers, Oshiomhole prayed, among other things, for an award of N50 million, being general and special damages.

Oshiomole's grouse stemmed from an article which appeared in the September 10, 2000 edition of The Post Express on Sunday with the headline: NLC and the Moral Question: Hunter Now Haunted.

Kwara State Governor, Admiral Mohammed Lawal (rtd) only recently had to withdraw the N250 million-libel suit he instituted against an Ilorin based newspaper, *The Peoples' Advocate* for alleged libelous publication. The suit was withdrawn following the peace effort made to settle the rift between him and former Works and Housing Minister Major General Abdulkareem Adisa (rtd), who owns the newspaper.

The retired Army General cum publisher had first sued Herald, the Kwara State owned newspaper for N50 million for aggravated and exemplary damages.

Major Gen. Adisa, in his suit alleged that *Herald* newspaper in its edition of May 5, 2000 headlined: *Adisa rebukes Advocate management... says paper was designed to destabilise government*, libeled him.

Two days after Adisa's suit was filed, Admiral Lawal slammed his N250 million libel suit against *The Peoples' Advocate* in which he prayed the court to restrain the paper from further publishing anything on an alleged N600 million scam involving him.

Lawal, in his suit plead innuendo in the case of the first report by *The Peoples' Advocate* which reported that an unnamed governor was apprehended at the Murtala Muhammed International Airport in

Ikeja, Lagos while allegedly attempting to smuggle out N600 million state money out of the country. He got an injunction restraining *The Peoples' Advocate* from further publishing any story on the alleged crime pending the determination of the motion on notice which was fixed for August 10, 2000 for hearing.

However, peace moves initiated by Ilorin elders to settle the rift between the two indigenes of the town who suddenly became enemies, has restrained the warring parties. The elders had set up a four-man peace committee headed by Shiekh Habibullah Muhammed Kamaldeen, who, at a Friday Jumat prayer, announced that Lawal had agreed to withdraw the suit.

While striking out the suit on the request of Governor Lawal's lawyer, the trial judge, Mr. Justice Habeeb-Elelu, urged the newspaper editor, Mr. Yomi Olabamiji, who was sued along with the newspaper, to reciprocate the governor's gesture by putting a stop to further defamation of the governor's character.

Following the spate of media reports on the senate probe that led to his removal from office, former Senate President, Dr. William Chuba Wilberfoce Okadigbo, instituted three libel suits against four media houses and Senator Idris Kuta who made the alleged defamatory statement. He is seeking N1.3 Billion compensation for the "national and international embarrassment" the publications caused him.

The media houses are Radio Nigeria, Kaduna, *The Punch*, *National Concord* and *Nigerian Tribune*.

Radio Nigeria, Kaduna and The Punch are joined with Senator Idris Kuta (first defendant) in the first suit in which he is asking for N500 million damages. This suit is sequel to the publication of Senator Kuta's allegation that he (Okadigbo) embezzled N15 million out of the N20 million Obasanjo campaign funds meant for the five South-Eastern States during his campaign for Presidency.

In the second suit, *Nigerian Tribune* is joined with Senator Kuta for N300 million for alleging that Okadigbo spent N75 Million to buy sallah rams. Senator Okadigbo is asking for N500 Million from *National Concord* in the third suit for libel and defamation of character for alleging in its August 12 edition that he (Okadigbo) was impeached because of a curse pronounced on him by the late Owelle of Onitsha, Dr. Nnamdi Azikiwe.

Senator Okadigbo's press secretary, Mr. James Okoroma disclosed in Abuja on August 14 that Okadigbo had instructed the firm of Okeke & Okeke to institute the suits at the Federal High Court in Abuja.

Recently, Alhaji Ahmadu Chachangi, a prominent Kaduna-based businessman, threatened to sue the African Newspapers of Nigeria, publishers of the *Tribune* titles, for N500 million and an apology for a publication in its March 2, 2000 edition captioned: Ex-Head of State, Bizman behind Kaduna Riot, which he claimed had damaged his image.

These demands were contained in a letter addressed to the editor of Saturday Tribune by Alhaji Chachangi's solicitors, George-Taylor, Ashiru & Co.

At about the same period, *TELL* magazine was taken to court by Mr. Kenneth Umezurike who is asking for N200 million damages. The suit No: HU/2IM/2000 was filed at an Umuahia High Court before Mr. Justice S.N Umoh. He alleged that the January 10, 2000 edition of the magazine captioned: *The Kalu Story, Governor And His Scandals*, damaged his reputation by publishing and falsely crediting to him an interview he did not grant in addition to using his photograph in the said interview.

Joined, as co-defenders are, Mr. Nosa Igiebor, *TELL* magazine Editor-in-Chief; Ben Charles Obi and Aminu Tijani.

Also, Alhaji Mohammed Kaloma Ali, a former Minister of Solid Minerals in the Abacha regime filed a suit on March 9, 2000 against Independent Communications Network Limited (ICNL) publishers of *TheNEWS* and *Tempo* magazines and *PM News*, an evening tabloid at the High Court in Kano. He is asking for N150 million jointly and severally as general damages for alleged libel by *TheNEWS* magazine in its Vol. 14, No. 6, February 14, 2000 edition. Joined as defendants in the suit are Bayo Onanuga, Babajide Kolade Otitoju, Adewale Busari and Nick Nwafor.

Alhaji Kaloma Ali, in his statement of claims, averred that the magazine in the edition had falsely and maliciously published a story titled: *Mustapha & Co: Libyan Commandoes To Storm Kirikiri, Kaloma Ali's Trip To Tripoli, Secret Meetings In Kano*.

He said that by the publication in its ordinary and natural meaning, the defendants meant and were understood to mean that he had reduced himself to the level of an ordinary criminal having been accused of being a terrorist who engages foreign mercenary to forcefully invade and cause disorder in the country.

On March 1, 2000, two journalists with the Ebonyi Times, Emmanuel Okike-Ogah and Ogbonaya Okorie, and a newspaper vendor, Kingsley Eze, were arraigned before an Abakaliki Magistrate Court in Ebonyi State and charged with sedition.

The two journalists were accused of "conspiracy to commit misdemeanor and publishing a seditious article in an unregistered newspaper." The newspaper vendor was charged with possession of the November 7, 1999 edition of the Ebonyi Times, which contained the alleged seditious publication.

The publication allegedly accused Dr. Egwu of bribing the state legislators to approve a list of Commissioners, which they did not see. The offending story entitled: *What Is Happening In Ebonyi State?*, raised some allegation, which it expected the governor to answer. The story claimed further that the governor spent N49 million to entertain the State's immediate past military administrator, Navy Capt. Walter Feghabo.

Nobel Laureate, Professor Wole Soyinka on May 23 testified at an Ikeja High Court and narrated how a defunct weekly soft-sell magazine, Prime People, libeled him. He said in 1990 Prime People published a story which he claimed were aimed at disparaging his personality and character.

Professor Soyinka told the court that the magazine's edition of May 25, 1990 carried a story captioned: I am Wole Soyinka's Only Legal Wife which he said constituted serious libel against him. He claimed that the said edition had his photograph on the front page and another headlines in page five titled: The Women In Soyinka's House. These he said were calculated attempts to bring him into public odium and disrepute.

Besides the chilling effect the colossal damages which are claimed have on many journalists and media managers, many newspapers and their owners incur enormous cost in defending libel suits whose only purpose is to harass them and, whether they win or lose such cases, their costs are not recoverable. Such costs arise from lawyers' fees, the expenses associated with frequently bringing witnesses to court and paying their transportation and accommodations costs, securing relevant documents and other incidental expenses.

Sadly, there is no protection under Nigerian Law for media men who are subjected to the expense of defending frivolous or harassment defamation suits as there is no legal provision which obliges the courts to award compensatory costs in favour of such media defendants when such suits are either withdrawn, abandoned or dismissed.

## **Recommendations**

*Although the objective of balancing the right to freedom of expression against the right of individuals to protect their reputations against unfair or inaccurate reporting is a legitimate one, there is a need to review and revise the law of defamation in Nigeria to ensure that it meets the requirements of international standards. Therefore, Nigerian defamation laws should be made to reflect the following broad principles:*

1. Media men should not be required to prove the truth of value judgments or opinions, statements reflecting public opinions or allegations based on statements made by others, particularly where these concern matters of public interest.
2. There should be limitations on circumstances in which public officers can successfully maintain libel suits against the news media in respect of reports or comments on matters of public concern such that where a public officer brings a defamation suit, he should be required to prove not only that he was defamed, but that the defamation was done maliciously.
3. A claim for defamation should be weaker if the alleged defamatory statement was made in response to a statement by the plaintiff.
4. The press has a pre-eminent role in informing public opinion on matters of public interest and in acting as a public watchdog, and that the press be accorded particular latitude when commenting on matters of political or other public interest.
5. The criminalisation of journalistic activities such as the use of criminal law to punish defamation should be abolished.
6. Frivolous defamation suits meant to harass media men should be discouraged by enthroneing a regime of awarding compensatory damages to media defendants against the plaintiffs in such suits, or at least, making them to bear the costs incurred by the media defendants.
7. Damages in defamation actions should aim at vindicating the reputations of individuals, who claim to have been subjected to unfair or inaccurate reports rather than awarding exorbitant sums damages or ruining the operations of the media defendants, which is not the intention of the law. As such,

measures which will serve the former purpose should be explored as against the excessive monetisation of defamation actions.

## **EXECUTIVE WATCH: Lagosians Endorse TI's Rating of corruption in Nigeria, Lack Faith in Anti-corruption Crusade**

**L**agosians have expressed lack of faith in the anti corruption crusade of President Olusegun Obasanjo and have, therefore, endorsed the rating by Transparency International (TI) of Nigeria as the most corrupt nation in the world. Similarly, they consider the TI rating as an indictment on the Obasanjo's government, which they say is capable of discouraging foreign investors from Nigeria. They condemned the argument in some quarters that the rating is an international blackmail against Nigeria's new democracy.

In curbing corruption, Lagosians said government should tackle poverty, ignorance and unemployment which are the causes of corruption in Nigeria, pay civil service workers promptly and regularly and place emphasis on transparency and accountability. Others are that government should infuse into Nigerians a complete change of attitude to life aimed at revolutionizing their mentality to see the evil in corruption and as well take a bold step to prosecute past indicted public officers as opposed to selective probe of public officers.

These were the views of Lagosians in a survey carried out by Media Rights Agenda. The survey, which was conducted between October 11 and 18, 2000, involved the administration of 800 questionnaires comprising six questions. Five of the questions were close-ended requiring respondents to answer 'Yes' or 'No'. One was an open-ended question requiring respondents to state their responses in their own words.

Transparency International (TI) an organization in which President Olusegun Obasanjo had been an Advisory Council Chairman, is the world's leading anti-corruption organization. It released its Corruption Perception Index (CPI) "International 2000 Millennium Survey" on September 13, 2000.

The Corruption Perception Index (CPI) ranks countries in terms of the degree to which corruption is perceived to exist among public officials and Politicians.

The survey, which was conducted over a period of three years, (1998-2000) interviewed about 57,000 people in 60 countries, embraced the perception of business people, the general public and the country analyst. In its outcome, Nigeria was listed as the most corrupt nation in the world.

The rating of Nigeria by TI as the most corrupt nation in the world comes after a marginal hope and expectation raised by President Obasanjo who, upon assuming office on May 29, 1999, assured the nation and international community that anti-corruption crusade would form a major plank of his government's policy.

Of the 800 questionnaires distributed, 627 were returned and 173 were not returned. This shows a return rate of 78.3% and a mortality rate of 21.75%.

From the total of 627 respondents, 112 of them are in the sub group of respondents with at most primary education background. Two hundred and five belong to the respondents with post-primary educational background, while 310 others, belong to the group of respondents with post-secondary education background.

Four hundred and fifty respondents representing 71.7% agreed with the rating of Transparency International (TI) that Nigeria is the most corrupt nation in the world, while 177 others, representing 28.3%, said they do not agree with the rating of Transparency International (TI). Forty-nine respondents in the latter group believe that the rating was an international blackmail against Nigeria, while 128 respondents said other nations are far more corrupt than Nigeria.

On whether the rating is an indictment on President Obasanjo commitment to the anti-corruption crusade, 340 respondents representing 75.5% said 'Yes', while 110 others representing 24.5% said 'No'.

Five hundred and ninety three respondents representing 94.5% expressed fears that there is the possibility that the rating might discourage prospective foreign investors in Nigeria while twenty-four others representing 5.5% did not think the rating will discourage investors.

One hundred and seventy respondents representing 27.1% rated President Obasanjo administration's commitment to the anti corruption crusade as 'Poor', 450 respondents, 71.8%, rated it as 'Fair' while seven others representing 1.1% rated it as 'Good'. However, no respondent rated the administration as very good.

On measures to curb corruption in Nigeria, respondents said government should tackle poverty, ignorance and unemployment which are the causes of corruption, emphasis should be placed on transparency and accountability in public life, and government should take the bull by the horn and prosecute already indicted public officers. Others are that special anti-corruption programme should be run by the states, while the government should infuse into the people a complete change of attitude to life aimed at revolutionizing their mentality to see the evil of corruption. The anti-corruption law should commence while selected probes of public officers should be discouraged.

## **Nigerians Call For Sanitization Of The Airwaves**

**I**n a bid to evaluate the performance of broadcast media stations, National Broadcasting Commission (NBC), the government appointed ombudsman for the sub-sector of the Nigerian media industry, recently started to scrutinise broadcast stations across the country. The appraisal is to be conducted every five years before renewing the licence of registered broadcast stations.

The public fora which held in each of the six geo-political zones and Abuja under the theme: "Deregulated Broadcasting: The Imperative of Public Participation", lasted from August 22 to September 11. The host cities include Jos, Maiduguri, Umuahia, Benin, Kano and Lagos.

At the fora, broadcast stations managers were accused of lack of creativity and inability to define programmes relevant to the Nigerian environment. They were also accused of sending on air announcers who try to sound foreign.

At the Maiduguri forum, which attracted a large turn-out of interested members of the public, some speakers accused presenters of Nigeria Television Authority's (NTA) early morning programme, "Good Morning Nigeria", of "offensive" dress style which some said do not reflect the principle of Federal Character.

Another speaker, Mohammed Umgabdo Hassam, representing Friends of the Habitat, a Non-Governmental Organisation (NGO) decried the advertisement of cigarette on national television despite the numerous health-related dangers associated with smoking.

Religious sentiments were raised when a speaker, Mr. Daudu Hamman Mshelia, representing Southern Borno Council Community and Christian Media Programme Planning Committee, a branch of the Christian Association of Nigeria (CAN), accused the state-owned Borno State Radio and Television (BRTV) stations of not allocating enough airtime for discussions of Christian issues. He, therefore, called for a redress of the situation. His call was greeted by shouts of Bamuso (we don't want) by Muslims members of the audience. Attempts by NTA Maiduguri General Manager, Alhaji Sani Bello, to explain the rationale behind religious programming were not heeded by the audience and this led to disruption of the activities and eventual closure of the forum midway.

At the Abuja zonal meeting held at Sheraton Hotels and Towers, one Alhaja Maiza, a local politician, complained that much of what is put on air by broadcast stations are meaningless to the rural folks. She appealed to broadcasters to use the media to liberate women in the northern part of the country, who are kept under religious servitude. Such women, she said, cannot engage in salaried work to better their living condition and always end up giving birth to children to whom they are unable to give good education and who end up being street kids generally called almajiris.

An unidentified kid who spoke at the forum noted that some television stations start showing educational programmes that might have been valuable to children at 6.00 am. But she complained that at such time kids were still asleep or getting prepared to go to school thereby making nonsense of the effort.

Attendees of the Lagos zonal public forum held on September 11 at the National Arts Theatre were made up of mostly market women, students and peasants most of who spoke in local languages. Some of the speakers at the forum called for community oriented programmes while lamenting that majority of the programmes showed and aired on television and radio stations in the area are elitist and foreign. They complained that programmes depicting nudity and glorifying drug and criminal activities have replaced educative and informative programmes. Some market women who spoke at the forum berated authorities of NTA for scrapping its Channel 7 which local content they said they used to enjoy and found educative.

Lagos State Commission for Information Mr. Dele Alake, who represented the state governor Senator Bola Ahmed Tinubu, pointed out that the broadcast media still remain the cheapest source of information for the masses and the easiest means of mobilisation for citizens' participation in governance.

He, therefore, called for a relaxation on the guidelines governing granting of licence and the formulation of a policy by authorities to encourage ownership of community broadcasting in order to continue to carry along the majority of citizen, who are often marginalised by the present elitist stations broadcast content.

Elder Steve Rhodes, ace broadcaster who was the chairman of the forum, observed that there is a dearth of professionals in the broadcast sub-sector of the Nigerian media. He lamented the abuse Frequency Modulation (FM) stations are being subjected to. Being an American creation meant to cover issues of importance to smaller areas in an informal style, Nigerian broadcasters in adopting this media format, he said, have continued to see themselves as Americans. He enjoined broadcasters learn to create and acknowledge local heroes whom the youths can be proud of.

Mr. Chris Ajilo, renowned musician, who spoke on behalf of musicians, decried the attitude of broadcasters who take delight in promoting foreign artist and culture to the detriment of their local counterparts and Nigerian culture. He criticized the incessant violation of artists' copyright by broadcast houses without adequate compensation.

In his response, Mr. John Momoh, Chief Executive of Channels TV admitted that the industry is guilty of some of the allegations. He assured the audience that they would take measures to correct the vices.

Dr. Raymond Dokpesi, the Chief Executive of Daar Communications Limited, owners of African Independent Television (AIT), Raypower 1 and Raypower 2 radio stations, spoke on the issue of finance. He stated that from experience, it is best to finance a broadcast station from the capital market or the stock exchange rather than the bank.

Commenting on the outcome of the forum, Malam Danladi Bako, the Director General of NBC expressed happiness that at every forum broadcasters and chief executives of broadcast media houses were present to receive instant feedback. "They now know what to correct in their stations, they now know what the public want," he said. He added that the broadcast operators "came to aggregate the temperature of the industry and they saw it".

## **AFRICAST 2000 CONFERENCE: Survival Creed For Africa Broadcast World**

**A**frica Broadcast World for three days got another opportunity to examine its place in the global broadcast plane during a recent conference in Abuja. At the conference, a strong case was made for the promotion of community radio stations, as well more participatory airtime and attention to women and children. Practitioners were advised to explore broadcasting as a tool for reinforcing democracy and good governance.

The National Broadcasting Commission (NBC) hosted the event, tagged Africast 2000. It had the theme *Africa in World Broadcasting: The Millennium Challenge*, at the Ladi Kwali International Conference Centre, Abuja Sheraton Hotels and Towers between 26 and 28 October 2000. The conference is an international biennial conference of African broadcasters meet to review developments on the African scene and map out directions for the future.

President Olusegun Obasanjo was the Special Guest of Honour while the Minister of Information and National Orientation, Professor Jerry Gana was Chief Host. The president was, however, represented by the minister for defence, Lt. General T. Y. Danjuma (rtd).

In attendance were local and international broadcast station owners, media experts, academics, software/hardware manufacturers, journalists and members of the public. The conference, which also witnessed the exhibition of broadcast equipment, software and hardware also provided a market for programme buyers and sellers and a Veterans Award Night.

Over 30 exhibition stands were taken by broadcast equipment manufacturers and programme producers including JVC, Japan; Multichoice, South Africa; Sentech, BBC, Digital Broadcasting, Worldspace, CMPP and Association of Cable TV operators amongst others. The Nigerian Television Authority (NTA) and the Voice of Nigeria (VON) were also present during the three-day event.

Papers presented include the essence of community Broadcasting; Broadcasting and Access to investment capital; Africa and Copyright Infringement; and the place of Africa in Information Communication convergence and Multi-media power play.

President Obasanjo tasked African Broadcaster to seek avenues to focus African culture on the international broadcast spectrum while also canvassing for community broadcasting as the best option to access information super highway. He called on broadcasters to use their medium to reduce the imbalance "in the rainbow of cultures it transmits with common sense of humanity."

"For our continent, community broadcasting or community access is an excellent option by which access to information super highway could be provided. We have taken a bold step to make access to telephone cheaper and easier so that Nigerians can avail themselves of this World Wide Web". He added that in emerging democracies, broadcasting "must assure the role of a partner" by promoting democratic ethics and acting as mediators "in the inter play of political ideas through a balanced and fair representation of all shades of option."

In his key note address, titled: *African broadcasters and the challenges of the 21st century*, the Guest Speaker, Prof. Alaba Ogunsanwo of the University of Lagos called for the creation of conducive business environment in the country to attract investment in the industry. He said that Nigeria had less than 800 broadcast stations compared to America's 63,000 in 1996. The unconducive atmosphere, he maintained, had reduced the market for locally produced programmes making them expensive to their detriment while foreign programmes enjoy advantages of the competition.

Twenty Nigerian and two African veteran broadcasters were honoured at the Veterans Award Night for their contributions to the development of broadcasting in the continent. They are Mr. Israel Wamala, a Ugandan, who was the first African to occupy an exalted post at the BBC; Mr. Alex Quamaye (Kwame) a Ghanaian who started his broadcast profession in Liberia in the 50s before joining UNESCO to set up broadcast concerns around the world. The Nigerians include Dr. Christopher Kolade, Engr. Vincent Maduka, Mr. Cyprian Ekwensi, Ambassador Segun Olusola, Mr. Emmanuel Omatsola, Mrs. Eno Irukwu and Audu Augie.

The communiqué issued at the end of the conference called on African broadcasters to see their work as an important creative art demanding research and good script writing capacity, and advocated collaboration amongst African countries in programme production and distribution to reduce dependence on foreign programmes, which are antithetical to African culture.

The need for the establishment of community radio stations, more participatory airtime and attention to women and children was also stressed, while practitioners were advised to explore broadcasting as a tool for reinforcing democracy and good governance.

The communiqué called on broadcasting in Africa to aim to represent African culture truthfully to the rest of the world with a view to correcting distortions and unfair representations from elsewhere.

It also noted that broadcasting being capital intensive and called on entrepreneurs and financial institutions to invest on it. It called on African broadcasters to leap-frog into the digital technology through the internet which are interactive in nature and have crated a virtual audience. In this connection, it noted the development of satellite technology in Egypt and the offer to assist other African countries.

Participants also noted the potentials of broadcasting for economic development and called on broadcasters to exploit this to the advantage of Africa and Africans. In this regard participants resolved that commercials intended for use in Africa should be shot in Africa using Africans.

## **Bayelsa Donates N20m, Plots Of Land To State NUJ**

**E**fforts by the Bayelsa State Council of the Nigeria Union of Journalists (NUJ) to have a befitting press centre have been boosted by the state government which on September 20, donated N20 million naira and three plots of land to the union. The state governor, Chief Diepreye Alamieyeseigha, announced the donation while declaring open the Central Working Committee (CWC) meeting of the NUJ held in Yenagoa, Bayelsa State.

Alamieyeseigha said the donation was to "further demonstrate our mutual bond with journalists, and to underline our readiness to see the NUJ grow in the state." The governor disclosed that he would personally supervise the construction of the permanent site of the NUJ press centre in a low-density area of the state capital.

He called on the NUJ national leadership to give journalism in Nigeria "sound professionalism", urging that "the NUJ must put its foot down and check the increasing damage to the image of the profession by pretenders".

One way of doing this, he said, is to de-register any member found guilty of unethical conduct capable of bringing the profession into disrepute.

The Governor implored journalists to lend their voice to the cry of the state for more federal presence, which, he said, has been denied it even after decades of remaining the producer of most of the country's wealth.

"You must continue to underscore the fact that the Federal Government is owing our people immeasurable material redress, dating back to 1956, when oil was first discovered in Oloibiri" the governor said.

He lamented "the marginalisation and neglect that has been the portion of our people for the past 44 years," saying that the evidence abound everywhere in the Niger-Delta area.

Alamieyeseigha then urged journalists to speak on the side of truth, which is the ultimate demand of their calling.

Earlier in his opening address, the President of NUJ, Mr. Smart Adeyemi, said that the crusade for resource control being championed by the Bayelsa State Government is justified, and has the support of the NUJ.

## **IPC Immortalises Dele Giwa**

**T**he International Press Centre IPC has instituted a competition in honour of the late Dele Giwa. Titled the Annual Dele Giwa Memorial Essay Competition (DGMEC), the initiative which was announced on the eve of the commemoration of the 14th anniversary of the death of the late editor-in-chief of *Newswatch* magazine through a parcel bomb on October 19, 1986 was announced by Lanre Arogundade, co-ordinator of the centre.

Arogundade said the competition is for students of Mass Communication and Journalism in tertiary institutions. He said that the competition would begin with students in Nigeria and later extend to other West African countries.

He said participants in the competition are expected to write on an international media topic to be decided by the competition's Board of Trustees, which will also determine the prizes for winners.

The board, according to him, will include representatives of the International Federation of Journalists (IFJ), West African Journalists Association (WAJA), Article 19, Media-for-Democracy in Nigeria Project (MFD), Nigeria Press Organisation (NPO), International Press Institute (IPI), Non-Governmental Organisations, veteran journalists, academics and mass communication experts.

The IPC co-ordinator reasoned that the late Dele Giwa who was killed via a parcel bomb on October 19, 1986 deserved the memorial honour in view of his contribution to uplifting the standard of journalism in Nigeria.

Arogundade reiterated that the brutal killing of Giwa should not be a closed chapter. He therefore urged the police to renew the search for his killers.

Dele Giwa, was a former features editor with Daily Times studied English and Public Communications in the United States of America. He worked for five years with the New York Times before returning home to work in the Daily Times At the inception of the Concord newspapers, the late Dele Giwa was appointed editor of Sunday Concord where in addition he wrote a weekly column title "Parallax Snaps". After parting ways with the Concord, he veered into publishing *Newswatch* magazine.

By his death, the Nigerian press lost an outspoken and fearless journalist.

## **CLO Challenges Unlawful Arrest Of Journalist**

**T**he Civil Liberties Organisation has challenged the unlawful arrest and detention of Mr. Maxim Uzoatu, a journalist and writer, by officers at Alakuko Police Station, Alagbado, Lagos. Mr. Uzoatu was arrested on October 2, this year when he went to the station in connection with a note left in his home by a man who came claiming to be a policeman from Alakuko Police Station.

The man, who allegedly refused to identify himself, came in the company of one Mr. Edward Nmose of No. 5 Agboyin Avenue, Aguda, Surulere, on a mission to arrest Mrs. Chidinma Uzoatu, Maxim's wife who was not around at the time. Mrs. Nmose had on October 1, had a verbal exchange with Mrs. Uzoatu, at the latter's residence which was resolved.

Surprisingly, however, Mr. Nmose came later in the night of the same day with the three men who would not show their identities but who claimed to be policemen from Alakuko Police Station.

They asked for Mrs. Uzoatu, who incidentally was in the hospital. Mrs. Uzoatu gave birth a month ago and has been visiting the hospital.

Mr. Nmose repeated the call the following day with another man who also claimed to be a policeman from Alakuko. Mrs. Uzoatu was on her way to keep an appointment with her doctor, when Mr. Nmose and the 'policeman' met her on the way. They went back to the Uzuatus' house together and her husband Uzoatu decided to go to the station to find out what was amiss.

When Mr. Uzoatu, who incidentally had complained to CLO officials about the visits of men claiming to be police officers got to the station and delivered a letter from the CLO complaining about the suspicious visit to his home by persons who refused to properly identify themselves or disclose why they wanted to 'arrest' his wife, he was accused of slapping a policeman and consequently, detained. The following day, October 3 he was charged before an Ijaye Magistrate Court for 'assaulting a policeman', to which he pleaded not guilty.

CLO finds it disturbing that a journalist, an innocent and law-abiding citizen, who went to a police station on his wife's behalf to respond to an invitation, could be arrested and detained on a trumped up charge.

## **Film On Saro-wiwa Out**

**K**en Saro-Wiwa Jnr., the first son of the late Ken Saro-Wiwa, has disclosed that works are at an advanced stage for the production of a documentary in memory of the late Nigerian environmental and minority rights activist. The launch of the documentary is slated for this November to coincide this 5th anniversary of the Ogoni hero who was hanged by the military in 1995.

According to Wiwa Jnr., the production of the documentary tagged "*Shadow of a Saint*", is now on its last lap and would be launched after screening in Canada and England. Speaking on the documentary Wiwa Jnr. said: "It is about the hidden personality of the man. The things that shaped him and his thinking. His spiritual presence among us." He said further that the idea of the film came to him when he saw "some interesting titles about great African thinkers like Elijah Mohammed, Malcolm X and Martin Luther King junior."

Ken Wiwa also said the launching was scheduled to coincide with the presentation of another book on the late environmentalists. The book bears the same title with the documentary. He said the book took him three years to complete, but that it "feels like 80 years, 50 for my father and 30 for me".

Ken Wiwa said: "I feel as though I have relived several lives and I suspect it will take some time before it all makes sense. Right now, I feel rather empty, a little deflated. I was denied the opportunity to have a final, private word with my father. But I'm resigned to that feeling. My father was a father to every one to share in the occasion."

Ken Saro Wiwa, was killed in 1995 by the late Sani Abacha's government. Early this year, the Wiwa family and close associates symbolically reburied the activist, but without his actual remains, which the authorities were yet to release. The family buried the activist's pipe and two of his books.

## **Media Adviser To Speaker Sues Four Reps For Alleged Defamation**

**T**he Special Adviser, Media Affairs to the Speaker, House of Representatives, Mr. Eziuche Ubani has taken four members of the House of Representatives to court for alleged defamation. They are Messrs Tony Anyanwu, Bernard Udoh, Ahmed Njidda, and Clifford Ohiagu. He is demanding N50 million (fifty million naira) for alleging, via the circulation on October 9, of a number of payment vouchers purportedly issued by the National Assembly, that Mr. Ubani collected N8,100,000.00 for certain media consultancy services.

In a writ of summons dated October 13, 2000, filed on his behalf by Emeka Asuzu Esq. at the Abuja High Court, Ubani alleged that he was viciously libeled in their widely published press statement. In the said statement, he said the defendant falsely and maliciously alleged that he had received the sum of N8,100,000.00 from the National Assembly, contending that the innuendo being that he has fraudulently enriched himself at the expense of the Federal Government of Nigeria.

He gave the defendants eight days after the service of the writ on them to cause an appearance to be entered on their behalf, failing which he may proceed with the suit.

The four defendants had at a press conference in Abuja on October 9, 2000 distributed various documents to the media, claiming they contained "proof" of fraudulent spending. In a letter to the four defendants dated October 10, 2000, Ubani drew their attention to the alleged malicious allegation against his person.

The suit No. FCT/HC/CV/768/2000 was slated for hearing on October 31, 2000. At the hearing, neither the defendants nor their counsels were present in the court.

Ubani's counsel, Mr. Emeka Asuzu had informed the court that he was unable to serve the defendants the amended statement of claim. He then asked for a short adjournment to effect service. The judge adjourned the suit to November 22 directing that the defendants be served with the necessary court process before the new date.

## **Ethiopian Journalists Trained In Investigative Reporting Techniques**

**O**ver 40 Ethiopian journalists have been trained in investigative journalism techniques which they can pass on to their colleagues. The training which was a 15-day workshop attracted journalists from private, partisan and government press.

One of the findings at the training workshop was that investigative journalism has been hindered by cultural taboos, technological backwardness and laws that do not clearly describe the responsibility of officials to provide journalists access to public information.

Worede Wolde Wolde, Ethiopian Minister for Justice told participants at the workshop's closing ceremony that the possibility of doing investigative journalism in Ethiopia is becoming a reality. The minister said that professional journalists have the responsibility to expose corruption and corrupt people.

The workshop was held in late August at the Ethiopia Red Cross Society Training Center in Addis Ababa. It was organized by the Ethics Subprogram of the Civil Service Reform Program, a governmental institution aimed at encouraging journalists to fight corruption and mismanagement in Ethiopia. Four foreign scholars and 11 Ethiopian veteran journalists lectured at the workshop.

For most participants, who had never been on-line, instruction in Internet access proved to be a popular feature of the workshop. Other instruction dealt with how to access public documents, conduct interviews, and obtain business documents.

## **Liberian Journalists Urged To Improve Ethical Standards**

**R**ev. Isaac Winker of the Dominion Christian Ministries has urged Liberian journalists to improve their ethical standards. The minister said he had once been asked for a bribe by a reporter to kill a story.

Rev. Winker who gave the advice at a service as part of a weeklong celebration marking the 36th anniversary of the Press Union of Liberia, said that he was so enraged by the reporter asking for money to kill a story that he told the reporter to publish whatever he liked.

The minister lauded most Liberian journalists for upholding the credibility of the union, but said, a few others are discrediting it.

In his reaction, Frank Sainworla, PUL secretary-general said the union would not condone attitudes that bring the profession into disrepute. He urged journalists to "shape up," and added the union is prepared to "weed out" individuals who are "polluting" the profession.

The PUL general-secretary said that the media needs the total support of the community when it seeks increased freedom of the press and social justice. Sainworla said he regretted that the community has not been forthcoming in helping the media during crises.

## **State Monopoly Of The Airwaves To Continue In Zimbabwe Despite Court Ruling**

**D**espite a ruling by the Supreme Court of Zimbabwe declaring as unconstitutional government broadcasting monopoly, journalism organizations and civil rights groups are fearful that new broadcasting rules may still restrict freedom of the airwaves.

Government plans to appoint an advisory council to create new broadcasting rules, according to the BBC World Service, came in the wake of the Supreme Court ruling in a case brought by Capital Radio, a private broadcaster, which had been denied a license to operate. Besides declaring the government monopoly unconstitutional, the court also said that a private broadcaster could operate and provide a broadcasting service within the country.

Reacting to the court ruling, Jonathan Moyo, the minister of state for information and publicity, said the Zimbabwe Broadcasting Corp. (ZBC) will continue its broadcasting monopoly until the government establishes a regulatory framework. Moyo said no station could broadcast in the country before obtaining a license.

The government does not want a "broadcasting jungle," Moyo said, adding there was a need to "control broadcasting," because people would start broadcasting "pornographic and beastly material."

Basildon Peta of the Zimbabwe Union of Journalists said that having the minister, rather than parliament, name a council to issue broadcast rules "will only help to ensure that beneficiaries of new licenses after liberalization are cronies of the ruling party or other stooges who will help to indirectly entrench and perpetuate the ZBC monopoly..."

The minister's remarks mean that Capital Radio will have to wait an unspecified time to apply for a license to start operating, according to the Media Institute of Southern Africa (MISA), a non-governmental organization promoting media freedom and diversity in Southern Africa.

Earlier statements by Moyo were not encouraging, MISA said. On August 11, the minister said at a news conference that the government was not considering opening the airwaves. And at a MISA-Zimbabwe annual general meeting on August 26, Moyo said that the government was not planning to liberalize the airwaves, because it had already done so soon after independence.

## **Congo Authorities Seize Two Private Radio, TV Networks; Ban Others**

**T**he government of the Democratic Republic of the Congo (DRC) seized the assets of two privately run radio and television networks in mid-September, and banned several other broadcast outlets, reports *Journaliste en Danger* (JED) in Kinshasa. JED is a non-governmental organization that defends and promotes freedom of the press in the DRC. The stations are Radio Tele Kin Malebo (RTKM) and Canal Kin 1 and 2 which have been put under the management of the Ministry of Information "until the end of the war" in Congo.

Desire Molekela, a senior adviser to the DRC information minister, was quoted as saying the decision was final that the state would take over management of the stations immediately. The government has accused RTKM of misappropriating materials purchased with public funds and owing money to the tax department.

RTKM is owned by Aubain Ngongo Luwowo, a former minister of information under the regime of Mobutu Sese Seko, who died in exile in 1996.

The other network, Canal Kin 1 and 2, was seized, because the government says it is owned by a family headed by Jean Bemba Saolona, a former minister of the economy under the current president, Laurent Désiré Kabila. His son, Jean-Pierre Bemba, leads the Movement for the Liberation of Congo (MLC), an armed anti-Kabila rebel movement that controls the northwest part of the country.

On September 15, the DRC government banned several broadcast outlets, including RTKM, saying they had violated the law. Allegations ranged from incomplete or missing registration to failure to pay taxes.

The stations include Radio Elikya, owned by Kinshasa's Catholic Archdiocese; Radio Sentinelle, owned by the independent church Cité Bethel; Radio Kintuadi, owned by the Kimbanguiste Church; Radio Réveil FM; Radio Malebo Broadcast Channel (MBC); and the television stations Antenne A Télévision and TV-RTKM.

## **MRA LEGAL SERVICES**

### **MRA Files Four More Suits Against Publishers**

**M**edia Rights Agenda has filed four more suits against some publishers over failure to meet contractual obligations to some journalists in their employment. The suits were filed recently at

the High Court of Lagos State in the Ikeja Judicial Division.

Two of the suits were filed against Courage Communications Limited publishers of *Hallmark* newspaper with authorisation of Patrick Asonye and Azubike Nnadozie, who were assistant and business editors respectively. The two journalists are seeking the payment of N579,900.00 and N587,400.00 as arrears of salaries and other allowances and for general damages arising from failure to meet the employment contractual obligations as at when due.

The other two suits were filed against *Monitor* newspapers on behalf of Mr. Komolafe Oluropo, the former business editor of the newspaper, and Telegraph Communications Limited, publishers of *Financial Telegraph*, on behalf of Mr. Jonathan Njoku, a former computer supervisor with the company, respectively.

In Suit No. ID/2276/200 filed against Monitor newspapers, which is owned by Alhaji Arisekola Alao, Mr. Oluropo is asking for the sum of N322,620.00 being arrears of advert commission and leave allowance owed him from 1997 till date and interest on the sum at the rate of 21 per cent from August 2000 till the date the total sum is fully paid.

The particulars of claim show that he is asking for the sum of N31, 500.00, being 30 per cent commission of advert placement by United Bank for Africa in 1998; N 208,320.00 being arrears of 20 per cent commission of quarter advert placements by the Central Bank of Nigeria between July, 1997 to June 2000 at the total sum of N1,401.600; N10,800.00, being arrears of annual leave allowance for the years 1998, 1999 and the year 2000 at the rate of N3,600.00 per annum; and interest on the said sum of N 219,120.00 at the rate of 21 per cent per annum from August 2000 till judgment and interest thereafter at the rate of 18 per cent per annum till the total sum is fully liquidated.

In his statement of claims, the journalist averred that sometime in March 1997, due to the unpopular nature of the defendant's newspaper, by an oral agreement reached between him, some of his co-staff and one Mr. Bashiru Adeosu, the Monitor's advert manager at the Lagos office, who was also acting as the group manager of the head office then, any staff who brought in a full page advert would be entitled to 30 per cent of the total cost as commission while the commission for a staff who procured a quarter page advert was 20 per cent of the advert cost respectively.

The plaintiff averred that he subsequently brought in adverts from the Central Bank of Nigeria totaling twelve quarter page adverts at a total cost of N 1, 401, 600.00, as at June 2000. He said that based on the agreed 20 per cent commission, he is entitled to the sum of N208, 320.00 from the defendant. He further averred that sometime in 1998 he also got the United Bank for Africa to place a total of three full-page adverts with the defendant at the cost of N120,000.00, which also entitles him to the sum of N31,500.00 as commission from the defendant.

The plaintiff averred that between July 1997 till March 2000, his effort to secure the payment of the entitlements both oral requests and letters have yielded no dividends. He also averred that though he was entitled to annual leave allowance of N3,600.00 per annum from the defendant, the said amount was never paid to him for the entire three years period for which he worked with the defendant.

To his dismay, the journalist said he received a letter dated August 28, 2000 terminating his employment on the pretext that he was redundant. But he insisted that the exercise was a ploy to deny him of his outstanding arrears of adverts' commission and leave allowances owed him by the defendant

In Suit No. ID/2277/200 filed against Telegraph Communications Limited on behalf of Mr. Njoku, the plaintiff is seeking the payment of N54,250.00 being salary arrears and one year leave bonus and interest in the sum at the rate of six per cent from the date of judgment till the sum is totally liquidated.

In his statement of claims, the plaintiff said that he was a staff of Financial Telegraph from September 11, 1997 till November 10, 1998 and was on an annual salary of N78, 000.00 plus annual leave allowance of N2,700.00 00. The Plaintiff averred that thereafter he was promoted to the post of a Computer Supervisor on July 3, 1998, and a letter dated September 29, 1997 increased his salary to N96, 000.00 per annum.

The Plaintiff averred that from January to March 1998 he did not receive his full salaries as they were paid installmentally leaving a balance of N6,000 and that from April to June 1998, the defendant did not pay his salaries. Similarly, the plaintiff averred that in the months of August and September 1998 the defendant paid only one third of his salaries leaving the balance of N10,000.00. Efforts to get the defendant to pay the salaries did not yield dividends leading to the plaintiff's resignation on November 10, 1998.

The defendant is owing the plaintiff the sum of N62,250.00 as arrears of salary from January to October, 1998 and one year annual leave bonus for the year 1998, including an arrears of a third of his

salary for the month of November 1998. Minus N8,000.00 being one month salary due to the defendant in lieu of notice.

The suits against Telegraph Communications owned by the Edo State governor, Chief Lucky Igbinedion, would bring to three the number of suits against him with respect to default in his obligation to journalists and media workers that worked at Financial Telegraph. MRA had with authorisation from Mr. Alabi and 41 other former staff of the company earlier instituted a suit against the newspaper company.

In his suit against *Hallmark*, Mr. Nnadiozie is specifically seeking a declaration that the defendant is bound by the employment agreement dated August 2, 1999, to pay him the sum of N84,600.00, being arrears of salaries, leave allowance, weekly transportation claim and also one month's salary in lieu of notice. He is also seeking an order directing the defendant to forthwith release his tax clearance or in the alternative an order directing the defendant to refund to him the sum of N2,800.00, being the amount deducted as tax from his monthly salaries for seven months.

In his statement of claims, Nnadiozie, in the suit against Courage Communications said he was employed on August 2, 1999 on annual salary package of N240,000.00 per annum including ten percent of his annual basic salary as leave allowance and by an oral agreement he is entitled to a weekly claim of N1,000.00 as transportation allowance for the expenses incurred in his cause of official assignments of sourcing for stories which is the convention in the media industry.

The journalist pleaded that despite performing his duties he was not paid his salaries for many of the months and his allowances were not paid all through the period of employment. He further averred that though he was never issued any pay slip during the period that the defendant paid his salary, but two per cent of his salaries was being deducted monthly as tax by the defendant.

The journalist averred that though he had made several oral demands for his tax clearance, by a letter dated May 22, and another one of July 5, 2000 by his solicitor, he further requested for his arrears of salaries, one month's salary in lieu of notice and his tax clearance, the defendant failed, refused and/or neglected to respond in any manner (positively and otherwise) to his demands.

A break-down of the claims show that the journalist is asking for N50,000.00, being the arrears of salary for the months of March, April and half May 2000; N20,000.00, being one month's salary in lieu of notice; N9,600.00, being leave allowance for the year 2000; and N4,000.00, being arrears of weekly transportation allowances for four weeks.

Interest on the said amount of N84,600.00 at the rate of 2 per cent per annum from May 16, 2000 till judgment is delivered and thereafter interest at the rate of 11 per cent per annum till the total sum is fully liquidated. The journalist is also seeking the sum of N500,000.00 being damages for breach of contract.

A break-down of Asonye's claims, who is asking for the sum of N579,900.00 from *Hallmark* newspapers shows a similar pattern as Nnadiozie's. Mr. Emeka Obasi publishes *Hallmark*.

Though the defendant has been served with the writ of summons together with the statement of claims since October 3, neither the company's representatives nor its counsel has put up any appearance in court or filed any defence prompting Media Rights Agenda to file motions for judgment to be entered into against the defendant.

In two separate motion on notice brought pursuant to Order 10 Rules (2) & (3) and Order 25 Rule 11 Of The High Court Of Lagos State (Civil Procedure) Rules 1994, counsel for the plaintiffs prayed the court to enter into judgment in favour of Asonye and Nnadiozie for failure of the defendant or its counsel to put up appearance and defence in the suits and for such further or other orders as the Court may deem fit to make in the circumstance.

In separate 10-paragraph affidavit in support of motion, Mercy Jones (Mrs.), Litigation Assistance with Free Expression Associates solicitors to the plaintiffs in the suits deposed that the original applications of September 19, 2000 were served on the Defendant with the court's processes namely writ of summons together with the statement of claims by Mr. Omotayo Alimi the chief bailiff of the High Court on October 3, 2000. She deposed that since the Defendant has neither entered appearance to the suit nor filed any defence to the Plaintiffs' claims and the time allowed by the rules of court has since expired, it appears that the Defendant does not have any defence to the Plaintiffs' claims.

She said in the circumstance it has become necessary to apply for judgment in default of appearance and defence. Judgment has not been entered into. The motion for the judgment will come up for hearing on November 27, 2000.

## **ATTACKS ON THE PRESS IN OCTOBER**

### **Governor Threatens Private Media**

**T**he governor of Anambra State Chinwoke Mbadinuju, has warned of dire consequences should some privately owned media continue to give air time to people to criticize his government. The governor singled out the MINAJ broadcasting group as the worst culprit.

According to him, "I want to warn MINAJ not to give airtime to opponents of state governments. I warn that if they continue they will fold up". He threatened further: "When we react, it will be an ill-wind".

Governor Mbadinuju was reacting to reporters' questions at the Governor's Lodge Amawbia-Akwa recently, during a press conference on his recent trip to United States of America. He said he had been briefed on the activities of officials of the Onitsha Market Traders Union (OMMATU) who he accused of using the media to criticize him.

### **Man Arrested For Circulating Allegedly Incriminating Documents**

**T**unde Okunuga, an American based Nigeria was on October 6 arrested in Abeokuta by agents of the State Security Service for allegedly circulating inciting documents against a Local Government Administration in Ogun State. Mr. Okunuga allegedly employed some unidentified persons to circulate the incriminating documents.

The State's SSS boss said Okunuga's intention was to cause unrest between residents and Ikenne Local Government Area. The documents allegedly described the local government administration as being corrupt accusing it of being involved in stealing, fraud, forgeries, embezzlement, sabotage and mismanagement. Okunuga also allegedly claimed to possess "enough facts and figures also in black and white to substantiate some cash transfer in the sum of N10 million from an account in a local bank to an account in Lagos". The document called on residents to cry out again the acts.

### **Reporters Barred From Entering African Hall**

**A**bout 41 reporters covering the luncheon hosted by Kano State Government in honour of President Robert Mugabe of Zimbabwe, were barred by a combined team of police and security men from entering Africa Hall in Kano Government House, where the event took place.

A correspondent of the News Agency of Nigeria (NAN), who was at the scene reported that Alhaji Ibrahim Ado, the Deputy Director of the press to Governor Rabi'u Kwankwaso, was also denied access to the hall by the security men.

## **JOURNALISM / PRESS FREEDOM AWARDS**

### **University Of Toronto Offers Scholarships In Women's Human Rights, Reproductive Health**

**U**niversity of Toronto is calling for applications from interested candidates for its Law Faculty scholarships in women's human rights. The scholarship is open for people from Africa, Latin America/Caribbean and Asia and is up to the tune of \$20 000.

The scholarships are designed to permit those who currently hold a law degree or equivalent qualifications to pursue Master of Laws (L.L.M) or Doctor of Juridical Science (S.J.D) degrees within the faculty. A Graduate Fellowship in Women's Rights would enable a candidate to explore the legal protection and promotion of women's human rights at national, regional or international levels.

The second scholarship, the Graduate Fellowship in Reproductive Health Law, provides an opportunity to specifically research the legal and ethical issues in reproductive and sexual health.

Besides the scholarship amount, an additional stipend is available in conjunction with the Graduate Fellowship in Reproductive Health Law.

Deadline for applications for both fellowships is February 1, 2001. For more information please contact the Graduate Admissions Office at the Faculty of Law at the University of Toronto (law.graduate@utoronto.ca).

## **Reuters Fellowship Offered For African Photojournalists**

**R**euters Foundation is accepting applications from African photojournalists for the annual Mogadishu Fellowship award. The Mogadishu Fellow will spend one term at the School of Journalism, Media and Culture of the University of Cardiff, Wales.

Candidates must be under 35 years of age and able to write and speak English proficiently. They must be full-time photojournalists employed by newspapers, news agencies or magazines, or freelancers with at least three years professional experience.

Application deadline is December 31. The fellowship covers tuition, travel expenses (economy class) and a living allowance. Application forms can be found as PDF and Word files at <http://www.foundation.reuters.com/education/index.htm> For more information, contact Reuters Foundation at 85 Fleet Street, London EC4P 4AJ, UK. Tel: (44-20) 7542-7015. Fax: (44-20) 7452-8599. E-mail: [foundation@reuters.com](mailto:foundation@reuters.com)

## **John Humphrey Freedom Award Open For Nominations**

**T**he International Centre for Human Rights and Democratic Development (ICHRDD) is accepting nominations for the 2000 John Humphrey Freedom Award. The award is given to an individual or non-governmental organisation for "exceptional achievement in the defence or promotion of human rights and/or democratic development."

In order to be considered organisations or individuals must be committed to peace and non-violence, and must be independent of any political party or governmental affiliation.

ICHRDD says preference will be given to those who work on the "front line", "under conditions hostile to the recognition and application of basic human and democratic rights." The Egyptian Organization for Human Rights (EOHR) was a recipient of the John Humphrey Freedom Award in 1994.

Groups or individuals that are selected will receive a \$25,000 grant and will be required to attend a speaking tour of Canadian cities to increase awareness about their work. All nominations must be received by May 1. To obtain a nomination form, contact Augie van Biljouw at ICHRDD, 63, rue de Brésoles, Montréal, Québec, H2Y 1V7, Canada; Tel: +514 283 6073; Fax: +514 283 3792; E-mail: [avbiljou@ichrdd.ca](mailto:avbiljou@ichrdd.ca); Website: <http://www.ichrdd.ca>.

## **Don Pedro Wins Another Award**

**I**biba Don Pedro, *The Guardian* reporter who in August was adjudged the African Journalist of the Year, has won yet another award. This time she got the nod of the IUCN, The World Conservation Union, as winner of the Award for Excellence Environmental Reporting.

The winning was announced in Amman, the Jordanian capital. She is being honoured for her feature article entitled: *Life on the harsh lane* published in *The Guardian On Sunday* April 16, 2000. The article explored the devastation of the lives of rural women in the Niger Delta as a result of oil exploration and exploitation.

The award was presented to her by Queen Noor of Jordan, at a ceremony which climaxed a 10-day conference of the IUCN, which ended recently in Jordan.

Certificates and trophies of Mosaic art, depicting scenes of man and the environment, were presented to the winners by the Queen who commended them for continually generating awareness about environmental issues in their home countries and those affecting humanity as a whole.

The overall winner was a Canadian journalist, Alanna Mitchel who was picked as winner from the North America Region. He bagged the three-month Fellowship at Oxford University UK.

Other regional winners are Morena Azucenna, El Salvador, Mr. Souleymane Ouatarra (Burkina Faso) (winner from French speaking African countries).

The Reuters - IUCN media awards were established two years ago as a means of recognising and fostering excellence in environmental reporting among media persons across the globe.

In an appreciation card she sent to Media Rights Agenda, Pedro said: "The Information you provided paved the way for my star to shine and what does it mean? I am "African Journalist of the year 2000, and winner from English Speaking of Africa, Reuters-IUCN media awards for Environmental Reporting which took place in Amman Jordan recently.

"I hope and pray others will be encouraged others to excel and bring honour to themselves and the profession."

## **Odunlami, *TheNews* Reporter, Named Journalist Of The Year**

**T**he ninth Diamond Awards for Media Excellence (DAME) was held at the Lagos Sheraton Hotel and Towers in Ikeja on the 24th September 2000, with a Senior Reporter with TheNEWS magazine, Tayo Odunlami, has been named the Press Reporter of the Year in the Diamond Awards For Media Excellence. Mr. Odunlami won with the story that led to the unceremonious exit of the disgraced former Speaker of the House of Representatives, Alhaji Salisu Buhari, titled *The Face of a Liar*. It was published July 19 21, 1999 edition.

The Informed Commentary prize went to Dr. Reuben Abati, vice chairman of the Editorial Board of *The Guardian* newspaper. *TheNews*' sister publication in the ICNL stable, *Tempo* magazine was awarded the Editorial Writing prize. Nathaniel Ngerem of the *Vanguard* newspaper won the Editorial Cartooning prize endowed by Vanguard Media Ltd. Muyiwa Moyela of *Africa Toady* magazine won two awards: the Energy Reporting as well as the Capital Market Reporting prizes.

For the seventh time, *TELL* magazine won the Best Designed Magazine of the year award with its 26th April 1999 edition entitled: Crisis in Aso Rock. Louisa Ayonote, a Senior Associate Editor of *TELL* won the Environmental Reporting prize with her piece published in the magazine's 2 August 1999 edition titled: Grand Canyons in the East. The Best Designed Newspaper award went to *ThisDay* newspaper. It is also a consistent winner of this prize.

Josy Nkwocha, *Newswatch* Acting General Editor, took home the Health Reporting prize with his cover story: *Boy or Girl, Now you can Choose* published in the 19 April 1999 edition of *Newswatch* magazine. For him it was not something to cheer about, even though he was grateful to God, because he had won the most prestigious DAME award, the Press Reporter of the Year in 1996.

The Sport Reporting prize went to Olukayode Thomas, a Senior Reporter with *The Comet* on Sunday. His winning story is titled: Boxed into Comatose published in the 18 December 1999 edition of *The Comet on Saturday*. He won the same prize in the last edition of DAME. In 1999, he was picked as the Cable News Network (CNN) African Journalist of the year 1998, a feat he repeated in March this year.

Bayoor Ewuoso, the Deputy Head of photo section of *The Punch* newspaper received the Action Photograph with his entry captioned: *The caged Accused*. Another *The Punch* newspaper photographer, Kehinde Gbadamosi was also a finalist with Mr. Ewuoso in this category.

Mr. Lanre Idowu, the Chief Executive Officer of Diamond Publications Ltd., organisers of DAME award said since inception, it has presented 123 awards to deserving individuals and organisations. He said further that DAME is meant to reward talent and enterprises as well as reunite media practitioners.

Presenting the prize to Odunlami, the Minister of Information and National Orientation, Prof. Jerry Gana asked him to see the award as a stepping stone to his reporting career.



***“No state, especially in a democratic state, can achieve any meaningful development if the citizens do not have access to information about matters that affect their everyday life. It is, indeed, fundamental in any democratic governance”.***

Professor Jerry Gana, Nigeria's  
Minister of Information and National Orientation

***Media Rights Monitor***

Published by:

**Media Rights Agenda**

44, Alhaja Kofoworola Crescent

Off Obafemi Awolowo Way, Ikeja

P. O. Box 52113, Ikoyi

Lagos, Nigeria.

Tel: 234-1-4936033, 234-1-4936034

Fax: 234-1-4930831

E-mail: [mra@mediarightsagenda.org](mailto:mra@mediarightsagenda.org)

[pubs@mediarightsagenda.org](mailto:pubs@mediarightsagenda.org)

Web site: [www.internews.org/mra](http://www.internews.org/mra)