DECADE OF PRESS FREEDOM REVIEW: 243 Journalists Killed In Conflicts Areas

Two hundred and forty-three journalists were killed in conflicts areas in the last decade. The figure illustrates the difficulty of reporting in countries at war and the dangers to special correspondents. Tellingly, 72% of the dead journalists were killed deliberately.

The chilling figure has led to numerous, inevitable and urgent questions; have the countries, international organizations, the media and editors themselves thought of limiting the risk war correspondents are exposed to? Are International law and the Geneva Convention still useful to protect journalists when less and less "traditional" conflicts occur? Can reporters be adequately prepared to face dangers? To answer these questions, Reporters San Frontiers, the Paris-based international organisation for the protection of press freedom and freedom of expression, invited reporters, diplomats, military officers, national press editors and international organizations, the international Red Cross Committee and non-governmental representatives to share their experiences.

The major objective was to come up with proposals based on already existing protocols for the protection of journalists reporting in conflict zones. "Our ambition is to produce a charter which the editorial staff will sign, and more importantly will honour on a day-to-day basis", underlined Robert Menard.

Last year, in Barcelona, a first draft was prepared and signed by the BBC, Reuters, CNN, APTN and ITN. RSF said, however, that the outcome was primarily a position statement rather than a working tool. It said that the charter the organisation wishes to set up has to be really useful, practical and operational. The debates followed an eight-point outline. They include:
Free Will

Considering the risks involved in covering an armed conflict, it is necessary that the special correspondents be personally committed. Their decision derives from their own personal assessment. "The reporter alone must be able to say: "I am going", opined Jerome Bouvier, editorial manager for France Culture. "Once out there, he is the only one who can say: "This reporting is risky, and I am fully aware of it." In order to encourage them not to take unnecessary risks, I often say to my journalists: better be second and fair on a reporting than first, wrong, and in danger. I am not one to glorify the journalists who take reckless risks to bring back hot news."

However, the reports underline the sometimes-unrealistic expectations of the editors who are aware of goings on in the field. Their demands can prove dangerous. It is up to the management to monitor the duration of assignments, to not demand story after story, scoop after scoop. Moreover, thanks to new technologies, it is no longer necessary to leave the scene to send a report. Assignments can become so difficult that the reporter never has the option to withdraw. The special correspondents are requesting the right to withdraw, whether motivated by fatigue or fear. Similarly, when the time comes to choose a journalist for an assignment, they want to ask all the questions without sanction: will it be a man or a woman? a foreign journalist or a local correspondent? etc. and with the goal to fairly assess the danger.

Experience

Because they require specific aptitude and knowledge, the coverage of armed conflicts should be entrusted to experienced reporters. "The best bullet-proof jacket likely to protect the special correspondent is his experience of the terrain and of conflicts", according to Gilles Perez, of CFDT-journalist trade union. Still, Agnes Varamian, a writer/reporter for France 2, related her beginning as a freelance writer in wartime Croatia."I was young, inexperienced, I took great risks, perhaps unnecessary ones." Therefore, if experience is the best shield against risks, what should be done with young journalists wishing to cover conflict areas as it happened lately in Afghanistan?

"I have seen young people turn up with their digital camera and their nerve only", said Patrick Bourrat, writer/reporter for TF1. "Many of them had paid for their own trip. They were looking for big scoops so as to earn their living and be noticed, regardless of elementary safety rules". The question then, he said, was: Should they be blamed for all that? He answered: "No". he said many esteemed reporters started that way and there is a need to acknowledge this. One of the solutions, he said, would be to introduce a tutoring system matching an experienced journalist with a beginner. But the cost appears immediately as a problem. While big newspapers might consider such a system, those with limited means would be unable to do so.

Besides, in order to minimize the risks, participating television journalists underlined the importance of being part of a team. Being with a group, they agreed, is a guarantee because many people looking out for each other. To draft their paper by themselves, newspaper and radio reporters could gather in pools upon arrival, provided no one is determined to preserve his scoop above all else.

Participants also agreed that the selection of local "fixing agents", guides or interpreters, is also a primary importance since the purpose is to rely totally on their knowledge of the country, its culture and the vagaries of the conflict at hand.

Preparation

"Regular preparation on how to face the dangers in a conflict area is likely to limit the risks incurred by the journalists", noted Noel Copin, RSF president. Although it appeared that all participants agreed on this point, the debate, however, revealed serious differences between the Anglo-Saxon and French media. Participants agreed that reporters and local correspondents must undergo compulsory risk-awareness training at the BBC as well as at Reuters. Two privates companies have made such training their specialty: Centurion and AKE. They call on the skills of former marines to manage the training sessions.
"In France, if journalists are trained on transmission techniques, they are not trained in terms of risks. Nevertheless, these risk-awareness and training workshops exist. We created them during the war in Bosnia, in collaboration with the French army", revealed Pierre Babet, journalist for France 3 and president of the Association of Journalists of Defence. He revealed that eight training workshops were offered that were filled. Then, when the conflict ended, they were discontinued for lack of need. The Afghan conflict prompted the association to bring them up-to-date.

For the limited amount of 400 francs a week, food and lodging included, these training workshops do not seek to train their participants in commando techniques but to sensitize them to the particularities of theatre of military operations: the various weapons used, recognizing anti-personal mines and explosives, the protection means to favour, the mistakes to avoid, etc. "These training courses enable journalists to familiarize themselves with situations of conflict, to get used to danger, and to gain awareness of how important it is to work as a team", stated Colonel Thierry Olivier, head of the media department of the Defense Information and Communication Delegation (DICOD).

"This last point is vital, we cannot stress enough that journalists are more vulnerable when they are working alone", he added.

Jean-Jacques Le Garrec, a reporter for France 2 who was kept in custody for several weeks on Jolo Island, testified to the value of the training: "I thought I had forgotten everything two weeks after the training workshop. In reality, when we found ourselves captive on Jolo Island, a good number of reflexes and tricks we had learned during the training came back automatically." This was confirmed by Agnes Varamian, of France 2 editorial staff: "I also took that training workshop, Combined with my own experience on the field, I learned a great deal." The only problem: the current program is inadequate to train all the journalists sent to conflict areas.

Finally, trade representatives pointed out with regret that no French school for journalists offers their students risk-awareness workshops on the dangers of reporting in conflict areas. Participants agreed that this is deficiency that needs correcting. On the other hand, it was suggested that special correspondents create an Internet site for consultation before they leave for dangerous areas. It would gather all necessary information on each dangerous area in order to best limit the risks taken. If the French army representatives declare themselves ready to provide the intelligence they have, they emphasize that they can only do so in the restricted areas where the French army is engaged.

**Equipment**

Participants agreed that war reporters should be able to rely on security gear, in particular a helmet and a bulletproof jacket. But they also agreed that it is the prerogative of each individual to decide whether to wear one or not. All the more so that according to several journalists in attendance, it is not always possible to do so: to avoid being identified by combatants or because in certain situations, a fast retreat would be hampered by the additional weight of these accessories. Nevertheless, participants agreed that each newspaper should offer them systematically to their reporters. Thereafter, it is up to them to decide whether the circumstances warrant wearing them or not.

Claude-Marie Vadrot, a reporter for the Journal du Dimanch (Sunday paper), underscored the mistaken sense of security provided by such protective equipment. "Recently, I put on a bullet-proof jacket for the first time and I think that, because of that equipment, I took much greater risks!"

Dr. Francoise Diaz, a company physician for RFI and France 3 warned against focusing exclusively on that type of safety material. "Even before thinking about helmets and bullet-proof jackets, the editorial staff must make sure that their reporters have been vaccinated or received the necessary booster shots, that they have at least a first aid kit at hand, and most importantly, they have a filter to purify the water they will be drinking. I can tell you from experience that these "small details" are not so small!" The truth is that being in good physical condition is the most important factor in the reporters' safety, participants agreed.
As for him, Ronald Koven, of the World Press Freedom Committee, warned that in war zones "journalists must under no circumstances wear camouflage uniforms, in whole or in part, or wear a suit that could be construed as a uniform: this is first to avoid being a target; it is also because, in case of capture, they could be considered as combatants or spies and would not benefit from the protection of the Geneva conventions."

**Insurance**

Participants noted that any journalist working in conflict or tension zones must have an appropriate insurance policy with benefits covering illness, repatriation, disability, and death. They acknowledged that while this may seem obvious, it is, however, unfortunately not the case. For instance, Maria Grazia Cutuli, a reporter for the prestigious Corriere della Serra, killed in Afghanistan, was not insured. Jerome Bouvier, Managing Editor for France Culture Radio, confirmed that in the major French media, the journalists are insured.

The question then was: Are the prices for such insurance policies out of reach? According to Claude-Marie Vadrot, from the Journal du Dimanche, "it amounts to 120 000 francs per week to cover a reporter leaving for a war zone." Thierry Desvallees, from Bellini insurance reduced somewhat these figures and gave a few tips. "As far as it is possible, the first thing is to try not to call us one hour before the reporter's departure so we can study the cost of his insurance". The prevailing formula, he said, is the "collective contract" which can cover the whole editorial staff. "We also offer a better formula: the "guarantee for exceptional risks." The cost of premiums represents 0.3% of the journalist's salary.

According to Bellini, there is no cost variation depending on the country or the nature of the conflict in question. But according to the wording of the current international conventions, "a journalist shall not be covered if he takes part in the war effort."

Free-lance journalists pose the most problems in that field. Indeed, who should pay for the insurance of an independent journalist who may be working for six or seven different employers? Patrick Bourrat from TFI proposed that a parity fund be created and dedicated to these journalists with a particular status.

**Psychological Support**

Participants also agreed that journalists should be granted systematic psychological support as soon as they return from reporting in hostile areas. This is not the case today, and the attending journalists complained about it, acknowledging they had suffered from sleep disturbances or have had difficulties returning to everyday life after having been confronted with the horrors of war. According to the latest studies, the post-traumatic syndrome would apply to 30% of the journalists back from extreme situations. As a solution, participants advocated voluntary generalizing debriefing with a psychologist upon return. Experts noted that signs of suffering or early pathology could be detected through unstructured talk. This would permit early diagnosis of potential breakdowns and suicidal tendencies.

**Money: an Additional Major Risk**

In order to cover the expenses of their mission, special correspondents travel with great sums in cash. But participating journalists complained that Dollars embolden the bandits, as was recently the case in Afghanistan. Thus, money increases the vulnerability of the journalist in the field. What should be done? Francois Rivasseau, spokesman to the Ministry of Foreign Affairs, explained that the embassies do not have cash on hand and cannot help reporters in that regard. He suggested that reporters come and deposit their cash in their embassy or consulate as soon as they arrive in the country. But journalists said this solution is far from satisfactory: first, because in countries at war. French representatives are often evacuated; second, because special correspondents need to move often and they must do so in a hurry in order to reach a sensitive war zone, they do not always have the time or the means to return to the embassy and withdraw the money.

Enriched by a great number of quality testimonies, and by the diversity of the participants, legitimized by the unanimous agreement to increase the safety needs of war correspondents, the meeting of December 18 is still only a first step toward the drafting of the proposed charter. RSF
said the next meeting would consist in formulating its final working. For that purpose, the organisation will soon create and direct a work team that will include representatives of the trade unions, of newspapers publishers associations, of journalist associations as well as representatives of the CICR, the UNESCO, and the OSCE and of the Department of Defence and the Ministries of Foreign Affairs. "The only thing left will be the signature of media owners at the bottom of that text and last but not the least, its provisions will need to be applied concretely", said Robert Menard.

Government Grants 21 Broadcast Licenses

The Nigeria government in February expanded the nation’s airwaves when it granted broadcast licenses for 16 radio stations and five television stations nationwide. There were 12 commercial FM stations on the list, while the remaining four were for specialised stations. When fully operational, it will bring to 14 and 24, respectively, the number of independent television and radio stations in Nigeria.

Announcing the names of the successful licensees for radio in Abuja on February 11, Information and National Orientation Minister, Prof. Jerry Gana at a joint press conference with Director-General of the Nigerian Broadcasting Commission (NBC), Mr. Danladi Bako in Abuja said government, in taking the decision, placed emphasis on professionalism and the need to provide an avenue for greater opportunity for a wide spectrum of Nigerians to express themselves.

Prof. Jerry Gana, reported that over 400 applications for licenses were received between 1999 and 2001 of which the 16 were granted licenses after due consideration of all necessary criteria and security screening of applications to the NBC. He added that the licenses were approved in order to bridge the gap in information flow to the grassroots and enhance and enrich the people with democratic values.

Besides, Prof. Gana said that the geographical spread of independent broadcast stations was also counted as important in the consideration of the licence.

The four radio licenses granted for specialized broadcasting are all based in Lagos. They are Atlantic FM owned by Chief Rasak Okoya, to broadcast in French; Spectrum FM, with Journalism veteran, Mrs. Chris Anyanwu as CEO, to specialize in news, Brilla FM with focus on sports, owned by Larry Izamoje; and Unilag FM based at the University of Lagos as an academic station.

Of the remaining 12, three are to be based in Abuja, three were approved to operate in the North Central Zone, two in the North West, two in South West and one each in South East and North East zones.

The remaining twelve stations are: Radio Gotel Limited, Yola, Adamawa State; Joy FM Limited, Makurdi, Benue State owned by Senator David Mark; Nagarta Radio, Kaduna, Kaduna State; Pacific FM, Oshogbo, Osun State; Choffan Communications Limited, Oraifite, Anambra State; Zuma FM, Abuja, FCT, owned by a veteran journalist Kere Ahmed; Okin Communications, Offa, Kwara State; Sunshine Radio Limited, Ondo, Ondo State, is owned by Dr. Bode Olajumoke; Radio Savannah Limited, Kano, Kano State; Unity Broadcasting Company; Crowdor Communications, owned by Dr. Christopher Kolade and Ikenna Nduagwu; and Films Laboratory and Production Services Limited, Kano, Kano State.

Prof Gana remarked that democracy thrives on the ethics of freedom of speech and responsible journalism, which, according to him, was the reason why President Olusegun Obasanjo approved the issuance of broadcast licenses to the applicants.

"This administration in issuing these licences is demonstrating its firm belief that only an enlightened public can sustain democracy. Democracy survives on the ethics of free speech and responsible journalism," Prof. Gana said.

On the criteria used for issuing the licences, the minister explained that they were subjected to various forms of scrutiny before the successful ones emerged.

Basically, he said that the applications went through the legal, engineering and management stages before the final approval of the board.
Issues of the financial standing of the promoters, the technical know-how of the companies, the quality of staff, as well as the content of the package in terms of programme were the core criteria, the minister said.

He added that the financial capabilities of each applicant was of particular interest because the government does not want a situation where a company would be granted licences and would fail to perform.

In his comment, Mallam Bako said it was the commission's desire to grant licenses to responsive and responsible stations which will take into cognizance the professional ethics involved in broadcasting.

Mallam Bako said that the NBC would prescribe the qualification of the Managing Director of the companies. This, he said would raise the quality of the performance of the stations. He disclosed that more licences would be issued to deserving applicants, describing the exercise as an on-going one.

Two days later on February 13, Mallam Bako announced the granting of five television licenses. He gave their names as follows: Silverbird Communications, Lagos (Owned by the Murray-Bruce family); Nagarta Communications Gusau; Unity TV Communications, Abuja; Choffan Communications (Chrome TV), Awka owned by PDP chieftain, Chief Emeka Offor and Gidado Idris; and Monarch Communications, Lagos owned by, among others, Messrs Atilade Atoyebi, and Remi Olowude.

Like in the case of radio licenses earlier granted, Mallam Bako said the TV licenses were also granted after due consideration for geographical spread adding that the license had even spread to cover the Northwest, Southeast and Abuja. Bako noted that the President of the Federal Republic of Nigeria granted the licenses as a tool for promoting the ideals of democracy and good governance through the principle of freedom of speech and expression. Successful applicants have two years within which to start operations or have their licences revoked.

The grant of licenses which swells the list of private broadcast stations in Nigeria, is expected to further boost the sector which has witnessed phenomenal growth in the last ten years when the president Ibrahim Babangida regime liberalised the sector.

When they become operational, there will be 260 broadcast stations in Nigeria. There were a total of 161 broadcast stations as at the beginning of the year 2001. The Nigeria Television Authority (NTA) is currently establishing more 67 new stations. The national radio network, the Federal Radio Corporation of Nigeria, is also setting up 32 new stations around the country.

But the effort still fall short of the clamour for a decentralisation of the sector through a regime of community broadcasting. This is presently hampered by the lack of legal framework for its operation in Nigeria.

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. MRA is registered under Nigerian law and has Observer Status with the African Commission on Human and Peoples’ Rights.

Media Rights Agenda (MRA) is an independent, non-governmental organisation established in August 1993 for the purpose of promoting and protecting press freedom and freedom of expression in Nigeria. MRA is registered in Nigeria, and has Observer Status with the African Commission on Human and Peoples’ Rights in Banjul, The Gambia.

The Aims and Objectives of Media Rights Agenda are:

a. to promote respect and recognition for press freedom and freedom of expression in Nigeria;

b. to provide protection and support for journalists and writers engaged in the lawful pursuit of their professional duties;
c. to promote the highest standards of professional ethics, integrity, training and conduct in the journalism profession; and
d. to bring about a conducive social and legal atmosphere for the practice of journalism, and ensure the protection of the journalist’s right not to be compelled to work against his or her conviction or disclose confidential sources of information.

Executive Board

Morenike Ransome-Kuti, Chair
Josephine Bamidele, Vice Chair
Edetaen Ojo, Executive Director
Tunde Fagbohunlu, Legal Director
Austin Agbonsuremi, Publications Director
Eze Anaba, Director of Projects
Tive Denedo, Director of Campaigns
Anselm Chidi Odinkalu, Member

Secretariat

Edetaen Ojo, Executive Director
Osaro Odemwingie, Publications Officer
Maxwell Kadiri, Country Advocate for Nigeria, Global Internet Policy Initiative (GIPI)
Ayode Longe, Programme Officer
Joyce Enaboifo, Legal Officer
Fredin and Chuks Egede, Legal Officer
Edith Ebuehi, Accountant
Ademoyewa Johnson, Campaigns Officers
Oluwabunmi Oke, Administrative Secretary
Mercy Jones Epete, Secretary
John Gbadamosi, Administrative Assistant
Rose Aikhuele, Office Assistant

Editorial Board

Tive Denedo (Chairman)
Eze Anaba, Josephine Bamidele
Edetaen Ojo, Austin Agbonsuremi

Journal

Eze Anaba (Editor)
Osaro Odemwingie (Publications Officer)
Ayode Longe (Research Officer)
John Gbadamosi (Circulation Officer)

Head Offices

All correspondence should be addressed to the Editor, Media Rights Monitor, 44, Allhaja Kofoworola Crescent, Off Obafemi Awolowo Way, Ikeja, P. O. Box 52113, Ikoyi, Lagos, Nigeria
Tel: 234-1-4936033-4, Fax: 234-1-4930831.
E-mail: pubs@mediarightsagenda.org; Web site: www.internews.org/mra
EDITORIAL: New Broadcast Licenses, Good But Not Far Enough

In 1992, the Nigerian government through Decree 38 of that year embarked on second attempt at restructuring broadcasting in the country. The government of former military President, General Ibrahim Babangida, liberalised broadcasting by allowing private participation. That act made broadcasting, which was monopolised by the federal and state governments, open for private participation.

Under the National Broadcasting Commission Decree No. 38 of 1992, the Commission is empowered to "receive, process and consider applications for ownership of radio and television stations, including cable television services, direct satellite broadcast and other medium of broadcasting."

The effort saw a number of corporate Nigerian venturing into the unknown world of broadcasting. Between 1992 and 2001 a total of nine television and eight radio privately-owned stations were licenced to operate. In addition to these, a total of two Global Satellite Television and 15 Satellite retransmission stations were empowered. The government on February 11 and 13, this year announced the grant of 16 radio licenses and five television licences. In the radio licence list, 12 will like all the previous operators operate on commercial basis, while the remaining four are for specialised broadcasting. It would be the first time licences for specialized broadcasting would be approved. The new approvals are out of a total of over 400 licence applications received between 1999 and 2001. This huge demand for broadcast licences underscores the fact that Nigerians are hungry for information.

The advent of private broadcasting in Nigeria has provided alternative platforms for Nigerians to air their views which have revolutionised broadcasting in terms of styles, presentation, programming and lucidity of reportage. The individual and combined activities of these private broadcasters have also engineered a fierce competition in the broadcast industry in Nigeria.

For example, the privately-owned AIT and Raypower in association with Broadcasting Organisation of Nigeria (BON) organized a live presidential debate for the two candidates that contested the 1999 elections and their running mates. They also began the habit of broadcasting major events around the word live that has given rise to the intense competition for such activities now. Programming has become viewers-oriented and there is now more sensitivity to viewers' opinions. There is, however, a lot of room for improvement.

It is noteworthy that the Information and National Orientation Minister, Prof. Jerry Gana at a joint press conference with Director-General of the Nigerian Broadcasting Commission (NBC), Mr. Danladi Bako in Abuja said government, in taking the decision, placed emphasis on professionalism and the need to provide an avenue for greater opportunity for a wide spectrum of Nigerians to express themselves.

While we commend the NBC for the expansion of private participation in the broadcast sector, we wish to use this opportunity to stress that beyond granting more licences for commercial broadcasting, what Nigerian’s really need now is a drastic deregulation of the sector to allow for community broadcasting and other forms of public service micro-casting. That indeed, will provide an avenue for a wide spectrum of Nigerians to express themselves. The present commercial broadcasting orientation in Nigeria encouraged by the high licencing fees, huge overhead and running cost, cannot provide the necessary room to connect the rural folks to the mainstream media.

Any attempt to connect people in the rural areas to the political, economic and social current necessary for development that does not provide for access to the media will be futile.
LETTERS

NIJ Is Not "Illegal"

I wish to react to the interview of Dr. (Mrs.) Elizabeth Ikem, Director, Nigerian Institute of Journalism (NIJ), published in Media Rights Monitor of February 2002, pages five and six.

I posit categorically that NIJ is not an illegal institution as it was duly registered with the Corporate Affairs Commission. The certificate of registration is hung somewhere in Mrs. Nkem's office.

Mrs. Nkem who, I guess is a words smith, should have picked a proper adjective. Non-accreditation of a course does not make an institution illegal. For example, it is not all the courses run by the Lagos State Polytechnic and Lagos State University that are accredited or approved by relevant agencies and this clearly does not make those institutions illegal.

I wish her good luck.

Tunde Oladunjoye
Department of Journalism
NIJ, Ogba, Lagos

Draft Charter on the Security of Reporters in Zones of Conflicts

The safety of journalists covering an armed conflict cannot be fully secured, either in principle or in practice. The protection offered by the national laws of the country at war, as well as by international law, are very limited. Moreover, media professionals cannot expect combatants to guarantee their full security and their individual protection.

That is why, in view of the risks incurred while serving the public, media professionals, a journalist and accompanying staff covering conflict zones are entitled to protection, compensation and basic guarantees from their employers and from public entities. It is also their responsibility to provide every means needed to prevent and limit the risks taken. To that end, the following eight principles will have to be implemented.

Principle 1 - Commitment
The media, the authorities and the journalists themselves will systematically seek the means to limit the risks incurred in armed conflicts and in dangerous zones. Preparation, information, insurance and appropriate gear should help reduce the risks incurred by salaried journalists, freelance journalists and accompanying staff.

Principle 2 - Free will
Armed conflicts imply that media professionals are exposed to certain risks and engaged in a personal commitment which justify that they leave by their free will only for reporting in hostile environment. Because of the risks involved, they must be allowed to use a "right to withdraw" and refuse to be sent to armed conflict zones with no potential charge of professional misconduct.

Principle 3 - Experience
Requiring some aptitudes and a specific experience, covering an armed conflict is entrusted to experienced reporters, having already followed one or several crises. Journalists covering a warlike situation should not be leaving on their own but should come together with a more experienced reporter.

Principle 4 - Preparation
A regular preparation on the ways to face dangers in a zone of conflict is likely to limit the risks incurred by journalists. Any journalists assigned to work in a hostile environment will be encouraged to follow that type of preparation including physical training, if need be.

Principle 5 - Equipment
Special correspondents in dangerous zones need to be fitted with reliable security gear (bullet-proof jackets, helmets, protected vehicle if possible), communication (localising beacon) and survival material.
**Principle 6 - Insurance**

Any journalist working in conflict or tension zones must carry an appropriate insurance policy covering illness, repatriation, disability and death. The media hold the responsibility to ensure that it is the case before sending their journalists on perilous assignment, be they salaried or not. It is the responsibility of the public entities and of the media to ensure that journalists leaving for an armed conflict zone are covered by an insurance policy. Such a provision is normal in individual contract as well as in collective contracts.

**Principle 7 - Psychological support**

Journalists must receive the benefit of psychological support as soon as they return from reporting in hostile zones or after having carried out reports on traumatising events.

**Principle 8 - Ban on carrying of firearms**

Press companies and their representatives are neutral observers. Carrying firearms is forbidden during their assignment so that they can take advantage of item 79 of the Protocol I complementary to the 1949 Conventions of Geneva, adopted on June 8 1977, which stipulates that journalists "shall be protected in compliance with the Conventions and the present protocol providing they do not undertake any action compromising their status as legal entity (..)".

---

**Clamour For Freedom Of Information Law In Nigeria Heightens As IPC Holds Public Hearing**

Efforts aimed at enacting a freedom of information law in Nigeria have taken an up-beat turn with participants at various fora joining the call for its enactment. In a continuing effort to inform and enlist the support of civil society groups towards creating a broad-base support for the enactment of a freedom of information law in Nigeria, create a greater awareness among journalists who will be the principal users of an FOI law, when invariably enacted, the International Press Centre (IPC) organised a Round-table at Ibadan recently. Participants at a recent workshop co-sponsored by the Federal Ministry of Education and the World Bank, also joined the call for its enactment. The Freedom of Information bill is presently in the National Assembly.

The IPC round table/public hearing was tagged: Freedom of Information Act and Good Governance, and it had in attendance 27 representatives of the civil society and the legislature and 19 journalists covering the proceedings for various media houses.

According to Lanre Arogundade, Co-ordinator of IPC, the public hearing was designed to enable representatives of the civil society impress on elected representatives the benefits accruable from the enactment of the Freedom of Information Law especially from the point of view of promoting openness, accountability, transparency and good governance.

Lanre Arogundade and Tive Denedo, Ag. Executive Director, Media Rights Agenda (MRA) made opening and introductory remarks on the FOI campaign, while Hon. D.A Lawal representing Hon. Asimiyu Alaraape, Speaker Oyo State House of Assembly formally opened the round table discussions.

The event witnessed presentations by Professor Ademola Popoola of the Faculty of Law, Obafemi Awolowo University, Ile-Ife who spoke on ‘Freedom of Information and the Enhancement of Citizens' Participation In Democratic Governance - Doctrinal and Comparative Perspective’; and another by Comrade Mashood Erubami, chairman of the Campaign for Democracy, titled: Access to Information, Human rights and Government Accountability - Establishing a Relationship.

Prof. Popoola, while noting that corruption and other vices have led to a stunt in the growth of the Nigerian nation, the need for vigilance on the part of the citizenry makes it imperative that they must be well informed about issues of public concern. This he said an FOI regime will facilitate.
Professor Popoola made a unique submission to the effect that despite the existence of the FOI bill in the National Assembly, nothing in the Nigerian constitution stops the State Houses of Assembly from initiating similar bills in their respective states to provide access to information for the citizens. Moreover he said this would conform to the principles of Federalism as obtained in places like the United States of America.

In his paper, Comrade Erubami, noted that the philosophical underpinning of the 1999 constitution "is the recognition of the freedom of the media to receive information and impart ideas" and that "access to information is itself a human rights and withholding of information is a human rights violation which is presently non justice-able".

He concluded that "to effectively fight corruption and bad governance in Nigeria the official secrets act and other allied laws or promulgation must be repealed and access to information by the citizens must be promoted. It is in this respect that we must start to lobby and pressurise the National Assembly to enact a freedom of information Act for us".

The presentations and the subsequent discussions provided the framework for the division of the round table into two working groups, to consider factors in promotion of good governance through freedom of Information Act (FOIA) and relevance of the Act to activities of Civil Society"; and Strategies For Effective Lobbying Leading To The Passage Of The FOI Bill.

The reports of the two groups were adopted in principle by the round table, which also agreed that it should form the basis of the communiqué.

From the adoption of the groups’ reports, the round table moved to the public hearing segment on the second day. Chairman of the session was Mr. Sola Isola of the Independent Journalism Center (IJC) while the Special Guest was the Hon, Speaker of the Lagos State House of Assembly, Dr. Olorunimbe Mamora. Two members of the Lagos House - Hon. Jide Omoworare and Kola Oyewo, accompanied him. Also in attendance was large audience as more journalists on the entourage of Dr. Mamora joined the previous day's participants as well as Media Executives from the Monitor newspapers.

Submissions on different ways in which the FOI is desirable, were made on behalf of the participants by Wale Adeoye (JODER), Prof. Popoola, Comrade Erubami, Victor Oluwadamilare (Oyo NUJ Chairman), Wole Aina (NBA, Oyo), Ibrahim Bolomope (NLC, Oyo), Titi Obasa (Forksville) and Dipo Onabanjo (Editor, Monitor newspapers).

In his response, Dr. Mamora, and others on his entourage said the public hearing had enabled them to feel the pulse of and have useful inputs from the media and the civil society on the FOI Bill. They expressed support for the FOI Bill in the National Assembly observing that if passed into Law it would as a matter of fact facilitate the work of the legislature. They also noted that currently very many government records couldn't be accessed because of the absence of such a Law.

They agreed that FOI law will indeed promote and enhance good governance and pledged that the Lagos House will be willing to work with IPC and the Media-for-Democracy group towards examining the possibility of a similar FOI law being passed in the state.

In a communiqué issued at the end of the round-table, participants emphasized the need for massive awareness through the media- sponsorship of editorials, feature stories and columns that highlight the benefits of the FOI to the generality of the public.

They called for an intensive collaboration with NUJ on all aspects of the campaign and suggested that the campaign for FOI should be appropriately timed to coincide with certain significant dates, periods or events.

The communiqué also called on campaigners to enlist the support of the leadership and caucuses of political parties, opinion and religious leaders, traditional rulers, major interest groups like Manufacturers association and Labor unions, Policy makers and influential individuals in the society.

The communiqué also called on campaigners to, as a selling point, draw attention to the fact that FOI is supportive of the transparency/accountability policy of the Federal Government.
and could have been of tremendous assistance to the Oputa Panel and the anti-corruption commission.

Other points in the communiqué were that campaigners should enlist the support of vocal members of the legislature through advocacy visits and also legislative staff who could influence their bosses to support the bill, focus on students of tertiary institutions for the advocacy drive by getting them involved in campaigns for the FOI law and let them know the benefits of the bill to them in particular as students/researchers, and a call on funders to ensure adequate and sustained funding for the campaign.

Summarising discussions at the Federal Ministry of Education and the World Bank workshop, Professor Alfred Opubor, one of the resources persons said: "It is clear from the submissions of the penalists and the contributions of the participants that the general consensus here is that up till now journalists have not had adequate access to information. This has been a major problem. If journalists are to discharge their responsibilities adequately, it is clear, we all agree, that they need to have access to information."

Professor Opubor, a former head of the Department of Mass Communication at the University of Lagos, said it is good news that Nigerians are calling for a legal right of access to information for journalists at a time when the country is just building democratic governance. The beauty of democracy, he said, is that the average citizen can be heard. Yet this cannot be possible, he concluded, unless journalists have unfettered access to information.

President Nigerian Guild of Editors, Mrs. Remi Oyo, used the opportunity to advise journalists to de-emphasis the negative aspect of news. According to her, if a content analysis of the Nigerian media is undertaken, the common things that make news would be crisis such and strikes, examination malpractices and so on. "Yet there is a need to go beyond those negative aspects to really look at issues such as why some parents prefer to put boys in school rather than girls", she added.

MRA Commends National Assembly

M edia Right Agenda (MRA) in February commended the National Assembly in its bid to create a conducive enabling environment for the practice of journalism in Nigeria through the anticipated enactment of five press laws. Senator Jonathan Zwingina, Chairman, Senate Committee on Information, disclosed the intention of the national assembly to journalists during a press briefing.

MRA in a press statement signed by its Acting Executive Director, Mr. Tive Denedo, said it believes that the enactment of these Acts will not only strengthen the practice of the profession but will ensure that all media establishments that are expected to be covered by these laws will be run along strict statutory provisions.

MRA said it is "enthusiastic about the changes ahead because there will be true professionalism in the media and performances will be enhanced as all involved in the management of the media will be bound to perform along lines that will give due respect to the promotion and the protection of the law governing the operation of the media in Nigeria".

The statement added: "We are particularly happy that the days of arbitrary appointment of the Director - General of public media corporations by the President will soon be over. It has been the position of MRA over the years that government ought to and must abide by the provisions of the laws on the appointment of the boards of those public media".

MRA said it is looking forward to see a law that will put an end to the exploitation of journalists who are always deprived of their salaries and allowances for month by media owners.

Further, the statement noted: "We are certain that the contentious issues of remuneration properly resolved, the journalist will receive added impetus to carry out his task of reporting with more confidence and professionalism. Although it will not in one fell swoop reverse all the ills
associated with the profession, it will go a long way in reducing the ugly incidences that characterize Nigerian journalism today”.

While we appreciate the efforts of the National Assembly for that significant move, we want to ask that they should consult credible Nigerians who understand the issues involved to make input into the Bills. This is to ensure that they avoid making laws that would be later found to serve just the interest of groups”.

**Ethnic Sentiment Dominates As NPAN Elects Officers**

The Newspapers Proprietors Association of Nigeria, (NPAN) met for two days early March in Abuja, for its Annual General Meeting/Conference at the end of which new officers to run its activities were elected. Participants called for compliance with high ethical standards and professional codes in the practice of journalism. The theme of the conference was "Media, Democracy and Development.”

Chief Olusegun Osoba, the Ogun State governor who represented President Olusegun Obasanjo called on NPAN to act as stabilizing force in the industry. He also drew attention to “pockets of embarrassment by the unscrupulous activities of some associations” whom he accused of openly demanding money and thereby embarrassing the journalism profession. Chief Osoba also lampooned many of the soft sells magazines whose activities he said are embarrassing.

Chairman, House Committee on Information, Chijioke Edeoga, who represented the Speaker of the House Alhaji Ghali Na' Abba, pledged the continued support of lawmakers to the media. He attributed delay in the passage of the Freedom of Information Bill (FOIB) to the need for the amendment of certain sections of the document as it generated a lot of criticisms when it was presented before the House. He also commended journalists for fighting colonialism and military rule.

The election of officers saw the emergence of Ray Ekpu, Chief Executive Officer of Newsatch magazine as President. He replaced Mallam Ismaila Isa. The Annual General Meeting had amended the association's Constitution prior to the election.

Chief Segun Osoba was awarded the grand and life patron of NPAN.

The election was almost marred by the refusal of some candidates to step. This was a departure from the path of consensus that used to hold sway during such elections.

The refusal of two of the three presidential candidates to step down forced the association to resort balloting. The tempo was raised by the decision of Mr. Ekpu, immediate general secretary of the association, to join the presidential race. He had earlier indicated that he was not interested in any position. He contested with Chief Ajibola Ogunshola, Chairman, Punch Nigeria Ltd and Chief Sunny Odogwu, publisher of The Post Express.

The insistence of the contestants to slog it out at the polls worried most delegates. It was the first time since its 40 years history. Ekpu himself buttressed this in an interview with The Guardian in January when he said: "Election into NPAN offices is not a kind of election where you expect a lot of electioneering. It is something that would be decided by the members quietly. I do not think there would be serious electioneering. … We know those who have been active in the association and those that can handle specific areas."

Mr. Ekpu, however, told journalists during the conference that his decision to contest was due to pressure. "After the publication of the story where I indicated lack of interest in vying for any post, a number of the journalists started calling me saying "Why should you leave this thing to a non-journalist to take over?' They started asking me to join the race. That is just the long and short of it."

Another point raised by the Ekpu's campaign team was the fact that out of the three major sectional groups within the media, Yorubas are heading two - Nigerian Union of Journalists with Smart Adeyemi while Mrs. Remi Oyo is the president of the Nigeria Guild of Editors - hence NPAN should have somebody from another ethnic stock as its leader.
Desperate to mitigate any ill feelings among delegates as a result of the refusal of any of the contestants to step down for the other, and avert a divided NPAN, Governor Osoba, a former president of the association, pleaded: "Election is good for democracy, but NPAN has been very stable because the rank and file of the association has not allowed it to be polarised. We always played the game with maturity and sense of duty. We should not go by ballot. That has always been the tradition and I hope it has been helpful". But none heeded his admonition.

He referred to an incident sometimes in the past when the late Chief Moshood Kashimawo Abiola and Mallam Isa were contesting for the same post. "We simply asked the two candidates to resolve between themselves. And we locked the two in a room and when they came out, we were not told about the outcome. Chief M.K.O. Abiola left thereafter to Ikorodu for an Islamic programme. But when it was time for election; Mallam Isa just stood up to nominate Chief Abiola and the rest was history."

Elders within the profession like Prince Tony Momoh, former information minister, Alhaji Alade Odunewu, Chief Bob Ogbuagu, Mr. Sam Amuka and others tried to convince the association not to resort to balloting. They resorted to a series of meetings held till 12 mid-night on March 1 to ensure that the issue was amicably resolved. But their efforts failed to yield the desired result.

Out of the 16 members of the new executive council, only the post of the president was decided through the ballot on the night of March 2. Prince Momoh was the chief electoral officer, assisted by Dr. (Mrs) Doyin Abiola. And at the end, Ray Ekpu was elected as NPAN President.

Other offices were filled through consensus - Haruna Mohammed of Citizens Communications (deputy president); Gbenga Oni-Olusola of ThisDay (first vice president, South); Dr. Onukaba Adinoyi-ojo, managing director, Daily Times of Nigeria Plc (second vice-president, north); Emma Agwu of Champion (general secretary), Kabiru Yusuf of Daily Times (assistant general secretary); Alhaji Liad Tella of The Monitor (treasurer); Mohammed Danyaro (financial secretary); Martin Akirija of Vanguard (publicity secretary) and; Ebere Wabara of The Post Express as assistant publicity secretary.

The ex-officios are Amin Bin Martin, Jide Ogundele, Comfort Obi, Dr. Omar Farouk, Abubakar Coomisie and Abdul Kadir Albishir

Despite the high level politicking that characterised the election, the occasion provided the platform for critical assessment of the state of the media industry.

Specifically, the two-day event featured three presentations by Prince Momoh, Mr. Biodun Shobanjo, chairman, Insight Communication Ltd and Daniele Landry, EU country representative of UNFPA, represented by Mr. Tommy Odemwingie.

Against the backdrop of the conference theme which was Media, Democracy and Development, Malam Isa actually set the tone of discussion when he declared that the media, out of all the institutions, remains the indispensable tool "to guard our democracy. In recent times, he stressed "there have been publications about threats to our democracy which appeared to be more on incitements than factual account of actual threats. "I want to say that doomsday publication will never help Nigeria. They will not help the image or the credibility of the press either. They can only provide oxygen to the forces of evil. We must exercise our freedom in full realisation of the fact that we can only sustain press freedom by sustaining democracy”, warned Isa.

He told the delegates that the publisher's body was making its contributions to the proposed Nigerian Media Bill and the Freedom of Information Bill being considered by the National Assembly.

With these Bills, he hoped that the existing obnoxious laws such as the Official Secrets Act and all the anti-press and anti-people laws enacted in the immediate post colonial and military eras would be history.

He, however, expressed concern about the proliferation of beat associations and called on the leaderships of NUJ and NGE to put a check on these groups. The publisher of the defunct
Democrat criticised what he termed "auctioning of media awards to governors, ministers and other political office holders and businessmen". This development according to him has done much damage to the image of journalism profession.

He would also like the Information and National Orientation Minister to revisit the issue of the Press Council. "We believe that the Press Council, properly assembled and properly run can serve as a bulwark against oppression by the government and tyranny by the media," he noted.

He called on the minister of information to as a matter of urgency summon a conference of stakeholders in the media to ensure the realization of the genuine objectives of the press council hoping through such, the contentious areas of the Council would be reviewed.

Governor Osoba decried the activities of beat association stressing that "they have caused the profession pockets of embarrassment."

Picking on soft sell publications which he considered most unethical in their conducts, Governor Osoba called for a coming together of the sectoral groups within the media to sanitise the profession and as well canvassed a registration of "real practitioners". He condemned the effrontery of those he termed fake journalists "that are now denting the image of the profession."

But Mrs. Remi Oyo, president of NGE believes that professionalism would be greatly enhanced if publishers could endeavour to pay better package to practitioners. She revealed that a stakeholders' meeting is underway to address some of the problems confronting the profession lately.

Speaking under the topic, Repositioning the media in a democracy; Prospects and Challenges, Prince Tony Momoh, said a direct choice for stakeholders to make is one between assertion of ownership and sustenance of a social and constitutional mandate to monitor governance.

"This choice is more relevant than a fear that the newspaper may very soon be assigned to the dustbin as a phase in man's progress in his march through time", he said.

He added that while a vote for ownership is the exercise of a right, the emphasis on governance monitoring is a societal demand that a duty be performed.

"It is the success with which we manage the issues arising from the right to own, establish and operate a medium on the one hand and the obligation to monitor governance and hold actors in the polity accountable to the people on the other, that will determine our relevance in the new dispersion," he noted.

He, however, voted for a mid-point approach.

Although the conference has come and gone and winners and losers have emerged, indications are that the outcome of the election will generate ripples in the very near future.

**DTN Inches Closer to Privatisation**

Nigeria's oldest newspaper, *Daily Times*, published by Daily Times of Nigeria (DTN) Plc has inched closer to the privatisation block as the process which began last year gains momentum. Indications to this effect came late January during the 70th Annual General Meeting (AGM) of the 75 year old newspaper company held at Eko Tourist Beach Resort, Akodo, Ibeju-Lekki, Lagos. The meeting was the first to be held in seven years.

The meeting, earlier scheduled for December 17, 2001, according to initial timetable for the privatisation of DTN released on November 20, by the Bureau of Public Enterprises (BPE), was later shifted to January 17. That date was scuttled by the nationwide strike embarked upon by workers over the increase in the price of petroleum products.

At the meeting, shareholders gave their nod to the divestment of the federal government's 60 per cent equity in the firm and also approved an increase in the authorised share capitals of the company from N50 million to N550 million by the creation of fresh ordinary shares of one billion of 50 kobo each.

This approval followed the prompting of the company chairman, Chief (Dr.) Yemi Farounbi who had said the need to increase the company's authorised share capital was compelling and inevitable. He complained that: "The current share capital is ridiculously low. We
need your approval to raise the share capital and to inject more funds into the company through an offer for public subscription. I have no doubt at all that the measure will enable your company to regain its leadership in the media industry”.

The shareholders also approved the divestment of the 14.40 million shares held by NICON Insurance Plc and directed that they should be sold on the floor of the Nigerians Stock Exchange (NSE) at the price to be determined by the directors.

Shareholders at the meeting were presented the financial statements of the company in the last six years. Its 69th edition was held in 1995, during the tenure of Chief Tunji Useni, which represented the year ended February 28, 1994.

In an attempt to prepare shareholders for the marginal improvement in the company's accounts which continues to be in red, Chief Farounbi noted that the Nigerian business environment had until the advent of democracy in May 1999, been characterised by political instability, poor economic performance, increased poverty among the generality of the people.

Indices of harsh business environment according to Farounbi include, deteriorating power generation, high inflation rates, overbearing interest rates as well as low purchasing power of the average Nigerians.

Under these conditions, he lamented that DTN did not fare very well. He cited ageing machinery, especially the printing presses; high cost of materials and production; acute lack of working capital and a generally hostile public perception of the company as a mouth piece of government among others as factors that affected the fortunes of the company.

The chairman explained: "The company recorded low turnovers as well as trading losses since the last six years. The trend has continued in the current years, though signs of improvement have begun to show in the books. The 2000/2001 turnover and loss after tax are N160,679,000 and N359,977,000 respectively."

He attributed the improvement to some daring measures taken by the Dr. Adinoyi-Ojo led management. These measures, according to him, include reduction of debts with banks and trade creditors; as well as debts settlement through batter arrangements. The chairman added that staff welfare and remuneration have improved with new conditions of services now in place. This is in addition to blocking of leakages, drastic reduction of wastages, resting of non-performing subsidiaries while unprofitable titles are no longer being published separately. "Some of them now come as inserts in our papers", Farounbi said.

One of the new measures include the movement of operations of the company at Kakawa and Apapa to the Agidingbi premises.

The chairman also informed: "Printing is currently undertaken on a 14-year old Orient Community Press, installed in 1999. In tune with modern trends, the entire operations of the company have also been computerised. The editorial content and packaging of our publications have improved significantly. The confidence of readers and advertisers is gradually being restored."

But for the company to reclaim its esteemed position in newspaper market he appealed to shareholders to decisively address the issue of ageing machinery, and recommended additional capital injection to complete the turn-around programme.

Farounbi also admonished that realistic step should be taken concerning several unserviceable landed assets of the company scattered all over the country.

In his highlights of the reports of the company, Managing Director/Chief Executive Officer, Dr. Onukaba Adinoyi-Ojo regretted the loss of the West Africa Publishing Company, publishers of West Africa magazine, a foreign subsidiary of DTN sold to the Graphic Corporation of Ghana in 1999. Until the sale, he stated that the company remained a major property of DTN. It showed signs of ill health for long and was bailed out several times by the federal government.

Unlike West Africa, Adinoyi-Ojo said that the present management was able to save the DTN property at Cold Harbour Lane, London. The property has been refurbished and rented out to the Housing Association. Another highpoint of the AGM, was the election, by shareholders, of the present board to continue in office.
However, shareholders restricted the process of privatisation by the BPE to the 14.4 million shares held by NICON while the board was empowered to offer them for subscription to the public.

It was also resolved that the loan of N145 million granted the company by the BPE and NICON plus accrued interest and subsequent funds be made available for the payment of salary arrears and gratuities owed to staff. Other source of funds for the exercise, the meeting agreed, should be proceeds of the offer for subscription.

Specifically, the board was mandated to speed up the process and conclude it in three months so that proceeds from the offer could be made available immediately for the company. They commended the turn around in the editorial content of the paper.

Armed with the shareholders' mandate, it is expected that other steps in the privatisation time-table would be followed faithfully and swiftly. The initial time-table had anticipated that on January 7, the BPE would receive the approval of Security and Exchange Commissions, while the meeting of the stockbroker and the newspaper management would have held January 8 and 9.

If steps are accelerated and the timetable is made to run according to earlier schedule, applications are expected to close in early March and the issuing house to receive returns from receiving agents on March 15. The allotment meeting involving BPE, the newspaper authorities and the issuing house is stated for March 22. While the issuing house is expected to send allotment schedules to SEC on March 25 and BPE will receive SEC's approval of allotment on March 29.

Advertisement allotment, disbursement of proceeds to BPE/DTN, disbursement of surplus/return of money and distribution of share certificates are all slated for April 1.

This will be followed with the submission of declaration of compliance to NSE by the stockbroker on April 8, while listing in the NSE which will climax the privatisation exercise, is fixed for April 6.

Due to the leadership role of the newspaper and the respect, it became the highest selling newspaper in Nigerian for many decades. The military government of General Obasanjo took it over in 1978. But the newspaper in the 1990s fell on bad times following interferences in its management and editorial independence by the military during their brutal and dictatorial reign. This led to a drastic readership and respectability. The government recently divested its interest from the company and many believe privatisation is the sure measure to salvage it from its present unviable state.

**Nigeria Demands CNN Reporter’s Removal**

The Federal Government has asked the American Cable News Network (CNN) to withdraw its correspondent from the country over alleged bias in his reportage of events in Nigeria. Nigeria's Minister of Information and National Orientation, Professor Jerry Gana, disclosed this on February 11 in Abuja. He said a demand has been made that the CNN correspondent in Nigeria, Jeff Koinage, be transferred from the country with immediate effect.

The order followed a report on the recent crisis in Lagos which the Kenya born journalist said that over 25% Nigerians he spoke to expressed a preference for military rule. Jeff also reported that the military had virtually taken over a quarter of Lagos. Mr. Koinage was earlier invited by Prof. Gana who told the journalist in clear terms that his report was inimical to the well-being of Nigeria.

Following the incident, Prof. Gana had a dialogue with all the foreign media correspondents in Nigeria.

In the riot, which occurred in the predominantly Hausa settlement of Idi-Araba, in Lagos mainland, over 55 people were killed, 200 wounded and over 1,000 houses were destroyed according to figures released by the Red Cross. Some newspapers said the number of deaths were over 100 at the time fighting was brought under control. The Lagos state government was
compelled to shut public schools and soldiers were deployed to the troubled spot and other volatile areas in the state for fear of the fighting spreading to those areas.

Mr. Koinage's reports were greeted by protests by some Nigerians in some parts of the country. But the spate of demonstrations were clearly sponsored by government officials who were conscious of the implication of allowing such an impression by a respected media such as CNN to go unchallenged. This becomes evident when considered against the backdrop of the fact that most of the people who took to the streets to protest the reports were ordinary folks who have no access to local television much less CNN, which broadcast on satellite. They could not, therefore, have watched the reports and were obviously edged on to stage the protests.

Even the Nigerian media got caught in the CNN-bashing. Many journalists, commentators and media organisations including The Guardian, Thisday, The Punch, Daily Champion, TheNews magazine in their reports and editorials portrayed Mr. Koinage's report as unfair and unrepresentative of the true situation in Nigeria in addition to taking exception to his use of words.

Specifically, some media observers said they were bewildered and disappointed that the CNN correspondent, Koinange, would employ "exaggerations", "innuendo" and "over-zealousness" in reporting events happening in Nigeria.

ThisDay newspaper in an editorial published on February 19, noted: "The reports were not just an exaggerations, but mischievous... it could be suspected that the overall aim was to give the world the impression that Nigeria is in a state of war; and that nothing good could come out of Nigeria.

It continued: "The report, strictly speaking, was in line with the racist and imperialist view of the black world by the white supremacists of the colonial era."

Paradoxically, many Nigerian media have lavishly published reports of highly placed Nigerians calling for the removal of President Olusegun Obasanjo even through a coup.

The only reprieve for CNN came from Campaign for Democracy a human rights group, which in a press statement by its Secretary General, Dr. Joe Okei-Odumak, urged Nigerians to search their minds to determine whether events in the country could trigger demands for the return of the military.

Before the February 5 report, which sparked the latest protest, Lagos State governor, Bola Ahmed Tinubu had on January 29 also expressed disappointment with the CNN initial report on the January 27 bomb explosions at the Ikeja Military Cantonment.

The correspondent reported that Lagos was being bombed. This was some few minutes after the explosions began. The governor and some Nigerians held the view that that reporter should be partially held responsible for instigating the stampede that led to death of over 700 people at the Oke Afa canal, Isolo.

Governor Tinubu's outburst was followed by the state House of Assembly’s threat to declare him a persona non-grata and repatriate him.

The Plateau State government asked the federal government to close down completely, the Lagos operational office of CNN for its "satanic report on Nigeria," believing that such reports are capable of derailing the democratic experience and tempt the military to come back to power. Mr. Ezekiel Gomos, secretary to the state government described the report as "condemnable, despicable and horrible."

The Oyo State Governor, Chief Lam Adeshina said: "I condemn the CNN reports of the communal clashes in Lagos State. It seems to escalate the incident. By this act, President Olusegun Obasanjo should know who are true friends of Nigeria."

Enraged National Broadcasting Commission (NBC) director General, Mallam Danladi Bako said the foreign broadcast media have disregarded the rules and regulations guarding the broadcast of certain events in the country adding that "the commission does not want to be seen as too fastidious, but must be seen to be protecting our airwaves and our national image."

The Nigerian Labour Congress (NLC) leader, Adams Oshiomhole said it was misleading and criminal for anyone to suggest that Nigerians wanted an overthrow of the democratic system
which they had laboured so hard to build. He added that: “With this type of report, the CNN is doing a grievous harm to its hard-built reputation of fair reporting.”

In Port Harcourt, the Rivers State capital, thousands of citizens on February 8 poured to the street to protest the report. The placard carrying protesters marched to government house saying that the views expressed by the CNN did not in any way represent that of the people of the Niger-delta who were subjected to indescribable degree of neglect despite the fact that the region produce the lion’s share of the country’s earnings.

**NTA Loses ‘Exclusive Broadcast Right’**

Controversy over issue of "Exclusive right" to broadcast in Nigeria which have soured the relationship between the national television and independent broadcasters in Nigerian looks set to be resolved. The Nigerian Television Authority (NTA), which enjoys exclusive rights for television broadcasting in Nigeria may have lost that privilege with the passage of the NTA bill 2002 by the Senate. The NTA Bill if passed into a law, will replace the NTA Act 1976.

The Senate has deleted Section 7 of the NTA Act, which initially conferred on the authority exclusive rights to broadcasting in Nigeria in a new bill it recently passed. Under the NTA Act 2002, the preamble would now read "a bill for an Act to establish the Nigerian television Authority to be charged with the partial responsibility for the provision of public television broadcasting in Nigeria and other matters related thereto."

Chairman, Senate Committee on Information, Senator Jonathan Silas Zwingina, made this known when he presented the committee's report at the resumed senate sitting recently.

Mr. Zwingina said the committee had overhauled the NTA Act and fashioned a new bill entitled: "NTA Bill 2002" and that the bill has been abridged to only 25 sections as against the former 36 section.

Mr. Zwingina also said that Sections 14, 15, 16, 17 and 18 which provided for Zonal boards of NTA but which had since been abolished and not reflected in the NTA Act have been deleted in the new bill.

He said Sections 27, 28 and 29, which necessitated the amendment of the NTA Act, following a dispute between the NTA ad a private television producer, Charles Oputa alias "Charlie Boy", have also been deleted as they were in conflict with the 1999 Constitution and the National Broadcasting Commission (NBC) Act No. 38 of 1999.

Sections 27 and 28 of the principal Act (1976) made it difficult to take NTA to court when the authority infringes on other's rights. Senator Zwingina contended that such sections "were not only outdated, but also unconstitutional," hence, the need to remove them.

Also deleted in the new Bill is Section 2, which provides that members of NTA board are to be appointed by "the national council of ministers on the recommendations of the minister for information". In its place, the new Bill provides that "members shall be appointed by the president subject to confirmation by the senate". Also, the position of five zonal chairmen would be replaced with five members from the management who shall be designated as executive directors.

However, the senate turned down the request by private stations that NTA should stop receiving advertisements because it gets subvention from government.

Zwingina said the public hearing organised by the committee on the proposed NTA amendment generated heated debates and interests, but that all parties agreed that the NTA Act "was replete with draconian, undemocratic and unconstitutional clauses" which required fine-tuning.

**States Assembly Speakers To Discuss FOI Bill**

The conference of speakers of the various state Houses of Assembly in the country held March 5, in Jos, Plateau State Capital, considered the desirability or otherwise of the Freedom of Information (FOI) Bill currently before the National Assembly, a major item on the agenda.
The speaker of the Lagos State House of Assembly, Dr. Olorunnimbe Momora hinted at the University of Ibadan during a public hearing organised by the International Press Centre (IPC) on the Freedom of Information Bill, that he would make the issue one of the topics for discussions at the speakers' forum.

Mamora, who is the chairman of the speakers conference in his address at the roundtable, expressed delight over the FOI Bill saying: "when the Act is put in place, we will have access to information".

"We can only know the truth if we have access to information. There must be access to information at every level", he stated.

Mamora who gave the assurance that the Lagos State House of Assembly would go over the Freedom of Information Bill and support it accordingly, further pledged to mobilize the conference of speakers of the various state houses of assembly to pass a resolution in support of the Bill.

Earlier, in an address, the coordinator of the International Press Centre, Mr. Lanre Arogundade, urged Dr. Mamora to use his good offices to mobilize his colleagues to pass a simple resolution urging the National Assembly to pass the Freedom of Information Bill into law without further delay.

A five-point communiqué issued at the end of the public hearing advocated that all organs of mass communication, including the internet, be deployed to create massive awareness for the FOI Bill.

Dispute Between The Punch, Vendors Fester

Two vendors: Joseph Oziegbe (28) and Moses Odiase (37), in February, appeared before a Benin Magistrate's Court on a three-count charge of malicious damage to property belonging The Punch Nigeria Limited.

In the charge MB/177C/2002, the vendors were alleged to have on February 8, 2002 at Akpakpava area of Benin, conspired together to damage copies of The Punch newspaper, contrary to the provision of Section 451 of the Criminal Code Caps 48 Vol. II Laws of the defunct Bendel State of 1976 as applicable to Edo State.

They were also alleged to have conducted themselves in a manner likely to breach public peace.

Besides, they conspired to commit misdemeanour to wit, cause malicious damage to property, contrary to the provisions of the criminal code.

The accused persons pleaded not guilty to the charges and were released on bail by the Magistrate, M. N. Dirisu in the sum of N10,000 each.

Dirisu subsequently adjourned the case for hearing on March 1, 2002.

The vendors and management of The Punch newspaper have been at logger heads over the commission accruable to the latter for sale of the newspaper and the issue of liability for unsold copies. The management of the newspapers says vendors should purchase the quantity they can conveniently sell in order to halt the return of unsold, but the vendors insist that they cannot guarantee that all the copies purchased by them would be eventually sold off.

State, Media And Good Governance - By Abdul Oroh

I am particularly pleased to be here today as Executive Director of the Civil Liberties Organisation. Although this bill is yet to be passed I recall with excitement how we dreamt of a day we would be able to sit before our democratically elected Assembly to discuss this bill. This bill is a product of many years of struggle. When the CLO, Media Rights Agenda and the Nigerian Union of Journalists (NUJ) came up with the idea of a Freedom of Information Act, we were not under any illusion that the tyrannical military regime will enact the bill into law. All we were left with was hope that one day, the power of the people as is being expressed in this chamber today, will prevail.
This bill was designed basically to address issues affecting us all in this country and to seek ways of proffering solutions to the lingering problems of poverty, illiteracy, unemployment, crime, diseases, declining standard of education etc, and how to get the people involved in solving these problems.

At the heart of this problem is the issue of corruption. "Corruption" according to the President, Chief Olusegun Obasanjo "is the misuse of public power for private and personal benefit. It is carried out in secret; the act itself may not be immediately perceptible but the main victim is the public at large".

Corruption manifests in the denial of the people's basic necessities of life, including the taking of life itself. It manifests in the leadership reveling in unbelievable affluence while the rest of the population wallow in abject poverty.

Corruption damages social and economic development in various ways. It destroys proper decision-making process. Decision-making becomes irrational, short-sighted and motivated by greed. Resources are squandered on projects that are not suitable or needed by the people. It leads to waste and loss of confidence in governance.

Corruption in any society is disabling and oppressive because while the act of corruption may not be in the open, rumours normally circulate widely. This increases fear and insecurity in the minds of the rulers and because the rulers are insecure, they manipulate the electoral process by abusing power and using money to corrupt the people. Such leaders normally commit more atrocities by maintaining iron-clad hold on power and the governed, thereby becoming increasingly dictatorial, unreasonable, ruthless and more vicious.

With corruption, good governance disappears, insecurity is engendered and society is threatened and ultimately, destroyed.

Today, we are challenged to enact a law that will guarantee and safe-guard transparency and accountability in Government. No issue is more important in Nigeria today than the question of how we are governed and our right to know what our leaders are doing in our name with our tax money. These issues are important because they are at the heart of democracy. Without transparency, openness and accountability, there cannot be good governance and without good governance, democracy is endangered. A free press; a vigilant populace, a visionary leadership, an alert and creative legislature; and an upright judiciary, are the doors, which this bill seeks to open. This bill seeks to close the door of corruption done under the guise of official secrecy. It will close the door against the commission of crimes in the name of state security. It will close the door against those who cherish operating in the dark confines of officialdom.

Accountability is about oversight, monitoring, auditing, control, exposure and punishment. It stands on two distinct pillars - answerability and enforcement. Accountability means that public officials and agencies should provide information about their actions and decisions; and to justify them to the public and specialized accounting bodies with authority to monitor their conduct.

The second pillar is the capacity of an accounting party to impose sanctions on the accountable party in cases of manifest misconduct in office. In other words, accountability means that a public officer must explain his actions and conduct and if he has done any illegal act (like corruption) that is against the interest and welfare of the people, he should be punished.

Transparency means that government actions and activities are not shrouded in secrecy. They are done in the open with various guidelines scrupulously followed; ambiguities clarified and decision taken in the best interest of the people.

A good government is a set of ideas about the legitimacy, competence and accountability of government. It is about respect for human rights and the rule of law, which together add up to what most people expect from those who rule over them.

Good governance is not an end in itself. It is a means of achieving wider goals, such as social and political development, alleviation of poverty and protection of the environment. It is about security of life and property. It is about peace and prosperity.
Good government is the essential framework within which business can flourish and provide economic prosperity, and ordinary citizens can seek to have their health, educate and welfare needs met. Without good governance, social, economic and political progress is difficult to achieve and impossible to guarantee.

The legitimacy of government depends on whether it has the consent of those it governs and can be removed by peaceful political process. Good government encompasses and facilitates the participation of all groups in society in the government of a country either directly or through their elected representatives. Whether you are young or old, literate or illiterate, man or woman, prince or pauper, good governance is about participating directly in government or electing your own representatives freely. Good governance is about the public and its right to know how the government it elected operates. Good governance is about the people being consulted about standards of public services and asked about their priorities for improving them.

Good governance is an open government. The activities of government should be open to scrutiny by the public and their elected representatives. It is a sign of good governance that elected people explain their decisions and actions to the public. Information should be readily available about how public services are run, who is in charge, how much they cost and whether they are meeting their standards.

Good governance is accountable and ensures that those who are responsible for making decisions about public services and for delivering them can be identified and held to account for their actions.

Good governance demands that there should be clearly defined standards of behaviour and performance for both politicians and officials.

Good governance means making sure that public money is spent wisely and well, for the taxpayer as well as the users of public services. Public services should be delivered efficiently and economically within the resources that can be afforded. It requires that public transactions be done in the open and if it has to be awarded as a contract the contract must be subjected to competitive bidding done in the open and the best bidder is awarded the contract.

Good governance is responsive to the needs and aspirations of the people. When something goes wrong a government should offer explanations, an apology and a swift and effective remedy if the promised standard is not met.

Information about public services and the activities of government gives the people a stronger voice to ask questions about the government's commitments to the people and how these commitments are being met. Good governance calls on public service organisations (like NEPA, NITEL, Water Board, Schools Board etc, to reach out to the public and make sure it receives full, accurate information about their activities. Special efforts should be made to disseminate information in languages understood by all including ethnic minorities and those with hearing difficulties. Public services should be equally available to all those who are entitled to them. Good governance should make sure that nobody is excluded or left behind for ethnic, cultural or linguistic reasons or for reasons of gender, mental or physical disability.

Good governance depends on well-informed citizens who can respect the rule of law, enjoy freedom of association and expression.

**WHY THIS BILL?**

For 30 out of 41 years Nigeria's independence, the basic elements of good governance, as enunciated above have been absent in the political leadership of Nigeria. Successive military regimes introduced despotic laws and regulations, which stifle free expressions, individual initiatives and promoted a culture of fear, apathy and fatalism.

Between January 1995 - June 1996, one hundred and twenty instances of harassment of journalists and media house, were recorded by the Civil Liberties Organisation. During this period, sixty Nigerian journalists fled into exile, while national borders and airports were shut against foreign journalists. During this period, twenty-three newspaper titles were proscribed, media houses were fire-bombed, seizure and confiscation of publications were rampant while
publications of doctored versions of critical newspapers were published. However, it is quite clear and a matter of historical fact that the role-played by the media especially the critical press was largely responsible for the restoration of democracy in Nigeria.

The House of Representatives is under constitutional obligation to make laws for the good governance of Nigeria and not to allow or tolerate any law that abridges freedom of the press and of expression. The House should adopt to protect this freedom in this bill, which in our view, takes into account our historical condition as an oppressed people and recognises our quest for freedom, democracy and good governance.

**CHALLENGES**

Article 19 of the United Nations’ Universal Declaration of Human Rights unequivocally declares: "Everyone has the right to freedom of opinion and expression, this right includes, freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

This broad definition of our right to freedom of speech and the press, challenges the Nigerian state and indeed all democracies to open up their societies to allow new ideas thrive and for the press to rise to its constitutional duty of holding public officers accountable for their actions. Section 39 of the 1999 constitution commands (I use the word "command" here deliberately because the constitution was imposed on us by the military) the press to hold government accountable to the people. This responsibility includes to report on information about legitimate public interest and serving as a public watchdog, thus enhancing informed contribution to public policy debate. However, the constitution did not give the press the legal latitude to carry out this sacred duty. This bill will give the press and all Nigerians the right to an open and accountable government.

This bill challenges and offers the opportunities for expanding the frontier of freedoms, for strengthening institutions of governance and deepening the democratic process. It offers us a choice between democratic reversal and democratic consolidation.

This bill, challenges the National Assembly to balance the right to press freedom and access to information against other social and individual interest. In our opinion, this bill has provided adequate safeguards against breach of privacy, defamation, libel, etc.

The House must therefore, resist the temptation of the typical sycophants to chorus that our press is free and therefore, does not need greater freedom.

**CONCLUSION**

This bill is not just about press freedom, it is about our rights to live in an open rather than a closed society. We must resist anything that will tend to confuse the noble intentions of this bill with the usual refrain on the need to "protect national security". National security is better protected in an open government where the interest of the people is the heart of governance.

This bill will enhance democracy, curb the culture of corruption, enhance popular participation and free the people from fear and apathy. This bill should be passed as soon as possible because the time to pass it is now.

*Mr. Oroh, Executive Director, Civil Liberties Organisation, presented this paper at a Public Hearing On "Access To Public Records And Information Bill", by the House Of Representatives Committee On Information.*

**MRM LAW REPORT: Tips On Defamation**

A defamatory statement is a statement which is published of and concerning a person and calculated to lower him in the estimation of right thinking persons or cause him to be shunned or avoided, to expose him to hatred, contempt or ridicule or to convey an imputation on him disparaging or injurious to him in his office, profession, calling, trade or business.
This was the position of Supreme Court in the case of Sketch Publishing Co. Ltd v. Ajagbemokerefe, (1989) 1 NWLR (pt.100) at 678 taking a cue from Gatley O. Libel and Slander 7th Edition.

In the case of Bower v. Sunday Pictorial Newspaper Ltd., (1962). The Times of July, 1962 the plaintiff was convicted for murder but the newspaper published an allegation that he had mental breakdown. The jury refused to accept the defence of the newspaper to the effect that since the man was a convict, he had no reputation to protect.

In defining libel, Lord Akin said it has to be a publication "that tends to lower the person in the estimation of right-thinking members of the society."

In an action for libel, the plaintiff must prove that:
(a) The defendant published in a permanent form, a statement
(b) The statement referred to the plaintiff
(c) The statement conveys a defamatory meaning to those to which it was published.
(d) The statement was defamatory of the plaintiff in the sense that:
   ▪ It lowered him in the estimation of right-thinking members of the society or
   ▪ It exposed him to hatred, ridicule or contempt or
   ▪ It injured his reputation in his office, trade or profession or
   ▪ It otherwise, for an imputation to the defamatory, it will have to be proved to have been to the discredit of the plaintiff because every person has a right to the protection of his good name, reputation and the estimation in which it stands in the society of his fellow citizens. And anybody who publishes anything injuring that good name, reputation or estimation commits the torts of libel.

However, it has to be noted here that it is not just any statement that angers or annoys someone that is libelous. Vulgar abuse or mere insult is not ipso facto defamatory.

In other words, the major ingredients in determining libelous scripts are falsehood, malice, imputation of fraud, accusation of immorality, inaccuracy, publishing of government report not officially released, invasion of privacy of individuals, among others.

It is quite unfortunate that these days, several publications throw overboard the law of defamation. I have found out that this is due mainly to (1) ignorance on the part of the editor/reporter and (2) stiff competition, necessitating outrageous and often embarrassing libelous stories with several write-ups in acidic, acerbic and vitriolic languages.

There is a particular soft sell weekly magazine which two months ago came out with a screaming headline. Pastor…in messy sex scandal. Even before I read the report, I knew from the reputation of the magazine, and the Pastor concerned who I equally know very well to be morally upright, that the report was false.

It was proved right after going through the report. It was a hatchet job, unprofessionally done, without any iota of truth of facts. It was pure fiction apparently sponsored by some or one disgruntled member(s) of the church.

However, it needs be stressed here that any imputation of immorality against a Pastor is libelous per se.

Many newspapers also carry stories of fraud and arrest of some suspects, acting on the erroneous information of their source. In the case of Festus Obayuwana V. Daily Times Suit No. B/127/4, the plaintiff was claiming N1million from Daily Times over a story published on January 31, 1984 with the headline Probe into N4million fraud in NET was alleged to have been arrested in connection with the fraud.

The plaintiff denied that he was ever arrested in connection with the incident. At the time of the publication, he said he was attending a conference in Benin where he presented a paper.

The newspaper in its defence, claimed that it merely reported what the Minister of Communication said while undertaking an official tour of his ministry. According to the editor, he merely published what the Minister, said, therefore pleading qualified privilege.
The court held the defence of qualified privilege the newspaper hid under, could not exculpate it because the publication was founded on falsehood, particularly an allegation of criminal offence that an innocent man had been arrested in connection with fraud. And the court awarded N50,000 damages against the newspaper.

To impute that a married Christian man plans to marry another wife. This is actionable because you are accusing the man attempting to commit a criminal offence liable to 7 years imprisonment. Bigamy is an offence and what you have accused the man of trying to do amounts to bigamy.

Accusing a lawyer or doctor of negligence. In the case of Sobayo V. *Daily Times* (1979) 4 OYSHC pt.1, the newspaper published a story with the headline Lawyer Sued for Negligence.

The story which appeared in the Lagos Weekend went thus: "An Ibadan based legal practitioner who put a teenage secondary school girl in the family was has been dragged to court. The parents of the 19-year-old girl, Ronke Sangosanya, alleged that the lawyer, Mr. Oyetunde Sobayo, had neglected Ronke and her nine-week-old child Mr. & Mrs. O. Sangosanya of N6/317 Oyo Road prayed an Ibadan Grade B3 Customary court for a declaration that of Mr. Sobayo of Mr. Sobayo Chamber, Oke-Ado, Ibadan was the father of the baby delivered by Ronke on March 19, this year.

The child, a girl named Ariyike, Mr. and Mrs. Sangosanya also asked the court to order Mr. Sobayo to take care of Ronke and her child. When the suit came up for mentioning, Mr. Sobayo was not in court. The suit was adjourned for further fearing. On December 19 of the previous year, the Lagos Weekend had reported that Mr. Sobayo, acting as a good Samaritan had offered to drive Ronke in his posh Mercedes Benz car plate No. WAS 444 from Molete to Mokola, Ronke, a class four pupil of an Ibadan High School was returning home from Molete, Mr. Sobayo changed course and drove Ronke to a guest house at the Liberty Road, where he had sex with her. After the exercise, Mr. Sobayo, gave N40 to Ronke to buy drugs.

Later, Ronke's parent discovered that she was pregnant and subsequently started to look for the person responsible. A business card given to Ronke by Mr. Sobayo after the sexual act provided the clue.

However, the police were brought in when efforts to have Mr. Sobayo accept responsibility for the pregnancy failed. The parents therefore petitioned the then Oyo State Governor, Brigadier David Jemibewon, the then Ogun State Public Service Complaints Commissioner, Dr. Tai Solarin, for action."

Mr. Sobayo sued *Daily Times* for libel saying that the report was false and it did not form part of the court proceedings of the date in questions. He further averred that Mr. and Mrs. Sangosanya instituted no action against him at the customary court.

He also argued that the publication meant that he, as a lawyer, had been sued for negligence in the discharge of his professional duties.

The plaintiff did not appear to be complaining about the body of the story but the headline - Lawyer sued for Negligence. In that it suggested that he was a negligence lawyer. Meanwhile, what the newspaper wanted to say was that the Plaintiff was sued for neglect of failure to provide for Ronke and her child. And in law, there is a world of difference between negligence and neglect.

The court held that it is libelous when the word negligence is associated with a professional like a lawyer. It gives the impression of incompetence of professional negligence, and awarded N2,000 as damages against the newspaper.

Headline Casting - The Effect between Wrong and Libelous Headlines and the Body of the Story: Sub-Editors have the responsibility of casting Headlines. But what happens in Practice is that many times, headlines cast by sub-editors are at variance with the stories written by reporters.

And of course, we all know that in this profession, the headline sells the papers. If the headlines gives a wrong and misleading meaning, particularly when the sub-editor wants to be impressionistic, this often leads to libel cases.
There was the case of Cornelius Ogbuatu v. Daily Times decided by the Kaduna High Court in 1976. Mr. Ogbuatu, a legal practitioner brought the action against Daily Times over a story published by the newspaper on November 27, 1973 under the Headline "Lawyer" Charged with Illegal Practice. The plaintiff found the two words "Lawyer charged" quite offensive and he held on lightly to those words during the trial of the case.

Apart from the fact that the word "Lawyer" was in inverted comma, which suggested that the plaintiff was not actually a lawyer, the word "Charge" also connotes a criminal allegation.

Perhaps, as a matter of digression, one should note here that quite often, journalists make serious mistakes of swapping the word "charge" with sued". If someone is charged, it means he is facing a criminal offence but when he is sued, he is facing a civil suit.

Similarly, some journalists write "Mr. X fined N200,000. But what they actually meant was that "N200,000 damages awarded against Mr. X.

You can only fine someone if found guilty of a criminal offence but you award damages in civil claims. If these two words are used interchangeably, that may attract a libel suit.

Similarly, there is a difference between "charged" to court and "arraigned". When charges are formulated by the police or prosecutor and a suspect is charged to court, that does not amount to being arraigned in court. Uptill that stage, he is still a suspect and not an accused person. He has to be brought to the dock and the charges read to him and his pleas taken, before you can say he is arraigned. At this stage, he is an accused person. He has moved from being a suspect to that of an accused person.

The importance of this distinction if that charges are formulated against a suspect and he comes to court but not arraigned, may be the prosecution wanted to make some amendments to the charges or he totally changes his mind not to arraign the suspect or the judge did not sit, it would be libelous to publish next day that Mr. X was arraigned in court. Because for all you know, the charges may be withdrawn and the onus will now be on the newspaper to prove that the suspect was actually arraigned and produce the record of proceedings of the court where his pleas were taken.

Back to the Ogbuatu case we were discussing, Mr. Ogbuatu felt that the word "charged" was defamatory; while admitting that he appeared before the court on allegation that he was practising illegally as a lawyer, the magistrate did not frame any charge against him but discharged him.

However, the newspaper in its defence pleaded fair and accurate reporting of court proceedings and that as a matter of fact, the statement was true and therefore pleaded justification.

In paragraph 640 of the 6th edition of Gatley on Libel and Slander, the relationship between headline and the body of the story was explained thus: "Another striking illustration of the rule that a report to be privileged must be confined to the actual proceedings is to be found in those cases in which damages have been recovered for defamatory headlines prefixed to reports. Such headlines are not part of the proceedings, but are in effect the voluntary statement or comments of the publishers and are not privileged unless they are a fair index of the matter contained in the report."

But in respect of the report complained of in Ogbuatu's case there was nothing to suggest that the plaintiff was not actually a lawyer, while the headline put lawyer in inverted commas, which indicated that the plaintiff was actually not a lawyer but a fake impostor.

The defence of qualified privilege put forward by the newspaper therefore could not stand. However, the judge felt that the defence of justification could avail the newspaper in view of the other facts of the case. The plaintiff was called to the English Bar in 1965, but did not qualify to practice as a legal practitioner in Nigeria until October 13, 1973, while the newspaper published the report on November 27, 1973.

There was evidence that the plaintiff has appeared in magistrate court as counsel defending an accused person before October 13 1973, particularly in 1971 and 1972.

_Culled from The Post Express newspapers_
RSF Denounces Informal Media Repression in Nigeria

Reporters Sans Frontières (Reporters Without Borders - RSF) has drawn the attention of the New Partnership for Africa's Development (NEPAD) to repeated violations of freedom of the press by several member states. RSF made this known in a February 8, 2002, letter addressed to the five heads of State in charge of the steering committee, including Mr Abdelaziz Bouteflika (Algeria), Mr Hosni Mubarak (Egypt), Mr Olusegun Obasanjo (Nigeria), Mr Abdulaye Wade (Senegal) and Mr Thabo Mbeki (South Africa), in anticipation of the meeting of NEPAD at the Elysée Palace.

RSF said although it cannot but wholeheartedly encourage a project aimed at promoting "peace, security, democracy, good governance, human rights and sound economic management", the organization considers that these goals cannot be reached without the existence of a free press.

"It is not realistic, for example, to try to fight corruption when journalists are taken to task the moment they denounce fraud involving the authorities or high-ranking officials. This initiative is doomed to failure if the Member States are not exemplary in terms of freedom of information", the letter said.

It added: "...in ten of the fifteen nations that make up the NEPAD Heads of State and government committee, journalists are being imprisoned, mistreated, attacked or threatened, and there is media censorship".

The letter noted that in four countries, press freedom is not guaranteed and there are numerous violations, which are never punished. The letter cited Burkina Faso, where over three years after the assassination of Norbert Zongo, director of the weekly L'Indépendant, on December 13, 1998, the investigation is at a standstill.

In Ethiopia, despite relative improvement, a journalist is still being detained after more than a year for having quoted the views of activists interviewed by a foreign radio station in his newspaper. The audio-visual industry still remains under state control.

In Rwanda, journalists are still being threatened and put under pressure, and at least two have been in prison for several years, simply for doing their jobs. The letter said self-censorship is rife and journalists are unable to cover certain subjects without inciting the wrath of the authorities. The audio-visual industry is exclusively at the service of the government.

In Tunisia, the regime has continued to increase pressure on the few journalists who are still doing their jobs as best they can, on the margins of a press that is under the yoke of the authorities. The letter pointed out that the trial of Hamma Hammami and his colleagues recently showed that the legal system is also at the beck and call of President Zine el Abidine Ben Ali.

Press freedom is still under fire in Algeria, where no investigation has been carried out to find three journalists who were kidnapped by security forces between 1995 and 1997. In May 2001, the Algerian parliament adopted draft amendments to the penal code, introducing harsher sentences and fines for press offences. And at the beginning of 2002, three journalists were questioned by the police following complaints lodged by the Ministry of Defense.

In Egypt, the authorities continue to put pressure on journalists, and two press professionals are currently in prison.

In Nigeria, informal media repression continues as the police have attacked seventeen journalists, in less than a year. In Senegal, several recent attacks on journalists show that press freedom remains fragile, and the authorities need to be particularly vigilant. In the same way, in South Africa, several journalists have been brought before the legal authorities, who want them to testify in criminal cases.

RSF called on the five heads of state promoting the NEPAD to be beyond reproach in this area and to lead the way in order to earn credibility in the eyes of their people, international community, and Africa's economic partners.
Kidnapped Journalist Murdered

Daniel Pearl, 38, the Bombay, India-based Wall Street Journal Correspondent who was on January 23 abducted in Karachi by persons suspected to be Islamic hardliners, has been murdered by his captors. This shocking reality was revealed by a video cassette sent to the US Consulate in Karachi. The video cassette contained scenes of Daniel in captivity as well as scenes of his murder by his captors. Daniel was forced to confess being a Jew in the video tape before he was killed. There have been no details of where and when he was killed or where his killers dumped his corpse.

Daniel's killers had tortured and dehumanized him before they slit his throat with a knife and then decapitated him. Wall Street Journal's Peter Kann and Paul Steiger, condemning the act said: "His murder is an act of barbarism that makes a mockery of what Danny's kidnappers claimed to believe in."

Pearl had arranged a meeting with Mubarak Ali Shah Gilani, head of a small militant Islamic group Tanzeem ul-Fuqra on a story about Richard C. Reid, arrested in December on a Paris-Miami flight he allegedly boarded with explosives in his sneakers, and his links with Pakistani extremists. He was going to honour the meeting when he disappeared.

A group, which calls itself National Movement for the Restoration of Pakistani Sovereignty, had sent e-mails to Pearl's employers, before his brutal murder, accusing him of being a spy for both America's Central Intelligence Agency (CIA) and the Israeli intelligent service, the Mossad.

Four people, including a British-born master mind, Ahmed Omar Saeed Sheikh who admitted responsibility for plotting his kidnap, were arrested and charged in the case while the search for other suspects have continued.

The US government, on February 27 said it will offer $5 million reward for information leading to the arrest or conviction of those who are responsible for the kidnapping and murder of Daniel Pearl. It also asked Pakistan to extradite Sheikh Omar, the British-born Islamic militant who claimed responsibility for his abduction. Karachi official also announced they were working on legal formalities for his extradition while waiting for formal instruction from the central government.

Mariane Pearl, his widow and French journalist, who is seven months pregnant with the couple's first child, spent an agonising night in Pakistan keeping vigil in the hope that her husband would be found. But she later left for Paris with neither her husband nor his body. She believes that: "the terrorists who say they killed my husband may have taken his life. But they did not take his spirit."

Meanwhile the US Senate approved a resolution honouring him and vowing to "vigorously pursue" and bring to book those responsible for the crime.

ATTACKS ON THE PRESS IN FEBRUARY 2002

Youths Molest Journalists

Youths suspected to be of Ijaw stock attacked a crew of Delta Broadcasting Service (DBS) in Warri on February 21. They damaged and confiscated their camera.

According to Mr. Linus Chima, the reporter in the crew that was attacked, at about 9 a.m. on February 21, some female traders from Mcaiver Market in Warri came to DRTV to complain of harassment by Ijaw youths who demanded a yearly tenement rate of N6,000 each. They added that they had protested to the police area commander.

They, therefore, went to the market to get all the sides to the story. They had hardly started recording when the youths pounced on them, threatening them with knives and other weapons. The youths damaged and confiscated the crew's camera.
The Nigerian Union of Journalists (NUJ), subsequently petitioned the Delta State Police Commissioner, Mr. John Ahmadu, to effect the arrest and prosecution of the youths.

In the petition signed by the Chairman and Secretary of NUJ, DBS chapel in Warri, Norbert Chiazor and Jeyere Ugbeye, the union decried the "needless brutality meted to our news crew" and called on the CP to compel the youths to replace the damaged camera.

The NUJ described the attack as a "flagrant display of hooliganism, cruel, barbaric and criminal", and demanded for a thorough investigation by the police and other security agencies of the "despicable incident".

The union threatened to mobilise journalists to blacklist the coverage of the activities of individuals, groups or organisations which tend to pose threats to the operations of media workers in the crises-ridden region.

**Youths Damage Newspaper Photographer’s Camera**

Some youths on February 3 threatened to kill a photojournalist with Champion newspapers, Mr. Obi Blessed for daring to take shots of scenes of the Hausa/Yoruba clash that erupted on February 2 in Mushin and Idi-Araba areas of Lagos. Mr. Blessed, on official duty was apprehended by the youths who confiscated his camera, with its roll of film and threatened to kill him.

The photojournalist narrated that when he arrived the spot of the crisis, he paid a resident to take him round. While on the trip, five hefty youths approached him, seized his camera and ordered him to follow them to an unknown destination. They threatened to deal with him. He was only released after he had profusely begged them. The youths threatened to smash his camera. They later released the camera to him after they had had taken out the film from it.

**Kwara Assembly May Ban Herald, Radio Kwara**

Kwara State House of Assembly has berated the state government-owed Herald newspapers and Radio Kwara. They alleged distortion of stories from the assembly by the media organisations.

According to information, the lawmakers may ban the media outfits from covering the House's activities because they were unhappy with news reports carried by the two media houses about the assembly's proceedings, which they alleged are distorted to give the impression that the assembly is an extension of the government house. The resolution to ban the two media houses from covering the proceedings of the assembly, it was gathered, was reached at one of the caucus meetings of the assembly.

As a prelude to the banning, the report said the House had decided to summon the chief executives of the two media organisations owned by the state government, to explain motives behind the relentless distortion of information from the assembly that are perceived to be uncomplimentary to the government.

According to Hon. Abdulkarim Ayinde Moro, who introduced the matter at the floor of the House, the media organisations' reports on the debates and arguments on 2002 budget presented by Governor Muhammad Lawal was doctored to give the impression that the House commended the governor.

The legislator also took exception to the media organisations' reports on the national media tour awards and submitted that the state owned media houses deceived them and the people generally on the award received by the state.

According to Hon. Moro him, Herald has not been objective in it reportage, advising the tabloid to justify the huge public funds expended on it by being objective in its reportage.

The speaker of the assembly, Hon. Yissa Ezekiel Benjamin, directed the House Committee on Information to look into the issue by inviting the newspaper's House of Assembly correspondent and the governor's special assistant for media affairs, Pastor Femi Kayode Bamidele, for a discussion.
Journalist Sues Legislator for Assault

Mr. Anthony Eze, an Abakaliki based journalist has sued Ebonyi State legislator, Mr Uwadiegwu Anoke to court alleging trespass, assault and battery. He is demanding N15 million from him for permanent deformation of his nose, trespass and battery. The legislator's brother, Mr. Linu Anoke is co-defendant in the suit.

Mr. Eze, in a seven-paragraph statement of claim contended that the defendants, on October 31, 2001"acting in concert broke into my house and premises at No. 60B Gunning Road, Abakaliki and did wanton damages therein".

Eze accused Hon. Anoke of 'biting and chopping off' his right nostril causing him harm and permanent deformation. He demanded N2 million from the defendants for trespass into his room, N3 million as general damages for assault and battery and N10 million for permanent deformation.

At the time of going to the press, the defendants had not filed their statement of defense and no date had been fixed for hearing the suit.

JOURNALISM / PRESS FREEDOM AWARDS

Photojournalists Set To Capture Africa In Pix

One hundred top photojournalists worldwide are set to undertake a project which will capture various aspects of African life in pictures.

Entitled, “A Day in The Life of Africa”, the products of the exercise will be published in a book form, website and generate materials for a traveling exhibition and "will represent the most wide-ranging look on Africa ever assembled".

According to a statement by the project director, Mr. David Cohen, the project is a celebration of African life meant to save African lives.

A hundred top photojournalists representing 20 countries will participate in the project meant to be one of the most contributions of photographic projects ever attempted. Fifty-three African countries will be covered in a single day.

"We've produced these projects for 20 years, chronicling cultures around the world. Our goal for this particular endeavour is to raise global awareness of a continent at risk," Cohen said.

The breath-taking variety and startling contrasts will make A Day In The Life of Africa the most compelling visual documents of 2002, the release said, adding that all publishing profits from the book will be used to fund education programmes on the Acquired Immune Deficiency Syndrome (AIDS) in Africa.

For two decades, the best selling Day in the Life of Africa photography books have recorded cultures around the world. Thirteen titles - including volumes on America, China, Russia and Japan - have collectively sold 25 million copies and the current project is being produced by Lee Liberman who also chairs The Day in the Life of Africa AIDS Education Fund.

A Day in the Life of Africa will be published in the United States and Canada on November 1, 2002 and in Francophone countries, in South Africa, the United Kingdom and Australia. A Day in the Life of Africa will include an introduction by Nelson Mandela, former president of South Africa and Nobel laureate.

Le Meridien hotels will house participating journalists. According to the Regional Managing Director, Africa and Indian Ocean of Le Meridien, Mr. Hassan Ahdab, participating photographers will be housed in all the Le Meridien Hotels across the African continent during their assignments.
Banking Fellowships For Journalists

The Graduate School of Banking at the University of Wisconsin, Madison in the United States, is accepting applications for its banking fellowships for journalists. The fellowship is sponsored by the Herbert V. Prochnow Educational Foundation and grants 10 fellowships per year. The fellowship is a two-week programme and starts in August. It provides members of the business press with a better understanding of banking.

Applicants must have at least three years of professional experience. The fellowships include board, materials, room, and tuition but does not cover transportation costs.

Contact: Joan N. Papke Prochnow Educational Foundation, 5315 Wall Street, Madison, WI 53718; Tel: (608) 243-1945; Fax: (608) 243-1951; E-mail: jpopke@gsb.org; Web Site: http://www.gsb.org

DEADLINE: June 1, 2002

International Journalism Exchange

The Freedom Forum and American Society of Newspaper Editors is receiving applications from editors who have worked in journalism for at least five years and are currently employed by a daily newspaper for the International Journalism Exchange (IJE). Applicants must be proficient in English and have little substantial previous travel to the United States.

Priority is given to editors from countries in transition to democratic rule. The five-week programme begins in Washington, D.C. with an orientation and professional seminars preceding a month-long newspaper assignment which offers exposure to all departments of an American newspaper. It concludes with a couple of days of professional group activities and the final evaluation of the programme in New York City.

Contact c/o IJE, International Center for Journalists, 1616 H Street, NW, Third Floor, Washington, D.C., 20006; Tel: (202) 737-3700; Fax: (202) 737-0530; E-mail: ije@icfj.org


Press Freedom Cartoon Competition Opens

The National Press Club of Canada has announced a new international editorial cartoon competition. Editorial cartoonists are invited to submit a maximum of two cartoons on press freedom or freedom of expression.

The event or subject of the cartoon must have taken place since 1 January 2002. If there is any text within the cartoon in a language other than English, French or Spanish, a translation must be provided. A brief description of the event or subject which inspired the cartoon may also be useful. Entrants should supply a brief biography in English or French or Spanish.

The winner will receive 1000 Canadian dollars (approximately US$ 660) and be brought to Ottawa, Canada for the National Press Club's World Press Freedom Day Luncheon on 3 May.

The deadline is April 12. Please send entries by mail or fax to: International Editorial Cartoon Competition, National Press Club of Canada, 150 Wellington St., Ottawa ON K1P 5A4, Canada; Fax: +1 613 233 3511.

For information, contact, E-mail: combroad1@home.com.
“.... how is the press supposed to discharge these weighty responsibilities if its voice is padlocked not only by the limitations contained in subsection 3(a) and (b) of section 39 but also by the Official Secrets Act, 1962, and other enactments?”

Mr. Ekpu, General Secretary, Newspaper Proprietors Association Of Nigeria (NPAN), October 4, 2001, in Abuja, at the Public Hearing organised by the House of Representatives on the Access To Public Records And Information Bill