Nigerians Rise For FOI Bill At House Public Hearing

The Freedom of Information Bill returned October 3rd and 4th to its rightful owners—the public for input at a Public Hearing organised by the House of Representatives and the support given by the public in the two days the hearing lasted, raised hope that the bill will be passed by the Lower House.

The Bill received an overwhelming acceptance from all of those gathered to testify at the Hearing. Speaker after speaker at the Committee Hearing Room demonstrated in their testimonies, an unflinching support for the Bill saying its passage is pertinent to return to the path of economic recovery, social rejuvenation and political stability.

Backing the good testimonies for the Bill was the spirit of bi-partisanship from the House and members of the public who only disagreed with the use of certain phrases, words and sentences and these were harmoniously resolved.

An obviously elated Speaker of the House of Representatives, Honourable Umar Ghali Na'abba, set the tone rolling when he asked the members of the public to ensure in their contributions that they are counted on "the side of those forward-looking Nigerians whose eternal desire is to see the country occupy an enviable position in the comity of nations."

The Public Hearing attracted presentations on matters of law, journalism, media, national security, cultural and international relations, good governance.

Areas of concern to prominent lawyer and Senior Advocate of Nigeria (SAN), Tony Idigbe, are the extension of time allowed for access to be denied before redress is sought; the restriction of access to Nigerians only; the protection of whistle blowers; responsibility of enforcement of the law by a government department. Other areas of concern include the criminalisation of the breach of access if the law is to be as effective as expected and the
question of whether the National Assembly can legislate for state and local government as the Bills proposes.

Explaining his position on each of the issues raised, he said he painstakingly raised those issues to ensure that a law that is enacted should guarantee equal privilege to all. He challenged the House to strike a balance between the consideration for the cost benefit and also how to protect the indigent in the nation who must and should never be cut off from enjoying these same rights.

For Ray Ekpu the major objective of the enactment of the Freedom of Information Act is not just to enable the media discharge its constitutional role of holding the government accountable to the people, but securing freedom for all. According to him, the freedom that would be won through the passage of the Bill is an essential component of democracy and for a democracy to be sustained there is need for more freedom not less. "More freedom means a strengthening of our democratic institutions and values. Less freedom means a drift into authoritarianism and the big bad state from which we exited only recently", he said.

In the recommendations he made for amendments, Ekpu asked that the term "private companies performing public functions" should be well defined so as to avoid ambiguity.

The comments of Bankole Aluko (SAN) were essentially on the enforcement mechanisms which perhaps stands as the most crucial issue in the post enactment programme of the Bill. He listed three areas for consideration. These include Best Practices in Judicial Enforcement of Right to Access, Review Procedures and Cost of Litigation. Aluko demonstrated that for the Bill to meet the expectations set for it, each of these three thematic concerns must be given due consideration. He said that application for review of access to applications must not conform to any procedural pattern in order to avoid future disputation over technical procedural issues.

According to him this radical pattern could be achieved if the Supreme Court is given the responsibility for considering all matters relating to the enforcement of denial. He said this might be expensive because the apex court is far from the High Courts but it would ensure the cases would not get bogged down for years at the lower court. He said he expects the government to give muscle to the bill when passed into law.

For Abdul Oroh, Executive Director of Civil Liberties Organisation (CLO), it was a moment to recount all the early efforts of trying to give flesh to the Bill as he asked the House to pass the Bill without delay. He spoke with much passion on what Nigeria and Nigerians stand to gain if the Bill is passed into law.

He said both the political and the economic life of Nigerians would experience a tremendous boost that would put the nation back on tracks again as a world leader. He listed technological, industrial and educational growth as some of the benefits that Nigeria would gain even with a few years. He emphasized that there is no nation that is desirous of enjoying the benefits of democratic governance that would overlook the importance of a freedom of information regime.

Tunde Fagbohunlu, Legal Director of MRA, said by passing the Bill, the House will only be doing what is right and expected of a nation like Nigeria within the international community. He described the Bill as an international bar to which all nations must reach if the aim of providing good governance must be achieved.

He said Nigeria will only be joining other nations with a functional and an effective democratic culture saying that it is a democratic system that promotes and sustain transparency, accountability and openness as well as encourage greater participation of its citizen that can be said to be a functional democracy.

He dismissed the claims that the Bill is elitist in content and nature saying that there is nothing extraordinary about government letting the people that it claims to represent know what the same government is doing for them. He noted that African countries have explicit constitutional provisions guaranteeing the right to information and most have guarantees of the
right to freedom of expression. While some countries - for example, Burkina Faso and even Democratic Republic of Congo - have created legal provisions that address the right to information, so far only one - South Africa - has a specific law that provides a framework for the full realisation of the right to information. Other countries, such as Ghana and Nigeria, have draft freedom of information bills that offer hope of further progress across the region. In many other countries, the civil society is campaigning for a specific law on the right to information.

Fagbohunlu said these countries have amply demonstrated that it is a mutually beneficial contract for the nation and the citizens if the people are carried along in the democratic process where the people are made aware of government policies and actions as government embarks on them.

The high point of the public hearing was the presentation made by the Deaf and Dumb Association represented by two of their members. They argued that the Freedom of Information should not be limited to just access but to the dissemination of the same information in such a way that even the deaf and the dumb can benefit.

They specifically requested that the National News on television should include a segment that would broadcast news regularly in sign languages that the deaf can understand. For reference, they used the recent carnage in Jos saying the death of their member would have been averted if it had been possible for them to have seen such messages on television.

**Dare To Be Counted on The Side of Forward-looking Nigerians**


I am very pleased to be here at the opening of this Public Hearing organized by the House of Representatives Committee on Information.

As you may have noticed, the "Access to Public Records and Information Bill", otherwise referred to as the "Freedom of Information Bill", was amongst the first set of bills introduced during the early days of this House of Representatives. But it was delayed up till now because of the desire of honourable members to produce a piece of legislation that will stand the test of time.

After the Committee on Information, to whom this Bill was referred to, presented its initial report in July last year, the House felt that for this proposed law to meet the yearnings of majority of Nigerian, the people of this country should be given the opportunity to make their own input thereto.

This is why we are gathered here today to participate in the Public Hearing organized to gauge the feelings of the people we represent as they concern this bill on freedom of information.

As can be seen in the various publications prior to this day, the objectives of the bill include the following:

1. To provide, as of right, free and uninhibited access to public information or records kept by Government, public institutions and/or private organizations carrying out public functions for citizens and non-citizens of the country provided such information or records are not injurious to the conduct of international affairs and the defence of Nigeria; they do not jeopardize law enforcement and investigation, and do not affect economic interest of the country;
2. To increase the availability of public records and information to citizens of the country so that they can participate more effectively in the administration of laws and the formulation of public policies as this will, in turn, promote probity and accountability of public officers.
3. To ensure that public officers disclose public records or information, in the public interest, without authorization and to protect these officers from adverse consequences emanating from such disclose;
4. And to complement, not replace, existing procedures for access to public records and information and so, not intended to limit in any way, access to those types of official information that might have hitherto been normally available to the general public.

However, those who support this proposed legislation maintain that it will help to create accountability, transparency and openness in government business as well as establish effective, practical and enforceable mechanisms for detecting and punishing breaches of those laws that outlaw bribery and corrupt practices of public officers in Nigeria.

And those against its passage feel that Nigeria will be opening its door too wide if everybody, including non-Nigerians, are allowed an unfettered access to our public records and information.

Distinguished ladies and gentlemen, I am very confident that with this array of responsible and highly respected personalities who have come to participate in this Public Hearing, adequate justice will be done to this task before us all.

But let me still admonish that you should always be firm, frank and fair in your respective contributions at this forum. And whatever your position may have been, you should allow patriotism, which is unquestionable love of the fatherland, to dictate the views and comments you will canvass at this public hearing. That way, you will be on the side of those forward-looking Nigerians whose eternal desire is to see the country occupy an enviable position in the country of nations.

On that note, Honourable Members, distinguished ladies and gentlemen, it is my singular honour to formally declare this Public Hearing open.

NIGERIAN MEDIA IN YEAR 2000

86 Journalists Attacked - MRA Gives Low Marks To Government, Media

Media Rights Agenda has given the Nigerian government and the media a thumbs-down for engaging in activities that did not promote or encourage conducive environment for journalism practice in year 2000. MRA said the government routinely censored the media while the media on its part failed to avail itself of the opportunity offered by the relatively clement environment to re-assert itself and continue to champion the cause of the Nigerian people.

MRA said the media routinely engaged in unprofessional practices. These include over simplification, exaggeration, and outright sensationalism, suppression or distortion of facts, political partisanship, ethnic and religious bias.

These views are contained in the organisation's annual report on the state of the Nigerian media titled: At A Crossroads.

The report notes that theoretically, the Nigerian media enjoys the guarantees of freedom of expression and of the press as contained in the Nigerian Constitution and a plethora of international human rights instruments to which Nigeria is a signatory. It recalled that the 1999 Nigerian Constitution, like its forebear, expressly guarantees freedom of expression and is clearly in line with international instruments protecting this right. This guarantee is contained in Section 39 (1) of the Constitution.

Section 22 of the 1999 Constitution also empowers the press and other agencies of the mass media to "...uphold the responsibility and accountability of the government to the people"

Section 39(1) provides that: "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference".

The report noted that Nigeria is also a signatory to the Universal Declaration of Human Rights, which in better, more encompassing and acceptable words, provides in Article 19 that: "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."

It further noted that the Nigerian government has ratified the International Covenant on Civil and Political Rights (ICCPR) which similarly stipulates in its Article 19 that: "Everyone shall have the right to freedom of expression; this right includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

The report noted that following from these facts, Nigerian government officials have never ceased to claim that the country's media is the freest in Africa even during the hey-days of military dictatorship. But the report stressed that contrary to these constitutional guarantees and claims by government officials the bitter truth is that the Nigerian media has never been free. Rather, Nigerian journalists and media workers have only managed to remain vibrant at the risk of incurring the displeasure of the powers that be, whether military or civilian. The year 2000 under President Olusegun Obasanjo was no exception.

The report noted that after the extremely suffocating years of media practice in Nigeria during the immediate past fifteen years of military dictatorship, the assumption of office of the present civilian democratic government of President Obasanjo, especially during the course of the year 2000, provided the Nigerian media a golden opportunity to savour the freedom inherent in a democratic government, which it had campaigned and fought for at great risk. It was also an opportunity for the Nigerian media to take a hard, critical and unhurried look at its self and reposition for the defence of democracy.

The report said that sadly, as the media took stock and fought to ensure transparency and accountability in the governance and set a respectable minimum standard for all who seek public offices, it found stiff opposition on its way posed by the government and many Nigerians. The obstacles, the report said, manifested in several ways, manners and façades.

For instance, the report noted that despite the May 29, 1999, return of power to civilian government headed by President Obasanjo, the Nigerian media operated under practically the same legal regime that existed during the years of military dictatorship. These include the regimes of General Ibrahim Babangida, late General Sani Abacha and General Abdusalami Abubakar.

It observed that the changes that occurred in the Nigerian media environment since the enthronement of the new civilian administration, including during the year 2000, were only in terms of the ease in the hitherto hostile physical acts of censorship encouraged and perpetrated by the country's successive military regimes. It noted that sadly, these changes were not as a result of deliberate efforts of the present government of President Olusagun administration, but a fall-out of the democratic environment.

The report noted further that besides the economic and social constraints that impeded a conducive media environment, in 2000, the Nigerian government did not show any sign that existing obnoxious laws would be repealed despite the leadership role the media played in ensuring the enthronement and sustenance of the country’s nascent democracy.

The report said there were two classes of laws which survived till last year and remained potential threats to a conducive media practice during the year. One class of laws were directed primarily at the media and the other class were those, though not directly aimed at the media, which, because of their sweeping nature, posed as veritable threats to media practice during the year 2000. These laws include:

- Offensive Publications (Proscription) Decree No. 35 of 1993;
- The Defamatory And Offences Publications Act No. 44 of 1966;
- Newspapers (Prohibition of Circulation) Act No. 17 of 1967;
- Printing Press (Regulation) Act Of 1958
In addition to these were numerous state legislation on publication of false statements in newspapers.

Although many of these laws were not put to use during the course of the year 2000, the report noted that some state governments, unwilling to accommodate constructive criticisms, made moves to use some of the obnoxious laws to overtly censure the media and frighten journalists. These include the use of sedition and libel laws in clearly malicious manner.

The report noted that granted that the Nigerian government failed to provide a clement environment for the practice of journalism during the course of the year 2000, the media on its part failed the Nigerian people on numerous occasions. The media, it said, not only failed to seize opportunities to moderate raised tempers, act as a unifying force and broker peace between the various warring factions in the numerous crises that manifested during the year. Rather, MRA said the media engaged in activities that contributed to heating up the Nigerian polity. Political debates and alignments in the media reflected divisive considerations and thereby threatened the foundation of the very democratic government it fought so hard to enthrone.

In addition, the report noted that the media was plagued by corruption and other unethical practices thereby exposing itself to charges of partisanship and lack of adherence to the sacred code of objectivity which elicited concerns and criticisms both locally and internationally. The report particularly referred to the activities of Beat Associations, which it said, posed perhaps the greatest threat against the battle to ensure professionalism in the media.

It noted that quite often, these associations operated like cartels and constantly pressured members of the public to render financial assistance as well as routinely giving bogus awards to some members of the public who clearly did not deserve such honours.

According to the report, researches conducted by Media Rights Agenda during the year 2000, showed that journalists routinely engaged in unprofessional practices of over simplification, exaggeration and outright sensationalism, suppression and outright distortion of facts, political partisanship and bias and ethnicity. They often failed to show religious sensitivity in many of their reports, especially during conflict situations, and almost always did not give all parties to an issue the benefit of responding to charges laid against them.

In some cases, the report noted, some journalists and media organisations embarked on a crusade against individuals or organisations for alleged wrongdoing. In many of such cases, such individuals or organisations, fearing the consequences to their image of a blistering media attack were compelled to "negotiate" peace. For individuals, prices were usually in form of physical cash and placement of advertisement slots in cases of organisations, or some other means.

All of these, the report said, went a long way in affecting the facts fed the public by the media and which in turn lowered the media's credibility.

Writing in the “Forward” to the report, MRA's Executive Director, Mr. Edetaen Ojo, recalled that this is the eighth year of existence of Media Rights Agenda.

MRA, he said, was established at a time Nigeria's traditionally vibrant press was under massive attack resulting in frequent arrest and detention of journalists, confiscation of publications, closure of media facilities, banning of publications, assault on journalists, promulgation of repressive press decrees, legal persecution and murder of journalists, as well as other forms of censorship. MRA was thus a child of necessity founded to give succour to journalists who face persecution while engaged in the lawful pursuit of their professional duties.
To this end, he said MRA rendered legal assistance to journalists who were physically attacked, arrested or detained, or unjustly dismissed from their work or were harassed in other ways.

In addition, Mr. Ojo noted that over the last four years, since 1998, MRA has issued an annual report on the state of the Nigerian media. All these efforts are geared towards promoting a conducive environment for unfettered media operations.

Mr. Ojo stressed that while MRA calls for, and work towards improvement in the economic, legal and institutional frame-work for media practice in Nigeria, the organisation also demand from media owners, media managers and journalists necessary self restraint in the discharge of their duties, without self censorship.

Mr. Ojo said, however, that: “In a couple of months, the present democratic government of President Olusagun Obasanjo will clock two years in office. Considering the role of the media in achieving this civilised system of governance, and the role it could still play towards ensuring its sustenance, it remains a sad commentary that many of the numerous obnoxious laws which successive repressive military regimes used in hounding the media are still in the statute books and no official efforts have been made to make these laws conform to international standards”.

Further, he lamented that: "Even when private initiatives have been taken in this regard, there has been no enthusiasm on the part of the government to align itself with such efforts".

He emphasised: "Similarly, expectations that the media would take full advantage of the recent enthronement of democratic system of government in Nigeria to assess itself and correct the ills occasioned by prolonged repressive military rule, have not resulted in any gladdening outcome. Sections of the media have steeped deeper and deeper in unprofessional habits".

The report, he said, is a chronicle of woes in the media perpetrated by the government against the media and the failure of the media itself to seize the opportunity offered by the present relative clement environment to re-position itself to carry out effectively the duties assigned it by the Nigerian Constitution.

He concluded that the situation is so hazy that it was even difficult to project into the future, while expressing hope for the best.

The 145-page report was written by Osaro Odemwingie, the organisations' publications officer. It is spread over eight chapters. Chapter one is an overview of the state of the Nigerian media during the years 2000; chapter two focused on the general environment; chapter three, legal framework; and chapter four, institutional environment. Other are chapter five, state of media practice; chapter six examined pending media related matters including efforts at ensuring the enactment of a Freedom of Information Act in Nigeria, while chapter seven examined the instances of attacks on the media during the year and chapter eight examined the various projects undertaken by MRA during the course of the year 2000.

Still An Endangered Specie

For the Nigerian media, despite the enthronement of democratic government, over two years ago, the dividends have remained mere illusion. According to a report on the state of the Nigerian media during the year 2000 titled: At A Crossroads, recently released by Media Rights Agenda, the Nigerian media environment remains a store-house of contradictions: Where government mouth a commitment to provide the media a conducive environment to help in the governance process, but does the exact opposite. The report noted that although there was a noticeable decrease in the brutalities and hardship suffered by the media during the year 2000 under the government of President Olusegun Obasanjo compared to what obtained during successive military regimes that ruled the country before the inauguration of the present democratic government, there were still many instances of repressions that the media suffered during the year. Numerous officers of government and other Nigerians bent on preventing a free press invented several other forms of media censorship during the year. These include hate speeches directed at journalists by politicians and top Nigerian government officials, and a subtle
but systematic assault on the freedom of the press to report and comment on matters of public
concern through the phenomenon of malicious libel suits, which threaten the existence of
numerous Nigerian media establishments.

Other incidents of attacks on the Nigerian media that were widespread during the year
2000 include denial of access to information, threat to life and operation, intimidation and sharia
(Muslim law) being implemented in several northern states.

In the course of this year 2000 alone, there were no less than 111 incidents of attacks on
journalists, media personnel and organisations. This affected a total of 86 individual journalists
and six other Nigerians who were in company of journalists at the time of the attacks and were
consequently affected. This is besides hundreds of other journalists who suffered dismissal from
work without the due process and settlement of salaries arrears owed them and those who work
in the same media organisation and who suffered a collective threat to their lives and operation
over reports published by their news organisation.

Among the 111 incidents of attacks on the media in year 2000, there were twenty-four
incidents of assaults involving over forty-four journalists and six others. Seven cases of attacks
on the media led to arrests and detention of the journalists concerned and five others in their
company. Seventeen other cases, which involved 28 journalists and one non-journalist in
company of journalists, did not result in arrest and detention. There was one case of arrest
involving ten journalists for alleged trespass on a private property.

There were four cases of arrest of some Nigerians on sedition charges involving eight
persons. Five of them were charged to court as at year end, among them two journalists and one vendor.

During the year 2000, there were 13 instances of threat to life and kidnap attempts on
journalists involving 24 journalists and in one case all the editors and reporters of a media
organisation. Similarly, there were two instances of armed attack on media organisations which
motive bears imprint of harassment rather than armed robbery attacks as was seemingly the impression.

There were also four instances of seizure of publications/equipment/closure of station, 12
instances of prevention from performing official duty/denial of access to information, five
instances of suspension/dismissal of journalists and media workers involving over 110 persons.
Further more, there were 12 instances of hate speeches directed at journalists and media workers
by highly placed public officers and other Nigerians and 17 instances of threat to
operation/intimidation.

Indeed, as the Nigerian media got reprieve from the jackboots of military dictatorship
following the country's return to democracy on May 29, 1999, other forms of subtle censorship
which started to appeal to government officials and influential Nigerians during the period of
democratic rule in that year, assumed much appeal and were frequently put to use during the year
2000. The dynamism of the democratic environment saw several aggrieved persons, mostly
politicians, turning to the law courts to seek redress over publications and broadcast they
consider defamatory.

Out of over 20 libel suits/or threat to sue, there were six cases which were considered ill
motivated and aimed to harass journalists and news media thereby achieving a chilling effect on
them to refrain from commenting on issues of public concern.

Although resort to court action to seek redress for alleged libel is internationally
recognised, one common denominator with most of the libel suits filed by allegedly libelled
Nigerians during the year 2000 were claims which run into several millions of naira. This raises
a fundamental question of the real intention of the complainants. Several of the libel suits filled
by allegedly aggrieved persons during the year were to the tune of N50million with some
exceeding the billion-naira mark. In several instances, media organisations faced with these
multi-million naira libel suits, spent huge sums of money and valuable editorial time in the
process of defending such suits. This also led to loss of confidence for many journalists and
media organisations.
Clearly, what emerged in the Nigerian media during the year 2000 was a subtle but systematic assault on the freedom of the press to report and comment on matters of public concern through the phenomenon of multi-million naira libel suits, which threatened the existence of many media establishments.

During the successive military dictatorship in Nigeria, several media organisations which were spared the brute assault of officers of government, had frightening awards of damages made against them such that if paid, would completely ruin their operations.

**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.

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EDITORIAL

The True Position of An FOI Regime

The public hearing on the Freedom of Information Bill organised by the House of Representatives was in every manner a success. It is, however, regrettable that the Executive was not represented at the hearing. This seems to give credence to the view that outside the House of Representatives and the Senate, the FOIA does not enjoy official sympathy.

The view is that government officials are not convinced that a Freedom of Information Act (FOIA) will not be used as terror machine to hound them. To them an FOIA will cage them and will act as George Orwell's big brother that will be watching their every step and conduct. Consequently they fear that supporting an FOIA would be committing political suicide. Perhaps that is the reason behind this seeming lack of enthusiasm by government officials to support the bill.

Contrary to what they think FOIA stands for, the Act is meant to encourage Nigerians to participate in governance by opening up the democratic space. It is not difficult to know that most people currently feel alienated from the governance because they feel that their questions are not answered and their views are not getting to government. The FOIA stands to correct that.

For journalists, the Act will broaden their knowledge on how government works. It will aid them in getting whatever information they want from any government institution thereby reducing the chances and incidents of inaccurate reporting.

If democracy is government of the people by the people and for the people, it is pertinent that the people should be abreast of the work of government by just asking for information and getting it.

Years of military rule when everything used to be done secretly and civil servants asked not to disclose anything until the Head of State make s a pronouncement on it, has created a psychological problem of its own. Government official now regard everything as secret. Even what is beneficial to the citizens, like developmental projects the government is working on are regarded as "top secret" that will be kept away from the populace it is meant to serve. During the reign of the military, government activities were conducted in the dark because it encourages corruption. It was because the business of government was conducted in utmost secrecy that military General's were able to commit heinous crimes some of which were revealed at the Justice Oputa-led Human Rights Violations Investigations Commission.

An FOIA will not only be used to get information about government activities, it will also be used for research, Education and for political awareness. For instance, research institution can ask and be given information that can be used for projections which are vital for developmental purposes.

Even members of the National Assembly will be beneficiaries of the FOIA. With the law in place they can relate easily with their constituencies because information will be readily available for those who want to know what their representatives are doing in government.

The bill is not a sword of Damocles. It is a tool for development for all.
LETTERS

My Gratitude
I should have written this letter a long time ago. It is better late than never.

I want to commend Media Rights Agenda’s effort at publishing those newsletters, Media Rights Monitor and other reports of yours. I want to express my gratitude for the data you have generated through these mediums and their immense contribution to my PhD thesis titled: Agenda Setting in Public Communication: A Study of Lagos, Nigeria.

If you are still publishing can you send copies to my departmental library and me?

Thank you.
Dr. Aina A. D.
Head, Political Science Department
Babcock University
Ilishan - Remo

You Tickled My Interest
I was opportuned to acquaint myself with some of your publications, particularly your monthly newsletter, Media Right Monitor, when I was doing my media attachment with Degue Broadcasting Television (DBN). I found them highly informative and treasureable.

Although I am not employed by any of the Media outfits, neither have I secured any job in any other organisation after my (NYSC) due to the harsh economic situation, I still feel the need to acquaint myself with the developments in the media environment before hopefully getting to be in practice someday. My interest in journalism has been tickled by your newsletter that I still wish to be on your mailing list.

Kindly also be sending me other relevant publications of yours.

I wouldn't mind to be an associate member of Media Rights Agenda, if it is opened for membership.

I would be grateful if my request meets your approval.

Yours truly,
Runsewe Babajide Olubamidele
jiderunsewe_ng@yahoo.com

Editor’s Note
Dear Mr. Olubamidele

Thank you for the sentiment expressed in your letter. We are glad that our activities have aided your interest in journalism. We shall add your name to our mailing list.

Meanwhile, note that Media Rights Agenda is not a membership organisation and so it is not possible for you to be an associate member. But be assured that we consider everybody who shares in our vision of a conducive environment for media practice and respect and protection of the right to freedom of expression as a member.

ACKNOWLEDGMENT

Media Rights Agenda (MRA) is grateful to The Ford Foundation for providing the grant for the publication of this Journal.
 MANAGEMENT’S NOTICE

Dear Readers,

Nigeria's traditionally vibrant press has come under massive attack in recent years, especially since 1993, resulting in frequent arrest and detention of journalists, confiscation of publications, closure of media facilities, banning of publications, assault on journalists, promulgation of repressive press decrees, as well as other forms of censorship.

Despite these constant attacks on the press, there was no regular medium for monitoring and documenting abuses of press freedom and freedom of expression and, therefore, drawing local and international attention to them. The result was that many violations went unnoticed and unreported. Besides, many journalists also remained largely ignorant of basic issues affecting their journalism practice or their rights and privileges.

In addition, many journalists had no idea how press laws in Nigeria as well as administrative practices relating to the media comply with constitutional provisions and international standards of free expression. Also, many journalists had no knowledge of the numerous opportunities that are available internationally for self-improvement.

Nigeria's poor communications infrastructure ensured that very little information was available outside the country on a regular basis about the situation of the media. This often enabled the military government to claim at local and international fora, despite the contradictory reality, of having the freest press in Africa and one of the freest in the world.

It was to correct this anomalous situation that Media Rights Agenda in April 1995 began to publish Media Rights Monitor.

From a modest few copies of about 200, MRA now publishes 3,000 copies of the Media Rights Monitor newsletter every month.

The publications are distributed primarily to journalists in Nigeria, who are the main target. The object of this was to be able to reach them directly and influence their attitudes about human rights, especially with regard to press freedom and freedom of expression.

Copies are also distributed to other human rights organisations in Nigeria, diplomatic missions, press associations within and outside Nigeria, international human rights non-governmental organisations and government departments and agencies whose functions and activities affect the media.

At the risk of being immodest, we would say we have achieved modest success with the journal. And we have done this with the support of several donor groups who themselves depend on the goodwill of other groups and persons. We remain eternally grateful to them.

However, since the last couple of months, it has become increasingly difficult to get resources to continue the publication of the journal.

Believing that the journal remains relevant in the quest for a viable media industry and the promotion and protection of freedom of expression in Nigeria, and in order to continue to meet our obligation to publish the journal, we have, therefore, decided to charge a minimum subscription fee beginning from the issue of January 2002. This will just be enough to cover the cost of production and postage.

The subscription rates and other necessary information shall subsequently be communicated to you on these pages.

Thank you.

EXECUTIVE WATCH: Use GSM Licence Fees To Develop Telecom. Sector, Nigerians Tell Obasanjo

Nigerians have added their voices to the raging debate over how the federal government should use the money realized from the auction of the licences for the GSM. They called on the federal government to spend a large part of the money on the development of the telecommunications sector while the reminder be distributed among the three tiers of
government. They, however, heaped blames on the government for the high cost of securing GSM services, which has effectively dashed the hopes of many Nigerians to enhance their freedom of expression.

They said the high cost of securing the GSM services stem from the fact that the providers paid outrageous fees to secure the licences.

These findings were the outcome of a survey conducted by Media Rights Agenda under its Executive Watch project.

In January 2001, the Nigerian Communication Commission (NCC) auctioned four GSM licenses. Three companies namely MTN, Econet and NITEL won the bids for the licenses at a cost of $285 million (N31.9 billion) each, making a total of $855 million.

Although the federal government believed it had a good bargain, some Nigerians believed that the fees were outrageous and would affect the tariff structure. They were also worried that the extra investment that would be made by the licenced operators to provide necessary infrastructure for service development would further push up the price of GSM services. The Federal Government justified the payment of such fee saying the amount is fair in relation to other countries especially taking cognisance of the size of the market available in Nigeria.

Meanwhile, a controversy recently arose between the federal and state government and the national assembly over how the proceeds from the GSM licence auction should be spent. The Federal Government said that it would use $400m (N44.8b), to finance its Supplementary Budget while the two other tiers of government would share the balance.

However, a contrary position was canvassed by some members of the National Assembly and Nigerians who are insisting that the government should rather spend a large part of the proceed on the development of the telecommunications sector, which they argue is operating even without the basic infrastructure. The rest, they say, could be shared among the three tiers of government. These counter positions prompted the survey by MRA.

Specifically, out of the total number of 6,942 respondents, 6,002 (86.8 %) said they think the cost of GSM licence fees were rather high, while 901 others (13%) said the fees were not too high. Thirty-nine others (.6%) were undecided.

On a city-by-city basis, the survey showed that the view of respondents that the cost of the GSM licences were rather high cuts across all the cities polled.

Regarding the question which asked: "Do you think the tariffs charged by GSM providers for their services are high?", a majority of respondents said yes. For example, 6,049 respondents representing (81.1%) said 'Yes' while 865 (12.3%) said 'No'. Twenty-eight others (4%) were undecided.

On a city-by-city basis, except in Abuja where one third of the respondents said they do not think that the tariffs are too high, a very large majority of respondents in all the cities said they think so.

Similarly, 5,361 respondents representing (77.2%) said they think the high charges by the GSM services providers are as a result of the amount they paid to obtain their licences. One thousand four hundred and seventy seven respondents (21.1%) said they do not think the high GSM tariff is justified by the licence fees paid by subscribers. Another 114 respondents (1.7%) were undecided.

On a city-by-city basis, except in Abuja where a little less than one third, and Ibadan where slightly over one third, of the respondents said they do not think that the tariffs are a fall out of the cost of the licences, a majority of respondents cutting across all other cities polled attributed the high tariffs to the licence fees.

Those who shared the view that the tariffs of GSM services are high as a result of the huge licence fees, were further probed whether they thought that was a sufficient justification considering that the government reduced by over 70 per cent duties on GSM equipment. Four
thousand twenty-three sub-group respondents (64%) said 'Yes' while 2,077 others (30%) said 'No'. Four hundred and forty others (6%) were undecided.

On a city-by-city basis, the response pattern showed that while more respondents from Ibadan, 313 (40.1%) as against 337 (43.1%), said the high charges are justified against the backdrop of the huge licence fees, with 131 respondents (16.8%) undecided, very significant number of respondents from Abuja, Enugu, Kaduna, Kano and Lagos also share the view.

Asked how respondents would want the federal government to spend the GSM licence proceeds in view of the polar positions of some arms of government and individuals, 2,290 respondents (33%) said they support the federal government proposal to use the money to finance its supplementary budget and share the remainder between the states and the local government. But a majority of respondents 4,565 (65.7%) said they prefer a larger chunk of the money being used to develop the telecommunications sector and the reminder shared between the three tiers of the government.

Broken down to a city-by-city basis, the response pattern showed that except in Benin where majority of the respondents, precisely 598 (79.7%) favour the federal government's proposal to use the money to finance its supplementary budget and share the remainder to the states and the local governments, majority of respondents in all other cities polled in addition to only 152 respondents (20.3%) from Benin, prefer a larger chunk of the money being used to develop the telecommunications sector and the reminder shared between the three tiers of the government.

For the survey, which polled Nigerians from all works of life from the ages of 18 years and above, 8,000 questionnaires were produced and administered out of which 6,942 (86.8%) were returned, and 1,058 (13.2%) were not returned.

One thousand questionnaires were administered in each of the eight cities covered in this exercise. These include, Ibadan, Kano, Kaduna, Lagos and Abuja. Others are Benin, Enugu and Port Harcourt. The survey was conducted between September 10 and 24. The questionnaires for the survey contained five structured questions, all of which were close-ended, requiring respondents to indicate either 'Yes' or 'No', except in question five where respondents were to indicated either 'A' or 'B'.

**FOI Activists Form African Network**

In what amounted to a frog-leap in the global effort to enhance transparency in governance through civil empowerment with the instrument of legal access to publicly held documents, activists and promoters of the freedom of information have formed an African network. At an African regional workshop on Access to Information, which took place in the Nigerian capital of Abuja from September 19 to 21, the participants agreed to pull resources and efforts together to bolster various moves in several African countries to ensure the enthronement of a regime of freedom to information.

A coalition of Media Rights Agenda and ARTICLE 19, Global Campaign for Free Expression, in collaboration with the Institute for Democracy in South Africa (IDASA), organised the workshop at Rockview Hotel, Abuja. The workshop brought together a wide range of non-governmental organizations active in the spheres of human rights, development and media in sub-Saharan Africa.

The Workshop endorsed a Statement and Plan of Action to promote the right to information as a fundamental human right, to work towards adoption of legislation on freedom of information throughout Africa, and to contribute to a global campaign for this right. The overall aim being to promote democratic accountability and higher standards of transparency.

The Workshop noted that the right to information is included within the guarantee of freedom of expression and includes the right to access information held by public authorities; the
obligation on government to actively publish and disseminate key categories of information; and the right to truth - for example, about past human rights violations.

The workshop noted that the right to information is important because it enables other rights to be realized and is vital to the realization of social and economic rights and to the fight against poverty more generally. Further, the workshop noted that the right to information affects the way people live, their survival and their human dignity, and meaningful participation in policy formulation and decision-making processes is only possible in the context of respect for the right to information.

The right to information, they also noted, is a crucial tool for promoting accountable governance and can only be effectively implemented or exercised in the context of a specific legislation that establishes a fully developed legal and institutional framework that is in line with international standards.

Participants noted that only a few countries in Africa have explicit constitutional provisions guaranteeing the right to information and most have guarantees of the right to freedom of expression. While some countries - for example, Burkina Faso and even Democratic Republic of Congo - have created legal provisions that address the right to information, so far only one - South Africa - has a specific law that provides a framework for the full realisation of the right to information. Other countries, such as Ghana and Nigeria, have draft freedom of information bills that offer hope of further progress across the region. In many other countries, the civil society is campaigning for a specific law on the right to information.

Participants also noted that certain basic democratic principles and practices, such as the rule of law, an independent judiciary and media freedom, are necessary if the right to information is to flourish. In particular, restrictions on media freedom and access to the means of communication, including the Internet, as well as the lack of diversity in media ownership, undermine the right to information and render strategic planning by civil society for advocacy, monitoring and networking around the right to information a complex and difficult task. The greater the restrictions are, the harder it will be to mobilize around the issue.

Besides undertaking a review of developments in other regions of the world, as well as the need for the right to information and international standards in this area, the workshop introduced specific case studies relating to advocacy and monitoring.

The plan of action called for the establishment of National Advocacy and Networking Strategies. They noted that international solidarity can provide crucial support to a national campaigning strategy and called on donors to provide civil society groups working in this area with core, as well as project support. The plan also called on campaigns to focus initially on the need for legislation giving effect to the right to information, legal practitioners and civil society groups should be encouraged to undertake litigation on the right to information. It also said campaigners should make use of international and regional instruments, including the UN Human Rights Committee, the UN Special Rapporteur on Freedom of Opinion and Expression and the African Commission on Human and Peoples' Rights and undertake broad public education and awareness-raising programmes.

The plan noted that it is important for campaigners to build a broad coalition of interested and affected groups to lobby for the right to information and said it may sometimes be more appropriate to link up with existing coalitions and take right to information concerns into those coalitions than to set up a new coalition specifically on the right to information. Campaigners were also tasked on the need to make the right to information relevant to the issues people face in their day-to-day lives, such as health care, HIV/AIDS, housing, refugee displacement, resource wars, corruption and equal access to welfare and social entitlements, urged to use progress in the region to pressure their own governments to adopt good freedom of information legislation and in the absence of a government initiative, civil society groups should produce their own draft law.
The plan of action urged that projects on the right to information should serve a practical purpose directed towards the enforcement of other social, cultural, economic, civil and political rights, and participants agreed on a need for a right to information website resource focusing on Africa.

For the National Monitoring and Networking Strategies, the plan of action noted that where there is a law, it is important to use institutional structures such as an Ombudsperson and Human Rights or Information Commissions, it also urged that government must keep good records of requests for information and their outcomes, maintain records in good condition, taking advantage of modern technology, and must provide the public with a list of the type of records in their custody, monitor the extent to which information acquired under the freedom of information law is seeping into society and whether it is being used at local level to support social and economic rights activism.

The plan said the number of requests for records and the number and reason for refusals should be monitored by civil society both in qualitative terms, the nature and category of records requested, and the operation of the exemption clauses. The plan also said that the commitment of the government to the freedom of information law and its effective implementation should be tested, by litigation and other means.

Where there is a clear constitutional guarantee but no freedom of information law, the plan of action provides that the media should collate information about attempts to acquire information and the extent to which the right is, or has been, denied by governmental secrecy. It also recommended that international mechanisms should be used, including the submission of shadow reports compiled by local organizations, and campaigns to promote the adoption of freedom of information legislation.

But where there is neither a constitutional right nor a freedom of information law, the plan of action recommends that campaigns should be directed towards achieving constitutional and legislative protection for the right to information.

In the use of Regional & International Networking and Strategy, participants noted that Regional and international organisations, such as the African Union and the United Nations, can play an important role in promoting the right to information. At the same time, the right to information must also be realised at the trans-national level, in recognition of the trend towards globalisation reflected, for example in the growing power of international financial institutions (IFIs), for example the World Bank, African Development Bank, and trans-national corporations (TNCs).

The Plan of Action also identifies eight areas of activity aimed at buttressing a global campaign for the right to information at both the national and trans-national levels.

It identifies, amongst other things, the following campaign objectives: Raise standards of openness in the UN, TNCs, IFIs (such as the World Bank, the African Development Bank, the IMF and the WTO) and regional and sub-regional bodies (such as the African Union or ECOWAS); A UN Declaration on the right to information; and an African Declaration on freedom of expression, including the right to information.

This global and African campaign for promoting FOI regime will be underpinned, additionally, by two cross-cutting initiatives: The “mainstreaming” of freedom of information as a human rights issue, to demonstrate its close relationship and importance to issues such as poverty and inequality; and The passing of strong freedom of information laws at national level, that accord with the best practice as cited in ARTICLE 19’s The Right To Know: Principles on Freedom of Information Legislation.

Accordingly, the Plan of Action recommends the compilation of a portfolio of case studies that illuminate the link between the right to information and fight against poverty and socio-economic inequalities.

Participants at the workshop endorsed the view that the right to information applies to all people and in all contexts across Africa. With regard to specific areas discussed at the workshop, it was agreed that: It is the right of people to know how illegal trading in resources such as diamonds ends up fuelling conflict in which lives and properties are destroyed; it is the right of
mothers to know which HIV/AIDS drugs are effective and affordable in the fight against mother-
to-child transmission; it is the right of communities to know how and why money allocated by
governments for development in their locality has not reached them; it is the right of citizens to
know the contents of documents exchanged by their government and international financial
institutions such as the World Bank; it is the right of victims and their friends and families to
know what happened to those who were killed, tortured, "disappeared" or otherwise physically
attacked by security forces or other armed groups; it is the right of refugees and internally
displaced people to know what repatriation plans exist for them.

Participants noted that information is an essential precondition for effective mobilization
and the achievement of progressive change at the local, national, regional and global levels and
concluded by pledging to campaign for the full realization of the right to information as part of
the wider struggle for participatory democracy and social justice.

Among participants at the workshop were Graham Saul, Bank Information Center (USA);
Lansana Gberie, Partnership Africa Canada; Zamo Zwane, Treatment Action Campaign (South
Africa); Bernice Baiden, Commonwealth Human Rights Initiative; Mwamba wa ba Mulamba,
Secretary General, Journaliste en danger (DRC); Celestin Lingo, President, Union of
Cameroonian Journalists and representing Organisation des Medias d'Afrique Centrale (OMAC);
Julia Harrington, Director, Institute for Human Rights and Development in Africa (The Gambia).

Other participants were Richard Calland, Head of Political Monitoring Information
Service IDASA; Alison Tilley, Project Director, The Open Democracy Advice Centre, Cape
Town (South Africa); John Barker, Head of Africa Programme, ARTICLE 19 (Johannesburg);
Toby Mendel, Head of Law Programme (London); Jon Lunn, Consultant (London); Edetean Ojo,
Executive Director, Morenike Ransome-Kuti, Director of Research and Chair of the Board, MRA.

**Court Grants Independent Broadcasters Temporary Relief**

Embattled Nigerian independent broadcast stations operators have gained judicial relief.
Justice Okechukwu Okeke of a Federal High Court in Abuja made an interim order
restraining the National Broadcasting Commission (NBC) from shutting down radio and
television stations owned by the independent broadcasters operating under the aegis of
Independent Broadcasters Association of Nigeria (IBAN), for allegedly refusing to pay 2.5 per
cent of their gross income pending the determination of the motion on notice which was
adjourned till September 28.

The same court also barred NBC and the Minister of Information from withdrawing the
earlier approval granted Daar Communications Limited to transmit signals in Nigeria and
globally on network basis or prevent any media outfit from transmitting programmes on network
basis through the Africa Independent Television (AIT) and Ray Power stations across the country.

The suit was sequel to a demand made on the independent broadcasters to pay 2.5 per
cent of their gross income to the NBC or risk being shut (see Media Rights Monitor Vol. 6. No. 9
for September 2001). After a failed attempt by the National Assembly to mediate on the matter,
IBAN filed a motion-exparte seeking to compel the NBC and the Minister of Information to
enter into meaningful dialogue and negotiation with it over levies and fees to be paid by its
members. In addition, IBAN also filed an originating summons seeking among other things, a
declaration that Section 142(a) of the NBC Decree 38 of 1992 as amended did not in any way
confer absolute or unfettered powers on the NBC to “unilaterally and arbitrarily” fix fees and
levies on members of IBAN. It also sought a declaration that the threat of

immediate shut down of its members' radio and television stations by September
20 over the disputed fees and levies without formal negotiation was disproportionate and
amounts to a breach of the Code of Conduct. It sought an order of perpetual injunction
restraining the NBC, the Minister of Information and their agents or privies from shutting down or interfering with the legitimate business of its members whether on September 20 or any other day.

IBAN, through its counsel Chief Mike Ozekhome in its action accompanied by a 27-paragraph affidavit deposed to by Dr. Aleogho Dokpesi, its Chairman and Chief Executive of Daar Communications Limited, sought to get NBC to enter into a negotiation with its members to fix levies and fees. This is against the economic background and financial constraints of its members.

Dr. Dokpesi averred that the NBC had earlier in the year written to its members demanding the payment of 2.5% of their gross annual turnover as charges to it. This, according to Dr. Dokpesi, led to several meetings between IBAN and NBC to explain the difficulties that would make it impracticable for them to pay the levies. These were in addition to appeals from IBAN pleading for intervention by relevant authorities all of which yielded no result.

Dr. Dokpesi contended that the NBC did not take into account the operational exigencies and intensive capital obligation of the private broadcasting stations. He alleged that "these charges, even though applicable to all electronic media houses whether private or government-owned, have only been selectively imposed on private broadcasting stations, with an excessively buoyant government station being left out."

He expressed apprehension at NBC's persistent pressure on private stations to pay the levy in spite of the unanimous resolution of all stakeholders in the electronic medium and the Senate Committee on Information that a joint special committee be constituted to undertake a comprehensive review of all media laws including the NBC decree. He declared that the NBC act, if not checked, would cripple all their broadcasting outfits and consign them into oblivion. He said IBAN believes only a court action could stop the NBC and the Information Minister from carrying out their threats of imposing stiff sanctions on its members and throwing them into hardship and irreversible losses.

Is This Press Freedom?

For some journalists in Nigerian, if the oft-repeated claim of Nigeria government officials that they now enjoy the democratic dividends of freedom of expression and press freedom had an iota of truth, it is fast ebbing out. They are daily being subjected to malicious victimization by law enforcement officers who still carry on in a manner reminiscent of the brutal military dictatorships of Generals Ibrahim Babangida and late Sani Abacha despite being two years in a democracy. The latest in the long list of law enforcement brutality on journalists plying their trade is the case of Sunday Times newspaper, law reporter, Henri Olonisaye.

His offence was for having the effrontery to attempt to investigate stories of unethical conducts among policemen. For this he was arrested and detained in the Police cell and later the Kirikiri Maximum Security Prison. At both places, he was brutalised. The inmates assaulted him, took his money and smashed and destroyed his midget tape recorder. Out of prison on bail the journalist is still fighting to take possession of his motor-bike as well as keep looking over his shoulders for security officers who are in the hunt for him.

The journalist's ordeal began at the local wing of the Murtala Mohammed airport in Lagos on September 25. On that day, Henri, acting on complaints by Commercial motorbike operators of corruption and unethical practices among policemen attached to both the local and international wings of the Murtala Mohammed Airports in Lagos, and consequent upon an agreement of his editors, set out to investigate the allegations. He went to the airport with another journalist, Thomas Olatunde Ogoh of Eko Today newspaper.

His story

At an editorial meeting on September 24, 2001, there was a report of unethical conducts and other sharp practices among officers and men of the Nigeria Police at both the International and Local Wing of the force. I was assigned to investigate the allegation. I set out on Tuesday 25th of
August along with a colleague, Thomas Olatunde Oghoh of Eko Today newspaper as we had other assignments to cover at the nearby Airforce Base in Ikeja.

The allegations against the officers and men include:

1) Thwarting the effort of the federal government to rid the Airport and its environs of touts.
2) Also, there had been alleged complicity of uniformed men including the police in ticket racketeering and touting at the airports.
3) Despite the ban on commercial motor-bike (Okada) operators, the police was alleged to have made special arrangement for interested commercial cyclists to register with them and to pay N1,000 weekly (every Friday) to one Sgt (name withheld) allegedly fronting for the Divisional Police Officer, Superintendent Lasisi.

Steps taken
Having monitored the activities of the men at the Local Wing, we discovered that some Okada operators were plying the route unhindered, while a few unlucky ones who allegedly flouted earlier agreement were arrested and detained. We found, on investigation, that those arrested were only released when they pay N5,000 fine to police coffer or are charged to court.

Having established this, we headed for the police station. At the station we stated our mission and asked to see the Divisional Police Officer (DPO) in charge of the local airport. One Inspector Enitan Emmanuel told us that the DPO had gone out on official routine check at the tarmac. As we made to leave, some policemen including one Inspector Awesu Abass, Sergeant Pascal Ogbunike, Michael Oddo and another in mufti, who apparently heard us state our mission, accosted us and demanded for the particulars of my motorbike. I gave them to Inspector Abass who seized them and ordered that I should be taken alongside the bike to the station. I asked my colleague to go and inform my family where I was and what was happening. I was taken to the station where I was assaulted by the policemen and put behind bars.

Frame-up
The police officers later accused me of “illegal entry into restricted area and for operating a commercial motorcycle" in contravention of Federal Airports Authority of Nigeria (FAAN) rules. They arrested me and impounded my motorbike. They refused my entreaties to allow me make a phone call to my office and tell my editor my fate. While some of the policemen suggested that I should be detained behind the counter, Sgt. Ogbunikwe insisted that I should be put in the cell.

The police officers threw me into a cell instructing the detainees to ensure that I saw hell. The detainees subsequently carried out the order to the letter. They beat me up thoroughly. The chairman (of the detainees) insisted that I should be given a hard slap on the face and they subjected me to severe punishment. I was made to pull my ears and hop like frog. I was also subjected to other inhuman treatments. Even some policemen merely came to see me going through my ordeal, ridiculed and made jest of me. They also took the money I had on me, smashed and destroyed my midget. The policemen also refused my entreaties to get across to either my employer or family. The Inspector at the counter specifically instructed people around not to run errand for me.

The detainees, however, refunded N100 to me when they discovered that I am a journalist. A policeman had already assisted them purchase loaves of bread with my money. The detainees told me that some of them had been arrested and accused of violating the restriction on the use of motorbike for commercial purpose at the airport. They claimed that they had been detained for days for not being able to afford N5,000 bribe demanded by the police.

The police later arraigned me and three other accused persons on three-count charge before a magistrate court at the Airport. Before I was taken to court, they threatened that they would frustrate my bail application so that I can be kept in prison custody. They accused me of being arrogant, and said that rather than co-operate with them, I was trying to prove that I knew my rights.
At the court, I pleaded not guilty and I was granted bail. Three other accused persons pleaded guilty and were sentenced to pay various fines. Even after they paid their fines the policemen could not secure a receipt to effect their release. Sgt. Pascal Ogbunikwe frustrated all efforts made by my lawyer then, Mr. Festus Udo, to secure my bail, and decided he was taking us to Kirikiri Maximum Security Prison.

The policemen handcuffed me right from the court and only removed it when my lawyer protested. He then tied my shirt with another accused person's and pushed us like hardened criminals from the court to the station.

At the station, initially, other accused persons were asked to stay behind the counter while I was taken into the cell. While I was kept away, nine (9) other accused persons secured their bail having paid the mandatory N5,000 demanded by the police.

When the DPO emerged, he asked Sgt. Pascal Ogbunikwe what he intended to do with us. Sgt. Ogbunikwe told him that he was making arrangement to take us to the prison. I was brought out of the cell and along with other accused who could not secure their bail. We were taken into a waiting cab and the driver drove-off moving round the airport vicinity without a discernable direction. I was later to understand that it was a ploy to get the accused to frantically "settle", which means to bribe them.

To Kirikiri

While we were being driven around, I approached Sgt. Ogbunique and told him that he should put us in their custody pending the arrival of my brother and relations of others who were around. He then demanded for a refund of the fare for the hired vehicle put at N1,000, and another N2,000 each to enable him take us back to police custody. When we refused to pay he instructed the driver to take-off to Kirikiri Prison. At the prison, Sgt. Ogbunikwe called a warder aside and they discussed at length. I was later to realise the outcome of their discussion. Right from the inventory office, the warders started passing uncomplimentary remarks about my person. They hit me on the head several times and labelled me a fake journalist and as well subjected me to other inhuman treatments such as being made to sit on bare floor while the inmates around were allowed to freely slap and kick me to the amusement of prison officials.

We were marched straight to the 'Generals' residence where I was given "special treatment", which included severe beatings, frog-jumping and other forms of humiliation. I was refused to undertake the natural exercise of passing urine by a senior inmate called Commissioner (real name Wale) who said that it was against their law for new comers (referred to as Alejo) to ease themselves after six (6pm).

Though it was against their law to approach the 'General' in person, when I could not hold it any more, I boldly went up to him to explain my plight. He instructed his orderly to allow me urinate but rather than oblige, I was stripped naked and made to 'do it' at intervals with a stern warning not to allow a drop on the floor.

At a stage when I could no longer continue, I allowed the urine to flow freely and that earned me another round of beatings. Thereafter, I was compelled to squat throughout the night.

The following day, September 26, we were woken up by another inmate called old soldier who gave us six (6) strokes of the cane each. Thereafter, a warder came and took us out for manual labour. I was particularly given a large portion of grass to cut supervised by inmates who kept beating us on the ground that strangers to Kirikiri are not allowed to rest.

One warder popularly called Rascal was a thorn on my flesh. He said journalists had written a lot to dent the image of prison warders. He specifically pointed out Sunday Times that allegedly focused on Kirikiri prisons more than other media houses. It was a case of jumping from frying pan to fire as he used every opportunity to taunt me.

At the end of the day, we were assigned different cells. Initially I had no idea that one had to lobby to secure a good cell space and that accused persons spend money to lobby for this. In fact, to get a good cell attracts between five thousand naira (N5,000) to ten thousand naira
(N10,000). Some warders openly canvassed for where to allocate inmates. When I became aware of this, I fell back on the 'General' who promised to assist me. Since I had no money to offer, he instructed the warder where to place me. Eventually, I ended up in Cell Y2, considered fairer than most cells. That was the stage where I knew the predicaments of those who besiege the Human Rights Violation Panel to openly express official hhighhandedness in the hands of law enforcement agents.

Immediately I entered the cell, another round of punishments commenced. I was stripped naked and made to stand in the midst of the inmates. They demanded whether I was guilty or not. I had earlier been tutored never to plead 'not guilty' as that would earn me very serious punishment. To the inmates, it was as though you do not want to belong. So, I pleaded guilty. I was then asked to hold my ears and start jumping as much as possible to enable my head touch the wooden ceiling, more than twenty (20) meters away.

Later, I was formally welcomed into the cell by the Governor who insisted I should be telling them stories/happenings in the free world. Already I was tired because I had not eaten for three days. Though meals were served but it's better to starve than taste what the prison authorities offered to the inmates. They prepared Eba (made from casava) and use oil as stew.

At about 4pm, a female police Sergeant, Rose, who had earlier made my wife to pay the sum of N1,500 brought my bail paper but the inmates would not allow me out unless I pay the rent fees of N1,500 to their marshal. However, they later insisted that I remove my shirt. In fact, some inmates fought for it and the one that eventually won it pulled his own dirty sweater which I wore home.

The warders refused to release the N65 kept in their custody despite my insistence on collecting it before I leave. I was later informed that monies so registered are never returned to their owners.

Even now my life is not safe, as the same policemen who assaulted me have been visiting my house and church trailing me. They claim that they want to refund my money.

**Disobedience of Court Order**

Despite the order by the magistrate that my motorbike be released to me, the police have refused to do so. The police had destroyed the court bond and claimed that they have misplaced it.

**French Court Spurns Efforts To Bring President Compaore To Justice, Police Officers Beat-Up RSF Activists**

Efforts by Reporters sans frontières (RSF) to compel the French state prosecutor to open a case against the President of Burkina Faso, Blaise Compaoré, during his recent visit to France, has been turned down by the authorities. Scores of RSF's officials were also arrested by French security officers when they tried to protest Compaore’s visit.

RSF, in a statement, said it is surprised by the decision of the authorities not to open up a case against President Compaore as the accusations against the head of state are extremely serious and his responsibility is seriously called into question. They insist that acts of torture that led to David Ouédraogo’s death were not the result of over-zealousness or an unfortunate mistake, but were orchestrated and executed by members of the presidential guard, who are under the head of state's direct authority.

RSF had based its action on the ruling delivered on November 6, 1998, by Judge Vandermeersch in the case brought against former Chilean President Augusto Pinochet. The judge ruled that concerning torture, "such criminal acts cannot be considered to fall within the normal exercise of a head of state's duties. In fact, one of the head of state's duties consists precisely in the protection of his fellow citizens."

The action by RSF followed several failed attempts by journalists and press freedom groups to compel the Burkinabe authorities to openly prosecute persons responsible for the
murder on December 13, 1998, of Norbert Zongo, director of L'Indépendant newspaper, and three of his companions who were assassinated in Sapouy. The journalist had long been investigating the death of David Ouédraogo, the chauffeur of François Compaoré, presidential advisor and the head of state's brother. Suspected of robbery, Ouédraogo and three of François Compaoré's other employees were arrested in December 1997 by guardsmen who were close to Blaise Compaoré. The four employees were detained for several weeks inside the buildings which house the presidential guard. Ouédraogo died as a result of the torture to which he was subjected.

The independent commission of inquiry set up to investigate the Norbert Zongo's death concluded in its final report, which was made public on May 6 1999, that the journalist was assassinated "following his investigative work in the Ouédraogo affair." The commission implicated six members of the presidential guard in Zongo's assassination.

RSF, in the statement, said it cannot understand the French courts' reluctance to hear the organisation's complaint. The organisation noted: “In fact, developments in international law today suggest that no distinction should be made between a serving head of state and a former head of state, since torture is an international crime that should be universally suppressed”.

In addition, RSF decided to bring forward an independent action for damages against President Blaise Compaoré. On October 12, the organisation filed its action with the most senior examining judge. In consideration of the situation's urgency, RSF asked the French state prosecutor to immediately open a preliminary investigation, so that a decision can be taken by an examining judge before President Blaise Compaoré's departure from France.

French legislation integrated the convention against torture into its national law in 1984. French judges now have the authority to try those responsible for acts of torture, even if the torture was not committed in France.

But on October 15, RSF activists went to the Socialist Party (Parti socialiste, PS) headquarters on Solférino Street in Paris, just as President Compaoré was arriving to meet the party's first secretary, François Hollande. RSF had hoped to use the opportunity to draw the attention of the first secretary, and French officials who were expected to meet with Compaoré, to the Burkina Faso president's responsibility in the death of journalist Zongo.

As Compaoré was getting out of his car, RSF members threw leaflets in his path. The leaflets said, "Norbert Zongo, assassinated journalist; No to impunity in Burkina Faso". Two activists were then brutally held down by police officers in civilian clothes and thrown to the ground. They were kicked and beaten repeatedly and their faces were sprayed with tear gas. Fourteen other members of the organisation who were present were arrested by police.

CJFE Praises Journalists in Sierra Leone; Seven On Hit List

The heroic exploit of journalists in Sierra Leone in the face of mounting opposition has been documented. Writing in a report for the Canadian Journalists for Free Expression (CJFE) project, journalist Roger Holmes said of the journalists and their condition of work: "The pay is low, the hours are long, but they keep at it. They have little advertising. They write about huge national stories. They criticize government. They struggle, in an effort to re-build the country's media scene after the ravages of a protracted civil war which has left its newspaper and radio sectors in ruins”.

Holmes and fellow media trainer Dale Ratcliffe have been involved in the CJFE project since January 2001 in an effort to help newspaper workers in the war torn West African country reestablish themselves and strengthen the capacity of the country's media organizations. The report by Holmes and Ratcliffe marks ten months into the 18-month project.

Sierra Leone has experienced many years of brutal civil war, leaving tens of thousands of lives devastated and a political, economic and social infrastructure in ruins. The CJFE project,
funded by the Canadian International Development Agency (CIDA), seeks to provide the needed infrastructure so that the country's print medium can operate regularly and efficiently. This includes the purchase and installation of a printing press, and the establishment of a local cooperative to manage the press. In addition, the project aims to develop the professional, ethical and reporting capacity of Sierra Leonian journalists in both print and radio.

Journalists in the country continue to work under life-threatening situations. In one week in September, seven reporters were the targets of anonymous death threats. One letter titled: Warning: Journalists' Hit List, named Philip Neville of Standard Times; David Tam Baryoh, chief of the Centre for Media, Education and Technology; Jonathan Leigh, editor of the Independent Observer; Paul Kamara, founding editor of For di People; Chernor Ojuku Sesay of The Pool; Richie Olu Gordon of Peep; and Pios Foray of The Democrat. The letter signed by "Danger Squad", said "all (the journalists) must die before elections; all these journalists are enemies of the state."

All the journalists are longtime critics of the government. They are believed to have been targeted for criticizing the government's recent move to postpone elections, which was originally slated for December 2001, but have now been rescheduled for May 2002.

Since 1997, 15 journalists in Sierra Leone have been murdered. Thirteen of these murders have been attributed to the Revolutionary United Front rebel group, which leader Foday Sankoh was in 2000 named by the Committee to Protect Journalist (CPJ) as the worst enemy of the press.

Press Freedom Groups Expresses Concern Over South Africa Internet Interception and Monitoring Bill

South Africa seems set to take a giant leap backward from its immediate post-Apartheid achievement in the promotion of freedom of expression going by the content of a proposed bill to regulate the Internet in that country. Called Interception and Monitoring Bill, the proposed law has pitched Anti-Censorship organisations and journalists in the country against authorities. The rights groups and activists are concerned that the Bill if passed into law would "allow blocking and snooping on the Internet, all in the interest of 'state security'," according to Media Institute of South Africa (MISA).

The Committee to Protect Journalists (CPJ) also noted that the bill would empower the Police, the National Defence Force, the Intelligence Agency and the Secret Service to "establish, equip, operate and maintain monitoring centres."

CPJ added that if adopted, the legislation would allow the government to monitor electronic and cellular communication, in some cases without warrants, under the pretext of curbing organized crime.

Several South African journalists fear that the measures would hinder their ability to keep sources contacted via e-mail or cell phones confidential. CPJ, therefore, urged the South African government to consider carefully the bill's broader implications for press freedom and to avoid enacting provisions that infringe on journalists' confidentiality. They believe that it will further restrict the autonomy and independence journalists must have in order to collect sensitive information in strict confidentiality.

South Africa's media already face tough strictures under Section 205 of the Criminal Procedure Act, which authorities have repeatedly used to seize journalists' equipment and to compel them to reveal sources.

In May, authorities cited Section 205 in an attempt to force Cape Times photographer Benny Gool to hand over pictures he took during the killing of a gangster by the PAGAD vigilante group. The South African Parliament was expected to vote on the legislation after August 13.
Pressure Mount On Media Over Reports As Eighty Libraries Are Destroyed In Terrorist Attack On The US

There is no end yet to revelations on the extent of damage wrought on the world by the September 11 terrorist attack on New York and Washington in the United States of America. Recent revelations showed that the terrorist attacks which shocked the civilized world also affected 80 libraries and countless IT facilities, besides the numerous lives lost.

The International Federation of Library Associations and Institutions (IFLA) and Committee on Free Access to Information and Freedom of Expression (FAIFE) made the disclosure in a joint press statement in which they also joined library colleagues and the people of the world in mourning the innocent victims and extending deep sympathy and support to the families and friends of victims, the survivors and others who have suffered.

But besides the loss of lives of possibly hundreds of persons who work in the area of information dissemination and management, freedom of information and press freedom look set to suffer restriction as a result of the terrorist attack. Journalists are being bullied and harassed by all sides in a conflict that calls for professionalism and independence from media - not propaganda and censorship. There have even been calls by persons and groups to restrict the core human rights to freedom of expression and free access to information in the wake of these tragic events. The calls are based mainly on the notion that some of the suspected hijackers may have communicated with each other by using Internet services at public libraries, to help plan their attacks. Such implications are being used to justify restrictions on free speech and freedom of information and increased surveillance.

Ironically, the use of Internet news sites doubled during the week after the attacks. Families and friends used email to check on the safety of their loved ones across cities and across the world. Website operators responded to the thirst for news by bolstering their servers and increasing the frequency of updates. The result was that people throughout the world used websites and streaming audio and video feeds to get up to the minute information on the events and their aftermath. This fact demonstrates the force of the ideal of free access to information and freedom of expression, which though may be misused but strengthens the peoples of the world.

But in a swift reaction, the Chair of the IFLA/FAIFE Committee, Mr. Alex Byrne, said in a statement that such a call for Internet censorship was based on a wrong premise. He argued that if the campaign against terrorism is to be won, a vital strategy is to safeguard the best access to information and recommended that barriers to the free flow of information should be removed, especially those that promote inequality, poverty and despair.

His words: "We should build respect and understanding between the diverse cultures of the world. We should help construct communities where people of different backgrounds can live together as neighbors. Freedom is something for which we must fight, not by limiting it but by strengthening it."

FLA proclaimed that the libraries and information profession of the world would respond to these tragic events by redoubling its efforts to see free access to information and freedom of expression worldwide.

While the United States prepared for a war on terrorism, members of the Coordinating Committee of Press Freedom Organizations, meeting in Paris on September 21, urged governments to respect media freedoms in their quest to catch the perpetrators of the terrorist attacks. Members of the committee include the Committee to Protect Journalists (CPJ), World Press Freedom Committee (WPFC), World Association of Newspapers (WAN), International Press Institute (IPI) and Inter American Press Association (IAPA).

At the meeting, the members adopted a resolution condemning the attacks, while emphasizing "that any countermeasure must not infringe press freedom." The resolution went on to state: "At a time when assaults have been made on the universal right to live in peace, it would not promote respect for democratic societies to begin chipping away fundamental freedoms. The
evil that terrorism represents will be best defeated by full public exposure. Censorship, restriction on the movement of journalists, and limitation on news content can interfere with this necessary public exposure."

In a similar vein, IPI and the CPJ have expressed dismay at reports that the US State Department has applied pressure on the government of Qatar to influence the news coverage of independent Qatar-based satellite channel, Al Jazeera. According to reports, the privately owned station, which is the most popular television channel in the Arab world, has been accused of airing anti-American views, particularly in the wake of the September 11 terrorist attacks in the US.

On October 3, United States Secretary of State Colin Powell met with the Emir of Qatar Sheikh Hamad bin Khalifa al-Thani, asking him to use his influence to pressure the station into softening its coverage. The US State Department complained that Al Jazeera was repeatedly airing a 1998 interview featuring Osama bin Laden, whom the US has accused of being the master-mind of the attack, and that it reported that US Special Forces troops were recently captured by the Taliban in Afghanistan. IPI declared in a letter to Powell that: "The US State Department is seeking to sanitize reporting and is denying individuals the right to receive information as protected by article 19 of the United Nations Universal Declaration of Human Rights."

Ironically, the US State Department characterized Al Jazeera in its 2000 Human Rights Report as a "privately owned satellite television channel [that] operates freely."

Since the start of the United States-led bombing of Afghanistan on October 7, the satellite channel - which is the only foreign broadcaster permitted in Afghanistan - has broken a string of exclusive stories on the situation inside Afghanistan, including a videotaped statement by bin Laden released shortly after the bombings began.

Meanwhile, the Washington Post in a report said that since October 11, Bush administration officials, including national security advisor Condoleezza Rice, have begun to grant interviews to Al Jazeera in an effort to sell its policies in the Arab world, especially in the Middle East. Prior this, the State Department had steadfastly refused to grant interviews to the station's reporters.

The attempt by the US State Department to control Al Jazeera's media coverage followed on the heels of an incident two weeks earlier in which it tried to prevent the Voice of America from airing a programme that featured an interview with the leader of the Taliban regime Mullah Mohammed Omar. The State Department backed down from its request, and the programme was aired on September 27 with minor changes after more than 100 VOA staff members sent a letter to newspapers in protest. Although the programme was eventually aired, the move raised fears that American media organizations were being pressured by officials into falling in line with US government policy.

From Canada, the Canadian Journalists for Free Expression (CJFE) sent a letter to Justice Minister Anne McLellan, expressing alarm at reports that the government was drafting a new anti-terrorism bill that would curb freedom of expression rights.

According to a report in the Toronto Star, government officials are drafting a new anti-terrorism bill that would amend the Official Secrets Act. The minister would be given powers to prohibit the release of information to foreign states and terrorists deemed threats to "essential infrastructure," and prohibit disclosure of information given "in confidence" to Canadian officials by its allies. Other amendments to the Act would give police and security agencies new powers to investigate suspected terrorists, including wider discretion to wiretap telephone and wireless calls, and monitor e-mail communications.

CJFE Executive Director Sharmini Peries said the implications of this bill for media organisations and journalists are alarming, since "an attempt to prohibit the disclosure of information given 'in confidence', could expose journalists to prosecution for disseminating material that is offered, received and published in good faith, and clearly in the public interest."

CJFE urged the government to conduct public consultations on any proposed legislation that may affect freedom of expression, and respect the principles of due process, including judicial review.
Even the Taliban authorities have relentlessly impeded efforts by many foreign journalists seeking to enter Afghanistan from Pakistan despite having obtained visas from embassies in Pakistan before September 11. It took public out-cry to get the authorities to release British journalist Yvonne Ridley after detaining her for ten days. The Sunday Express reporter left Afghanistan on October 8 and crossed safely into Pakistan after Taliban leader Mullah Omar ordered her release two days earlier.

Ridley was arrested on September 28 near the city of Jalalabad after slipping into the country two weeks earlier without a passport or travel documents. Shortly after her arrest, Taliban officials announced intentions of trying Ridley on charges of spying, a crime that is punishable by death under Taliban laws.

Another incident involved the arrests of two journalists - Michel Peyrard, a reporter for the French magazine Paris Match, and Mukkaram Khan, a correspondent for the Nawa-i-Waqt daily - and Mohammad Irfan, a school administrator from Peshawar who was working as Peyrard's guide. The three men were arrested outside Jalalabad and formally charged on October 10 with spying. They will face a trial in a 'special court', according to a Taliban spokesperson quoted by CPJ.

Shortly after their arrest, they were reportedly paraded through the streets of the city and stoned by onlookers as they walked. The incident was confirmed by the French consulate in Pakistan, according to Paris Match sources. RSF said in a report that they have recently been moved to Kabul and are being detained in inhumane conditions.

In another case, RSF and CPJ reported that Figaro magazine reporter Aziz Zemouri was arrested on October 9. Citing a report in Pakistani newspaper Dawn, CPJ said Zemouri was arrested in Ghulam Khan in North Waziristan and has been transferred to Peshawar, where he is being detained by the Pakistani Immigration Department. Expressing grave concern, CPJ said Zemouri is being held for interrogation, though no charges have been preferred against him.

Three Pakistani journalists have also been detained in Peshawar since October 5. Syed Karim, Rifatullah Orakzai and Muhammad Iqbal were arrested for illegally entering Tirah Valley, which is closed to foreign journalists. Pakistani authorities accused them of being "American spies." The families of the three journalists fear that authorities may transfer them to a special detention centre where detainees are often mistreated.

In a separate incident, the Pakistan Press Foundation (PPF) reported that a mob in Islamabad attacked a group of foreign journalists on October 8 during demonstrations against the US-led bombing of Afghanistan. The government has banned foreign media representatives from religious institutions as a precautionary measure.

In the wake of the terrorist attacks on the United States, the government of Jordan approved amendments to the Penal Code to combat terrorism, arguing that they were aimed at preventing some of the country's 14 weekly publications from publishing "lies and sensational stories" against the government, according to a report in the Jordan Times. But observers said these sweeping amendments indiscriminately target all publications and seriously threaten press freedom.

The amendments to the Penal code were introduced on October 8 without prior public or parliamentary debate. The Code enlarges the powers of the government to temporarily or permanently ban publications. Article 5, which replaced Article 150, states that anyone who prints "false or libelous information that can undermine national unity or the country's reputation" or "aggravate basic social norms" can be imprisoned. Other definitions in the Article cover individuals who "sow the seeds of hatred" or "harm the honour or reputation of individuals." Individuals charged with such crimes will be subject to jail terms of up to six months and fines of up to 5,000 Jordanian dinars (approximately US$7,100).

In addition, Article 6, replacing Article 195 of the Penal Code, criminalizes the publication of statements that insult or attribute false statements to King Abdullah Ibn Hussein and other members of the royal family, whether they are published on the Internet, in print or in cartoons.
In Botswana, the government has tabled a new Defence Bill which would restrict the media's ability to report on military activities in the country. The draft legislation was tabled in the National Assembly on September 25, by Defence Minister Erkki Nghimtina. The Defence Minister claims the Bill is necessitated by the terrorist attacks in the United States.

Sections 54 and 55 of the Bill penalizes the disclosure of "unauthorized" information, and regards the "taking of photographs or making sketches, plans, models or notes of military premises or installations" as a criminal offence. Also, anyone who publishes "information calculated or likely to endanger national security or the safety of members of the Defence Force" will be breaking the law, according to the Defence Minister.

The proposed law gives military officers broad discretion in carrying out their duties, but "fails to ensure that these rights are balanced in the framework of the constitutional guarantees to freedom of expression and media freedom."

Indeed, proponents of these restrictions lose sight of the fact that at issue is the public's right to know and obtain information from public authorities.

Inter-American Court of Human Rights, Botswana High Court Grants Landmark Relief

Free press and freedom of expression advocates recently scored a double victory. In a landmark ruling, the Inter-American Court of Human Rights intervened in a defamation suit launched against the daily newspaper La Nacion by a former Costa Rican diplomat. The court granted the newspaper temporary relief in a freedom of expression case.

In a similar development, that has been hailed as a victory for press freedom a high court judge in Botswana has declared a government ban on advertising in two newspapers unconstitutional. Justice IBK Lesetedi ruled that the ban placed on the Botswana Guardian and MidWeek Sun - which denied the newspapers revenue from government advertisements - infringed on the newspapers' constitutional rights to "freedom of expression."

On September 7, 2001, the Inter-American Court of Human Rights, which is an entity of the Organization of American States, issued "provisional measures" instructing the Costa Rican government to stay action on certain sections of a 1999 verdict against La Nacion and La Nacion reporter Mauricio Herrera Ulloa.

The ruling marks the first time that the court would intervene in such a way in a freedom of expression case. The American Convention on Human Rights states that the court will only issue provisional measures if the case is of "extreme gravity and urgency" or there is a necessity to "avoid irreparable damage to persons."

Ulloa was convicted of criminal defamation by a lower Costa Rican court in November 1999 for a series of articles he wrote in 1995. Ulloa had cited European media reports which alleged that former Costa Rican diplomat Félix Przedborski was linked to financial scandals.

As a result of the verdict, Ulloa was ordered to pay Przedborski damages amounting to 120 days' wages. His name was also placed on an official list of convicted criminals. In addition, La Nación was ordered to cover Przedborski's legal fees; pay 60 million colones (US$190,000) in damages; publish the ruling; and remove all Internet links to its stories about Przedborski. Ulloa's application to appeal the ruling was rejected by the Supreme Court, after which he appealed to the Inter-American Court.

In its September 7 ruling, the Inter-American Court ordered the Costa Rican government to suspend its listing of Ulloa on the official list of convicted criminals until it issues a final ruling. It also ordered the temporary suspension of the requirement that La Nacion publish the lower court's judgment.

There has recently been an increasing number of defamation cases instituted against local media in Costa Rica. In February 2000, the Legislative Assembly's judiciary committee rejected
a proposed bill that would have made it more difficult for plaintiffs to launch defamation lawsuits.

In his ruling, Justice Lesetedi said that, through the use of the ban, the Botswana government was sending a message to the newspapers that if they were to "enjoy the benefit of receiving advertising from government, [they] should conform to a reportage that falls within what it considers to be the parameters of editorial freedom." The judge said that placed pressure on the newspapers to change their editorial policy - a violation of their right to freedom of expression. The advertising ban was imposed in May 2001, spurring a lawsuit launched the following month by the two newspapers. In the past, the Botswana Guardian and MidWeek Sun have been openly critical of President Festus Mogae and Vice President Ian Khama.

Reacting to the ruling by Justice IBK Lesetedi of Botswana high court which declared a government ban on advertising in two newspapers unconstitutional, Media Institute of Southern Africa (MISA) said in a statement: "The message is that people in power should be tolerant." The message added: "We hope that [Southern Africa Development Community] governments understand the importance of media."

MISA said it was hopeful that the positive ruling would be emulated in Namibia, Swaziland and Tanzania, where similar bans remain in place. In Namibia, the government has had an advertising boycott imposed on The Namibian newspaper since December 5, 2000. The government claimed the newspaper was too critical of its policies.

But it was not all good news from Botswana. The government is tabling a new Defence Bill which would restrict the media's ability to report on military activities in the country. The draft legislation was tabled in the National Assembly on September 25, 2001 by Defence Minister Erkki Nghimtina. The Defence Minister claims the Bill is necessitated by the September 11 terrorist attacks in the United States.

Sections 54 and 55 of the Bill penalizes the disclosure of "unauthorized" information, and regards the "taking of photographs or making sketches, plans, models or notes of military premises or installations" as a criminal offence. Also, anyone who publishes "information calculated or likely to endanger national security or the safety of members of the Defence Force" will be breaking the law, according to the Defence Minister.

MISA said the proposed law gives military officers broad discretion in carrying out their duties, but "fails to ensure that these rights are balanced in the framework of the constitutional guarantees to freedom of expression and media freedom." At issue is the public's right to know and obtain information from public authorities, including information related to national security. In addition, there has been no consultation with the media on the proposed bill. A legal source says sections of the bill are unconstitutional and likely to be struck down by the courts if a legal challenge were to be mounted.

**ATTACKS ON THE PRESS IN SEPTEMBER 2001**

**Electoral Commission Boss Assaul ts Journalist**

A journalist with South-South Express newspaper, Mr. Odudu Okpongete was on July 28, harassed at the premises of the Rivers State Independent Electoral Commission (SIEC) in Port Harcourt by its Chairman, Senibo Sam Sam Jaja.

The journalist who heads the paper's Political Desk had gone to the commission's office to get preliminary information on the result of the bye-elections held that day which the opposition All People's Party (APP) had boycotted over allegation that almost all members of the body are card-carrying members of the ruling People's Democratic Party (PDP).

As soon as the commission's boss, Jaja sighted the journalist in the premises, he quickly ordered armed mobile policemen working for the River State anti-crime outfit, Swift Operations
Squad (SOS), to chase him out of the gate. The journalist had no option than to obey the order. But three other journalists working for the state-owned media houses were allowed into the premises and participated in the briefing conducted by the chairman.

Jaja reportedly threatened openly before journalists that he would deal with Mr. Okpongote anytime he entered the commission's office to carry out any investigation.

It was gathered that the journalist who had earlier been accredited to cover the bye-election was harassed based on his pre-election news reports which gave good coverage to the complaints of the opposition parties - alliance for Democracy (AD) and APP.

Journalist Alleges Threat To His Life

Muyiwa Dare, *The Punch* newspaper's Kwara State Correspondent has alleged a veiled death threat through physical or spiritual means by Alhaji Isiaka Aliaghan, the University of Ilorin spokesman.

The alleged death threat followed the publication, in *The Punch* newspaper of September 18, of a report captioned, Group Laments Upsurge in Cult Activities in Unilorin. Muyiwa alleged in a statement that Alhaji Aliaghan phoned his office on September 19 after reading the story querying his interest in cult crisis in the institution as well as threatening to snuff out his life or make sure he loses his job either physically or spiritually.

Muyiwa added that Alhaji Aliaghan also threatened to lie against him before his editor whom he claimed was his mate while they were in *The Guardian* newspaper.

Muyiwa, therefore, sought protection from law enforcement agents in the pursuit of his official and legitimate duty.

Journalists Allege Harassment From Government Officials

Journalists in Ebonyi State under the umbrella of the local council of the Nigeria Union of Journalists (NUJ) alleged official harassment by senior officers of government. The journalist in a press statement issued on September 23 alleged that Mr. Imo Eze, the Chief Press Secretary to the State Governor has constantly harassed them as well accused him of unethical and unpatriotic behaviour. They therefore called for his removal.

The Council also indicted Mr. Oroke Odu, a Permanent Secretary in the State Ministry of Information accusing him of conniving with Eze. The Council said the recommendation for Mr. Eze's removal came out of the decision reached at an emergency meeting called by the Council. It accused Imo of consistently working against the state Council and also escalating the political crisis in the State.

According to the Council, "It is the resolution of journalists that the actions of the Chief Press Secretary since the beginning of the recent crisis have been very unpatriotic and not expected of a man holding such a sensitive position. From every indication, it appears he is more interested in the crisis than the return of peace to the State."

Mr. Imo's removal, in the opinion of the Council, would restore sanity in the State Ministry of Information. They also urged the State governor to look into the query issued Mr. Joseph Chukwu, the acting General Manager of the State Radio by Mr. Odu for using a news report on the NUJ press week. The Permanent Secretary accused the General Manager of disregarding his directive and threatened to sanction him.

Security Men Assault Journalist

Andy Uneze, Enugu State correspondent of *ThisDay* newspaper, was on September 30, beaten up by security officials during the South East politicians' meeting at the Presidential Hotel, Enugu.

Uneze on arrival at the venue saw security personnel made up of the police and members of the State Security Services (SSS) exchanging hot words with a federal legislator, Hon. Anayo
Edeh, representing Nkanu West and Nkanu East of Enugu State. The security personnel were reportedly those of the senate president, Anyim Pius anyim, and the acting secretary to Enugu State government, Mr. Ike Ekweremadu.

The exchange of hot words arose over wrong car parking in the hotel premises. As the exchange went on, the security personnel started dragging the legislator out of his car in a most uncivilized manner.

Mr. Uneze attempted to take notes on his observations when some of the security men abandoned their prey (Edeh) and descended heavily on the journalist, beating him with the butts of their guns. He sustained serious injuries, while his eyeglasses were shattered. He was assisted to a hospital by some of the journalists present where he received treatment.

On another occasion Uneze reportedly met one of the security operatives at the Enugu government house, where the policeman further threatened him.

**US Journalist Jailed For Refusing To Hand Over Notes**

Press freedom came under attack in the United States of America as freelance journalist Vanessa Leggett was jailed for refusing to hand over her research notes to a US federal grand jury. District Court Judge Melinda Harmon found Leggett guilty of contempt and jailed her without bail in Houston, Texas on July 20.

Leggett had refused to give prosecutors notes from her investigations into the 1997 murder of socialite Doris Angleton. Under the law, Leggett could remain in custody for up to 18 months, the length of the grand jury's term, if she decides not to hand over the notes or if her appeal is rejected.

The Committee to Protest Journalists (CPJ) has subsequently written a protest letter to US authorities, noting that a journalist's right to protect confidential sources is a key component of press freedom. In its letter to US Attorney General John Ashcroft, CPJ called Leggett's incarceration a "gross violation of press freedom" and emphasised the negative example that it sets for other nations. CPJ noted that intense international pressure against countries that imprison journalists has helped greatly reduce the number of journalists in jail around the world, from a high of 185 in 1996 to 81 at the end of 2000.

"By detaining Vanessa Leggett, the US government is effectively reducing the stigma associated with the jailing of journalists," said CPJ. "This sends exactly the wrong signal to authoritarian governments who may now show even less restraint in using state power to restrict press freedom."

**JOURNALISM / PRESS FREEDOM AWARDS**

**Alfred Friendly Press Fellowships Available**

Applications are being accepted for the Alfred Friendly Press Fellowships. Early and mid-career professional print journalists are highly encouraged to apply. The fellowship selects roughly 12 reporters and editors each year to spend six months in American newsrooms from June to December. All programme-related costs, including international and domestic US travel are covered by the fellowships, which also include a monthly stipend for basic living expenses.

Applicants must have an excellent command of written and spoken English and have at least three years of print journalism experience. They must be currently employed as journalist with an independent print media organization and demonstrate a commitment to a career in journalism in their home country. The deadline for applications is 1 February 2002.

For more information, or to obtain an application, see www.pressfellowships.org or write to: Alfred Friendly Press Fellowships, E-mail: afpf@aol.com.
HRW Seeks Nominations For 2002 Hellman/Hammett Grants

Human Rights Watch (HRW) is seeking nominations for its 2002 Hellman/Hammett grants program, which provides assistance to writers who have been victims of political persecution and are in financial need. The program is aimed at individuals who consider writing their primary vocation, though activists who advance human rights issues will also be considered. Nominations need to be submitted by December 3, 2001, in time for the awarding of grants in the Spring of 2002.

Nominations are welcome from any country, and more than one nominee can be suggested. However, self nominations are not accepted. At any time, HRW accepts nominees who work under emergency situations, defined as writers needing immediate medical treatment after serving prison terms or enduring torture, or writers whose lives are at risk unless they flee.

Nominators should send: 1) biographical information about the nominee; 2) a list of the nominee's published writing; 3) a statement about the political persecution suffered; and 4) a statement of need, to Marcia Allina, Hellman/Hammett Grant Program, Human Rights Watch, 350 Fifth Avenue, New York, NY 10118, United States, Tel +1 212 216 1246, email: allinam@hrw.org.

Grants range between US$500 and $10,000.
For more information visit website: www.hrw.org/about/info/helham.html.

Women's Global Leadership Institute Searches for Candidates

The Center for Women's Global Leadership is soliciting finding candidates for its 9th Women's Global Leadership Institute, "Realizing the Vision of Women's Human Rights - Understanding the Intersection of Racism, Sexism and Other Oppressions", to be held on June 10 - 21, 2002.

Individuals or organizations that think they could benefit from more participation in international networking around women's human rights are encouraged to apply.

The deadline for receipt of application forms is January 4, 2002. Applicants will be notified about the outcome of the selection process by early March 2002.

The Center's annual Women's Global Leadership Institute seeks to strengthen women's leadership in movements around the world that are working on human rights from the perspective of women's lives.

The 2002 Institute will be following up on the Center's participation in the recent World Conference Against Racism and will continue to give special attention to the challenge of recognition of women's multiple roles and identities in women's human rights organizing. We hope to explore the interconnections between different kinds of oppression that women face such as racism, sexism and other oppressions as they affect women's lives on the personal, structural and institutional levels. We hope to look at both the efficacy of existing human rights mechanisms and identify new mechanisms for addressing these interlocking oppressions.

The application forms are available at http://www.cwgl.rutgers.edu, E-mail: cwgl@igc.org (Subject: WGLI 2002).

Nigerian Journalist Wins Arts Award

Mr. Ozolua Uhakheme, a journalist formerly with The Guardian newspaper has won this year's International Center for the Study of the Preservation and Restoration of Cultural Reporting (ICCROM) Media Save Art Award.

His entry titled: In Flight… African History, emerged as the best article. The award was announced at the end of an international jury of professionals from the world selection meeting in Rome, Italy, recently. The award is a competition of press articles dealing with the preservation of cultural heritage and is open to journalists worldwide.

The award fetches him 4,000US dollar.
Mr. Uhakheme, who is now at Daily Independent, is expected to be at ICCROM headquarters in Rome to receive the award at a ceremony slated for November 21.

"This argument (on the desirability of licencing journalists) is based on a distinction between professional journalism and the exercise of freedom of expression that the Court cannot accept. This argument assumes that it is possible to distinguish freedom of expression from the professional practice of journalism, which is not possible. Moreover, it implies serious dangers if carried to its logical conclusion. The practice of professional journalism cannot be differentiated from freedom of expression. On the contrary, both are obviously intertwined, for the professional journalist is not, nor can he be, anything but someone who has decided to exercise freedom of expression in a continuous, regular and paid manner."

The Inter-American Court of Human Rights in The Schmidt Case (Advisory Opinion OC-5/85, delivered on November 13, 1985)

Media Rights Monitor
Published by:

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