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Abuse of Contempt Powers: A Judicial Threat To Free Speech

The notion that matters pending before a court of law ought not to be discussed in the mass media is pervasive and ingrained in Nigeria.

Although Section 33(1) of the 1979 Constitution guarantees 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", judicial authority for the view that matters pending in court should not be the subject of public debate is drawn from Section 36(3)(a) of the Constitution.

This clause provides that despite the general right to freedom of expression guaranteed in the principal section, nothing in the section "shall invalidate any law that is reasonably justifiable in a democratic society for the purpose of...maintaining the authority and independence of courts."

The rationale for the existence of the constitutional restriction on free speech is the need to ensure that every court retains its inherent powers to punish for contempt anyone who flouts its authority or does anything which tends to bring the court into disrepute, and thus preserve the honour and integrity of the courts.

However, a narrow interpretation of the constitutional provision and the abuse of the judicial powers to punish for contempt have become a major threat to public discourse of issue of public interest.

It is also being used to restrict criticisms, in the media, of the courts and the conduct of judicial officers in the administration of justice.

The noted English jurist, Lord Denning, Master of the Rolls, in the case of *R vs Metropolitan Police Commissioner Ex parte Blackburn*, had expressed the view that it is "the right of every man, in Parliament or out of it, in the press or over the broadcast, to make fair comment, even outspoken comment, on matters of public interest."

Regrettably, in Nigeria, a countless number of journalists and editors have received judicial summons in recent years commanding them to appear before the court to show cause why they should not be committed to prison for contempt of court over stories or articles published in their newspapers and magazines which either criticized the court or touched upon matters pending before the courts.

Worse still is the situation where many of such contempt charges are the result of the manipulation of the judicial process by the Executive to punish journalists for writing reports and articles critical of or unfavourable to the Government.

These practice run contrary to the position taken by a former Justice of the Supreme Court of Nigeria, Justice Kayode Eso, that “in the exercise of his freedom of expression, everyone has right of criticism of the court, just as he would have of the Executive and the Legislature.” (See “The Use of Contempt Powers and Freedom of Expression, paper presented by Justice Kayode Eso at the High Level Workshop for Judges at the Nigerian Institute of Advanced Legal Studies, Lagos).

With the return of military rule on the eve of 1984, a dual stem of judicial administration re-surfaced in Nigeria.

The military governments of Major-General Muhammed Buhari, General Ibrahim Babangida and General Sani Abacha established at different times various special military tribunals to try different categories of offenders, especially for economic and political crimes.

These tribunals run alongside the regular courts, but are most favoured by the military in the trial of criminal cases.

The different governments also set up various review tribunals and commissions of inquiry.

However, because of the strange and sometimes unfair procedures adopted by these tribunals and commissions, they often drew caustic public criticisms.

But press freedom suffered severally under them as they often took reprisals against publications critical of their procedures or decisions, with members of such tribunals often using the contempt powers of the court to avenge themselves.

For instance, on February 3, 1986, relying on its supposed contempt powers, the Justice Samson Uwaifo Tribunal, reviewing the cases of detained former politicians, ordered the then deputy editor of *Newswatch* magazine, Ray Ekpu and five reporters – Dare Babarinsa, Soji Omotunde, Joyce Osakwe, Dele Olojede and Nosa Igiebor – to appear before the tribunal the next day.

They were summoned over the magazine’s cover story in its February 3, 1986 issue entitled “The trial of Shagari” and Ekpu’s column captioned “A Hollow Ritual.”

Threatening to use “strong hands to bring them (the journalists) if they refuse to appear”, the chairman of the Tribunal, Justice Samson Odemwingie Uwaifo, said “others from other newspapers like *The Guardian*” would also appear before him later.

When the journalists appeared the next day, the tribunal peremptorily ordered that Ekpu should be detained in prison custody until the tribunal was ready to hear his case.

But the order was challenged by Ekpu’s lawyer, Chief Gani Fawehinmi, who argued that it was unconstitutional to send the journalist to prison when no charge had been preferred against him, to which Justice Uwaifo replied: “I am not following any Constitution.”

However, when Fawehinmi attempted to walk out of the proceedings, Justice Uwaifo relented and detained Ekpu until noon before trying him for contempt.

In its decision, the tribunal conceded that it lacked competence under Section 12(a) and (b) of the Tribunal of Inquiry Act of 1966 to try Babarinsa, Omotunde, Osakwe, Olojede and Igiebor.

But it held Ekpu guilty of contempt of court and fined him N20, which Fawehinmi immediately paid.

A Lagos High Court later quashed the conviction and the fine following an appeal filed by Fawehimni on behalf of Ekpu.

Again, on May 26, 1994, the Chairman of the Special Military tribunal on Currency and Miscellaneous Offences in Lagos, Justice Olufunmilayo Oni-Okpaku, summoned four executive officers of *Newswatch* to appear before her tribunal the next day on a contempt charge.

Those summoned were Ekpu, who was then the Chief Executive Officer; Yakubu Mohammed, the deputy chief executive officer; Dan Agbese, Editor-in-Chief; and Soji Akinrinade, the deputy editor-in-chief.

They were summoned over the cover story in the magazine's March 7, 1994 issue entitled "Stinking Drug War: Trial of a Drug suspect Opened A Pandora's Box," which unearthed a simmering scandal over the controversial sale by the tribunal to a businessman suspected of drug trafficking offences.

All the journalists duly appeared before the tribunal on May 27 accompanied by Fawehinmi, their lawyer.

Although Justice Oni-Okpaku accused the journalists of attempting to tarnish her name, she refused to formally charge them with contempt and give them an opportunity to defend themselves.

After reprimanding them, she ordered that they should be remanded by prison custody for four days and refused to hear their lawyer or grant them bail.

Regrettably, many regular courts are not averse to adopting strong arm tactics in dealing with the press.

Judges bearing personal grudges against some journalists or certain newspapers have often acted under the cloak of contempt proceedings in settling such of personal scores, leaving the journalists with no avenue for redress since judges are immune from legal proceedings for their judicial actions or conduct.

A classical example of this is the case of Justice Moshood Olugbani of the Lagos High Court who, on March 5, 1993, ordered five journalists with *The News* magazine to appear before him on March 12 to answer a charge of contempt over the cover story of the magazine's March 1, 1993 issue entitled "Dirty Humphrey: NEC boss in big Scandal".

The summons followed a complaint lodged by Alhaji Aliyu Salman (SAN), lawyer to the national Electoral Commission (NEC) and its Chairman, Professor Humphrey Nwosu, that the story touched on the facts of a law suit instituted against the commission by a private company, Bedding Holdings Limited, which was pending before Justice Olugbani.

The journalists ordered to appear before the court were Bayo Onauga, editor-in-chief; Dapo Olorunyomi, the deputy editor-in-chief; Seye Kehinde, executive editor; akin Adesokan, a staff writer; and Chiedu ezeanah, the magazine's Port Harcourt correspondent.

On March 12, 1993, all the journalists, except Ezeanah, who was not served with the order, appeared in court, accompanied by their lawyers. But Olugbani, without formally charging them or allowing their lawyers to address him, ordered that they should be remanded in prison custody until they could be charged.

Although Olugbani later granted the journalists bail on the insistence of their lawyers, comprising the leading human rights lawyers in the country, he refused to sign their release orders even after they had satisfied the conditions of the bail.

After the journalists had spent one week in prison, the Court of appeal ordered Olugbani on March 18 to release them immediately before he let them out on March 19. The contempt charge was never pressed thereafter by either Olugbani or Salman. They had apparently achieved their objective, which was to punish the journalists.

Olugbani is believed to have taken the precipitate action to punish the journalists over a personal grudge he had against them following a cover story the magazine carried on him in its preview edition in January 1993 entitled: "My Case: dreaded Judge Speaks on Kid Robbers' Affair".

The cover story dwelt on the controversy surrounding Olugbani's career on the Bench, particularly since June 22, 1988, when he sentenced 12 under-aged boys to death for armed robbery after a trial widely acknowledged to have been riddled with procedural irregularities.

It is a commonly accepted principle of law that the power to punish for contempt vested in judges is not for their personal protection, but that of the public.

The Supreme Court of Nigeria restated this principle in *Deduwa and Others vs Okorodudu and Others* when it said that the powers did not exist for the "personal aggrandizement of a judge or whoever mans the court: the powers are created, maintained and retained for the purpose of preserving the honour and the dignity of the court..."

Recently, in July, last year, a Lagos High Court ordered the editors of three newspapers and two columnists to appear before it on September 9 on charges of contempt of court for commenting on a suit pending before it.

The editors are Frank Aigbogun of the Vanguard, Fola Arogundade of *Sunday Vanguard* and Dele Alake of the *National Concord*.

The two columnists are Dele Sobowale and Obi Nwakanma who write for the *Sunday Vanguard*.

They were summoned by Justice Bode Rhodes-Vivour to show cause why they should not be committed to prison for contempt of court for publishing comments on a suit instituted by Miss June Ofodu against a former military governor of Ondo State, Commodore Olabode George, which is still pending before the court.

In the suit, Ofodu is seeking a declaration that she is the owner of two properties at Park View Estate in Ikoyi, Lagos and two cars – a BMW and a Honda Accord – which George is also claiming as his.

She is asking the court to restrain the former military governor from interfering with her right to enjoy and use the properties.

Justice Rhodes-Vivour issued the summons following complaints by Ofodu's lawyer, Mr. Kehinde Sofola (SAN) and counsel to George, Mr. Adebambo Adesanya. Sofola complained about a publication in the *Sunday Vanguard* of July 13, 1997 on the matter saying "it is a very serious thing for a journalist to comment on a matter before the court."

He said although the journalist could comment after judgment has been delivered or report the proceedings before judgment, "it is wrong to comment on proceedings."

He therefore urged the court to summon Sobowale, the writer of the article, and the editor of *Sunday Vanguard* to show cause why they should not be committed to prison for contempt.

Adesanya also complained about another publication in the July 15, 1997 edition of the *Vanguard* as well as an article in the May 30, 1997 issue of the *National Concord*, which he alleged were also contemptuous of the court.

He also asked the judge to summon the editors of the two newspapers and Nwakanma, the writer of the July 15 article in the Vanguard.

The contempt charges were however later dropped.

Such cases are frequent occurrences in a country where virtually every dispute or matter of public interest ultimately finds its way to the court either in the form of a criminal trial or as civil proceedings.

The European Court of Human Rights has acknowledged the right of the public to information on matters which come before the courts, even while the matters are still pending.

In the *Sunday Times vs United Kingdom*, the Court said: "There is general recognition of the fact that the courts cannot operate in a vacuum. Whilst they are the forum for the settlement of disputes, this does not mean that there can be no prior discussion of disputes elsewhere, be it in specialized journals, in the general press or amongst the public at large. Furthermore, whilst the mass media must not overstep the bounds imposed in the interests of the proper administration of justice, it is incumbent on them to impart information and ideas concerning

matters that come before the courts just as in other areas of public interest. Not only do the media have the task of imparting such information and ideas, the public also has a right to receive them.” (See Judgment of April 26, 1979, Series A, no. 30, Para. 64).

The main problem for the journalist is that when the threat to his rights and liberty emanates from the courts, he has no avenue to avert the threat.

This is because a judge determined to punish a journalist for personal reasons will do so regardless of the legality or the propriety of such a move, knowing that no adverse consequence or liability can result to him for the action.

Even in cases where the judges act out of a genuine but mistaken belief that the proper administration of justice is threatened, or proceed on a wrong application of legal principles, the cases show that the journalist suffers punishment before he is ultimately vindicated.

Since judges are immune from legal proceedings for such action taken in the course of their judicial functions, even if they acted without jurisdiction, the journalist is left with no remedy for the wrong done to him.

As a result of this situation, there has been excessive sensitivity on the part of the media in facilitating public discourse of matters of public interest which are pending before the courts.

Besides, the Judiciary, as an institution, has tended to receive lesser critical attention in the media than other branches of government.

ARTICLE 19 Challenges British Trade Mission To Nigeria

ARTICLE 19, the International Centre Against Censorship, in London has challenged a proposed trade mission by some British companies to Nigeria in September which is being partly sponsored by the United Kingdom Government.

Expressing concern at the lack of progress towards democracy in Nigeria, ARTICLE 19 is querying the speed with which the UK government is embracing the new Nigerian military regime.

According to ARTICLE 19, the British Department of Trade and Industry is using U.K. taxpayers' money to underwrite the trade mission by the British companies even while Members or Parliament (MPs) across the political spectrum have recommended that such missions be suspended.

Frances D'Souza, Executive Director of ARTICLE 19, noted that the “new Nigerian ruler General Abdulsalam Abubakar's statement that all political prisoners have been released is patently untrue, and no concrete moves towards structural political change have been taken.”

She stressed that “What the regime has done, however, is to substantially improve the climate for international business, which seems to have brought them extra time, while human rights considerations are yet again shunted into second place.”

ARTICLE 19 believes that it is crucial to maintain pressure on and distance from the Nigerian military government until democracy is re-established.

But the organization regretted that the British government was actively promoting new investment by financially and politically supporting a trade mission from the Birmingham Chamber of Commerce.

Examples of people still imprisoned in Nigeria for political reasons, according to ARTICLE 19, include the Editor of The Diet newspaper, Niran Malaolu, who was sentenced to life imprisonment on trumped-up treason charges earlier this year, but had the life sentence handed down by a secret military tribunal commuted to 15 years by General Abubakar's Government.

Besides, ARTICLE 19 observed, there are 15 Ogoni activists who have been granted bail by the courts and another five whose bail hearings have been postponed four times.

The organization said it was apparent that the authorities will not release them without a go-ahead from the government, an indication of another abuse of the rule of law.

It noted that each representative of a British-based company on next month's three-day mission to Nigeria will receive 400 pounds from the UK Department of Trade and Industry.

Meanwhile, 49 British MPs have signed the Early Day Motion 1434, which calls for the suspension of such missions to Nigeria.

ARTICLE 19 said it was also seriously disturbed by the Nigerian regime's lack of progress in several areas, including the fact that highly restrictive "catch-all" and anti-media decree have not been rescinded, and that there are no plans for democratic agreement on a new Constitution. (IFEX)

Media Rights Monitor is published by the Media Rights Agenda (MRA), a non-governmental organisation established for the purpose of promoting and protecting press freedom and freedom of expression in Nigeria. The MRA has observer status with the African Commission on Human and People's Rights and is a component of the FEDERC FOUNDATION which is registered under Nigeria law.

Officers

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

Newsletter Letter

Austin Agbonsuremi, Editor
Eze Anaba, Associate Editor
Oyekolade O. Fadahunsi, Publications Officer
Yunus Abdulsalam, Publications Assistant

All correspondence should be addressed to the Editor, *Media Rights Monitor*,
44, Alhaja Kofoworola Cresecent, Off Obafemi Awolowo Way, Ikeja,
P. O. Box 52113, Ikoyi, Lagos, Nigeria.
Tel: 234-1-4930831, Fax: 234-1-4930831.
E-mail: mra@rcl.nig.com

EDITORIAL COMMENT

There is a tendency to assume that restrictions on press freedom and interference with journalistic activities come only from the Executive arm of government. This is not quite so. The Legislature and, indeed, the Judiciary contribute their fair share, in their own ways.

Nigeria has admittedly had little experience of Legislative practice under a democracy. Even then, within the short time the National Assembly existed in the Second Republic, two cases of interference with press freedom from this branch of government readily come to mind.

The first case is that of Tony Momoh, who as editor of the *Daily Times*, was summoned by the Senate over an article published by the newspaper.

The second is that of Innocent Adikwu, who also as editor of the *Sunday Punch*, along with other journalists working with the newspaper, was summoned by a Committee of the House of Representatives over an article published in the newspaper. And there are more.

The Judiciary has always been with us and the law reports are replete with cases of journalists summoned to appear before courts or even remanded in prison custody for contempt of court following articles published by their newspapers and magazines.

Ostensibly, such actions were motivated by the need to preserve the honour and the dignity of the courts. But frequently, many of those cases were the product of personal vendettas against journalists or sometimes, simply out of an ingrained dislike for the press.

While the Judicial institution exists, even if theoretically, where journalists can seek refuge or preempt any interference by the Executive or the Legislature with their rights and freedom or legitimate duties, the situation is dire when the arm of government which seeks to interfere with press freedom is the Judiciary.

No mechanism exists outside the institution where the journalist can seek protection. He must seek succour within this same system.

Invariably, the journalist must suffer the deprivation before any remedy can come his way. This is because as former Supreme Court Justice Kayode Eso, a key player in the judicial process, himself has acknowledge, “a judge who determines contempt, especially when it is contempt in the face of the court, is certainly and undisguisedly, a judge in his own cause.”

And even if any remedy does come, it can only be of a declaratory nature. No matter how gross or brazen the abuse of his rights and freedom has been, the journalist can lay no claim to damages or compensation.

In this edition of Media Right Monitor, we examine the use and abuse of contempt powers by the courts and its implications for press freedom and freedom of expression.

Austin Agbonsuremi

LETTERS

Keep on Soaring Like The Eagle

I have received up to six editions of your informative and exciting Media Rights Monitor.

I am quite impressed with the in-depth analysis and up to date information on courses, awards, journalism institutions and up to date dehumanization of journalists in a country of ours every month as a way of documentation and action.

Your courage, determination and selflessness to this great calling has endeared you to all of us. Keep on soaring like the Eagles (not the un-super eagles) to the promised land.

I look forward to a collaborative programme with you.

Tola Olujuwon

Executive Director

Central Education Service

315, Herbert Macauley Street

Yaba, Lagos.

Keep the Flag Flying

Thanks so much for the copies of your newsletter and reports on the media.

It is really nice to see an organization taking up the initiative and sustaining it in seeing to the defence and protection of this vulnerable group at this critical period.

Keep the flag flying and never dither.

Edith Oguamanam

Medical Rehabilitation Centre

For Trauma Victims
20, Mbonu Ojike Close
Surulere, Lagos.

It's Been A Worthy Cause

Congratulations on the release of the final batch of the journalists for which you have fought seriously through your Media Rights Monitor. It's been a worthy cause.
All the best.

Emeka Nubia
Attorney-at-Law
42, Falolu Road
Surulere, Lagos.

Suspended Editor Petitions Chief of General Staff

Mr. Sam Akpe, the suspended Features Editor of the Akwa Ibom newspaper, *The Weekend Pioneer*, petitioned the Chief of General Staff, Rear Admiral Mike Akhigbe, last month asking him to intervene in the matter to clear his name.

Akpe was suspended indefinitely from work without pay on March 9, this year on the orders of the then Military Administrator of the State, Navy Captain Joseph Adeusi, allegedly for using the government owned newspaper to attack the government.

His case was taken up early in the year by the Canada-based free expression network, the International Freedom of Expression Exchange (IFEX), which issued an international alert in its electronic billboard on April 2 following the suspension.

In his petition to Admiral Akhigbe, Akpe narrated the events leading to his suspension.

According to him, "in what was pretty much a routine of my schedule, I was assigned by the Editorial board of the paper after an exhaustive Board conference on it, to write a signed article in reaction to an advertorial on a local issue arising from oil spill from the operations of Mobil Producing Nigeria Unlimited doing business in Akwa Ibom State. After the article appeared in the March 6, 1998 issue of the paper, I was promptly suspended from duties on the order of the state military administrator, Navy Captain Joseph Adeusi. No reasons were given at that time for my suspension."

However, he said, on April 1, at a press conference where he addressed journalists on matters of state, Navy Captain Adeusi claimed that "I was suspended because I had used government newspaper to attack the government. And when pressed by the reporters to explain how a story that made no reference to government directly or indirectly became an attack on the same government, the military administrator, apparently, for lack of credible explanation, added that I wrote the offending article in return for a N50,000 pay-off from the public relations manager of the oil company, Mr. Isong Akpabio, who was attacked in the said advertorial."

Akpe denied both charges in his petition, saying he rejected the accusation of attacking the government in the article in question as totally unfounded. He enclosed copies of both the article and advertorial to which the article responded in his letter to the Chief of General Staff.

Describing the charge of bribe-taking as "equally hollow and unprovable", he said it was "a failed attempt to justify the persecution of any innocent reporter who did no more than carry out his lawful duty."

Akpe stressed that the allegation was a façade to cover up what was a routine display of authoritarianism by the administrator, adding that it was untrue.

He said: "I never met the Mobil official that the Military administrator cited in his allegation before writing the article. I am equally sure the Mobil official does not even know I exist. And he has said so publicly."

Apke expressed concern that “by those allegations, especially that on bribe-taking, a question mark now hangs menacingly over my reputation. I now have a credibility crisis in the eyes of my colleagues, and within the media industry in Nigeria. The consequences of this situation for me are career threatening.”

This is so because, according to him, “A journalist is as good as his reputation. No one may trust a bribe-taking journalist with a job or information. Bribe-taking is a serious infraction of the code of conduct of the Nigeria Union of journalists, of which I am proud to be a member.”

In the light of this, Akpe said he had to clear his name to save his career and image.

Observing that the report of the Administrator’s allegation was widely published in newspapers and magazines across the country, and the embarrassment for him far beyond words, he said he felt threatened and unsafe.

Akpe noted that “Navy Captain Adeusi has descended on me with the full might of his office and personality. And the weight is crushing. This is the fifth month since he sent me on an undeserved indefinite suspension without pay. And I have a family to maintain.”

But he insisted that his request for the intervention of the Chief of General Staff was not intended to help him regain his job with the Akwa Ibom State Newspaper Corporation, publishers of *The Pioneer*, but to investigate and establish the truth or otherwise of the Administrator’s allegations against him.

He said: “Let the truth be told. Adeusi comes across like a man with a tar brush. And has found me a ready canvass to splash the tar on.

Akpe argued that it was normally compelling that the Administrator be made to either publish the evidence he claims to have regarding the issue of bribe-taking or retract the allegation, emphasizing that “I am not really after the job, but my name.”

African Commission Defers Verdict on MRA’s Petitions Again

The African Commission on Human and Peoples’ Rights in Banjul, The Gambia, has again deferred its verdict in three complaints lodged before it by the Media Rights Agenda (MRA) against the Nigerian Government over abuses of press freedom to its next session.

The 24th Ordinary Session of the Commission is scheduled to take place on October 15 to 24, 1998 in Luanda, the Angolan capital.

In a letter by its Secretary, Mr. Germain Baricako, the Commission informed MRA that it could not take a decision on the cases at its 23rd Ordinary Session held in Banjul from April 20 to 29, this year “due to lack of time” to consider the complaints thoroughly.

Mr. Baricako said the Commission now expects to take a decision on the complaints on their merits at its next session.

At the 22nd Ordinary Session of the Commission which took place in Banjul from November 2 to 11, last year, the new Chairman, Mr. Youssoupha Ndiaye (Senegal), had said that the Commission would render its decision on the complaints when it is considering the report of its mission to Nigeria, which it deferred to the 23rd session.

The report is that of a two-man delegation of the Commission comprising its former Vice Chairman, Professor Emmanuel Victor Oware Dankwa (Ghana), and Commissioner Kofi Amega (Togo), and accompanied by the Commission’s Legal Officer, Dr. Essombe Edimo Joseph, which visited Nigeria in March last year.

The purpose of the mission was to investigate allegations of serious and massive violations of human rights and to take up with the Federal Government all cases pending against Nigeria before the Commission.

The report of the mission was however not considered at the 23rd Session and has also been postponed to the 24th Session.

But the report of the mission to Sudan, which was pending along with that of Nigeria, has now been considered by the Commission.

The Commission was to have given its decision on MRA's complaints, along with seven others lodged by various local and international human rights organizations against Nigeria, during the 22nd session, following several earlier postponements.

The Commission declared Communication Nos 105/93 and 130/94 admissible at its 16th session held in Banjul in October 1994, when they came up for hearing.

At its 17th session in Lome, Togo in March 1995, the Commission decided to delay making a final decision on the cases so that they might be taken up with the Nigerian Government when the Commission undertook its mission to Nigeria.

The Commission also declared that the chairman of the Organisation of African Unity (OAU) should be informed about the situation in Nigeria.

It also took a similar decision on Communication 145/95 at its 18th session.

Dr. Joseph, wrote on behalf of Mr. Baricako, to MRA on May 22, last year saying that the Commission decided at its 21st Ordinary Session, held in Nouakchott, Mauritania, from April 15 to 24, to postpone a decision on the complaints "pending further analysis of the reports from the Commission's mission to Nigeria."

Besides, Dr. Joseph said, the Commission was awaiting "further submissions of scholarly articles and court cases to assist in its decision making process."

He said then that the Commission expected to take a decision on the merits at its 22nd session.

But at the 22nd Session, although MRA's legal representative, Mr. Anslem Chidi Odinkalu, senior legal officer at the International Centre for the Legal Protection of Human Rights (INTERIGHTS) in London, had submitted the additional legal arguments and court cases requested by the Commission, Mr. Ndiaye said the report of the mission to Nigeria was not yet ready and that the Commission needed to first consider the report before giving its decision.

The complaints were filed in challenge to the acts of repression committed by the regime of the late Head of State, General Sani Abacha, against the press.

The first of the petitions, registered as Communication No. 105/93 and lodged by the MRA on September 1, 1993 complained, among other things, that the Newspapers Decree 43 of 1993 violates Articles 7 and 9 of the African Charter on Human and Peoples' Rights.

In the second, Communication No. 130/94 of January 5, 1994, the MRA is contending that the events of January 2, 1994, when 50,000 copies of Tell magazine were seized by heavily armed policemen and other security officers at the printer's premises, also violated the provisions of Articles 7 and 9 of the African Charter.

In Communication No. 145/95 dated September 7, 1994, the MRA is complaining that the closure and subsequent proscription of The Guardian, the Punch and the Concord groups of newspapers in 1994 violated the rights of the entire people of Nigerian to receive information, particularly from the independent news media.

At the 23rd session, the Commission considered 69 complaints of human rights violations in various countries and made recommendations on them.

The Commission also continued its discussions on the establishment of an African Court on Human and Peoples' Rights.

It resolved that each member of the Commission should endeavour to sensitize Heads of States and Governments of the countries that have been assigned to them on the need for the African court and hence, to ratify the Protocol on the Establishment of an African Court on Human and Peoples' Rights as soon as possible.

Network of African Communication Regulation Authorities Formed

A network of regulatory bodies concerned with communications in Africa has been formed to facilitate closer cooperation as well as exchange of ideas and experience by such bodies in countries within the region.

Known as the African Communications Regulatory Authorities Network (RIARC), the network was formed following the conference of African Media Regulatory Bodies held in Libreville, Gabon, on June 2 to 5, this year.

Participants, representing 20 regulatory bodies in Africa, and the West African Journalists Association (WAJA) agreed to form the network as an international association of non-governmental organizations.

It was agreed by the participants at the conference that RIARC should operate as a formal institution for the establishment, development and deepening of the relationships and exchanges between the African communications regulatory bodies.

The participants, who are the chairmen of the communications regulatory authorities of their various countries, also agreed that the lifespan of RIARC should be indefinite, although it could come to an end at any time, according to the conditions provided by the conventions which were formulated at the end of the conference.

The objectives of RIARC, according to the Convention, are:

1. to contribute, by the synergy of the exchanges, to the establishment of the technical, professional and institutional authority of each of the member authorities;
2. to develop exchanges of ideas and experiences on questions related to their missions between the member authorities;
3. to organize between the member authorities, a close cooperation in the field of training and technical support, either under its responsibility or in collaboration with other structures having similar activities;
4. to help put in place in each regulatory authority, a reliable system of collecting, processing and disseminating of the information and the documentation to the benefit of the counterpart authorities; and
5. to contribute to the establishment of the authority of RIARC in the international and regional forums on problems of communication, with a view to making RIARC a privileged interlocutor of deliberations for international institutions such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Telecommunications Union (ITU), Agency of Franco phone or for regional institutions as the Organisation of Africa Unity (OAU), CEA, the Economic community of West African States (ECOWAS), UMOA, CEMAC, etc.

The conference also agreed on an institutional structure for RIARC which consists of the conference of the chairmen, the incumbent chairmen the executive secretariat.

It was agreed that the first headquarters of the RIARC be located in Benin Republic, although it could be moved to a different place if the circumstances so require or if the conference of the chairmen so decides with the absolute majority of the members. (Freedom Link)

Media Network Publishes Directory On Media Women

The West African Media Network has published a directory of women in the media in West Africa.

The directory, published with the support of the United Nations Development Fund for Women, assembles basic facts about 880 media women in Ghana, Nigeria, Sierra Leone and The Gambia.

The directory provides information on place of work, areas of interest and contact addresses of the listed journalists. (Freedom Link)

Asia-Pacific Journalism Training Bodies Form Council

The press institutes and journalism training organizations in the Asia-Pacific region have formed a Council of Asia-Pacific Press Institutes to help strengthen journalism training and news media development in the region.

According to reports by the Pacific Islands News Association (PINA), the council was formed at a meeting in Manila, capital city of the Philippines, hosted by the Philippine Press Institute (PPI).

The council's main objectives include "promoting cooperation and development amongst the institutes; acting as a clearing house for exchanging information and experiences; and organizing regional conferences and workshops for members."

Members of the council are the Press Institute of Bangladesh, the Press Institute of India, the Korean Press Institute, the Press Institute of Mongolia, the Nepal Press Institute, PINA, the Pakistan Press Foundation and the PPI.

The PPI is the Chair of the Council and it is represented by its Executive Director, Ermin Garcia.

The Council will develop the NetCenter for Media Institutes of Asia and the Pacific web site (<http://www.pressasia.org/PFA/>), which was set up through the Asian Press Institutes project of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and launched on World Press Freedom Day, May 3, this year.

The NetCenter is coordinated by the Press Foundation of Asia and hosted by the online edition of the Philippine daily newspaper, Business World.

Further information on the Council can be obtained from Nina Ratulele, Coordinator, PINA Pacific Freedom of Information Network, Pacific Islands News Association, PINA Private Mail Bag, Suva, Fiji; Street Address; 46 Gordon Street, Level 2, Damodar Center, Suva, Fiji Islands. Telephone: +679 303623, Facsimile: +679 303943, e-mail: pina@is.com.fj or plomas@ibi.com.fj (IFEX)

Video-Olympiad Calls for Entries From Film Makers

The fourth Videolympiade will take place in conjunction with the second Videazimut General Assembly in Cape Town, South Africa, on September 17 to 22, this year.

The International Coordinating Committee of the fourth videolympiade is calling for entries from progressive film makers for a video competition screening during the event.

There are two categories for the video entries: the first is "Right To Communicate", while the second is on "Communicating Rights"

Each country will be allowed to enter one video in each category. The process of deciding the entries will be left up to each National Federation for Community Television or a national organization of local video producers.

If no such organization exists it will be decided by the regional coordinators for the Videolympiade.

The Regional Coordinators are:

- Europe, Oliver Pasquet opasquet@icor.fr;
- Africa, Tracey Naughton tracey@sn.apc.org;
- America, Dirk Koning (dirk@grcmc.org);
- Asia, Satyajit Sarkar (saty@unv.ernet.in);
- Oceania, John Curtis (catman@ozemail.com.au).

Prizes will be awarded for the top three videos in each category.

All entries have the potential to be screened on South African television during the event. As well as winning prizes the top entries in each category, they will have the opportunity to be

broadcast on local television stations around the world to celebrate the 50th anniversary of the Declaration of Human Rights by the United Nations.

The entry form is available in a number of ways via the Internet. It is available at: <http://www.crweb.org/videolympiade/>

Those who do not have Internet access you can e-mail: sff@ozemail.com.au and ask for an entry form in English, French or Spanish.

The video tape with the entry form should be sent to the regional coordinator no later than September 4, 1998.

Entrants for the competition are required to enter into an undertaking thus:

- I allow the tape to be entered into competition for the 4th Videolympiade.
- I am the copyright holder of the above mentioned programme.
- I understand that the programme may be broadcast on South African television and agree to it being screened at no costs.
- I agree to the programme being duplicated and broadcast on local television stations around the world at no cost, after being informed of when and where it will be broadcast.

Africa-based progressive film makers may send completed entry forms and a copy of the programme being entered for the competition to the Video-Olympiad African Regional Coordinator, Tracey Naughton, 152 Anstey's Tower, 59 Joubert Street, Johannesburg 2001, South Africa. Telephone: 27 11 336 3434, fax: 27 11 337 4189, and Cellular phone: 27 82443 4940.

Entrants are advised not to send a master copy of their programme.

Asian Institute to Publish Human Rights Book For Journalists

The Asian Institute for Development Communication (AIDCOM) in Malaysia is working on a publication for journalists who report on human rights.

AIDCOM is an 11-year-old non-governmental organization (NGO) based in Kuala Lumpur. Its main activity is organizing workshops and seminars for journalists.

The handbook will be a reference tool for working journalists that will include basic information such as the Universal Declaration of Human Rights, a guide to human rights organizations in the region and country reports from working journalists. It will also include essays from prominent Asian journalists and activists.

AIDCOM is also seeking comments from all interested journalists working in Association of Southeast Asian nations' (ASEAN) countries and Cambodia about the role of the journalist in human rights. The deadline for the submission of such comments to AIDCOM is September 15.

Some of the comments, which are expected to be a maximum of 100 words, will be published by AIDCOM as a selection of quotes. The handbook will be 75 to 100 pages long and will be distributed primarily in the region. The publication date is December 1998.

Responses should be sent to Marty Logan or Farrah Hussain, at AIDCOM, c/o 10-10-3 Sri Bangsar, Lengkok Abdullah, 59000 Kuala Lumpur, Malaysia, e-mail: devcom@pc.jaring.my or fax: +60 3 6513785. (IFEX)

Booklet Compiles Basic Human Rights Documents

A new booklet published by the University of Cape town in South Africa has documented the most fundamental and influential international, regional and South African human rights documents.

The booklet, which is a hard compendium for anyone working or studying in the legal field, includes human rights documents such as the:

- Universal Declaration of Human Rights.

- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on Race and Racial Prejudice
- Convention on the Elimination of Discrimination Against Women
- Convention on the Rights of the Child
- Declaration on the Rights of Persons Belonging to National or Ethnic Religious or Linguistic Minorities.
- Declaration on the Elimination of violence Against Women
- Fourth World Conference on Women: Beijing Declaration, 1995
- European Convention for the Protection of Human Rights and Fundamental Freedoms
- European Social Charter
- American Convention on Human Rights
- African (Banjul) Charter on Human and People's Rights
- Women's Charter and aims, 1954
- The Freedom Charter, June 1955
- The Children's Charter of South Africa, 1992
- Lesbian, Gay and Bisexual Rights Charter, 1993
- The Women's Charter for Effective Equality, 1994

The booklet is available on request at R25.00 per copy from the Law, Race and Gender Research Unit of the University of Cape Town, Room 1.06 Kramer Law Building, Law Faculty, Rondebosch, 7701. Telephone: 021 650 3914, facsimile: 021 685 5773, e-mail: amien@law.uct.ac.za

BOOK REVIEW: Circumscribing Journalism Practice Through Legislation

Title: *Nigerian Media and Legal Constraints*

Author: *Richard Akinnola (Ed.)*

Publisher: *Centre for Free Speech*

Pages: *195*

The book is in two parts. The first part sets out the relevant sections in a number of legislative enactments which affect the media or journalism practice. In the second part of the book, an analysis of each of these laws is undertaken by a seasoned journalist or legal practitioner.

The whole book bears testimony to the introductory statement of its editor and Richard Akinnola, that "Nigeria's Press Laws in the past 38 years have undergone series of metamorphosis."

Besides some press law enacted by the colonial government and under brief periods of civilian rule, most obnoxious press laws have been the product of military rule, for as Akinnola observes, "Decrees are the major legislative tools of military governments and in Nigeria, they are churned out with such rapidity that makes many discerning persons marvel."

He adds that the decrees are promulgated to circumscribe the practice of journalism.

The book lists 21 press repressive laws in the form of decrees and edicts made by various military governments between 1966, when the military first took over power in Nigeria, and 1995.

Virtually all the decrees affecting the media oust the jurisdiction of courts to inquire into any thing done under them or entertain any suit in this regard. Many of them also impose harsh penalties, including the death sentence, for the commission of any of the offences created by them

For instance, Section 3 of the Treason and Treasonable Offences Decree No 29 of 1993 provides that:

- (1) A person who utters any word, displays anything or publishes any material which is capable of:
 - (a) breaking up Nigeria or part thereof, or
 - (b) causing violence or causing a community or a section thereof to engage in violence against a section of that community or another community, is guilty of treason and liable on conviction to be sentenced to death.
- (2) A person who unlawfully displays anything or publishes any material which gives or create the impression that a particular country, state or local government area has been or is being created or established out of Nigeria is guilty of treason and liable on conviction to be sentenced to death.

In the second part of the book, Frank Igwebueze, Editor of *Midweek Concord* and part-time lecturer in Media Law at the University of Lagos, looks at the Printing Press Regulation Act and concludes that the “law is most unnecessary since the courts have ruled that the non-registration of a press or even a newspaper cannot insulate such a newspaper from liability in the event of a libel.”

In his view, “it is made to curtail the freedom of expression through the printed word. It goes against all civilized norms and forms part of the tragedies that have sent Nigeria to the stone ages or at best, reduced it to one of (the) miserable banana republics that litter the African continent.”

In her analysis of the Nigerian Press Council Decree, bese Eitokpah, a former journalist now working with the Friedrich Ebert Foundation in Lagos as Assistant Project Manager, suggests that “The autonomy of the council enshrined in Section 6 of the 1992 Decree, would perhaps, have been more ensured if such regulatory body was voluntary, constituted and funded mostly by the media as applicable in Britain, Australia, Israel...”

Tayo Oyetibo, a lawyer and Chairman of the Lawyers Committee of the Constitutional Rights Project (CRP) in examining the Statutory Regulation of Newspapers, argues that “There is need for a harmonization of the various laws in force in the states of the federation particularly with regard to the requirement of establishment of an office in every state in which a newspaper circulates.”

He recommended that since Newspaper is on the residuals list registration in the state, registration in the state in which a newspaper is printed ought to be recognized by all the other states of the federation as sufficient and valid for the circulation of the newspaper in every other state of the federation.”

Akinnola, who outlined the “land mines” in the Newspapers Decree No. 43, concludes that the “decree makes a newspaper to be at the mercy of the government” adding that its provisions are in flagrant breach of Sections 21 and 36 of the 1979 Constitution and Articles 6 and 9 of the African Charter on Human and Peoples’ Rights.

On the Offensive Publications (Proscription) Decree No. 35 of 1993, Mike Ozekhome, a lawyer and President of the Universal Defenders of Democracy (UDD), insists that “Decree 35 has in fact died a natural death by asphyxiation of time since the very transition programme it was meant to protect was halted in June, 1993”, and that “We only need a judicial pronouncement of its transition at the instance of media houses whose publications it seized and confiscated.”

In examining the offences of Provoking Breach of Peace by Offensive Publications, Tunji Bello, Editor of the Sunday Concord, warns that “Much as laws governing offensive publications remain criminalized, they pose serious threat not only to those engaged in the business of publishing, but also to the liberty of individuals as guaranteed by the relevant sections of our constitution and international human rights conventions.”

Tokunbo Onagorowa, a lawyer and senior lecturer in press Law at the Nigerian Institute of Journalism in Lagos, in his views on the offence of Publication of False News with Intent to Cause Fear and alarm to the Public, submits that the applicable legal provisions in section 59 of

the Criminal Code and Sections 2 and 3 of the Defamatory and Offensive Publications Act of 1966, are unconstitutional and therefore no longer have a place in our statute books.”

Vanguard newspaper Editor, Gbenga Adefaye, views the Prohibition of Importation of Offensive Publications by section 58 of the Criminal Code, cap 42, Laws of the Federation 1958 as “an unrealistic law difficult to enforce because globalization of the world actually makes mockery of national frontiers, especially artificial frontiers to knowledge.”

In his critique on Private Broadcasting in Nigeria and the National Broadcasting commission Decree No. 38 of 1992, veteran journalist and Assistant General manager (News) at the African Independent Television (AIT) and Ray Power 100 FM, Kelly Elisha, concedes that Decree 38 of 1992 is a positive development in the practice of journalism, but fears that the decree will “continue to be haunted by the invisibility of government in deciding the fate of a license beneficiary and the inviolability of the wisdom and power of the National Broadcasting commission.”

Commenting on the Treason and Treasonable Offences Decree No. 29 of 1993, Editor of The Punch newspaper said from the background to the decree, it is clear that it was promulgated in a moment passion was allowed to overcome reason, adding that the two principal objectives of a good legal system are absent in the obnoxious decree.

Akinnola in his review of Sedition traced its history as a by-product of colonialism and affirms that the law of sedition is now dead following the Court of Appeal’s decision in Arthur Nwankwo v State.

In the final chapter of the book, Fred Agbaje, a lawyer, examined The Official Secrets Act of 1962, concluding that “though a draconian form of press control and news suppression, the courts must be prepared to assist the journalist through its interpretative jurisdiction by insisting that the correct test of whether the information sought to be published or already published would alarm and depress the average reasonable man must be applied.”

What informed the publication of the book, according to Akinnola, is the fact that “in spite of these plethora of marauding legislation, most journalists are totally oblivious of their existence, with the few who are aware of these laws, ignorant of their provisions and implication for the practice of journalism.”

FREE EXPRESSION/HUMAN RIGHTS AWARDS

Four Nigerians AMONG winners Of 1998 Hellman/Hammett Awards

Four Nigerians are among the 44 writers from 19 countries who won this year’s Hellman/Hammett grants, which are given annually to writers around the world who, as a result of expressing their views or because of their political associations, are persecuted and are in financial need.

The Nigerian winners are Abosede Sarah Mkoyo; Mr. Abdul Oroh (Executive Director of the Civil Liberties Organization, CLO), Mr. Bayo Onanuga (Editor-in-Chief of *TheNews* magazine); Mr. Babafemi Ojudu (Managing Editor of The News); and Mrs. Bose Agbe-Davies Mbah (wife of recently released Assistant Editor of Tell magazine, Mr. George Mbah).

Besides Nigeria, other countries which had a high number of winners this year include Vietnam, Turkey, China, and Iran, “reflecting the especially repressive climate for free expression that exists in those countries,” according to Human Rights Watch (HRW), which administers the grants.

About \$170,000 in cash prizes went to the 44 writers who received the award this year.

But Vietnam, Turkey and Nigeria, under the regime of the late Head of State, General Sani Abacha, are being given special emphasis because they posed the greatest threat to writers and journalists.

In Vietnam, writers have faced harsh restraints for decades and HRW gave eight awards to Vietnamese writers to “testify to the fact that the repressive conditions continue unabated in the context of a stalling economy, backlash over security concerns raised by improved relations with the United States and a stalemate over political succession and liberalization within the Communist Party.”

HRW said the eight Turkish recipients “represent the wide range of thought (Islamist, Kurdish, leftist and mainstream) for which writers are targeted in Turkey.”

In Nigeria, HRW said, “the regime’s (of General Sani Abacha) use of arbitrary detention, torture and censorship to quash writers has been an international scandal since the trial and execution of the noted playwright Ken Saro-Wiwa in 1995.”

The death of General Abacha in June, in the organization’s view, “raises cautious hope.”

But it warns that until decrees stifling free expression are repealed in Nigeria, “writing there will remain a dangerous pursuit.”

HRW noted that those selected to receive Hellman/Hammett grants in 1998 represent a few of the many writers worldwide whose books have been banned or who have been exiled, imprisoned, tortured or harassed because of their work.

The Hellman/Hammett grants have been given annually by HRW to persecuted writers worldwide since 1989, based on the wishes of writers Lilian Hellman and Dashiell Hammett “that their legacies be used to assist writers who were in financial need as a result of expressing their views or because of their political associations.”

Nigerian writers who have previously won the award are Ken Saro-Wiwa and four imprisoned journalists who were recently released from three year long incarceration – Chris Anyanwu, George Mbah, Ben Charles Obi and Kunle Ajibade.

Martin Ennals Foundation Seeks Nominations For 1999 Award

The Martin Ennals foundation is seeking nominations from individuals and organizations for the 1999 Martin Ennals Award (MEA) for human rights defenders.

The award, named after Martin Ennals, was created in 1993 by the Martin Ennals Foundation, established by his friends, family and colleagues. It is granted annually to individuals, or exceptionally, organizations, in recognition of their commitment and on-going endeavour in the defence and promotion of human rights.

Nominees must currently be involved in work for the promotion and protection of human rights. Special account is taken of those who have demonstrated an active record of combating human rights violations by courageous and innovative means. The Martin Ennals Award aims to encourage individuals or organizations, particularly those who are working in conditions hostile to human rights and who are in need of protection.

The value of the Award is, at present, 20,000 Swiss Francs and is to be used for further work in the field of human rights. Exceptionally, the Board may decide to make an honorary Award

Anybody can nominate any individual or organization by filing out the appropriate form, but neither individuals nor organizations may nominate themselves. Nominations for the 1999 Award should reach the Martin Ennals foundation by October 15, 1998.

The selection of the winning candidate is made by the Board of the Martin Ennals Foundation. A final decision will be reached in February 1999.

The location of the Award ceremonies varies. The first four ceremonies which have taken place so far have been held in Geneva (Switzerland), Uppsala (Sweden), London (United Kingdom) and Mexico.

Members of the Board of the Martin Ennals foundation are Adama Dieng, President (on behalf of the International Commission of Jurists); Hans Thoolen (the Netherlands), Treasurer, Leah Levin, Secretary (on behalf of International Alert); Simia Ahmadi (on behalf of the International Federation of Human Rights); Ricardo Dominice (on behalf of Defence for

Children, International); and Frances D'Souza (on behalf of Article 19, the International Center Against Censorship).

Others are Marc Ennals (on behalf of the Ennals family); Asthma Jahangir (Pakistan); Werner Lottje (on behalf of the Evangelical Churches of Germany); Gerry O'Connell (on behalf of the Amnesty International, Ireland); Eric Sottas (on behalf of the World Organization Against Torture); and Luis Perez Aguirre (Uruguay). They also make up the jury for the 1999 Award.

The Human Rights Information and Documentation Systems (HURIDOCs) has accepted responsibility for administration of the nomination procedures and for organizing the Award ceremony, through its Geneva-based international Secretariat.

Past recipients of the award are:

1994: Harry Wu (China), a former prisoner in the Chinese Laogai, who after his release, returned secretly with his wife to China to further document conditions in the Laogai.

1995: Asthma Jahangir (Pakistan) a lawyer and founding member of the Human Rights Commission of Pakistan and the Women's Action Forum.

1996: Clement Nwankwo (Nigeria), lawyer and human rights activist who co-founded the Civil Liberties Organization (CLO) and founded the Constitutional Rights Project (CRP).

1997: Msgr. Samuel Ruiz Garcia (Mexico) Bishop of the Diocese of Chiapas and advocate of the poor and indigenous people.

1998: Dr. Eyad Rajab El Sarraj (Palestine) founder and Medical Director of the Gaza Community Mental Health Programme.

For submitting nominations or information about how to nominate, contact Bert Verstappen, MEF Consultant, c/o HURIDOCs, 48, chemin de Grand-Monfleury, CH-1290 Versoix, Switzerland. Telephone: 41.22.755.5252, Facsimile: 41.22.755.5260, E-mail: huridocs@oln.comlink.apc.org

Chris Anyanwu Receives RSF, UNESCO Awards

Publisher and Editor-in-Chief of *The Sunday Magazine (TSM)*, Chris Anyanwu, who was released from prison in June will receive two prestigious press freedom prizes in Paris, France, on September 2.

Anyanwu will formally receive the United Nations Educational, Scientific and Cultural Organization's (UNESCO) 1998 UNESCO/Guillermo Cano World Press Freedom Prize, which was awarded to her earlier this year while she was still in prison, and the 1995 Reporters sans Frontiers-Foundation de France Prize.

UNESCO director-General Federico Mayor and Nobel laureate, Professor Wole Soyinka, who received two prizes on behalf of Anyanwu during her imprisonment, will present the awards at a ceremony at UNESCO headquarters.

Anyanwu will also be the guest speaker at the Canadian Committee to Protect Journalist's (CCPJ) Annual Meeting in Toronto on September 17.

The CCPJ's Annual Meeting begins at 7.00pm and Anyanwu will speak at 8.00pm in the Rotunda, Main floor, Metro Hall, 55 John St. (at King St.) in Toronto, Ontario.

More information on the event may be obtained at the CCPJ at 489 College St. #40, Toronto, ON M6G 1A5, Canada. Telephone: +416 515 7879, e-mail: ccpj@ccpj.ca or visit the CCPJ website: www.ccpj.ca (IFEX)

JOURNALISM TRAINING PROGRAMMES

Freedom Forum Invites Applications for Journalists' Programme

The Freedom Forum in Arlington, Virginia, in the United States is seeking application for its International Journalists-in-Residence Programme under which journalists from around the

world are brought to universities in the U.S. to take journalism courses.

The programme provides professional and educational opportunities for early and mid-career print and broadcast journalists from Africa, Asia, Central and South America.

Participants spend three to four months in the programme, which includes a combination of journalism course work, hands-on training at a local media organization, participation in lecture and seminar programmes, and other activities contributing to an understanding of the U.S. media.

The fully-funded programme which begins in January 1999, covers travel costs to the United States, basic living expenses, tuition and health insurance.

Applicants must be working journalists with two to three years experience and proficiency in written and spoken English.

The deadline submission of applications has been extended to September 15, 1998.

Participants are selected by a committee of media and regional experts, and representatives of The Freedom Forum and the host institutions.

Preference is usually given to those who have had little or no experience in the United States.

Applicants are required to write a 300-to-500 word essay discussing how a training programme at a university in the U.S. would benefit their journalism career goals; their primary area of interest, such as writing and editing, advertising, media ethics, photojournalism, or political reporting; and what freedom of the press means to them.

The application is available on the Freedom Forum Web site: at <http://www.freedomforum.org/newsstand/brochures/99intlfellowsapp.asp>

More information or an application form may be obtained from Kerstin Demko, Program Coordinator, International Journalists-in-Residence Program at the Freedom Forum, 1101 Wilson Blvd., Arlington, VA 22209, USA. Telephone: 703 2843560, facsimile: 703 2843529, e-mail: kdemko@freedomforum.org African Center, 7th floor, JHI House, 11 Cradock Avenue, Rosebank 2196, Johannesburg, South Africa. Telephone 27 11 327 0242, e-mail: jeddings@ibm.net

BIY Journalism Fellowship in Korea

Since the beginning of 1997, the Bang Il-Young (BIY) Foundation in Korea has expanded its fellowship to include journalists from all countries as beneficiaries for its sponsorship of training programmes in Korea.

The fellowship will offer journalists a chance to observe the current social, political and economic aspects of Korea.

Applicants for the fellowship must be full-time newspaper journalists who are currently writing or editing.

Preference will be given to those applicants who have no extensive or recent experience of Korea.

Applicants should attach to their applications a 1,000-word self-introduction outlining their academic and journalistic careers, a study or research plan, two letters of recommendations from persons familiar with the applicant's journalistic work, and a copy of admission papers to the appropriate application form.

The deadline for application is October 15.

More information about the fellowship and how to apply can be obtained from the Bang Il-Young Foundation, Teapyongro 1-61, Chung-ku, Seoul, 100-756, Korea. Telephone: 82-2-742-5116, Facsimile: 82-2-724-5109.

The Windhoek Declaration

The Declaration of Windhoek on Promoting an Independent and Pluralistic African Press is a statement of press freedom principles drawn up by journalists at a seminar in Windhoek, Namibia, in May 1991. Later that year, the United Nations Educational, Scientific and Cultural Organization (UNESCO) endorsed the Declaration. The anniversary of its drafting, May 3, is now observed worldwide every year as World Press Freedom Day. Following is the full text of the Declaration:

We the participants in the United Nations/United Nations Educational, Scientific and Cultural Organization Seminar on Promoting an Independent and Pluralistic African Press, held in Windhoek, Namibia, from 29 April to 3 May 1991.

Recalling the Universal Declaration of Human Rights.

Recalling General Assembly resolution 59(1) of 14 December 1946 stating that freedom of information is a fundamental human right, and General Assembly resolution 45/76A of 11 December 1990 on information in service of humanity.

Recalling resolution 25C/104 of the General Conference on UNESCO of 1989 in which the main focus is the promotion of “free flow of ideas by word and image among nations and within each nation.”

Noting with appreciation the statements made by the United Nations Under-Secretary-General for Communication, Information and Informatics of UNESCO at the opening of the Seminar.

Expressing our sincere appreciation to the United Nations and UNESCO for organizing the Seminar.

Expressing also our sincere appreciation to all the intergovernmental, governmental and non-governmental bodies and organizations, in particular, the United Nations Development Programme (UNDP), which contributed to the United Nations/UNESCO effort to organize the Seminar.

Expressing our gratitude to the Government and People of the Republic of Namibia for their kind hospitality which facilitated the success of the Seminar,

Declare that:

1. Consistent with article 19 of the Universal Declaration of Human Rights, the establishment maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation, and for economic development.
2. By an independent press, we mean a press independent from governmental, political or economic control or from control materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals.
3. By a pluralistic press, we mean the end of monopolies of any kind and existence of the greatest possible of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.
4. The welcome changes that an increasing number of African States are now undergoing towards multi-party democracies provide the climate in which an independent and pluralistic press can emerge.
5. The world-wide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfillment of human aspirations.
6. In Africa today, despite the positive developments in some countries, in many countries, journalists, editors and publishers are victims of repression – they are murdered, arrested, detained and censored, and are restricted by economic and political pressures such as restrictions on newsprint, licensing systems which restrict the opportunity to publish, visa restrictions which prevent the free movement of journalists, restrictions on the exchange of news and information, and limitations on the circulation of newspapers within

- countries and across national borders. In some countries, one-party States control the totality of information.
7. Today, at least 17 journalists, editors or publishers are in African prisons, and 48 African journalists were killed in the exercise of their profession between 1969 and 1990.
 8. The General Assembly of the United Nations should include in the agenda of its session an item on the declaration of censorship as a grave violation of human rights falling within the purview of the Commission on Human Rights.
 9. African States should be encouraged to provide constitutional guarantees of the freedom of the press and freedom of association.
 10. To encourage and consolidate the positive changes taking place in Africa, and to counter the negative ones, the international community – specifically, international organisation – (governmental as well as non-governmental), development agencies and professional organisations should as a matter of priority direct funding support towards the development and establishment of non-governmental newspapers, magazines and periodicals that reflect the society as a whole and the different points of view within the communities they serve.
 11. All funding should aim to encourage pluralism as well as independence. As a consequence, the funding of the public media should be made only where authorities guarantee a constitutional and effective freedom of information and expression and the independent of the press.
 12. To assist in the preservation of the freedoms enumerated above, the establishment of truly independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, is a matter of priority in all of the countries of Africa where such bodies do not exist.
 13. the national media and labour relations laws of African countries should be drawn in such a way as to ensure that such representative associations can exist and full their important tasks in defence of press freedom.
 14. As a sign of good faith, African Governments which have jailed journalists for their professional activities should free them immediately. Where journalists have had to leave their countries, they should be free to return to resume their professional activities.
 15. Co-operation between publishers within Africa, and between publishers of the North and South (for Example through the Principle of twinning), should be encouraged and supported.
 16. As a matter of urgency, the United Nations, UNESCO, and particularly the International Programme for the Development of Communication (IPDC) should initiate detailed research, in co-operation with governmental (especially UNDP) and non-governmental donor agencies, relevant non-governmental organizations and professional associations, into the following specific areas of need:
 - (i) identification of economic barriers to the establishment of new media outlets, including restrictive import duties, tariffs and quotas for such things as newsprint, printing equipment, and typesetting and word processing machinery, and taxes on the sale of newspapers, as a prelude to their removal;
 - (ii) the training of journalists and managers and the availability of professional training institutions and courses;
 - (iii) legal barriers to the recognition and effective operation of trade unions or associations of journalists, editors and publishers;
 - (iv) a register of available funding from development and other agencies, the conditions attaching to the release of such funds, and the methods of applying for them;
 - (v) the state of press freedom, country by country, in Africa.

17. In view of the importance of radio and television in the field of news and information, the United Nations and UNESCO are invited to recommend to the General Assembly and the General Conference the convening of a seminar for journalists and managers of radio and television services in Africa, to explore the possibility of applying similar concepts of independence and pluralism to these media.
18. The international community should contribute to achieving and implementing initiatives and projects set out in the attachment to this Declaration.
19. This Declaration should be presented by the Secretary-General of the United Nations General Assembly, and by the Director-General of UNESCO to the General conference of UNESCO.

ANNEX: Initiatives and Projects Identified in the Seminar

- I. Development of co-operation between private African newspapers:
 - to aid them in the mutual exchange of their publications;
 - to aid them in the exchange of information;
 - to aid them in sharing their experience by the exchange of journalists; and
 - to organize on their behalf training courses and study trips for their journalists, managers and technical personnel.
- II. Creation of separate, independent national unions for publishers, news editor and journalists.
- III. Creation of regional unions for publishers editors and independent journalists.
- IV. Development and promotion of non-governmental regulations and codes of ethics in each country in order to defend more effectively the profession and ensure its credibility.
- V. Financing of a study on the readership of independent newspapers in order to set up groups of advertising agents.
- VI. Financing of a feasibility study for the establishment of an independent press aid foundation and research into identifying capital funds for the foundation.
- VII. Financing of a feasibility study for the creation of a central body for the purchase of newsprint and the establishment of such a board.
- XIII. Support and creation of regional African press enterprises.
- IX. Aid with a view to establishing structures to monitor attacks on freedom of the press and independence of journalists following the example of the West African Journalists' Association.
 - X. Creation of data bank for the independent African press for the documentation of news items essential to newspapers.

Media Services

Reducing Costs Through Cooperative Purchasing

An initiative by the United States-based cooperative association, Publishers Associated to Gain Economy (PAGE), is helping independent newspaper publishers to buy production materials and procure media services at significantly reduced prices.

PAGE is a non-profit, member-owned cooperative association whose independently-owned newspapers and newspaper groups pool their individual purchases to create large volume leverage that earns significant discounts and rebates for all members.

Founded by Mr. H. Charles Berky, who is currently its General Manager, PAGE negotiates special pricing and rebate programmes directly with manufacturers and newspaper suppliers based on the overall volume of purchases through the cooperative which then brings down the costs of such products for each member of the cooperative.

Such volume-based prices are not available to smaller volume customers on a direct basis.

Established in 1984, PAGE has now an extensive membership that includes more than 260 daily newspapers in 47 states in the US, which is more than half of the privately-owned daily newspapers in the country.

It is governed by a member-elected Board of directors, all of whom are senior executives of member companies. The officers are elected each year by the Board of Directors.

PAGE members regularly buy more than \$125 million annually of discounted products and services.

Supplies available through PAGE include newsprint (standard and specialty grades), ink, press, plates, replacement press parts, professional dark room suppliers, graphic materials, pressroom and circulation supplies, office, production, and electronic media equipment and systems, including computers, publishing systems, architectural services as well as auditing and market research services.

Membership of the cooperative is restricted to privately-owned paid daily and non-daily general interest newspaper companies or newspaper groups.

A one-time membership equity deposit of \$15,000, is required for each corporate member. The fee covers participation in the project by all the newspapers or printing units under common ownership.

The equity deposit is fully refundable so that it is carried on the member's books as an Asset. If a member chooses, the equity fee can be paid in five annual installments of \$3,000 each plus interest on the remaining equity balance.

Each member of the cooperative shares equally in the ownership and control of PAGE cooperative and all members, regardless of size, are treated equally and receive the same pricing.

More information about the cooperative can be obtained at the PAGE office in Pennsylvania at 998 Old Eagle School road, Suite 1202, Wayne PA 19087-1854, U.S.A. telephone: 800-468-9568, Facsimile: 610-687-2147, E-mail: pagewayne@aol.com

News Service Offers African Publishers Internet Access

African News Service, an electronic news distribution network, offers African publishers an opportunity to secure wider readership for their Publications through the Internet while making additional revenue.

The Africa News World Wide Web Site on the Internet, which includes both graphics and sound, is designed to provide a central forum presence for Africa on the information superhighway.

Africa News Online, its electronic distribution network, was established in partnership with leading African news organizations to provide a showcase for reporting and specialized writing from across the African continent.

The primary commitment of the Africa News Service is making news about Africa and Africa policy issues more widely available, using emerging information technologies.

It does this by taking news stories, features and reports on topical and human-interest issues from the Pan African News Agency (PANA), the Nairobi-based All Africa Press Service, an affiliate of the All Africa News Network and Africa Eye News Service.

With over two million hits a month, the Website offers immense readership for African publishers who are willing to put their newspapers or magazines on the Website.

According the News Service's representative, Bertie Howard, publishers whose materials it publishes on the Website are also paid for the use of such materials.

The Service is particularly interested in having photographs from Africa, particularly of African leaders, which are in short supply in the international community.

Africa News Online already hosts stories on its Website from major African dailies and independent periodicals such as Ethiopia's Addis Tribune, Kenya's East African and the Nation,

Uganda's New Vision, Zambia's Post and Times, the Independent and Standard from Zimbabwe, Business Malawi, the Namibian and South Africa's Argus, and Mail and Guardian.

Its reporting is used by major U.S. print and broadcast media, including the Washington Post and the Christian Science Monitor, the National Public Radio, the "NewsHour" on public, television and network television news shows, as well as by international outlets such as the British Broadcasting Corporation (BBC).

More information about the Service may be obtained from Bertie Howard at Africa News Service, Box: 3851, Durham, North Carolina 27702, U.S.A., Telephone: 919-286-0747, Facsimile: 919-286-2614 or at the Washington D.C. Office, Telephone/Facsimile: 202-546-3675, E-mail: ans@afnews.org

MEDIA JOB OFFERS

Radio Seeks Freelance Journalists, Broadcasters

Radio Safari Africa, which is set to begin broadcasting on March 1, 1999 as the world's first station for the environment, is seeking freelance journalists and broadcasters with an interest in environmental issues.

Test transmissions on Radio Safari are scheduled for January 1, 1999 and its programmes will be beamed in digital format to the entire African continent via the World Space Satellite.

Its schedules will deal with the entire environment of man in nature to foster a wide understanding of and involvement in, sound environmental conservation ethics and sustainable utilization values.

Radio Safari believes that this process will be achieved through effective radio communication, community participation and capacity building.

The station is recruiting established freelance journalists and broadcasters with an interest in environmental issues.

Regular programme slots in which contributions from across Africa will be featured include:

Africa Today: a magazine type approach with recorded segments. It will have general news with sound bites on the state of stories that broke the previous day. It will also contain expected developments during that day, expert projections, predictions and comments on breaking stories. It will lean towards environmental matters.

Africa Adieu: This will contain a cut away segment in which the Session Host introduces "Spot Light on an endangered/threatened species."

Tourism in Africa: This will contain tourism news, interviews, special events, with emphasis on the environmental tourist experience, such as "What's happening at Kariba today? Now is the best time to visit the Cape Fynbos, a special Gorillas-in-the-Mist Expedition...etc."

Out There: This consists of the Outdoor Experience. Daily reports on what is happening outdoors in Africa, forthcoming events of interest to tourists. Examples include 4 X 4 Challenges, Fishing, Moco Lighting, Scuba Diving, Surfing, etc.

Clans and Customs: This will be "National Geographic" type documentaries on tribes, groups, or sections of Africa's peoples... strange customs, foods, etc. it will cover from the San People to the Massai and further North.

A Woman's Perspective: This will be a Woman's Half-Hour, featuring news, views and interviews.

Enviro Round-Up: This will focus on what is happening in the world of conservation, round-up by city and country, from Cape Town in South Africa to the North Coast of Africa, news and telephone interviews supplied by Africa-wide stringers.

Applications or requests for further information should be sent to Andre Walters, General Manager, Radio Safari Africa or Ms. Dale Ratcliffe, Director, Regional Information at World Space Southern Africa (Pty.) Ltd., P.O. Box: 412466. Craighall, 2024, Johannesburg, South Africa, E-mail: dratcliffe@worldspace.com

Radio Studio Director For Burundi Sought

Search for Common Ground/Common Ground Productions, an organization which promotes peaceful resolution of conflict through television and radio, is seeking someone with experience in radio production, project management and working in other cultures to serve as director of its radio studio located in Burundi, East Africa.

Studio Ijambo, featured in a 1996 ABC Nightline programme entitled, "Voice of Hope" has been operating since 1995, under a grant from the United States Agency for International Development (USAID).

It is a well-equipped production studio whose staff is comprised of a multi ethnic team of Burundian journalists who produce five to 10 hours a week of news and features programming, along with a twice-weekly radio *sopa* opera.

The aim of the studio is to make programmes that aid the process of national reconciliation in Burundi and help prevent further violence.

The responsibilities of the Studio Director will include to:

- Oversee the production of radio programming and the development of new programming designed to promote national reconciliation;
- Train journalists in refining radio production techniques;
- Help develop partnerships with radio stations for broadcasting studio material;
- Supervise local staff of 22 including journalists, producers, technicians, translators; and
- Maintain relations with local officials, project partners, funders and US Government counterparts.

Qualifications for the job are: radio content development production experience; knowledge of current radio equipment/technical expertise; effective management skills, with overseas experience; creative problem solving skills, knowledge of Great Lakes region and issues as well as excellent French and English Language skills.

The successful applicant will start as soon as possible and will be paid competitive salary and benefits.

Prospective applicants should send a cover letter and resume to: Helen Gerostathos, Search for Common Ground, 1601 Connecticut Ave., NW Suite 200, Washington DC 20009. facsimile: 202-232-6718. e-mail: Burundi@sfcg.org

Internews Network Seeks Project Director

Internews Network, an international non-profit organization with projects supporting independent news in 16 countries around the world, is seeking a Project Director to file daily reports on court proceedings of The International War Crimes Tribunal in Arusha, Tanzania.

The project is expected to be expanded to provide television coverage of the trials.

Applicants for the position are required to possess radio and print reporting experience, field experience, NGO project management experience in Africa, and ability to manage Information Technology in a low technology environment.

The desired qualifications also include experience in television reporting or production, knowledge of the Great Lakes region, and fluency in French.

Applicants should e-mail their resumes to: injobs@internews.org or fax to +1 707 826-2136, More information about Internews projects can be obtained at its website at www.internews.org

Africa Information Service Seeks Journalists

The Africa Information Service is a 24-hour, seven-day a week pan-African news and information radio channel being developed by World Space.

It will be one of a number of channels on the satellite which World Space is launching over Africa. The African Information service, which is the working title, is expected to be on the air in March 1999.

The service will be staffed by people from around the continent and outside Africa.

Journalists interested in the service should forward their curriculum vitae to Ms. Dale Ratcliffe at World Space Southern Africa (Pty.) Ltd., P.O. Box: 412466, Craighall, 2024, Johannesburg, South Africa. Enquiries can be sent via e-mail to: dracliff@worldspace.com



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

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

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

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

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Media Rights Agenda,
44, Alhaja Kofoworola Crescent
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P.O. Box 52113, Ikoyi,
Lagos, Nigeria.
Tel & Fax: 234-1-4930831
E-mail: mra@rcl.nig.com