

PRESS RELEASE

IMC CONCLUDES MORE COMPLAINTS

Independent Media Commission 6th November 2008

More complaints have been concluded by the Independent Media Commission from the public as listed hereunder:-

(1) The Essesade Ogboni Issue

The Commission viewed with grave concern the developments that emanated from broadcasts on the Believers Broadcasting Network (BBN FM 93.0) calling on listeners to move to the Miatta Conference Centre to stop the launch of a Nigerian festival that was to be organised by the Ogboni Society.

The Commission took proactive measures to prevent the issue from escalating by requesting BBN to tender the recorded programme to enable the Commissioners listen to it and take a decision on the matter.

The Complaints Committee listened to the one hour and thirty eight minutes program, and concluded as follows:

1. the program, 'Dreams, Visions and Destiny killers', was a scheduled program, but was not due to discuss the Ogboni issue on that day;
2. half way through the program, the topic for the day was side-stepped after a caller mentioned the Ogboni festival that was due to take place at Youyi building the next day;
3. the presenter failed to properly hold the balance between the programme as planned and the many callers that made pejorative references to the 'demonic cult' and xenophobic statements about the Nigerian community in Sierra Leone.

The Committee was convinced that the action by the BBN was in contravention of Article 9 of the IMC Code of Practice which stipulates as follows:

'Phone in and live programmes must be managed in such a way that they are not used to incite violence and public disorder. They should avoid the use of abusive language and statements likely to cause ethnic or religious disaffection'.

It was that consideration that informed the Commission's decision to request BBN and other radio stations to desist from making any further broadcast on the Ogoni issue, until investigations by the police were concluded.

The Station Manager, BBN Mr. Ransford Wright was consequently invited to a meeting of the Complaints Committee to explain the action of his radio station. Mr. Wright told the Complaints Committee that the broadcasts were made in good faith and were never intended to incite violence and public disorder.

He acknowledged that the broadcasts contravened Article 9 of the Media Code of Practice and regretted that it ever happened.

The Committee cautioned Mr. Wright and reminded him that as manager, he takes full responsibility for the output of his station and must therefore not allow such breaches to occur in the future.

Complaint against the Managing Editor of New Age Newspaper by IMATT

The Independent Media Commission deliberated on a complaint from Brigadier J.J. Powe OBE Commander, International Military Advisory and Training Team (Sierra Leone) & Military Adviser to the Government of Sierra Leone, against the Managing Editor of the New Age Newspaper with regard to several articles published in that newspaper viz:

- *Wednesday 2nd September 2008 – 'IMATT in human right violation'
- * Friday 5th September 2008 - 'But cannot justify Human Right Abuse'
- * Monday 7th September 2008 'IMATT: why calling Sierra Leonean Black Monkey?' and
- * Wednesday 20th September 2008 "Fucking Black Monkey, I will show you who I am"

The Complainant Brigadier Powe told the Complaints Committee that Mr. Sheik Kamara, the former IMATT personnel who was the source of the newspaper article, was employed by IMATT on 12th August 2000 as the Transport Manager. His service was terminated on 7th April 2008. He said during his 8 years in the organization, Mr. Kamara provided good service and was respected throughout IMATT. However, on two occasions, Mr. Kamara was accused of gross misconduct against fellow IMATT employees, and his behaviour did not improve even after he was queried. Brigadier Powe said on the third occasion Mr. Kamara made threatening and aggressive remarks using unprintable words, which according to Brigadier Powe, was gross insubordination, warranting his immediate dismissal according to IMATT Code of Discipline.

The Complaints Committee conducted three hearings on the matter during which the complainant and defendant were interviewed.

After considering all the evidences, the Committee concluded that claims of racism made by Sheik Kamara against IMATT were never part of his original complaint to the Ministry of Labour where he had expressed dissatisfaction only about his severance benefits. The claim of racism at IMATT only came up in the newspaper publication when it became clear that the staff in question had forfeited his benefits because of his summary dismissal. Several statements made by other Sierra Leonean workers at IMATT, did not mention anything even remotely associated with racism. The Committee concluded that Mr. Kamara could best press his claims at the industrial court rather than use the media to tarnish the image of IMATT.

As regards the New Age newspaper, the Committee concluded that the newspaper relaxed its editorial rule to accommodate a report without proper scrutiny. It noted that the New Age was fully aware that Mr. Kamara had an axe to grind with IMATT and therefore had to be more circumspect in dealing with his allegations. The Committee noted efforts made by the newspaper to get IMATT's reactions to the allegations and the problems it encountered with IMATT officials not fully cooperating. However, the Committee was convinced that to make an allegation as serious as racism, the newspaper ought to have exhausted all avenues and in any case subject Mr. Kamara's allegations to serious investigations before publication.

The Committee was also disturbed by the newspaper's use of extremely vulgar language on its front page attributing it to 'an IMATT official.' The paper was in breach of clause 23 (indecent and pornographic materials).

The New Age was therefore fined two hundred and fifty thousand leones for failing to fulfill the accuracy requirement on the first count and for publishing indecent language on the second. The newspaper was ordered to publish a retraction on its front page giving it the same prominence as the offending article. It was also to send a letter of apology to the officials of IMATT copied to the Chairperson of IMC. All of these orders were to be executed within seven days of receipt of the letter from the IMC informing the newspaper of these decisions.

Complaint against Exclusive Newspaper dated 6th October 2008, article entitled: 'Fisher Fished'

Magistrate Adrian Fisher made a complaint against the Exclusive Newspaper to the Independent Media Commission with regard to an article published in the Exclusive Newspaper dated 6th October 2008, captioned - 'FISHER FISHED'.

Mr. Fisher stated in his letter of complaint that the article was 'unprofessional, sensational, emotional, tasteless, misleading, mischievous, ill-motivated and calculated to subject his person to undue ridicule and most importantly to interfere with the investigations being conducted by the ACC by inviting unwarranted speculation into the matter.'

The Complaints Committee conducted one hearing, during which Mr. Fisher stated that the paper retracted the article after he had filed his complaint to the IMC. He said he was satisfied with this development, but noted that the newspaper subsequently published another article which appeared to repeat the earlier allegations.

The Committee ordered the Managing Editor to stop speculating on the matter and to refrain from publishing further articles on the issue until the Anti-Corruption Commission concluded its investigation and came out with a statement.

Complaint against African Champion Newspaper by ECOBANK official, Karen Akiwumi-Tanoh (Mrs.) – article captioned - 'ECOBANK FACES BIG PROBLEMS'

The Managing Director of Ecobank, Mrs. Karen Akiwumi-Tanoh lodged a complaint with the Independent Media Commission with regard to an article published in the 29th September 2008 edition of the African Champion Newspaper captioned 'Ecobank Faces Big Problems'.

She stated in her letter of complaint that the African Champion eroded the integrity of the Bank by alleging that a good number of Sierra Leoneans banking with the ECOBANK may transfer their accounts to other banking institutions, citing various reasons among them, 'the negative activities of the management towards their customers'.

The Complaints Committee conducted a hearing at which the Legal Representative of the Bank Ms. Wright was present together with the Ag. Managing Editor of African Champion, Mr. Ibrahim Sillah.

Mr. Sillah told the Complaints committee that his reporters were hoaxed and that if he had been privy to the information he had gathered during the hearing, he would not have published the story. He promised to retract the story and apologise to the Bank.

The Committee was concerned that editorial controls appeared to be sloppy at the African Champion and warned that unless, stories were properly fact-checked, such problems were bound to continue.

The Committee fined the African Champion Le500, 000 (Five Hundred Thousand Leones) for publishing a false report and ordered the retraction of the article giving it due prominence in the next edition of the newspaper. A letter of apology was also to be sent to the bank.

Complaint by the Proprietress of Awareness Times Newspaper, Dr. Sylvia Blyden against Mr. Mohamed Bangura, Managing Editor of Atomic Newspaper

Dr. Sylvia Blyden lodged a complaint with the Independent Media Commission about an article published in the Atomic Newspaper captioned: – ‘**The Press & the Pull Down Syndrome in Sierra Leone**’ of Monday 22nd September 2008.

The Committee conducted one hearing on the matter in the presence of the defendant and complainant.

In his defence, the Managing Editor of the ATOMIC presented a document titled ‘**defining defamation- Principles on Freedom of Expression and protection of Reputation by (Article 19)**’ and said that the article in question was published as a commentary expressing the opinion of the writer.

After interviewing both parties, the Committee resolved that the fact that the article was an opinion piece, did not exempt the Managing Editor from maintaining the normal rules of journalism which demands that articles must be accurate and objective.

The Committee noted Article 19’s definition of opinion, i.e.: ‘a statement which does not contain a factual connotation which could be proved to be false, or cannot reasonably be interpreted as stating actual facts given all the circumstances’. It was convinced that the Atomic Newspaper’s arguments in its defence were not in conformity with this definition. The Atomic Newspaper was therefore fined Le250, 000(Two Hundred and Fifty Thousand Leones) for not exercising editorial control over the opinion piece.

The IMC directed that the newspaper should publish a retraction giving it due prominence and send a letter of apology to the Awareness Times.

Complaint by Sheka Tarawalie, Press Secretary to the President against Awareness Times Newspaper – article captioned: ‘APC Violence condemned from Zimbabwe’ on 10th July 2008

The Independent Media Commission deliberated on a complaint from Mr. Sheka Tarawally, Press Officer, State House, with regard to what he termed ‘unprofessional, defamatory and fabricated’ article against H.E. the President, Dr. Ernest Bai Koroma. The article which was captioned:-‘APC

VIOLENCE CONDEMNED FROM ZIMBABWE' was published on the front page of the Awareness Times on the 10th July 2008 edition.

Mr. Sheka Tarawally told the Complaints Committee that the statements were not only defamatory and malicious but they eroded the integrity of the Office of the President. The paper alleged in its publication of Thursday 10th July 2008 that it had received 'dozens of emails from Zimbabweans living in Zimbabwe' describing the President of Sierra Leone, among other things as 'a real disgrace to Africa'. The newspaper quoted names of the email senders as being 'Pastor Peter Oremidi,' 'Dr.Charles Manyevere' and 'Dr. Rudolph Chipanga'. The State House Press Office stated that from research conducted, such names were 'at best fictitious' and challenged the newspaper to publish the said emails to authenticate the article which she had failed to do.

The Complaints Committee conducted several hearings on the matter during which the complainant and defendant were interviewed. The defendant refused to produce the "dozens of emails" she had said had come from Zimbabwe, stating that they were confidential documents forwarded to her. When prevailed upon, she took some Commissioners to the Internet Room of the IMC and opened three mails she purported had come from Zimbabwe with unusual email headings. Thereupon, the Commission decided to engage the services of an IT expert from Tiwai Memory Masters in Freetown and insisted that Dr. Blyden produced the " dozens of emails sent to her by Zimbabweans living in Zimbabwe ".

On close study of three emails she showed the expert on a computer in the IMC Secretariat, the IT Expert from Tiwai Memory Masters, in the presence of Dr. Blyden found out that at least one of them came from India. Dr. Blyden admitted that to be true.

The Awareness Times Proprietress refused to further cooperate with the Commission to determine the origins of the rest of the emails.

Be that as it may, the Committee concluded that the Awareness Times had deliberately published misleading and distorted information contrary to several provisions of the IMC Code of Conduct including Article 1 which deals with the question of accuracy. The IMC therefore fined the Awareness Times Le750, 000 (Seven Hundred and Fifty Thousand Leones) and directed that the Editor published a retraction on the front page of her newspaper giving it the same prominence as the offending article. The IMC further directed that the Proprietress writes a letter of apology to the President and copy the Chairperson of the IMC. All of these orders were to be executed within seven days of receipt of the letter from the IMC.

