



**'UNFAIR TRIAL'** *Continued from Page 13.*

7. One cannot appeal a decision of Parliament in a parliamentary trial even if one is dissatisfied with the outcome of the process.

It is a great pity that events have taken this turn, taking up a lot of Parliament time, but the editor, deputy editor and the Member of Parliament firmly believe they did not do anything wrong in publishing what was published.

What was published was factual and truthful. It is true that the People's Representative had already signed a petition calling for the impeachment of the Minister for Justice because he travelled to the Olympics even though his request for leave was refused.

It is true that this petition was taken to the Parliament Office and was duly registered and was placed in the Deputy Speaker's files. So the petition had been put into the machinery that is called the Parliament of Tonga. As to where in the machinery the petition ended up in depends on how that machinery usually functions.

This newspaper only reported that the petition had been submitted and the contents of that petition was published indicating those that had signed it. This newspaper has never received any directive from Parliament then or now not to publish these. Yet they now say that we acted inappropriately, put us on trial and put us in prison.

□ *Kalafi Moala is publisher and editor of the Taimi 'o Tonga. This commentary was published on 25 September 1996 and translated by Lopeti Senituli.*

himself a Tongan, leaders from the Tongan community did not wish to be identified because they feared that they might be looked upon as questioning the King's authority'.

Kalafi Moala challenged Parliament over the 'historical trial', claiming the three had been given a prejudiced hearing. In an article in the *Taimi 'o Tonga* headlined 'WE DIDN'T GET A FAIR TRIAL', Moala defended his paper's action in publishing an untabled motion seeking the impeachment of Justice Minister Tevita Tupou for allegedly going to the Atlanta Olympics and being paid full parliamentary allowances.

'We firmly believe we didn't do anything wrong,' wrote Moala. 'What we published was factual and truthful. It is true that the people's representatives had already signed a petition calling for the impeachment of the Justice Minister because he travelled to the Olympics even though his request for leave was refused.'

Moala said it was also true that the motion had been registered and placed in the deputy speaker's files so had been already in the parliamentary process. 'This newspaper only reported that the petition had been submitted, the allegations of the petition, and who were the MPs who had signed it.'

Amnesty International declared the three prisoners of conscience — a term the organisation uses to describe people who are in any form of detention because of their political, religious or other conscientiously held beliefs — provided that they have not used or advocated violence. In a letter on September 23 to the King, Amnesty International urged the Tongan head of state to exercise his powers to lift the detention orders 'immediately and unconditionally'.

Amnesty said it believed the three men had been imprisoned as a result of their peaceful exercise of the right to freedom of expression, guaranteed by Article 19 of the Universal Declaration of Human Rights and protected by Article 19 of the International Covenant on Civil and Political Rights.

The organisation noted that Clause 7 of the Tongan Constitution of 1875 states: 'It shall be lawful for all people to speak write and print their own opinions and no law shall ever be enacted to restrict this liberty. There shall be freedom of speech and of the press forever but nothing in this clause shall be held to outweigh the law of slander or the laws for the protection of the King and the royal family.' But the Tongan government reacted bitterly over the flood of international criticism about the jailings, claiming that the men had set themselves up to be 'martyrs' and accusing press freedom and other organisations of waging a campaign of 'media terrorism' against the kingdom.

Acting Chief Secretary 'Eseta Fusitu'a said the government had received a series of 'incorrect, unjust, biased and malicious' press condemnation following the jailings and called on protesting media organisations to publish the 'facts'. In a 'background' statement defending government actions faxed to several protesting media organisations on September 26, including *Pacific Journalism Review* and the Australian Centre for Independent Journalism, Fusitu'a claimed the issue was not one of 'freedom of the press, nor the right of the public to be informed about matters of public interest'. She said the issues were 'the right of the House and the Minister for Justice to be reported truthfully, and the right of the people to correct information' in a newspaper.

Both of these are fundamental human rights, and are the elementary demands of the principles of natural justice. Both rights, however, were violated by Moala, 'Akau'ola and Pohiva, and are still being violated by many overseas organisations and media services.

Despite this most regrettable reality, of media terrorism against Tonga, we are still hopeful that reputable media services will one day ask for the facts, and will one day publish them.