

Fusitu'a acknowledged Agence France-Presse news agency, Radio Australia and Radio New Zealand for contacting the government to seek information, but condemned a 'blacklist' of protesting media organisations. Fusitu'a criticised the World Press Freedom Committee (USA), Australian Centre for Independent Journalism (Sydney), *Pacific Journalism Review* (PNG), National Press Club (PNG), Pacific Star Pty Ltd (publishers of *The National*, PNG), International Press Institute (France), Word Publishing Co Ltd (PNG), NZ Journalists Training Organisation (NZ), NZ Engineering Printing and Manufacturing Union, Amnesty International (UK), the *New Zealand Herald* and 'many other' print and radio media.

'The history of the media provides very meagre evidence of voluntary corrections of misinformation. To do so is bad for the actual authors of the misinformation, for the reputation of the media organisation, and of course for their sales,' Fusitu'a said. However, a spokesperson for Pacific Media Watch said the Tongan government had failed to recognise the difference between the role of 'news gathering' media organisations and those 'protesting' over the jailing.

Among other reactions, the International Federation of Journalists, the world's largest organisation of journalists, representing more than 400,000 journalists in 95 countries, expressed 'dismay' and appealed for their release. 'This act of punishment is a clear violation of freedom of expression and opinion,' said senior vice-president Christopher Warren in a letter to the King. 'Given the widespread anxiety of human rights organisations and journalist colleagues in the Asia-Pacific region, I hope you will intervene to release unconditionally those journalists that have been jailed. The IFJ also asks you to intervene to guarantee the rights of journalists in Tonga, who belong to our member organisation, the Pacific Journalists Association.'

Warren said the IFJ was concerned that this attempt to punish and intimidate journalists and to impose systems of media control 'are an offence to democracy and undermine the capacity of people to participate openly in society'.

In other reaction, *The National* newspaper of Papua New Guinea and the *Fiji Times* published harshly critical editorials on the Tongan government. *The National* described the kingdom as an 'archaic monarchy' and said it needed to change: "'Libelling the Legislative Assembly' is a weak excuse. Upsetting the King would be more to the point.' Gagging the three men with jail terms would 'keep the country in the dark ages', warned *The National*. 'That era belonged in the 15th and 16th centuries. Today even the famous British monarchy is agonising over its role and trying to change its ancient ways to fit into modern times.'

## From Samuela 'Akilisi Pohiva

### COMMENTARY: S. 'Akilisi Pohiva

ON 23 AUGUST 1996, all the nine People's Representatives met and agreed to submit to the Parliament of Tonga a petition for the impeachment of the Minister for Justice and Attorney-General Tevita Poasi Tupou based on Section 75 of the Constitution.

All the nine People's Representatives signed the petition: S. 'Akilisi Pohiva; Mahe; 'Uli'uli Tupouniua; Uili Fukofuka, 'Uili Uata; S. Teisina Fuko; Samiu Vaipulu; Masao Paasi; Aisea Ta'ofi and Tuipulotu Lauaki.

The petition was then taken on the same day by the Secretary of the People's Representative in Parliament Uili Fukofuka to the Clerk of Parliament.

About a week later the deputy editor [Filokalafi 'Akau'ola] of *Taimi 'o Tonga* asked me about the status of the complaint lodged by Noble Kalaniuvalu about the Minister for Justice's absence from Parliament, that had been earlier discussed by Parliament.

I then informed the deputy editor that all the People's Representatives had agreed to petition Parliament to impeach the Minister for Justice. He then asked me whether I had a copy of the petition and I told him 'yes'.

He then asked me if I could give him a copy of the petition and I told him 'yes', and added that it was not a confidential document and that it had been submitted to the Clerk of Parliament.

When I was questioned by the Honourable Members of the House together with Kalafi Moala and Filokalafi, I explained everything as stated above. I also explained to the Honourable Members of Parliament that on many occasions in the past I had published in my publication, *Kele'a*, petitions, parliamentary appeals and Parliamentary Bills before they were even tabled in Parliament, but no one in Parliament raised any questions of contempt.

I also explained that the Minister for Finance in 1988 had moved a motion in Parliament to prosecute the *Kele'a* publication for contempt because it had published the details of a petition to impeach him (Minister of Finance) because the petition had not yet been discussed in Parliament.

On that occasion Parliament ruled that it had no authority to prosecute *Kele'a* for contempt under Section 70 of the Constitution but that it was up to the Minister of Finance to take *Kele'a* to court.

Today the Minister for Justice has invoked Section 70 of the Constitu-

**FROM 'AKILISI POHIVA** *Continued from Page 17.*

tion to prosecute the editor of *Taimi 'o Tonga* and myself for contempt of Parliament because the *Taimi 'o Tonga* published the petition for his impeachment before it was tabled and discussed in Parliament.

Radio Tonga's English news bulletin of September 20 stated that 'Akilisi Pohiva had 'confessed' that he had given the copies of the petition to *Taimi 'o Tonga* before the petition was submitted to the Clerk to Parliament on August 23. It was published in the *Taimi 'o Tonga* on September 4.

One of the questions I raised is whether the Minister for Justice, who had lodged the charges against us in Parliament should have been allowed to be on the 'jury' that found us guilty and decided on our sentence.

Are the Honourable Members of Parliament confident that they carried out a 'fair trial' in our case? Aren't there issues and tasks that His Majesty's Government and people would prefer Parliament to pursue but from which they turn a blind eye? Is this whole saga designed to divert our attention away from the real and rightful issues we should be concentrating on?

In spite of the injustice, I readily accept the punishment of imprisonment, and so do my fellow inmates Kalafi Moala and Filokalafi 'Akau'ola. □ *S. 'Akilisi Pohiva is a People's Representative in the Tongan Legislative Assembly. He is also leader of the pro-democracy movement in Tonga and a broadcaster and publisher. This article was published in the September 25 issue of Taimi 'o Tonga and translated by Lopeti Senituli.*

The *Fiji Times* said: 'It has driven home the fact that freedom of expression is very much under threat in the Pacific and could very well become a reality in Fiji. The authorities say "negative" reports show a lack of respect for them and any such criticism is immediately labelled "culturally insensitive" — the facade they hide behind to prevent scrutiny of their actions.' The *Times* praised the courage of Moala, 'Akau'ola and Pohiva.

However, Fiji Prime Minister Sitiveni Rabuka said his country had 'no business' interfering with the Tongan government's media policy and regards it as a warning to local journalists. While media freedom of expression in Fiji is guaranteed by the constitution, according to the coup leader, the media has a role to protect that freedom by ensuring at all times that it reports 'accurately and fairly'.

A rift between several Tongan journalists and the major regional media organisation, Pacific Islands News Association, which primarily represents the

publishers and owners, and its newly created Pacific Freedom of Information Network, burst into the open. Following a deputation to the king by PINA's administrator Nina Ratulele to seek the jailed men's release, a move widely welcomed in the region, PINA executive director Tavake Fusimalohi angrily resigned. Fusimalohi, general manager of Radio Tonga and a longtime PINA stalwart but personally opposed to Pohiva, was quoted by Radio Australia as saying he had resigned over 'personal attacks' against him and the local PINA affiliate, Tonga News Association, by PINA president, Monica Miller, of American Samoa. Fusimalohi says she had accused them of remaining silent over the jailing of their Tongan colleagues. But Ms Miller appealed to journalists in the region not to lose sight of the main reason why the three men were jailed — the *Taimi 'o Tonga* had published information which the people of Tonga had a right to know.

The jailings have been the latest confrontation between Pohiva and the Tongan establishment which is opposed to open and accountable government. During 1993, Pohiva faced five lawsuits — three libel cases involving damages totalling 180,000 pa'anga, and two gagging actions seeking to prevent him publishing information considered confidential in his newsletter *Kele'a*, and also to make him reveal his sources.

'If these actions succeed it will silence the news media — it will effectively shut down a free press in Tonga,' said Auckland lawyer Nalesoni Tupou, who had himself become exiled from his homeland because of his legal work on behalf of Pohiva.

Although Pohiva lost defamation cases totalling more than 60,000 pa'anga in damages, he remained defiant. But he believed the Tongan establishment was trying to destroy him by making him bankrupt.

□ *David Robie is a lecturer in journalism at the University of Papua New Guinea and co-director of Pacific Media Watch. At the time of writing this article, published in Reportage Media Bulletin, Issue No 7, 1996, he was attached with the Australian Centre for Independent Journalism on a media research program.*

[drobie@pactok.peg.apc.org](mailto:drobie@pactok.peg.apc.org)