

# Observer under threat

Savea Sano Malifa, publisher of the *Samoa Observer*, has been battling a long, courageous and expensive campaign to defend his newspaper. And the latest Government attacks on the *Observer* are a chilling bid to curb free speech.



By SAVEA MALIFA

A SUSTAINED campaign against the *Samoa Observer*, lasting more than 15 years, continues to threaten to silence this independent voice in Samoa. The Prime Minister, Tofilau Eti Alesana, recently threatened to amend the law to refuse a business licence to the *Observer* and any other publication which 'stirs up trouble'. He did not say what trouble was being stirred, but repeated references to the *Observer* left no doubt that the paper would be the main target. And he is also suing the *Observer* — yet again — for defamation, although all his defamation suits against the paper have failed in the past.

The *Observer* has topped the Government's hate list for some time, since first it crossed swords with Tofilau in the early 1980s. After the paper reported alleged bribery by the logging company Pacific Development Company (PDC), Tofilau issued a writ claiming damages of \$250,000.

The company, owned by an American Samoan, Finoti Patrick Reid, was said to have donated money to the ruling Human Rights Protection Party. A commission of inquiry established after villagers torched PDC's logging and earthmoving equipment at Savai'i, found that Reid had indeed made out a cheque for \$5000 to Tofilau — who denied receiving it. The money was found to have been deposited in the party's account and was used to buy supplies from American Samoa.

The commission also found that Tofilau had authorised the issuing of a Samoan passport to Reid within 20 days of his application. Reid admitted to being born in American Samoa — Tofilau said he knew he had been born in Western Samoa. The commission also found that PDC had been allowed to import valuable logging equipment duty free. After the commission reported, the defamation suit against the *Observer* was dropped.

The next attempt to intimidate the *Observer* was made by the then Minister of Public Works, Leafa Vitale, who took a rather more direct route. He stormed into the newspaper's offices and threatened to kill the editor, his wife and children for naming him in a story about a cattle scandal. He said he had mafia connections who could be summoned day or night, and told the editor he would be watched day and night.

Leafa added that he had been a bad person for most of his life but had now turned to God. The story was driving him back to his old ways, he complained. The *Observer* reported the minister's threats in its following edition. Leafa sued for defamation and claimed \$200,000 damages: that case has yet to be heard.

The minister's family, though, was not content to leave it at that. Some time later, the editor was waylaid in a public bar by Leafa's brothers. One of them threatened him and demanded that he stop 'publishing lies' about his brother. Later, they assaulted the editor outside. The brothers were convicted of assault, but their jail sentence was reduced to a fine on appeal.

The next attempt to silence the *Observer* involved an article about a bag of money, the Minister of Finance's office and allegations of election rigging. What made the action against the *Observer* more distressing was that it involved a court report. The story arose out of an election petition trial in which the present Leader of the Opposition, Tuiatua Tupua Tamasese, sought to invalidate the election of a HRPP member in the Anoamaa constituency.

The court was told that, on election day, a man took a bag of money from the offices of the Minister of Finance, Tuilaepa Malielegaoi Sailele, and drove to the HRPP headquarters in Mulinu. Instructions were given there that the money should be taken to Anoamaa constituency and given to voters. This was done, the court was told. The minister was given an opportunity to react and his comments were carried. He still sued the *Observer*, although he later withdrew the writ.

The paper is now also facing a \$1.1 million defamation suit brought by the senior officials of the government-owned Polynesian Airlines. This case arises from a series of stories on the crash of a PAL plane in which three people were killed.

It is not only through defamation suits that the Government has attacked the *Samoa Observer*. It has brought into law an Act requiring newspaper printers and publishers to reveal the sources of stories which might be regarded as defamatory. This law is regarded as unique in the democratic world. Although it has not yet been used, its threat hangs over newspapers.

The Government has also used its power as an advertiser to damage the *Observer*. In 1995, it instituted a ban on advertising in the paper. All Government departments and corporations were ordered by the Cabinet Secretary,

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Simon Potoi, to advertise only in the Government-owned broadcast and print media. The ban continues.

The *Observer* has also been the victim of suspected arson. In 1994, the paper's two-storey office and printing plant was destroyed by fire. Although the fire department and insurance investigators regarded the fire as suspicious, the police have not completed their report into the incident. A man who was reported to have been contracted to torch the building is dead, shot during a dispute.

The latest attacks on the *Observer*, coming after such a long and concerted campaign, are chilling. Several defamation suits against the *Observer* have failed, but the paper has had to pick up expensive legal bills each time. We are surely facing an orchestrated campaign to curb dissent and free speech.

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**Postscript:** As *PJR* was going to press in November, criminal libel charges against Savea and his Samoan language editor, Fuimaono Fereti Tupua, were referred to the Supreme Court to decide whether the charges were constitutional. IFEX/PINA reported that following submissions by a New Zealand Queen's Counsel, Magistrate Tenoka Puni ruled on November 19 that he reluctantly had no choice but to refer the case to the Supreme Court.

□ *Savea Sano Malifa is the owner and publisher of the Samoa Observer and a leading Samoan author. This article has been republished with permission from the August issue of Commonwealth Press Union News.*