



PO Box 26463, Windhoek

Victor Angula v The Namibian

Particulars

Complainant: Victor Angula

Date of complaint: 2 October 2019

Nature of complaint: Refusal by The Namibian newspaper to review Mr Angula's book, "Kangaroo Justice", or alternatively grant him an interview on the book.

Respondent: Charles Tjatindi (Acting News Editor – The Namibian)

Complaint

Angula complains that The Namibian Newspaper has refused to write a book review or give him an interview on his book titled "Kangaroo Justice". Mr Angula who was convicted of rape and sentenced to 13 years imprisonment claims that the imprisonment was as a result of unfair trial in the High Court. In his complaint Mr Angula states that the book was written after his release from jail where he spent 11 years and it narrates his story, cleanse his name and the failure of the Namibian Justice system.

Mr Angula is of the view that the Namibian has acted in an unjust and unfair manner because the Newspaper has published 3 newspaper on his case as the accused during his trial but could not afford him the same platform to show his innocence of the crime.

The Namibian's Response

In response to Mr Angula's complaint, Charles Tjatindi (Acting News Editor of The Namibian) highlighted that newsmakers are guided by "editorial policy" which provides for editorial independence amongst other things. He further stressed that articles are published on merit and at the discretion of the editorial team of the newspaper.

Mr Tjatindi asserts that Mr. Angula went overboard in the book, accusing all and sundry of injustice and corruption without any form of justification. He further submitted that Mr. Angula acted inappropriately in his dealing with The Namibian through aimed derogatory remarks especially against the person of the Editor, Tangeni Amupandhi. Mr Tjatindi stressed that The Namibian cannot entertain Mr Angula's conduct aimed at influencing the Newspaper to concede and review his book.

Analysis

In his quest to cleanse his name of the crime of rape he was convicted of and to narrate his bad experiences with the Namibian justice system, the complainant wrote a book titled "Kangaroo Justice". The complainant then approached the Namibian to either write a book review or give him an interview based on the book, the request which was denied. Mr Angula therefore approached the Media Ombudsman seeking relief by way of ordering the Namibian to accept his request to either write a book review or give him an interview based on the book.

In order to measure the justification of the relief sought, a determination on whether the Namibian acted in contravention of the **Code of Ethics for the Namibian Media** (herein after referred to as "the Code") should precede.

The central question underlying this complaint is whether the Namibian, and by extension media houses, are obliged to bow to the complainant's request to write a book review or alternatively give him an interview on demand. It should be noted that, the complainant did not expressly cite a clause in the Code being violated by the defendant in his complaint. It is therefore difficult to assess the basis of the relief sought in the absence of any alleged violated clause of the Code.

Mr. Tjatindi for the Namibian variously emphasises that newsmakers are guided by an "editorial policy" which is anchored on editorial independence. The Namibian accordingly raises "media independence" as a defence to the complaint. It is therefore necessary to unravel the provisions of the Code on media independence. Clause 3.1 provides that:

The media shall not allow commercial, political, personal or other non-professional considerations to influence or slant reporting. Conflicts of interest must be avoided, as well as arrangements or practices that could lead audiences to doubt the media's independence and professionalism.

This provision clearly states that the media must not be influenced by any external factors in their reporting. Thus, for Mr Angula to insist that the Namibian must write a book review or grant him a book interview is directly inconsistent with clause 3.1 of the Code. Even if I were to grant the relief sought by the complainant, such a ruling will equally contravene clause 3.1 of the Code and will constitute direct influence to the reportage of the Namibian. The Media Ombudsman cannot order the Namibian to comply with Mr. Angula's. The Namibian did not breach the Code.

Findings

The relief sought by the complainant to order the defendant to write his book review or a book interview is dismissed.

Appeal

The Complaints Procedures lay down that within seven days of receipt of this decision, any one of the parties may appeal to the Appeals Complaints Committee duly constituted by the Media Ombudsman, fully setting out the grounds of appeal in writing. He can be contacted at jbnakuta@yahoo.com.

John Nakuta

Media Ombudsman