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Ghana: Imprisonment of journalists

Yesterday's imprisonment of Ghanaian journalist Eben Quarcoo for alleged defamation against the wife of President J.J. Rawlings has serious implications for freedom of expression in Ghana, Amnesty International said today.

"The imprisonment of journalists in connection with libel or contempt of court reflects a pattern of intimidation which poses a threat to the independent media in Ghana," Amnesty International said.

Over 150 criminal and civil libel actions have been brought against the independent press by government officials or associates in recent years. Some have resulted in journalists being imprisoned.

Ebenezer ("Eben") Quarcoo, former editor of the *Free Press* newspaper, was sentenced to 90 days in prison with hard labour by the Circuit Court in Accra, on 11 November. He was also fined 1.5 million Cedis (US\$600), or two years' imprisonment if he fails to pay. Tommy Thompson Books Limited, the newspaper publishers, were fined 5 million Cedis (US\$2,000).

Eben Quarcoo had been convicted on 4 November for intentionally libelling Nana Konadu Agyeman Rawlings, wife of President Jerry Rawlings, in an article published in December 1994 alleging that she had smuggled gold out of Ghana. The paper was also accused of implying that she had dealt in drugs.

The judge said that he had not imposed the maximum sentence of three years' imprisonment "in order not to send chilling waves down the spines of media practitioners in the country".

"Libel laws used for the protection of government officials and their associates are clearly open to abuse," the organization added. "It would take a courageous court to rule in favour of a journalist who has apparently insulted the wife of the head of state."

Eben Quarcoo's co-defendant in 1994, publisher Tommy Thompson, died prematurely in 1998. He was acclaimed by many in Ghana as a champion of free speech whose health had been worn down by his clashes with the government. Detained without charge in harsh conditions at least twice in the 1980s, he suffered a stroke during several months' detention in 1983/4, and was imprisoned again in 1995 in connection with the current case and another outstanding libel suit by President Rawlings' wife.

In the last two weeks, further arrests of journalists have drawn attention to restrictions on freedom of expression. On 31 October 1999 two journalists from Joy FM radio, Samuel Atta

Mensah and Mawuko Zormelo, and Yaw Amfo Kwakye, chief executive of the *Statesman's* publishers, were arrested and detained overnight for questioning by the security police.

In the early hours of 1 November 1999 armed police surrounded the home of Ferdinand Ayim, a *Statesman* correspondent, and arrested him. The *Statesman's* proprietor, opposition member of parliament and human rights lawyer Nana Akufo-Addo, was questioned by police together with Samuel Okyere, a receptionist. All were provisionally charged with making or abetting false reports which bring the government into disrepute -- an offence punishable by up to 10 years' imprisonment -- and released on bail.

The charges were in connection with the publication and broadcast on 29 and 30 October 1999 of an audio tape recording allegedly of member of President Rawlings' entourage admitting to involvement, and implicating others, in the 1985 murder of a Catholic priest and the 1992 bombing of a hotel belonging to the family of Nana Akufo-Addo. Voices on the tape were reportedly identifiable and included that of a presidential security guard.

While recognizing the right of officials and others who consider themselves defamed to defend their reputations, Amnesty International believes that they should be able to seek redress through civil law rather than criminal law and imprisonment. The organization believes that the balance of freedoms has been tilted too far in favour of those in power.

"Criminal legislation should not be used in such a way as to stifle criticism of state authorities or to intimidate those who voice legitimate concerns about the actions of the authorities."

"Commonwealth governments now meeting in Durban should ensure that member states respect the fundamental human rights principles agreed in the Harare Commonwealth Declaration of 1991," the organization concluded.

Background

President -- formerly Flight-Lieutenant -- J.J. Rawlings first came to power briefly following a coup in 1979 and again in a coup in 1981, before being elected President in 1992 and re-elected in 1996 to serve a final term. The opposition press was almost completely silenced during the 1980s and journalists were among hundreds of prisoners of conscience held sometimes for lengthy periods.
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