FEEDBACK TUTORIAL LETTER

2\textsuperscript{nd} SEMESTER 2019

ASSIGNMENT 1

LEGAL AND ETHICAL ISSUES IN COMMUNICATION

(LEC721S)
Feedback letter for Assignment 1
By Tunomukwathi Asino

The Assignments were well written. Some responses were very short, hence some of you lost marks.
Avoid using Wikipedia as a source. It is not a reputable source. Congratulations on the first assignment, all the best on the second assignment.

Below are the questions and what I was looking for:

**Question 1**

Read the unit about freedom on speech and expression. The Defence Act (2002), the Prisons Act (1998), the Criminal Procedure Act (1977), the Petroleum Products and Energy Act (1990), and the Common Law rule of “Contempt of Court” place limits and exceptions on the freedom of speech and expression in Namibia.

(i) From your understanding of the named legal provisions, give justifications for the limits imposed on free speech and expression by each of the four provisions

(ii) Do you consider Defamation to be a form of censorship? Explain your answer. (20 Marks)

You should demonstrate that you are conversant with the provisions of the four legal provisions or statutes by defining the offences that may be committed under each law when making comments and writing or broadcasting for a media outlet. You should explain how these are exceptions to the freedom of speech and expression in Namibia. Finally, you should motivate your own opinion on whether these limits are justified. The following tenets of each law should be mentioned: **Defence Act** – Section 46(1) makes any criticism of a military court or its findings potentially punishable for bringing the court into disrepute. Thus, a journalist, reporter, or even a letter writer to a newspaper, or any person making a comment about military court proceedings, may be found guilty of contempt. Section 54(1) and (2) of the same Act prohibits the publication of a statement or comments, or any information, which is likely to endanger national security or the safety of members of the defence force. **The Prisons Act** - Section 71 of this Act requires permission be obtained prior to taking photos, film, video recordings, drawings or sketches of a prison or prisoner(s). It also prohibits the publication of any false information concerning the behaviour or experience in prison of any prisoner, or concerning the administration of any prison. **Criminal Procedure Act** – Section 189 (1) provides for the imprisonment of anyone who refuses to answer questions in court, if in the court’s opinion there is no “just cause” for refusing to answer the questions. These provisions have been invoked against journalists in Namibia who refuse to disclose their sources of information, contrary to the journalistic practice of protecting the confidentiality of sources. **Petroleum Products and Energy Act** – Section 4 provides that the Minister of Mines and Energy may regulate or prohibit the publication, announcement, or the making of comments regarding the source, manufacture, transportation, destination, storage, consumption, quantity or stock level acquired for, or manufactured in, Namibia. **Contempt of Court** – Anything spoken, written, or printed which “violates the dignity, repute or authority of a judicial body, or interfering in the administration of justice in a matter pending before it”.

(i) Defamation is a form of censorship. It can take the form of either Libel or Slander. Defamation law constrains us from words printed in news stories, editorials, letters to the editor or press releases; headlines of newspapers, magazines, news straplines in electronic media (e.g. NBC); advertisements that claim their competitor provides poor service; and photographs or cartoons used out of context (false light,
misappropriation) which may be regarded as Libel. It also constrains us from words spoken at a gathering, a press conference, a live or recorded broadcast, audio feeds on WhatsApp or on the internet, may be regarded as Slander.

**Question 2**
Read the unit on privacy. Your friend has just forwarded to you a video of someone who is seriously injured and is being attended to by medics after a traffic accident.

(a) Identify and explain two types of invasion of privacy claims that you believe are relevant to this case.

(b) Using one of the principles of invasion of privacy, discuss whether or not you would share the video with your social media networks. Give reasons for your answer. (10 Marks)

The four types of invasion of privacy recognised in law relate to (a) public disclosure of private and embarrassing facts; (b) intrusion on the individual’s right to solitude; (c) false light; and (d) misappropriation. The first two types are the most relevant for this case. You may argue either to respect the victim’s right to solitude in a vulnerable and life-threatening situation. Alternatively, you may argue that the accident and recovery is taking place in a public place; anything that happens or is done in the public view rather than a private space cannot reasonably claim to the subject of intrusion.

**Question 3**
Read the unit on ethics. With the aid of two examples, differentiate between ethics and morals. (10 marks)

Students should define Ethics and Morals, then provide the differences between the two. Below are some of the differences:

**Ethics:**
Derives from Greek word 'ethos' and it means 'custom', 'usage' or 'character'.

Often thought as a rational process applying established principles when two moral obligations collide.

**Morals:**
Derives from the Latin word 'mos' or 'moris' meaning; way of life or conduct.

Often associated with religious beliefs and personal behaviour. (10 Marks).

**Question 4**
Read the unit regarding Ethics and provide and discuss five Ethical principles that you have to abide to as a communications professional. (10 Marks)

These are found in Unit 5, pages 64-68. They include:

**Accurate reporting:** Every journalist shall strive to report news and events accurately, fairly and with balance.

**Avoiding conflict of interests.** Offering corrections where necessary. As well as avoiding getting stories through misrepresentation.