



**NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**

FACULTY OF HUMAN SCIENCES

DEPARTMENT OF COMMUNICATION

QUALIFICATION: BACHELOR OF JOURNALISM AND MEDIA TECHNOLOGY	
QUALIFICATION CODE: 07BJMT	LEVEL: 6
COURSE CODE: MDL611S	COURSE NAME: MEDIA LAW
SESSION: JUNE 2019	PAPER: THE ONLY PAPER
DURATION: 3 HOURS	MARKS: 100

FIRST-OPPORTUNITY EXAMINATION QUESTION PAPER	
EXAMINERS	MS EMILY M. BROWN MR BERNHARD TJATJARA
MODERATOR:	MS MARIETTE HANEKOM

INSTRUCTIONS
1. READ questions carefully. 2. Answer all questions in both Sections A and B. 3. Good luck!

PERMISSIBLE MATERIAL

1. The Constitution of the Republic of Namibia.

THIS QUESTION PAPER CONSISTS OF 3 PAGES (excluding this front page).

MEDIA LAW (MDL611S)

First opportunity Examination: Section A

QUESTION 1

[20]

Indicate whether the following statements are **true or false**. No motivation is required.

- 1.1. The Namibian Constitution does not expressly protect human dignity.
- 1.2. Some of the defences for contempt of court overlap with those of copyright.
- 1.3. In order for a publication to qualify as a defamatory statement, the publication must be to a person other than the plaintiff or the plaintiff's spouse.
- 1.4. Publication for the purpose of defamation is only limited to speech or print.
- 1.5. Qualified privilege is a defence for copyright.
- 1.6. Truth and public interest is a defence that can be raised on defamation and contempt of court.
- 1.7. Namibia law is codified.
- 1.8. Jest is a defence for contempt of court.
- 1.9. The right to disclose or not disclose is an absolute right for a media practitioner.
- 1.10. The freedom of speech and expression including the media is limitless.

QUESTION 2

[10]

In each of the following situations can it be said that **the publication of (defamatory) words** has taken place? Substantiate your answer.

- 2.1. Two Japanese tourists (who cannot speak English) in Namibia start arguing and in front of a group of Namibians the one calls the other one a thief and a liar in Japanese. [3]
- 2.2. Mr. X tells his wife, Mrs Y, that she stole some money. [2]
- 2.3. Mr. X tells Mr. Y, that S stole some money at the office. Mr. Y hears words uttered by S. [2]
- 2.4. Mr X a cleaner who is illiterate finds a letter in a dustbin, in which S wrote that Y is a witch. After glancing at the letter, X shreds it in a machine. [3]

QUESTION 3

[10]

Identify the grounds of justification that a defendant in a defamation case may use in each of the following situations. **No motivation is required.**

- 3.1. P is a patient of doctor D. P develops breast cancer and D has to perform a mastectomy. The operation leaves P scarred, and she lays a complaint against the doctor with the Medical and Dental Council, which decides that the doctor acted as a reasonable doctor would have under the particular circumstances. D accuses P of defaming him. [3]
- 3.2. During a court case in which S is accused of stealing money from her employer, a witness W testifies that he saw S taking money from the storeroom. S is later acquitted (not found guilty) and wants to sue W for defamation. [2]

Continued overleaf...../

First opportunity Examination: Section B

QUESTION 1

[15]

Powerful stories have come from the **court-reporting** beat, even though some journalists see it as journalism for beginners. Assess the following **phases of court reporting**, and describe the essential components in the legal process that a journalist ought to be familiar with during such reportage:

- 1.1 the **Investigation** phase (7)
- 1.2 the **Charging** phase (8)

QUESTION 2

[20]

Consumers have to be protected from the likelihood of misleading advertising or standards that suggest that the **Code of Advertising Practice** is not being upheld. Illustrate, through discussion, how the **Code** is enforced, and make reference to relevant examples to support your answer.

QUESTION 3

[15]

Fairness and balance are important concepts in journalistic practice as well as in law. Examine the findings of the Study “The Mirror on the Media Series” which was coordinated by Gender Links Southern Africa (2006), and discuss whether advertising in Namibia seems to mirror the findings of the aforesaid Study. Make reference to relevant examples to support your answer.

Sub-total: (50)

TOTAL: {100}