



**NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**

FACULTY OF COMPUTING AND INFORMATICS

DEPARTMENT OF JOURNALISM AND MEDIA TECHNOLOGY

QUALIFICATION : BACHELOR OF JOURNALISM AND MEDIA TECHNOLOGY	
QUALIFICATION CODE: 07BJOU	COURSE LEVEL: NQF LEVEL 6
COURSE: MEDIA LAW	COURSE CODE: MDL611S
DATE: JULY 2024	SESSION: 1
DURATION: 3HRS	MARKS: 100

SECOND OPPORTUNITY/SUPPLEMENTARY EXAMINATION QUESTION PAPER	
EXAMINER(S)	DR. N. MPOFU; MS. E. KUUGONGELWA
MODERATOR:	MS. M. HANEKOM

**THIS EXAMINATION PAPER CONSISTS OF 4 PAGES
(INCLUDING THIS FRONT PAGE)**

Instructions for the students

1. Answer all questions in Section A and Section B.
2. Read all the questions carefully before answering.
3. Number the answers clearly

SECTION A

Answer all questions

QUESTION 1

[20 Marks]

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

- 1.1 The High Court of Namibia is the highest court in the country.
- 1.2 The Namibian Constitution does not expressly protect human dignity.
- 1.3 Publication for the purpose of defamation is only limited to speech or print.
- 1.4 The right to freedom of speech and expression is absolute in Namibia.
- 1.5 Anger and provocation is a defence to a claim on defamation.
- 1.6 Jest is a defence for contempt of court.
- 1.7 A trademark is an example of a copyright.
- 1.8 Copyright in Namibia exists for during the lifetime of the author plus 60 years from the date that the author dies.
- 1.9 In terms of the common law a media practitioner who is aware that a treasonable act has been committed need not report such act to the Police if he has received the information from a confidential source.
- 1.10. In law, the invasion of privacy is considered an injury to a person's *dignitas*.

[10 x 2 = 20 Marks]

QUESTION 2

[20 Marks]

A local newspaper publishes a story in which it is alleged that a prominent politician is engaged in shady business deals involving prostitutes and Chinese weapons.

The politician is furious and immediately instructs his lawyers to issue summons for defamation against the editor of the newspaper and the journalist who wrote the story.

In the subsequent trial the journalist who wrote the story is called to give evidence. She informs the court that she is in possession of documents proving the truth of the allegations made in her story, but these were handed to her by a source on a promise of anonymity. A subpoena is issued to compel her to produce her documents. Despite this, she refuses to produce the documents.

Answer the following questions:

- 2.1 List the elements / requirements that the politician will need to prove in order to succeed with his claim. (4)
- 2.2 What is a subpoena? (2)
- 2.3 Does the journalist have any legal rights to refuse to produce the documents? Motivate your answer. (5)
- 2.4 The editor and publisher of the newspaper wish to raise the defence of "truth and public interest" against the claim for defamation. Briefly discuss what this defence entails under the Namibian jurisdiction. (9)

QUESTION 3

[10 Marks]

Discuss Contempt *ex facie curiae* pertaining to pending judicial proceedings. (10)

SECTION B

Answer all questions

QUESTION 4

[15 Marks]

Court reporting is derived from the principle of 'right to open justice'. Assess the following phases of the legal process and describe essential components in the legal process that a journalist ought to be familiar with when reporting on court proceedings:

- Investigative (5)
- Charging (5)
- Trial (5)

QUESTION 5**[20 Marks]**

The Code of Ethics and Conduct for Namibian Print, Broadcast and Online media serves to “raise the standards of journalism in Namibia”. Discuss the provision of Chapter 1, section 3 of the Code regarding the process of ‘gathering and reporting of news’. Make reference to relevant examples from the Namibian media to support your answer.

QUESTION 6**[15 Marks]**

Discuss the issues that were addressed during the “Declaration of Windhoek on Promoting an Independent and Pluralistic African Press (03 May 1991) and reflect on whether these issues still need attention in today’s media environment.

THE END OF EXAM