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ONUATV/ONUAFM SUES NATIONAL MEDIA COMMISSION AND SAYS THEY WILL NOT BE COVERED BY POLITICALLY TAINTED HARASSMENTS

Accra, 29th November 2023

Onua TV and Onua FM has sued the National Media Commission (NMC) at the High Court in Accra today. The case is seeking an order for perpetual injunction restraining the NMC from taking any steps that adversely seek to impact on the media operations of the company and its associates.

The suit follows numerous attempts by the NMC to use its constitutionally mandated office to harass Onua TV and Onua FM. The suit is asking the court to among other things declare that some orders issued by the Commission to Onua TV and Onua FM are unlawful and that the conduct of the NMC in refusing to give the stations an opportunity to be heard before imposing sanctions on them is a breach of the law and of natural justice.

Background

On Tuesday 14 November 2023, Media General received a letter from the NMC which was wrongly directed. The letter complained of a broadcast simultaneously carried by Onua FM and Onua TV. In the same letter the NMC imposed sanctions on the two stations without asking for their side of the story. In response to the letter, the Company drew the attention of the Executive Secretary Mr George Sarpong, to the error and also stated that the stations should be given an opportunity to be heard as is required by the procedures of the National Media Commission's own Complaints Settlement Committee. But Mr George Sarpong has refused to give the stations the opportunity to be heard and has also not named any complainant.

Meanwhile he has threatened to have the frequency authorisations of the two stations suspended among other illegal actions.

Media General finds the actions and posture of the Executive Secretary arbitrary, unconstitutional and against the principles of natural justice and, therefore, filed a case in court to stop the Commission from further harassing the two stations. The Company states in the suit that the Media Commission by its actions has constituted itself into a complainant, a prosecutor and a judge in complaint and from its actions cannot now be trusted to be a fair and impartial arbiter in any case against Onua TV/Onua FM.

The NMC Executive Secretary without any complaints or invitation to Onua TV/Onua FM decided to be the complainant and the prosecutor and the Judge and passed a judgement. The Media General Group's Board vehemently rejected the NMC's actions in letters to NMC dated 21st November 2023 and 27th November 2023(attached). In reaction, the Executive Secretary said he was going to have the frequencies of the two stations suspended and also secretly wrote to the Advertisers Association of Ghana on this veil threat.

It must be made clear that the NMC does not have the power to influence editors nor to suspend the frequencies of media houses. If this is allowed to happen it will be a serious threat to media operations in the country as the Commission can take steps to arbitrarily withdraw any broadcasters authorization without giving them a hearing if the Executive Secretary in his personal view does not like one presenter or the other to be on air. If this behaviour is allowed, it could destroy the business of media houses by getting advertisers to stop advertising on their media just because the Executive Secretary with Political views does not like a media house or a presenter, especially in election seasons.

As a leading Media company, Media General and its subsidiaries Onua TV and Onua FM are ready to cooperate with the National Media Commission to achieve the highest standards in media practice. But it will not allow itself to be intimidated and shall take all steps to protect its business and editorial independence, including actions from the National Media Commission, which appear to be politically motivated. We have accordingly initiated legal action against NMC to prevent them from these illegal and frankly unconstitutional activities. We urge media houses and members of the public to rise up against this blatant abuse of office else we lose the democracy and the right to free speech for good.



Gillian Heathcote

Head, Corporate Communications Department, OnuaTV/Onua FM