



# **POLICY BRIEF**

**OCTOBER 2021**



**CRIMINAL LIBEL LAW IS GONE,  
BUT WHAT NEXT?**

**CRIMINAL LAW**

**THE MEDIA AND THE POST  
CRIMINAL LIBEL ERA IN SIERRA  
LEONE**

**NO. 1**

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## **CONTEXT/SCOPE OF PROBLEM**

### **Introduction**

Journalists in Sierra Leone for over fifty-five years reported under increased fear of incarceration arising from provisions of the anti-press freedom legislation, Part V of the Public Order Act, 1965 (Act No. 46 of 1965), which undermined free speech guaranteed by the Constitution of Sierra Leone, Act No. 6 of 1991 and by extension, international best practices and standards. This law was used to intimidate, harass, arrest and detain journalists and other members of the public for criminal and seditious libel offences. This discouraged many bright journalists including women to practice the profession.

Also, many investors were afraid of investing into the media for fear of being dragged down to jail as proprietors were not exempted from being jailed for a publication deemed to have contravened provisions of the law. This augmented poverty in the media landscape forcing some journalists to become tools of politicians and the rich.

The year 2020 was a remarkable period for media freedom in Sierra Leone. Parliament on July 23, 2020 passed into law the Public Order (Amendment) Act 2020 (Act No. 40 of 2020) which repealed the fifty-five year old anti-press freedom legislation. Section 1 of the Public Order (Amendment) Act 2020 provides that “The Public Order Act, 1965 is amended by the repeal of Part V- DEFAMATORY AND SEDITIOUS LIBEL.” At present, the media are principally regulated by the Constitution of Sierra Leone, 1991, the Independent Media Commission Act, 2020, the Defamation Ordinance, 1961, a short title for ‘An Ordinance to Amend the Law Relating to Libel and Slander and other Malicious Falsehoods’ (Act No. 32 of 1961) and the Media Code of Practice. There is also the Sierra Leone Association of Journalists (SLAJ) Code of Ethics. The repeal is expected to create an enabling environment for media practitioners and civil society activists to hold government accountable and promote good democratic governance. With the repeal, it is also expected that many private sector institutions will invest into the media and more women will venture into the journalistic profession. To a large extent, that has not been the case.

Even after the repeal, there are still inconclusive cases relating to the intimidation, harassment, assault, invitation, arrest or detention of journalists. There are some cases in which journalists were harassed, assaulted, arrested, detained and released without charge. There are also cases in which journalists stopped going to the police because of lack of progress or loss of confidence in the investigations. The police kept some files in view for lack of corroboration from witnesses, including some journalists, while some files are with the Law Officers Department for perusal and legal advice.

In the Post Criminal Libel Era, on the State of Media Freedom and Development in Sierra Leone, there are still prevalent issues affecting press freedom and freedom of speech.

#### **A. Libel cases still in court even after the repeal of Part V of the Public Order Act, 1965**

Even though the criminal libel law has been repealed, some cases of journalists and people prosecuted under defamatory and seditious libel are still in court. With the law repealed, the MRCG, Sierra Leone Association of Journalists (SLAJ) and partners have called on the Government of Sierra Leone to review and drop all libel related matters. In response to the calls, the Ministry of Information and Communication on June 9, 2021 wrote a letter to the Attorney-General and Minister of Justice titled: REPORT ON PRESS

FREEDOM IN SIERRA LEONE-MARCH 2018 TO MAY 2021 (FIRST TO SIXTH EDITION) urging the Justice office to facilitate the resolution of outstanding libel matters in the spirit of the repealed Criminal Libel Law as their existence in the law books will continue to blur Government's stellar press Freedom reputation. The letter addressed to the Permanent Secretary, Ministry of Justice, the Ministry of Information and Communications kindly requested the Office to facilitate the resolution of the outstanding matters in the spirit of the repealed Criminal Libel Law as their existence in the law books will continue to blur the country's stellar press Freedom reputation.

, SLAJ, MRCG and MFWA also signed a petition letter to His Excellency the President, Julius Maada Bio (through the Minister of Information and Communication) kindly urging him to intervene in the particular case of journalist Fayia Amara Fayia whose case with the State is still hanging over his head and distracting him from his academic endeavor.

### **B. Intimidation, Harassment, Arrest and Detention of journalists and safety and security of journalists**

With the repeal of the criminal and seditious libel laws in July 2020, journalists still continue to face press freedom issues. The MRCG from its monitoring recorded 7 cases in the post repeal era involving the intimidation, harassment, verbal attack, arrest and detention of journalists in their line of duty.

Sierra Leone is among countries where concerns about the safety and security of journalists over the years were flagged with the country recording bizarre press freedom violations events, including the intimidation, harassment, assault, arrest and detentions of journalists. In the post Part V era, journalists still face safety and security issues as they are still being harassed, intimidated, arrested and detained.

MRCG press freedom monitoring and studies also showed that these violations have been meted against journalists mostly when covering elections, protests, and demonstrations, doing follow-up on stories and investigations, publications and broadcast of media contents and among others. Again, besides the attacks, journalists have also subjected to further threats and lack of safety protocols within media houses.

A study on the state of Safety Policies and Practices in Media Houses in Sierra Leone undertaken by the Media Reform Coordinating Group- Sierra Leone (MRCG SL) with support from MFWA on the safety of journalists' issues in Sierra Leone in October 2020 revealed that the majority of media houses have no formally-documented safety practices and protocols. Most of them respond to safety and security issues as they occur using their personal judgement. The report further showed that media houses and practitioners have been faced with at least one of the following violations; intimidation, harassment, humiliation, arrest, detention and physical Attacks. The study also revealed that female journalists were particularly vulnerable to harassment, with many reporting that some of the people they went to interview made sexual advances or proposed relationships to them. The study named the following categories of people as the key perpetrators of those violations endangering the safety and security of journalists in their line of duty, with the Sierra Leone Police and politicians being the most culpable perpetrators of those violations: Sierra Leone Police (SLP), State/public officials, political party operatives, social media operatives and community stakeholders.

### **C. Media Poverty**

Media poverty remains to be one of the biggest stumbling block to media development in Sierra Leone. Media poverty has led many media institutions to compromise their objectivity, independence, credibility and editorial policies. Many have turned to yellow journalism and biased reportage all in the name of seeking favors, adverts and support to sustain their media institutions. The media, as a growing industry in Sierra Leone is faced with limited advertisers and investors. Media practitioners anticipated big investments into the media industry after the repeal of Part 5 of the Public Order Act, 1965 but such is yet to happen.

The Ministry of Information and Communications in collaboration with SLAJ worked together to host a Media Investment Conference that will attract investment in the media to alleviate media poverty and poverty in the media. This dream is yet to be actualized. Until then, some media institutions continue to play to the tune of their pipers. With this, there is a huge need for private sector investment into the media or for their media to find means of sustaining their operations so as to remain independent and objective

### **D. Political party ownership and politically-aligned media and their influence on editorial independence**

Journalists are supposed to practice their profession freely and fairly with the country's laws serving as their guide in guaranteeing professionalism and responsible journalism that matches international best standards of practice. There is the notion that the media in Sierra Leone editorial judgment is influenced by the ownership, sponsorship and advertorials by political parties or businesses.

There are insinuations that certain media institutions are primarily established to serve as propaganda machines or tools for the different political parties. With this, it becomes difficult for these media outlets to actually promote independent, objective or credible reportage. There are concerns that some media institutions are politically-aligned.

### **E. The need for continuous media capacity building trainings**

The performances of media institutions in the post repeal era continue to improve, although there are incidences of some media practitioners and media institutions publishing or broadcasting contents that breach ethical standards of the country's media laws, specifically the IMC Code of Practice. To this, it is believed that some of these practitioners lacked the required trainings or capacities to abide by the profession's ethical standards and maintain professionalism that matches international best practice. Hence, there is the need for continuous training and capacity building of journalists, editors and station managers to advance media development in the country.

## **POLICY RECOMMENDATIONS**

### **GOVERNMENT OF SIERRA LEONE**

- The Justice office through the Attorney-General and Minister of Justice to facilitate the resolution of outstanding libel matters in the spirit of the repealed Criminal Libel Law as requested by the Ministry of Information and Communications to review and discharge all seditious and/or criminal libel-related cases against journalists.
- The Government of Sierra Leone to ensure that journalists and civil society activists whose rights were violated in line of their duty receive justice.
- The Government of Sierra Leone through the Ministry of Information and Communications to speed up the Media Investment Conference that will attract investment in the media to alleviate media poverty and poverty in the media.
- Politicians, senior civil servants and other powerful groups of people desist from intimidating and harassing critical journalists in line of their duties. The Government should ensure the safety and security of journalists, especially female media practitioners across the country at all times.
- The Government of Sierra Leone through the Ministry of Information to develop a national Information Policy.
- Government officials should stop stone-walling and be willing and ready to respond to requests from journalists to cross-check their information.

### **THE SIERRA LEONE POLICE AND OTHER SECURITY SECTORS**

- Security sectors must ensure the safety and security of journalists. The Police and security personnel should respect media freedom and their responsibility and create an avenue for them to work together rather seeing each other as threats.
- The Sierra Leone Police should speed up and conclude investigations of all cases against journalists and civil society activists, including those who were assaulted or threatened and those who had been invited and/or detained, but released without charge.
- The Sierra Leone Police and the Media develop and sign a Memorandum of Understanding on their operations.
- Trainings to be conducted for security personnel on handling protests and dealing with the media during their operations.

### **COMMUNITY CITIZENS AND LOCAL AUTHORITIES**

- Citizens must respect the rights and freedom of journalists and should not take the law into their hands.
- Local authorities should ensure the safety and security of journalists in their communities.

## **SIERRA LEONE ASSOCIATION OF JOURNALISTS (SLAJ), MEDIA ORGANISATIONS AND CIVIL SOCIETY ORGANIZATIONS**

- SLAJ and other media groups to lead the process in developing a national safety policy for journalists that will serve as a guide to journalists in ensuring their safety.
- SLAJ, IMC, MRCG and partners should continue to conduct capacity building trainings for journalists on the IMC Act 2020, the Media Code of Practice, SLAJ Code of Ethics and other media laws.
- Media practitioners should be professional and work within the dictates of the laws so as not to provoke intimidation and harassment against them.  
SLAJ should strengthen its Disciplinary Committee so as to promptly and effectively deal with issues of unprofessional practice and excesses of any journalists.

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