



MONITORING PRESS FREEDOM AND ENHANCING REFORM OF MEDIA LAWS IN SIERRA LEONE

ADIEU CRIMINAL LIBEL LAW



Report on Press Freedom in Sierra Leone - June to November 2020

Produced by Media Reform Coordinating Group (MRCG)
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TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS	2
LIST OF ILLUSTRATION	4
EXECUTIVE SUMMARY	6
1. INTRODUCTION	10
2. THEMATIC ISSUES	12
2.1 Assaults, Arrests, Detentions and Intimidations of Journalists.....	12
2.2 Attacks on, Intimidation, Harassment and Arrest of Civil Society and Human Rights Activists.....	16
3. STATUS OF REPORTED CASES	20
3.2 Comments from the Sierra Leone Police.....	21
3.4 Position of the Sierra Leone Association of Journalists on Press Freedom	29
3.5 Government’s Position on Press Freedom Issues	30
4. GUARANTEE OF FREEDOM OF EXPRESSION AND OF THE PRESS.....	32
6. PERFORMANCE OF MEDIA INSTITUTIONS	36
7. STATUS OF MEDIA LAWS IN SIERRA LEONE.....	39
a. Specific Acts containing Media Laws and Regulations still in Force	47
a. Other Statutes (Acts of Parliament)/common law relating to Media Regulation Still in Force	47
8. CONCLUSION	49
9. RECOMMENDATIONS	50
10. LIST OF SOURCES	51

ACRONYMS AND ABBREVIATIONS

ACC	-	Anti-Corruption Commission
ADP	-	Alliance Democratic Party
APC	-	All Peoples Congress
AYV	-	Africa Young Voices
BBC	-	British Broadcasting Corporation
CAN	-	Citizens Advocacy Network
CDIID	-	Complaint, Discipline and Internal Investigations Department
CGG	-	Campaign for Good Governance
CHRDI	-	Centre for Human Rights and Development International
CID	-	Criminal Investigations Department
CPJ	-	Committee to Protect Journalists
DFID	-	Department for International Development
DPP	-	Director of Public Prosecution
FIFA	-	Federation Internationale de Football Association
GoE	-	Guild of (Newspaper) Editors
GoSL	-	Government of Sierra Leone
HRCSL	-	Human Rights Commission of Sierra Leone
IFJ	-	International Federation of Journalists
IMC	-	Independent Media Commission
MBC	-	Media & Business Communications (Consulting)
MFWA	-	Media Foundation for West Africa
MIC	-	Ministry of Information and Communications
MP	-	Members of Parliament
MRCG	-	Media Reform Coordinating Group
NaCFoHRD	-	National Centre for Human Rights and Development
NATCOM	-	National Telecommunications Commission
NEC	-	National Electoral Commission
NED	-	National Endowment for Democracy
NEW	-	National Elections Watch
OSIWA	-	Open Society Initiative for West Africa

POA	-	Public Order Act
RAIA	-	Right to Access Information Act
RAIC	-	Right to Access Information Commission
RSLAF	-	Republic of Sierra Leone Armed Forces
SLAJ	-	Sierra Leone Association of Journalists
SLAJ-CRC	-	SLAJ Coronavirus Response Committee
SLBC	-	Sierra Leone Broadcasting Corporation
SLP	-	Sierra Leone Police
SLPP	-	Sierra Leone People's Party
SLRCS	-	Sierra Leone Red Cross Society
SLRU	-	Sierra Leone Reporters Union
SLBA	-	Sierra Leone Bar Association
TRC	-	Truth and Reconciliation Commission
UNDP	-	United Nations Development Programme

LIST OF ILLUSTRATION

1. List of Figures

Fig 2.1: Sierra Leone Telegraph Newspaper, 4 June 2020 – Dr Sylvia Blyden has been rearrested and detained.....	12
Fig 2.2: Awareness Times Newspaper, 14 October 2020 –...Maada Bio Keeps Blyden Libel Case in Court.....	15
Fig 2.3: Government of Sierra Leone Press Release, 16 November 2020 – Court Discharges Libel Cases.....	16
Fig 2.4: Supreme Court Order, 28 October 2020 – Supreme Court Orders the arrest of Lawyer Augustine Sorie-Sengbe Marrah for publishing information on social media about the ruling on the qualification of lawyers in holding certain offices.....	17
Fig 2.5: Sierra Leone Bar Association Press Release, 28 October 2020 – concerns over the order of the Supreme Court issuing a bench warrant for the arrest of lawyer Augustine Sorie-Sengbe Marrah	18
Fig 2.6: Sierra Leone Association of Journalists Press Release, 29 October 2020 – SLAJ Calls on Supreme Court to Reverse Order of Arrest.....	18
Fig 2.7: Politico SL, 2 November 2020 – Sierra Leone Supreme Court finds Lawyer Augustine Sengbeh Marrah guilty of criminal contempt Shared on WhatsApp.....	19
Fig 5.1: New Age Newspaper, 21 June 2020, New IMC Act undermines media pluralism, eliminates fair competition.....	33
Fig 5.2: The IMC Press Release, 27 July 2020 - IMC welcomes New Act, Applauds Criminal and Seditious Libel Laws Repeal.....	35
Fig 7.1: Politico SL Online, June 2020 - Sierra Leone Gov't committed to repealing Criminal Libel Law- Information Minister	39
Fig 7.2: Ministry of Information and Communications Press Release, 4 June 2020- Sierra Leone Gov't commitment to repealing Criminal Libel Law.....	40
Fig 7.3: SLAJ press release, 17 June 2020- SLAJ Criminal Libel Repeal Advocacy Group.....	40
Fig 7.4: Ticha Lemp Lemp Online, 15 June 2020- Media Can't Breathe.....	41
Fig 7.5: MRCG YouTube channel, 13 July 2020 - MRCG Chairman's statement at the Pre-Leg Hearing on the Public Order Act.....	42
Fig 7.6: Order Paper, 13 July 2020 - Two Bills titled, 'The Public Order Act (Amendment) 2020' and 'The Independent Media Commission Act, 2020' tabled in the well of parliament.....	43
Fig 7.7: The Calabash Newspaper, 17 July 2020 - Parliament Commits Media Bills to Legislative Committee.....	43
Fig 7.8: Government of Sierra Leone Press Release, 23 July 2020- Government repeals Part V of the Public Order Act of 1965.....	44

Fig 7.9: MRCG Press Release, 24 July 2020 - MRCG welcomes the repeal of the Criminal Libel Law	45
Fig 7.10: SLAJ Sierra Leone Press Release, 24 July 2020- SLAJ celebrates Repeal of Criminal Libel and Enactment of New IMC Bill 2020.....	46

1. List of Tables

Table 3.1 Status of cases monitored by the MRCG from May 2018 to November 2020.....	28
Table 7.1: Specific Acts containing Media Laws and Regulations still in Force.....	47
Table 7.2: Other Statutes (Acts of Parliament) relating to Media Regulation Still in Force.....	48
Table 7.3: Codes Dealing with Media Regulation Still in Force	48

EXECUTIVE SUMMARY

This Report on ‘Press Freedom in Sierra Leone’ is the fifth in a series produced by the Media Reform Coordinating Group (MRCG). It is a component of a project titled, “Enhancing Press Freedom and Legislative Reforms of Media Laws”, supported by the National Endowment for Democracy (NED) in the United States of America. The Report, which covers the period June 2020 to November 2020, is the outcome of the monitoring of the exercise and legal guarantees of press freedom and freedom of expression issues in Sierra Leone, including invitations, intimidations, attacks, assaults, arrests, detentions and prosecution of journalists and civil society activists; and also tracks media performance.

This edition is divided into the following areas: Thematic Issues (focusing mainly on the assault, arrest and detention of journalists and civil society activists); Guarantee of Freedom of Expression and of the Press (constitutional and other legal provisions); Regulating Bodies for Electronic Media, Print Media and Telecommunications; Performance of Media Institutions; Status of Media Laws in Sierra Leone; Conclusion, Recommendations and References.

The Report has been produced from the monitoring of issues relating to freedom of expression and of the press, broadcasts on radio and television stations, publications on newspapers and posts on social media platforms like Facebook and WhatsApp. Interviews were conducted, where necessary, with individuals who were either reportedly attacked or arrested. Officials of institutions named in some of the issues reported were also interviewed.

The cases/issues covered in this Report are:

1. The alleged harassment and intimidation of the Manager of *Lunsar Radio*, Mr Alhaji Foday Labay, by Lunsar Police on 12 June 2020 on the grounds of him not producing a tape recording police requested as evidence for a matter involving Prof. Sheikh Umaru Kamara, Community Relations Officer of S.L Mining Company in Lunsar on 23 April 2020.
2. The rearrest and detention of Dr. Sylvia Blyden, Member, Board of Directors of *Awareness Times Newspaper* on 3 June 2020 for allegedly breaching court’s ‘sub judice’ rules by discussing her case on social media. The government dropped charges against her and Hussain Muckson Sesay through a “Nolle Prosequoi” on 16 November 2020.
3. The continuation of the the murder trial of journalist Ibrahim Samura in the High Court as a 12-member Jury sworn in before Justice Augustine Musa. Herbert George Williams and Abu Bakarr Daramy are facing a two-count indictment of murder and conspiracy to commit grievous bodily harm that allegedly led to the death of the journalist.
4. The Supreme Court of Sierra Leone ordered the arrest of Lawyer Augustine Sorie-Sengbe Marrah on 28 October 2020 for publishing information on social media about the ruling on the qualification of lawyers in holding certain offices, which they said had political undertone and the tendency to put the legal profession into disrepute as his post was rated as demeaning to the apex court of the land.

The MRCG data show that out of the four cases/issues monitored, three have been concluded. The case on the harassment and intimidation by Police of the Manager of *Lunsar Radio*, Mr Foday Labay, has been concluded with the submission of the tape recording; the case against Dr. Sylvia Blyden and Hussain Muckson Sesay was rendered “Nolle Prosequoi” by the Government of Sierra Leone as all charges against them were dropped; and the matter of the Supreme Court of Sierra Leone ordering the arrest of Lawyer Augustine Sorie-Sengbe Marrah has been discharged by the Supreme Court of Sierra Leone. Mr. Marrah was ordered to do a retraction of the said post in an article and write a letter of apology to the judiciary.

On the following cases in the first edition of the Press Freedom Reports (June to November 2018), second edition (December 2018-May 2019), third edition (June to November 2019) and the fourth edition (December 2019 to May 2020), the MRCG notes that they were still inconclusive as at the end of the reporting period. The updates on the matters are stated below:

- On the arrest and detention of Alpha Thorley of the *NightWatch Newspaper* by the Police on 14 January 2019 relating to allegations of publishing false information that several diplomatic passports were illegally issued to family members of the ruling government personnel/officials, there had been no new development on this matter. The CID Headquarters, Freetown said they had concluded investigations into the matter and the files had been forwarded to the Attorney General and Minister of Justice for perusal and legal advice.
- Regarding the alleged death threat against the *BBC*'s Umaru Fofana allegedly by a member or supporter of the opposition APC in an audio circulated on social media, the police said the file has been kept in view as they are constrained by the lack of cooperation from the witnesses. They further disclosed that the matter had been transferred to the Complaint, Discipline and Internal Investigations Department (CDIID) of the Sierra Leone Police for further investigation. According to Umaru Fofana, the Police disclosed his key witness and he eventually lost confidence in the Police investigating the matter; thus, he stopped following the matter, as his key witness changed his phone number.
- There had been no progress on the alleged attack on the two journalists of *Africa Young Voice (AYV)*. Augusta Ethel Turay and Bockarie Samai in Makeni on 16 January 2019. The police said they could not do anything about it until the alleged victims revert to them with their endorsed medical reports. One of the victims, Augusta Ethel Turay said they had submitted their medical report as was required of them to the Police, “but up to date, the Police have not called us, neither discharged nor charged the matter to court and so we stopped following the matter.”
- On the matter involving the arrest of Fayia Amara Fayia of *Star Radio and Standard Times Newspaper* by CID officers outside the *AYV Media* on what they said was in relation to a post on his Facebook page containing defamatory words against the President of Sierra Leone, the police response stated that the file is with the Law Officers Department for perusal and legal advice. Fayia said the matter is with the CID and that it has been a long while he received any information on its progress. He said the police were yet to return his phone which they seized from him.

- There was also no progress on the alleged attack on the then Editor of the *Awareness Times Newspaper*, John Koroma on 29 September 2018 during a by-election in Tonko Limba, Kambia District, Northern Sierra Leone, allegedly by a team of Sierra Leone Police officers and persons who openly identified themselves as SLPP supporters. Mr. Koroma said he had availed his witnesses to the Police and that statements were taken from them individually. He furthered that the Police had promised to get unto him but haven't done so and that he is gradually forgetting the matter. The police claimed that Koroma has not been able to identify his alleged attackers; and as such, they had been unable to arrest any suspect. However, the police said they would continue to follow-up on the matter.
- The matter involving Mahmud Tim Kargbo who was arrested and detained on 20 September 2019 for allegedly publishing a defamatory article against Hon. Justice Miatta Samba, an Appeal Court Judge, headlined, 'Justice Redefined by Miatta Samba', is still in court. The said publication accused the Judge of corruption and incompetence.
- The matter involving the arrest and detention of the Managing Editor of the *Times SL Newspaper*, Sallieu Tejan Jalloh (Sal Tee) in Freetown, by the police on 11 November 2019 in connection with an SMS text message that he sent to the Chief Minister at State House, Prof David Francis, enquiring about an alleged payment of \$ 1.5 million into the Chief Minister's private ECOBANK account by SL Mining Ltd, which license had been cancelled by the State, is still pending at the CID. Mr. Jalloh said his mobile phone is yet to be returned to him and that the CID has not communicated anything to him, neither has the matter been charged to court nor discharged. The Police said the file is still with the Law Officers Department for perusal and legal advice.
- The alleged attack on the Publisher of *The Elephant Newspaper*, Nimalty Kamara, by youth of the ruling Sierra Leone People's Party (SLPP) for allegedly criticizing the new regime of President Julius Maada Bio matter, is now at the High Court of Sierra Leone.
- The matter on the alleged attack on three local journalists - Ibrahim Mansaray, aka 'Hebro' of the *Sierra Leone Broadcasting Corporation (SLBC)*, *Makeni*; Abdul M. Jalloh of *Amzas Radio*, *Makeni*; and Foday Moriba Conteh of *Calabash Newspaper*, Tonkolili District - in the Northern Region, is still under police investigation.
- The matter on the invitation of the Managing Editor/Publisher of the *Nationalist Newspaper*, Mohamed Sankoh (AKA 'One Drop') by the Criminal Investigations Department (CID) of the Sierra Leone Police on 20 March 2020 was dismissed as the Police said they had no case against Mohamed Sankoh as he was mistaken for another person.
- The case on the alleged assault on journalist Fayia Amara Fayia of *Star Radio and Standard Times Newspaper* by military officers in Kenema and his arrest and detention at the Police Station in Kenema, is still in court.

- The case on the alleged assault on Stanley Sahr Jimmy, Station Manager, *Wusum Radio FM 88.5* in Makeni, by police officers at the Mena Police Station in April 2020 is still under police investigation
- The matter on the arrest and detention of Adeyemi Jackson of *Universal Radio* by Sierra Leone Police in Freetown on 21 May 2020 is still under police investigation.

Concerns by MRCG

- The MRCG is also concerned about the state of some cases in which journalists were harassed, assaulted, arrested, detained and released without charge. It is also concerned that some of the complainants had to abandon their matters because they thought the police took a long period to either investigate or charge them to court. The MRCG calls on the Government and those responsible to look into those cases.
- The MRCG is concerned that despite Government's repeal of Part V of the Public Order Act, 1965, (Act No. 46 of 1965), some cases of journalists and people prosecuted under defamatory and seditious libel are still in court. The MRCG welcomes Government's gesture in dropping all charges against Dr. Sylvia Blyden, the former Minister of Social Welfare and Hussain Muckson Sesay by rendering the charges, "Nolle Prosequoi", on 16 November 2020. The MRCG calls on the Government to also unconditionally discharge other criminal libel cases.
- While the MRCG urges media practitioners to abide by the ethical and legal standards of the journalism profession, it is also calling on the Government, media organisations, civil society and the general public to ensure the safety and security of journalists across the country at all times.

1. INTRODUCTION

This fifth report, produced by the MRCG, is one of the components under a project titled, “Enhancing Press Freedom and Legislative Reforms of Media Laws”, supported by the National Endowment for Democracy (NED) in the USA. The activity continues to track media performance and monitor the exercise and legal guarantees of press freedom and freedom of expression in Sierra Leone, including attacks, intimidations, assaults, arrests, detentions and prosecutions of journalists and civil society activists.

The media sector had experienced quite extraordinary events, with the arrest and detentions of journalists and other members of the public under the criminal and seditious libel laws in Part V of the Public Order Act of 1965. These events have spawned negative media coverage internationally and have the tendency to tarnish Sierra Leone’s democratic credentials. The application of criminal and seditious libel laws against media practice in the 21st century is inconsistent with international standards of best practice and regulation. Freedom of expression requires that the health of the democratic political system of a state depends on the efficient, accurate, and complete transmission of social, political, and cultural information in society, of which the media are the conduits and should act in public interest. However, journalists have increasingly been unable to fulfil this role due to increased fear of incarceration arising from the provisions of Part V of the POA, which undermines free speech as guaranteed by the 1991 Constitution of Sierra Leone; and by extension, international best practices and standards.

On 23 July 2020, Sierra Leone’s Parliament unanimously repealed the criminal and seditious libel laws in Part 5 of the Public Order Act of 1965. The House passed the Public Order (Amendment) Act, 2020, which repealed the 55-year old anti-press freedom legislation. The President assented to the Public Order (Amendment) Act, 2020 on 14 August 2020 and on Wednesday 28 October 2020, the ceremonial signing ceremony was held at State House in Freetown.

The report covers a six-month period – June to November 2020. It is divided into the following areas: Thematic Issues (focusing mainly on the attacks, intimidations, assaults, arrests and detentions of journalists and civil society activists); Guarantee of Freedom of Expression and of the Press (constitutional and other legal provisions); Regulating Bodies for Electronic Media, Print Media and Telecommunications; Performance of media institutions; Status of media laws in Sierra Leone; Conclusion, Recommendations and References.

The report is produced from the monitoring of issues relating to freedom of expression and of the press. A monitor contracted by the MRCG takes daily records of major issues relating to freedom of expression and of the press by tracking radio, television and newspaper contents, as well as following up on issues on social media platforms like Facebook and WhatsApp. Interviews were conducted where necessary, with some individuals who were reportedly attacked, intimidated or arrested. Officials of institutions named in some of the issues were also interviewed.

A total of four major issues have been addressed in this report. In addition, this report follows up on cases in the first, second, third and fourth editions, which span from June 2018 to May 2020, but were still inconclusive.

The MRCG thanks NED for funding the project. Special thanks also go to the authors of the monthly reports, namely Foday Conteh and Jonette-Ann Matilda Olufunke Greene, and their supervisors, Usman Bah and Augustine S. James. This fifth biannual report was written by Francis Sowa (Ph.D.) and edited by Mustapha M K Sesay of Media & Business Communications Consulting (MBC Consulting) – Sierra Leone.

2. THEMATIC ISSUES

2.1 Assaults, Arrests, Detentions and Intimidations of Journalists

JUNE 2020

The Manager of *Lunsar Radio*, Mr Alhaji Foday Labay, was severally invited by the police. On 12 June 2020, Mr Labay was invited by the Lunsar Police and requested to produce a tape recording of a radio programme in which he hosted Prof. Sheikh Umaru Kamara, the Community Relations Officer of Sierra Leone Mining Company in Lunsar on 23 April 2020. According to Mr Labay, the recorded clip of the paid-for programme was one in which Prof. Sheikh Umaru Kamara discussed issues relating to the payment plan for staff of the Company whose license was terminated by the Government of Sierra Leone. The police alleged that the strike was incited by Prof. Sheikh Umaru Kamara's radio programme, hence the demand for the recording as evidence.

Mr Labay told the MRCG that he was intimidated and harassed by the Lunsar police on several instances to produce the said audio recording, which they needed for an investigation. Mr Labay said he refused to give them the recording, stating that it was only the Independent media Commission (IMC) and Sierra Leone Association of Journalists (SLAJ) that have such mandate of asking him to produce it. He said following that response, a police team from Freetown threatened him to either produce the recording or they take him to Freetown and lock him up. He said he stood his grounds and hence was taken to Freetown. Mr Labay said with the intervention of SLAJ, he was released.

Dr Sylvia O. Blyden, a Member of the Board of Directors of *Awareness Times Newspaper*, was on 3 June 2020, 'rearrested and sent to prison' for allegedly breaching court's 'sub judice' rules by discussing her case on social media. Upon Dr Blyden's appearance in Court on 3 June, 2020, the State Counsel requested Magistrate Hannah Bonnie to revoke Dr Blyden's bail based on what he said was Dr Blyden's violation of the court's sub judice rules - posting messages about the case on social media, which she is said to have denied. Dr Sylvia O. Blyden was initially arrested on 1 May 2020, and detained at the CID in Freetown, because of her alleged critical and controversial publications and postings on social media. She was later charged with 10 counts of various offences, ranging from seditious libel, publication of false news, to defamatory libel, among others.

Fig 2.1: Sierra Leone Telegraph Newspaper, on 4 June 2020 – Dr Sylvia Blyden has been rearrested and detained



On 18 June 2020, a publication by the Committee to Protect Journalists (CPJ) urged President Maada Bio's Sierra Leone People's Party (SLPP) Government to release Dr Sylvia Olayinka Blyden immediately and drop the charges against her. The CPJ quoted its Africa Programme Coordinator in New York, Angel Quintal as stating that "Authorities in Sierra Leone have once again shown their disregard for the free press by repeatedly arresting newspaper publisher Sylvia Olayinka Blyden...."

JULY 2020

No case was reported of the intimidation, assault, arrest, or detention of any journalist. The MRCG followed up on the case of Dr. Sylvia O. Blyden as the Media Foundation for West Africa (MFWA) joined other media freedom groups to urge the Government to drop all charges against her. *The Fritong Post Newspaper* of 17 July 2020 quoted Vivian Affoah, Programme Manager for Freedom of Expression at the MFWA as stating in relation to the Sylvia Blyden case, thus: "Once a government concedes that a particular law is repressive and begins a process to repeal it, it would be contradictory and a demonstration of bad faith for the same government to charge citizens under the same law it has committed to repealing."

AUGUST 2020

No case was reported of the intimidation, assault, arrest, or detention of any journalist.

In a follow up on the case of the late journalist Ibrahim Samura, the *Calabash Online Newspaper* reported that the two main suspects of the opposition All People's Congress (APC) party, former Freetown City Council Mayor, Herbert George Williams and Abu Bakarr Daramy, the APC Western Area Public Relations Officer, were granted self-bail on 5 August 2020 by High Court Judge, Justice Cosmotina Jarrett, after spending several months in detention.

The late Ibrahim Samura was allegedly beaten by APC thugs on orders of Herbert George Williams and Abubakarr Daramy at a polling station in Lumley during the 31 March 2018 Presidential run-off election and later died at the 34 Military Hospital at Wilberforce on 6 June 2018.

According to *Calabash Newspaper*, the High Court in Freetown granted bail to Herbert George Williams and Abu Bakarr Daramy on a Five Hundred Million Leones (Le 500, 000,000) bond, equivalent to USD 50,000, backed by two sureties in like sum, who were to produce one conveyance each for a property registered with the office of the Master and Registrar General. The matter was adjourned to 19 August 2020.

In continuation of the alleged murder case of Journalist Ibrahim Samura, the *Awoko Newspaper* online reported that Herbert George Williams and Abu Bakarr Daramy on 19 August 2020 appeared before the High Court to answer to two-counts indictment of murder and conspiracy to commit grievous bodily harm. *Awoko* reported that the matter however failed to proceed that day due to the absence of enough jurors; hence it was adjourned to 26 August 2020.

On 26 August 2020, the murder trial for journalist Ibrahim Samura began. According to *Politico online newspaper*, on 26 August 2020, 12 members of the Jury were sworn in before

Justice Augustine Musa in the ongoing High Court trial of Herbert George Williams and Abu Bakarr Daramy. They were charged with two counts indictment of murder and conspiracy to commit grievous bodily harm.

During the proceedings, documents were presented in evidence. Witnesses were also examined and cross-examined. The matter was adjourned to 1 September 2020.

The libel case against Dr Sylvia O. Blyden was not concluded as according to the *Awareness Times Newspaper's* Facebook page, the matter, which was to be heard on 29 July 2020, was adjourned by Magistrate Hannah Bonnie of Court No. 1 to 14 August 2020 on the request of the Prosecution State Counsel, Lawyer Y.I Sesay from the Office of Attorney General and Minister of Justice, because Government was unable to bring their witness to court. On 14 August 2020, it was also reported on the newspaper's Facebook page that Dr. Sylvia Blyden's case was again adjourned to 24 August 2020 due to the absence of the Police Prosecutor, the State Witness and the State Counsel representing Government. *Awareness Times Newspaper* reported that they were absent without any explanation or apologies.

On 24 August 2020, Dr. Sylvia Blyden appeared in court before Magistrate Hannah Bonnie to continue the hearing of the seditious libel case that was brought against her by the Government of Sierra Leone. During the court session, it was noticed that two out of the six press releases tendered in court together with other exhibits found in the premises of Dr. Sylvia Olayinka Blyden and Muckson Sesay, were suspected to be missing. Due to that, the matter was adjourned to 14 September 2020.

SEPTEMBER 2020

No case was reported of the intimidation, assault, arrest or detention of any journalist.

OCTOBER 2020

There was no report of the arrest, assault, intimidation and detention of any journalist. However, the MRCCG followed up on the murder trial of late journalist Ibrahim Samura.

In the trial of former Mayor of Freetown, Herbert George Williams, and the Public Relations Officer of the opposition All Peoples Congress (APC) Party in the Western Area, Abu Bakarr Daramy, for the alleged murder of journalist Ibrahim Samura before Justice Augustine Musa at the High Court of Sierra Leone in Freetown, the *Politico Online Newspaper* on 2 October 2020 reported that the third prosecution witness, Thomas Dixon, gave his testimony in court.

According to *Politico*, the State Prosecutor, Umu Sumaray, applied for the witness to be declared hostile because of differences in his evidence in chief and his statement to the police in respect of who beat up the deceased journalist. Presiding judge, Augustine Musa said that the prosecution had not met the threshold in order to treat the witness as hostile, but he said he would allow him "to be treated as such in the interest of justice given some minute inconsistencies".

Also, on 14 October 2020, the *Awareness Times Newspaper's* Facebook page published an article on Dr Sylvia Blyden's case, titled "Maada Bio keeps Blyden Libel Case in Court". According to the Facebook post, the Government is still prosecuting her for alleged criminal libel against the President after the repeal of the criminal libel law.

Fig 2.2: Awareness Times Newspaper, 14 October 2020 – ...Maada Bio Keeps Blyden Libel Case in Court



NOVEMBER 2020

There was no case reported of the intimidation, assault, arrest, or detention of any journalist.

MRCG followed up on the seditious libel case against Dr. Sylvia O. Blyden who was arrested and detained on 1 May 2020 at the Criminal Investigation Department (CID) and later charged with ten counts of various offences, ranging from seditious libel to publication of false news and defamatory libel.

The case against Dr. Sylvia Blyden and Hussain Muckson Sesay was rendered, "Nolle Prosequi", according to a Government Press Release on 16 November 2020.

The release read thus:

"The Attorney General and Minister of Justice, Anthony Yeawoh Brewah Esq and his prosecution team today (16 Nov. 2020), rendered the case of the State Vs Dr. O. Blyden and Hussain Muckson Sesay as "Nolle Prosequi" in fulfillment of the recent commitment made by His Excellency President Julius Maada Bio whilst assenting to the repeal of Part V of the Public Order Act of 1965."

According to the release, the AG and MoJ disclosed that pursuant to Section 64 (3) of 1991 Sierra Leone Constitution, the State will no longer continue the matter as they have dropped all charges against the accused persons. Both cases were therefore discharged by the presiding Magistrate of Magistrate Court No.1, Hannah Bonnie. She ordered that all exhibits, including documents and property belonging to the accused persons be returned accordingly to them.

According to the Minister of Information and Communication, Mohamed Rahman Swaray, similar cases are expected to be reviewed and discharged in due time.

Fig 2.3: Government of Sierra Leone Press Release, 16 November 2020 – Court Discharges Libel Cases



PR21839



GOVERNMENT OF SIERRA LEONE
PRESS RELEASE

COURT DISCHARGES LIBEL CASES

The Attorney General and Minister of Justice, Anthony Yeawoh Brewah Esq and his prosecution team today (16 Nov. 2020) rendered the case of the State Vs Dr. Sylvia O. Blyden and Hussain Muckson Sesay as "Nolle prosequi" in fulfilment of the recent commitment made by His Excellency President Julius Maada Bio whilst assenting to the repeal of Part V of the Public Order Act of 1965.

In his brief address to the court before discharging the said case, the Attorney General and Minister of Justice disclosed that Pursuant to Section 64 (3) of 1991 Sierra Leone Constitution, the state will no longer continue the matter as they have dropped all charges against the accused persons.

The matter between the State Vs Dr. Sylvia O. Blyden and Hussain Muckson Sesay were finally discharged by the Presiding Magistrate of Magistrate Court No. 1, Hannah Bonnie ordering that all documents and properties related to the matter be returned accordingly to the accused persons.

It could be recalled that the accused persons were charged with seditious and defamatory libel against President Maada Bio, and His Government in May this year.

Similar matters are expected to be reviewed and discharged in due course according to the Minister of Information and Communications, Mohamed Rahman Swarray.

Today's action by the Attorney General and Minister of Justice is aimed at broadening and deepening the democratic space and unshackling responsible free speech.

-END-

Directorate of Information

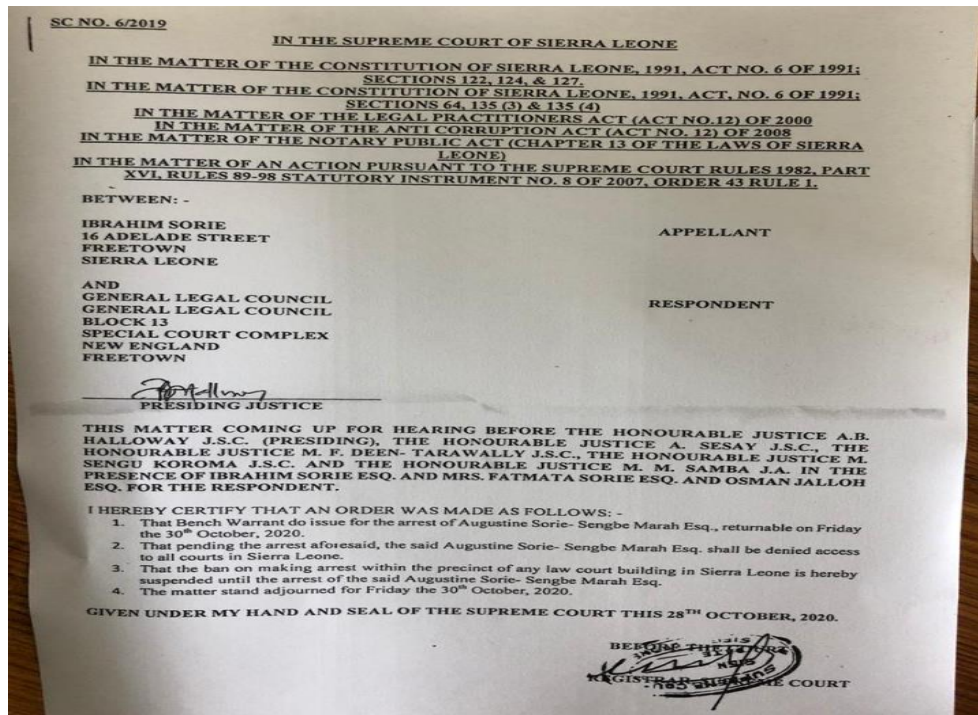
16th NOVEMBER, 2020



2.2 Attacks on, Intimidation, Harassment and Arrest of Civil Society and Human Rights Activists

On 28 October 2020, the Supreme Court of Sierra Leone issued a Press Release, ordering the arrest of Lawyer Augustine Sorie-Sengbe Marrah for publishing information on social media about the ruling on the qualification of lawyers in holding certain offices, which had political undertone and allegedly had the tendency to put the legal profession into disrepute. His post was said to be demeaning to the apex court of the land.

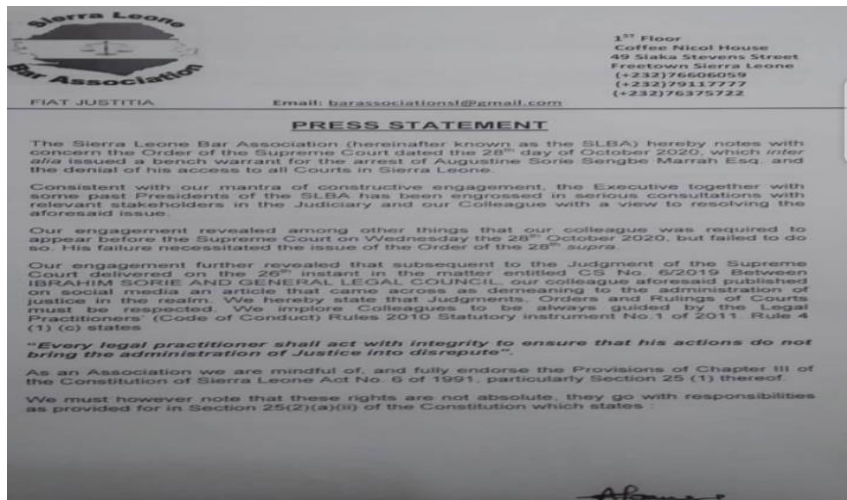
Fig 2.4: Supreme Court Order, 28 October 2020 – Supreme Court Ordered the arrest of Lawyer Augustine Sorie-Sengbe Marrah for publishing information on social media about the ruling on the qualification of lawyers in holding certain offices...



A number of institutions issued statements in relation to the issue. The Campaign for Human Rights and Development International (CHRDI) viewed the warrant as another demonstration of the continued assault on freedom of expression in Sierra Leone and condemned any action by the judiciary that may seek to silence freedom of expression through the use of what it described as ‘draconian options’.

On 28 October 2020, the Sierra Leone Bar Association (SLBA) issued a Press Release in which it expressed concerns over the order of the Supreme Court of a bench warrant for the arrest of the lawyer, and the denial of his access to all courts in Sierra Leone. But in addition, it stated that Judgements, Orders and Rulings of the Courts must be respected; and as a reference to that case, encouraged Mr. Marrah Esq. to always be guided by the Legal Practitioner Rules (Code of Conduct) 2010, Statutory Instrument No.1 of 2011. Rule 4 (1) (C), which states that: “Every legal Practitioner shall act with integrity to ensure that his actions do not bring the administration of justices into disrepute.” The association advised that Mr. Marrah Esq subject himself to the jurisdiction of the court by appearing before it on Friday 30 October 2020 and thereafter, as maybe directed by the Judges.

Fig 2.5: Sierra Leone Bar Association Press Release, 28 October 2020 – concerns over the order of the Supreme Court issuing a bench warrant for the arrest of lawyer Augustine Sorie-Sengbe Marrah



The Sierra Leone Association of Journalists (SLAJ) also issued a Press Release on 29 October 2020 in which it called on the Supreme Court to withdraw the warrant of arrest for lawyer Augustine Sorie-Sengeh Marrah Esq. According to the Press Release, SLAJ made the call on the grounds that every citizen has a right to an opinion on any issue, whether such opinion pleases the authorities or not, because it was obvious that the lawyer was merely expressing his opinion, to which he is entitled, no matter how unpleasant it may seem to the Justices of the Supreme Court.

The President of SLAJ, Ahmed Sahid Nasralla said: “We are particularly concerned that the notice for the arrest of the lawyer came the very day H.E President Julius Maada Bio officially accented his signature to the repeal of an infamous law that has stifled free speech and exchange of ideas in the country for decades. I believe the action of the Supreme Court is not only unprecedented, but also with all due respect to the Judiciary of Sierra Leone, trivialises the remarkable importance of the symbolic signing at the office of the President at State House.”

Fig 2.6: Sierra Leone Association of Journalists Press Release, 29 October 2020 – SLAJ Calls on Supreme Court to Reverse Order of Arrest



On 2 November 2020, the Supreme Court found Lawyer Augustine Sorie-Sengbe Marrah guilty on a one count indictment of criminal contempt, which was in response to his failure to honour the Supreme Court's directive demanding him to appear before it, after his publication on social media which the Judiciary interpreted as contemptuous and demeaning to the sanctity and integrity of the court.

Lawyer Marrah submitted his plea of mitigation and the bench ordered him to take necessary steps to purge his contempt by doing a retraction of the said post in an article and write a letter of apology to the judiciary and the presiding judges; and also publish the said letter of apology in the front pages of two widely read newspapers in Sierra Leone within three working days from the date of the order.

Fig 2.7: Politico SL, 2 November 2020 – Sierra Leone Supreme Court finds Lawyer Augustine Sengbeh Marrah guilty of criminal contempt Share on WhatsApp.

Sierra Leone Supreme Court finds Lawyer Augustine Sengbeh Marrah guilty of criminal contemptShare on whatsapp

Politicosl Nov 2, 2020 [Read original](#)



By Francis H. Murray

The Supreme Court of Sierra Leone has

3. STATUS OF REPORTED CASES

3.1 Interview with Journalists

3.1.1 Mr Alhaji Foday Labay, Manager of Lunsar Radio

On the harassment and intimidation of the Manager of *Lunsar Radio*, Mr Alhaji Foday Labay, by the Police for the submission of a tape recording, he said the matter had been dismissed. Mr Foday Labay said when the police brought him to Freetown, he was taken to the State Counsel, Adrian Fisher, who told him that the police laws superseded other laws when it came to requesting for documents and evidence to investigate crimes and hence urged him to produce the recording. Mr Labay said with SLAJ's intervention, he handed over the tape recording. He said after handing over the clip, he was never called upon by the police.

3.1.2 John Koroma, former Editor of Awareness Times Newspaper

In an interview with John Koroma, the former Editor of *Awareness Times Newspaper*, on the alleged attack on his person during a Bye-Election in Tonko Limba, Kambia District, Northern Sierra Leone, on 29 September 2018 allegedly by a team of Sierra Leone Police officers and persons openly identifying themselves as SLPP supporters, he told the MRCG that he had played his own part as the victim by availing his witnesses to the Police and that statements had been obtained from them individually. He furthered that the Police promised to get back to him but had not done so since and he was gradually forgetting about the matter. He however blamed SLAJ for being selective in fighting for journalists; adding that since he had the matter, SLAJ had neither called nor shown any form of concern for him as a member.

On the side of SLAJ, the President, Ahmed Sahid Nasralla stated: "We took up the matter and other matters of police high handedness during the elections with the leadership of the Police then and we agreed to have a roundtable dialogue to strengthen relations with the SLP. At the time of the incident, we contacted our SLAJ Regional Chairman North, who happened to reside in Kambia, and he could not confirm the incident. Moreover, there were conflicting reports about his altercation with the Police. His claim that SLAJ is selective in fighting for journalists is unfortunate."

3.1.3 Augusta Ethel Turay, AYV Journalist

In an interview with Augusta Ethel Turay on her attack alongside her colleague Bockarie Samai, on 16 January 2019 allegedly by supporters of the opposition All People's Congress Party (APC), while covering the visit of CID officials to the home of former President Ernest Koroma in Makeni, Bombali District, she told the MRCG that they had submitted their medical reports to the police as was required of them. She furthered that, "but up to date, the police have not called us and they neither discharged the matter nor charged it to court and so we have stopped following the matter."

3.1.4 Fayia Amara Fayia of Star Radio and Standard Times Newspaper

In an interview with journalist Fayia Amara Fayia of *Star Radio and Standard Times Newspaper*, on his alleged assault by military officers in Kenema and his arrest and detention at the Police Station in Kenema, he said the matter was still in Court. He said he was charged with five counts of assault, disorderly behavior and obstruction of security operations.

3.1.5 Stanley Sahr Jimmy, Station Manager of Wusum Radio

On the alleged assault on Stanley Sahr Jimmy, Station Manager, *Wusum Radio FM 88.5* in Makeni, by police officers at the Mena Police Station in April 2020, Stanley Sahr Jimmy said in a telephone interview that the matter was stalled as not much headway had been made. He said a ‘cell witness’ (somebody in police detention) made a statement confirming the assault on him. He disclosed that the CDIID promised to contact him to go and identify the police men that assaulted him, but they never did. He said the CDIID had compromised the matter and hence he was unable to get justice, as they are yet to charge the matter to court or discipline those that assaulted him. “The Police initially gave me medical report to fill and promised to do a police [muster] parade so I can identify the perpetrators, but they never did and they never called me again. So, as at now, there is no progress in the matter,” he explained. He said the situation forced him to move away from Makeni and give up his practice there, as he feared that he was no longer safe.

3.2 Comments from the Sierra Leone Police

The responses from the Sierra Leone Police (SLP) on current and previous cases below, were given by the Deputy Head of Media and Public Relations Unit, Asst. Supt. Samuel Saio Conteh.

On the alleged intimidation and harassment of the Manager of *Lunsar Radio* for the submission of a tape recording, he said the police only requested him to produce the evidence needed. The police said the matter was charged to court, but the Station Manager was not among those who were charged.

Below are the SLP’s comments on some previous cases.

- The matter on the alleged beating of journalist Stanley Sahr Jimmy, Station Manager of *Wusum Radio 88.5 FM* in Makeni by five police officers at the Mena Police Station, the police said Mr Jimmy was unable to get a substantive witness to corroborate his report and that the cell witness he presented could not be relied upon; hence he needed to bring another witness. The police said the matter was with the CDIID.

Mr. Jimmy insisted to MRCG that the matter had stalled from the police angle and that he was yet to get justice.

- On the alleged attack on three local journalists - Ibrahim Mansaray, aka ‘Hebro’ of the *SLBC Makeni*; Abdul M. Jalloh of *Amzas Radio, Makeni*; and Foday Moriba Conteh of *Calabash Newspaper*, Tonkolili District - in the Northern Region in January 2020, the police said the matter was reported to the Magburaka Police Station by one Foday Moriba Conteh; after which, the Police entered the report, issued police medical report forms which the three journalists returned and that statements were obtained from them. The Police further stated that the journalists promised to present to them their witnesses, ‘but since they went, they never came back; hence the police had no alternative, but to keep the file in view.’

One of the victims, Abdul M. Jalloh of *Hamzas Radio*, said there was no progress on the matter; hence they had decided to move on.


- On the attack on the former Editor of *Awareness Times Newspaper*, John Koroma, during a Bye-Election in Tonko Limba, Kambia District, Northern Sierra Leone, the police said that Mr. Koroma had not been able to identify those that attacked him; and as such, they were constrained to arrest any suspect. However, the police said they would continue to follow up on the matter.
- On the arrest and detention of the Managing Editor of the *Times Newspaper*, Salieu Tejan Jalloh (Sal Tee) in November 2019 in relation to the matter with the Chief Minister, Police response remained the same; the file had been sent to the Law Officers Department for advice.


The victim, Salieu Tejan Jalloh, told MRCG that his two mobile phones that were seized by the CID had still not been returned.


- On the arrest of Fayia Amara Fayia of *Star Radio and Standard Times Newspaper* by CID officers outside the AYV Media Empire, for what the CID said was a post on his Facebook page containing defamatory words against His Excellency, the President of the Republic of Sierra Leone, Dr Julius Maada Bio, Police response remains the same; the file is at the Law Officers Department for advice.
- On the attack on two *AYV* journalists in Makeni - Augusta Ethel Turay and Bockarie Samai, on 16 January 2019 allegedly by supporters of the opposition All People's Congress Party, while covering the visit of officials of the Criminal Investigation Department to the home of former President Ernest Koroma in Makeni, Bombali District, police response was that they were yet to receive the endorsed medical forms from the journalists. "Until the alleged victims get back to the police with their endorsed medical report forms, the police have nothing to do."
- On the alleged death threat against *BBC's* Umaru Fofana apparently by a member or supporter of the opposition APC, in an audio circulated on social media after an interview he conducted with the country's former Vice President, Hon Victor Bockarie Foh, the police said the matter had been transferred to the CDIID for further investigation.

3.3 Status of Reported Cases in the First, Second, Third, Fourth and Fifth Editions Respectively of the Press Freedom Report

The table below shows the cases, dates of attack/arrest or invitations and their current status.

The cases in the 'gold columns' have been concluded, settled, resolved, dropped or abandoned. 

Those in 'blue columns' are in court. 

Those in the 'red columns' are under police investigation/inconclusive/stalled. 

Twenty nine cases were monitored. Sixteen of them were concluded, settled, resolved, dropped or abandoned, because of lack of progress; four were in court; and nine under police investigation/inconclusive/stalled.

No	Cases Reported in the First Edition	Date of Attack / Arrest/Invitation	Status of Cases
1	Attack on a reporter of <i>Concord Times Newspaper</i> , Patrick Jaiah Kamara by thugs allegedly on the instruction of former Mayor of the Freetown City Council, Herbert George Williams, Sanusi Bruski and other All People Congress (APC) Party members during the 31 March 2018 Presidential run-off election	During the 31 March 2018 Presidential run-off Election	Matter resolved out of court after few appearances.
2	Attack on the late Editor of <i>New Age Newspaper</i> , Ibrahim Samura by the then ruling APC party members and supporters during the 31 March, 2018 run-off election. (Died on 6 June 2018)	31 March 2018 Presidential run-off Election	Matter at the High Court in Freetown as trial continues.
3	Arrest and detention of a civil society activist, Edmond Abu, Executive Director of Native Consortium and Research Centre, by the Sierra Leone Police for staging a peaceful protest in Freetown against the increments in fuel pump price.	17 July 2018	Released on bail; matter not charged to court.
4	Invitation of the Leader and Chairman of the Alliance Democratic Party (ADP), Mohamed Kamarainba Mansaray and Abdul Fonti Kabia, formerly of <i>AYV</i> , to CID for interview he granted in response to allegation relating to the alleged publication of false news, contrary to the Public Order Act of 1965.	22 July 2018	All charges dropped and matter terminated.
5	Invitation of journalist to Parliament to answer to some questions in connection with a story broadcast on <i>African Young Voices TV</i> , titled "Caught on Camera", involving a member of parliament, Hon. Veronica Kadie Sesay and two others in a land matter.	September 2018	The <i>AYV</i> Director of News and Current Affairs, Mr. Samuel Wise Bangura, appeared before Parliament and was asked to retract and apologise. But he refused/declined and nothing happened after that.
6	Attack on the publisher of <i>The Elephant Newspaper</i> , Nimalty Kamara, allegedly by youth of the ruling Sierra Leone People's Party (SLPP) for allegedly criticising the new regime of President Julius Maada Bio.	10 September 2018	Matter is still at the Kenema High Court.

7	Attack on <i>AYV TV</i> journalist, Ransford Metzger, while investigating an alleged corruption matter at the St. Joseph Secondary School in Freetown.	September 2018	Alleged perpetrators arrested and held at the CID, but were released after the journalist and <i>AYV</i> management accepted the apology of the perpetrators.
8	Attack on the former Editor of <i>Awareness Times Newspaper</i> , John Koroma, during a Bye-Election in Tonko Limba, Kambia District, Northern Sierra Leone, on 29 September 2018, allegedly by a team of Sierra Leone Police officers and persons who openly identified themselves as SLPP supporters.	29 September 2018	Matter still with the police and no arrest effected. John Koroma said he availed his witnesses to the police and that statements were obtained from them individually. He said the police had promised to get unto him but haven't done so since and that he is gradually forgetting the matter. The police said that Koroma had not been able to identify those that attacked him; and as such, they were constrained to arrest any suspect. They however said they will continue to follow up on the matter.
9	Arrest of Fayia Amara Fayia of <i>Star Radio and Standard Times Newspaper</i> by CID officers outside the AYV media on what the CID said was a post on his Facebook page containing defamatory words against His Excellency the President of the Republic of Sierra Leone.	29 September 2018	File with the Law Officers' Department for perusal and legal advice. There is no new development on the said matter.
10	Harassment of Alhassan Jalloh, Editor of the <i>Unique Newspaper</i> , by police officers attached to the Lumley Police Station in the West end of Freetown, while investigating a fracas between Leonco Filling Station at Lumley and a mosque.	5 November 2018	Mr. Jalloh said the matter was not progressing and he has dropped it and moved on.
No	Cases Reported in the Second Edition	Date of Attack/Arrest	Status of the matter
11	Arrest and detention of Alpha Thorley, Managing Editor of the <i>NightWatch Newspaper</i> by the Sierra Leone Police on 14 January 2019 on the allegation of publishing false information that several diplomatic passports were illegally given to families of the ruling government officials.	14 January 2019	File at the Office of the Attorney General and Minister of Justice for legal advice. There is no new development on the said matter.
12	Attack on two <i>AYV</i> journalists, Augusta Ethel Turay and Bockarie Samai, on 16 January 2019 allegedly by supporters of the opposition All People's Congress Party (APC), while covering the visit of officials of the Criminal Investigation Department	16 January 2019	Matter stalled as police claim complainants were yet to return with their endorsed medical reports; hence they could not take any further action. But Augustine Ethel Turay, said they submitted

	(CID) to the home of former President Ernest Koroma in Makeni, Bombali District.		their medical reports as was requested by the Police; yet there was no progress on the matter. “We submitted the medical reports at the Mena Police Station in Makeni as requested, but up to date, the police did not call us, neither discharge the matter nor charge it to court and so we stopped following the matter.”
13	Death threat against the BBC’s Mr. Umaru Fofana apparently by a member or supporter of the opposition APC in an audio circulated on social media, after an interview he conducted with Sierra Leone’s former Vice President, Victor Bockarie Foh.	17 January 2019	Matter still under investigation according to the Police. However, Umaru Fofana said the Police investigating the matter disclosed the identity of his key witness and he eventually lost confidentiality in them and hence, he has stopped following up on the matter
14	Attacks on and intimidation of civil society leaders, including the Executive Director of Campaign for Good Governance (CGG), Madam Marcella Samba-Sesay, who had publicly expressed critical views on the media about the governance challenges.	3 -6 May 2019	Matter ended after several press releases condemning the attack on her.
15	Attack on a civil society activist, Morlai Conteh, President of the National Youth Coalition of Sierra Leone, allegedly by a group of military officers of the Republic of Sierra Leone Armed Forces (RSLAF) after the main opposition All People’s Congress (APC) party did a walkout protest of the ceremony marking the Presidential State Opening of Parliament on 2 May 2019.	2 May 2019	Mr. Conteh said his moves to further the case were fruitless; so he decided to drop it.
No	Cases Reported in Third Edition	Date of Attack/Arrest	Status of the matter
16	Arrest and detention of four local journalists- Sallieu Tejan Jalloh, Publisher of the <i>Times SL Newspaper</i> ; David Johnson, Editor of <i>Times SL Newspaper</i> ; Mustapha Sesay, General Editor, <i>Standard Times Newspaper</i> ; and Abu Bakarr Kargbo (Father Bakish), a Senior Staff Writer of <i>Standard Times Newspaper</i> - in Freetown on Friday 28 June 2019. They were charged with eight-count for allegedly publishing defamatory articles in the <i>Times SL Newspaper and the Standard Times Newspaper</i> respectively against Pa Momoh Fofanah Esq, a Barrister and Solicitor of the High Court of Sierra Leone.	28 June 2019	Journalists discharged.

17	Assault on two female sport journalists (Francesc Bernard-Bundor and Easter Marie Samura) of the <i>SLBC</i> by Officers of the Sierra Leone Presidential guard on Sunday 8 September 2019 at the National Stadium, during the FIFA 2022 World Cup Preliminary return-led match between Sierra Leone and Liberia.	8 September 2019	Action taken against the presidential guards. Government refunded the medical expenses by the journalists and their properties destroyed or stolen paid for.
18	Arrest and detention of Mahmud Tim Kargbo on 20 September 2019 for allegedly publishing a defamatory article against Hon Justice Miatta Samba', an Appeal Court Judge, titled 'Justice Redefined by Miatta Samba', which is said to have accused the judge of corruption and incompetence.	20 September 2019	Granted bail after tendering an apology letter to Hon Justice Miatta Samba; matter is still in Court.
19	Arrest and detention of the Managing Editor of the <i>Times Newspaper</i> Sallieu Tejan Jalloh (Sal Tee) on 11 November 2019 in Freetown, by plainclothes police officers in connection with an SMS text message that he sent to the Chief Minister of Sierra Leone, Prof. David Francis enquiring about an alleged payment of US\$ 1.5 million into his private ECOBANK account by SL Mining, which license had been cancelled by the state.	11 November 2019	The matter remains the same. File still with the Law Officers Department for perusal and legal advice and there has been no new development, said the police. "The matter is still pending at the CID, my phone is yet to be given back to me and the CID has not communicated anything to me yet. The matter is neither charged to court nor discharged." Sallieu Tejan Jalloh, explained.
No	Cases Reported in Fourth Edition	Date of Attack/Arrest	Status of the matter
20	Attack on three local journalists - Ibrahim Manasaray, aka 'Hebro' of the <i>SLBC, Makeni</i> , Abdul M. Jalloh of <i>Amzas Radio, Makeni</i> and Foday Moriba Conteh of <i>Calabash Newspaper</i> , Tonkolili Districts - in the Northern Region of Sierra Leone.	January 2020	Matter under police investigation as police said journalists are yet to corroborate their witnesses. One of the victims, Abdul M. Jalloh of <i>Hamzas Radio</i> , said there is no progress on the matter and hence they have decided to move on with their different jobs.
21	Alleged threat by the former Inspector General of Police to arrest Alex Lawrence Koroma, a producer of <i>Radio Democracy FM 98.1</i> 'Good Moring Salon Programme', for a programme he produced on the state of security.	23 February 2020	Arrest not affected.
22	Arrest and detention of Chernor Jalloh, Reporter, <i>Radio Democracy</i> , Yusuf Bangura, Reporter, <i>Concord Times</i> , and a civil society activist, Thomas Moore Conteh, Executive Director of Citizens Advocacy Network (CAN) by police during a	5 March 2020	The two journalists were released, while the matter of Mr. Moore was dismissed by the Court.

	Limkokwing University protest over fee subsidies by the Government of Sierra Leone		
23	Invitation of the Managing Editor/Publisher of <i>The Nationalist Newspaper</i> , Mohamed Sankoh (AKA, One Drop) by the police in connection with an opinion piece he authored titled ‘Is the Catholic Church in a Mess?’	20 March 2020	Police dropped case against Mr Sankoh as they said it was a mistaken identity as they mistook Mr Sankoh for another person.
24	Assault on journalist Fayia Amara Fayia of <i>Star Radio and Standard Times Newspaper</i> , allegedly by military officers in Kenema and his subsequent arrest and detention by Police in Kenema.	4 April 2020	The matter is still at the Magistrate Court No. 1 in Kenema as the prosecuting team had concluded their prosecution and the defense team are to start their defense at the next sitting.
25	Assault on Stanley Sahr Jimmy, Station Manager, <i>Wusum Radio FM 88.5</i> in Makeni, allegedly by five police officers at the Mena Police Station	April 2020.	Matter is stalled as Mr Jimmy claimed the police are yet to call him to identify those that assaulted him nor had they been disciplined. The police said the victim is yet to bring a substantive witness to corroborate his claim.
26	Arrest and detention of Adeyemi Jackson of <i>Universal Radio</i> by police in Freetown after reportedly requesting an interview with Dr Ibrahim Bundu, a medical doctor attached to the Connaught Hospital in Freetown, in relation to an alleged sexual assault matter.	21 May 2020.	Released on bail; matter under investigation. Mr. Jackson told the MRCG that after he was detained for two days and subsequently released, the Doctor who complained him never showed up and he never received any call from the Police since then. There has been no progress on the matter.
No	Cases Reported in Fifth Edition	Date of Attack/Arrest	Status of the matter
27	The arrest and detention of Dr. Sylvia Blyden and Hussain Muckson Sesay by CID in Freetown, because of her alleged critical and controversial publications and postings on social media. She was later charged with 10 counts of various offences, ranging from seditious libel, publication of false news, to defamatory libel, among others	1 May 2020	The matter rendered, “Nolle Prosequi”, as the Government of Sierra Leone dropped all charges against them on 16 November 2020
28	On the Police harassing and intimidating the Manager of <i>Lunsar Radio</i> , Mr Alhaji Foday Labay to produce a recording of a radio program he hosted Prof Sheikh Umaru Kamara, the Community Relations Officer of Sierra Leone Mining Company	12 June 2020	The matter has been dismissed.

	in Lunsar on 23 April 2020 which led to a strike action calling for the resignation or replacement of their Paramount Chief.		
29	Supreme Court of Sierra Leone ordering the arrest of Lawyer Augustine Sorie-Sengbe Marrah for publishing information on social media about the ruling on the qualification of lawyers in holding certain offices, which have political undertone and allegedly had the tendency to put the legal profession into disrepute as his post was rated as demeaning to the apex court of the land.	28 October 2020	The matter ended when he complied with the Supreme Court ordering to do a retraction of the said post in an article and write a letter of apology to the judiciary and the presiding judges; and also publish the said letter of apology in the front pages of two widely read newspapers in Sierra Leone.

Table 3.1 Status of cases monitored by the MRCG from May 2018 to November 2020

3.4 Position of the Sierra Leone Association of Journalists on Press Freedom

The year 2020 should be described by SLAJ as the year of freedom for Sierra Leone journalists and media, as the country finally repealed the 55-year-old obnoxious Criminal and Seditious Libel laws contained in Part 5 of the 1965 Public Order Act. Following the repeal, SLAJ appealed to the Government of Sierra Leone to request the Judiciary to declare all ongoing cases relating to criminal and seditious libel be dropped; and the Government adhered.

The historic repeal registered a new dawn for the country's media and inspired a new hope for journalists as they no longer will be called criminals for doing their work. However, there were instances in 2020 when a couple of journalists were at conflict with the law, specifically criminal suits brought against them by private citizens, but through the intervention and mediation of SLAJ they were released and the cases dropped.

There's a case involving journalist Fayia Amara Fayia and security forces in Kenema, Eastern Sierra Leone which is yet to be resolved.

Meanwhile, as SLAJ celebrates its 50th anniversary this year 2021, its focus is to strengthen media freedom and promote professional practice, says SLAJ President, Ahmed Sahid Nasralla.

3.5 Government's Position on Press Freedom Issues

The key highlight of the government's position on press freedom is the repeal of the criminal and seditious libel laws.

A Press Release issued by the Government of Sierra Leone titled: Government Repeals Part V of the Public Order Act of 1965 stated that:

“The Parliament of Sierra Leone has today finally amended the Public Order Act of 1965 (Act No. 46 of 1965) by repealing Part V of that law which deals criminal libel and also enacted the Independent Media Commission (IMC) Act 2020. The IMC Act 2020 will enhance the professionalization of journalism and make investments in media more attractive.” The repeal will unshackle free speech, expand democratic spaces, and consolidate our democracy and hence: “The bold decision by the Bio led Government to repeal this legislation is a very promising step that changes the media landscape in Sierra Leone. We hope that practicing journalists will opt for media professionalism, work with the Independent Media Commission (IMC).”

The President, Julius Maada Bio, assented to the Public Order (Amendment) Act, 2020 on 14 August 2020 and on Wednesday 28 October 2020, held a ceremonial signing ceremony at State House in Freetown. During the ceremony, the President expressed that the criminal libel law infringes the letter and spirit of the fundamental rights to freedom of expression and of the press as provided for in Section 25 of the 1991 Constitution of Sierra Leone and thus stated that:

“I have always argued that the repeal will unshackle free speech, expand democratic spaces, and consolidate our democracy. It will open up the space for the growth of the media industry in the country. Professionalism will be enhanced and the best, brightest and more women, especially, will be encouraged to work their trade.” The President reiterated that what his Government has done was not ‘about scoring political points, or ticking boxes for an international checklist on democratic governance’ but rather to have a ‘more open, participatory, and accountable democracy’ and thus stated that; ‘Governments should be open to more scrutiny, not less’ and to ‘create a space for citizens to experience the alternative – responsible, objective, investigative, and the professional reporting of events.’

“Civilised and democratic countries cannot be seen as jailers of journalists when journalists exercise their professional responsibility to report objectively and ethically. My Government believes that journalists should legitimately and professionally report on matters of public interest without fear or favour. What we must do is create an atmosphere that is conducive to more professionalism – one that strengthens the content and nature of the professional reporting of journalists, and one in which journalists can operate freely without fear of undue harassment, arbitrary arrest, or imprisonment,” President Bio emphasized.

The President during the ceremony concluded that: **“For a start, my Government will review the cases of all persons facing charges of criminal and seditious libel under the old law. My Government will also support an investment conference on the media with a view to supporting enhanced private sector investments in the media.”**

On reviewing and discharging libel cases against journalists and individuals, a Government of Sierra Leone Press release titled: Court Discharges Libel Cases dated 16 November 2020 stated that:

“The Attorney General and Minister of Justice, Anthony Yeawoh Brewah Esq and his prosecution team today, (16 Nov. 2020) rendered the case of the State Vs Dr. O. Blyden and Hussain Muckson Sesay as “Nolle Prosequoi” in fulfillment of the recent commitment made by his Excellency President Julius Maada Bio whilst assenting to the repeal of Part V of the Public Order Act of 1965.”

Sierra Leone in 2020 ranked 85 out of 180 countries in the World Press Freedom Index; moving one place forward (86/180 in 2019 to 85).

4. GUARANTEE OF FREEDOM OF EXPRESSION AND OF THE PRESS

The Constitution of Sierra Leone, Act No. 6 of 1991 guarantees freedom of expression and of the press. Section 25 (1) states thus:

—Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purpose of this section the said freedom includes the freedom to hold opinions and to receive and impart ideas and information without interference, freedom from interference with his correspondence, freedom to own, establish and operate any medium for the dissemination of information, ideas and opinions, and academic freedom in institutions of learning.

Article 11 provides the obligations of the mass media.

—The press, radio and television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Constitution and highlight the responsibility and accountability of the Government to the people.

There is also the Right to Access Information Act, 2013, that provides for access to certain information held by public bodies.

However, SLAJ, IMC and other human rights organisations had argued before that the existence and/or use of the criminal and seditious libel laws in Part V of the Public Order Act, 1965 contravened the constitutional provision of freedom of expression and of the press.

Nevertheless, after a prolonged advocacy and lobbying, SLAJ, IMC and their partners succeeded in ensuring the unanimous repeal of the criminal libel laws in Part V of the Public Order Act of 1965, by Parliament on the 23rd July 2020.

Sierra Leone has a civil libel law of 1961 (Defamation Ordinance, Act No. 32 of 1961), which does not criminalize libel and gives journalists room for apology when they get their facts wrong.

5. REGULATING BODIES FOR ELECTRONIC MEDIA, PRINT MEDIA AND TELECOMMUNICATIONS

Sierra Leone has regulatory bodies for its media. The Independent Media Commission (IMC) is the regulatory body of media institutions in the country. The IMC was established by an Act of Parliament, The Independent Media Commission (IMC) 2000 (Act No.12 of 2000) as amended in 2006 and 2007) and now repealed by The Independent Media Commission (IMC) Act, 2020 (Act No. 5 of 2020). It registers and licenses media institutions, and ensures compliance with the Media Code of Practice. It seeks to promote professionalism in the media throughout Sierra Leone; ensure that media institutions achieve the highest level of efficiency in the provision of media services; protect the interest of journalists and protect the public against exploitation or abuse by media institutions.

In June 2020, there were debates regarding the proposed IMC Bill 2020. On 21 June 2020, *The New Age Newspaper* published a story with the headline, “**NEW IMC ACT UNDERMINES MEDIA PLURALISM, ELIMINATES FAIR COMPETITION**”, as the newspaper argued that the Government has gazetted an Independent Media Commission Act 2020 that was intended to eliminate fair competition in the media landscape and consequently silent independent journalists in the print media. It was reported that the bill contained provisions that would undermine media pluralism and completely eliminate the registration of Newspaper as a Sole Proprietorship.

Fig 5.1: New Age Newspaper, 21 June 2020, New IMC Act undermines media pluralism, eliminates fair competition



On 26 June 2020, the *FrontPage Newspaper* in their contribution to the debate relating to the new IMC Bill, also published an article titled: “Journalists Express Displeasure over New I.M.C. Bill”. In that publication, the writer expressed the concerns and comments made by several professional journalists concerning the bill and also encouraged other journalists to read it properly and raise up any concern they had, to the notice of the Minister of Information before he introduced the Bill in Parliament for debate.

On 26 June 2020, *The Nation Business and Finance Newspaper* published a letter of objection to the Bill titled: “Independent Media Commission Act, 2020”, to the Chairman of the Legislative Committee, Hon. Hindolo M. Gevao of Constituency 003 (Kailahun District). The publication stated that they strongly objected the Bill shifting from a free and pluralistic press to censorship that is aimed at depriving many media houses and violating human and business rights.

The Sierra Leone Association of Journalists (SLAJ) conveyed a meeting of its members and drafted a position paper on the Bill, which was submitted to the Minister of Information and Communication. SLAJ, IMC, the MRCG and other press freedom advocates followed the processes in Parliament to ensure that unpopular media provisions were removed from the bill before its enactment by Parliament. Parliament effected those changes in the bill during the Legislative Committee session.

On 23 July 2020, the House of Parliament of Sierra Leone enacted the bill entitled: the Independent Media Commission (IMC) Act, 2020 (Act No. 5 of 2020). The Bill received Presidential assent on 18 August 2020.

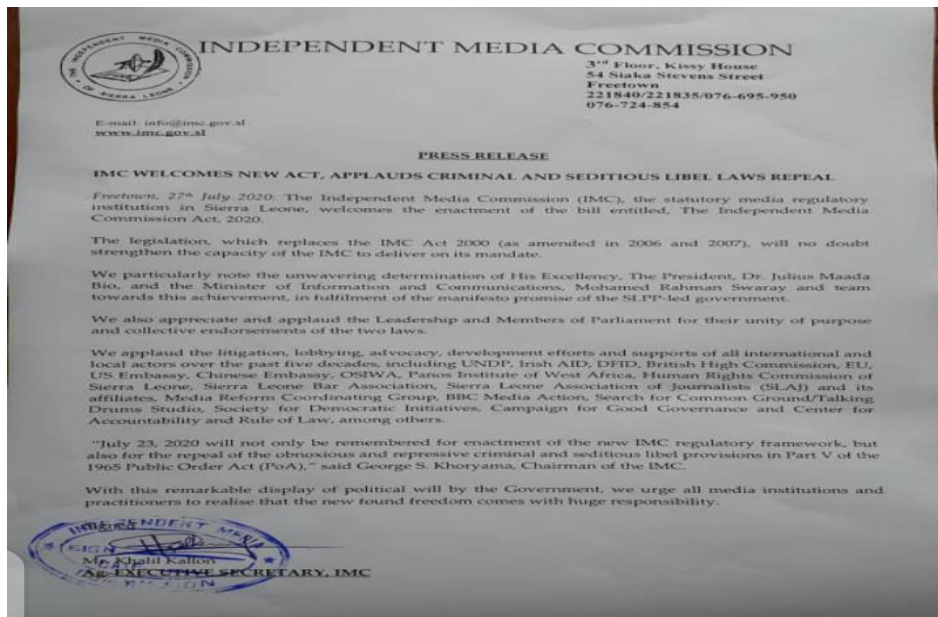
On 27 July 2020, the Independent Media Commission issued a Press Release welcoming the enactment of the new IMC Act and applauded the repeal of the criminal and seditious libel laws. “The legislation, which replaces the IMC Act 2000 (as amended in 2006 and 2007), will no doubt strengthen the capacity of the IMC to deliver on its mandate,” stated the release.

George S. Khoryama, Chairman of the IMC stated: “July 23, 2020 will not only be remembered for enactment of the new IMC regulatory framework, but will also be remembered for the repeal of the obnoxious and repressive criminal and seditious libel provisions in Part V of the 1965 public Order Act (POA).”

“We applaud the litigation, lobbying, advocacy, development efforts and supports of all international and local actors over the past five decades, including UNDP, Irish AID, DFID, British High Commission, EU, US Embassy, Chinese Embassy, OSIWA, Panos Institute of West Africa, Human Rights Commission of Sierra Leone, Sierra Leone Bar Association, Sierra Leone Association of Journalists and its affiliates, Media Reform Coordinating Group, BBC Media Action, Search for Common Ground/Talking Drums Studio, Society for Democratic Initiatives, Campaign for Good Governance and Centre for Accountability and Rule of Law, among others.”

The IMC, in its release, urged media practitioners to continue to be responsible and professional: “With this remarkable display of political will by the Government, we urge all media institutions and practitioners to realise that the new found freedom comes with huge responsibility.”

Fig 5.2: The IMC Press Release, 27 July 2020- IMC welcomes New Act, Applauds Criminal and Seditious Libel Laws Repeal



The Government of Sierra Leone also issued a Press Release on 23 July 2020 titled: Government repeals Part V of the Public Order Act of 1965. The release stated thus: “The IMC Act 2020 will enhance the professionalism of journalism and make investments in media more attractive.”

SLAJ also welcomed the enactment of the IMC Act 2020. The SLAJ President, Ahmed Sahid Nasralla was quoted in the Press Release issued on 24 July 2020 as stating thus: “...by enacting the new IMC Bill 2020 you have reminded us of the great responsibility that goes with that freedom. How we maintain that delicate balance is what all of us journalists should work towards as we go beyond the repeal.”

On 27 August 2020, IMC Commissioners held a day’s retreat at the Estuary Resort, John Obey, Western Area Rural, to review the Media Code of Practice, 2007. The review, according to the Commission, was aimed at keeping at pace with the current media landscape and regulatory environment in line with the IMC Act 2020 and the repeal of Part V of the 1965 Public Order Act, which criminalized libel. The Media Code of Practice specifies the rules and regulations governing the registration/licensing and operations of print and electronic media and advertising in Sierra Leone, including Newspapers, Magazines, Radio, TV and Direct to Home services.

Another regulatory body is the National Telecommunications Commission (NATCOM), which was established by an Act of Parliament in 2006. NATCOM issues frequency spectrums to radio and television stations. The main function of the Commission is to licence and regulate the activities of telecommunications operators so as to promote efficiency, fair competition, expansion of investment in the sector, development of the sector and the protection of users of telecommunications networks and services.

6. PERFORMANCE OF MEDIA INSTITUTIONS

The Independent Media Commission (IMC) is the regulatory body responsible for registering, licensing, and ensuring compliance with the Media Code of Practice.

The SLAJ constituted Disciplinary Committee established pursuant to Article 14 (3) of its constitution is responsible to adjudicate upon matters of indiscipline and professional misconduct of individual members of SLAJ.

There is significant improvement in the outputs of media institutions. This is reflected in their contents and programming. However, there were major concerns that a number of media institutions continued to publish and broadcast contents that breached ethical standards or were in contravention of the country's media laws, the IMC Act and Media Code of Practice and the SLAJ Code of Ethics.

On Wednesday, 22 April 2020, the *NightWatch Newspaper* ran a story on the appointment of female press attaches by the Government of Sierra Leone bearing the headline, “**Girlfriends as Press Attaches?**” The aggrieved party, the female Press Attaché Designates, filed a complaint to the IMC against the publication. After concluding the investigation and arbitration, the **IMC published its findings and ruling on 9 June 2020**. The Commission established that the newspaper contravened ethical provisions of the IMC Media Code of Practice, including the Accuracy provision in the IMC Media Code of Practice, gender discrimination and attempting to smear the reputation of the complainants. **The Board at its meeting held on Wednesday 3 June 2020 fully endorsed the recommendations of the Committee as follows:**

- That a **fine of Le1, 000, 000 (One Million Leones) be levied** in accordance with principle 3 of the IMC Media Code of Practice dealing with accuracy.
- That a **fine of 5,000,000 (Five Million Leones) be levied** for discrimination against women and insinuating that the ladies were not for the job,
- That the **Newspaper writes, and publishes a letter of apology** to the Complainants without repeating the content of the said story.

On Tuesday, 19 May 2020, the *Sierra Express Media* ran a story bearing the headline “**For 500m kickback...NATCOM DG in Deep mess**”. Mr. Abdul Ben Foday Director, Corporate and Industry Affairs, filed a complaint against the Newspaper for publishing that article, which he said was misleading, a misinformation, a conspiracy theory, defamatory and above all libelous. The Committee also noted that the journalist made all reasonable efforts to get the side of NATCOM but the authorities at NATCOM did not avail themselves to be heard. The Committee further noted that the journalist followed due process but his efforts were neglected. He made attempt to cross-check the story. The Board of the IMC at its Board meeting held on Wednesday 15 July 2020 fully adopted the recommendations of the Committee as thus:

- **The Committee therefore recommends that the Editor was not found wanting.**

On Tuesday, 19 March 2020, the Commission received a letter of Complaint from BMT Law Chambers on behalf of Mr. Foday Sankoh against the *News 24 Newspaper*, on his publication dated 17 March 2020, titled “**As worker Grumble...SIERRATEL MD spends Le 400m renovating his House**”. The Counsel for Mr. Foday Sankoh said their Client felt very lowly

esteemed as a result of the publication because his reputation has been damaged. The Committee asked Lansana Fofana, the Managing Editor of the *News 24 Newspaper* if he stood by his story. Lansana Fofana said he did not, because it was inaccurate since the reporter never cross-checked with Mr, Sankoh. During deliberations, the Committee found out that the Editor had already done a retraction before the complaint was brought up and that Mr Sankoh informed his solicitor that he was satisfied with the previous retraction.

The Committee also noted that because the Editor had already mitigated the complaint, the Committee recommended the following which was fully ratified by the Board of the IMC at its Board meeting held on Wednesday 15 July:

- **That since the Editor had already mitigated the complaint, he be warned to refrain from publishing a story without getting the other side.**

NOVEMBER- On the 4 August 2020, the Commission received a letter of complaint from Mr. Evariste Sindyigaya against the *Independent Observer Newspaper* and their reporter, Dauda Koroma for publishing a story on their front page, titled: ‘For allegedly misappropriating over Le1bn....ACC Drags Plan International Staff to Court’. In restating his case during the hearing session, Mr. Sulaiman Storm Koroma, the Public Relations Officer for Plan International Sierra Leone said the story was inaccurate, misleading and malicious with calculated ploy to destroy the hard earned reputation of Plan International. During the IMC Board meeting, **the Complaint Committee recommended that the *Independent Observer Newspaper* should be warned and ordered to retract the story in one edition of their next publication, with equal prominence, clearly indicating the following:**

- That the Headline of their 15 July 2020 publication was inaccurate, as the matter has been in court since 2016 and was therefore not a new case.
- That four of the accused persons were former, not current staff of plan by the reporting date, and that the rest were not Plan staff.
- That Plan International be warned not to misrepresent the fact in the future in respect to the employees they misrepresented to have belonged to plan International.

NOVEMBER- On 26 August 2020, the Commission also received a complaint from Mr. Jack Kone against *Amzas Radio* in respect of a programme aired on 24 August 2020, in which he alleged that the radio station hosted one Mr. Antony Koroma who was allowed to make lots of derogatory and unfounded allegation that has seriously destroyed his reputation and put his family name into disrepute. In restating his case, Mr. Jack Kone said that his complaint against *Amzas Radio* is based on defamation, misrepresentation of fact and failure to invite him to reply. The Committee’s findings were that:

- There was no proof of invitation to the Complainant to reply to the allegations.
- The Complainant was not granted an opportunity to reply.
- The programme is in breach of article 11 of the Media Code of Practice governing Radio/Television in the country which states:

“To create a level playing field, radio stations should ensure that the opportunity is provided for different views of the issues to be presented”

The Board of the IMC at its Board meeting fully endorsed a recommendation of the Complaint Committee as follows:

- **A fine of le 1,000,000 (one million Leones) be levied on the said radio station.**

7. STATUS OF MEDIA LAWS IN SIERRA LEONE

There have been major changes to the laws used to regulate the media in Sierra Leone. July 2020 recorded two, as the 55-year old draconian criminal libel and seditious libel provisions in the Public Order Act were repealed and the bill entitled, The IMC Act, 2020 (Act No. 5 of 2020) was enacted. It repealed the IMC Act 2000 (as amended in 2006 and 2007).

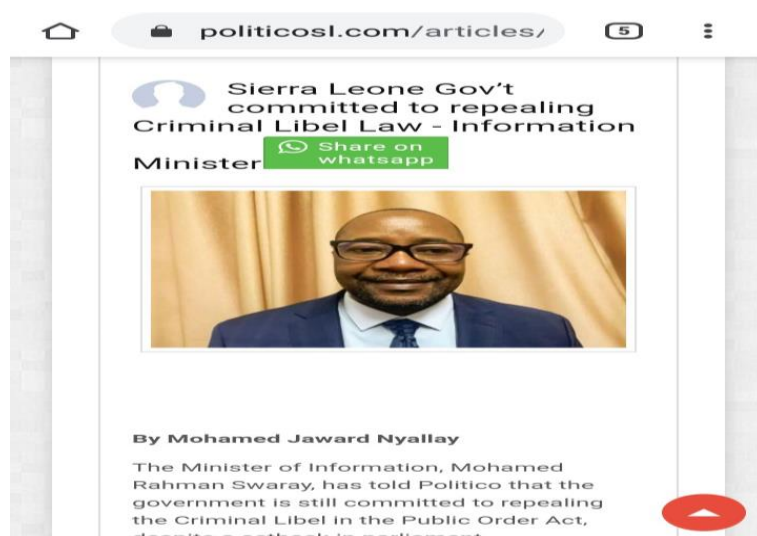
The enactment of the new bill was part of series of processes which included Sierra Leone's Cabinet unanimous approval of the repeal of Part V of the 1965 Public Order Act on 11 September 2019. The bill was gazetted on 17 October 2019. The Minister of Information and Communication, Mohamed Rahman Swaray laid the Public Order (Amendment) Act Bill in Parliament on 18 December 2019; and on 23 July 2020, Part V of the Public Order Act of 1965 was repealed. The President, Maada Bio, accented to the Public Order (Amendment) Act, 2020 on 14 August 2020. The official signing ceremony of the bill was held on 28 October 2020.

On Tuesday, 2 June 2020, Parliament withdrew the Public Order Act (Amendment) Bill 2019. That action raised a lot of issues as many journalists were concerned that the bill had been thrown out, which dampened their hope of a repeal sooner than later, as promised by the Bio-led government. According to *Politico*, the Leader of Government Business in Parliament, Martin Nyuma, announced parliament's decision that the bill had to be withdrawn because the legal time to debate it had elapsed.

The newspaper quoted the Minister of Information and Communications, Mohamed Rahman Swaray as stating that: **“Government is still irrevocably committed to repealing the Criminal Libel Law.”**

Hon Martin Nyuma was quoted by *Politico* as stating that: **“We didn't withdraw it deliberately; we withdrew it based on procedure. There is a difference between throwing out a document and withdrawing it.”**

Fig 7.1: Politico, June 2020 - Sierra Leone Gov't committed to repealing Criminal Libel Law- Information Minister



In a direct response to the withdrawal of the Bill titled: “The Public Order Act (Amendment), 2019”, on 4 June 2020, the MIC issued a press release in which it assured the general public

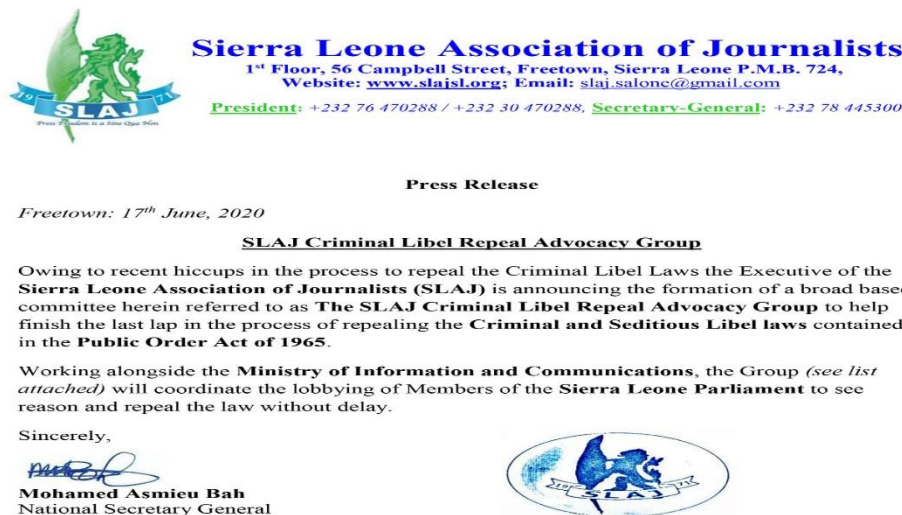
and its partners that the Bill and the ‘Independent Media Commission Bill 2020’ would be tabled in Parliament and that they were still committed to the repeal.

Fig 7.2: Ministry of Information and Communications Press Release, 4 June 2020 - Sierra Leone Gov’t commitment to repealing Criminal Libel Law



SLAJ set up a “**SLAJ Criminal Libel Repeal Advocacy Group**”. The group included stakeholders who were tasked with the responsibility of building support for the repeal process. According to the SLAJ press release, dated 17 June 2020, the mandate of the **Group** was to help finish the last lap in the process of repealing the Criminal and Seditious Libel laws contained in the Public Order Act of 1965. The release further explained that working alongside the MIC, the Group would coordinate the advocacy and lobbying of members of the Sierra Leone Parliament to see reason and repeal the law without delay.

Fig 7.3: SLAJ press release, 17 June 2020 - SLAJ Criminal Libel Repeal Advocacy Group



On 15 June 2020, *Ticha Lemp Lemp Newspaper* published a story on their online page titled, “Media Can’t Breathe! Beyond Cabinet Approval: Journalists Await the Demise of Criminal Libel Law in Sierra Leone”.

Fig 7.4: Ticha Lemp Lemp Online, 15 June 2020 - Media Can’t Breathe!



With continued efforts, Advocacy and Lobbying by the IMC, MRCG, SLAJ and other partners for the Government to repeal Part 5 of the Public Order Act of 1965, Parliament issued a public Notice on 9 July 2020, inviting Hon. Members of Parliament and the General Public to a pre-legislative hearing on “The Independent Media Commission Act, 2020) bill and ‘The Public Order (Amendment) Act, 2020” on 13 July 2020 at 10:00 a.m. in Committee Room No. 1, Parliament Building. The release encouraged SLAJ and its key affiliates, Police Media, Guild of Editors (GoE), Women in Journalism, among others, to attend.

Statements were delivered by various media stakeholders at the plenary session, including SLAJ, MRCG and the IMC. The session was opened to the public who actively participated in the debate.

The SLAJ President, Ahmed Sahid Nasralla stated in his remarks that their business in Parliament was to lobby them for two things:

“The first is to repeal the Criminal Libel laws and pass the new IMC Bill. The second is to amend certain sections of the [gazetted] IMC Bill which is before you [the MPs], to bring it into conformity with the spirit and letters of the 1991 Constitution.”

The MRCG Chairman, Dr Francis Sowa, noted in his statement at the Parliamentary Pre-Legislative Committee Meeting that *‘for 55 years, a giant has stood on top of the media fraternity and industry’* and in comparison stated that *‘it may be like Goliath in the Bible, or in more recent times, it can be likened to the Police Officer who knelt on George Floyd’s neck for over 8 minutes.’* Sadly, he said *‘Floyd called for help, but got none.’*

He told the Honorable Members that journalists were calling for help like Floyd and pointed that: *“Our eight minutes have started long ago. We may be in our final minute. The media industry like Floyd, is shouting “it can’t breathe.”*

With hope, he stated that unlike Floyd, they at MRCG, comprising 10 national media organizations, were optimistic that their call was being heeded and were confident that they will breathe.

In assuring parliament of the MRCG’s effort in capacitating the media in ensuring responsible and professional practice, Dr Sowa expressed thus:

“Mr. Chairman and Hon. Members, we are not in any way calling for “power without responsibility.” This is seen in many moves the MRCG has made to popularise the Civil Libel provisions in the Civil Defamation Ordinance of 1961; the support to the review of the Independent Media Commission Act and Media Code of Practice and the Sierra Leone Association of Journalists (SLAJ) Code of Ethics and the Disciplinary Committee.”

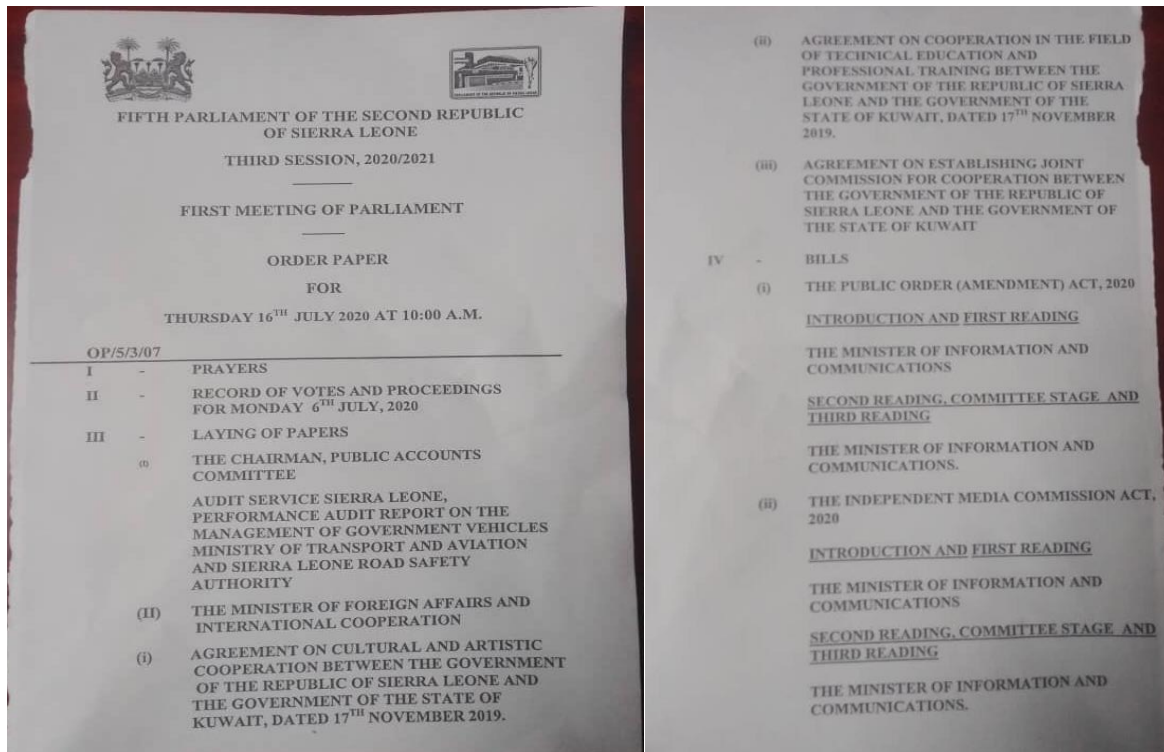
He ended by urging parliament to repeal the criminal libel laws as by doing that they would have saved the media in the final minute of the about eight minutes journey to death. He concluded by making a clarion call that: **“Let our media breathe.”**

Fig 7.5: MRCG YouTube channel, 13 July 2020- MRCG Chairman’s statement at the Pre-Leg Hearing on the Public Order Act...



On 16 July 2020, the Minister of Information and Communication, Hon. Mohamed Rahman Swaray tabled the two Bills titled ‘The Public Order Act (Amendment) 2020’ and ‘The Independent Media Commission Act, 2020’ in the Well of Parliament.

Fig 7.6: Order Paper, 13 July 2020- Two Bills titled ‘The Public Order Act (Amendment) 2020’ and ‘The Independent Media Commission Act, 2020’ tabled in the well of parliament



The Members of the House of Parliament debated the bills, The Public Order (Amendment) Act, 2020 and the Independent Media Commission Act, 2020 and both were committed to the Legislative Committee for further scrutiny.

Fig 7.7: The Calabash Newspaper, 17 July 2020- Parliament Commits Media Bills to Legislative Committee



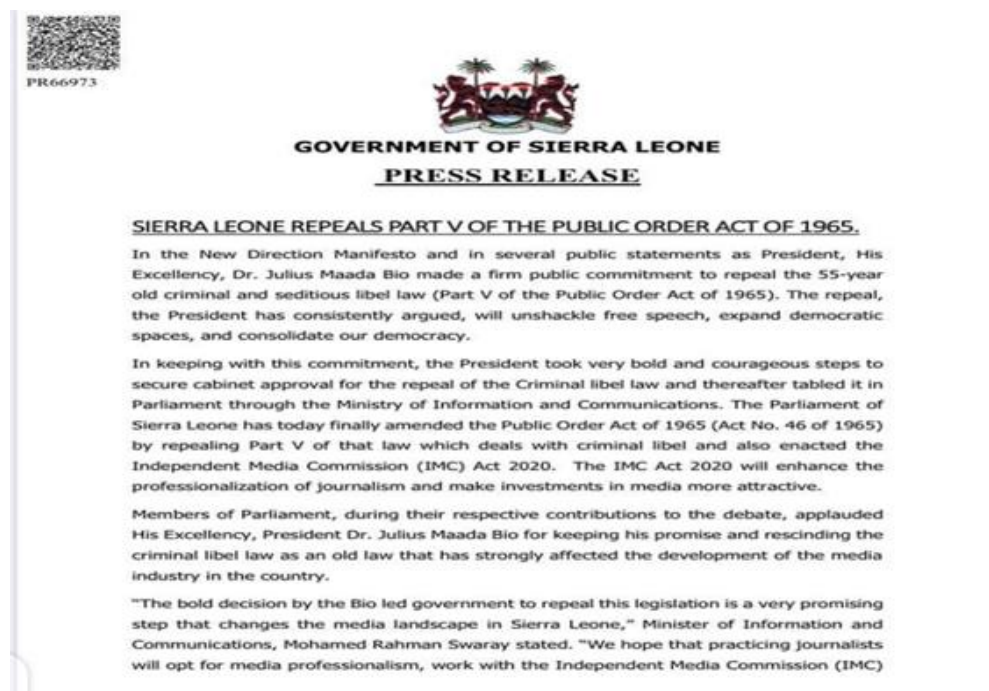
At the Legislative Committee hearing, the Members of Parliament discussed the provisions in both bills one after the other. They sought clarifications and inputs from the media stakeholders and organisations present at the sessions.

On 23 July 2020, Parliament unanimously repealed the 55-year old draconian criminal libel laws. The repeal was followed by joyous celebration by SLAJ, MRCG, the IMC and other partners as they have spent years advocating and lobbying for it. At some point, SLAJ even took the matter to the Supreme Court.

On 23 July 2020 the Government of Sierra Leone issued a Press Release titled: Government repeals Part V of the Public Order Act of 1965 in which it stated that repeal of the criminal and seditious Libel Law is a fulfilment of President Julius Maada Bio's commitment and manifesto promise in order to unshackle free speech, expand democratic spaces and consolidate the country's democracy.

The release quoted the Minister of Information and Communications Mohamed Rahman Swaray as stating that: "The bold decision by the Bio led Government to repeal this legislation is a very promising step that changes the media landscape in Sierra Leone. We hope that practicing journalists will opt for media professionalism, work with the Independent Media Commission (IMC)."

Fig 7.8: Government of Sierra Leone Press Release, 23 July 2020- Government repeals Part V of the Public Order Act of 1965



In reaction to the repeal of Part 5 of the Public Order Act of 1965, the Media Reform Coordinating Group-Sierra Leone (MRCG-SL) issued a Press Release on 24 July 2020, welcoming the development.

The MRCG commended President Dr Julius Maada Bio for ensuring the fulfilment of his manifesto promise; the Minister of Information and Communications, for successfully leading the process and piloting the bills; the Speaker and Leaders of Parliament, Members of

Parliament, the past leaderships and current of the Sierra Leone Association of Journalists (SLAJ), Ahmed Sahid Nasralla and all stakeholders for what the release described as a job well done.

The Chairman of the MRCG, Dr Francis Sowa stated thus:

"The MRCG sees the repeal of the criminal libel law as a major fulfilment of one of the reasons for which the Group was established. It is also a significant step the country has taken in joining other progressive democracies in the world that guarantee media freedom. We call on media practitioners to be always professional and ethical in the discharge of their duties."

The MRCG appreciated the National Endowment for Democracy (NED) in the United States of America for providing funding for advocacies, workshops, meetings, consultations and public education on the repeal of the law in recent years and also appreciated the UNDP for providing massive financial and technical resources over the years for consultations on the review of the IMC Act and the repeal of the criminal libel law.

The MRCG reaffirmed that it would alongside its constituent organisations continue to advocate for a free and responsible press in Sierra Leone.

Fig 7.9: MRCG Press Release, 24 July 2020- MRCG welcomes the repeal of the Criminal Libel Law

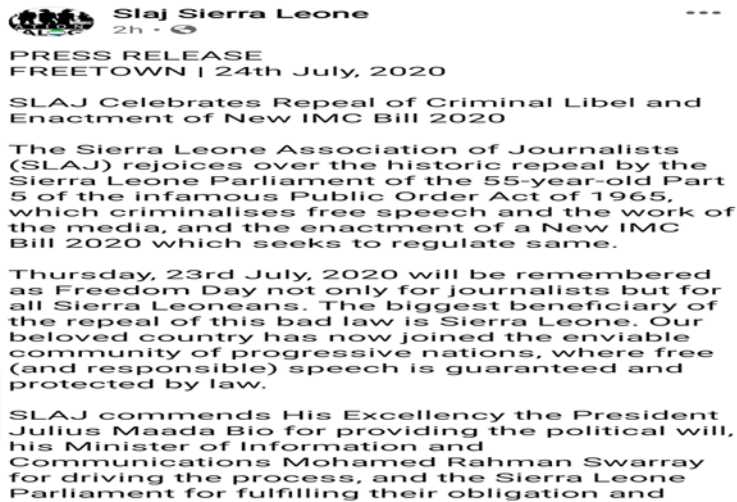


SLAJ issued a press release thanking the government for fulfilling its promise and all other players, including the IMC, MIC and MRCG.

SLAJ President, Ahmed Sahid Nasralla stated in the release that: "Freedom comes with great power and great power comes with great responsibility. By repealing Part 5 of the POA 1965 you have given us great freedom to do our work without fear or favour. Equally so, by enacting the new IMC Bill 2020 you have reminded us of the great responsibility that goes with that freedom. How we maintain that delicate balance is what all of us journalists should work towards as we go beyond the repeal."

SLAJ thanked the MRCG and partners for the many sensitisation programmes on the repeal process.

Fig 7.10: SLAJ Sierra Leone Press Release, 24 July 2020- SLAJ celebrates Repeal of Criminal Libel and Enactment of New IMC Bill 2020



The Christian Lawyers Centre Legal Link, on 24 July 2020, expressed their delight regarding the repeal of Part V of the Public Order Act in a letter to His Excellency Dr Julius Maada Bio. They called on the President to kindly consider issuing a directive to the Office of the Director of Public Prosecution (DPP) for the discontinuance of all criminal matters that were then in court brought against journalists under the outdated law by the state.

The National Election Watch (NEW) also applauded the repeal and thanked the Government, SLAJ, the MRCG and other partners for their contributions in making the repeal a reality.

The International Federation of Journalists (IFJ) also joined its affiliate, the Sierra Leone Association of Journalists (SLAJ) in celebrating the repeal of the criminal libel law, which they said was a great victory for freedom of expression and press freedom.

The Sierra Leone Reporters Union (SLRU), the Guild of Editors (GoE), the Sierra Leone Bar Association (SLBA), Renaissance Movement, Human Rights Commission of Sierra Leone (HRCSL), among other organisations, welcomed the repeal and applauded Government, SLAJ, MRCG, and other partners for their relentless effort towards the process.

On 4 August 2020, a press release issued by the Government of Sierra Leone acknowledged the Minister for Africa in the Department of International Development, James Duddridge (MP)'s congratulatory message to the Minister of Information and Communications, Mohamed Rahman Swaray, on behalf of the UK Government, following the repeal by parliament of Part V of the Public Order Act of 1965 and for passing the new Independent Media Commission Act 2020.. Through the release, James Duddridge expressed delight that the British officials were able to aid the process by providing technical assistance and sharing expertise with a broad range of stakeholders in supporting the Government of Sierra Leone to deliver this key pledge.

a. **Specific Acts containing Media Laws and Regulations still in Force**

No.	Specific Statutes on Media Laws/Regulation - Acts of Parliament	Year	Status of the law
1.	Undesirable Publications Cap 113 of the Laws of Sierra Leone, 1960	1961	In force
2.	Undesirable Advertisement Ordinance - Cap 114 in the Laws of Sierra Leone, 1960	1960	In force
3.	Defamation Ordinance - Act No. 32	1961	In force
4.	Sierra Leone Broadcasting Corporation Act, 2009 (Act No. 1 of 2010).	2010	In force
5.	The Independent Media Commission (IMC) Act, 2020 (Act No. 5 of 2020) It repealed and replaced The Independent Media Commission (IMC) Act, 2000 (Act No. 12 of 2000) as amended in 2006 and 2007	2020	In force

Source (Sowa & Kapuwa, 2015 and updated regularly)¹

Table 7.1: Specific Acts containing Media Laws and Regulations still in Force

a. Other Statutes (Acts of Parliament)/common law relating to Media Regulation Still in Force

No.	Other Statutes (Acts of Parliament) with laws relating to media regulation	Year	Status of the law
1.	The Treason and State Offences Act, 1963	1963	In force
2.	Criminal Libel - The Public Order Act, 1965 (Act No 46 of 1965)	1965	Repealed
3.	Publication of False News - The Public Order Act	1965	Repealed
4.	Seditious Libel - The Public Order Act	1965	Repealed
5.	Constitution of Sierra Leone - Freedom of Expression and of the Press	1991	In force
6.	Constitution of Sierra Leone - Public Emergency Law	1991	In force, but under review

¹ Francis Sowa and Joseph Ebenda Kapuwa, Media Laws and Regulations: Review and Update on Sierra Leone's Statutory and Self-Regulatory Models (2015)

7.	Constitution of Sierra Leone - Law of Contempt of Parliament	1991	In force
8.	The International Covenant on Civil and Political Rights	1995	In force
9.	Pharmacy and Drugs Act	2001	In force
10.	The Telecommunications Act	2006	In force
11.	The Child Rights Act	2007	In force
12.	The Anti-Corruption Commission Act, 2008 (Act No 00 of 0000)	2008, as amended in 2019	In force
13.	The Copyright Act, 2011 (Act No 00 of 2011)	2011	In force
14.	The Sexual Offences Act, 2012 (Act No 00 of 2012)	2012 as amended in 2019	In force
15.	The Right to Access Information Act, 2013 (Act No 00 of 2013)	2013	In force
16.	Public Order (Amendment) Act, 2020 (Act. No 4 of 2020)	2020	In force
17.	The Law on Contempt of Court	Common Law	In force

Source (Sowa & Kapuwa, 2015; updated)²

Table 7.2: Other Statutes (Acts of Parliament) relating to Media Regulation still in Force

b. Codes Dealing with Media Regulation Still in Force

No.	Codes	Year	Status of the law
1.	Code of Conduct of the Sierra Leone Association of Journalists	2000 (reviewed in 2014/2015)	In force.
2.	The Independent Media Commission (IMC) Media Code of Practice	2007	In force, under review.

Source (Sowa and Kapuwa, 2015; updated)³

Table 7.3: Codes Dealing with Media Regulation Still in Force

² (Ibid,2015)

³ (Ibid,2015)

8. CONCLUSION

The issues covered in this report relate to freedom of expression and of the press, freedom of assembly and the safety and security of journalists and civil society activists.

The general constitutional guarantees for freedom of expression and of the press are still in force. The criminal and seditious libel provisions in Part V of the 1965 Public Order Act that criminalizes libel, were repealed by Parliament on 23 July 2020 and accented to by the President on 18 August 2020. It brought a sigh of relief that journalists and human rights activists would not be invited, harassed, arrested or detained on criminal libel charges anymore, but rather under the civil libel law or other state laws.

The MRCG will continue to re-echo one of the provisions in the Truth and Reconciliation Commission (TRC) Report, which says: “Freedom of expression is the lifeblood of a democracy. A culture of public debate and tolerance for dissenting ideas is the sign of a vibrant and healthy democracy. Restrictions on the freedom of expression represent a fearful state; it reflects a State that has no confidence in its ability to promote and disseminate its doctrines in the marketplace of ideas.”

The MRCG hopes that the repeal will create an atmosphere that is conducive for professionalism in which journalists can operate freely without fear, but rather fairly - objectively, responsibly, professionally and ethically. It is hoped that there will now be more investment in the media industry and one that can now attract more women to practice freely and fairly without fear of being imprisoned.

9. RECOMMENDATIONS

- The Government of Sierra Leone should review and discharge all seditious and/or criminal libel-related cases against journalists and other individuals since the law has been repealed.
- SLAJ should strengthen its Disciplinary Committee so as to promptly and effectively deal with issues of unprofessional practice and excesses of any journalists.
- SLAJ, MRCG and other partners should do more training and capacity building training for journalists to keep them up with international best standards of practice and for the security forces to also understand the provisions in the new laws.
- 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.
- Government should ensure that the remaining persons who were accused of involvement in the beating up of journalist Ibrahim Samura that allegedly led to his death, are arrested and brought to law.
- SLAJ should take the lead and be given the freehand by victims of press freedom violations and their media houses, in seeking justice on their behalf.
- Government should ensure that journalists and citizens continue to enjoy their rights to freedom of expression, including press freedom without the fear of being intimidated, harassed, assaulted, arrested or detained and prosecuted.
- Citizens and journalists should appreciate that there are limitations to every right/freedom and that to every right, there is a corresponding responsibility; therefore, they should own up to their responsibilities
- Journalists should abide by ethical standards in their daily coverage and reportage.
- The IMC should continue to popularise its statute (IMC Act 2020) and the Media Code of Practice among journalists and the Police.
- SLAJ should popularise its Code of Ethics among its membership.
- Politicians and the Police should respect media freedom and the right to freedom of expression
- Government officials should stop stone-walling and be willing and ready to respond to requests from journalists to cross-check their facts.

10. LIST OF SOURCES

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