



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



Report on Press Freedom in Sierra Leone June to November 2018

Produced by Media Reform Coordinating
Group (MRCG) with support from the
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ACRONYMS/ABBREVIATIONS

ADP	-	Alliance Democratic Party
APC	-	All People Congress
AYV	-	Africa Young Voices
CID	-	Criminal Investigation Department
FAJ	-	Federation of African Journalists
IMC	-	Independent Media Commission
LUC	-	Local Unit Commander
MRCG-		Media Reform Coordinating Group
NEC	-	National Electoral Commission
NED	-	National Endowment for Democracy
NATCOM-		National Telecommunication Commission
POA	-	Public Order Act
RAIA	-	Right to Access Information Act
SLAJ	-	Sierra Leone Association of Journalists
SLBA	-	Sierra Leone Bar Association
SLBC	-	Sierra Leone Broadcasting Corporation
SLPP	-	Sierra Leone People's Party
SLP	-	Sierra Leone Police
SDI	-	Society for Democratic Initiatives

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EXECUTIVE SUMMARY

This Report on 'Press Freedom in Sierra Leone' is the first in a series to be produced by the Media Reform Coordinating Group (MRCG). It is one of the outputs of a project titled, "Enhancing Press Freedom and Legislative Reforms of Media Laws in Sierra Leone", supported by the National Endowment Democracy (NED) in the United States of America. The Report, which covers the period June to November 2018, tracks media performance and monitors press freedom and freedom of expression issues in Sierra Leone, including arrests, detentions and prosecution of journalists and civil society activists.

The Report is divided into the following areas: **Thematic Issues** (focusing mainly on the **arrests and detention of journalists, 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 broadcast on radio, television and published in newspapers or posted on social media platforms like Facebook and WhatsApp. Interviews were conducted with some individuals who were either reportedly attacked or arrested, where necessary. Officials of institutions named in some of the issues reported were also interviewed.

The cases covered in this Report are:

- Attack on a reporter of Concord Times Newspaper, Patrick Jaiah Kamara by thugs allegedly on the instruction of the former Mayor of the Freetown City Council, Herbert George Williams, Sanusi Bruski and other All People Congress (APC) Party members during the March 31, 2018 Presidential run-off election.
- Attack on the Editor of the New Age Newspaper, Ibrahim Samura, by the then ruling APC party members and supporters during the March 31, 2018 run-off election.
- 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.
- Invitation of the Leader and Chairman of the Alliance Democratic Party (ADP), Mohamed Kamarainba Mansaray to the CID for interviews he granted in

response to allegation relating to the publication of False News, contrary to the Public Order Act (1965).

- Invitation of journalist to Parliament to answer to some questions in connection with a story broadcast on Africa Young Voices (AYV) TV, titled, 'Caught on Camera', involving a Member of Parliament, Hon. Veronica Kadie Sesay and two others in a land matter.
- Attack on the publisher of 'The Elephant Newspaper, Nimalty Kamara, allegedly by youth of the ruling Sierra Leone People's Party (SLPP) for allegedly criticizing the new regime of President Julius Maada Bio.
- Attack on a journalist of AYV TV, Ransford Metzger, while investigating an alleged corruption matter at the St. Joseph Secondary School in Freetown.
- Attack on the Editor of Awareness Times Newspaper, John Koroma, during a Bye-Election in Tonko Limba, Kambia District, Northern Sierra Leone, on September 29, 2018, allegedly by a team of Sierra Leone Police officers and persons openly identifying themselves as SLPP supporters inside Tonko Limba.
- Arrest of Fayia Amara Fayia of Star Radio and Standard Times Newspaper by CID officers outside the AYV media on what the CID said was a post on his Facebook page containing of defamatory words against His Excellency the President of the Republic of Sierra Leone.
- Harassment of Alhassan Jalloh, Editor of the Unique Newspaper, by police officers attached to the Lumley Police Station in the West end of Freetown while on duty investigating a fracas between Leonco Filling Station at Lumley and a mosque.

The MRCG found out that the matters involving Patrick Jaiah Kamara and Nimalty Kamara were charged to court, out of the 10 cases that were recorded. The former was later resolved in an out-of-court settlement, while the latter is in court. The rest were not charged to court, either because they were dropped by the complainants who had accepted apologies from the perpetrators or the police cautioned those arrested and discontinued with them. For one of the cases (John Koroma) the police said Mr. Koroma was unable to identify those that attacked him and at such, they are yet to effect any arrest. However, the police said they will continue to follow-up on the matter, while the matter involving Fayia Amara Fayia is still under investigation.

The MRCG noted that some of the arrests were based on alleged breaches of the Public Order Act of 1965, a legislation that contains an entire area (Part V) that criminalises libel. The MRCG continues to join its partners in reiterating the call for

the repeal of that part of the law. While the MRCG is encouraging media practitioners to abide by the ethical and legal standards of the journalism profession, it is also calling on the government, media organisations and the general public to ensure the safety and security of journalists across the country.

1. INTRODUCTION

Nation-states that opt for the democratic political culture must map out the role of the media in the arena of politics as a key driver of success of this paradigm. The goal, historically, has been to create a delicate balance between media freedom and media responsibility with little or no state control. This has not always been an easy task (M'Bayo, 2015)¹. In Sierra Leone, the media sector has over the years experienced quite extraordinary events, with the arrest and detention of journalists under the criminal and seditious libel laws in Part V of the Public Order Act (POA) No. 46 of 1965. Those events have spawned negative media coverage internationally and seem to have tarnished the reputation of Sierra Leone's democracy. The application of the law on criminal libel to media, in itself, breaches international standards for media regulation (Bonde & Sowa, 2014)².

Freedom of expression means that the health of the democratic political system depends on the efficient, accurate, and complete transmission of social, political, and cultural information in society; that the media are the conduits of this information and should act in the public interest. However, most journalists have increasingly been unable to fulfil this role due to increased fear of incarceration arising from the provisions of Part 5 of the POA. This undermines free speech pursuant to the 1991 Constitution of Sierra Leone and by extension, democracy.

This report, produced by the MRCG, is one of the activities under a project titled, "Enhancing Press Freedom and Legislative Reforms of Media Laws in Sierra Leone", supported by the National Endowment Democracy (NED). The activity seeks to track media performance and monitor press freedom in Sierra Leone, including arrests, detentions and prosecution of journalists and civil society activists.

The report covers a six-month period, June to November 2018. It is divided into the following areas: **Thematic Issues** (focusing mainly on the **arrests and detention of journalists, civil society activists**, etc.); **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 monitoring radio, television and newspaper contents, as well as following up on issues on social media platforms like Facebook and WhatsApp. Interviews were conducted where

¹Ritchard M'Bayo, 2015, The Dilemma of Media Freedom and Responsibility in Sierra Leone

² Bent N. Bonde, B., & Francis Sowa, (2014). Media Development Strategy Sierra Leone

necessary with some individuals who were either reportedly attacked or arrested. Officials of institutions named in some of the issues reported were also interviewed.

The MRCG will like to thank NED for funding the project. Special thanks also go to the media monitors and authors of the monthly reports, namely Rosaline Amara and Usman Bah, and their supervisors, Mr. Winston Scott-Manga and James Harvey. This first biannual report was compiled by Francis Sowa and edited by Mustapha M K Sesay of MBC Consulting.

2. THEMATIC ISSUES

2.1 Arrest and Detention of Journalists

For the month of June, 2018, the monitors did not receive any report of the arrest and detention of a journalist. There were, however, cases of assaults on journalists during the presidential run-off election in March that were still under investigation in June. At least one was charged to court. Below are the cases.

During the March 31 re-run presidential elections, our monitors reported that some journalists were attacked while covering the election across the country. One of the journalists was a reporter of Concord Times Newspaper, Patrick Jaiah Kamara. He was allegedly beaten up by thugs on the instruction of the former Mayor of the Freetown City Council, Herbert George Williams and Sanusi Bruski of the All People Congress (APC) Party. In a Facebook post of Patrick Kamara, he said he was trying to take photos of incidents at the polling centre where the politicians were visiting when his attackers descended on him. In the process, Mr. Kamara said he sustained injuries on his chest and temple, lost his digital recorder and some money, and his camera was impounded.

Later, the matter was charged to the Magistrate Court No. 1 at Siaka Steven Street, in the capital, Freetown, where one of the accused, Herbert George Williams was charged with Conspiracy to Commit a Crime, and Malicious Damage and Assault occasioning Bodily Harm, contrary to Section 47 of the Offences Against the Person Act of 1861. Patrick testified in Court on June 21, 2018. The matter was adjourned to July 3, 2018. On the 3rd July, Patrick continued his testimony at the Court together with eyewitness, but Magistrate Bangura adjourned the matter to July 13.

Another journalist, Ibrahim Samura, the late Editor of the New Age Newspaper, was also reportedly attacked by the then ruling APC party members and supporters for taking photos of incidents that were happening at the Polling Centre at Lumley in the West end of the Capital city, Freetown during the March 31 run-off election. The alleged attackers included a deputy minister of government, Ibrahim Washingai Mansaray, a former deputy minister, Abubakarr Daramy, the communication officer at a government ministry, Sanusi Bruski, Alusine Dainkeh and Dankay Koroma (daughter of the former President, Ernest Bai Koroma), all of the APC Party. According to Samura, the incident occurred in the full view of the police and the matter was reported at the Lumley Police Station; thereafter he was taken to the hospital.

Ibrahim Samura later died on June 6, 2018 at the 34 Military Hospital at Wilberforce in Freetown, less than three months after the alleged incident. An autopsy report revealed that he died of heart attack caused by a fractured skull which left blood dripping down into his heart and other vital organs. There was a clarion call within

and without Sierra Leone for investigation into his death. However, before his death, Mr. Samura accepted an apology from the APC party.

In a press release in April, 2018, the SLAJ “strongly condemned physical attacks on several journalists during the Presidential Run-Off Elections on 31st March, 2018 in Freetown and other areas in the provinces.” SLAJ said it corroborated reports and had eyewitness accounts of the journalists, Patrick Jaiah Kamara and Ibrahim Samura, were physically assaulted on polling day, and it also received reports of intimidation of journalists across the country.

SLAJ said it put “absolute premium on the safety and security of its members.....” The SLAJ President, Kelvin Lewis said: “This country belongs to all of us and we all have our respective duties to perform. We cannot allow this country to be reduced to a jungle.” The association urged the Sierra Leone Police to speedily conclude their investigations and bring the culprits to justice.

The police issued a letter of invitation to a TV presenter, Abdul Fonti Kabia in July, 2018, to report to the CID for questioning in relation to a programme on AYV TV where he hosted Mohamed Kamarinba Mansaray.

In July 2018, the Sierra Leone Police (SLP) issued a press release warning citizens not to publish statements that have the potential to undermine the peace and security of the state, as it is against the Public Order Act. The release was widely condemned by civil society organizations, including the SLAJ. In a press release, the Sierra Leone Bar Association (SLBA) strongly criticised the move by the police, saying that it has the effect of stifling Freedom of Expression, which is one of the main pillars of democracy as guaranteed in Section 25(1) of the 1991 Constitution. The press release also condemned the huge police presence within and around the capital on Tuesday, July 17, 2018 in anticipation of a peaceful protest by citizens who wanted to express their grievances on national and economic issues.

For the month of August, 2018, the monitor did not record any complaint of arrest and/or detention of a journalist or civil society activist.

However, there was also no further detail on the matter of arrest of civil society activist, Edmond Abu. There was no report of him charged to court.

There was also no further detail on the matter dealing with the invitation of the ADP Leader and Chairman, Mohamed Kamarainba Mansaray, to the CID.

In September, 2018, a journalist was invited to Parliament to answer to some questions in connection with a story broadcast on AYV TV, titled, ‘Caught on Camera’, involving, a Member of Parliament, Hon. Veronica Kadie Sesay and two others in a land matter. The Speaker of Parliament was reported to have ordered the journalist to retract the story or else action would be taken against him.



On September 10, 2018, it was reported in Kenema in the Eastern Region of the country, that a journalist and Publisher of **The Elephant** Newspaper, Nimalty Kamara, was pursued by youths alleged to be supporters of the ruling Sierra Leone People's Party (SLPP) who beat him up.

In September, 2018, journalist Ransford Metzger of AYV TV was assaulted while investigating an alleged corruption matter at the St. Joseph Secondary School in Freetown. The matter was reported to the police for investigation.

There was also a report of an attack on the Editor of Awareness Times Newspaper, John Koroma, during a Bye-Election in Tonko Limba, Kambia District, Northern Sierra Leone, on September 29, 2018. According to the report, Mr. Koroma was fully accredited by the National Electoral Commission (NEC) to observe the election, when some alleged members of the ruling SLPP ordered the police to arrest and detain him on the grounds that he was 'being too inquisitive.'

The Awareness reported the matter as reproduced below:

'Editor of Awareness Times Newspaper, Mr. John Koroma, has just been attacked by a combined team of Sierra Leone Police officers and persons openly identifying themselves as SLPP supporters inside Tonko Limba during the on-going Bye Elections out there today Saturday 29th September 2018. His reporter who was with him escaped the violence and has fled for his life!

Mr. John Koroma, who is fully accredited by National Electoral Commission (NEC) to observe the Elections, has been moving from polling station to polling station monitoring the voting process this morning. He got wind of complaints of strange and violent developments at Mile-14 Town in Tonko Limba.

On arrival at the scene on his chartered motorbike, he started to observe the developments which were indeed of a violent nature. At this point, despite he had on his clear identification as a Journalist and he also had his NEC ACCREDITATION

BADGE, he was accosted by the persons who were said to be SLPP thugs imported into Tonko Limba this morning. These men openly told John Koroma that they are SLPP government supporters. They ordered the uniformed Police Officers to detain the journalist on an accusation that the journalist was "guilty of being too inquisitive."

On October 1, 2018, the Guild of Editors - Sierra Leone strongly condemned the beating up of John Koroma, Editor of Awareness Times Newspaper. The Chairman of the Guild of Editors, Donald Theo-Harding, condemned the act in its totality. Mr. Theo-Harding said it was unfortunate that the incident came at a time when President Maada Bio had pledged his commitment to a free press and national cohesion. "We call for a speedy investigation into the matter and those responsible to be brought to book", the Chairman added.

The release added that "This incident has come also at a time that the Guild is still waiting for the results of an investigation into the death of another Editor (Ibrahim Samura of New Age Newspaper) who lost his life after he was beaten [up] by All People Congress (APC) party operatives during the last elections."

On September 29, 2018, another journalist Fayia Amara Fayia of Star Radio and Standard Times Newspaper was arrested by CID officers outside the AYV media premises on defamation charges against the President of Sierra Leone, after participating in a TV programme titled, 'Weekend Review.'

The Sierra Leone Police issued a press release on the matter/arrest as reproduced below:

THE CRIMINAL INVESTIGATIONS DEPARTMENT (CID) INTERROGATES JOURNALIST FAYIA AMARA FAYIA

On the 16th September 2018, at 1400 hours, the CID observed that Journalist Fayia Amara Fayia, a staff member of Star Radio at Mammah Street, Brookfields, Freetown, posted on his Facebook page defamatory words against His Excellency the President of the Republic of Sierra Leone.

At 1605 hours of the same date, a team of detectives left the CID Headquarters for Star Radio, at the said address, in order to contact Fayia Amara Fayia about the aforesaid complaint. Unfortunately, he was not found/met at Star Radio Station. A colleague of his who spoke to the detectives, promised to furnish the Police with his phone contact(s) on a latter date.

The following day (17/09/18), the Police were able to get his contact number which is +23276925690, through which he was invited to report at CID Headquarters in respect of the complaint against him; regrettably, he never showed up at the CID.

Since 18th September, several other efforts were made to get him to report at the CID, in order to answer to the complaint against him. All proved futile. The Police had since then been in search of him.

Today Saturday 29/09/18, he was participating on an African Young Voices Television programme "Weekend Review" when the Police spotted him. Being the only possible available means then to get him to answer to the complaint against him at the CID, some detectives went to the TV Station and requested to meet with him through an AYV staff member, after the programme. The Police adequately intimidated AYV staff of the complaint against him and all efforts earlier made to get him to answer to the matter at the CID since 16th September, 2018. They promised to get him to cooperate with the Police after the programme.

Indeed, after the programme, he willingly came with the Police at the CID Headquarters and was asked to make statement, so that he could be granted bail, pending investigation into the matter; but he refused on the ground that he would only do so in the presence of his lawyer. Given that it is his right, the Police accepted. He later agreed to make statement and he has now been put on bail. He is released to one of his colleagues at Star Radio.

In October 2018, the Federation of African Journalists (FAJ) condemned the manner journalists were being unlawfully arrested and detained, and/or maltreated in Sierra Leone.

 **Federation of African Journalists -
Fédération des Journalistes Africains**
48 mins • 

#SierraLeone : FAJ joins Guild of Editors to condemn ruling party thugs beating of John Koroma, Editor of Awareness Times newspaper at Kambia district by-election marred with violence, last Saturday. We condemn the violence and call on Government to bring perpetrators to Justice.

Alhassan Jalloh, Editor of the Unique Newspaper, was reportedly harassed and handcuffed by police officers attached to the Lumley Police Station, on the November, 5 2018, while on duty investigating a fracas between Leonco Filling Station at Lumley and a mosque, located few metres behind it, over access route. The matter was reported at the Lumley Police Station.

2.2 Arrest of Civil Society Activists and Opposition Party Leader

In July 2018, the monitor did not record the arrest and detention of any journalist. But there were two cases where a civil society activist on one hand and an opposition party leader on the other, were arrested in relation to issues bothering on the exercise of the rights to freedom of expression and assembly.



On the July 17, 2018, a civil society activist Edmond Abu, Executive Director of Native Consortium and Research Centre, a local civil society think tank, was arrested and detained by the Sierra Leone Police for staging a peaceful protest in Freetown against the sudden increments in fuel pump price. According to media reports, Mr. Abu was arrested by riot police officers at the Saint John roundabout in the West end of Freetown, just as he unfurled a banner calling on the President of the Republic of Sierra Leone, Julius Maada Bio to ensure that government reverses the decision to remove subsidy on fuel price, which caused prices of basic commodities to correspondingly soar.

According to the police, he was arrested because his protest was unauthorized as he had no police clearance. He was later released on bail on July 18, 2018.

On the same day, a civil society organization, Society for Democratic Initiatives (SDI), strongly condemned his arrest. In its press release, SDI stated that Sierra Leone is a signatory to international treaties that speak on freedom of expression and assembly. They called on the police to release the activist unconditionally.

After his release, Mr. Abu stated on the same date on Africa Young Voices (AYV) television during the 9:00 p.m. news bulletin that the arrest had made them 'to move the more for the reduction of the pump price of fuel'.

Section 26 (1) of the Constitution of Sierra Leone, Act No. 6 of 1991 provides as follows on the right to freedom of Assembly and Association:

'Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to any political party, trade unions or other economic, social or professional associations, national or international, for the protection of his interests.'

However, that right is restricted in Section 26 (2).

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- a. which is reasonably required—
 - i. in the interests of defence, public safety, public order, public morality, public health, or provision for the maintenance of supplies and services essential to the life of the community; or
 - ii. for the purpose of protecting the rights and freedoms of other persons; or
- b. which imposes restrictions upon public officers and upon members of a defence force; or
- c. which imposes restrictions on the establishment of political parties, or regulates the organisation, registration, and functioning of political parties and the conduct of its members;

and except in so far as that provision, or as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.



The Leader and Chairman of the Alliance Democratic Party (ADP), Mohamed Kamarainba Mansaray, was invited to the Criminal Investigation Department (CID) Headquarters in Freetown on Sunday, July 22, 2018 for a radio and television interview he granted on Friday, July 20, 2018 on Radio Democracy and AYV TV, to answer to allegation relating to the publication of False News, contrary to the Public Order Act (1965). On Monday, July 23, 2018, Mr. Mansaray reported at the CID, but was later released. He informed journalists that President Bio was the complainant in the matter for which he was invited for questioning by the Sierra Lone Police over his alleged use of defamatory language and inciting remarks against the president over his recent Ambassadorial appointments, the Government Transition Team (GTT) report and fuel price increments. He furthered that “the country’s democracy is under threat”, adding that he would not relent in criticizing the government objectively when there is need to do so, in order to keep the government on its toes.

3. STATUS OF REPORTED CASES

3.1 Interviews with journalists

Patrick Jaiah Kamara

In an interview, Mr. Patrick Jaiah Kamara of Concord Times Newspaper confirmed that he was attacked while covering the Run-Off Presidential Elections on 31st March 2018. He said the matter has been amicably resolved in an out-of-court settlement. The agreement between him and the Former Mayor of Freetown, Herbert George Williams and Sanuski Bruski of the All People Congress (APC), covered paying for Patrick's camera and digital recorder that were destroyed during the attack on him by the thugs. The matter was presided over by Magistrate Santigie Bangura at the Freetown Magistrate Court No. 1. Mr. Kamara said SLAJ and his media house, Concord Times Newspaper, provided full support, during the trial.

Thomas Dixon

According to Thomas Dixon, a close friend and colleague journalist of the late Ibrahim Samura, those who beat him up are yet to be brought to book; and media organizations like SLAJ and others, have not shown much interest in prosecuting the matter/pursuing the matter further.

However before the death of Mr. Samura, he had accepted an apology from the APC members in relation to the attack on his person.

Nevertheless, according to Mr. Dixon, it is incumbent on the state to prosecute the matter and get justice for Mr. Samura and his family.

SLAJ had also earlier called on the police and the justice sector to ensure that the perpetrators were brought to justice. Our monitors observed that at the time SLAJ was initially pressing for accountability, the association was attacked on the allegation that 'it wanted to score a political goal with the matter'.

Fayia Amara Fayia

Fayia Amara Fayia of Star Radio confirmed that on September 29, 2018, he was arrested and locked up in a cell by the Criminal Investigation Department (CID) in Freetown on allegation of Libel against the President and Government of Sierra Leone on social media. He had denied the allegation against him. Mr. Fayiah said he honoured an invitation to attend a TV Weekend Review programme on the African Young Voices (AYV) on September 29, 2018. Minutes into the programme, they were informed that CID officers were on the premises of AYV to arrest him. He said he left the studio and met with the police who walked him outside the AYV

compound and told him he was under arrest on libel charges against the President and Government of Sierra Leone.

Mr. Fayia said the Police requested for his mobile phone, which according to him, he refused to hand over initially, but the CID 'roughed' him up. Mr. Fayia said he was later removed from among other inmates and locked up in a small cell alone with no ventilation; and that the police lockup man said he 'was under instructions from above' (political orders) to treat him that way. Mr. Fayia said he spent up to six hours in lockup and was then taken out to make a statement. He said after that he was granted bail and instructed to be reporting on a daily basis, with one of his colleague staff members serving as surety.

Mr. Fayia said after he had finished his daily rounds in reporting and making statements to the CID, another allegation of libel against the President was brought against him by a young man he did not know. He said, the complainant had alleged that he had used his accident photos to defame the SLPP Government. Mr. Fayia Amara Fayia said the Police seized his phone pending the investigation, and has not been returned to him two months after.

According to Mr. Fayia, none of the cases have been charged to court and when he requested for his phone, the police told him they are still investigating. In this entire saga, Mr. Fayia said no media organization in Sierra Leone, including the SLAJ, where he is a registered member, has showed any concern towards the matter.

Abdul Fonti Kabia

According to Abdul Fonti Kabia, the CID dropped a letter for him at AYV reception in July 2018, but upon opening the letter, he realized that the letter was neither directed at him, nor the content, hence he ignored it. The CID later started pursuing him for questioning on the interview he had with Mohamed Kamarainba Mansaray in July 2018 on the programme 'Hot Seat'; and used the Independent Media Commission (IMC) to get the recording on the said interview. As the CID stopped pursuing him for questioning, the IMC pressured him to produce a copy of the interview he conducted with the ADP leader on the programme. Mr. Kabia said later he provided IMC with a copy of the interview.

According to the IMC Code of Practice of 2007, the Commission can demand the recording of all programmes broadcast on radio and television stations in the country. According to him, everything went back to normal thereafter and he has not had anything from anyone in relation to the matter.

Alhassan Jalloh

Mr. Alhassan Jalloh said on November 5, 2018, he contacted the Local Unit Commander (LUC) of the Lumley Police Station, Chief Superintendent of Police

(CSP), Alhaji Kamara to interview him on the fracas between the Leonco Filling Station at Lumley and a nearby Mosque. But according to him, the LUC said he [Alhassan] was hostile and that he [CSP Kamara] had already spoken to other journalists and he was tired. Mr. Jalloh stated that when he went to the crime scene to investigate, he was threatened, insulted, arrested and handcuffed by the police who seized his phone and forced him to open it with his finger print. He said the police went through his phone and deleted some recorded interviews. Mr. Jalloh added that his bag was snatched from him by the police and searched. He stated that he was pushed into a centre of about 20 armed police officers and that all these happened in the presence the LUC.

SLAJ contacted the police on the matter and they claimed that they are investigating it.

Ransford Metzger

Ransford Metzger of the African Young Voices (AYV) TV, admitted to our monitor that he was assaulted by some school administrators. He said the case had been closed as he dropped off charges and did not pursue the matter to court. Mr. Metzger said he believed that justice had prevailed as the perpetrators were arrested and they showed signs of remorse by apologising to him and AYV.

The CID followed up on the matter, following the news on television, and arrested the alleged perpetrators. They were held at the CID and were released after Ransford Metzger decided to drop off the charges.

John Koroma

In a telephone conversation, the Editor of the Awareness Times Newspapers, John Koroma, said he had reported an attack on his person at the CID Headquarters in Freetown and some of the eyewitnesses have testified to the police on the matter. But Koroma said no arrest has been made.

Nimalty Kamara

In a telephone conversation, the Editor of the Elephant Newspaper, Nimalty Kamara, said he was attacked and assaulted by nine youth of the ruling Sierra Leone People's Party (SLPP). He said he was attacked because the youth claimed that his newspaper was writing positive things about the former APC-led government. Kamara said his newspaper was labelled as 'an APC mouthpiece'. He said he reported the incident at the Kenema Police Station and three of those who attacked him were charged to Court in November, 2018; and several hearings have been conducted.

3.2 Update from the Sierra Leone Police on the Cases

Interviews were conducted with the Head of Police Media, Superintendent Brima Kamara and his deputy, Assistant Superintendent Samuel Saio Conteh.

On the issue of Ibrahim Samura of the New Age Newspaper, the police said although Samura accepted an apology from the alleged perpetrators before he died; they were still investigating the matter. They disclosed that Warrants of Arrests are in force for all the alleged perpetrators, who are reportedly on the run.

As regards the arrest and detention of Edmond Abu, the Executive Director of Native Consortium and Research Centre, a civil society organization, the police said they brought him in for interrogation on staging an unauthorised protest on the removal off subsidy on fuel. The Police said they saw his planned protest as a threat to public safety and security, hence his arrest. However, the Police said Mr. Edmond Abu was just warned and all charges against him were dropped.

On the matter relating to Abdul Fonti Kabia of AYV being invited by Police, the Police said they did not do any follow-up on the matter. The SLP said they no longer needed Mr. Kabia for the investigation as the matter was with the Independent Media Commission (IMC).

On the issue relating to Fayia Amara Fayia, the Police said the matter is still under investigation.

On the matter between Alhassan Jalloh and Chief Superintendent of Police (CSP), Alhaji Kamara, LUC of the Lumley Police Division, the Head of Police Media, Supt Brima Kamara said he was looking into it towards a suitable settlement. He however said the report from the LUC of the Lumley Police Division stated that Mr. Alhassan Jalloh failed to adhere to the advice of the police to leave the premises where they were investigating; and that he was hostile and threatened to write something negative against the Police through his newspaper.

On the issue relating to Patrick Jaiah Kamara of the Concord Times Newspaper, the police said the matter had been dropped because Patrick Jaiah Kamara accepted an out-of-court settlement with the alleged perpetrators and at such; there was no need to continue with the case.

In a follow up on the issue of Ransford Metzger of AYV, the police said since they did not prosecute the matter as he [Ransford] had accepted apologies from the alleged perpetrators, the matter had been dropped.

On the issue of Mohamed Kamarainba Mansaray being invited by police for questioning over statements he made during a radio program, the police said they

invited Mr. Mansaray for questioning and afterwards they released him and dropped all possible charges after cautioning him.

In relation to the alleged assault of the Editor of Awareness Times Newspaper, John Koroma, when covering the by-election in Kambia, the police said Mr. Koroma had not been able to identify those that attacked him; and as such, the Police have been unable to arrest any suspect. However, the police will continue to follow-up on the matter.

On the issue of the attack on the publisher of 'The Elephant Newspaper, Nimalty Kamara, allegedly by youth of the ruling Sierra Leone People's Party (SLPP), police said that the matter had been charged to court.

3.3 Sierra Leone Association of Journalists Position on Press Freedom

The Sierra Leone Association of Journalists (SLAJ) condemned the attacks on journalists. It also condemned the invitation/arrests of journalists and other activists' using provisions in the criminal and seditious libel laws. SLAJ has over the years condemned the retention and use of criminal and seditious laws in the country. It has also advocated the safety and protection of journalists.

In its specific response to some cases, SLAJ noted that Fayia Amara's arrest was related to a series of posts on Facebook, in which he personally attacked the President of Sierra Leone, Julius Maada Bio. "It has nothing to do with his practice as a journalist. Moreover, Fayia has been a recalcitrant member of SLAJ. Nevertheless, when we contacted the police following his arrest, we understood he had been invited several times 'to be cautioned' in relation to his posts on Facebook, but refused to show up despite assuring the Police he would come. SLAJ facilitated his release without his knowledge", the association stated.

On John Koroma of Awareness Times, SLAJ said it was informed of the alleged attack on Mr. Koroma during his coverage of the bye-election in Kambia District and the Secretariat swiftly cross-checked with the SLAJ Regional Chairman, North. "We received conflicting reports from colleague journalists who alleged John was never assaulted. Nevertheless, SLAJ took up the matter with the Police, who assured the Association they were investigating the alleged incident along with others", the associated added.

On Ibrahim Samura, SLAJ said it has been pursuing the case since the incident happened. "In our recent engagement with the Sierra Leone Police, they assured SLAJ that investigations were still on-going into the circumstances leading to Samura's death. We recently responded to CPJ's request for an account of Samura's

alleged beating (and eventual death) and update on Police investigations into the matter. SLAJ understands that some of the alleged culprits are back in the country and we have alerted the Police. We'll continue to monitor progress on the matter and pile pressure for a speedy conclusion, as our aim is to get justice for our departed colleague", SLAJ stated.

SLAJ said it will continue to monitor and follow-up with the police and other relevant authorities on all matters related to press freedom.

Similarly, on World Press Freedom day in 2017, President Lewis said quality journalism can thrive only in an environment that is enabling towards free, independent and pluralistic media. When these conditions are in place, the media have enormous potential to advance good governance, democracy and inclusive societies. Only a legal framework that safeguards press freedom, freedom of information and freedom of expression allows for a free, independent and quality media sector to emerge and grow.

3.4 Government's position on Press Freedom Issues

Since the assumption into office of the current government, there had been commitments to the repeal of criminal libel laws and enhancing the media profession in the country.

In its manifesto prior to the elections, the SLPP noted that it will repeal the seditious libel laws. In his inaugural address on the State Opening of the First Session of the Fifth Parliament of the Second Republic of Sierra Leone on May 10, 2018, the President reiterated the repeal of seditious libel law and pledged to support the School of Journalism and other institutions to train journalists, encourage the private sector to invest in the media, provide budgetary subvention to SLAJ and enhance the capacity of the IMC to enforce the IMC Act.

Furthermore, in his statement at the 73rd Session of the United Nations General Assembly in New York on the September 27, 2018, President Julius Maada Bio said "We are fully committed to promoting a free press, rescinding adversarial public order laws, and protecting and promoting the right of citizens to know and to access information."

At an inaugural Media Cocktail Dinner at Radisson Blu Hotel Mammy Yoko in Freetown on Wednesday, December 5, 2018, President Julius Maada noted that whilst the 1965 Public Order Act may have been passed to muzzle the press, yet the wording of the Act clearly puts every citizen's right to free speech in jeopardy. Even where justification for its retention may abound, the overwhelming and preponderant view is that criminalizing libel is no longer fanciful, and seems to import what was formerly an autocratic style into democratic governance. He said a Cabinet paper with full concurrence of the Attorney General is now before Cabinet for consideration. "It is my honest and genuine view that Part Five of the Public Act of 1965 should be repealed and will be repealed in the shortest possible time", the President added.

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 and other human rights organisations have continued to argue that the existence and/or use of the criminal and seditious libel laws in Part V of the Public Order Act, 1965 contravene the constitutional provision of freedom of expression and of the press. The law affects the practice of journalism in Sierra Leone. SLAJ has taken several steps to ensure that the said law is repealed including taking the matter to the Supreme Court in which the Court ruled against the Association that it lacked the locus to take the matter to court because it was not under threat or eminent threat, and the law was not in conflict with the Constitution.

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

A statutory body exists in Sierra Leone established by an Act of Parliament that regulates the media. The Independent Media Commission (IMC) is charged with the responsibility to register newspapers and license radio and television stations. The National Telecommunication Commission (NATCOM) has the mandate to allocate spectrums/frequencies based on the decision of IMC and other technical parameters.

On June 26, 2018, the IMC Board and NATCOM were dissolved alongside management/oversight Boards of parastatals and other state institutions through a press release from State House. The release, among other things, stated that the dissolution was part of a Government restructuring process. This affected the issuance of licenses to radio and television stations. There are serious concerns about the allocation of licenses to radio and television stations; while NATCOM had indicated that there were no frequencies for the Western Area, there are complaints from some applicants that the IMC had sent their recommendations to NATCOM for years, but NATCOM had allotted frequencies to more recent applicants. They stated that NATCOM was not transparent and accountable in allocating frequencies/spectrums. The new NATCOM team is currently addressing issues relating to the allocation and use of frequencies/spectrums.

The IMC did not register any newspaper or license any radio or TV during that period. However, IMC continued to regulate the media with its Secretariat staff, but was unable to perform key functions like dealing with complaints against media practitioners and giving licenses and registration of media institutions. There were lots of concerns from the public about the state of the IMC by then. The IMC Board was reconstituted in October, 2018. The new Chairman and Commissioners had their first meeting in November, 2018. .

6. PERFORMANCE OF MEDIA INSTITUTIONS

There is a general improvement and progress in the outputs of media institutions. This is reflected in their contents and programming. However, there are still concerns that a number of media institutions continue to publish and broadcast contents that breach ethical standards or are in contravention of the country's laws.

SLAJ in its press release on World Press Freedom Day stated that "Original, analytical and well-researched journalism is needed today more than ever before." It added that professional media that promote discussion, reflects a diversity of opinion and perspectives should be encouraged thus promoting good governance, democratic principles and an informed electorate. Communication and information are the drivers of positive change and journalists are the living embodiment of these freedoms.

7. STATUS OF MEDIA LAWS IN SIERRA LEONE

a. Specific Acts containing Media Laws and Regulations that are still in force

Source: MRCG State of the Media Report, 2015

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	1939	Still in force
2.	Undesirable Advertisement Ordinance - Cap 114 in the Laws of Sierra Leone, 1960	1960	Still in force
3.	Defamation Ordinance - Act No. 32	1961	Still in force
4.	The Independent Media Commission (IMC) Act No. 12 of 2000 as amended.	2000 as amended in 2006 and 2007	Still in force
5.	Sierra Leone Broadcasting Corporation Act	2010	Still in force
6.	The Law on Contempt of Court	Common Law	Still in force

Source (Sowa & Kapuwa, 2015)³

a. Other Statutes (Acts of Parliament) relating to media regulation that are 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	Still in force
2.	Criminal Libel - The Public Order Act (No. 46) of 1965.	1965	Still in force, but there are efforts by SLAJ to ensure that Government repeals it.
3.	Publication of False News - The Public Order Act (No. 46)	1965	Still in force

³ Francis Sowa and Joseph Ebenda Kapuwa, Media Laws and Regulations: Review and Update on Sierra Leone's Statutory and Self-Regulatory Models (2015)

4.	Seditious Libel - The Public Order Act (No. 46)	1965	Still in force
5.	Constitution of Sierra Leone - Freedom of Expression and of the Press	1991	Still in force but under review
6.	Constitution of Sierra Leone - Public Emergency Law	1991	Still in force but under review
7.	Constitution of Sierra Leone - Law of Contempt of Parliament	1991	Still in force but under review
8.	The International Covenant on Civil and Political Rights of 1966 (domesticated in 1996).	1995	Still in force
9.	Pharmacy and Drugs Act	2001	Still in force
10.	The Telecommunications Act	2006	Still in force
11.	The Child Rights Act	2007	Still in force
12.	The Anti-Corruption Commission Act	2008	Still in force
13.	The Copyright Act	2011	Still in force
14.	The Sexual Offences Act	2012	Still in force
15.	The Right to Access Information Act	2013	Still in force

Source (Sowa & Kapuwa, 2015)⁴

b. Codes dealing with media regulation still in force

No.	Codes	Year	Status of the law
1.	Code of Ethics of the Sierra Leone Association of Journalists	2000	Still in force. It has been reviewed
2.	The IMC Media Code of Practice	2007	Still in force

Source (Sowa and Kapuwa, 2015)⁵

⁴ (Ibid,2015)

⁵ (Ibid,2015)

8. CONCLUSION

The cases above relate to freedom of expression and of the press, freedom of assembly and the safety and security of journalists. The police did not pursue some of them further and therefore, most of them were not charged to court, while some were settled out of court.

While, there are general constitutional guarantees for freedom of expression and of the press, there are still criminal libel provisions in Part V of the 1965 Public Order Act that criminalizes libel, with a chilling effect and hinders the growth of the media industry in the country.

For effective guarantee of the right to freedom of expression and of the press, there must be a situation in which journalists execute their duties without fear. In effect, the governments should ensure that Part V of the 1965 Public Order Act is repealed as pledged by the President of Sierra Leone. The civil libel law, the IMC Media Code of Practice and the other self-regulatory mechanisms should be used to regulate the media.

9. RECOMMENDATIONS

- Government should ensure that justice is given to those journalists who suffered in the hands of the politicians during the 2018 run-off presidential election.
- SLAJ should take the lead and be given the freehand by victims of press freedom abuse/violations and their media houses in seeking justice on their behalf.
- Government should speedily repeal the criminal and seditious libel law provisions in Part V of the Public Order Act of 1965.
- Government should ensure that journalists and citizens continue to enjoy their rights to freedom of expression, including press freedom, and assembly.
- 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 as citizens.
- Journalists should be given the freehand to execute their duties and exercise their responsibilities without fear or hindrance.
- Journalists should abide by ethical standards in their coverage and reportage
- The IMC should popularise the IMC Act and Media Code of Practice among journalists and the Police.
- SLAJ should popularise its Media Code of Conduct among its membership.

10. LIST OF SOURCES

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