



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



Report on Press Freedom in Sierra Leone - December 2019 to May 2020

Produced by Media Reform Coordinating Group (MRCG)
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ACRONYMS/ABBREVIATIONS

| | | |
|----------|---|---|
| ACC | - | Anti-Corruption Commission |
| ADP | - | Alliance Democratic Party |
| APC | - | All Peoples Congress |
| AYV | - | Africa Young Voices |
| 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 |
| DPP | - | Director of Public Prosecution |
| GoE | - | Guild of (Newspaper) Editors |
| GoSL | - | Government of Sierra Leone |
| IMC | - | Independent Media Commission |
| MIC | - | Ministry of Information and Communications |
| 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 |
| 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 |
| SLP | - | Sierra Leone Police |
| SLPP | - | Sierra Leone People's Party |
| SLRCS | - | Sierra Leone Red Cross Society |

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EXECUTIVE SUMMARY

This Report on ‘Press Freedom in Sierra Leone’ is the fourth in a series produced by the Media Reform Coordinating Group (MRCG). It is a component of a project titled, “Enhancing Press Freedom and Reforms of Media Laws in Sierra Leone”, supported by the National Endowment for Democracy (NED) in the United States of America. The Report, which covers the period December 2019 to May 2020, monitors 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, broadcast on radio and 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/issues covered in this Report are:

1. 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, which matter is now at the High Court of Sierra Leone.
2. 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.
3. Implementation of the recommendations of an independent Committee set up by the Ministry of Information and Communications (MIC) to investigate the alleged assault on two female sport journalists (Francess Bernard-Bundor and Easter Marie Samura) of the Sierra Leone Broadcasting Cooperation (SLBC) by Presidential guards during the FIFA World Cup 2022 Preliminary return-led match between Sierra Leone and Liberia on 8th September 2019.
4. Alleged threat by the former Inspector General of Police, Richard Moigbeh, to arrest Alex Lawrence Koroma, Producer, Radio Democracy FM 98.1 ‘Good Moring Salon Programme’, on 23rd February 2020 for a programme he produced on the state of security.

5. The commitment of the case of the late journalist Ibrahim Samura from the Magistrate Court in Freetown to the High Court of Sierra Leone.
6. The arrest and detention of Chernor Jalloh, Reporter, Radio Democracy; Yusuf Bangura, Concord Times Newspaper; and a civil society activist, Thomas Moore Conteh, Executive Director of Citizens' Advocacy Network (CAN) by police on 5th March, 2020 during a Limkokwing University protest over fee subsidies by the Government of Sierra Leone.
7. 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 20th March 2020.
8. 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.
9. 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.
10. The arrest and detention of Adeyemi Jackson of Universal Radio by Sierra Leone Police in Freetown on the 21st May 2020.

The MRCG data show that out of the 10 cases monitored, three have been concluded. The Recommendations proffered by a Committee set up by Ministry of Information and Communications (MIC) on the assault on two female sport journalists (Francess Bernard-Bundor and Esther Marie Samura) of the Sierra Leone Broadcasting Cooperation (SLBC) by Presidential guards, have been effected by the Government; the case on the arrest of a civil society activist, Thomas Moore Conteh, Executive Director of Citizens' Advocacy Network (CAN) and Chernor Jalloh, Reporter, Radio Democracy and Yusuf Bangura, Concord Times Newspaper was dismissed by Magistrate Hannah Bonnie; and the alleged threat by the Inspector General of Police to arrest Alex Lawrence Koroma, a producer of Radio Democracy FM 98.1 'Good Moring Salon Programme' for a programme he produced on the state of security, was not executed.

The case of Nimalty Kamara of Elephant Newspaper at the Kenema Magistrate Court has been committed to the High Court; the case of the late journalist Ibrahim Samura has been closed at the Magistrate Court level and committed to the High Court of Sierra Leone; the case of the alleged assault of journalist Fayia Amara Fayia of Star Radio and Standard Times Newspaper by military officers in Kenema is still at the Magistrate Court No.1; the alleged assault and intimidation of Stanley Sahr Jimmy, Station Manager, Wusum Radio FM 88.5 in Makeni by police officers at the Mena Police Station is in court; the alleged attack on Ibrahim Mansaray 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 of Sierra Leone, is under police investigation; the invitation of the Managing Editor/Publisher of the Nationalist Newspaper, Mohamed Sankoh (AKA, 'One Drop') who

was released on bail to the SLAJ President; and the matter on the arrest of Adeyemi Jackson of Universal Radio are under police investigation.

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

- The arrest and detention of Alpha Thorley of the NightWatch Newspaper by the Police on 14th January, 2019 on 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.
- The alleged death threat against the BBC's Mr. Umaru Fofana allegedly by a member or supporter of the opposition APC in an audio circulated on social media: Police said the file has been kept in view as they are constrained by the lack of corporation from the witnesses. They further disclosed that the matter had been transferred to the Complaint Discipline and Internal Investigations Department (CDIID) for further investigation.
- The alleged attack on the two journalists of AYV (Augusta Ethel Turay and Bockarie Samai) in Makeni on the 16th January, 2019. There had been no progress on the matter because the police say they could not do anything about it until the alleged victims return to them with their endorsed medical reports.
- 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: Fayia said he was later told by the investigator that the file had been forwarded to Director of Public Prosecution (DPP) and since then, he has not received any information on the progress of the matter. He said the police were yet to return his phone which they seized from him. The new police response stated that the file is with the Law Officers Department for perusal and legal advice.
- The alleged attack on the then Editor of the Awareness Times Newspaper, John Koroma on September 29, 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 after visiting the police for about three times, but with no positive response, he decided to stop following up on his 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 arrest and detention of Mahmud Tim Kargbo on 20th September 2019 for allegedly publishing a defamatory article against Hon. Justice Miatta Samba, an Appeal Court Judge, headlined, ‘Justice Redefined by Miatta Samba’, which is said to have accused the Judge of corruption and incompetence: The matter is still in court.
- The arrest and detention of the Managing Editor of the Times SL Newspaper, Sallieu Tejan Jalloh (Sal Tee) in Freetown by the police on 11th 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: The matter is still at the CID.

Concerns by MRCG

- The MRCG is concerned that despite Government’s commitment to repeal Part V of the Public Order Act, 1965, (Act No. 46 of 1965), provisions in that law were still being used to prosecute on defamatory and seditious libel, including the recent charges against the former Minister of Social Welfare, Dr Sylvia Blyden, in May 2020. But, President Julius Maada Bio in a national broadcast on the 8th May 2020, reassured the public that his government is committed to repealing Part V of the law. He said ‘persons who have been arrested are not being held because of their political beliefs or their professional work as journalists’. He added that: “The right to free speech is guaranteed in our democracy and in our constitution. But no democracy guarantees a right to speech that incites criminal violence, foments hate and divisiveness, causes public disorder, and threatens the security and stability of the state.”
- The MRCG is also concerned about the state of some cases in which journalists were arrested, detained and released without any 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 notes that most of the arrests were based on alleged breaches of the Public Order Act of 1965. However, during this reporting period, the MRCG notes that a bill entitled, “The Public Order (Amendment) Act, 2019” was tabled in Parliament. It seeks to amend the law by repealing Part V, which deals with defamatory and seditious libel and to provide for other related matters. This followed Cabinet’s decision in September 2019 in favour of repealing of the law. However, Parliament did not debate the bill as at the end of the reporting period for this Report of 31st May 2020.
- The MRCG continues to join its partners in reaffirming the call for the repeal of that Part of the law. 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 fourth report, produced by the MRCG, is one of the components under a project titled, “Enhancing Press Freedom and Reforms of Media Laws in Sierra Leone”, 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 has 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. The MRCG believes that this undermines free speech as guaranteed by the 1991 Constitution of Sierra Leone; and by extension, international best practices and standards.

The report covers a six-month period – December, 2019 to May 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 with some individuals who were either reportedly attacked, intimidated or arrested, where necessary. Officials of institutions named in some of the issues were also interviewed.

A total of 10 major issues have been addressed in this report. In addition, this report follows up on cases in the first, second and third editions, which span from June 2018 to November 2019, but were still inconclusive.

The MRCG thanks NED for funding the project. Special thanks also go to the authors of the monthly reports, namely Rosaline Amara and Jonette-Ann Matilda Olufunke Greene, and their supervisors, James Harvey, Usman Bah and Augustine S. James. This fourth 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

IN DECEMBER 2019, no case was reported about the assault, arrest, detention and/or intimidation of any journalist, but MRCG followed up on the issue of Salieu Tejan Jalloh who was arrested and detained in November and his recording equipment seized. In a telephone interview with the journalist, he told MRCG that he was invited at the Criminal Investigations Department (CID) on Tuesday, 3rd December, 2019, where he was ordered to make an additional statement. He said the CID requested him to disclose his source, but he declined, citing that his health condition was unsatisfactory and that his lawyer was not around. He said his movement was restricted at CID for the rest of that day and was only released through the intervention of the President of SLAJ, Ahmed Nasralla and the BBC's Umaru Fofana, who engaged their leadership. After his release, he said the police requested him to report again on Wednesday, 4th December, 2019, but he did not show up as he was scared of being forced to disclose his source.

Also, in December, the MRCG followed up on the issue of Nimalty Kamara of Elephant Newspaper in the Eastern Part of Sierra Leone who was allegedly assaulted in Kenema by some supporters of the ruling Sierra Leone People's Party (SLPP) for criticising the new regime of President Julius Maada Bio in 2018. According to him, police arrested the suspects and charged them to court. Nimalty told MRCG that the matter was committed to the High Court in Kenema in December 2019.

IN JANUARY 2020, the Calabash Newspaper reported that three journalists in the Northern region of Sierra Leone - Ibrahim Manasaray, aka 'Hebro' of the Sierra Leone Broadcasting Corporation (SLBC) in Makeni, Abdul M. Jalloh of Amzas Radio in Makeni and Foday Moriba Conteh of Calabash Newspaper in Tonkolili Districts - were attacked by violent youths of Sambaia Chiefdom, in the Tonkolili District, allegedly on orders of Hon Alhaji Musa Bamba Foray Jalloh, commonly known as Musa Bendugu of Constituency 056, Sambaia Chiefdom, Tonkolili District.

The newspaper reported that the youths disrupted the "Put the Sambaia Chiefdom First" meeting that was held to investigate concerns raised by residents on improving their living standard. During the incident, Calabash Newspaper reported that the two journalists were chased away by those youths and narrowly escaped death. After that incident, the Calabash Newspaper reported that on 4th January 2020, Hon. Jalloh consented to be interviewed by them in his chiefdom - Sambaia Chiefdom - to which Foday Moriba Conteh was assigned to conduct the interview, but the journalist was allegedly beaten up 'mercilessly' by youths of Sambaia Chiefdom, and his personal effects and money carted away.

When contacted by the MRCG monitor, Hon. Alhaji Musa Bamba Foray Jalloh, said he was not a party to all those allegations and that they were 'blatant lies' designed to dampen his character and reputation. He said he never ordered any attack on anybody, adding that 'the wrong and bias information' has been published against him in various news media. Hon Jalloh said the matter was under investigation by the Bendugu and Magburaka Police.

IN FEBRUARY 2020, there was no reported case of arrest and detention of any journalist, but there was a threat to arrest a journalist, which did not happen.

On 23rd February 2020, Alex Lawrence Koroma, one of the producers of Radio Democracy FM 98.1 Good Moring Salon Programme, reported a threat on his Facebook wall and WhatsApp status by the former Inspector General of Police, Richard Moigbeh, to arrest him in a telephone conversation, for a programme he produced on the state of security, to which he said the police were invited, but they did not show up. From MRCCG’s monitoring, the threat to arrest him was not executed.

On 4th February 2020, recommendations by an independent Committee set up by the Ministry of Information and Communications on the assault of two female sport journalists (Francess Bernard-Bundor and Easter Marie Samura) of the Sierra Leone Broadcasting Cooperation (SLBC) by Presidential guards at the National Stadium during the FIFA World Cup 2022 Preliminary return-led match between Sierra Leone and Liberia on 8th September 2019, were effected.

The Committee found the Presidential body guards wanting and administrative actions were taken against them. There was a recommendation that the state should refund the medical bills of the journalists through the Ministry of Information and Communication and their properties that were destroyed or got missing should be paid for. On 4th February 2020, the recommendation was implemented. President Bio formally apologised to the journalists during the annual presidential media cocktail in December 2019.

The case of the late journalist Ibrahim Samura who was allegedly beaten up by thugs of the All Peoples Congress (APC) at a polling station in Lumley during the March 31st Presidential run-off election and later died at the 34 Military Hospital at Wilberforce on the 6th June 2018, was closed at the Magistrate Court. In October 2019, Herbert Williams, the Former Mayor of Freetown; and Abu-Bakr Daramy, Western Area Spokesman of the opposition APC were arrested on the said matter. The case, presided over by Magistrate Mark Ngegba of Court No. 2, Pademba Road, Freetown, has been committed to the High Court.

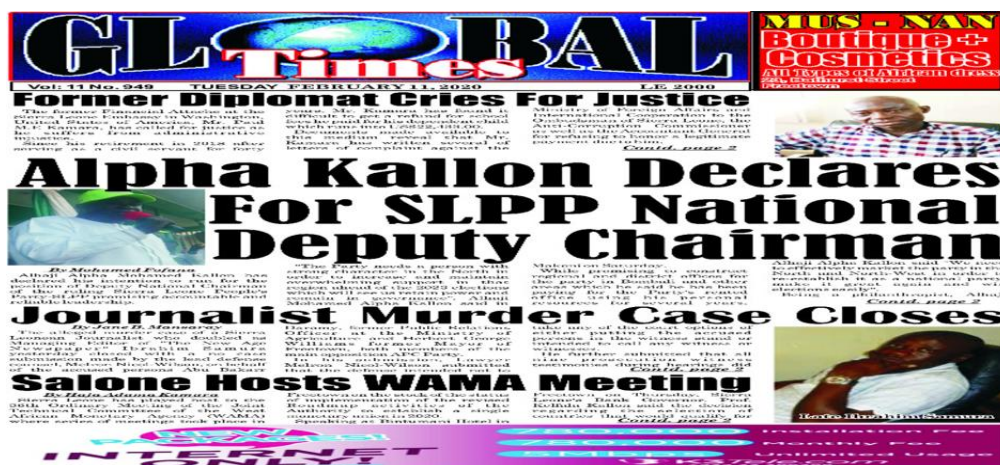


Fig 2.1: Global Times Newspaper, 11th February 2020 - Journalist Murder Case Closes

IN MARCH 2020, students of the Limkokwing University staged a peaceful protest over fee subsidies by the Government of Sierra Leone. A journalist from Radio Democracy, Chernor Jalloh and another from Concord Times, Yusuf Bangura were arrested, while covering the protest. But with the intervention of Sierra Leone Association of Journalist (SLAJ), the two journalists were released from police detention on the same day.



Fig 2.2: Mohamed Asmieu Bah’s Facebook post, 5th March, 2020- SLAJ secured the release of two journalists

Also, Mohamed Sankoh (AKA ‘One Drop’), the Managing Editor/Publisher of The Nationalist Newspaper told the MRCG monitor that on 20th March 2020, he was invited by Police in relation to an opinion piece he published on the Catholic Church between Bishop Carew and Archbishop Edward Tamba Charles on President Bio’s wedding. According to Mohamed Sankoh, it was a news vendor who took the publication to Santono House by Howe Street, Freetown to blackmail the Archbishop. After making a statement to the Police, Mohamed Sankoh was released and no charge was proffered against him.

IN APRIL 2020, there was a report on the assault of journalist Fayia Amara Fayia of Star Radio and Standard Times Newspaper by military officers in Kenema and his subsequent arrest and detention by Police in Kenema. According to a press release issued by the Sierra Leone Association of Journalists (SLAJ) on 10th April, 2020, “Fayia was mob-beaten by about nine military officers allegedly led by one Major Fofana and arrested on Wednesday, 1st April, 2020 in Kenema in the line of duty.”

The journalist and his colleagues were refused entry into a potential quarantine venue at Dama Road, Kenema that was barricaded and secured by the military ‘while other people were allowed accesses. The release stated that Fayia was mob-beaten because he attempted to take snapshots of a truckload of rice being offloaded within a barricaded area after he a colleague were denied entry into the venue. The journalist decided to take photos of the scene with his phone from a distance, Major Fofana allegedly stepped forward and grabbed his mobile device from him and later ordered his colleagues to beat him up.

The release stated that after the alleged assault incident, Fayia was taken to the Kenema Police Station where journalists in the township trooped in and demanded their colleague be taken to hospital, as he was in a very bad shape. He was subsequently admitted at the Kenema Government Hospital in handcuff where he was instantly put on a wheelchair as a result of the injuries he sustained.



Fig 2.3: Provincial Times Newspaper, 4th April, 2020 - Journalist Fayia Amara Severely Beaten on Military Order

“On Saturday, 4th April, 2020, Fayia was whisked off to the Kenema Police Station on the pretext of only to obtain statement from him, but was held in custody afterwards. He spent the entire three-day national Corona Virus Pandemic response lockdown under detention, despite his deteriorating health condition,” stated a SLAJ Press release.

The release also stated that on 8th April, 2020, the Police charged Fayia with ‘disorderly behaviour and obstruction of security services’; and that on 9th April, 2020, Fayia appeared at the Kenema Magistrate Court No. 1, where he reportedly collapsed. SLAJ stated that Fayia was subsequently granted bail in the sum of Thirty Million Leones (Le30, 000,000.00), equivalent to US\$3,000 plus two sureties; and the matter adjourned to 15th April, 2020.



Sierra Leone Association of Journalists

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On Saturday, 4th April, 2020, Fayia was whisked off to the Kenema Police Station on the pretext of only to obtain statement from him, but was held in custody afterwards. He spent the entire national lockdown under detention despite his deteriorating health condition.

On Wednesday, 8th April, 2020 the Police charged Fayia with three counts of 'disorderly behavior and obstruction of security services'.

On Thursday, 9th April, 2020, Fayia appeared at the Kenema Magistrate Court No. 1, where he reportedly collapsed. He was subsequently granted bail in the sum of **Le30 million** plus two sureties; and the matter adjourned to 15th April, 2020.

In another incident, report from our Regional Executive North say Police at the Mena Police Station, five of them, mob beat journalist **Stanley Sahr Jimmy**, Station Manager of Wusum Radio 88.5FM in Makeni on Sunday, 5th April, 2020 at about 10:45pm. The journalist reportedly went to the police station to report an alleged break-in into his radio station. While making his report, an argument reportedly erupted between him and some of the police officers which allegedly resulted to his beating. He was forcefully dispossessed of his phones.

Jimmy reportedly sustained injuries to his lower abdomen, mouth and left eye. A medical report has been tendered to the CDIID while he is responding to treatment.

SLAJ vehemently condemns the actions of the RSLAF and SLP personnel and urges both the **Chief of Defence Staff RSLAF** and **Inspector General of Police** to seriously look into the matter and ensure the alleged culprits are brought to book.

"This kind of attitude by our security forces is uncalled for and is worrying. Our security forces seem to have no other means of dealing with journalists other than physically assaulting them. It seems as if a key element of their training is how to beat journalists. The list of police/military assault on journalists is long. I say to security officials, if you want to fight go start a war with Liberia or Guinea; leave journalists to do their work. We are not punching bags. It's a shame that our security forces seem to have no clue about the role of the media in our democracy. This has to stop! Enough is enough!" said SLAJ President, **Ahmed Sahid Nasralla**.

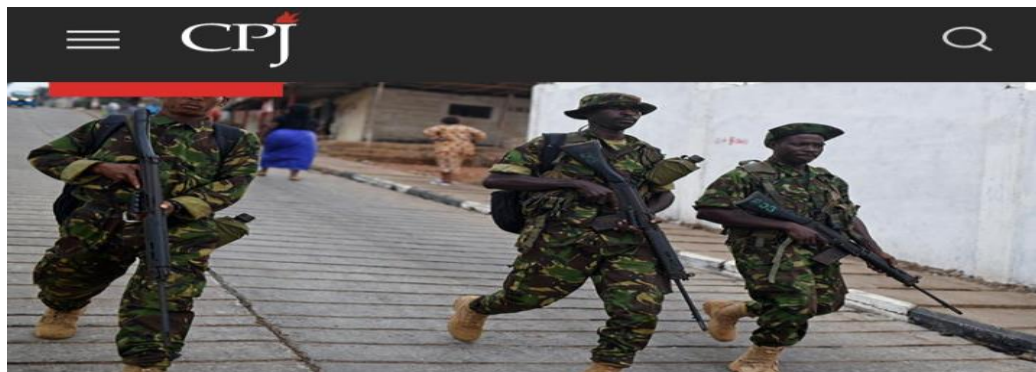
Fig 2.4: SLAJ's first press release on the arrest of Fayia Amara Fayia

"This is an unfortunate incident as it comes in the wake of the Coronavirus crisis when the role of journalists is pivotal to the national response effort. No matter the facts of the incident, I believe the military has no right to mob an unarmed journalist whose only crime may be over-zealousness in doing his work," said SLAJ President, Ahmed Sahid Nasralla



Fig 2.5: Photos of Fayia Amara Fayia on wheelchair

On 28th April 2020, the Committee to Protect Journalists (CPJ) called on authorities in Sierra Leone to immediately drop all charges against Fayia Amara Fayia and ensure that those responsible for the attack on him face justice and account for their actions. “Authorities in Sierra Leone should be working to beat the Coronavirus, not the press. It is beyond outrageous that journalist Fayia Amara Fayia has been charged with assault and disorderly conduct after being attacked by soldiers. Fayia’s attackers should be the ones facing the trial, not the other way.” Angela Quintal, CPJ’s African Programme Coordinator was quoted by the CPJ.



● Soldiers are seen in Freetown, Sierra Leone, on March 31, 2018. Security forces recently assaulted and detained journalist Fayia Amara Fayia. (Reuters/Olivia Acland)

Sierra Leone security forces attack, charge journalist covering COVID-19

April 28, 2020 4:31 PM ET

Fig 2.6: CPJ online post, 28th April, 2020 - Sierra Leone Security forces attack, charge journalist covering COVID-19

On 5th April 2020, journalist Stanley Sahr Jimmy, Station Manager of Wusum Radio 88.5 FM, Makeni, was allegedly “mob-beaten” by five police officers at the Mena Police Station. According to SLAJ, he went to report an alleged breaking into his Radio Station, but an argument ensued in the process between some of the police officers and him, which allegedly resulted to his beating and ‘forcefully dispossessed’ of his phone.

“Jimmy reportedly sustained injuries to his lower abdomen, mouth and left eye. A medical report has been tendered to the CDIID while he is responding to treatment,” stated the SLAJ press release.

According to the Police, the matter has been charged to court.

Because of what seems to be becoming a pattern of the beating of journalists in the line of duty, like in the cases of Fayia Amara Fayia and Stanley Sahr Jimmy, SLAJ issued a press release on 10th April 2020, captioned: “SLAJ condemns State Sanctioned Brutality against Journalists”. The Association expressed its disaffection against such ill-treatment, asserting that it ‘vehemently condemns the actions of the RSLAF and SLP personnel’ and urged the Chief of Defence Staff, RSLAF and Inspector General of Police to look into the matter and ensure the culprits are brought to law.

The position of SLAJ against the attacks and beating of journalists in the country was widely covered by some newspapers which also condemned the act.



Fig 2.7: Guardian Post, 15th April, 2020 - SLAJ Acidic Warning to Government - SLAJ condemns State Sanctioned Brutality against Journalists - Enough is Enough.

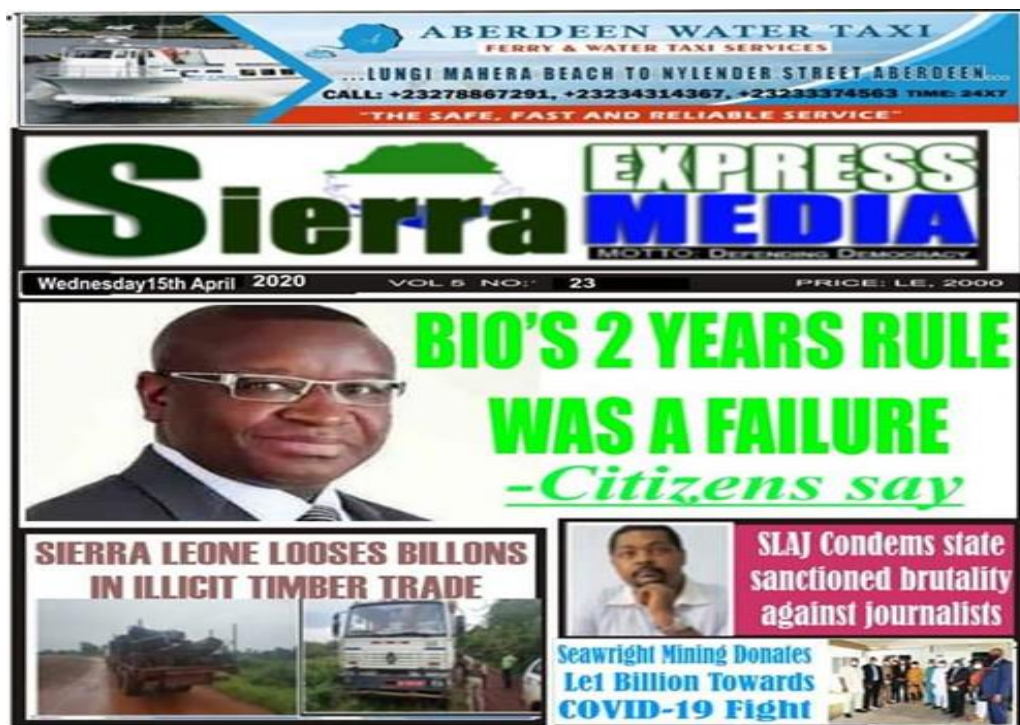


Fig 2.8: Sierra Express Media, 15th April, 2020 - SLAJ condemns State Sanctioned Brutality against Journalists

IN MAY 2020, police arrested and detained Adeyemi Jackson of Universal Radio at the CID Headquarters in Freetown. He was arrested and detained on 21st May 2020 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. The journalist was released on the next day, 22nd May, 2020 after the intervention of the Sierra Leone Association of Journalists (SLAJ).

2.2 Attacks on and Arrest of Civil Society Activists

IN MARCH 2020, a civil society activist, Thomas Moore Conteh, Executive Director of Citizens Advocacy Network (CAN) was arrested by police on the 5th March, 2020 during a Limkokwing University protest over fee subsidies by the Government of Sierra Leone.



Fig 2.9: The Times-SL, 6th March, 2020 - Police Brutalize unarmed Civil Right Activist, Journalists and Students

Several other human rights advocates and organisations, including Freedom of Expression campaigners, joined the advocacy for the release of Thomas Moore Conteh; among them the Centre for Human Rights and Development International (CHRDI). The CHRDI Executive Director, Abdul M. Fatoma stated on his Facebook page that “CHRDI” strongly believes that peaceful protest is a fundamental civil liberty and it behoves the police who are enforcers of the law to recognize that right and ensure they provide the enabling environment for citizens to exercise it”.



Fig 2.10: CHRDI Facebook post on peaceful protest as a fundamental right

The National Centre for Human Rights and Development (NaCFoHRD) also expressed concern about the arrest of Thomas Moore Conteh, along the two journalists and a cross section of students. The NaCFoHRD Executive Director, James Mathew, registered their dissatisfaction on their Facebook wall.

On 7th March 2020, Thomas Moore Conteh was released from detention at the CID on bail.

He was charged with three counts of offences: (1) conspiracy to commit a crime (2) incitement and (3) failure to notify the IG before procession, as required by Section 17(1) of the Public Order Act.

According to the Public Relations Officer, Sierra Leone Judiciary, Moses L. Kamara, the case between the State and Thomas Moore Conteh was dismissed as there was insufficient evidence to proceed with the matter.

3. STATUS OF REPORTED CASES

3.1 Interview with Journalists

3.1.1 Foday Moriba Conteh, Calabash Newspaper Reporter

In an interview with Foday Moriba Conteh on the matter between Hon Alhaji Musa Bamba Foray Jalloh of Constituency 056 in Tonkolili District and him, Foday said he was assaulted by youths of Sambaia Chiefdom in the presence of the Honourable after he had introduced himself as a journalist from Calabash Newspaper. He stated that the Honourable did not directly order his assault but uttered some inciting statements that caused the assault on his person. He said the Honourable openly declared that the Calabash Newspaper was his enemy and that the newspaper usually writes negative things about him.

Foday Moriba said that these statements from the Honourable triggered the youths to attack him. He said he had filed an official complaint to SLAJ on the said matter.

Mohamed Asmieu Bah, the SLAJ National Secretary General, confirmed receiving a formal complaint from the victim and that SLAJ was mediating the matter.

3.1.2 Fayia Amara Fayia of Star Radio and Standard Times Newspaper

In an interview with Fayia Amara Fayia, he said that on 8th April 2020, a five-count charge was filed against him, three of which were assaults on different persons, disorderly behaviour, and obstruction of security operations. He also said that he had made four appearances in the Kenema High Court with only the prosecutor - who has led two witnesses in evidence, before court sessions were suspended across the country by the Chief Justice, Desmond Babatunde Edwards, on 27th April, 2020 as part of preventive measures to curtail the spread of COVID-19 in the country. He confirmed that he is on bail.

3.1.3 Stanley Sahr Jimmy, Station Manager of Wusum Radio

In a telephone interview with Stanley Sahr Jimmy, Station Manager of Wusum Radio 88.5 FM in Makeni on his alleged “mob-beating” by five police officers at the Mena Police Station in Makeni, the journalist explained to the MRCG that he sustained injuries from the alleged incident and felt severe pain around his left eye. Jimmy said, the medical doctor he visited for treatment, told him that he could lose his left eye sight in the near future from the injuries he sustained during the incident. The journalist complained that his left vision was blurred. Jimmy said he said he was still seeking medical attention.

Jimmy said through the Makeni Mayor and Legal Aid Board, he hired a lawyer who is fighting his case in court to get justice. He said the matter was stalled as not much headway had been made. The journalist said a witness who was at the police station had testified in court confirming the assault on him by the police officers. He disclosed that the CDIID promised to contact him to go and identify the police men that assaulted him, but that was yet to happen at the time he spoke to MRCG. Jimmy said the police returned his phone after deleting contents from it. He said he fears that journalists are not secured and hence that is prompting him to give up the profession.

3.2 Comments from the Sierra Leone Police on some Cases

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

- The case on the attack on Fayia Amara Fayia of Star Radio and Standard Times Newspaper by military officers in Kenema is in court.
- 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, has been charged to court.
- The police are still searching for the alleged perpetrators in connection with the matter between Foday Moriba Conteh of the Calabash Newspaper and Hon Alhaji Musa Bamba Foray Jalloh of Constituency 056 in Tonkolili District.

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

- 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, the Police response remained the same; the file has been sent to the Law Officers Department for advice.
- On the arrest of Fayia Amara Fayia of Star Radio and Standard Times Newspaper by CID officers outside the AYV Media Empire 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, Dr Julius Maada Bio, the 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 the 16th 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, the Police response is that they are yet to receive the endorsed medical forms from the journalists. "Until the alleged victims return or get back to the police with their endorsed medical report forms, the police have nothing to do."
- On the 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 has been transferred to the CDIID for further investigation.

3.3.1 MRCG's follow-ups on Inconclusive Cases in the Third Edition of the Press Freedom Report

- ❖ The file in relation to the matter in November 2019 of the Managing Editor of the Times Newspaper, Salieu Tejan Jalloh (Sal Tee) relating to the Chief Minister, is still with the Law Officers Department for advice.
- ❖ The matter on the arrest and detention of Mahmud Tim Kargbo on 20th September 2019 for allegedly publishing a defamatory article against Hon. Justice Miatta Samba, is still in court.
- ❖ The case of the late journalist Ibrahim Samura, who was allegedly beaten up by thugs of the All People's Congress (APC) on orders of Herbert George Williams and Abubakarr Daramy during the March 31st Presidential run-off election and later died at the 34 Military Hospital at Wilberforce on the 6th June 2018, has been committed to the High Court.

3.3.2 MRCG's follow-ups on inconclusive cases in the Second Edition of the Press Freedom Report

- The file on the arrest, detention and release of Alpha Thorley of the Night Watch Newspaper by the Police on the 14th January, 2019 on allegations of publishing false information that several diplomatic passports were illegally given to families of the ruling government personnel/officials, had been forwarded to the Attorney General and Minister of Justice for perusal and legal advice.
- On the death threat against BBC's Umaru Fofana allegedly by a member or supporter of the opposition APC in an audio circulated on social media, the matter is still under investigation.
- Regarding the attack on the two journalists of AYV in Makeni, Augusta Ethel Turay and Bockarie Samai on 16th January 2019, the Police said the matter has been stalled because of lack of cooperation from the journalists.


3.3.2 MRCG's follow-ups on inconclusive cases in First Edition of the Press Freedom Report

- ✓ On the 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 in relation to a post on his Facebook page containing alleged defamatory words against the President of Sierra Leone, the matter has taken over a year now. According to the Police response, the file is with the Law Officers Department for advice.
- ✓ On the attack on the then Editor of the Awareness Times Newspaper, John Koroma, during a by-election in Tonko Limba, Kambia District, Northern Sierra Leone, on September 29, 2018 allegedly by a team of Sierra Leone Police officers and persons who openly identified themselves as SLPP supporters, 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. However, the police said they would continue to follow up on the matter.

- ✓ Regarding the matter of the alleged attack on the publisher of The Elephant Newspaper, Nimalty Kamara by youth of the ruling Sierra Leone People’s Party (SLPP) for criticising the new regime of President Julius Maada Bio, the matter is at the High Court in Kenema, Eastern Region of Sierra Leone. Court sessions were suspended across the country owing to COVID-19, but resumed on a limited scale by the end of MRCG’s reporting period.

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. 

The cases in ‘blue columns’ are in court. 

The cases in the ‘red columns’ are under police investigation/inconclusive/stalled. 

In total, there are 26 cases in addition to the follow-up cases. Twelve were concluded, settled, resolved, dropped or abandoned because of lack of progress; five were in court; and nine under police investigation/inconclusive/stalled.

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

| No | Cases Reported in the First Edition | Date of Attack / Arrest/Invitation | Status of Cases |
|----|--|---|--|
| 1 | Attack on a reporter of Concord Times Newspaper, 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 March 31, 2018 Presidential run-off election | During the 31 st March, 2018 Presidential run-off Election | Matter resolved out of court after few appearances. |
| 2 | Attack on the late Editor of New Age Newspaper, Ibrahim Samura by the then ruling APC party members and supporters during the March 31, 2018 run-off election. (Died on 6 th June, 2018) | 31 st March, 2018 Presidential run-off Election | Matter committed to the High Court in Freetown for further trial. |
| 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 th 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 AYV, 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 nd 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 African Young Voices TV, titled “Caught on Camera”, involving a member of parliament, Hon. Veronica Kadie Sesay and two others in a land matter. | September, 2018 | The AYV 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 The Elephant Newspaper, Nimalty Kamara, allegedly by youth of the ruling Sierra Leone People’s Party (SLPP) for allegedly | 10 th September, 2018 | Matter committed to the Kenema High Court. |

| | criticising the new regime of President Julius Maada Bio. | | |
|----|---|----------------------------------|--|
| 7 | Attack on AYV TV 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 AYV management accepted the apology of the perpetrators. |
| 8 | Attack on the former 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. | 29 th September, 2018 | Matter still with the police and no arrest effected |
| 9 | 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 defamatory words against His Excellency the President of the Republic of Sierra Leone. | 29 th September, 2018 | File with the Law Officers' Department for perusal and legal advice. |
| 10 | 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 investigating a fracas between Leonco Filling Station at Lumley and a mosque | 5 th 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 NightWatch Newspaper by the Sierra Leone Police on 14th January, 2019 on the allegation of publishing false information that several diplomatic passports were illegally given to families of the ruling government officials. | 14 th January, 2019 | File at the Office of the Attorney General and Minister of Justice for legal advice. |
| 12 | Attack on two AYV journalists, Augusta Ethel Turay and Bockarie Samai, on the 16 th January, 2019, allegedly by supporters of the opposition All People's Congress Party (APC), while covering the visit of officials of the Criminal Investigation | 16 th January, 2019 | Matter stalled as police claim complainants were yet to return with their endorsed medical report; hence they |

| | | | |
|-----------|--|--|--|
| | Department (CID) to the home of former President Ernest Koroma in Makeni, Bombali District. | | could not take any further action. |
| 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 th January, 2019 | Matter still under investigation. |
| 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 rd -6 th 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 Presidential State Opening of Parliament on 2nd May 2019. | 2 nd 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 Times SL Newspaper; David Johnson, Editor of Times SL Newspaper; Mustapha Sesay, General Editor, Standard Times Newspaper; and Abu Bakarr Kargbo (Father Bakish), a Senior Staff Writer of Standard Times Newspaper- in Freetown on Friday 28th June 2019. They were charged with eight-count for allegedly publishing defamatory articles in the Times SL Newspaper and the Standard Times Newspaper respectively against Pa Momoh Fofanah Esq, a Barrister and Solicitor of the High Court of Sierra Leone. | 28 th June, 2019 | Journalists discharged. |
| 17 | Assault on two female sport journalists (Francess Bernard-Bundor and Easter Marie Samura) of the | 8 th September, 2019 | Action taken against the presidential guards. |

| | | | |
|----|--|----------------------------------|--|
| | Sierra Leone Broadcasting Cooperation (SLBC) by Officers of the Sierra Leone Presidential guard on Sunday 8th September 2019 at the National Stadium, during the FIFA 2022 World Cup Preliminary return-led match between Sierra Leone and Liberia. | | 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 20th 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 th September, 2019 | Granted bail after tendering an apology letter to Hon Justices Miata Samba; matter is still Court. |
| 19 | Arrest and detention of the Managing Editor of the Times Newspaper Sallieu Tejan Jalloh (Sal Tee) on 11 th 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 th November, 2019 | File still with the Law Officers Department for perusal and legal advice. |
| 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 Sierra Leone Broadcasting Corporation (SLBC), Makeni, Abdul M. Jalloh of Amzas Radio, Makeni and Foday Moriba Conteh of Calabash Newspaper, Tonkolili Districts - in the Northern Region of Sierra Leone. | January, 2020 | Matter under police investigation |
| 21 | Alleged threat by the former Inspector General of Police to arrest Alex Lawrence Koroma, a producer of Radio Democracy FM 98.1 'Good Moring Salon Programme', for a programme he produced on the state of security. | 23 rd February 2020 | Arrest not affected. |
| 22 | Arrest and detention of Chernor Jalloh, Reporter, Radio Democracy, Yusuf Bangura, Reporter, Concord Times, and a civil society activist, Thomas Moore Conteh, Executive Director of Citizens | 5 th March 2020 | The two journalists were released, while the matter of Mr. |

| | | | |
|----|---|-----------------------------|--|
| | Advocacy Network (CAN) by police during a Limkokwing University protest over fee subsidies by the Government of Sierra Leone | | Moore was dismissed by the Court. |
| 23 | Invitation of the Managing Editor/Publisher of the Nationalist Newspaper, 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 th March 2020 | Released on bail after making a statement to the Police, and no charge was pressed against him. The President of SLAJ signed a bail bond of 50 Million Leones. |
| 24 | Assault on journalist Fayia Amara Fayia of Star Radio and Standard Times Newspaper, allegedly by military officers in Kenema and his subsequent arrest and detention by Police in Kenema. | 4 th April, 2020 | Matter is in court. |
| 25 | Assault on Stanley Sahr Jimmy, Station Manager, Wusum Radio FM 88.5 in Makeni, allegedly by five police officers at the Mena Police Station | April 2020. | Matter is in court. |
| 26 | Arrest and detention of Adeyemi Jackson of Universal Radio by police in Freetown. | 21 st May 2020. | Released on bail; matter under investigation. |

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

SLAJ continued to condemn the attacks and/or arrests and detentions of journalists using provisions in the criminal and seditious libel laws. The Association noted that the downside of press freedom in Sierra Leone is the continuous assault of journalists by security forces and called for serious engagement with the leadership of the security sector so that they understand and respect each other's role in the country's democracy and nation-building.

SLAJ recognised the commitment of Government to the repeal of the criminal libel laws. The President of SLAJ described the laying of the bill in Parliament to amend the Public Order Act, 1965 by repealing the obnoxious criminal and seditious liable laws by the Minister of Information and Communications, as 'a giant and historic step in the history of Sierra Leone' in ensuring press freedom. However, the SLAJ President was concerned about the open fears expressed by a few MPs that journalists would be reckless following the repeal of the law that criminalises free speech, which is a fundamental human right, and not just for journalists. SLAJ believed that it is the obligation of Parliament under international laws 'to expunge a law as bad as the criminal libel law'.

In his speech to mark World Press Freedom Day celebrated on the 3rd May each year, the President of SLAJ, Ahmed Sahid Nasralla on 4th May 2020, said they were encouraged by the

pronouncement of the new Leader of Government Business in the House, Hon. Mathew Nyuma, that the repeal bill was among documents to be discussed by Members of Parliament (MPs) in subsequent sittings before they go on recess. He said SLAJ has reconstituted and launched the Disciplinary Committee, whose objective is primarily to enforce the SLAJ Code of Ethics through reactive and pro-active measures. He said the Disciplinary Committee is one of the assurances they give to the public in terms of ensuring ethical and professional media practice.

He also called on journalists to abide by the professional and ethical standards guiding their work.

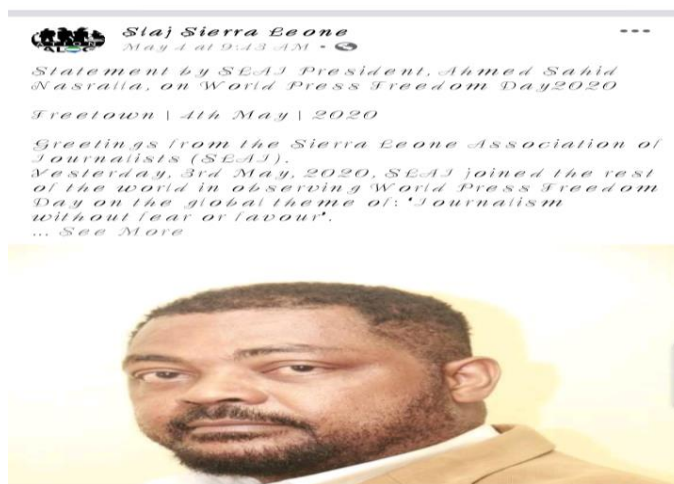


Fig 3.1: SLAJ Facebook page, on 4th May, 2020 - SLAJ President's Statement for World Press Freedom Day 2020

3.5 Government's Position on Press Freedom Issues

The Government continued to show its commitment to the repeal of the seditious and criminal libel laws, as for the first time in the 55-year history of the law, the Government through the Ministry of Information and Communications, ensured gazetting of the bill to repeal the law. On 18th December 2019, the Minister of Information and Communication, Mohamed Rahman Swaray laid the Public Order (Amendment) Bill in Parliament. This 'bold move', according to the Minister, was part of the fulfilment of President Julius Maada Bio's commitment to the people of Sierra Leone during the 2018 Presidential election campaign. The Minister said the first step has been taken by Government and expressed hope that the amendment of the POA would ultimately take place, through the repeal of Part V, after the bill would have gone through the subsequent stages in Parliament

In a Press Cocktail hosted by the President of Sierra Leone with members of the Fourth Estate on 13th December 2019, he said the campaign promise of his party, the Sierra Leone Peoples Party (SLPP), to repeal Part Five of the POA - which used to be a dream, was being translated into reality. He called on SLAJ to increase engagement with Parliament, and he believes that, together, Sierra Leone will become a free state. He also urged SLAJ to convince her members to practice their profession responsibly and increase collaboration and cooperation with the Independent Media Commission (IMC).

In a national broadcast by President Julius Maada Bio on the State of Law and Order in the Republic of Sierra Leone on 8th May 2020, he reassured journalists of creating an enabling environment for professional journalism and his government’s commitment to repealing Part 5 of the Public Order Act. “The Sierra Leone Association of Journalists has acknowledged that they practise journalism freely and we are working with them to repeal obnoxious laws and further enhance professional development in journalism. Civil society organisations speak up freely and hold Government accountable and we are grateful that they are playing their part as citizens”, he added.

President Bio also assured the public that ‘persons who have been arrested are not being held because of their political beliefs or their professional work as journalists’. He said ‘they are either being held on criminal charges or being investigated for criminal violence and terrorism-related offences.’

The President also reiterated that: “The right to free speech is guaranteed in our democracy and in our constitution. But no democracy guarantees a right to speech that incites criminal violence, foments hate and divisiveness, causes public disorder, and threatens the security and stability of the state.” He ended by stating that “in peaceful democracies, citizens strive for the common good, peacefully cohabit with other citizens, and advocate for and protect their rights through peaceful norms and practices.”

Sierra Leone 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 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 that the Association lacked the locus standi to take the matter to court, because it was not under direct threat or eminent threat of being affected by the law, and that the law was inconsistent with the Constitution of Sierra Leone.

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. The Sierra Leone criminal libel law constitutes Part Five of the 1965 Public Order Act, and criminalizes false, misleading and defamatory or malicious publications. The said law has significant negative impact on the practice of journalism in Sierra Leone.

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 in 2000 (as amended in 2006 and 2007). 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.

On the 3rd February 2020, the IMC and SLAJ issued a joint communique on the conditions for the annual renewal of the registration and licenses of media houses for 2020.

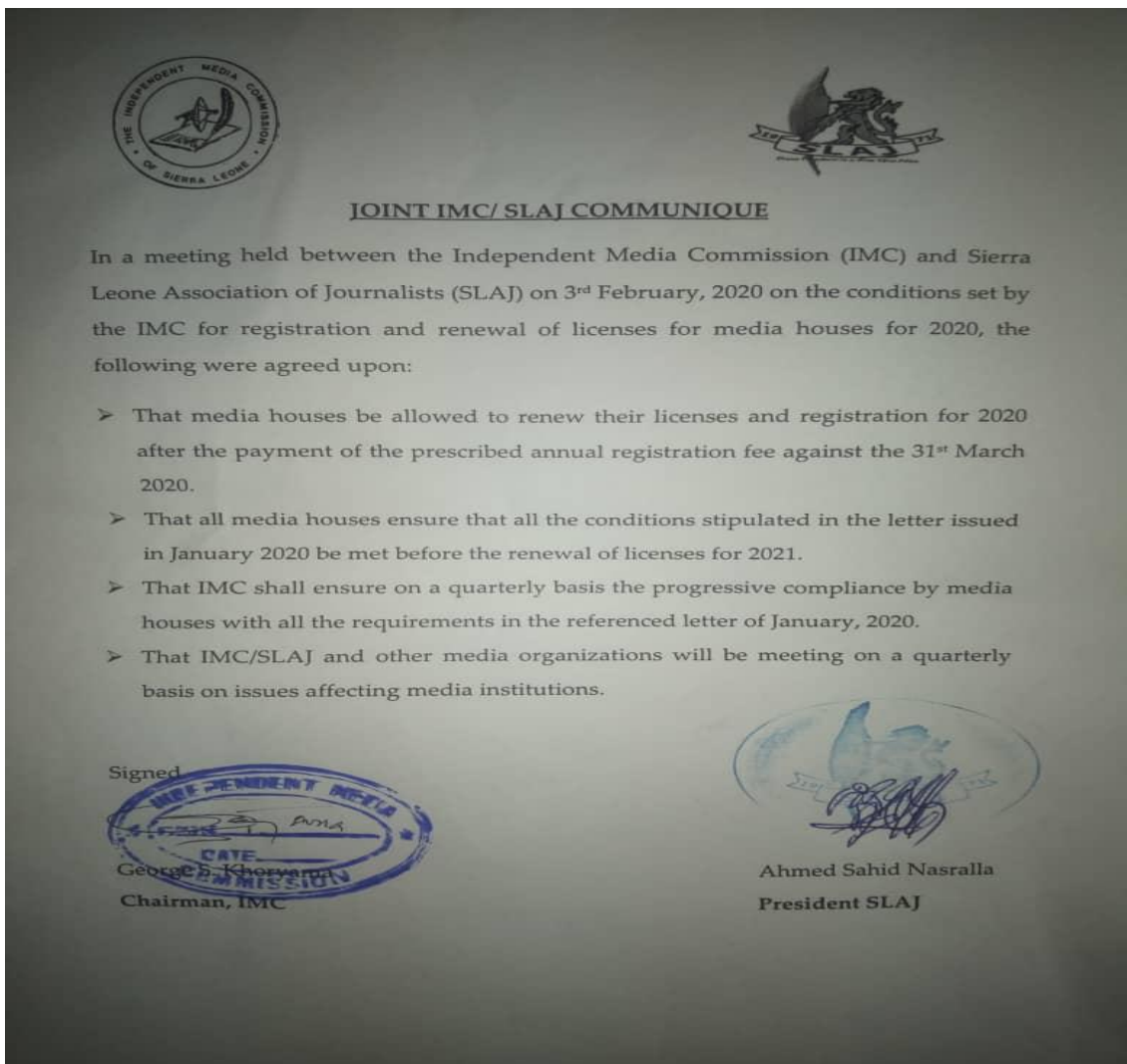


Fig 5.1: Joint IMC/SLAJ Communiqué, 3rd February 2020

On 18th May, 2020, Beyond Borders Newspaper published a story with the headline, “IMC Neglected”, which explained the strenuous working conditions of the Commission, which seems to be facing serious financial and logistical challenges.

According to the publication, the Commission received only a portion of its annual budget allocation last year, which was inadequate, and since January 2020 has not received a single cent of its allocation in subvention from the Government of Sierra Leone.



Fig 5.2: Beyond Borders Newspaper, 18th May, 2020, “IMC Neglected”

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

There is a general improvement and progress in the outputs of media institutions. This is reflected in their contents and programming. With such improvement, the move towards self-

regulation is gradually becoming a reality. However, there were major concerns that a number of media institutions continued to publish and broadcast contents that breach 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.

At the launch of the ninth IMC National Media Awards competition in February, 2020, the Chairman, IMC, George S. Khoryama commended the majority of media houses for complying with media regulations. He said there were more in compliance than defaulters. The Chairman of the IMC Complaints Committee, Commissioner Ansu B. Lansana reported that from November 2019 to February 2020, they received about 10-15 complaints per week and some weeks went by without any. He said, that had been as a result of their continued engagements with the journalists and the trainings conducted for them, including those by the MRCG.

However, the IMC later raised concerns that following its announcement of compliance in February 2020, almost all the media institutions that breached provisions in the Media Code of Practice thereafter had failed to comply with the directives of the Commission.

In the quest to enhance professionalism and establish the system of self-regulatory mechanisms in the Sierra Leone media, the MRCG, with support from NED supported SLAJ in organizing a Disciplinary Committee Hearing session, with Regional Executives and Representatives of National Media in attendance at SLAJ headquarters in Freetown on 1st May 2020. In a press release issued on 29th April 2020, SLAJ launched the newly constituted Disciplinary Committee established pursuant to Article 14 (3) of its constitution, which stated that the Committee's mandate "shall be to adjudicate upon matters of indiscipline and professional misconduct of individual members of SLAJ".

In his statement, the Chairman of MRCG-SL, Dr Francis Sowa, intimated that the work of the Committee and the enforcement of the SLAJ Code of Ethics was very important, as it would help SLAJ to regulate the conduct of its members in line with international best practices.



Media Reform Coordinating Group-Sierra Leone added 5 new photos.

May 1 at 6:23 PM • 🌐

MRCG SUPPORTS SLAJ DISCIPLINARY COMMITTEE HEARING SESSION TO BOLSTER PROFESSIONALISM

By MRCG Secretariat... See More



Fig 6.1: MRCG Facebook post, May 1, 2020 SLAJ Disciplinary Committee hearing.

The Disciplinary Committee is expected to help journalists regulate themselves as they seek to repeal the criminal libel law. It is one of the assurances to the public, while SLAJ seeks repeal of the criminal libel law.

7. STATUS OF MEDIA LAWS IN SIERRA LEONE

There has been no change in the laws used to regulate the media in Sierra Leone since the last edition of this Report was produced. However, steps are being taken by Government to repeal Part V of the 1965 POA, which criminalises libel. The Independent Media Commission Act of 2000 (as amended) and the Media Code of Practice of 2007 were also being reviewed.

On the 11th September 2019, Sierra Leone’s Cabinet, unanimously approved the repeal of Part V of the 1965 POA with the bill gazetted on 17 October 2019. In continuation of Government’s commitment to the repeal process, the Minister of Information and Communication, Mohamed Rahman Swaray laid The Public Order (Amendment) Bill in Parliament on 18th December 2019, aimed at repealing Part V of the criminal libel law. It seeks to amend the law by repealing Part V, which deals with defamatory and seditious libel and provide for other related matters.

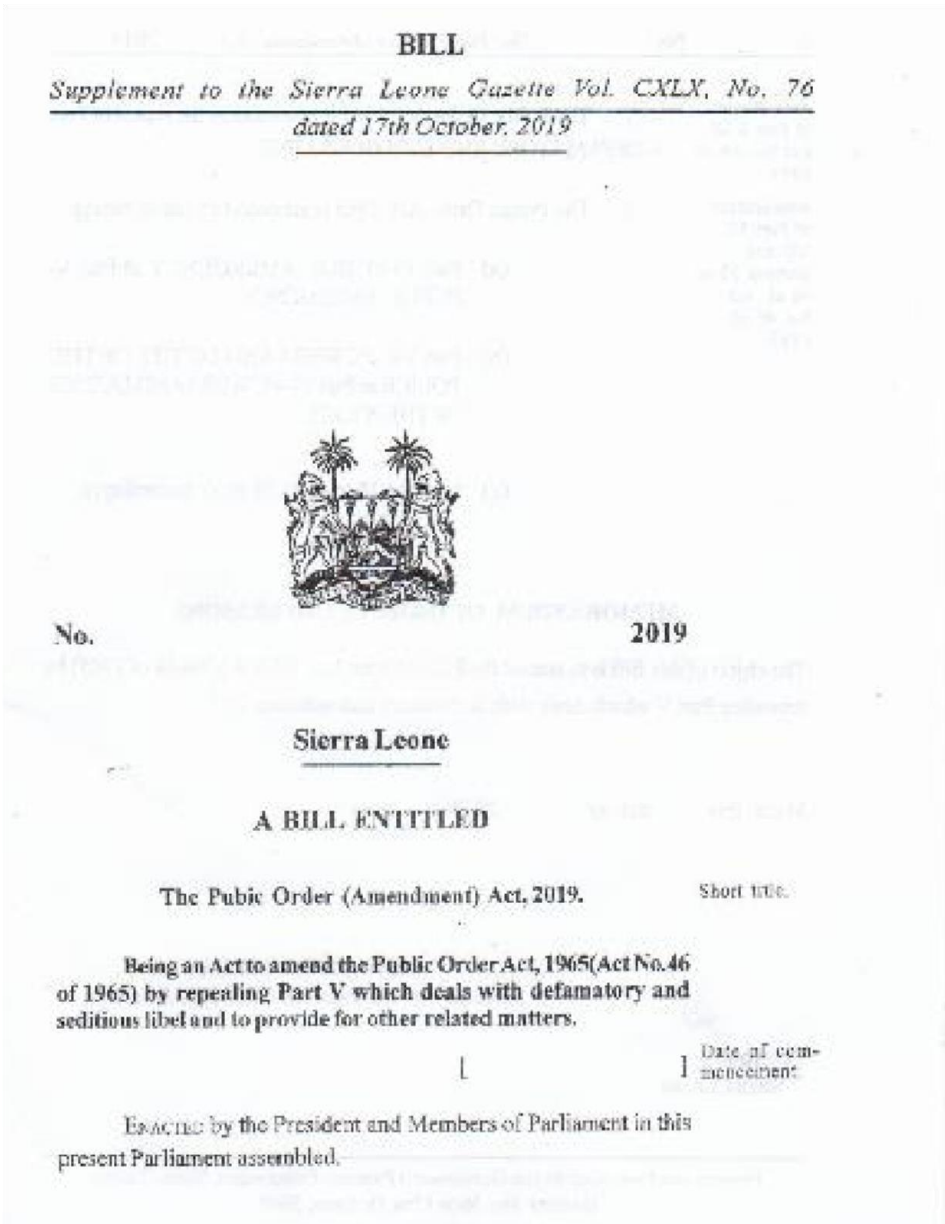


Fig 7.1: A Bill entitled – The Public Order Act (Amendment) Act, 2019, Government Printing Department – Supplement to the - Sierra Leone Gazette Vol. CXLX No 76, 17 October, 2019

The President of SLAJ described the development as ‘a giant and historic step in the history of Sierra Leone, with the laying of the bill to repeal the obnoxious criminal and seditious liable laws in Parliament by the Minister’. However, he was concerned about the open fears expressed by a few MPs that journalists would be reckless following the repeal of the law that criminalises free speech, which is a fundamental human rights, not just for journalists. Nasralla said it was the obligation of Parliament under international laws ‘to expunge a law as bad as the criminal libel law’. SLAJ is encouraged by the pronouncement of the new leader of Government Business in the House, Hon. Mathew Nyuma that the repeal bill was among documents to be discussed by MPs in subsequent sittings before they go on recess.



Fig 7.2: Calabash Newspaper, 18th December, 2019 - To discuss the way forward on repeal of criminal libel law...Parliament hosts SLAJ today

At a Press Cocktail hosted by the President of Sierra Leone, Maada Bio on 13th December 2019, he disclosed that the campaign promise of his party, the Sierra Leone Peoples Party (SLPP), to repeal Part Five of the POA, which used to be a dream, was being translated into reality. He called on SLAJ to encourage its members to practice their profession responsibly and increase collaboration and cooperation with the IMC.

However, the bill was not read/debated as at 31st May 2020, the end of the reporting period for this Report.

Notwithstanding Government’s commitment to repeal the criminal libel law, on 1st May 2020, Dr Sylvia O. Blyden was arrested and detained at the CID. Dr Blyden, together with Hussain Muckson Sesay, was charged with various offences, including seditious and defamatory libel

during the hearing session at a Pademba Road Magistrate Court in Freetown, presided over by Magistrate Hannah Bonnie.

SLAJ visited Dr Blyden at the CID on 2nd May 2020 and discussed issues relating to her arrest.



Fig 7:3 SLAJ Facebook page, 3rd May 2020- SLAJ on arrest of Dr Sylvia Blyden

The two were later granted bail on 26 May, but they did not fulfil the bail conditions on that day until the next day.



Fig 7.4: Concord Times online -29th May, 2020 - Dr Sylvia Blyden and Co put on stiff bail

While MRCG notes that the ‘the law is the law until it is repealed or amended’, it is concerned that the charges came at a time that Government (through Cabinet’s approval) had committed itself to repealing Part V of the Public Order Act No. 46 of 1965), which contains the said alleged offences.

In what appears to be some form of regulation, the Office of the Clerk of Parliament on 28th April, 2020, issued a press release titled, “APPLICATION FOR ACCREDITATION TO REPORT ON PARLIAMENT” in which he requested journalists from all media houses to apply for media accreditation through his office to enable them cover and report on parliamentary proceedings. On the 15th May, 2020, the Office also issued a public notice requesting journalists from all media houses to send in their applications, along their CVs, academic qualifications, and copy of operational license among others, for the accreditation.

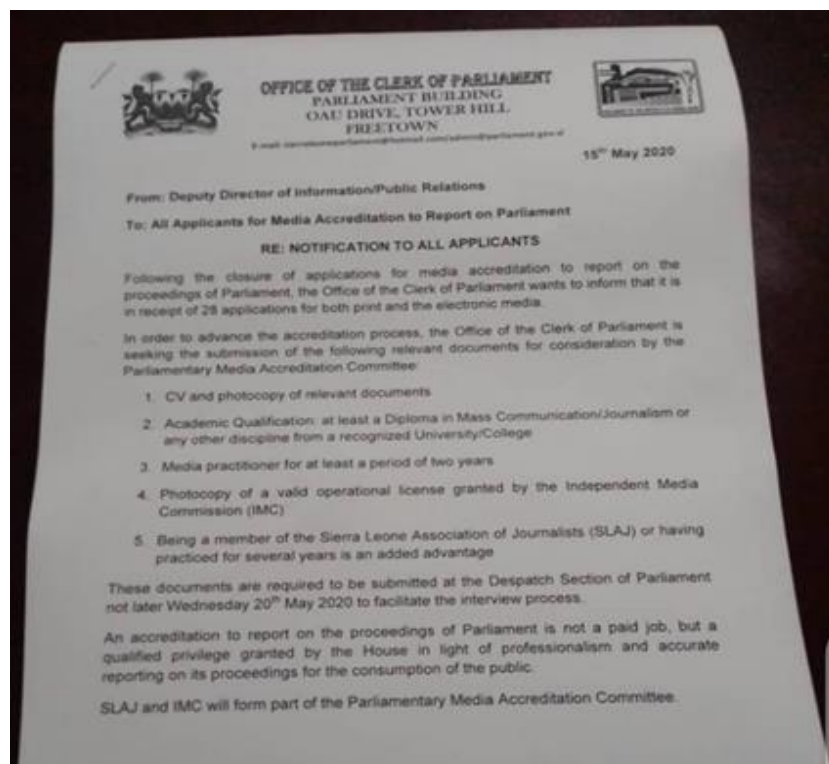


Fig 7.5: Office of the Clerk of Parliament, 28th April, 2020, ‘All Applicants For Accreditation to Report on Parliament’: Re: Notification to Applicants.

In response to the parliamentary press release, the Guild of Newspaper Editors (GoE) issued a press release on the 18th May, 2020, expressing deep concern about Parliament setting eligibility criteria for journalists who wish to be accredited to cover and report on parliamentary proceedings and believed that those criteria will restrict journalists’ access to parliamentary proceedings. The GoE viewed the action of Parliament as a form of censorship and a calculated attempt to muzzle free and independent press in Sierra Leone. It called for an immediate review of the criteria. The GoE pointed out that there are bodies like SLAJ that can assist in regulating the conduct and practice of journalist in Sierra Leone and that the criteria set out by the Clerk of Parliament should be the sole function of SLAJ, the IMC or any of the professional bodies regulating journalists in Sierra Leone.

On 20th May 2020, a tripartite meeting held by parliament, SLAJ and the Independent Media Commission (IMC) resolved that the Media Accreditation process will continue and that the Parliamentary Media Committee on accreditation will constitute representatives of the three institutions, which will set the criteria for accreditation. The Committee was also mandated to set a date to invite journalists for interview and recommend to the Parliamentary Service Commission.

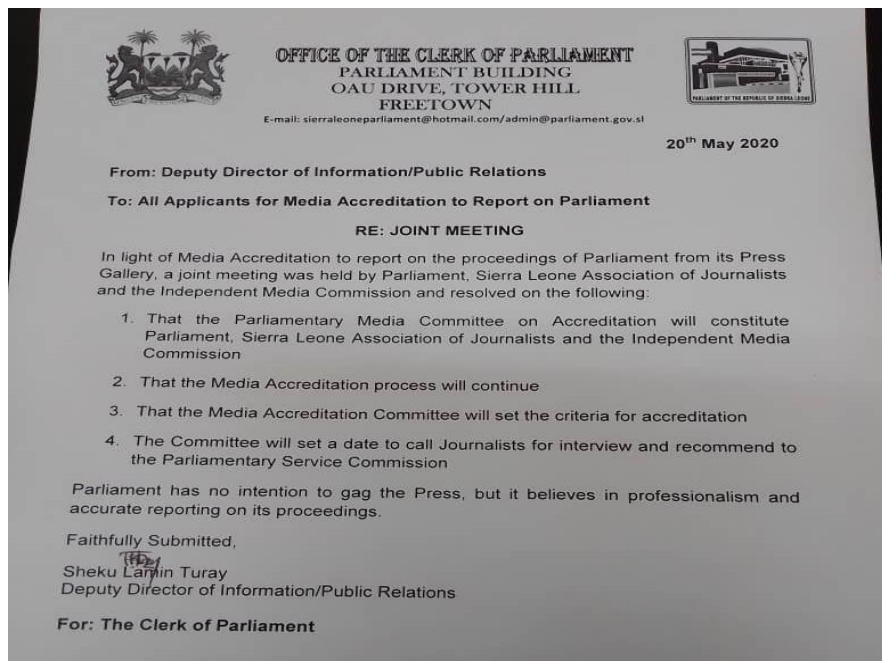


Fig: 7.6: Office of the Clerk of Parliament, 20th May, 2020, ‘All Applicants For Accreditation to Report on Parliament’ - Re: Joint Meeting

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. | The Independent Media Commission (IMC) Act, 2000 (Act No. 12 of 2000) as amended in 2006 and 2007 | 2000, amended in 2006 and 2007 | In force (to be reviewed; process ongoing). |
| 5. | Sierra Leone Broadcasting Corporation Act, 2009 (Act No. 1 of 2010). | 2010 | In force |
| 6. | The Law on Contempt of Court | Common Law | In force |

Source (Sowa & Kapuwa, 2015)¹

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

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

a. Other Statutes (Acts of Parliament) 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 | In force |
| 2. | Criminal Libel - The Public Order Act | 1965 | In force, but Cabinet has approved the repeal process and draft The Public Order (Amendment) Bill laid in parliament, December 2019. |
| 3. | Publication of False News - The Public Order Act | 1965 | In force |
| 4. | Seditious Libel - The Public Order Act | 1965 | In force |
| 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 |
| 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, as amended in 2019 | In force |
| 13. | The Copyright Act | 2011 | In force |
| 14. | The Sexual Offences Act | 2012 as amended in 2019 | In force |
| 15. | The Right to Access Information Act | 2013 | In force |

Source (Sowa & Kapuwa, 2015)²

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

² (Ibid,2015)

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) | Reviewed and in force. |
| 2. | The Independent Media Commission (IMC) Media Code of Practice | 2007 | In force (to be reviewed; process ongoing). |

Source (Sowa and Kapuwa, 2015)³

Table 7.3: Codes Dealing with Media Regulation Still in Force

³ (Ibid,2015)

8. CONCLUSION

The issues above still 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, but the criminal libel provisions in Part V of the 1965 Public Order Act that criminalizes libel remains. Journalists are still being invited, harassed, arrested or detained on criminal libel charges. However, during this reporting period, the MRCG notes that a bill entitled, “The Public Order (Amendment) Act, 2019” was tabled in Parliament. It seeks to amend the law by repealing Part V, which deals with defamatory and seditious libel and to provide for other related matters. This followed Cabinet’s approval in September 2019 to repeal the law. But, the bill was not debated as at 31st May 2020, the end of the reporting period for this Report.

The MRCG believes that it is now timely to actualise the government’s promises to repeal the criminal and seditious libel laws. As stated in the Truth and Reconciliation Commission (TRC) Report, “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.”

9. RECOMMENDATIONS

- Parliament should fast-track the repeal process of Part V of the 1965 POA that impedes the work of journalists and civil society activists; and negatively impacts on freedom of expression; for democracy and good governance to thrive.
- 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 abuse/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 and assembly 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 and the Media Code of Practice among journalists and the Police.
- SLAJ should popularise its Media 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 information.

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