



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



**Report on Press Freedom in Sierra Leone  
December 2018 to May 2019**

**Produced by Media Reform Coordinating Group (MRCG)  
with support from  
the National Endowment for Democracy (NED)**

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## ACRONYMS/ABBREVIATIONS

<b>APC</b>	-	All People Congress
<b>AYV</b>	-	Africa Young Voices
<b>BBC</b>	-	British Broadcasting Corporation
<b>CAN</b>	-	Citizens Advocacy Network
<b>CGG</b>	-	Campaign for Good Governance
<b>CEO</b>	-	Chief Executive Officer
<b>CID</b>	-	Criminal Investigation Department
<b>IMC</b>	-	Independent Media Commission
<b>LUC</b>	-	Local Unit Commander
<b>MRCG</b>	-	Media Reform Coordinating Group
<b>NEC</b>	-	National Electoral Commission
<b>NED</b>	-	National Endowment for Democracy
<b>NYC</b>	-	National Youth Coalition
<b>NATCOM</b>	-	National Telecommunications Commission
<b>ONS</b>	-	Office of National Security
<b>POA</b>	-	Public Order Act
<b>RAIA</b>	-	Right to Access Information Act
<b>RSLAF</b>	-	Republic of Sierra Leone Armed Forces
<b>SLAJ</b>	-	Sierra Leone Association of Journalists
<b>SLBC</b>	-	Sierra Leone Broadcasting Corporation
<b>SLPP</b>	-	Sierra Leone People's Party
<b>SLP</b>	-	Sierra Leone Police
<b>SDI</b>	-	Society for Democratic Initiatives
<b>UNESCO</b>	-	United Nations Educational, Scientific and Cultural Organization

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## EXECUTIVE SUMMARY

This Report on 'Press Freedom in Sierra Leone' is the second 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 for Democracy (NED) in the United States of America. The Report, which covers the period December 2018 to May 2019, monitors press freedom and freedom of expression issues in Sierra Leone, including arrests, detentions and prosecution of journalists and civil society activists, and tracks media performance.

The Report is divided into the following areas: **Thematic Issues** (focusing mainly on the **arrests 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 covered in this Report are:

- Arrest and detention of Alpha Thorley of the NightWatch Newspaper by the Sierra Leone Police on the 14<sup>th</sup> January, 2019 on allegations of publishing false information that several diplomatic passports were illegally given to families of the ruling government personnel/officials.
- Attack on two AYV journalists, Augusta Ethel Turay and Alie Kamara, on the 16<sup>th</sup> January, 2019 allegedly by supporters of the opposition All People's Congress Party (APC), while they were covering the visit of officials of the Criminal Investigation Department (CID) to the home of former President Ernest Koroma in Makeni, Bombali District.
- Death threat against the 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 Sierra Leone's former Vice President, Victor Bockarie Foh.
- 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 current governance challenges.

- 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 2<sup>nd</sup> May 2019.

MRCG followed up on the following cases which were reported in the first edition of the Press Freedom Report.

- 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.
- 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 the Editor of Awareness Times Newspaper, John Koroma, during a Bye-Election in Tonko Limba Chiefdom, Kambia District, Northern Sierra Leone, on September 29, 2018, allegedly by a team of Sierra Leone Police (SLP) officers and persons openly identifying themselves as SLPP supporters in Tonko Limba.
- 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 contents against 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 nearby mosque.

The MRCG found out the SLP had investigated three of the five new matters being monitored, but none of them had been charged to court. The SLP said they were waiting for legal advice from the Attorney General's Office on the matter of Alpha Thorley of the NightWatch Newspaper; the investigation into attack on two AYV journalists is reportedly stalled because of lack of cooperation from the victims; and the death threat against the BBC's Mr. Umaru Fofana is reportedly under investigation at the CID Headquarters, Freetown. As at the time of reporting in May, 2019, there was a report that five journalists were to be arraigned in court on criminal libel-related charges. On the reports of attacks on leaders of civil society organisations, complaints were not lodged at the Criminal Investigation Department. However, the matter of the head of the National Youth Coalition (NYC), Mr. Morlai

Conteh, is being investigated by the military police of the Republic of Sierra Leone Armed Forces (RSLAF).

The MRCG noted that there were still arrests based on alleged breaches of provisions in 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

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

The report covers a six-month period, December 2018 to April 2019. It is divided into the following areas: **Thematic Issues** (focusing mainly on the **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 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 necessary with some individuals who were either reportedly attacked or arrested. Officials of institutions named in some of the issues reported were also interviewed.

A total of five major issues have been addressed in this second report. In addition, this report follows up on five cases in the first edition which covered May to November, 2018, but were still inconclusive.

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



## 2. THEMATIC ISSUES

### 2.1 Arrests and Detention of Journalists

In December 2018, the monitors did not receive any report of the arrest and detention of a journalist. However, in a cocktail for media practitioners organised by the Office of the President on Wednesday, 5<sup>th</sup> December 2018, President Julius Maada Bio made reference to cases related to attacks on journalists. The President recognized the heroism of the late Ibrahim Samura, former editor of the New Age Newspaper who lost his life few months after he was allegedly assaulted by some members of the APC Party whilst he was covering the 2018 Sierra Leone elections. He also recognized Patrick Jaiah Kamara of the Concord Times Newspaper who was also assaulted while covering the same elections.



The start of the year 2019 witnessed attacks on media practitioners.

In January 2019, there was a report of the arrest and detention of a journalist, Alpha Thorley of the NightWatch Newspaper by the Sierra Leone Police. He was arrested on the 14<sup>th</sup> January on allegations of publishing false information that several diplomatic passports were issued to family members of the ruling government officials. After spending two days in police detention, Mr. Thorley was released as a result of an appeal from SLAJ.

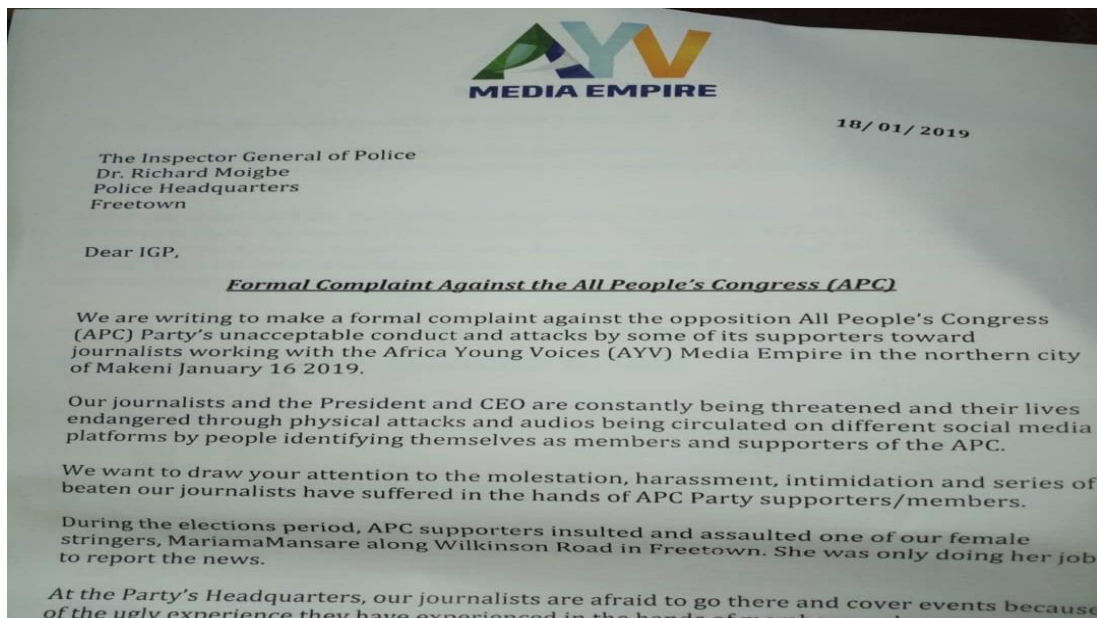


There was a case of reported assaults on journalists on the 16<sup>th</sup> January, 2019. They were Augusta Ethel Turay and Alie Kamara of the Africa Young Voices (AYV) Media Empire. The two reporters were allegedly beaten, brutalized and molested by supporters of the opposition APC Party while covering the visit of the Criminal Investigation Department (CID) team to the house of the former president, H.E Ernest Bai Koroma in Makeni, the Northern Regional Headquarters of Sierra Leone. This was to interrogate him in connection with an investigation involving all APC executive members, including the Chairman and Leader of the party, in the person of the former president.





The AYV as a media entity, on the 18<sup>th</sup> January, lodged a formal complaint to the Inspector General of Police (IGP) in which its highlighted series of vicious attacks meted out on its journalists and of several messages and audios of death threats being circulated on various social media platforms against its staff members, including its President and Chief Executive Officer (CEO). In light of this, AYV further stated that its journalists were even afraid to cover events happening at the APC party headquarters because of the ugly experiences they have suffered in the hands of its members and supporters.



The Sierra Leone Association of Journalist (SLAJ), Northern Region, issued a press release on the 18<sup>th</sup> January, where it condemned the intimidation and harassment of journalists working with the AYV; specifically assigned to cover the event in Makeni who/that were allegedly manhandled by members/supporters of the opposition APC

Party. It therefore called on the attention of the police to robustly investigate the unfortunate incident and bring perpetrators to law.

However, the APC party denied attacking any journalists. The APC Member of Parliament for Constituency 030, Bombali District and Deputy Opposition Leader in Parliament, Hon. Ibrahim Ben Kargbo, said that his Party, the , did not humiliate any journalist contrary to what is being propagated. Speaking in the Well of Parliament under Standing Order 23 on Thursday 24<sup>th</sup> January 2019, the MP informed the House that, “It is not a policy of our Party to humiliate journalists as we see journalists in this country as partners. I see it as an effort by some people to malign our Party – giving the impression that journalists were beaten must be corrected,” he said. “We make sure that there is freedom of expression and I see no reason why we in the APC will undertake an issue relating to humiliating a journalist, we want the journalists to continue to see us as their friends.”



In the same month, 17<sup>th</sup> January, 2019, there was a report of a death threat against the BBC Correspondent, Umaru Fofana by an alleged member or supporter of the APC. In an audio message circulated on social media, the anonymous person threatened that Mr. Fofana will be killed whenever he visits Makeni. This was related to an interview he conducted with Sierra Leone's former Vice President, Victor Bockarie Foh.



Umaru Fofana

January 17 at 3:11 PM · 🌐

My attention has been drawn to a vitriolic diatribe and a clear and open threat made against me by someone who's apparently a member or supporter of the opposition APC party. In the audio circulated on social media, the anonymous coward threatens that whenever I visit Makeni I will be killed. Reason: Because I interviewed the former Vice President, Victor Foh which was aired on the BBC yesterday.

Makeni incidentally is the place I visit more than anywhere else in Sierra Leone because my parents and siblings live there. I am therefore taking the threat very seriously and have reported the matter to the police Criminal Investigations Department in Freetown. I have also brought it to the notice of the head of the police in and around Makeni.

This latest threat comes after I was verbally and physically attacked on 31 December 2018 by members/supporters of the same political party at their headquarters in Freetown where I had gone to cover a story when police attacked the building with teargas. One of those attacks on me on that day happened right in the presence of the Secretary General of the party's Young Generation, Abdul Conteh. A lady whom I don't know, rained abuses on my parents before throwing an empty can at me. Mr Conteh intervened and apologized to me. I duly brought the matter to the attention of the party's National Secretary General, Osman Yansanneh moments after it had happened.

I assume these attacks and threats are coming from thugs who are acting alone. I therefore urge the APC leadership to condemn this banditry and

On 18th January 2019, the SLAJ issued a statement indicating that it was very concerned over the spate of violent attacks and deadly threats against journalists, mainly carried out by supporters of the APC party.



SLAJ noted that on 16th January, 2019 journalists from the AYV Media Empire covering the interrogation by the CID of former President Ernest Bai Koroma, in his home town of Makeni, were physically assaulted and equipment seized allegedly by APC members/supporters.

Additionally, BBC reporter Umaru Fofana, received anonymous death threats via WhatsApp audio allegedly from an APC supporter.

SLAJ recalled that in March 2018, during the national run-off elections, several journalists were also physically assaulted by thugs believed to be acting on the orders of APC officials. One of the journalists, Ibrahim Samura of the New Age newspaper, eventually died; a death which SLAJ strongly believed was related to the said assault.

SLAJ stated that it was gravely concerned about the ugly trend and the impunity that seemed to be going with it. The association said that it 'therefore put the leadership of the APC party on notice, that we will hold them responsible for any harm done to ANY journalist and more importantly Umaru Fofana whose life is being threatened. The leadership of the APC must now rein in its members and supporters and stop them from venting out their frustrations on harmless journalists who are busy doing their work.'

SLAJ called on the Inspector General of Police, Richard Moigbe, to bring to book the APC officials and supporters who allegedly assaulted Ibrahim Samura, allegedly leading to his unfortunate death, and to speedily investigate the assault on AYV reporters and the source of WhatsApp voice note death threats against Umaru Fofana.

SLAJ equally called on the Government to continue to honour its promise, and stop arresting and detaining journalists at the CID, but rather send them to the Independent Media Commission for action.

For the month of February, 2019, there was no report of an arrest or detention of a journalist.

However, several attempts were made to follow up on incidents of arrest, detention and assault on journalist in January.

According to our findings, it was not clear whether investigations into the publication that led to the arrest and detention of Emmanuel Thorley of the NightWatch Newspaper has been dropped/ discontinued. However, he was no longer in police custody. Emmanuel was practicing his profession. According to him, ever since his release which was aided by SLAJ, he has neither been called upon nor has he been contacted by the police to make any further report.

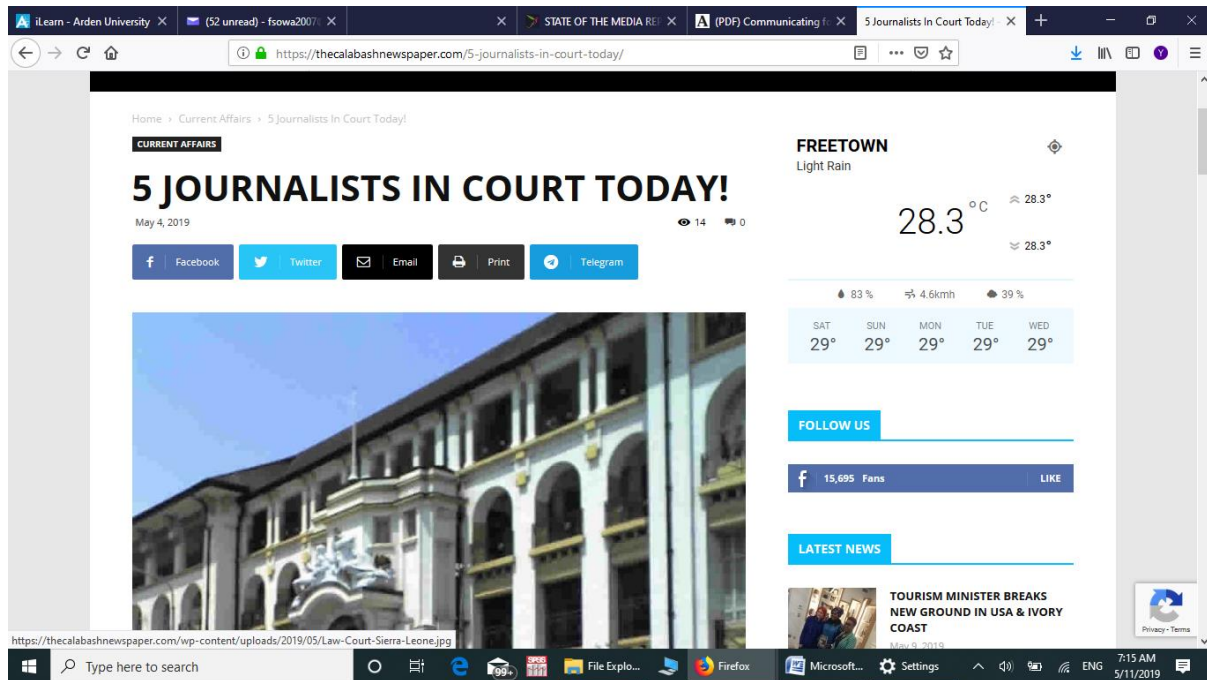
MRCG spoke to two journalists working for the AYV Media Empire in Makeni, who were allegedly attacked by supporters of the APC party in January. The two were Augusta Ethel Turay and Alie Kamara. Both of them said they were still battling with memories of the incident and as such they were even scared to cover programmes organized by the party. Both confirmed that they have been given a stern warning by their media house not to cover any event or activity by the APC.

They said the matter is still under police investigation but expressed dismay that up to that time no arrest had been made.

In March and April, 2019, there was no report of an arrest or detention of a journalist. However, several attempts were made to follow up on the previous matters.

As at the time of reporting in May, 2019, there was a report that five journalists were to be arraigned in court on criminal libel-related charges. The Editor of Future Newspaper, Ibrahim Alusine Kamara; Managing Editor of Future Newspaper, Moisa Keikura; the Executive Editor of Standard Times Newspaper and CEO of Star TV, Philip Neville; the General Editor, Mustapha Sesay, and Clifford Kabia of Standard Times Newspaper were to reportedly appear on Monday, 6<sup>th</sup> May, 2019, at the Pademba Road Magistrate Court for alleged defamatory publications against Gabriel Tommy, head of the Criminal Investigations Department (CID). According to the Statement of Offence, the journalists on diverse dates conspired with other persons unknown to injure by wrongful acts otherwise than by fraud, contrary to law, knowingly published defamatory libel contrary to section 26 of the Public Order Act

No. 46 of 1965, defamatory libel contrary to section 27 of the Public Order Act No. 46 of 1965 among others charges. One of the Particulars of Offence stated that Moisa Keikura and Ibrahim Alusine Kamara on the 16th of April, 2019 maliciously published a defamatory matter in Volume 8 No. 59 of the Future Newspaper against complainant in written words to wit: " In US\$ 500, 000 Theft Fraud Case... **CID BOSS ALLEGEDLY COMPROMISED**" (The Calabash Newspaper, May 6, 2019).



## Sierra Leone News: Magistrate gives Le20 million bail to Journalists

Two journalists appeared in court on the 6<sup>th</sup> May, 2019. Ibrahim Alusine Kamara of Future newspaper and Moisia Kekura, Managing Editor, Future Newspaper were both sent to the Male Correctional Centre on Pademba Road in Freetown. A bench warrant for three other journalists including the Executive Editor of Standard Times Newspaper, Philip Neville, has been issued. Kamara and Kekura appeared before Magistrate Hannah Bonnie at the Freetown Magistrate Court No. 1 on Pademba Road in Freetown. The three other journalists were not in attendance. The Court was to read the charges when the defence lawyer for the fourth and fifth accused persons raised an objection. He argued that the other accused journalists were absent, therefore the charges should not be read. Magistrate Hannah Bonnie sent Kamara and Kekura to jail and endorsed a bench warrant for Mustapha Sesay, Clifford Kabia, and Philip Neville, Executive Editor, all of Standard Times newspaper. The complainant was represented by I. Kanneh, J.M. Jengo, and E. Barrie. M.M. Kamara appeared for the fourth and fifth accused persons. Later the magistrate reviewed the court files and granted a Le20 million bail (Awoko, May 7, 2019).



## **2.2 Attacks on Civil Society Activists**

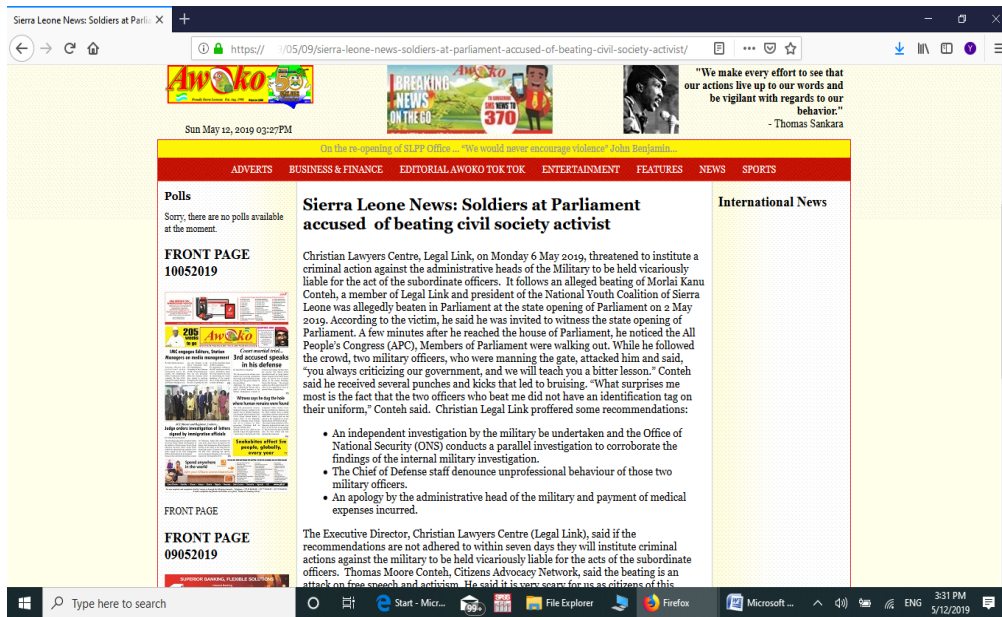
From December 2018 to April 2019, there was no report of attack on any CSO activist/leader. However, things took a different turn in May 2019.

In May about 25 CSOs issued a statement expressing “deep concerns and dismay at the shrinking space for inclusive political participation and dialogue in Sierra Leone, following the March 2018 general elections. We also unequivocally condemn the recent attacks and intimidation on civil society leaders, including the Executive Director of Campaign for Good Governance (CGG) – Madam Marcella Samba-Sesay, who has publicly expressed critical views on the current governance challenges.”

The verbal attack on the CGG boss came after participating in a programme on a local radio station.

The CSOs viewed such attacks as completely unwarranted and a veil threat to silencing critical civic voices on national issues, thereby reducing the scope for genuine political participation and advocacy in Sierra Leone. They urged the government to take immediate steps to ensure that the right to defend human rights and fundamental freedoms are respected, protected and fulfilled.

Also, in May, 2019, there was a report of an attack on a civil society activist, Morlai Conteh, President of the National Youth Coalition of Sierra Leone. He was allegedly attacked by a group of military officers of the Republic of Sierra Leone Armed Forces (RSLAF) at the entrance of the Sierra Leone House of Parliament. Reports say, the attack of Mr. Conteh, who is also a journalists and political commentator, came “as a result of his robust criticism and an attempt to expose through video the brutality of security officers against a perceived opposition supporter just after the main opposition All People’s Congress (APC) party did a walkout protest of the Presidential State Opening of Parliament on 2<sup>nd</sup> May 2019”, reported Cocorioko online, 2<sup>nd</sup> May, 2019. Mr. Conteh was responding to medical treatment at private hospital at the time of writing this report.



On Monday 6<sup>th</sup> May 2019, 'Christian Lawyers Centre, popularly known as 'Legal Link', threatened to institute criminal action against the administrative heads of the Military to be held vicariously liable for the act of the subordinate officers for the alleged beating of Morlai Kanu Conteh, who is also a member of Legal Link. According to the victim, he said he was invited to witness the state opening of Parliament. A few minutes after he arrived, he noticed the All People's Congress (APC) Members of Parliament were staging a walking out on the President of Sierra Leone. While he followed the crowd, two military officers manning the gate, verbally attacked and assaulted him and said, "you are always criticizing our government, and we will teach you a bitter lesson", Conteh said. He said he received several punches and kicks that led to bruising. "What surprises me most is the fact that the two officers who beat me did not have an identification tag on their uniform," Conteh said.

Legal Link demanded internal investigation by the military and a parallel investigation by the Office of National Security (ONS) to corroborate the findings of the military; the Chief of Defense staff to denounce the unprofessional conduct of those two military officers, an apology by the administrative head of the military and refund of medical expenses incurred. The organisation said if the recommendations were not adhered to within seven days they would institute criminal actions against the military to be held vicariously liable for the acts of the subordinate officers. Thomas Moore Conteh, head of Citizens Advocacy Network (CAN), said the beating was an attack on free speech and activism.

The Government of Sierra Leone through the Ministry of Information and Communication reacted to the allegation of attacks on civil society organisations.

"Government notes with disquiet a press release from some civil society organizations on alleged attacks on civil society and human rights defenders. Whilst the release does not expressly indict government, yet it makes veiled references or

insinuations of attempts at gagging free speech and impugning on the human rights of Sierra Leoneans.

Government condemns any attempt at inhibiting free speech, and reiterates its commitment to ensuring that freedom of expression is exercised without let or hindrance.

The public is fully aware that President Julius Maada Bio campaigned on a promise of upholding human rights, fundamental freedoms and dignity, and he has not veered off that path.

Since his election as President, he has bent backwards to accommodate all shades of opinion and has absorbed all manner of taunts, disrespect for his person and office, and coped with unnecessary irritabilities.

Few days ago, APC Parliamentarians behaved 'infra dignitatem' by walking out of Parliament at the time of the national anthem and just when His Excellency President Bio had made his entrance and set to deliver his annual speech to the Nation.

As a show of commitment to broadening the space for participatory governance, Government has committed itself to decriminalizing the 1965 seditious and defamatory libel law, and concrete steps are being taken to actualize it.

To further deepen the national discourse, President Bio has initiated a national dialogue forum in the form of Bintumani III. This is testimony of government's sensitivity to the concerns of the people of Sierra Leone.

As a government committed to protecting the rights of every citizen, we hereby request civil society groups expressing concerns about shrinking democratic space to substantiate their claims to enable Government to address their concerns.

Government notes with consternation, allegations that rights defenders have been physically attacked across the country for dissenting views. Civil society and rights defenders who have been attacked as alleged in the press release of May 7, 2019 are encouraged to show such proofs and take legal action against aggressors, and would be assured of government's unflinching support.

Whilst Government commits itself to upholding human rights and deepening the democratic space, let it be noted that rights have accompanying responsibilities and Government expects all citizens especially civil society organizations who hold duty bearers to account to demonstrate this in their dealings with duty bearers."

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.

### **3. STATUS OF REPORTED CASES**

#### **3.1 Interviews with Journalists**

##### **Mr. Samuel Bangura, Director of News and Current Affairs, AYV**

Mr. Samuel Wise Bangura of AYV confirmed that there was an attack on journalists working for the AYV Television in Makeni while they were covering the visit of the CID officials to the home of former President Ernest Bai Koroma on 16<sup>th</sup> January 2019. He said when the incident took place, they reported the matter to the Sierra Leone Police (SLP) in Makeni and also the executive of the APC party. In addition, they wrote a letter of complaint to the IGP, who replied that he had ordered for the matter to be transferred to the CID in Freetown. He complained that since then, they had been waiting on the IGP, and by extension the police, to brief them on the findings of the investigation and possible arrests. He expressed dismay over the delay in dealing with the matter.

##### **Mr. Emmanuel Thorley, NightWatch Newspaper**

According to Emmanuel Thorley, Editor of the NightWatch Newspaper, since his release, the Sierra Leone Police have not invited him for further questioning on the matter he had at the CID. This seemed 'as a no case to answer to anymore', according to him. He further stated that he was asked by the police to discontinue his publication on the passport issue which led to his arrest.

##### **Telephone interview with Mr. Umaru Fofana**

Mr. Fofana confirmed that he received an audio message of a death threat.

He said he reported the matter to the Sierra Leone Police and his witness who forwarded the message to him on WhatsApp was invited to make a statement to a police officer at the headquarters of the CID in Freetown.

The former SLAJ President said after his witness made the statement to the investigator assigned to the case, the witness' full details were leaked to the public. Afterwards, the witness started receiving serious threatening remarks from unknown persons to the extent that his wife was scared.

Mr. Fofana said he reported the matter to the head of the CID who reassigned the investigation to another officer.

However, Mr. Fofana said he did not cooperate with the second officer because he had lost confidence in the police and was skeptical about their ability or willingness to handle the matter. He said he was considering options as to how to keep the matter alive "in view of its seriousness".

### **3.2 Update from the Sierra Leone Police on the Cases**

MRCG sought the reactions from the Head of Police Media, Superintendent Brima Kamara and his deputy, Assistant Superintendent Samuel Saio Conteh.

On the arrest, detention and subsequent release of Alpha Thorley of the NightWatch Newspaper by the Police on the 14<sup>th</sup> January, 2019 on allegations of publishing false information that several diplomatic passports were illegally given to families of the ruling government personnel/officials, the police said the CID Headquarters, Freetown had concluded investigation of the matter. It has now been forwarded to the Attorney General and Minister of Justice for perusal and legal advice.

Regarding the attack on two AYV journalists, Augusta Ethel Turay and Alie Kamara on the 16<sup>th</sup> January, 2019, the police said the Regional CID North-East is handling the matter. According to them, when the matter was reported, medical request forms were issued to the AYV personnel and there had been no cooperation from the alleged victims, as they failed to return their endorsed medical paper. The matter is therefore stalled because of lack of cooperation.

On the 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 matter is under investigation at the CID Headquarters, Freetown, and is receiving serious attention. With regards the alleged case of divulging information of Mr. Fofana's witness, this is being dealt with by the Complaint Discipline and Internal Investigations Department (CDIID), Police Headquarters, Freetown.

The alleged attacks on leaders of civil society organisations were not formally lodged as complaints to the CID and were therefore not investigated. However, the head of the National Youth Coalition, Mr. Morlai Conteh, said his matter is currently being investigated by the military police of the Republic of Sierra Leone Armed Forces (RSLAF).

### **3.3 Follow up on previous cases in the first edition**

- 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.

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.

***New Police Response: The situation remains the same***

- 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.

***New Police Response: The matter was already in court for adjudication. It had been committed to High Court in Kenema, Eastern Region, Sierra Leone***

- 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.

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.

***New Police Response: The situation remains the same.***

- 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.

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

***New Police Response: The situation remains the same.***

- 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.

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.

***New Police Response: Alhassan Jalloh did not come back to follow up on the matter. He probably lost interest and decided to move on.***

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

In its New Year Message titled, 'Renewed Hope for the Future' issued on 1<sup>st</sup> January, 2019, the National Secretariat of SLAJ said they were "entering the year 2019 with renewed and realistic hope for the repeal of the infamous Criminal Libel Law. The current Government of Sierra Leone made about eight commitments, contained in their manifesto, toward the development of the country's struggling media. So far, they have shown convincing indications that they would fulfill their promises." The Secretariat added that a "Cabinet paper on the repeal of the criminal libel law is now ready for Executive approval; from there it should make its way to the Sierra Leone Parliament as soon as possible."

In his Statement on the 2019 World Press Freedom Day, 3<sup>rd</sup> May, the President of SLAJ, said although the UNESCO global theme is "Media for Democracy: Journalism and Elections in Times of Disinformation", "for us in Sierra Leone the most pressing issue is the repeal of the Criminal Libel laws, which is largely being resisted because of criticisms on the quality of journalism in the country. He said that was the reason why SLAJ chose the theme "Criminal Libel and Quality of Journalism" for the commemoration of the 2019 World Press Freedom Day.

The SLAJ President quoted the Truth and Reconciliation Commission Report which, among other things, states that "The use of sedition and defamation proceedings under the criminal law does not bode well for freedom of expression in Sierra Leone. These provisions are the leftovers of a long gone colonial era. In many countries, laws on sedition and criminal libel have been either formally or effectively abandoned...."

Mr. Lewis said in a "friend of the court" brief submitted on 6<sup>th</sup> May 2004, the Open Society Justice Initiative urged the Inter-American Court of Human Rights to seize an historic opportunity to advance freedom of expression by outlawing criminal defamation. The brief notes a growing consensus worldwide that criminal defamation statutes hinder free expression. "A society cannot be free if its citizens must avoid criticism of public officials out of fear of criminal prosecution." There should be no more excuses, the criminal and seditious libel laws must be repealed, he reaffirmed.

The SLAJ President pointed out that journalists 'are heartened that the President said [at the State Opening of Parliament on 2<sup>nd</sup> May, 2019] that he was still committed to the repeal. We however note that Mr. President it has been one year. That is how the APC started until it became 10 years. Since you are that "talk and do" president we recognize that you have spoken we now want to see you do it."

In his statement on World Press Freedom Day on May 3, 2019, Mr. George S. Khoryama, Chairman of the Independent Media Commission (IMC) noted that the



“Criminal Libel Law that continues to roar from the pages of our national constitution and from the law courts in this country could be portrayed to that of the sword of Damocles that is hanging over journalists.” Criminal libel is an enemy of a free press and of freedom of expression, he added.

The SLAJ continued to condemn the attacks and arrests on journalists 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 been advocating the safety and protection of journalists.

### **3.5 Government’s Position on Press Freedom Issues**

The new government has severally reiterated its commitment to the repeal of seditious and criminal libel laws. The Ministry of Information and Communication has held several meetings and consultations on the repeal of the laws and the possible replacements that will ensure that the rights and reputations of everybody is protected.

In his address on the occasion marking the 58<sup>th</sup> Independence Anniversary on the 27<sup>th</sup> April 2019, President Julius Maada Bio said he expected that “parliament will soon... strike the 54-year criminal libel laws.”

The President reiterated his promise again on the occasion of the State Opening of Parliament on Thursday, 2<sup>nd</sup> May, 2019. He said his Government is still committed to repealing the criminal and seditious libel laws. “Consistent with the pledge to repeal the obnoxious Section of the Public Order Act 1965, which criminalizes defamation and seditious libel, the Ministry of Information and Broadcasting has held consultations with key stakeholders, including the Law Officers Department and the Sierra Leone Association of Journalists amongst others, to adopt the appropriate strategy. The draft cabinet paper requesting the amendment of the Public Order Act 1965 has been submitted to the Attorney-General and Minister of Justice for her concurrence”, President Bio added.

Similar commitments to repeal the law are contained in the SLPP manifesto, the President’s address at the State Opening of the First Session of the Fifth Parliament of the Second Republic of Sierra Leone on May 10, 2018; his statements at the 73rd Session of the United Nations General Assembly in New York on 27<sup>th</sup> September, 2018, and the inaugural Media Cocktail Dinner at Radisson Blu Hotel Mammy Yoko in Freetown on December 5, 2018.

#### **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 of being directly affected by the law, and that the law was not in conflict with the Constitution.

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

The IMC continues to regulate media institutions in the country. Since December, 2018, the Commission continued to raise concern about the failure of a number of media institutions to renew their licences.

The National Telecommunication Commission (NATCOM) issues and regulates the technical issues (spectrum) of radio and television stations.

Between December 2018 and April 2019, the IMC registered five newspapers and one magazine, and granted license to 4 radio stations.

In his address at the State Opening of Parliament on Thursday, 2<sup>nd</sup> May, 2019, President Julius Maada Bio noted that in early 2000, Government set up the IMC and charged it with the task of regulating and monitoring media institutions to ensure that they operate in a way that promotes the public good. However, he continued, the IMC has failed to enforce its own ethics and like most democratic institutions, it has not escaped political interference from past Governments. But he added that government has restructured the leadership of the IMC with a view to improving on delivery on its mandate.

There are still 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.

## 6. PERFORMANCE OF MEDIA INSTITUTIONS

Some media institutions sometimes do publish or broadcast contents that breach ethical standards of the country's media laws and codes of practice and ethics.

The IMC, which regulates the media, concluded 17 complaints against various media institutions between January and April 2019. It ruled against 15 of the media institutions.

On the World Press Freedom Day Celebration at the British Council in Freetown, on 3<sup>rd</sup> May, 2019, the Chairman of the IMC, Commissioner George S. Khoryama, said since the new Board was set up over some six months ago, they had been "overwhelmed with complaints upon complaints against newspapers and radio stations so that the complaints committee has to work every week to contain the upsurge." "There is still a high level of defamatory and character assassinations in the media, inaccuracies and poor reporting", he added. "Worse still most newspapers, magazines and radio stations registered with the IMC have refused to comply/respect the code of conduct of the IMC", Chairman Khoryama pointed out.

The IMC Chairman added that media houses – mostly newspapers and radio stations - summoned from time to time to appear before the Complaints Committee have refused to do so; they have refused to pay fines, let alone do retractions and apologise as the code of conduct demands. "This is by no means saying that all journalists or media houses are uncooperative. Some of them have remained very professional and compliant", Mr. Khoryama added.

He warned that the Commission has resolved to enforce with full force the mandate given it to run the commission. 'There should be no surprises', he stated.

There is, however, a general improvement and progress in the outputs of media institutions. This is reflected in their contents and programming. But 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.

## 7. STATUS OF MEDIA LAWS IN SIERRA LEONE

The same Acts and Codes of Practice/Ethics listed in previous reports were still being used to regulate the media.

### a. Specific Acts containing Media Laws and Regulations 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)<sup>1</sup>

### 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	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.

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

3.	Publication of False News - The Public Order Act (No. 46)	1965	Still in force
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)<sup>2</sup>

#### **b. Codes Dealing with Media Regulation Still in Force**

<b>No.</b>	<b>Codes</b>	<b>Year</b>	<b>Status of the law</b>
1.	Code of Ethics of the Sierra Leone Association of Journalists	2000	Still in force. Reviewed.
2.	The IMC Media Code of Practice	2007	Still in force

Source (Sowa and Kapuwa, 2015)<sup>3</sup>

<sup>2</sup> (Ibid,2015)

<sup>3</sup> (Ibid,2015)

## **8. CONCLUSION**

The cases 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 criminal libel provisions in Part V of the 1965 Public Order Act that criminalizes libel also remain. Journalists are still invited, arrested or detained on criminal libel charges.

There have been many promises by the current government to repeal this section of the law. It is now time to actualize those promises.

As stated in the 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."

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, 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

- Justice should be ensured for those AYV journalists that were attacked in Makeni while performing their professional duties, as well as BBC's Umaru Fofana who received distress death threats.
- Journalists should be provided an enabling environment to do their job without the fear of being intimidated, arrested, harassed or assaulted.
- Journalists should be given the freehand to execute their duties and exercise their responsibilities and obligations without fear or hindrance.
- Journalists should abide by ethical standards in their daily coverage and reportage.
- Victims of press freedom and freedom of expression violations, including journalists, media personnel and activists, should cooperate fully with SLAJ in assisting the police in their investigation.
- Government should ensure that those journalists who suffered in the hands of the politicians during the 2018 run-off presidential election get justice.
- Government should speedily and unconditionally repeal the criminal and seditious libel law provisions in Part V of the Public Order Act of 1965.
- 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.
- 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.
- The IMC should popularise its statute and Media Code of Practice among journalists and the Police.
- SLAJ should popularise its Media Code of Ethics among its membership.



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