



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



Report on Press Freedom in Sierra Leone - June to November 2019

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

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ACRONYMS/ABBREVIATIONS

APC	-	All People Congress
ACC	-	Anti Corruption Commission
AYV	-	Africa Young Voices
CGG	-	Campaign for Good Governance
CHRDI	-	Centre for Human Rights and Development International
CID	-	Criminal Investigation Department
DPP	-	Director of Public Prosecution
FAJ	-	Federation of African Journalists
GoE	-	Guild of (Newspaper) Editors
GoSL	-	Government of Sierra Leone
IMC	-	Independent Media Commission
LUC	-	Local Unit Commander
MFWA	-	Media Foundation for West Africa
MIC	-	Ministry of Information and Communications
MRCG	-	Media Reform Coordinating Group
NEC	-	National Electoral Commission
NED	-	National Endowment for Democracy
NATCOM	-	National Telecommunications Commission
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
WIMSAL	-	Women in the Media Sierra Leone
SWASAL	-	Sport Writers Association Sierra Leone

- SLPP** - Sierra Leone People's Party
- SLP** - Sierra Leone Police
- SDI** - Society for Democratic Initiatives

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EXECUTIVE SUMMARY

This Report on 'Press Freedom in Sierra Leone' is the third in a series produced by the Media Reform Coordinating Group (MRCG). It is one of the outputs 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 June 2019 to November 2019, monitors the exercise and legal guarantee of press freedom and freedom of expression issues in Sierra Leone, including assaults, arrests, detentions and prosecution of journalists and civil society activists, and 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 covered in this Report are the:

- Arrest and detention of four local journalists Sallieu Tejan Jalloh: Publisher of the Times SL Newspaper; David Johnson, Editor of Times Sierra Leone 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-counts 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.
- Assault of two female sport journalists (Frances Bernard-Bundor and Esther Marie Samura) of the Sierra Leone Broadcasting Cooperation (SLBC) by Sierra Leone Presidential Guard at the National Stadium in Freetown on Sunday, 8th September 2019, during the FIFA WORLD Cup 2022 Preliminary return-led match between Sierra Leone and Liberia.

- Arrest and detention of Mahmud Tim Kargbo on 20th September 2019 for allegedly publishing a defamatory article against Hon. Justice Miatta Samba, a Court of Appeal Judge, headlined ‘Justice Redefined by Miatta Samba’, which is said to have accused the Judge of corruption and incompetence.
- Arrest of Former Mayor of Freetown, Herbert Williams, and Former Western Area Spokesman of the opposition APC, Abubakarr Daramy in October in relation to the beating of the Late Journalist Ibrahim Samura by some APC thugs during the 31st March 2018 Presidential run-off election at a polling station in Lumley. Samura later died at the 34 Military Hospital at Wilberforce on the 6th June 2018 allegedly from the beatings he received while covering the Sierra Leone Presidential run-off election.
- Arrest and detention of the Managing Editor of the Times SL Newspaper, Sallieu Tejan Jalloh (Sal Tee) in Freetown by plainclothes police officers on 11th November 2019 in connection with an SMS text message that he sent to the country’s 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.

MRCG followed up on the following cases, which were reported in the first (June to November 2018) and second (December 2018 to May 2019) editions of the Press Freedom Report, but remained ‘inconclusive’.

- 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. This matter is covered as one of the current cases in the third edition of the Press Freedom Report.
- 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 officers and persons openly identifying themselves as SLPP supporters.
- 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, Dr. Julius Maada Bio.

- 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.
- Arrest and detention of Alpha Thorley of the NightWatch Newspaper by the Sierra Leone Police on the 14th January, 2019 on allegations of publishing false information that several diplomatic passports were given to family members of officials of the ruling government.
- Attack on two AYV journalists - 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.
- Death threat against 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 the country's former Vice President, Hon Victor Bockarie Foh.
- 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 Army (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.

The MRCG discovered that two of the cases monitored had been concluded. The four journalists charged with eight-counts of allegedly publishing defamatory articles in the Times SL Newspaper and the Standard Times Newspaper were discharged; while the Committee established to investigate the assault on two female sport journalists (Francess Bernard-Bundor and Esther Marie Samura) of the Sierra Leone Broadcasting Cooperation (SLBC) by Presidential guards had submitted its report to the Ministry of Information and Communications (MIC) with recommendations, including taking disciplinary actions against the presidential guard.

Mahmud Tim Kargbo's alleged defamatory matter had been committed to the High Court, while the trial of the Former Mayor of Freetown, Herbert Williams, and Former Western Area Spokesman of the opposition APC, Abubakarr Daramy, charged with the alleged murder of the late journalist Ibrahim Samura, is in progress. The police are still investigating the matter between the Managing Editor of the Times SL Newspaper, Sallieu Tejan Jalloh and the Chief Minister. Sallieu said he was still being invited by the police who are yet to return his two phones that were taken away from him.

On the previous cases in the first and second editions of the Press Freedom Reports (June to November 2018) and (December 2018-May 2019) respectively, the MRCG notes that all of those that were being investigated are still inconclusive.

On the arrest and detention Alpha Thorley of the NightWatch Newspaper by the Police on the 14th January, 2019 on allegations of publishing false information that several diplomatic passports were illegally given to family members of the ruling government personnel/officials, there had been no new development since the last report. The CID Headquarters, Freetown had concluded investigations into the matter. The files were forwarded to the Attorney General and Minister of Justice for perusal and legal advice.

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 file has been kept in view as they are constrained by the lack of corroboration from the witnesses. The police said that the matter is still under investigation at the CID Headquarters, Freetown.

On the attack on the two journalists of AYV in Makeni (Augusta Ethel Turay and Bockarie Samai) on the 16th January, 2019, there had been no progress on the matter, because the police had stated that they were yet to receive the endorsed medical forms from the journalists. However a top official of the AYV pointed out that when the matter was reported, the Inspector General (IG) of Police said he would instruct the AIG North to transfer the matter to CID, but up till now they had not heard from the police.

On the 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, Mr. Conteh said his moves to further the case were fruitless; so he decided to drop the matter.

On the matter between Alhassan Jalloh, Editor of Unique Newspaper and police officers attached to the Lumley Police Division while on duty investigating a fracas between Leoneco Filling Station and a mosque at Lumley, Mr Alhassan Jalloh said the matter was not progressing and as such, he had decided to drop it and move on. The police had said that Alhassan Jalloh did not follow up with them further on the matter.

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 defamatory words against the President of Sierra Leone, Mr 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 had not

received any information on the progress of the matter. The police are yet to return his phone.

On 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 having visited the police about three times with no positive response, he stopped. The police had said that Koroma had not been able to identify those that attacked him; and as such, they have been unable to arrest any suspect. However, the police said they will continue to follow up on the matter.

The matter of the alleged 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, is still in court.

The MRCG is concerned about the state of some cases in which journalists were arrested, detained and released without any charge. It is also concerned that some 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 noted that most of the arrests were based on alleged breaches of the Public Order Act of 1965 (Act No. 46 of 1965), a legislation that contains an entire area (Part V) that criminalises libel. However, during this reporting period, the MRCG notes that a bill entitled 'The Public Order (Amendment) Act, 2019' was gazetted 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. The MRCG welcomes what it calls the greatest move ever toward the repeal of the '54-year old legislation.' The bill will be tabled in Parliament in December 2019.

The MRCG continues to join its partners in reaffirming 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, civil society and the general public to ensure the safety and security of journalists across the country at all times.

1. INTRODUCTION

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

The media sector has experienced quite extraordinary events, with the arrest and detention of journalists under the criminal and seditious libel laws in Part V of the Public Order Act, No. 46 of 1965. These events have spawned negative media coverage internationally and have the tendency to tarnish the reputation of Sierra Leone’s democratic credentials. The application of criminal libel law 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. 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 - June to November 2019. It is divided into the following areas: **Thematic Issues** (focusing mainly on the **assaults, arrests and detentions of journalists and civil society activists**); **Guarantee of Freedom of Expression and of the Press** (constitutional and other legal provisions); **Regulating Bodies for Electronic Media, Print Media and Telecommunications**; **Performance of media institutions**; **Status of media laws in Sierra Leone**; **Conclusion, Recommendations and References**.

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

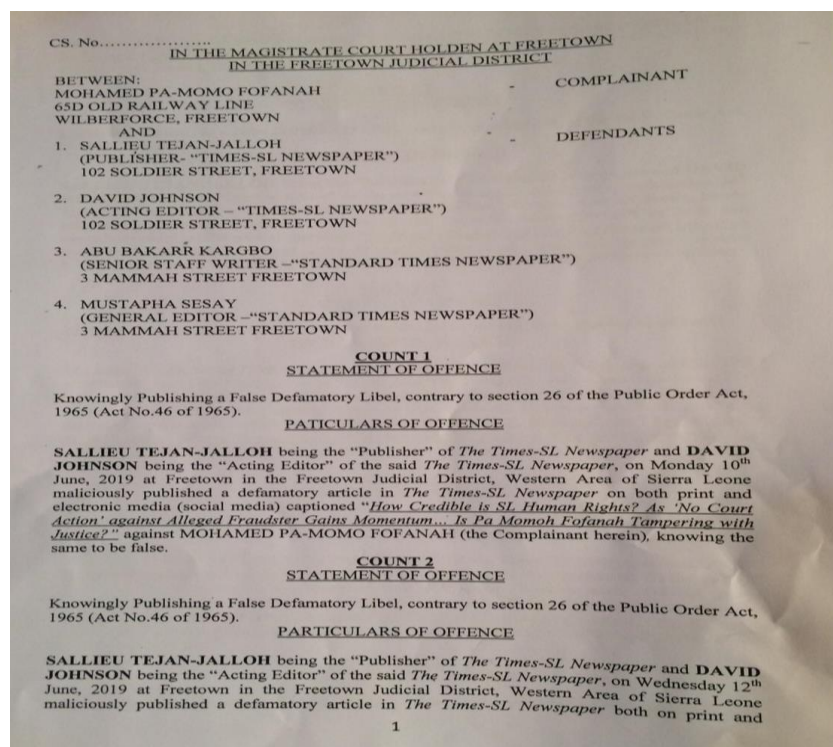
A total of five major issues have been addressed in this report. In addition, this report follows up on nine cases in the first and second editions, which covered June 2018 to May 2019, but were still inconclusive.

The MRCG thanks NED for funding the project. Special thanks also go to the authors of the monthly reports, namely Dennis Frazer and Rosaline Amara, and their supervisors, James Harvey and Usman Bah. This third biannual report was written by Francis Sowa and edited by Mustapha M K Sesay of MBC Consulting.

2. THEMATIC ISSUES

2.1 Assaults, Arrests, Detentions and Intimidations of Journalists

In June, 2019, the police arrested, detained and charged to court four local journalists on eight-count of criminal libel related charges. They are Sallieu Tejan Jalloh (Sall Tee), 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. Pa Momoh Fofanah Esq., a Barrister and Solicitor of the High Court of Sierra Leone, took the matter to court through a private prosecution. They were remanded at the Pademba Road Male Correctional Centre in Freetown for five days.



According to the statement of offence, the journalists were charged with 'Knowingly Publishing a False Defamatory Libel, contrary to Section 26 of the Public Order Act of 1965, and the Publishing of a False Defamatory Libel contrary to Section 27 of the Public Order Act, 1965 (Act No. 46 of 1965).

Sallieu Tejan Jalloh and David Johnson allegedly published defamatory articles in the Times SL Newspaper on Monday 10th June 2019 against Mohamed Pa-Momoh Fofanah, headlined: "How Credible is SL Human Right? As No Court Action against Alleged Fraudster Gains Momentum.... Is Pa-Momoh Fofanah Trampling with Justice?" and on Wednesday 12th June 2019 headlined: "Alarming!!! \$140,000 Alleged Bribery! Lawyer Pa Momoh Fofana Implicates State House" and on Monday, 24th June 2019, headlined: "As Deputy Master and Registrar Relocates her Office to Pademba Road Court Yard...Pa Momoh Fofana Slaps Magistrate Bonnie."



Abu Bakr Kargbo and Mustapha Sesay on Friday 21st June 2019 allegedly published a defamatory article in the Standard Times Newspaper, captioned: "Fake Document to meet Bail Condition ... Unlawful Undertaken (sic) Signed"



The four journalists were later granted conditional bail by Magistrate Mark Ngegba after being in detention for five days.

In the month of July, 2019, there was no report on the arrest and/or detention of any journalist in Sierra Leone. However, Theophilus Sahr Gbenda, General Manager, Eagle Africa Radio and the Producer/Presenter of a popular programme, 'Burning Issues', was allegedly attacked by three armed robbers on 13th July 2019 in Freetown.

Returning home from the SLAJ Presidential Election, Mr. Gbenda said the attackers had dangerous weapons on them, including knives and daggers. He said he sustained some bodily injuries during the attack, in which the attackers carted away his valuable items, including a digital camera, mobile phones, two audio recorders, iPad, national passport and other important documents.

MRCG followed up on the arrest of the four local journalists - Sallieu Tejan Jalloh (Sall Tee), David Johnson, Mustapha Sesay and Abu Bakarr Kargbo - in June who were remanded and spent the weekend at the Pademba Road Male Correctional Centre. With the intervention of SLAJ, the four local journalists were released on bail on Tuesday 2nd July 2019 by Magistrate Mark Ngegba of Court No.2 in Freetown.



In the month of August, 2019, there was no report of assault, arrest, or detention of any journalist. The case involving the four journalists - Sallieu Tejan Jalloh, David Johnson, Mustapha Sesay and Abu Bakarr Kargbo continued at the Pademba Road Magistrate Court No.2 in Freetown. There were two court sittings in August (16th and 22nd August) 2019 and the matter was adjourned to the 5th September 2019.

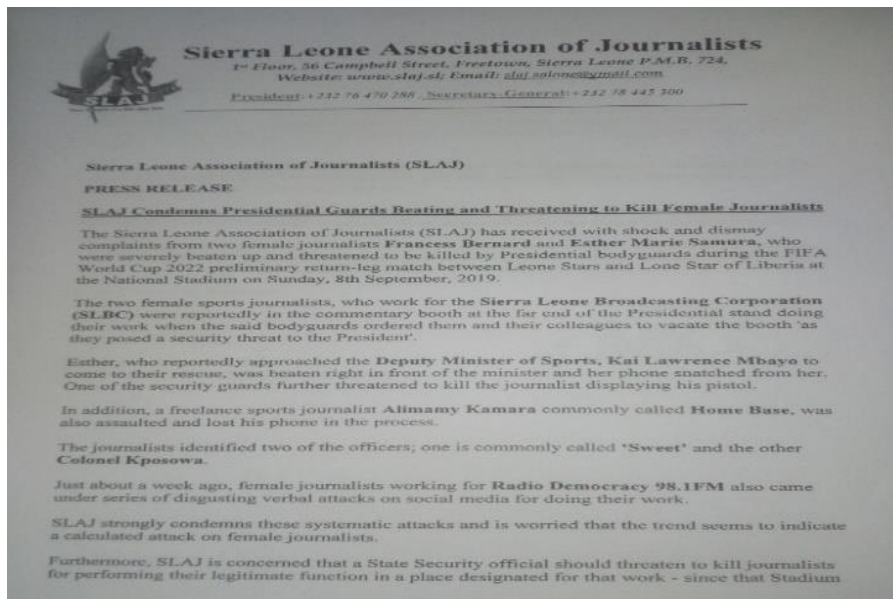
In September, 2019, there was a report of assault and beating of two female sport journalists (Francess Bernard-Bundor and Esther Marie Samura) of the Sierra Leone Broadcasting Cooperation (SLBC) in Freetown by the Sierra Leone Presidential guards on Sunday, 8th September 2019.



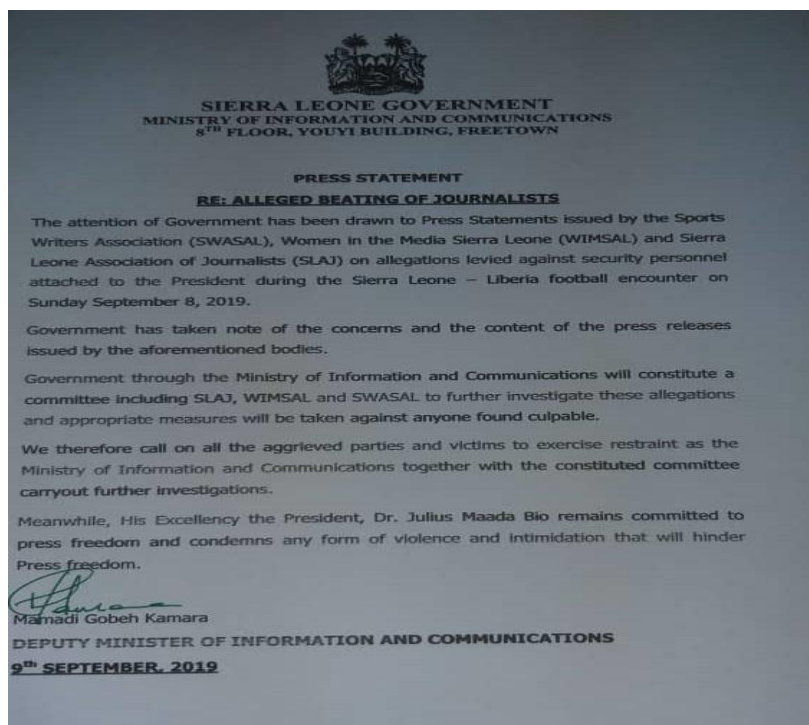
The incident occurred at the National Stadium during the FIFA WORLD Cup 2022 Preliminary return-led match between Leone Stars and Lone Star of Liberia. The two female sport journalists of the public service broadcaster were reportedly severely beaten.



Several organizations, including the Sierra Leone Association of Journalists (SLAJ), Women in the Media Sierra Leone (WIMSAL), Sport Writers Association Sierra Leone (SWASAL) and Society for Democratic Initiative, issued out press releases condemning the action by the Presidential guards and demanding accountability.

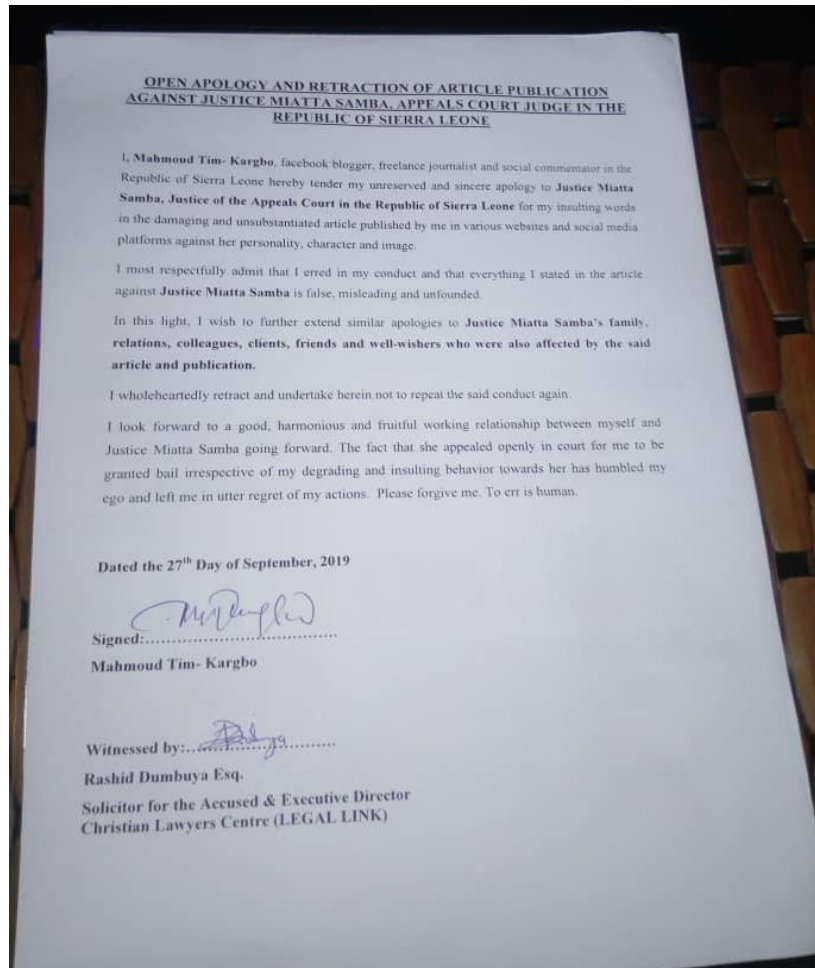


In response to the incident, the Government through the Ministry of Information and Communication issued out a press release asking the aggrieved and parties to exercise restraint as the Ministry would set up a Committee to investigate the matter.



Also, on 20th September 2019, Mahmud Tim Kargbo, a freelance writer and social commentator, was arrested by the police, denied bail and charged to court on the 23rd September 2019, for publishing an article titled, 'Justice Redefined by Miatta Samba'. Kargbo reportedly accused the Judge of corruption and incompetence. The matter was presided over by Magistrate Hannah Bonnie. During the first hearing, no lawyer represented the accused. However, on the 25th September, 2019 the

Executive Director of Christian Lawyers Centre - LEGAL LINK, Rashid Dumbuya Esq. represented the accused and filed an application for the accused to be granted bail. The accused was granted bail on the 26th September 2019 after six days in detention. Mahmud Tim Kargbo tendered an open apology and retracted the article on the 27th September 2019. The matter has been committed to the High Court.



In October, 2019, there was no case of assault, arrest, or detention of any journalist. However, the case of the late journalist, Ibrahim Samura, came up at the Pademba Road Magistrate Court, presided over by Magistrate Mark Ngegba on 23rd October 2019. Ibrahim Samura was allegedly beaten up by some APC thugs during the 31st March 2018 Presidential run-off election at a polling station in Lumley. He later died at the 34 Military Hospital at Wilberforce on 6th June 2018, allegedly from the beatings he received while covering the Sierra Leone Presidential Run-off Election. The Former Mayor of Freetown, Herbert George Williams and Western Area Spokesman of the opposition APC, Abubakarr Daramy were arrested on the said matter.

“Herbert George Williams and Abubakarr Daramy are both facing two counts of murder and conspiring with other unknown persons to commit grievous bodily harm,” stated Politico SL online newspaper, 27 October, 2019.

The matter came up on the 29th October 2019 but was adjourned by the magistrate to Friday 1st November 2019 following an application from the lead defense lawyer who cited concerns over the health of his clients.




In relation to the alleged beating of the two female sports journalists, Fracess Bernard-Bundor and Esther Marie Samura of the SLBC, the Committee set up by the Ministry of Information and Communication to investigate the matter presented the report containing their findings and recommendations to the Ministry of Information and Communication on the 17th October 2019.

The 13-point recommendations to the Government included punitive action to be taken against the Presidential Guard.

Upon the presentation of the findings and recommendations by the Investigation Committee, the Sierra Leone Association of Journalists (SLAJ) and its affiliates, Women in the Media Sierra Leone (WIMSAL) and Sport Writers Association Sierra Leone (SWASAL) put out press releases urging government to speedily implement the recommendations of the Committee. The SLAJ press release was dated 23rd October 2019.

The President of SLAJ, stated through the release that: "The recommendations, in my opinion, are generally fair enough to ensure justice for our colleagues. So I urge government for their speedy implementation, lest they gather dust in some shelf". He assured that SLAJ will effectively monitor the implementation of the recommendations.



Sierra Leone Association of Journalists
 1st Floor, St. Campbell Street, Freetown, Sierra Leone P.M.B. 724,
 Website: www.slaj.sl; Email: slaj.sl@comail.com
 President: +232 76 470 288 / +232 30 470 288 Secretary-General: +232 78 445 309

23 October, 2019

PRESS RELEASE

SLAJ Urges Government To Speedily Implement Recommendations of the Investigations Committee on Assault of Two Female Sports Journalists

The Sierra Leone Association of Journalists (SLAJ) and its constituent bodies have formally received from their representatives the final report of the Investigations Committee that was established by the Government of Sierra Leone through the Ministry of Information and Communications to look into allegations levied against security personnel of the Joint Presidential Guard Force during the Sierra Leone-Liberia football encounter on Sunday, 8th September, 2019 at the National Stadium in Freetown.

Our representatives reported that the Committee carried out its investigations without interference or intimidation from any quarter and that the proceedings were fair and transparent.

SLAJ and its constituent bodies represented in the Investigations Committee therefore call on the Government of Sierra Leone to speedily implement the recommendations in the report.

"The recommendations, in my opinion, are generally fair enough to ensure justice for our colleagues. So I urge Government for their speedy implementation lest they gather dust in some shelf. We will ensure we monitor the implementation of these recommendations," said SLAJ President, Ahmed Sahid Nasralla.

Furthermore, SLAJ welcomes the advice of its representatives to engage the leadership of the security forces (SLP, OSD and RSLAF) so that we understand

and respect one another's role in our democracy and to prevent repeat of such incidents in future.

Meanwhile, SLAJ expresses profound gratitude to its representatives, and the Investigations Committee in general, for a professional job.


Long Live Press Freedom!
 Long Live SLAJ!
 Long Live Sierra Leone!

Mohammed Asmiea Bah
 NATIONAL SECRETARY GENERAL


Sahr Morris Jnr
 Sports Writers Association Sierra Leone (SWASAL)
 SECRETARY GENERAL

Fatima Sesay
 Women In the Media Sierra Leone (WIMSAL)
 SECRETARY GENERAL

Mohamed Jaward Nyallay
 Sierra Leone Reporters Union (SLRU)
 SECRETARY GENERAL



The Government, through the MIC, responded to the report and stated government's commitment to refund expenses incurred on treatment and payment for all claims for damages incurred by victims; and that administrative action had been effected against the officer in the Joint Presidential Guard Force proven to have inflicted bodily harm on the journalists.



SIERRA LEONE GOVERNMENT
MINISTRY OF INFORMATION AND COMMUNICATIONS
8TH FLOOR, YOUYI BUILDING, FREETOWN

PRESS STATEMENT


RE: INVESTIGATION COMMITTEE REPORT ON ALLEGED BEATING OF JOURNALISTS

The Ministry of Information and Communications on Thursday 17 October 2019 received the Report from the Investigations Committee instituted by the Ministry to investigate alleged beating of two female journalists by security personnel of the Joint Presidential Guard Force during the Sierra Leone – Liberia football encounter on Sunday September 8, 2019 at the National Stadium in Freetown.

Noting the Committee's observation that there were palpable security concerns around the vicinity of Presidential pavilion and cognisant of the findings and recommendations proffered by the Investigation Committee, the Government of Sierra Leone in response to the investigation report notes the following:

- a) that the Government of Sierra Leone will refund supported expenses already incurred on treatment of victims of the incident at the stadium;
- b) that the State facilitates and finances further medical attention needed by the female journalists and the other identified victims; can only be predicated on a certified medical report;
- c) that necessary administrative action has been taken against the officer of the Joint Presidential Guard Force proven to have inflicted the grievous bodily harm on the female journalists.
- d) that all issues in the report relating to line Ministries, and agencies will be referred to them for appropriate timely interventions;
- e) that in spite of all reservations, Government will pay for all claims for damages incurred by victims as contained in the report.

In view of the aforementioned, Government wishes to assure all media practitioners and citizens of its continuing support and commitment to media freedom and protecting and preserving the rights of all Sierra Leoneans.



MINISTER OF INFORMATION AND COMMUNICATIONS
24 OCTOBER, 2019

The Government assured all media practitioners and citizens of its continuing support and commitment to media freedom and protecting and preserving the rights of all Sierra Leoneans.



On 11th November 2019, there was a report of the arrest and detention of the Managing Editor of the Times Newspaper, Salieu Tejan Jalloh (Sal Tee) in the evening hours on Circular Road, Freetown, around his office, by plainclothes police officers. According to BBC's Umaru Fofana's Facebook page, the arrest of Salieu Tejan Jalloh was in connection with an SMS text message that he sent to the country's Chief Minister, Prof. David Francis, enquiring about an alleged payment of \$1.5 million into the Chief Minister's private ECOBANK account by SL Mining, which had its license cancelled by the state. Sallieu Tejan Jalloh was granted bail by the Criminal Investigation Department (CID) on 12th November 2019, after SLAJ intervened.



On the 12th November 2019, the head of Centre for Human Rights and Development International (CHRDI), Mr. Abdul Fatorma stated on his Facebook page that his organization was concerned about the arrest of journalist Salieu Tejan Jalloh, which undermines freedom of expression and of the press.

On 12th November 2019, the Office of the Chief Minister issued a press release in which it stated that on the 8th November 2019 the Chief Minister received a text message from a certain mobile number requesting comments on four questions, among which was the stated paid by SL Mining. The release noted that the alleged payment was false and that Chief Minister did not operate any account with ECOBANK, but only owned an ECOBANK international travel card.

In reaction to the said allegation, the SL Mining issued a press release stating that it did not effect any such payment.

Following his release, Sallieu Tejan Jalloh was granted and interview on the popular radio programme, 'GOOD MORNING SALONE' on Radio Democracy 98.1 on 13th November 2019, in which he narrated his ordeal. He said the plainclothes officers lured him outside his office on the pretense of wanting to grant his newspaper an advertising contract, only to arrest him when he showed up.



On 13th November, 2019, the Anti-Corruption Commission (ACC) issued a press release that the Chief Minister had informed them about the SMS text message and have contacted the bank to verify the said allegation. In their response, according to the ACC, ECOBANK said Professor David Francis did not maintain any account with the bank, but has an Ecobank CashXpress pre-paid card since August, 2019.



ANTI-CORRUPTION COMMISSION
CATHEDRAL HOUSE
3 GLOUCESTER STREET
FREETOWN
SIERRA LEONE, WEST AFRICA

Ref: ACC/PR/19/025

13th November, 2019

ACC ENQUIRES INTO ALLEGATIONS OF CORRUPTION AGAINST CHIEF MINISTER

In light of recent allegations of corruption against the Chief Minister, Professor David John Francis, the Anti-Corruption Commission (ACC) wishes to inform the general public that it has accordingly taken appropriate action. Professor Francis himself contacted the Commission following a text message he received from Sallieu Tejan-Jalloh, Managing Editor of The Times Sierra Leone Newspaper, alleging that a total of US\$1.5M was paid into his Ecobank account as bribes.

The Chief Minister, acting in accordance with Section 77 of the Anti-Corruption Act 2008, which imposes a duty on all public officers to report where a corruption offence has been committed, or is about to be committed, accordingly informed the Commission.

Acting in consonance with Section 7(1)(b) of the Anti-Corruption Act 2008, which mandates the Commission "to investigate instances of alleged or suspected corruption referred to it by any person or authority or which has come to its attention, whether by complaint or otherwise," the ACC accordingly contacted Mr. Jalloh to help with information to aid an investigation. Unfortunately, Mr. Jalloh refused to comply with the request of the Commission.

However, the ACC issued a Section 57(2) Notice, compelling the Ecobank to submit to the Commission all financial records and transactions of the Chief Minister. In its response, Ecobank clarified that "Professor David John Francis does not maintain any account with the Bank." Yet, Ecobank maintained that Professor Francis has an Ecobank CashXpress pre-paid card since August 2019. The said card, according to Ecobank, denominated only in Leones, can be issued to both Ecobank account holders and non-account holders. The investigations also revealed that since he was issued this card, Professor Francis never loaded the said card with cash; and therefore never used it.

Nonetheless, the ACC invites anyone with evidence to pass such to the Commission. By the provisions of Section 82(1) of the Anti-Corruption Act 2008, where a person discloses to the Commission that a public officer, body corporate or public body is, or has been involved in corruption, he shall incur no civil or criminal liability as a result of such disclosure.

In this light, the Commission wishes to reassure the general public of its determination to continue executing its mandate without fear or favor. For further enquiries on this and other ACC matters, please contact PATRICK MURRAY, the Public Relations Officer on +232-78-821311.

PATRICK MURRAY
DIRECTOR, PUBLIC RELATIONS AND OUTREACH DEPARTMENT

On 13th November, 2019, SLAJ, issued a press release on the matter, calling on the Police and Politicians to Respect Media Freedom.

On 15th November 2019, the Guild of Newspaper Editors Sierra Leone (GoE) issued a press release condemning the arrest of Salieu Tejan Jalloh.



Sierra Leone Association of Journalists
1st Floor, 56 Campbell Street, Freetown, Sierra Leone P.M.B. 724,
Website: www.slajl.org Email: slaj.slaj@slajl.org

President: +232 76 470288 / +232 30 470288, Secretary-General: +232 78 445300

PRESS RELEASE

Freetown: 13th November, 2019

SLAJ Calls on Police and Politicians to Respect Media Freedom

The Sierra Leone Association of Journalists (SLAJ) is pleased to officially inform its membership and the general public that the journalist who was detained on Monday, 11th November 2019, by the Sierra Leone Police has been released on bail through the intervention of the Association and the Ministry of Information and Communications.

The journalist, Salieu Tejan Jalloh, Managing Editor of *The Times SL Newspaper*, spent almost 24 hours in detention at the Criminal Investigations Department without any official charge or reason for his arrest.

While his release was our priority as we engaged with the Police throughout yesterday (Tuesday, 12th November, 2019), we wish to raise some key concerns.

SLAJ totally condemns the manner in which the Police moved in to arrest and lock up the journalist, who did not publish anything malicious or defamatory other than trying to crosscheck information that he had, which we believe is a standard journalistic practice.

Furthermore, the journalist alleged that the police officers who arrested him went to his office at Soldier Street, Freetown, on the pretext of wanting to place an advert in his newspaper, and manhandled him in the process of effecting an arrest.

We are particularly concerned that this is coming at a time when the Government has shown great commitment to repeal the obnoxious Criminal Libel Law and promoting media freedom.

"The action by the Sierra Leone Police was absolutely wrong and we totally condemn it. It is time to break this unhealthy partnership between the police and politicians locking up journalists from time to time using the Criminal Libel Law. The Police must understand that we are law abiding citizens and we are not criminals," said the President of SLAJ, **Ahmed Sabid Nasralla**.

Meanwhile, while SLAJ will continue to engage the Police we also call on our membership to always practice within the parameters of the SLAJ Code of Ethics and the Independent Media Commission's Code of Practice.

Signed:

Mohamed Aminu Bah
National Secretary General

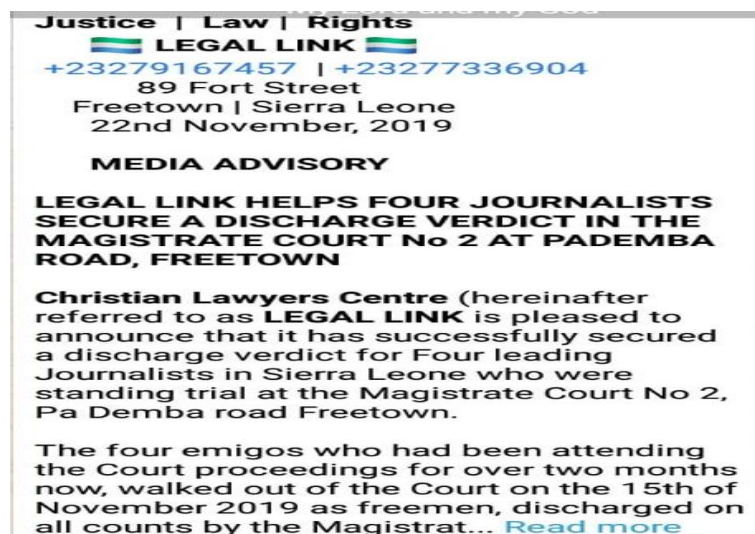


Christian Lawyers Centre – Legal Link also condemned the arrest and detention of Sallieu Tejan Jalloh. It recommended that parliament repeal the criminal libel law in Part Five of the 1965 Public Order Act, and also reminded President Bio of his declaration of commitment of his Government to repeal the criminal libel law.

On 20th November 2019, the Sierra Leone Renaissance Movement also issued out a press release on in which its addressed the arrest and detention of journalist Sallieu Tejan Jalloh. The Movement condemned the action of the police.

In a follow up on the June 2019 arrest and detention of the four journalists – Sallieu Tejan Jalloh, David Johnson, Mustapha Sesay and Abu Bakarr - who were standing trial at the Pademba Road Magistrate Court No. 2, Legal Link was said to have helped them secure a discharge verdict in court on the 22nd November 2019.

LEGAL LINK provided free legal representation for the journalists in fulfilment of its mandate to defend human rights defenders and to guarantee press freedom and freedom of expression in the country. LEGAL LINK was extremely grateful to Pa Momoh Fofanah Esq. and his lead counsel for their show of magnanimity.



Justice | Law | Rights
LEGAL LINK
+23279167457 | +23277336904
89 Fort Street
Freetown | Sierra Leone
22nd November, 2019

MEDIA ADVISORY

LEGAL LINK HELPS FOUR JOURNALISTS SECURE A DISCHARGE VERDICT IN THE MAGISTRATE COURT No 2 AT PADEMBA ROAD, FREETOWN

Christian Lawyers Centre (hereinafter referred to as **LEGAL LINK** is pleased to announce that it has successfully secured a discharge verdict for Four leading Journalists in Sierra Leone who were standing trial at the Magistrate Court No 2, Pa Demba road Freetown.

The four emigos who had been attending the Court proceedings for over two months now, walked out of the Court on the 15th of November 2019 as freemen, discharged on all counts by the Magistrat... [Read more](#)

2.2 Attacks on Civil Society Activists

From June 2019 to November 2019, there was no report of an attack on any CSO activist/leader.

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 defense, 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 defense force; or c. which imposes restrictions on the establishment of political parties, or regulates the organization, 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 Interview with Journalist

Salieu Tejan Jalloh, Managing Editor of the Times Newspaper

In a telephone interview, Mr. Sallieu Tejan Jalloh said he was arrested for Criminal, Seditious and Defamatory Libel, but was granted bail without any charge. On the issue of alleged “Extortion and Harassment”, he said there was no justification, because he only sent one text message to the Chief Minister, which he said was the first time he texted him. Mr. Jalloh further expressed frustration over the issue as he said he did not publish the story, but was arrested for doing what was ethically required of any professional journalist, by cross-checking his story with the Minister.

3.2 Comments from the Sierra Leone Police on the Cases

The responses from the Sierra Leone Police on the cases below were given by the Head of Police Media and Public Relations, Superintendent Brima Kamara and his deputy, Assistant Superintendent Samuel Saio Conteh.

- On the arrests and detentions of 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, the matter was taken to court, but they were discharged.
- A Committee was set up to investigate the assault of two female sport journalists (Francess Bernard-Bundor and Esther Marie Samura) of the SLBC at the National Stadium during the FIFA WORLD Cup 2022 Preliminary return-led match between Sierra Leone and Liberia by Officers of the Sierra Leone Presidential guard on Sunday 8th September 2019. The Committee had presented its report and Government had acted on the recommendations.
- On the case of Mahmud Tim Kargbo, the police said the matter was still in court.
- On the matter of the late journalist Ibrahim Samura, the police confirmed that two suspects, Abubakarr Daramy and Herbert George Williams have been charged with murder and the trial was ongoing at the Freetown Magistrate Court No. 1. Post charge investigation is ongoing for the alleged fugitives, Danke Elizabeth Koroma, Ibrahim Mansaray and Sanusi Kargbo Bruski.

- On the arrest and detention of the Managing Editor of the Times Newspaper journalist Salieu Tejan Jalloh (Sal Tee) in November 2019 in relation to the matter with the Chief Minister, the police said that the file had been sent to the Law Officers Department for advice.

3.3.1 Follow up on previous cases in the second edition of the Press Freedom Report

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, Mr. Thorley said since he was released without any charge, he had not heard anything from the police. The new police response is that there had been no new development had been made on the matter so far. The initial response from the SLP was that the CID Headquarters, Freetown had concluded investigations on the matter and the file had been forwarded to the Attorney General and Minister of Justice for perusal and legal advice.

On the death threat against 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 had been kept in view, as they were constrained by the lack of corporation from the witnesses. The police said that the matter is under investigation at the CID Headquarters, Freetown, and is receiving serious attention.

Regarding the attack on the two journalists of AYV in Makeni, Augusta Ethel Turay and Bockarie Samai on 16th January 2019, Mr. Samuel Wise Bangura, Head of News and Current Affairs, said AYV reported the matter to the IG of Police who said he would instruct the AIG North to transfer the matter to CID, but they had not heard from the police. Mr. Bangura said they also reported the matter to the APC party, which promised to investigate the matter, but had not done so. The police response stated that they were yet to receive the endorsed medical forms from the journalists. The police had said that 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 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 staged a walkout protest during the Presidential State Opening of Parliament on 2nd May 2019, Mr. Conteh said his lawyer, Rashid Dumbuya Esq. filed a formal letter of complaint to the Army Commandant at the

Military Headquarters – Cockrill, Freetown. Upon receipt of the legal letter of complaint, he said the Commandant directed him to a junior military police who obtained his statement. He said all his moves to further the case were fruitless; so he decided to drop the matter.

3.3.2 Follow up on Cases in First Edition of the Press Freedom Report

On the matter between Alhassan Jalloh, Editor of Unique Newspaper and police officers attached to the Lumley Police Division while on duty investigating a fracas between Leoneco filling station and a mosque at Lumley, Mr Alhassan Jalloh said there had been no progress on the matter and as such, he had decided to dropped it and moved on. The new police response stated that no new development had taken place so far. They also claimed that Alhassan Jalloh did not follow up on the matter with them.

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 defamatory words against the President of Sierra Leone, Fayia said the matter was over a year now. He said after the police granted him bail, they told him to be reporting daily which he did for two weeks. He said he was later told by the investigator that the file has been forwarded to Director of Public Prosecution (DPP); following which he had not received any call or information in relation to the matter. In relation to his cell phone that was taken away by the police during his arrest last year, he said they are yet to return it to him. In the new response, the police said nothing new has happened so far, but the matter is still under investigation.

In a follow up interview 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 inside Tonko Limba. Koroma stated that after his witness had given account to the police on the incident, the police promised to get back to him, but they never did and no one has yet been arrested in relation to the incident. He said after he visited the police on three occasions and with no positive response, he decided to stopped, and has since then not heard from them. According to the recent police response, nothing new has happened so far. The police however said that Koroma had not been able to identify those that attacked him; and as such, the police were constrained to arrest any suspect. However, the police said they will continue to follow up on the matter.

The matter of the 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, is still in court.

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. It has also been advocating the safety and protection of journalists and called on the police, politicians and the public to respect media freedom in Sierra Leone.

SLAJ recognized the commitment of government to the repeal of the criminal libel laws, stating that for the first time in the history of the fight against the laws, it had now gained cabinet's approval and is about to be tabled in Parliament. SLAJ believed that the repeal would set the stage for private sector investment in the media.

SLAJ also called for responsible and professional media practice and committed itself to reconstituting its Disciplinary Committee.

3.5 Government's Position on Press Freedom Issues

The Government continued to reiterate its commitment to the repeal of seditious and criminal libel laws. The Ministry of Information and Communications held several meetings and consultations on the repeal of the laws and the possible safeguards that will ensure that the rights and reputations of everybody is protected.

For the first time in the 54-year history of the law, the Government through the Ministry of Information and Communications, gazetted a bill to repeal the law. The Minister of Information and Communications at a Weekly Press Briefing on Thursday, 17th October 2019 at Youyi Building in Freetown, said: 'We want to attract much needed investment into the media sector. We want to be able to attract the best and brightest minds; that is why we have taken the unprecedented historic steps to repeal the Criminal Libel Laws.'

To further reaffirm his government's commitment to the repeal of the criminal and seditious libel laws, and ensure press freedom, President Julius Maada Bio said in his speech at the 74th Session of the UN General Assembly that his Government has forwarded to parliament the a bill to completely repeal a 54 years old law that criminalizes libel, which has been used by the past governments to imprisoned journalists and to restrict press freedom.

The President also reiterated his commitment to the repeal process during the meeting he held with the new SLAJ Executive at State House on 4th November, 2019. He said: "The repeal process has gone so far. People have to be mindful of how they use the media to ensure that they are not misused, because people are mindful and sensitive of their reputations. As the representative group, you have to be mindful and make sure that it is not misused because reputations are difficult to build but very easy to destroy."

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 threat or eminent threat of being directly affected by the law, and that the law was not in conflict or inconsistent with the Constitution of Sierra Leone.

Sierra Leone has a civil libel law 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, which constitutes Part Five of the 1965 Public Order Act, criminalizes false, misleading and defamatory or malicious publications. The said law has significant impact on the practice of journalism in Sierra Leone. Therefore, the Sierra Leone Association of Journalists (SLAJ), its affiliates and other media stakeholders have been making tremendous strides to ensure a repeal of the said law.

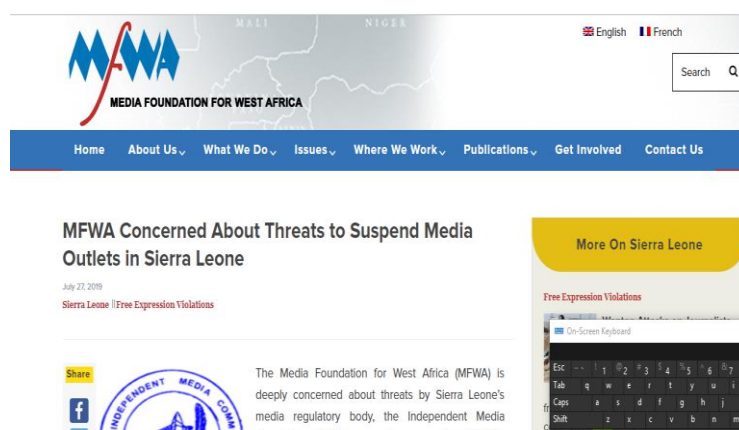
5. REGULATING BODIES FOR ELECTRONIC MEDIA, PRINT MEDIA AND TELECOMMUNICATIONS

Sierra Leone has regulatory bodies for its media. The Independent Media Commission (IMC) is the regulatory body of media institutions in the country. It registers and licenses media institutions, and ensures compliance with the Media Code of Practice, among other things.

During the period under review, the IMC sent out notices for the suspension of media institutions that failed to comply with its rulings and for failure to renew their registration and annual licences.



Regarding the IMC suspension of media outlets in July for breaching the IMC Code and Act, the Media Foundation for West Africa (MFWA) said it was concerned over the IMC suspending a dozen newspapers and many other radio stations. It urged the media outlets concerned to approach the IMC and negotiate a payment plan for the license fees.



Also in October, the IMC called on government to strengthen its mandate to enforce its rulings, orders and directives.



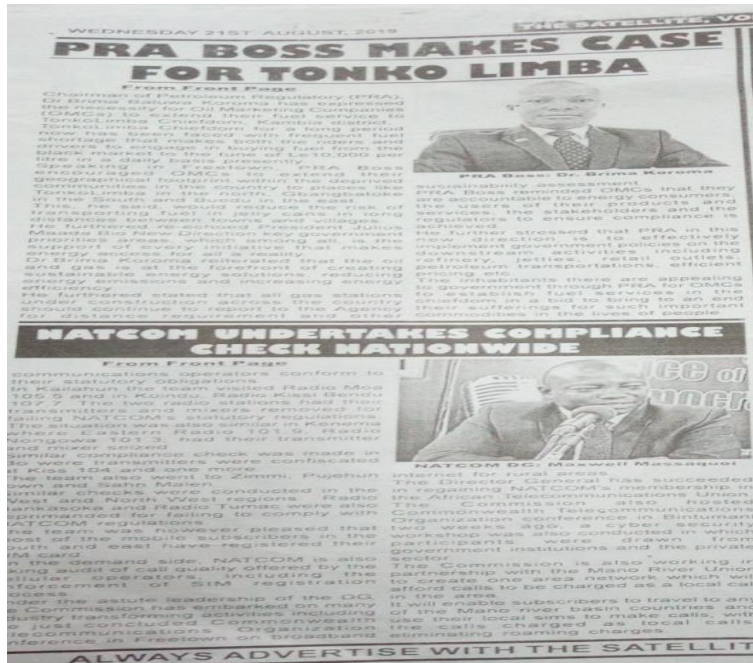
Another regulatory body is the National Telecommunications Commission (NATCOM), which was established by an Act of Parliament in 2006. NATCOM issues frequency spectrums to radio and television stations.

Within the reporting period, NATCOM continued their nationwide check on payment of annual spectrum fees by media institutions and those operating without licenses from the Commission.

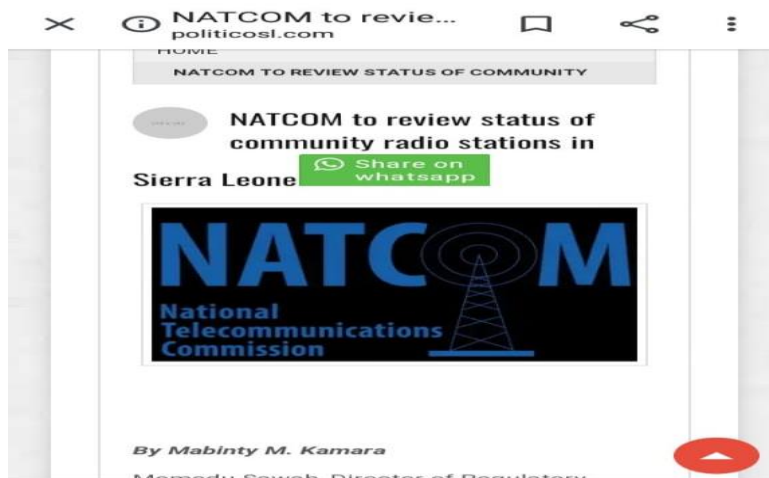
According to NATCOM press release, some of the radio stations were operating without their authorization, hence, the Commission took away their transmitters as the radio stations contravened Section 65(1) of the Telecommunications Act of 2006, which states that: (quote).



Similar, on-the-spot checks were conducted by NATCOM in the Western Area, Eastern Region and the Southern Region with some radio stations falling short and their transmitters seized by the Commission for not complying with the payment of NATCOM spectrum fee and for operating illegally.



Sierra Leone has different categories of radio stations, ranging from community, religious, teaching, and commercial to public service broadcaster. Politico Sierra Leone online, accessed on Aug 29, 2019 quoted Momodu Sewah, Director of Regulatory Administration at NATCOM as stating that “...the Commission [NATCOM] has been giving [allocating spectrum] licenses to stations in big towns to operate as community radios, but come December [2019], community radios will not be allowed to broadcast in major towns and cities based on two factors: population density and the radius or coverage areas.” Mr. Sewah stated that communities where the population is greater than 10,000 cannot be qualified to operate as a community radio.



The announcement of NATCOM was challenged by community radio stakeholders. A Politico Newspaper headline of 29 August 2019 reads: “Radio managers angry with Sierra Leone’s telecoms Commission”.



Also, media proprietors and managers called on NATCOM to fix spectrum fees for radio and TV stations in the national currency, rather than the current dollar or fluctuating dollar-to-Leone equivalents.



The Politico Sierra Leone online publication of 29 August 2019 quoted, Dr. Francis Sowa, the MRCG Chairman and SLAJ Representative on the IMC Board, as saying that community radio stations have been duly given licenses to operate as such; and hence, any intention to review their status will mean that they will have to review the IMC Media Code of Conduct. Dr. Sowa said as per the Act 2000 (as amended) and the Independent Media Code of Conduct, it is only the IMC that has the mandate to state who should operate as what, quoting section 18 sub section 3 of the IMC Act.

In November 2019, NATCOM issued a press release informing the general public that they have developed six additional secondary pieces of legislation, which they will lay in the well of Parliament in December 2019. The six legislations are as follows: Licensing Regulation, Quality of Service, Radio Frequency Spectrum

Regulations, Type Approval Regulation, Subscriber Identification and Registration Regulation and Numbering Resource Regulations.

6. PERFORMANCE OF MEDIA INSTITUTIONS

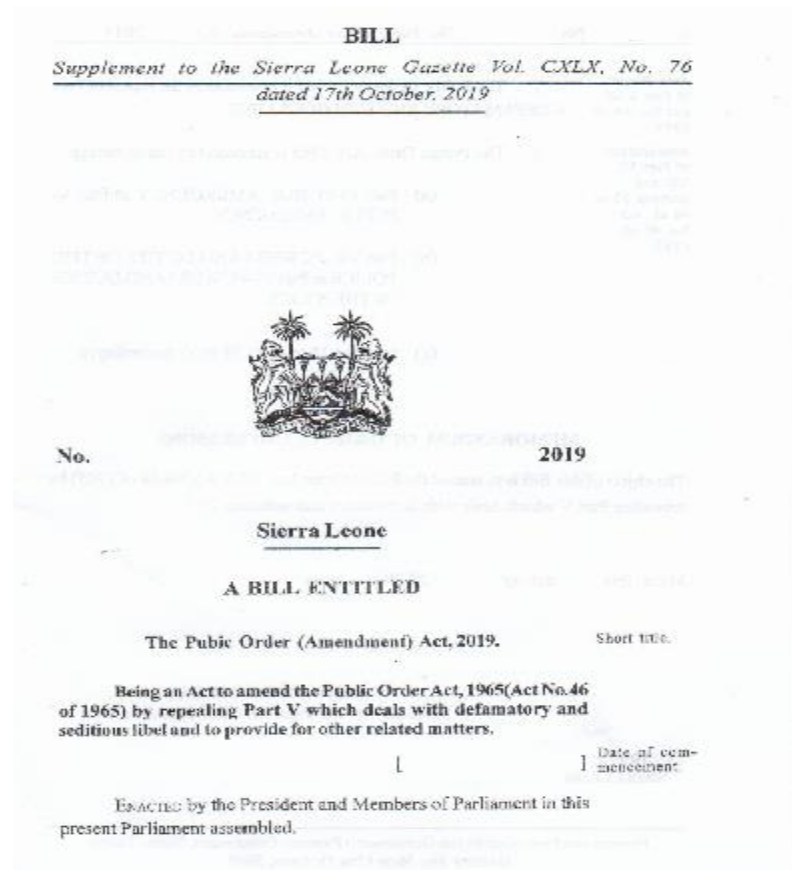
Some Media institutions do publish or broadcast contents that breach ethical standards of the country's media laws and codes of practice and ethics.

For instance, at a press conference held by the IMC on Thursday, 1st August 2019, following the conclusion of investigations and suspension of some media houses in July for breaching the IMC Media Code of Practice, out of the 19 complaints against media houses that were filed to the IMC and investigated by the/brought before the Complaint Committee, three were thrown out because they lacked substance; another media house was warned by the Commission., Two media houses were found wanting and ordered to retract their stories and apologize, and 13 were fined and ordered to retract their stories beginning in their next publications or broadcasts as required in succeeding editions, and write letters of apology to the complainants.

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

7. STATUS OF MEDIA LAWS IN SIERRA LEONE

It could be recalled that on 21st May 2018, President Julius Maada Bio met with executive members of Sierra Leone Association of Journalist (SLAJ) at State House and promised his government's commitment to repeal the country's obnoxious criminal libel laws. In order to fulfil this promise, Sierra Leone's Cabinet, unanimously approved the repeal of Part V of the 1965 POA on Wednesday 11th September 2019,. The Bill was gazetted on 17 October 2019.



After that, the Leader of Government Business, Hon. Sidi Tunis, was quoted on a local radio broadcast as saying that Parliament may not repeal the Libel law if certain safeguards were not put in place to protect the reputation of people.



On the 29th November 2019, The Sierra Update published a story with the banner headline, “Parliament to discuss the repeal of seditious libel laws December” and stated that the bill to repeal the law would be laid in Parliament in December by the Minister of Information and Communications.



Apart from the efforts to repeal Part V of the Public Order Act, 1965, the same Act 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	1961	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)¹

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 Cabinet has approved the repeal process and will be laid in parliament this December 2019.
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

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

5.	Constitution of Sierra Leone - Freedom of Expression and of the Press	1991	Still in force
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, as amended in 2019	Still in force
13.	The Copyright Act	2011	Still in force
14.	The Sexual Offences Act	2012 as amended in 2019	Still in force
15.	The Right to Access Information Act	2013	Still in force

Source (Sowa & Kapuwa, 2015)²

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	Still in force. Reviewed.
2.	The Independent Media Commission (IMC) Media Code of Practice	2007	Still in force

Source (Sowa and Kapuwa, 2015)³

² (Ibid,2015)

³ (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 remains. Journalists are still being 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 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

- Government should speedily and unconditionally repeal the criminal and seditious libel law provisions in Part V of the Public Order Act of 1965.
- The Sierra Leone Police should endeavour to conclude investigations on all current cases against journalists, including those who were assaulted or threatened and those who had been invited and/or detained, but released without any charge.
- Journalists should be provided an enabling environment to do their job without the fear of being intimidated, arrested, harassed or assaulted.
- 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 be 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.
- Citizens and journalists should appreciate that there are limitations to every right/freedom and that to every right, there is a corresponding responsibility; therefore they should own up to their responsibilities as citizens.
- Journalists should abide by ethical standards in their daily coverage and reportage.

- The IMC should continue to popularise its statute and Media Code of Practice among journalists and the Police.
- SLAJ should popularise its Media Code of Ethics among its membership.
- Politicians and Police should respect media freedom and the right to freedom of expression in the country
- Government official should be willing and ready to respond to requests from journalists to cross check their stories.
- NATCOM should fix spectrum fees for radio and TV stations in Leones, instead of the current dollar rate or fluctuating dollar-to-Leone equivalents.

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