

The Society for Democratic Initiatives (SDI)  
presents

## The 2020 State of the Media Report:

# Celebrating Freedom – The Repeal of Criminal Libel

A Publication of the Society for Democratic Initiatives (SDI)  
28 Charlotte Street  
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Society for Democratic Initiatives - Sierra Leone (SDI-SL) is a non-governmental organisation established in June 2003, with the vision to ensure accountability in governance, advocating for the promotion and protection of people's rights with emphasis on women and children's rights.

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## **Letter from Society for Democratic Initiatives (SDI)**

I have had the daunting task of writing the executive summary of this report since 2009 and every year, I repeated the same recommendations. Last year, in a rather despondent voice, I wrote that it appears nothing seems to be changing as every recommendation remains the same from the previous. It seems I was wrong and here I am writing something completely different as we enter a new year without the obnoxious and draconian criminal and seditious libel laws. Yes, you heard me right! The Criminal libel law contained in Part V of the Public Order was repealed in Sierra Leone. Thus, I am no longer going to write 'there is need for the repeal of the criminal libel law'. Rather, I am writing 'We did it!'. All of us, journalists, media institutions, civil society, politicians and citizens of Sierra Leone incessantly called for the repeal. After years of ignoring the call, the government finally listened.

Freedom of opinion and expression supports an informed citizenry and is vital to ensuring public and private sector accountability. Unhindered public access to information and the freedom to create and communicate ideas are critical to the advancement of knowledge, economic opportunity and human potential.

For the citizenry to actively participate in governance and exercise their franchise, they must be allowed to freely express themselves. It is only when people are free to openly express their views and opinions on matters of governance that transparency and accountability are enhanced. Also, citizens would not be able to genuinely participate in electioneering processes and other governance issues if they are deprived of the opportunity to receive and share information and ideas from a variety of sources.

As such, the right to freedom of expression of citizens should not be restricted by governments, except in narrowly defined circumstances like in the case states of emergency or other internationally recognized laws or standards.

Emmanuel Saffa Abdulai  
Executive Director  
Society for Democratic Initiatives

## **Executive Summary**

The media is largely responsible for the research, collection, interpretation and distribution of information of interest to the public and the media play a large role in the development and

sustainability of democracy. A vibrant, articulate, thoughtful and independent media is vital to democracy and development.

Through 2020 and into 2021, the Sierra Leone media environment has undergone a rather dramatic shift. The repeal of the criminal libel laws in Part 5 of the Public Order Act of 1965 has potentially opened the door to more investigative journalism... and more fearless reporting.

The repeal of criminal libel is cause to celebrate and reflect on the state of our media environment, quality of reporting, freedoms and challenges faced by media houses and journalism practitioners.

Of course, as the President of the Sierra Leone Association of Journalists (SLAJ) notes, with greater freedom comes greater responsibility. Looking to the future, it will be crucial to further examine how this freedom from criminal libel reflects in the quality of investigative reporting.

This year's State of the Media report examines the governing legislation of the media and updates a long list of laws relating to the media. International treaties and agreements are also highlighted, under which Sierra Leone must operate.

The media in Sierra Leone continues to suffer from media poverty, state capture, lack of technology, illiteracy, politicization, advertising issues, management challenges and reporting capacity. These issues have largely been identified in past "State of the Media" reports and are highlighted in this 2020 Report as well.

The 2020 Report also delves into the challenges faced by media houses, management and daily operations. As many of the interview subjects note, the challenges facing the media remain huge but the sector continues to expand with more media houses, more radio stations and newspapers being established. At last count, the Independent Media Commission (IMC) listed 227 newspapers and magazines. Many are inactive or irregular. And, there are 169 registered radio stations listed with the IMC. The list of internet news sites from Sierra Leone is uncounted but continually growing with the increasing penetration of the internet.

In 2021, SLAJ turned 50-years old and a long list of events and activities are planned to commemorate the golden jubilee. A Disciplinary Committee of SLAJ has recently been revived and tries to adjudicate complaints presented to the parent body. This was part of the response to the repeal of the criminal libel laws. However, there is a real need for SLAJ, as a respected professional association, to become an effective self-regulatory body able to process and solve cases before they reach the IMC and eventually the Courts.

SLAJ, and its affiliate bodies, the Guild of Editors (GoE), Sierra Leone Union of Reporters (SLRU), and Women in Media in Sierra Leone (WIMSAL) and the Sportswriters Association, remains one of the most respected institutions in the country.

Adding to the challenges facing the media is the "wild west" of the advertising sector.

Advertising is largely unregulated and rife with corruption, misplaced priorities and nepotism. And, there's an over-reliance on government ads, which further detracts from the medias' ability to act as a watchdog to hold government to account.

According to a Media Development Strategy, produced for the IMC and paid for by UNDP and UNESCO, "The sensationalism and sub-standard ethics characteristic of a number of media in Sierra Leone are highly detrimental in a post-conflict and transitional society. This practice is caused by unsustainable media economy and in some cases claimed to derive from agendas by those interests that fund these media."

The meagre market and strong competition force the media to push limits or even break them with sensational stories, brown envelope journalism, blackmail and allegiance to certain political and economic interests that finance some of the media. Independent observers claim that the media are split between political parties of APC and SLPP supporters.

Many journalists have been given substantial training through international NGOs such as BBC Media Action, Search for Common Ground, Deutsche Welle, Thomson Reuters, Internews etc., or through well-meaning NGOs who include “media” as a budget line in project proposals to international funders. SDI found most workshop training was done haphazardly for journalists who have often been trained on the same topics over-and-over again. The journalists are largely motivated by per diems or lodging and expect payments to attend training workshops. Also, there are no general lists of participants in these trainings and no organization keeps track of who gets training and when.

Formalized, tertiary level journalism education has expanded to include colleges and universities who offer diplomas and degrees in mass communications. Fourah Bay College is the oldest among the group but new courses from Limkokwing, Canadian College, Ernest Koroma University, etc. have populated the sector. Increased access to formal journalism education can only improve the media environment, providing the quality of education is standardized and effective.

The 2020 State of the Media report highlights several violations of local and international rights and treaties. Publisher Sylvia Blyden was incarcerated for posting messages on social media. Fayia Fayia was beaten and detained in Kenema while performing his duties as a reporter. While the number of violations were considerably fewer than in previous years, it’s important to note the potential risk reporters face while executing their roles as watchdogs or investigative journalists.

The Report ends with recommendations to the government, advertisers, security forces and donors. Several of the recommendations to government have to do with professional conduct. For example, the MDAs should provide an information source and contact for journalists doing stories in their operational sectors. MDAs should provide access to sources of technical data and information. The finance people or departments within MDAs should pay their advertising invoices to media outlets as soon as possible and without delay.

The Police personnel should be very professional in handling reports against the media or journalists. The police should ensure they do not violate the human rights of journalists in handling complaints against the media; therefore there is need for the personnel at the CID to be trained on human rights.

For non-governmental organizations and civil society groups, who are content specialists, they should continue to provide data and information to journalists as sources – not for public relations purposes but for quality reporting. If it is public relations these NGOs are after, they should purchase advertising space in newspapers or on TV or radio. They should not rely on journalists to do their public relations or advertising.

NGOs should stop budgeting for “media”, and assign budgets for advertising or education or sensitization, which would go through the media outlet and not the journalists. In that regard, NGOs should stop paying journalists directly. This is tantamount to a bribe or “pay for play”, which skews media reporting. Whether it is ‘transport’, or ‘lunch’, or ‘out of pocket expenses’, these payments bolster the unsustainable business models and irresponsible journalism.

NGOs should continue to educate journalists on their topic knowledge, statistics or sector specialties but leave the reporting to the professional journalists.

In the State of the Media 2020 Report, for the first time, SDI offers recommendations to advertisers. Those placing advertisements in newspapers and on radio or TV need to understand the demographics of those media outlets. They should place ads based on distribution, print run, sales figures, readership/listenership demographics, quality of reporting, reputation of the media outlet, target audience and advertising research/analysis.

International donors are well aware of the damage they cause when they fund media trainings and make payments to journalists. Donors are also aware of the damage to their own reputation when public relations write-ups or reports are disguised as reporting.

Donors should maintain transparency and accountability for their financing and projects. This means making budgets, proposals and contract agreements available when funding implementing partners on the ground.

If donors want to support the media, they have a number of options. 1) Purchase advertising space or time for their projects or programs directly with media outlets. 2) Support media development through in-house placement of senior journalists to mentor a media outlet's staff. 3) Provide funds for research and travel for journalists to do independent, professional reporting – without having a say in the editorial and without directing the journalist with public relations material. 4) Provide funds to reputable umbrella organizations like SLAJ or their affiliates to conduct necessary training or mentoring programs on specific subjects or sectors. Given the level of misinformation circulated on social media, journalists are expected to cross check alleged facts and do some investigative journalism to meet the professional ethics and the law. Journalists should double check information found on the internet, and avoid interpreting and reporting them imprecisely or verbatim.

Journalists should take pride in doing the job well. Journalists should cherish language. Whenever English is used it should be used well. It is part of the public service to the people of Sierra Leone as English is a valuable asset in this globalised world.

Journalists should take advantage of the new technologies and embrace mobile reporting techniques and multi-media presentations.

Invest in the best: smart journalists mean better media. Journalism and the public's understanding of important issues would be enhanced by the introduction of competent specialist correspondents with in-depth knowledge of key areas such as health, education, government, law and finance.

Journalism is powerful and the media must use it wisely. Journalists should take a 'conflict-sensitive' approach to their work, understanding that good journalism and accurate impartial reporting can help reduce tension and potentially avoid conflict.

Editors and producers are the gate keepers of the news and programming. Editors and producers should be setting the agenda for development by planning ahead, especially during election periods. They need to establish clear goals to their reporting and continue to inform the public on areas of national concern, without fear or favour.

The media remains a key to democracy, holding those in power accountable and encouraging transparency and accurate information flows. There is great potential in the development of the media and with the repeal of criminal libel, democracy can be enhanced and accountability can be increased.

## **Background**

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There is no more important struggle for democracy than ensuring a diverse, independent and free media. Free Press is at the heart of that struggle. - Bill Moyers

The Society for Democratic Initiatives (SDI) has produced a State of the Media report since 2009. SDI reports extensively on issues of concern to media practice in Sierra Leone, especially those that relate to violations against media outlets and the rights of and conditions of work for media practitioners.

One of the legacies of the civil war is citizens' awareness of their rights; especially the fundamental human rights entrenched in the national Constitution that includes freedom of expression and freedom of the press. This surge in the number of media outlets and practitioners was acknowledged by many political and media analysts as a significant gain in the country's positive stride to attaining good governance.

The State of the Media Reports have not relented in highlighting some of the perennial problems affecting media practice and providing recommendations to guide media practitioners and hold policy makers to account on the need to ensure media neutrality, promote ethics, professionalism and free expression.

The SDI State of the Media Report has monitored and captured key international instruments that guarantee the right to freedom of expression, taking into consideration global, regional and sub-regional context in relation to the kind of laws and policies in Sierra Leone.

Freedom of expression is widely acknowledged as a basic human right that should be guaranteed by the State. Serving as a watchdog, the State of the Media Report has continued to play an important role in this debate by bringing to light the iniquity of state players in upholding the right to free expression that undermine and violate the rights of journalists.

Over 18-years of advocacy for the press, freedom of expression, access to information and more, SDI has seen the repeal of Part 5 of the Public Order Act; the introduction of the Right to Access Information Act; the transition of the State broadcaster, SLBS to a public broadcaster, the Sierra Leone Broadcasting Corporation; amendments to the Independent Media Commission Act; and others. SDI has also participated in the legal representation of many journalists who've found themselves on the wrong side of the judiciary including David Tam Bayo, Jonathon Leigh, Philip Neville and others.

As institutions and individuals whose principal mission is to inform, educate and entertain, a conducive environment for the media and the journalists is fundamental to the progress of Sierra Leone. They cannot afford to be harassed, imprisoned and arrested wittingly or unwittingly for expressing their views.

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The media's the most powerful entity on earth. They have the power to make the innocent guilty and to make the guilty innocent, and that's power... Because they control the minds of the masses. *Malcolm X*.

### **Celebrating the repeal of the criminal libel law**

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“We are not afraid to entrust people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.” [*Remarks on the 20th Anniversary of the Voice of America*; — **John F. Kennedy**]

### **History of repeal process**

On 28 October 2020, the President of Sierra Leone, Julius Maada Bio, signed a law revising the country's 1965 Public Order Act to remove measures that criminalized publications deemed libelous or seditious. The Parliament of Sierra Leone unanimously passed the repeal in July 2020.

The repeal of Part Five of the Public Order Act of 1965, was the culmination of a long, arduous process by a number of organizations involved in media freedom including the Sierra Leone Association of Journalists (SLAJ), the Media Reform Coordinating Group of Sierra Leone (MRCG-SL), International partners and civil society organizations like the Society for Democratic Initiatives (SDI).

The 1965 Public Order Act (a substantial extraction from the UK Libel Act 1843 when it existed) was widely considered to be draconian and, according to Umaru Fofana, former SLAJ President, “obnoxious” and out of tune with the tenets of fundamental human rights. The fact that journalists still faced the threat of incarceration for publishing defamatory matters makes the POA archaic, redundant and empty of purpose in this day and age, he noted.

The original Public Order Bill was introduced in Parliament in 1965 by Sir Albert Margai, the second Prime Minister of Sierra Leone. At the time, Margai faced serious opposition from within and without Sierra Leone People's Party (SLPP). He ended up pushing the Act through Parliament that would serve as a sledgehammer to silent his critics and members of the opposition. And, succeeding governments have been using it to silence the opposition in the name of maintaining law and order and/or preventing threats to public safety and security. But, the Public Order Act of 1965 contravenes the spirit and letters of sections of the 1991 Constitution of Sierra Leone and many international and regional human rights instruments including the International Covenant on Civil and Political Rights, the Universal Declaration of Human and Peoples Right and the African Charter on Human and Peoples Right to which Sierra Leone is a signatory.

In the Sierra Leone Truth and Reconciliation Commission Report, in 2004, recommended the repeal of sections of the Public Order Act including the criminal libel and seditious libel.



On 7 December 2009, Mohamed Fofanah, reported for the Interpress Service News Agency, the Sierra Leone Supreme Court rejected a constitutional challenge to the 1965 Public Order Act, which imposes criminal responsibility for “defamatory” publication.

The Supreme Court said the Act did not contradict the freedom of expression provision in the Sierra Leone Constitution. The Sierra Leone Association of Journalists (SLAJ), the institution behind the 2008 court challenge, which sought to end the criminal aspect of libel, was disappointed by the ruling. SLAJ, with the support of several regional press freedom groups, filed an action with the Supreme Court in February 2008, challenging the constitutionality of Sections 26-33 of the 1965 Public Order Act.

Mustapha Sesay, SLAJ's Secretary General at the time, said, “It is the toughest legal setback for the struggle for press freedom, media pluralism and freedom of expression in Sierra Leone. This has far-reaching implications for professional media practice and democratic governance in the country.”

At the time, the International Press Institute issued a statement. “The International Press Institute (IPI) is dismayed to learn of the court’s decision to maintain criminal libel laws,” said IPI Director David Dudge. “Such laws are outdated, disproportionate, and are too easily and often used to intimidate journalists. We call on the Sierra Leone government to repeal these laws and ensure that journalists are allowed to practise their profession without fear of imprisonment.”

There have been avid campaigns by civil society organisations to remove the POA from Sierra Leone law books. The Society for Democratic Initiatives (SDI-SL) and the Sierra Leone Association of Journalists (SLAJ) have mounted incessant campaigns against POA, often criticising the act for containing the "Criminal Libel and Seditious law" provisions. The government officials and the Sierra Leone Police had often unjustifiably pursued arrests, detentions and stifled practising journalists, using the provisions in the POA. Members of the public have also frequently utilized criminal libel laws by suing journalists and taking them to court.

In 2010, lawyer and now a judge, Bene Kamara, noted, “Most countries today have repealed provisions relating to criminal libel laws, but Sierra Leone, which is said to be democratic, has provisions in the laws that are related to criminal libel laws. That’s problematic.” Kamara noted that Sierra Leone still maintains such “obsolete” laws on its books and that even though most Sierra Leoneans value free speech.

In 2015, the current President of SLAJ, Ahmed Nasralla, while he was secretary general of SLAJ, wrote, “Similarly, SLAJ has come to the painful realisation that the ethical deficiency of its membership is a major stumbling block to its fight for the repeal of Criminal Libel laws contained in the Public Order Act of 1965.”

“In all of our deliberations with key stakeholders, including civil society and the government, the main concern has been that what assurance, or rather alternative, we will give to protect the reputations of people,” said Kelvin Lewis, President of SLAJ.

Even though Lewis is fully convinced, based on his experience of up to three decades of practice, that politicians are reluctant to support the repeal of the criminal libel law because they use it to intimidate journalists, he insists, “We cannot pay blind eyes to the ethical shortcomings of some of our colleague practitioners; this is real cause for concern for us.”

SLAJ made a submission to the Constitutional Review Commission (CRC) in 2014. The submission, essentially, requested for inclusion in the new constitution a special chapter on Media Freedom and Responsibility with provisions that protect press freedom and the right to free expression of ideas. The Constitution has yet to be amended.

The EU Observer Mission to the 2018 national elections noted, “Journalists were able to operate in an atmosphere of relative freedom, however the Public Order Act (POA) of 1965 is seen by members of the media as a major obstacle to freedom of expression because of clauses criminalising libel and sedition, which leads to self-censorship.”

Journalists felt unable to fulfill their role due to increased fear of incarceration arising from the provisions of Part 5 of the POA. This undermines free speech pursuant to the 1991 Constitution and by extension, democracy.

For the most part, over the past 55-years, the press and media practitioners have operated in a climate of fear, punctuated by a plethora of state-sanctioned rules and regulations designed to control the media.

That all changed when the Parliament of Sierra Leone, on 23 July 2020, unanimously approved the Independent Media Commission (IMC) Act 2020 and repealed the 1965 Public Order Act (POA) that criminalized libel and sedition. That moment has been hailed as a historic moment for the media in the country.

The Independent Media Commission Act 2020 replaces Part 5 of the Public Order Act and repeals criminal libel and fulfils an important campaign promise of President Maada Bio.

“Part Five of Sierra Leone’s Public Order Act criminalises any publication that is deemed defamatory or seditious and has been used as a regime to unduly target and imprison media practitioners and silence dissident views,” President Bio observed during a cocktail meeting with journalists on 5 December 2018, in Freetown.

The repeal is a major victory for the media in Sierra Leone, which has fought for decades alongside human rights activists in and outside the country to get rid of the restraint on press freedom contained in the Public Order Act.

“Sierra Leone’s repeal of its criminal libel laws is a welcome step toward improving conditions for press freedom in the country, but additional legal reforms are needed to ensure journalists can work unhindered,” said Angela Quintal, Committee to Protect Journalists (CPJ) Africa program coordinator, in New York.

The International Federation of Journalists (IFJ) wrote, “The IFJ joins its affiliate the Sierra Leone Association of Journalists (SLAJ) to celebrate a great victory for freedom of expression and press freedom.”

Fatou Jagne Senghore, Regional Director of ARTICLE 19 West Africa said, “ARTICLE 19 welcomes this timely and progressive decision by the government and the final vote in parliament on 23 July 2020. This is a step in the right direction and will undoubtedly contribute to strengthening media freedom, free speech, right to information and protection of journalists in the Sierra Leone.”

“The rights to freedom of expression and access to information are cornerstones of democracy and key to ensuring the enjoyment of other human rights. The right to free speech on important issues in the society is essential in bringing out change. People need access to information and free speech to enable them to hold those in power accountable. For so many

years, these anti media provisions have been used by politicians and influential individuals to stifle expression and undermine journalistic scrutiny.

The criminal defamation and seditious libel law provisions have been a real thorn in the side of the media leading to repression and self-censorship. Media and free speech organisations in Sierra Leone have for so many years advocated for the repeal of these provisions.”

In a statement celebrating the repeal of the libel law, SLAJ said: “the biggest beneficiary of the repeal of this bad law is Sierra Leone. Our beloved country has now joined the enviable community of progressive nations where free and responsible speech is guaranteed and protected by law. This is a huge milestone for freedom of expression and democracy in Sierra Leone.”

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

### **The Public Order Act of 1965, Part Five**

**26.** Any person who maliciously publishes any defamatory matter knowing the same to be false shall be guilty of an offence called libel and liable on conviction to imprisonment for any term not exceeding three years or to a fine not exceeding one thousand leones or both.

**27.** Any person who maliciously publishes any defamatory matter shall be guilty of an offence called libel and liable on conviction to a fine not exceeding seven hundred leones or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

**28.** (1) On the trial of an offence of libel against sections 26 or 27, the accused having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged should be published; and to entitle the accused to give evidence of the truth of such matters charged as a defence to such charge it shall be necessary for the accused in pleading to the said charge, to allege in writing the truth of the said matters charged in the manner now required in pleading a fair comment and justification to an action for a defamation and further to allege in writing that it was for the public benefit that the said matters charged should be published and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged should be published to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof.

(2) Where the alleged libel contains several charges, and the accused fails in proof of the truth of any one of the matters alleged in it, or where the alleged libel is general and the accused fails to prove so much of the plea under this section as would justify the libel, the Court shall find the accused guilty, and it shall be competent for the Court, in pronouncing sentence, to consider whether the guilty of the accused is aggravated or mitigated by the said plea, and by the evidence given to prove or disprove the same.

(3) The matter charged in the alleged libel complained of by such charge shall be presumed to be false, and the truth thereof shall in no case be inquired into in the absence of such plea as mentioned in subsection (1).

(4) In addition to such plea it shall be competent to the defendant to plead a plea of not guilty.

(5) Subject to the provisions of this section, nothing in this Part contained shall take away or prejudice any defence under the plea of not guilty which is now competent to the defendant to make under such plea to any charge brought under sections 26 or 27.

**32. (1)** Any person who publishes any false statement, rumour or report which is likely to cause fear or alarm, to the public or to disturb the public peace shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred leones or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

(2) Any person who publishes any false statement, rumour or report which is calculated to bring into disrepute any person who holds an office under the Constitution, in the discharge of his duties shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred leones or to imprisonment not exceeding two years or both.

(3) Any person who publishes any false statement, rumour or report which is likely to injure the credit or reputation of Sierra Leone or the Government shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred leones or to imprisonment for a term not exceeding twelve months or both.

(4) This section shall not apply to any defamatory matter exempted under the provisions of section 30.

(5) It is no defence to a charge under this section that the person charged did not know or did not have reason to believe that the statement, rumour or report was false, unless he proves that before he communicated such statement, rumour or report, he took reasonable measures to verify the accuracy of this statement, rumour, or report.

**33. (1)** Any person who—

a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention; or

b) utters any seditious words; or

c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or

d) imports any seditious publication, unless he has no reason to believe that it is seditious, shall be guilty of an offence and liable for a first offence to imprisonment for a term not exceeding three years, or to a fine not exceeding one thousand leones or to both such imprisonment and fine, and for a subsequent offence shall be imprisoned for a term not exceeding seven years, and every such seditious publication shall be forfeited to the Government.

**“Defamatory matter”** means any matter which if published of and concerning a person (deceased or alive) is likely to expose him to public hatred, contempt or ridicule or to damage him in his trade, business, profession, calling, or office whether such matter be expressed in spoken words or in any audible sounds or in words legibly marked or in any substance whatever or by any sign or object signifying such matter otherwise than by words wither directly or by insinuation or irony.

**“Seditious intention”** includes an intention—

- i. to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, her Heirs or successors, or the Governor-General or the Cabinet or the administration of the Government of Sierra Leone as by law established; or
- ii. to excite citizens of Sierra Leone or other residents in Sierra Leone to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Sierra Leone as by law established; or
- iii. to bring into hatred or contempt or to excite disaffection against the administration of justice in Sierra Leone; or
- iv. to raise discontent or disaffection amongst citizens of Sierra Leone or other residents in Sierra Leone; or
- v. to encourage or promote feelings of ill-will and hostility between different tribes or nationalities or between persons of different religious faith in Sierra Leone;

### **The Sierra Leone Media Environment**

Sierra Leone's media landscape has diversified with the proliferation of new radio and TV stations, mushroom newspapers and the increased use of mobile phones and the internet. But, the overall media sector including media outlets, journalist associations, journalism schools, associated media industries like printers, suppliers, vendors, etc. still face huge challenges.

### **Media Poverty**

Twenty-six years ago, in her 1995 book, "Mass Media Freedom and Democracy in Sierra Leone", Bernadette Cole, founder of the Mass Communications Department at Fourah Bay College, noted, "... poor salaries and poor working conditions are equally a constraint. Newspaper publishers have capitalised on the helplessness of the jobseekers, who have not been guaranteed regular salaries. No firm arrangements are reached, as the publisher is often more interested in whatever commercial gain he can muster than in professional excellence. This has inevitably led to prostitution by journalists or to what one may term a hand-to-mouth journalism, if not a journalism of misery."

Cole continued, "It is this poor economic situation of the media that is undermining ethical and professional practice."

In 2008, an article written by Karin Wahl-Jorgensen and Bernadette Cole for *Ecquid Novi: African Journalism Studies*, analysed the conditions of the newspaper industry in Sierra Leone since the end of civil war. It highlights key difficulties including a lack of financial, technological and human resources.

The press in Sierra Leone suffers from a number of difficulties that impede its development, and conditions for journalism remain problematic. Key challenges include:

- *Operational challenges*: These include low levels of advertising revenue and income from sales; distribution problems (such as reliance on street vendors who demand a large share of the profits); a lack of basic technology, materials and equipment (including printing presses, tape recorders, cameras); electricity shortages; a lack of skills; and low salaries among journalists.
- *Unethical practices*: Some journalists who are not paid a living wage resort to blackmail, which may involve demanding money to cover an event or story or requesting payment

to keep information secret. This leads to a loss of public confidence and reduces press legitimacy in holding government to account.

In 2008, Alison Cross wrote for Matador Network, "Journalism in Sierra Leone suffers from a series of complicated obstacles. The majority of journalists engage in a practice called 'coasting' whereby they accept money from organizations to write favourable stories.

It's very normal for a non-governmental organization to hold a press conference and then hand out brown envelopes full of cash to the journalists who attended. Most journalists accept the cash because they simply aren't paid enough by their employers... don't have basic equipment, batteries, notebooks or money to move around.

The journalists then return to their offices and write positive stories about the organizations in question or boring, step-by-step accounts of what happened at a routine, government meeting. Critical or investigative journalism is virtually non-existent.

These numerous references were to the situation on the ground 26 and 13-years ago... an entire generation or two of journalists. Sadly, all these years later, the situation remains largely unchanged. NGOs, CSOs and others still pay journalists to attend press conferences or workshops... in exchange for favourable, unresearched and uncritical press coverage.

Most journalists expect to be paid "transport" to cover an event, workshop or press conference. "No envelop - no story," as one journalist said. Consequently, NGO's, agencies, government institutions and businesses are complicit with a system that encourages irresponsible, unprofessional behaviour from media practitioners.

This "pay for play" system is well established and harmful to the practice of professional journalism.

Also in 2008, as reported in the Media Sustainability Index, the media experts unanimously agreed that pay for journalists is "abysmal" and that the first step in improving the quality of journalism would be to address pay. Dr Julius Spencer said at the time, "Some of them don't even get paid at all. So certainly there is encouragement, in fact, [to engage in] corruption. I do not believe that journalists get paid fair wages, [let alone] good wages."

In the European Union Election Observer Mission report from 2012, the authors note, "The development of the sector, however, continues to face major challenges due to lack of financial resources, weak infrastructure, shortage of electricity, and the lack of a skill on the part of many journalists (EU EOM, 2012:23)."

In 2015, Richard M'bayo, a lecturer at Fourah Bay College at the University of Sierra Leone noted, "Sierra Leone is poor, poverty is pervasive, and media operations – ownership, management, and professional practice – are conditioned by this environment. Hence, some of the intractable problems of the media may be attributed to what I call 'media poverty' – the lack of access to resources needed to produce good quality stories: Information, limited access to technology, limited research skills, poor remunerations, corruption in the media, checkbook journalism, illiteracy, and so on."

In a report on the media in 2018, Amadu Lamrana Bah, President of the Sierra Leone Reporters' Union, said, "In the absence of a regular salary (which is often meager) from their employers, reporters have developed ways and means of paying themselves on the job. Such ways and means include attending only those press conferences where transportation allowances are provided and befriending politicians and serving as their unofficial PROs in return for favours. In

extreme cases, they approach politicians or highly placed civil servants with trumped-up allegations of corruption and threaten to publish if they fail to pay to 'kill the story'. "Most of the reporters are either underpaid or not paid at all. So they have to look out for stories that will bring in money in return for publications. In this kind of situation, the reporter cares less about ethics."

The EU Observer Mission to the 2018 national elections also observed, "There is a wide and diverse media landscape in Sierra Leone, but it is affected by the low level of economic development and a lack of journalistic professionalism according to the Sierra Leone Association of Journalists (SLAJ)."

Radio stations in the provinces are prime examples of the levels of poverty in the media sector. There may be one or two staff at these stations, including a technical, self-taught engineer and a "manager" but most radio stations survive on "volunteers" who often work as teachers, NGO workers, etc. And, there is some stiff competition for these volunteer assignments because many people want the "prestige" or "recognition" from being on the radio. This "name recognition" is then turned into cash rewards when attending programs, meetings with politicians, etc.

### **Media devastated by COVID-19 – SLAJ reports**

COVID-19 has had a devastating psychological and financial impact on journalists in Sierra Leone, a new study released on 5 May 2021, revealed.

The Report, The Impact of Covid-19 on Journalism in Sierra Leone, was launched by Mamadi Gobeh-Kamara, now Deputy Minister of Foreign Affairs and International Cooperation, at the headquarters of Sierra Leone Association of Journalists (SLAJ) in Freetown.

At the heart of mitigating each of these disasters is effective journalism. The state and effect of any disaster cannot be effectively reported if journalism does not take centre stage to present information on the stages of the disaster cycle: "preparedness, response, recovery and mitigation", including "the dissemination of early warning and larger public awareness."

The national survey, published by SLAJ and led by researchers at Bournemouth University in the UK, had 639 responses from 203 women and 436 male journalists across the country. It reveals that the pandemic affected almost every aspect of news production as well as the individual wellbeing of a majority of journalists.

Ahmed Sahid Nasralla, President of SLAJ, said the survey was the first study to focus specifically on how the pandemic has affected journalists in Sierra Leone, and that it underlined the importance of strengthening disaster preparedness in the news industry.

"A healthy and thriving news sector must be at the heart of any crisis response," he said. "We must build the disaster resilience of journalists in this country to protect the vital role they play," said Nasralla.

"This is a serious situation which needs to be addressed through cooperation, collaboration and networking or partnerships. The Government has a role to play as well as SLAJ and the individual media houses to collectively look at the recommendations and work together to address them, because COVID-19 will not be the last disaster to befall us," said the Deputy Minister.

Chindu Sreedharan of Bournemouth University, the lead author of the survey report, said, “Some of our most worrying findings highlight the extreme psychological impact the pandemic has had on journalists across Sierra Leone. With a majority of respondents reporting having suffered from depression and anxiety, the government and news organisations must come together to invest much-needed resources in protecting the emotional and mental health of media personnel in times of crisis.”

Among the key findings were:

- Covid-19 affected the mental wellbeing of a majority of journalists in Sierra Leone: 59.3% reported they experienced depression, while 76.4% reported increased sense of vulnerability, 67.6% increased anxiety, and 51.8% grief.
- 86% of journalists have been impacted financially, with 36.3% having to take a pay cut, and 16.1% losing their jobs.
- More than 66% reported significant changes to their working hours: 22.4% were working longer hours, 36.4% fewer, and 7.6% on weekends. It is important to note that 38.2% (n=244) of journalists said that their employment had not been affected by Covid-19, with 43.8% (n=89) of female journalists and 35.6% (n=155) of male journalists reporting no changes.
- The pandemic affected newscasts and news publishing substantially. Respondents reported decreased broadcast, video, and audio productions. The print sector saw the reduction of both print frequency and number of pages, and some publications moved to digital only format.
- Most respondents felt they were ill-prepared and ill-trained to face the pandemic.
- Women journalists were less likely to have received disaster resilience training than men. Just over 60% of female journalists — 12.4% more than male respondents — said that they had not received training in this area.

The survey forms part of *Tie u Orja*, a capacity-building initiative led by researchers at Bournemouth University in collaboration with SLAJ, Limkokwing University, and Save the Children (Sierra Leone). It is funded by the UK's Global Challenges Research Fund (GCRF), which supports research to address urgent needs and challenges faced by developing countries. The survey focused on the impact of Covid-19 on the news media, as well as the future training requirements of journalists. The authors highlight the need for urgent action in four key areas: psychological resilience, financial resilience, health protection and resilience, and building future disaster resilience.

Hundreds of journalists, from all four provinces and the Western Area, responded to the survey.

Among the recommendations in the Report included:

- The government should provide financial aid, such as grants and cash payments, to support ailing news organisations and journalists for short-term business continuity, and to support access to PPE and other relevant disaster-related equipment.
- The government should provide short-term loans to help bridge revenue gaps commonly faced by news organisations in times of health crises and disasters, especially with a view to support news production and dissemination.



- News organisations and media houses should establish contingency funds to facilitate business continuity during disasters, including protecting news output and timely payment of workers.
- News media must be integrated as a key stakeholder in the national disaster reduction and response plans. Journalists and news media personnel must be represented on disaster management committees, both at the national and local levels.
- All stakeholders (government, news organisations, NGOs, INGOs) should recognise disaster training for journalists as a key priority in mitigating Sierra Leone’s disaster vulnerability. Investments to build capacity in this area must increase, and regular disaster journalism exercises should be an essential part of the training offered to news personnel.
- A concerted approach is required to mitigate the gender imbalance evident in disaster journalism training opportunities available to women journalists. Capacity-building for female journalists in this area must be prioritised.
- News organisations should facilitate better preparedness for their newsrooms by publishing clear editorial policies and codes of practice to guide journalists during disasters.

### **The Sierra Leone Broadcasting Corporation (SLBC)**

The Sierra Leone Broadcasting Corporation, which transitioned from the Sierra Leone Broadcasting Service in 2010, is technically an independent corporation but remains essentially under the government of Sierra Leone and is a branch of the Ministry of Information and Communications. It receives salary and operations subventions from the Government; the Board is nominated and appointed by the President and Parliament. It is theoretically regulated by the Independent Media Commission (IMC).

According to a UNDP media report, “The Sierra Leone Broadcasting Corporation (SLBC), operates five regional radio stations and two national television channels, one of which broadcasts regular news and talk shows. Their dependency on governmental funding, and the appointment of the chairman and the director general by the government remain key obstacles in SLBC’s transformation into a genuine public service broadcaster.”

From the Freetown headquarters, there are two television channels for Freetown, one of which is intermittently distributed by satellite for relays in Bo, Kenema and Makeni. The second channel is a general entertainment channel showing Hollywood and Nollywood films, music videos and pirated content. A radio service is transmitted from Leicester Peak transmitting station on 100 MHz, which covers a large part of the Western Area. The Freetown radio service is relayed by a number of the regional SLBC stations during parts of the day.

Immediately following the national elections in 2018, Joseph Kapuwa was appointed by the President as Director General of the Corporation. A new Deputy was recruited soon after his appointment. Under Kapuwa’s direction, the SLBC has made some progress. The SLBC has tightened up their administrative functions and seems to have a grasp on their own finances, staff and resources, including land and buildings. Staff morale has improved and the quality of journalism has risen. The administration has also been successful in seeking donations of equipment and training opportunities.

Unfortunately, the SLBC lags far behind international standards of production, programming, operations, independence and capacity. Many of the programs remain the same “talking heads in a studio” format, which lacks creativity and ends up being monotonous to viewers. Studio programmers seem unfamiliar with the morals and ethics of the IMC Code and SDI findings indicated sometimes pornographic images are shown during the day or during prime time. Broadcast times are often “estimates” with programs overlapping scheduled broadcasts or being waited upon by looping advertisements or station identifiers.

## **Politicization and State Capture of the Media**

According to the Media Development Strategy Sierra Leone, produced for the IMC and paid for by UNDP and UNESCO, “The sensationalism and sub-standard ethics characteristic of a number of media in Sierra Leone are highly detrimental in a post-conflict and transitional society. This practice is caused by unsustainable media economy and in some cases claimed to derive from agendas by those interests that fund these media.”

The meagre market and strong competition make the media test the limits or even break them with sensational stories, brown envelope journalism, blackmail and allegiance to certain political and economic interests that finance some of the media. Independent observers claim that the media are split between political parties of APC and SLPP supporters.

Daily instances of defamation, character assassination, speculation, abuse and deliberate exaggerations and inaccurate reports, characterize some newspapers. The fact that many of the existing newspapers present themselves as politically aligned either to the government of the day or the opposition, indicate that they have been compromised and lack the capacity to be objective.

This politicization of the media is probably an expression of the divided loyalties of the nation between the two main political parties. The “red and green divide” pervades politics, jobs, contracts, MDAs and journalism. There are officially only two newspapers registered as political party papers with the IMC. But, upon a cursory glance at the range of newspapers, it’s glaringly obvious which papers support the government and which are on the opposition side. This, in itself, is not necessarily a negative attribute of newspapers. Unfortunately, the political division often results in hate speech, defamation, inaccuracy in reports and horribly bias journalism. It is a well known fact that some newspapers, radio stations and individual journalists accept cash, gifts, influence and/or jobs from politicians or appointed officials for favourable coverage in the media.

The IMC is supposed to vet and maintain records of media ownership but many political or elected officials support the establishment and operations of newspapers and radio stations. Newspapers seem to be the medium of choice for influencing public opinion and several newspapers are owned and operated by politicians or appointed officials. Yet, they often hide from the IMC registrations behind journalists.

“With the state no longer the key mass communicator, party functionaries have resorted to creating non-state media outfits in the form of traditional newspapers and online portals. With party newspapers, party radio stations and privately owned (but mostly biased) media, the media environment in the country is polarised along party lines, and pro- and anti-state media organisations” (M’Bayo, 2013:6-7). This characterisation of the press in Sierra Leone, coupled

with the fact that they are generally poor and therefore pliable, opens them up for manipulations by politicians and businessmen, usually as a means to an end.

When successive governments, from 2007 through 2018, are elected, usually enhanced by a favourable media, as payback, the government appoints journalists that had supported their cause as Information/Press Attaches, State House communicators, Government hacks or with ministerial positions.

A mushrooming of small irregularly published newspapers of modest quality produced by a miniscule staff challenge the position of a few professional newspapers. Often the small sensationalist papers rely on undisclosed political or economic interests. These papers may be founded by “lone wolves” out of a job, or by journalists after having graduated from university as a means to escape the high unemployment rate. These conditions raise the susceptibility to ceding control to political or economic interests.

## **Social Media**

Few media institutions use social media as a means of communication, although these media are emerging as an international and local sources of information. But, more and more newspapers, TV and radio stations are using Facebook and WhatsApp as key channels for news, whether real or false. The proliferation of “smart phones” and the increasing penetration of telecom channels/towers in the rural areas of Sierra Leone mean more people have access to the internet. However, mobile data that allows access remains expensive, relatively slow and somewhat unreliable.

Like the infamous “bush radio”, a phrase coined during the 11-year civil war, information, entertainment, misinformation and gossip travels incredibly fast and reaches a huge number of people in a short period of time. People forward information, almost indiscriminately, to relatives and friends through WhatsApp groups... whose members then forward the information again and again. This multiplier effect ensures messages travel throughout the country very rapidly. Unfortunately, this also means hate speech, inciting audio messages and hurtful videos can also be transmitted just as fast.

Awoko newspaper and AYV TV are leading the charge into new media and social media penetration. AYV TV covers most government events live and broadcasts over Facebook, which are then uploaded onto YouTube. Awoko has developed a downloadable application that presents an opportunity for subscriptions and full newspaper access via mobile phone. Awoko also uses a text-based, subscription dissemination technique through their “370” news items via a telecom provider. For a nominal fee, subscribers can receive two short news items every day. A similar service comes from the President of the Reporters Union who uses “714” in his news items, which sometimes arrive twice a day.

Awoko is also experimenting with video on their website, which will make it among the few media websites that incorporates multi-media.

Most newspapers flood social media with images of their front pages on the day they publish. The headlines and layout are meant to attract buyers, who, if they’re interested, have to trek into downtown Freetown to the corner of Siaka Stevens Street and Gloucester Street to find a hard copy of the paper.

Upon publication, several newspapers then flood WhatsApp groups with full renditions of the “usually” promotional, paid for articles. This increases the paper’s visibility as well as the subject of the promotion.

## **English Language Usage**

There are those who are ambivalent to the use of English as the official language of Sierra Leone. However, it must also be accepted that a good command of the language opens doors to educated citizens both home and abroad. Sadly, the war disrupted the education of two generations of young people and the failing school system accompanied by a high birth rate means that the illiteracy rate is likely to *rise* rather than fall. Measures of illiteracy range from 60-75%, a shocking figure given the number of newspapers in circulation.

Those citizens who can read will be better served by newspapers that are clearly written and well edited and laid out. For those readers who struggle, the media can provide a rich environment to learn and practice using English.

None of the newspapers run Krio language articles even though Krio is the lingua franca of the nation. The Krio alphabet is different and requires a customized keyboard.

Only one newspaper features a weekly, half page column with simple text for parents and children. Other newspapers feature opinion pieces using full pages of unbroken text of up to 1,500 words... a challenge to read even for native English-speakers. As one editor noted, “The grammatical structure, word choice and even the meaning of words are so often distorted in the newspapers... it makes most of them very difficult to read.”

A seasoned journalism educator said, “Sadly, even within the group of graduates from university or colleges in Sierra Leone, many can’t read well, don’t read and have trouble organizing their thoughts and writing. So many journalists don’t read or write well because they missed the basics in primary school. Of course, it’s not their fault but as journalists they should take it upon themselves to learn to speak, read and write English well.”

An international news media employer noted, “I’ve tried to find stringers or correspondents in West Africa but their use of English, which is our market, is so bad that our editors end up re-writing all of the stories anyway.”

Radio, as the medium of choice for more than 80% of the population has a crucial role to play in broadcasting good English. Of course, SLBC is rightly mandated to include local languages in its output but where English is spoken, it should be spoken well. The language is a valuable asset in this globalised world and an English-speaking workforce is attractive to overseas investors.

Most other radio stations focus on Krio with a small mix of local languages including Themne and Mende in the south.

One northern radio host commented, “I’ve never done English-language programs.” She was responding to a radio program funded by an international agency. “I usually don’t do scripts or do much preparations because we talk in Krio and take calls from people in Krio.”

## **Technology, printers, computers, recorders, cameras**

Sierra Leone newspapers have remained isolated from the industrial transformations of the new millennium with its unbridled innovations in communication technology. What we have

instead are mostly tabloids that have refused to break with the old tradition and modus operandi of our 19th century trailblazers.

According to one estimate, there are up to ten “printing machines” in Freetown and none in the provinces. Most of these printing machines date from the 70s and 80s and use metal plates derived from plastic foil paper after a light exposure. The foils and resultant plates are done in black and white and four plates are required for colour printing.

The printing machine technology lags far behind industry standards and has created a niche of (usually) men who operate the gargantuan machines. Unfortunately, many of the printing machine operators are not Sierra Leonean.

Getting parts and organizing technicians to fix these old machines is another challenge to the industry. A senior publisher noted their printing machine has been “down” for years because the technicians are not available and the parts have to be sourced and shipped into Sierra Leone. The effort and expense are just not worth it.”

In the radio industry, the issue of maintenance and repairs plague most radio stations, who are also using technology that is probably 10-15 years out of date. The heat, humidity, dust and misuse of radio equipment makes it difficult for small, community radio stations to remain consistently on air. However, there is an informal network of “guys” who can patch together radio equipment and there are a few technicians who are turning the sector into a professional career.

Many reporters lack the basic necessities of recorders, cameras and computers. However, advances in mobile phone technology has enabled many reporters to utilize “mobile reporting” techniques. Essentially, reporters use their phones as recorders, cameras and use downloaded applications to type their stories. This also allows them to transmit their unedited stories via WhatsApp or email to editors. This telephone technology or mobile reporting capability might be seen to open up reporting from the field or getting stories from places outside of Freetown. But, in many ways, the new phone technology has not seen any increase in the number of stories from outside Freetown.

Software for computers and phones has revolutionized reporting making video editing possible and true multi-media reporting a possibility. Unfortunately, very few media outlets utilize the new technologies or software to create multi-media reports. The cost and availability of professional equipment and software is a barrier to many media outlets and certainly to freelance or poorly paid reporters. There are some exceptions but for the most part, reporters remain bound to notebooks and pens during interviews or press conferences.

## **Newspaper Layout and Design**

Of the more than 70 active, registered newspapers, very few offer variety in their layout or design. Typically, a newspaper will run between 12 and 24 pages, depending on the number of advertisements. They are all laid out in a vertical format of tabloid A3 paper size. They undoubtedly feature a masthead within the top third of the paper with headlines and photos appearing in the body below.

Many newspapers incorporate (or sell) advertising space on the front of their newspapers, partly because the front pages are typically printed in colour and are the most prominent aspect of the newspaper.

Unfortunately, there is little to visually separate one newspaper from another although there is a trend towards “cramming” the front page with headlines and smaller photographs.

According to a seasoned member of the News Vendors Association, “it’s the front page that sells and that’s what people see or catches their eye as they walk or drive past. If a newspaper has a lot of colour, many catchy headlines or controversial articles on the front, it will sell faster than others.”

There is a very small sector of people within the graphic design community who do newspaper layout. They generally lack formal education in art, graphics, design, colour or aesthetics. Most of them have learned to use the design software by trial and error and “merely fill the page”, according to one newspaper layout person. “The goal of layout is to fit all the headlines on the front and then fill the pages that don’t have ads on the inside,” he noted.

While some newspapers have experimented with different designs over the years, the reading audience is reluctant to accept any major design change. The result, unfortunately, is a homogenous look and a seeming lack of creativity in newspapers.

## **Journalism Education**

There are basically three tertiary institutions training media personnel in the country. In the Western Area, the Department of Mass Communication, University of Sierra Leone, the University of Makeni, in the Northern Region and the Kenema Polytechnique in the Eastern Region. There are a number of smaller colleges also offering journalism or mass media/communications programs including LICCSAL, IAMTECH, Canadian College of Technology, College of Professional Studies, and others.

None of the universities offer a practicable, accessible or efficient system of online learning, which became dishearteningly obvious during the COVID-19 pandemic. None of the universities are technically capable of delivering lectures, grades or assignments via internet learning. At best, individual lecturers run small groups of students on social media, not through any official university platform.

The Department of Mass Communication at Fourah bay College, University of Sierra Leone, is the oldest media training ground at around 20-years. It offers programs in print and broadcast journalism, public relations and advertising, radio, television and video production. Mass Comm offers Certificates in Mass Communication, Diploma in Mass Communication, Bachelor of Arts (Honours and General) in Mass Communication, Master of Arts (MA) in Mass Communication, Master of Philosophy in Mass Communication and Doctor of Philosophy (Ph.D.) in Communication & Media Studies.

Just recently, several Mass Comm lecturers earned their doctorate degrees. Dr. Williette James is the Head of Department. Lecturers include, Dr. Isaac Massaquoi, Dr. Tonya Musa, Dr. Francis Sowa, Dr. Abdul Rahman Swaray, Dr. Victor Suma, Joshua Nicol, James Tamba Lebbie, Egbenda Kapuwa, and Justice Dr. Binneh Kamara. There are five part-time lecturers in the faculty.

Unfortunately, the University of Sierra Leone website and specifically the Mass Communication pages are out-dated and not very useful to potential students. There are no courses listed under the Mass Comm degree and no curriculum or learning objectives available.

At a round-table discussion with media experts, one participant noted, the school is unable to provide space for all the potential students seeking admission. Most participants agreed the

Mass Comm Department has made some progress but infrastructural challenges such as electricity, water, classrooms, learning resources and practice equipment are sorely lacking. Richard M'bayo notes in a journalism Curriculum Review from 2014, "With the changes in society and in the global community, and the changing profiles of its clientele - prospective as well as current students – it (FBC) lacks the capacity to adequately fulfill its present or future mandate to meet its declared goals and objectives."

Journalism schools continue to produce students with required academic training but limited skills required by the local professional and generally far below the requirements for international journalism. A senior editor with years experience described the problem. "Most of the interns and students that come from tertiary institutions, cannot discern between an editorial and an actual news story. Even basic language structure: present tense and past tense, verbs, nouns, plural and singular nouns are all major challenges... Pick up many newspapers and you are 'attacked' by poor grammatical structures; incomplete sentences; minimal editing and the like."

The private, Catholic University of Makeni (UniMak) offers a Bachelor of Arts – Mass Communication from its Faculty of Mass Communication and Information Technology Department. The small Mass Comm Department offers courses in journalism, digital media, communications, advertising and public relations, writing and editing.

Perhaps the newest addition to journalism education in Sierra Leone is faculty of Communication, Media and Broadcasting at Limkokwing University, whose head office is in Malaysia. The University offers three degree programs and several diplomas in media, journalism and communications.

The Degree in Broadcasting and Journalism trains students to hone their writing and editing skills in broadcasting and journalism, and be enterprising and inquisitive, according to the Limkokwing website.

The Limkokwing website is a wealth of information, stimulating photos and complete information on programs, student life, costs, admission procedures, etc.

The University offers a Bachelor of Arts (Hons) in Professional Communication, where, according to the Limkokwing website, "Graduates will be able to manage, produce and design multimedia content such as websites, DVDs and other interactive media. They will also gain a strong capability to join any organisation and compete in the media industry and beyond." The courses are designed to equip students with the ability to communicate at all levels of society. Students are exposed to the varied skills of communication, advertising, public relations, writing and marketing as well as the soft skills of interacting well with people to enhance communication effectiveness.

By far, this University offers the widest range of programs/courses and the most up-to-date, industry standard equipment and software.

## **Workshop training**

Journalists have been given substantial media training through international NGOs such as BBC Media Action, Search for Common Ground, Deutsche Welle, OSI, Thomson Reuters, Internews etc., or through local organisations such as SLAJ, IMC, Independent Radio Network (IRN), Women in Media in Sierra Leone (WIMSAL), as well as other NGOs.

SDI found most workshop training has been done haphazardly for journalists who have often been trained on the same topics over-and-over again. These workshops are largely funded by well-meaning NGOs, who have included “media” in their budget lines for international donors. The journalists are largely motivated by per diems or lodging and expect payments to attend training workshops. Also, there are no general lists of participants in these trainings and no organization keeps track of who gets training and when. Most trainings are aimed at reporters, and omit building the capacity of editors, managers and media houses.

A female reporter noted, “Most times when these trainings come, they get into the wrong hands... even at the local level; participants are attracted by the per diem that is paid at the end of the training exercise and are not there to actually improve their skills or learn something new.”

A seasoned trainer of journalists noted that he has stopped doing workshops for NGOs and the like because he said workshops do nothing but justify a donor budget line, encourage bad journalism and repeat the same topics over-and-over. He said, “After almost 20-years of doing workshops, I see no real improvement in the quality of reporting or the integrity of reporters.”

A senior editor said, “Workshops should be scrapped. What I think is essential is hands-on training. Send a trainer into my office and have the trainer work with my staff everyday... that would be effective and would help.”

“I’ve seen one to three-day workshops, full of excellent content, exercises, role play, examples of good journalism, heated discussions, and so on,” said another experienced media trainer.

“But, something happens at the end of the workshops... the journalists collect payments and return to their media outlets and completely forget what they’ve been taught, either intentionally or dictated by their circumstances.”

Sierra Leone is confronted with the challenge of transferring from analogue to digital broadcasting before 2015. Most interviewees see this as unrealistic

## **Photojournalism and Photography**

The photography industry in Sierra Leone remains weak and almost non-existent despite the obvious need for photographs in newspapers and magazines. Over the past five years, the photo industry has fully migrated to digital cameras, digital printers and analog photography (film, processing and printing) has faded into history. This was a massive shift in technology, equipment, access to photos, understanding, cost and even home décor. Smart phones have infiltrated the commercial photography and the photo-journalism profession and almost eliminated any photo-specialization in the media.

Journalists are told to “take pictures” of events or newsworthy activities but many reporters are not equipped with professional cameras and resort to using their technically inferior mobile phone camera. They are often not trained in photography, composition, technical workflow or aesthetics. There are very few practicing photo-journalists and none of the newspapers employ staff photographers.



SDI findings indicate the Sierra Leone Union of Photographers is the umbrella organization of photographers but lacks administrative capacity and resources to properly oversee and promote the industry. Most of the photographers in the Union make their living taking passport photos or attending weddings, funerals or local events/workshops. Most of the photographers in the Union lack formal photography training and use out-dated, inferior equipment to professional standards. There is no specific tertiary educational institute for teaching or training photographers.

A recent development in the photo industry are portrait studios that offer low-resolution images targeting social media posts. Customers appear on a variety of backgrounds and sometimes computer technicians cut and paste onto exotic locales. People use these photo studios for birthday portraits, wedding announcements, etc. The portraits are then sent to the customer's phones via WhatsApp for later transmission to Facebook, etc. The photography generally lacks any aesthetic or artistic qualities but seems to satisfy a certain market segment of young people.

Some of these photo studios have developed corporate or NGO clientele and produce basic images for local flyers or to illustrate donor reports.

Media people agree that journalists suffer when the interest of the security forces collides with the need for journalists to report stories on police brutality, corruption, civil demonstration or even natural disasters. A very senior editor noted, "Press photographers are targeted. They (police or security forces) see you everyday; they know you are a journalist. You are properly identified, yet they don't want you to take pictures. They jostle them; they take their camera... almost on a daily basis." Another senior editor said, "I know for sure that journalists who have gone against the [authorities] or taken pictures have been punished."

Another senior editor, media consultant and photographer said, "I've been arrested several times for taking pictures around town. Once, I was taking pictures of firefighters putting out a fire. Another time I was taking pictures as police and military cleared city-owned buildings of disabled people. Both times, my camera was temporarily confiscated, my photographs deleted and I was detained for several hours answering questions... even after I had shown appropriate identification and was being very polite."

There is no law in Sierra Leone that specifically prohibits taking pictures in public. There is no law stating where or when not to take photographs. Taking pictures, as a photographer or tourist, can get someone into trouble seemingly at the whim of security authorities. There are, however, some necessary security restrictions such as photographing military installations, State House or other areas of national security interest. But again, there is no signage prohibiting photography and taking pictures seems to be at the discretion of whatever security personnel are around at the time.

There is great potential for the photo-journalism and photography sector but at the present time the sector is under valued, under appreciated and under paid.

### **Sierra Leone Association of Journalists (SLAJ)**

The Sierra Leone Association of Journalists (SLAJ) is the umbrella organisation for practicing and non-practicing journalists, government staff who used to be journalists and some public

relations personnel. It is a company registered with the Corporate Affairs Commission and abides by the Corporate Affairs Act.

The Sierra Leone Association of Journalists (SLAJ) was founded on 5 June 1971, primarily to promote freedom of expression and of the press; to seek the welfare and protection of its membership, and to seek for training and capacity building opportunities for its membership. SLAJ aims to strengthen media's role through accurate information and by upholding the independence and ideals of professional journalism. "Our aim includes the development of Journalism practice in Sierra Leone, promoting the enduring trust in our profession as guardians of the fourth estate."

SLAJ maintains a head office in Freetown with regional offices in Makeni, Bo and Kenema. In 2021, SLAJ will turn 50-years old and a long list of events and activities are planned to commemorate the golden jubilee.

SLAJ developed its latest Code of Conduct in 2018, which was to be upheld by its Disciplinary Committee. This Disciplinary Committee has recently been revived and tries to adjudicate complaints presented to the parent body. However, there is a real need for SLAJ, as a respected professional association, to become an effective self-regulatory body able to process and solve cases before they reach the IMC and eventually the Courts.

SLAJ is one of the most respected institutions in the country. It abides by a Constitution, which became the Company's Memorandum upon incorporation. SLAJ can take matters to court and own property, etc. The finances of SLAJ are audited, in line with the law, and regular meetings are held that abide by all corporate regulations.

SLAJ affiliate bodies are the Guild of Editors (GoE), Sierra Leone Union of Reporters (SLRU), and Women in Media in Sierra Leone (WIMSAL), Sportswriters Association.

### **Media Reform Coordinating Group (MRCG)**

The Media Reform Coordinating Group (MRCG) was formed in 2012-13 and was initially solely funded by the UNDP. MRCG comprises nine media institutions in the country:

- Independent Media Commission (IMC);
- Ministry of Information and Communications (MIC);
- Guild of Editors (GoE);
- Women in Media in Sierra Leone (WIMSAL);
- Sierra Leone Association of Journalists (SLAJ);
- Sierra Leone Reporters Union (SLRU);
- Independent Radio Network (IRN);
- Cotton Tree News (CTN);
- Mass Communications/Fourah Bay College

In the first three years, 2013 to 2016, the MRCG received more than \$1.3 million USD.

<b>Year</b>	<b>Donor</b>	<b>Amount</b>
2013	UNDP	US\$ 311,815
2014	UNDP	US\$ 448,327
2015	UNDP	US\$ 350,000

2016	UNDP	US\$ 200,000
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According to the MRCG website, “The Media Reform Coordinating Group (MRCG) was established to strengthen democratic dialogue, consolidate peace and ensure development through professional, independent and sustainable media, based on the right to freedom of expression and speech. We are established as an independent corporate entity with funds from the UNDP to act as the key driver of media reform agenda in Sierra Leone.”

## Management

A Media Development Strategy developed by UNDP and the Media Reform Coordinating Group (MRCG) notes on the issue of media sustainability and accountability; “the meagre market and strong competition make some of the media test the limits or even break them with sensational stories, brown envelope journalism, blackmail and allegiance to certain political and economic interests that finance some of the media. This, combined with low professionalism; low ethics and a politicised content, constitute a challenging media environment.” (Bonde & Sowa 2014). Dr Francis Sowa noted in a UNDP-sponsored report for the Independent Media Commission (IMC), “From 2008 to date, much has not changed. Most media institutions are still not being run as proper businesses. There are still improper management and accounting systems. Many staff are employed and given identity cards to fend for themselves. Most media houses are still one-man businesses (sole proprietorships). This runs contrary to their registration status with IMC, which indicates a good number of media houses are companies and not sole proprietorships. Media houses are still mostly owned by journalists, a situation that makes them operate as both administrators/managers and media practitioners.

In the 2008 Media Sustainability Index report, Dr Julius Spencer noted, regarding the ownership of media in Sierra Leone, “There are few cases of shadow ownership; generally the official ownership of media institutions is public information. Obviously there are some media institutions that are being financed by certain individuals or groups or interests, and a lot of the time that is not publicly known. But if you read or listen to them, if you are intelligent, you will know that this one is biased in this way.” Cases of shadow ownership are found mostly at newspapers. Politicians set them up to promote their own image or to settle scores with political opponents. Most newspapers are owned by their editors, some of whom are young university graduates, who cannot find jobs in other sectors of the economy.

The panellists interviewed for the 2008 Report were divided about the management of media institutions as profit-generating businesses. Dr Spencer said, “The majority of media institutions are not being run as proper businesses. They don’t have proper accounting systems, let alone accountants. They don’t have personnel policies. It’s just one individual who’s in charge, and he decides what to do. He collects the adverts money and uses it the way he wants... but a few are being run like proper businesses.”

Sierra Leone newspapers and media outlets operate like small backwoods cottage industries of sole proprietorships. With perhaps a few exceptions, they are not profit-making enterprises; professionalism is low, and for some the key to sustainability has been to break the rules and test the degree of tolerance of state authority to gain popularity rather than through aggressive

and credible investigative reporting to expose corruption and malfeasance in the corridors of power. (Richard M'bayo – 2015)

## **Advertising**

In a recent analysis of advertising and advertisers in newspapers, more than 60% of advertisements are placed for government ministries, departments and agencies (MDAs). Non-governmental job ads, procurement notices and press releases accounted for 25% of advertisements, while individual businesses, telecoms and banks accounted for approximately 12% of purchased ad space in newspapers. There was also a very clear distinction between papers who were pro-government over those independent or opposition papers. Many “rumoured opposition” or critical newspapers did not get these government adverts. According to SDI research, the advertising sales industry is not well formed (or non-existent) and media outlets rely on “marketers” to develop relationships with potential advertisers. The in-house marketers collect adverts and receive another commission, on top of the kickback paid to employees of organizations who buy media space. There is also no formal education for ad sales people.

Media managers must use as many advertisements as possible to keep their businesses afloat. Such advertisements seldom generate profits because payments are usually delayed (or not paid at all) and public-relations personnel in the commissioning institutions demand some percentage of money as kickbacks from the media houses, SDI discovered. Newspaper subscriptions are rare. Sometimes only offices, embassies and schools contract particular vendors to deliver some papers but a viable, national distribution system still does not exist. Market research for media is basically non-existent in Sierra Leone, as is audience and audited circulation measurement. Radio stations estimate their audience based on the number of telephone calls it receives during live phone-ins. Editors assume that they understand the needs of their audience and then tailor programs and editorial in that direction. There is no true understanding of a newspaper's audience and demographics. A senior editor, when asked about his target market, said, “Everyone is our target.”

Without an audit service to independently analyze media numbers such as readership, listeners, locations, print runs, sales, etc., advertisers are left to fend for themselves when trying to discern where to get maximum “bang for their buck”. Unfortunately, the advertising industry is weak, ill-informed and driven by a corrupt system of kickbacks for ad placements. Media buyers, who are often just the public relations staff of government or NGOs, purchase or place ads based on their own commission/kickback, despite the fact that it's their job to place the ads for the MDA or organization.

Media outlets are bound into this system and there doesn't seem to be any willingness amongst the media industry to address or change this system. Accordingly, media outlets will continue to struggle for ads and continue to be influenced by those organizations and people who place advertisements.

## **Women in the Media**

In 2015, Williette James wrote for the MRCG in a State of the Media Report, “The President, Women in the Media Sierra Leone (WIMSAL), Tiana Alpha, lamented on the fact that women working within the media are portrayed as being lazy, not able to cover the same intensity of stories as their male counterparts, having lower levels of education than men, being more interested in soft stories, and are prone to dating men more often. As she puts it, the depiction reveals, “men are more capable of occupying senior managerial positions than women, and that journalism somehow is solely a profession for men and not for women.” This negative media representation of women over the years, has caused many women to quit the profession, and others were discouraged from entering as they saw it inimical to the basic African cultural expectation of womanhood.”

However, it must be noted that between the 2000 and 2021, women’s role in the media has steadily increased. The Sierra Leone Broadcasting Corporation (SLBC) and African Young Voices feature several women in management positions, as does Awoko newspaper, Awareness Times newspaper, Culture Radio, Skyy Radio and others. There are now more women TV and radio presenters and the number of women media owners and women in management positions will, no doubt, continue to grow.

In November 2020, the Women in the Media Sierra Leone (WIMSAL) celebrated its 13-year anniversary. WIMSAL is the oldest association of female media practitioners.

After a tumultuous WIMSAL executive election in December 2019, appeals and mediation sessions, another group of women formed the Sierra Leone Association of Women in Journalism (SLAWIJ) in 2020 to promote the welfare of female journalists and increase their visibility to transform the media landscape in Sierra Leone.

An acrimonious split of women journalists occurred and a committee of highly esteemed journalists, lawyers and professors were appointed to oversee a reconciliation process. The SLAJ executive recently received the Committee’s report and will soon act on their recommendations.

There are now a number of organizations specifically targeting women journalists. Another group, which is far less well-known or active is the Media Matters for Women, a U.S.-registered, non-profit organization established in 2010 that operates through partnerships with women's rights organizations in Africa. They are also registered in the United Kingdom and in Sierra Leone.

According to their website, their strategy includes:

- joining forces with other like-minded organizations to ensure women and girls in rural areas know their rights as well as available social/judicial services;
- involving men in the network who are already 40% of our audience so that they can become future agents of change;
- targeting youth with podcasts and engaging with peer-to-peer youth platforms where they can discuss MMW podcasts and receive training in women’s rights and prevention of SGBV.

## **National Legal Provisions Affecting the Media of Sierra Leone**

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In 1815, John Adams admonished legislators, politicians and moralists that in the governance of the state, they will find that the regulation of the media is the most difficult, dangerous and important problem they have to resolve.

There are more than a dozen statutes used to regulate the media in Sierra Leone. They range from Constitutional provisions, Acts of Parliament to Codes of Practice/Ethics.

Table: from the MRCG state of the media report 2015, updated by SDI.

No	Statutes/ Codes of Practice	Laws/ regs. by year	Brief description of the laws/other regulations	Current Status
1	Newspapers Ordinance <b>It is Cap. 111 in the Laws of Sierra Leone, 1960</b>	<b>1924</b>	<b>“An Ordinance to provide for the Registration of Newspapers and their Proprietors and for the printing on Newspapers of the Names of the Printers.”</b>	The Newspaper Ordinance 1924. 1960 it was amended by the Newspaper Act, (Cap 111) 1980. The Newspaper Act (Cap 111) 1980 was subsequently repealed by the IMC Act, 2000.
2	Undesirable Publications  <b>It is Cap. 113 in the Laws of Sierra Leone, 1960</b>	1939	“An Ordinance to prohibit the Importation and Publication of Undesirable Literature.” It empowers the Governor/President of Sierra Leone to prohibit the importation of any publication, which in his opinion, contravenes the public’s interest.	Still in Sierra Leone’s statute books
3	Undesirable Advertisement Ordinance- Cap 114 in the Laws of Sierra Leone, 1960	1960.	The Ordinance prohibits advertisements relating to the promotion of certain medicines and the cure of certain diseases.	Still in Sierra Leone’s statute books
4	Defamation Ordination- Act No. 32	1961	“An Ordinance to Amend the Law elating to Libel and Slander and other Malicious Falsehood”. It deals with the civil aspect of defamation from sections 1- 16 and in the Schedule (Parts 1 and 11).	Still in Sierra Leone’s statute books

5	The Treason and State Offences Act	1963	The Treason and State Offences Act, 1963, contains relevant provisions relating to the non-availability of state secret or official information to the public. Sections 7(1)(b) seeks to punish the wrongful use of information for the benefit of an external power which the information is considered to be prejudicial to the safety and security of the State (Binneh-Kamara, 2007).	Still in Sierra Leone's statute books
6	Criminal Libel - The Public Order Act (No. 46).	1965	Being an "Act to Consolidate and Amend the Law Relating to Public Order", has sections dealing with media regulation. The whole of Part V of the Act- Defamatory and Seditious Libel Defamation deals with media regulation. Sections 26 deals with 'Knowingly publishing a false defamatory libel and 27 deals with 'Defamatory libel'.	No longer in Sierra Leone's statute books
7	Publication of False News- The Public Order Act (No. 46)	1965	Section 32 deals with publication of false news.	No longer in Sierra Leone's statute books
8	Seditious Libel- The Public Order Act (No. 46)	1965	Sections 33, 34, 35 and 36 deal with Seditious Libel. Section 37 deals with Interpretation	Expunged from Sierra Leone's statute books
9	Constitution of Sierra Leone, Act No. 12 (One Party Constitution)	1978	Although the one-party, 1978 Constitution made provisions for the protection of freedom of expression, including the freedom the freedom to impart ideas and information, it also made provision for the authorities to adopt preemptive regulations which tended to curtail such information (Sierra Leone Government, 1978 in M'Bayo and Moge kwu, 2000).	Repealed by section 190 of the Constitution of Sierra Leone, Act. 6 of 1991

1	The Newspaper Act -Cap 111	1980.	It contained “The Newspapers Registration Rules, 1980.” It amended the Newspapers Ordinance Cap 111 of 1960 and provides guidelines for the registration of the media institutions.	Repealed pursuant to section 35 of the IMC Act, 2000.
1	The Economic Emergency Regulations	1987	The regulations stipulated that journalists, and newspapers editors and publishers shall be guilty of an offence and liable to imprisonment of up to five years for publication of “false statements” and “injurious to Sierra Leone and the government of Sierra Leone (M’Bayo and Moge kwu, 2000).	No longer in force
1	Constitution of Sierra Leone- Freedom of Expression and of the Press	1991	Sections 11 deals with the ‘Obligations of the mass media, and 25 deals with ‘Protection of freedom of expression and the press’.	Still in force. Note: The 1991 Constitution is being reviewed by the Constitutional Review Committee.
1	Constitution of Sierra Leone- Public Emergency Law	1991	Section 29 of the 1991 Constitution of Sierra Leone. Media practitioners, under a state of public emergency, cannot enjoy their right to freedom of expression and of the press, as they may be prevented from publishing stories which may undermine state security (Binneh-Kamara, 2007).	Still in force
1	Constitution of Sierra Leone - Law of Contempt of Parliament	1991	Sections 95 and 96- The law on Contempt of Parliament restricts the right of freedom of expression and of the press as it seeks to maintain the integrity and dignity of Parliament.	Still in force
1	Decree No. 6	1992	<b>“Any person who publishes any report or statement which is likely to cause alarm or despondency or be prejudicial to the public safety, public tranquility or the maintenance of public order, shall be guilty of an offence and liable</b>	No longer in force



			<b>on summary conviction. (NPRC, 1992a).</b>	
1	NPRC Warning to Journalist/ Public Notice	1992	In November 1992, the NPRC took out a full-page advertisement in selected local newspapers with a glaring headline that warned journalists to “Stop Inciting through Writing,” or face the consequences. The advertisement from the Department of Defense was labeled “Public Notice” (NPRC, 1992b.)	No longer in force
1	Guidelines for Newspapers Registration	1992	The “Guidelines” the second NPRC newspaper regulation since April 1992, turned out to be perhaps more stifling than press regulations of previous administrations. Under the new rules, newspapers were required to meet financial, academic, and professional/practical experience stipulations (NPRC, 1993).	No longer in force
1	The International Covenant on Civil and Political Rights	1995	Domesticated in 1996. Article 19(1) and (2) provides for enjoyment of freedom expression and of the press.	Still in force
1	The Independent Media Commission (IMC) Act	2000 as amended in 2006 and 2007	The entire Act deals with media regulation. It among other things establishes guidelines for the establishment and operations of media institutions in Sierra Leone.	Still in force (currently under review)
2	Sierra Leone Association of Journalists Code of Ethics	2000	The entire Code deals with media regulation.	Still in force
2	Pharmacy and Drugs Act	2001	Section 35 deals with “prohibition of publishing in relation to any drug descriptive”. It prohibits advertisement and publication in relation to certain descriptive drug	Still in force

			or service. These include advertisement or publication on preventing or treating diseases specified in the Second Schedule; terminating or influencing the cause of human pregnancy or for any purpose relating to sexual intercourse.	
2	The Telecommunications Act	2006	Almost the entire Act, but has specific regulations for the electronic media in Sections 64-66, and 70-72. It mostly deals with the acquisition and use of broadcast frequencies and penalties for defaults.	Still in force
2	The Child Rights Act	2007	Specifically section 82, but contains other relevant sections	Still in force
2	The Media Code of Practice	2007	The entire Code deals with media regulation. It contains ethical principles media institutions and practitioners must adhere to.	Still in force
2	The Law on Contempt of Court	Common Law	The common law also prohibits media practitioners from expressing opinions on matters that are yet to be decided by the court. (Binneh-Kamara, 2007)	Still in use
2	The Anti-Corruption Commission Act	2008	Section 74: Unlawful disclosure of investigation), 81: Protection of informers) and 86:Penalty for false report).	Still in Sierra Leone's statute books
2	Sierra Leone Broadcasting Corporation Act	2010	Being an Act to establish the Sierra Leone Broadcasting Corporation and to provide for other related matters. The law regulates the public service broadcaster.	Still in force
2	The Copyright Act	2011	"An Act to provide for the protection of copyright in Sierra Leone and for other related matters." All sections.	Still in force
2	The Sexual Offences Act	2012	Sections 26 (Producing, distributing child pornography) and 41 (Ban on publication of information	Still in force

			identifying a person who is a victim of a sexual offence )	
3	The Right to Access Information Law	2013	“Being an Act to provide for the disclosure of information held by public authorities or by persons providing services for them and to provide for other related matters.”	Still in force

At one time, there were 32 laws or regulations that directly or indirectly dealt with media regulation in Sierra Leone. Six other sets of laws, including regulations, decrees, and guidelines are “no longer in use”. Those regulations, guidelines and decrees were instituted by the respective governments at particular points in time to address specific issues.

An additional 16 media laws and regulations were “still in force” meaning that their provisions are being or can be applied. The extent to which all of those laws are being used could be the subject matter of another article.

The frequently used laws included the Public Order Act of 1965 and the Independent Media Commission (IMC) Act, 2000 as amended in 2006 and 2007 and the Independent Media Commission Code of Practice, 2007. There are frequent references to the Constitution of Sierra Leone, Act No. 6 of 1991 particularly section 25 subsections (1) and (2) and section 95 dealing with freedom of expression and of the press and contempt of parliament respectively.

### **1991 Constitution of Sierra Leone**

The Constitution makes clear provisions on the role of media in promoting democracy and good governance in Sierra Leone. It states, in Section 11, “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.”

Part of that responsibility is to hold government to account, report and expose corruption, report responsibly and credibly and above all do so without fair or favour.

The 1991 Constitution of Sierra Leone stresses the tasks on state institutions to respect and protect freedom of expression of its citizens. Section 25(1) of the Constitution guarantees the right to freedom of expression and states, "except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression and such freedom includes the freedom to hold opinion and to receive and impact ideas and information without interferences. Freedom from interference also covers correspondence, ownership, establishment and the operation of any medium for the dissemination of information, ideas and opinion and academic freedom in the institution of learning.”

Sierra Leone’s culture is part of the media and the Constitution, in Section 12, notes, “The Government shall— a. promote Sierra Leonean culture such as music, art, dance, science, philosophy, education and traditional medicine which is compatible with national development; b. recognize traditional Sierra Leonean institutions compatible with national development; c. protect and enhance the cultures of Sierra Leone; and d. facilitate the provision of funds for the development of culture in Sierra Leone.

The Constitution also covers the rights of all citizens, including journalists. It states in Section 15, "Whereas every person in Sierra Leone is entitled to the fundamental human rights and freedoms of the individual, that is to say, has the right, whatever his race, tribe, place of origin, political opinion, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following—

- a. life, liberty, security of person, the enjoyment of property, and the protection of law;
- b. freedom of conscience, of expression and of assembly and association;
- c. respect for private and family life, and
- d. protection from deprivation of property without compensation.

### **Sierra Leone Public Order Act of 1965 – Part 5, now repealed**

The Public Order Act (POA) of 1965 has caused much damage to journalists and their working environment and has often led to their imprisonment. Section 33(c) states, "any person who prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication; or imports any seditious publication, unless he has no reason to believe that it is seditious, shall be guilty of an offence and liable for a first offence to imprisonment for a term not exceeding three years, or to a fine not exceeding one thousand Leones (Le 100,000) or to both such imprisonment and fine, and for a subsequent offence shall be imprisoned for a term not exceeding seven years, and every such seditious publication shall be forfeited to the Government."

Also subsection (5) states, "publisher means any printer, editor or proprietor of a newspaper and every agent or employee or other person acting on the instructions of any such editor or proprietor, or any person concerned with the management of a newspaper; "proprietor" includes as well as the sole proprietor of any newspaper, as also in the case of a divided proprietorship the person who as partners or otherwise represent and are responsible for any share or interest in the newspaper as between themselves and the persons in like manner representing or responsible for the other shares or interests therein and no other person.

"Newspaper" means any paper containing public news or occurrences, or any remarks or observations therein, printed for sale and published periodically or in parts or numbers. Section 37, states, "defamatory matter" means any matter which if published of and concerning a person (deceased or alive) is likely to expose him to public hatred, contempt or ridicule or to damage his/her trade, business, profession, calling, or office whether such matter be expressed in spoken words or in any audible sounds or in words legibly marked or in any substance whatever or by any sign or object signifying such matter otherwise than by words wither directly or by insinuation or irony."

Section 26 of the Public Order Act 1965, states, "any person who maliciously publishes defamatory matter knowing the same to be false shall be guilty of an offence called libel and on conviction to imprisonment for any term not exceeding three years or to a fine not exceeding one thousand Leones or both". Section 27 imposes legal responsibility for any news considered to be false whether the author has knowledge of its falsity or not.

Pursuant to Part 5 of the Public Order Act (POA) No.46 of 1965, defamatory libel (publication of a false and derogatory statement about another person exposing him to hatred, ridicule or

contempt or which causes him to be shunned or avoided or which has a tendency to injure him in his office, profession or trade without lawful justification), is a crime, the essence of which is the danger to the public peace.

Specifically, sections 26 and 27 of the POA relate to criminal libel, while seditious intent is established pursuant to Section 33 of the Act. For section 26 to be committed there has to be evidence of knowledge of the defamatory publication. In other words, the prosecution must prove a significant element beyond reasonable doubt; that the publisher, at the material time of publication, knew about the defamatory nature of the matter. No such element of proof of knowledge is required under Section 27. Proof of the falsity of the publication suffices.

In Section 28, the defence of truth alone does not absolve the publisher of responsibility unless the publisher can establish that the public interest was served by publication of the matter. This notwithstanding, it is a defence to an action for libel (1) that there was no publication; (2) that the words used were incapable of a defamatory meaning; (3) that the words used were true in substance and in fact (justification) and for public good; (4) that the publication was privileged. What Section 33 seeks to preserve are public order, public safety, public defence or public morality.

The provisions of Part 5 of the Public Order Act particularly sections 26, 27 and 28 appear to undermine the provisions of Sections 11 and 25 of the Constitution of Sierra Leone Act No.6 of 1991 which establish protection of freedom of expression and of the press including “freedom to hold opinions and to receive and impart ideas and information without interference...”.

### **The Independent Media Commission Act**

The Independent Media Commission Act No. 12 of 2000, in Section 8(1) outlines the IMC objectives. (a) promote a free and pluralistic media, (b) ensure media institutions achieve the highest level of efficiency in provision of media services, (c) to promote fair competition among media institutions and persons engaged in the provision of media services, (d) to protect the interest of the public and journalists against any form of exploitation or abuse, (e) to promote technological research and the development of adequate human resources for the advancement of the media industry.

Section 2 outlines the functions of the IMC. (a) advise the Minister on policy formation and development, (b) ensure strict compliance with Act and regulations, (c) establish categories of licences and grant such licences to electronic media institutions, (d) prescribe minimum percentage of total broadcast hours to public service programs by various types and categories of electronic media, (e) maintain a register of media institutions, newspapers and magazines published in Sierra Leone as well as radio, TV, DTH and online publications, (f) establish clear limits to media ownership including cross-media ownership in the interest of diversity, (g) ensure every person shall have, without discrimination, access to fair media coverage in print and electronic media, except such coverage is not in the public interest.

The IMC was established by a law in 2002. It is funded by the State. Its commissioners are ultimately appointed by the President and approved by Parliament. The IMC is one of the post-conflict institutions formed to reinforce Sierra Leone’s democracy. The IMC is tasked with licensing media institutions, promoting free and pluralistic media, ensuring noninterference by the government and reviewing and updating the Media Code of Practice.

Media outlets are required to apply, be approved and register with the Independent Media Commission (IMC). Journalists are not licensed in Sierra Leone but there are restrictive laws and policies placed upon the media.

In 1999, before the passing of the IMC Act, the freedom of expression and media freedom organization, Article 19, said, Statutory regulation of the print media is often a vehicle for political interference. ARTICLE 19 believes that, beyond strictly technical requirements regarding registration (for example, periodic returns giving details of proprietors, editors and address), the appropriate form of regulation for the print media is self-regulation, however imperfect it may be in practice. The costs of statutory regulation of the print media with regard to freedom of expression invariably outweigh the perceived benefits.

In its provisions regarding the process of appointing the board, ARTICLE 19 is gravely worried that, by establishing the legitimacy of the principle of statutory regulation of the print media – including with regard to complaints by the public – the Bill creates a “trojan horse”, which governments will be unable to resist using in future to harass and intimidate critics. In this regard, the provision in the Bill that newspapers and magazines will not be registered unless they can demonstrate, when applying for registration, that they have no income tax arrears, is an ominous warning sign. ARTICLE 19 believes that this provision creates a penalty upon newspapers and magazines, which is additional to those, which companies more generally may face under the Income Tax Act. As such, this is a discriminatory proposal, which threatens freedom of expression.

From a UNDP sponsored evaluation of media development 2018 from the MRCG. “Sadly, the manner of its set up and modus operandi of the Commission keeps it far from being autonomous since government still controls the appointment of the officers in charge. In addition, the stringent stipulations for granting of licenses as outlined in the IMC Act are designed knowingly or unknowingly towards hampering the easy set-up of private media institutions. The mere fact that registration is necessary for private businesses is of major concern. Moreover, the time frames have never been adhered to in the application, screening and granting of licenses.”

The Independent Media Commission Amended Act 2007 provides a platform to facilitate the proliferation of newspaper and radio stations and paves way for media Code of Practice, section 7 (23) “The principal Act is amended by the repeal and replacement of section 23 by the following section:– 23. The Commission may determine such standards of overall performance or specific standards of performance in relation to the provision of radio, television, DTH, DSTV, public relations or advertising services by a media institution, as in the opinion of the Commission ought to be achieved by that media institution.”

## **Cybercrime Bill**

A cybercrime bill was proposed to Parliament in March 2021. The bill proposes measures for the prevention of the abusive use of computer systems; collection of electronic evidence for investigation and prosecution of crimes; to set up a Commission and deal with international cybercrime matters. The Bill has been moved to a Parliamentary Committee for study and suggestions.

The Bill defines several terms including; “computer data” means any representation of facts, information or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function;

“computer data storage medium” means any device, physical or virtual, containing or designed to contain, or enabling or designed to enable storage of data, whether available in a single or distributed form for use by a computer;

The new Cybercrime Bill targets everybody with a phone, computer, laptop, hard drive, camera, DVD player, audio recorder and even information saved “in the cloud” or online... everything and anything that can record, store or produce digital information. It also gives extensive powers to those in governance, the Police and the judiciary.

The Bill calls for the revelation of “sources”, which are critically reserved for journalists. “Critical National Information Infrastructure” means computer systems that are necessary for the continuous delivery of essential services that Sierra Leone relies on, the loss or compromise of which will lead to a debilitating impact on –

(a) the security, defence or international relations of Sierra Leone;

(b) the existence or identity of a confidential source of information relating to the enforcement of the criminal law;

(c) the provision of services directly related to communications, infrastructure, banking and financial services, public utilities, public transportation or public key infrastructure; or

(d) the protection of public safety including system related to essential emergency services;

The Minister of Information, Mohamed Swaray, introduced the Bill before Parliament on Thursday 18 March 2021, and touted the new Cybercrime Bill as a way to “fight crime”.

Minister Swaray said engagements with key stakeholders is part of the process of passing the Bill into law.

The Sierra Leone Association of Journalists (SLAJ) President said they have not been consulted about the Cybercrime Bill until after the Bill was presented to Parliament. SLAJ members have identified several sections of the Bill that are counter-productive to investigative journalism.

In the Bill, government authorities can also demand information from service providers like telecoms. “Subscriber information” means any information contained in the form of data or any form that is held by a service provider, relating to subscribers of its services, other than traffic data or content data, by which can be established-

(a) the type of communication service used, the technical provisions taken thereto and the period of service;

(b) the subscriber's identity, postal, geographic electronic mail address, telephone and other access number, billing and payment information, available on the basis of a service agreement or arrangement; or

(c) any other information on the site of an installation of communication equipment, available on the basis of a service agreement or arrangement;

Any communications, including Facebook, WhatsApp, e-mail, etc. falls under the new Bill.

“Traffic data” means computer data relating to a communication by means of a computer system, generated by a computer system that formed a part in the chain of communication, indicating the communication’s origin, destination, route, time, date, size, duration or the type of underlying service.”

The Sierra Leone Union of Photographers (SLUP) examined the new Bill for areas of potential misuse by government authorities. SLUP said, so far, we have a number of concerns with the Bill for our 10,000 members. We were not consulted at any stage of this Bill's drafting. SLUP noted, "The potential for misuse is large and it includes photographers, journalists and civil society organizations... everyone."

Section 4(1) of the Bill states, "Powers and procedures under this Act shall be applicable to and may be exercised with respect to -

(a) criminal offences under this Act;  
(b) criminal offences committed by means of a computer system, including mobile phones and other electronic equipment, under any other law; and  
(c) the collection of evidence in electronic form of a criminal offence under this Act or any other law.

(2) In a trial of an offence under any law, the fact that evidence has been generated, transmitted or seized from or identified in a search of a computer system, shall not of itself prevent that evidence from being presented, relied upon or admitted.

A civil society representative, who wished to be anonymous, said the new Bill allows the government to monitor phone calls by "taping", read e-mails and every form of communication under Section 9 and 10. The Bill states, "9(1) Where there are reasonable grounds to believe that traffic data associated with specified communications is reasonably required for the purposes of a specific criminal investigation, a Judge of the High Court may, on an application by a police officer or other authorised person, order a service provider to-

(a) collect or record traffic data in real-time; and  
(b) provide specified traffic data to the police officer or other authorised person.

The Media Foundation of West Africa (MFWA) noted, the government has introduced a Cybercrime Bill (2020) in what it claims to be an attempt to tackle cybercrime and boost safety and security on digital platforms. There has, however, been a huge outcry that the Bill could be more repressive than the repealed Part V of the Public Order Act 1965 which criminalised libel. It is feared that, when passed, the Bill will greatly infringe on the rights of Sierra Leoneans and erode the enjoyment of freedom of expression in the country.

Section 4(2) of the proposed Cybercrime Bill 2020 states that the fact that evidence has been generated, transmitted or seized from or identified in a search shall not in itself prevent that evidence from being presented, relied upon or admitted. According to a lawyer, Augustine Sorie Sengbe Marah, this puts a disproportionate burden on the accused to challenge the authenticity of the digital evidence rather than on the prosecution to prove same. He added that this can easily ensnare journalists or citizens with little or no means or expertise to challenge such digital evidence.

Lawyer, Ady Macauley wrote on Twitter, "S 10-draft cyber-crime Act 2020 empowers the state to force mobile operators to record your voice calls and SMS in real-time and give to the state. This is not data protection, this is data harvesting. Just like the repealed Public Order Act, state authorities will use it to suppress dissent."

Further Section 5 of the Bill grants power to the police to search and seize stored computer data pursuant to a warrant issued by a judge. These powers are too broad, as it makes no provision that protects journalists and other professionals holding legal or ethical relationship



of trust, such as lawyers and doctors, from being compelled to disclose confidential information stored in digital form.

Section 5(4) is another sticking point. It allows the police, having secured a warrant to seize data, to extend the search to other systems if they believe that the data concerned is stored in those other systems. This gives the authorities a carte blanche to go on a witch-hunt on journalists, human defenders, civil society activists, political opponents etc.

“There is a real danger of the police using a decoy to secure a seizure warrant only to go after the real targets, given that a new warrant is not required to extend the search to other systems. Moreover, the device does not necessarily have to belong to the subject against whom the warrant was secured,” observed Vivian Affoah, Programme Manager for Digital Rights at MFWA.

Although Section 5.7 creates an offence for misuse of the search power, oversight over the use or misuse remains fluid.

Among other things, the Bill places enormous power in the hands of the Minister of Information who can determine punishments for alleged offenders of the Act. Throughout the Bill, almost all sanctions for offences are left to the discretion of the Minister. At Section 51 of the Bill, it is stated, “The Minister may by statutory instrument make regulations as it considers necessary or expedient for giving effect to this Act”.

This power could be abused. In line with international practice, the courts should be the ones to determine punishment for breach of law and not Ministers of State. Or punishment for offences under the Bill should be stated in the Bill and not left to the Minister.

Section 21 of the bill also raises data protection and privacy concerns as “a police officer or other authorised person may, without authorisation access publicly available (open source) stored computer data, regardless of where the data is located geographically”.

Also, Section 35 has been likened to Part V of the Public Order Act 1965, which was repealed in 2020. Under this section, a person can be accused of causing an offence if he “ought to have known that his conduct is likely to cause that person apprehension or fear of violence to him or damage or loss on his property; or detrimentally affects that person.” The expression “ought to have known” is problematic because an individual cannot tell how their messages will be received to know if it will cause the recipient any apprehension. An individual can be charged with this offence simply on the report of the recipient indicating that the message caused him apprehension.

Under subsection 2 of the same Section 35, sending or sharing materials offensive or menacing in character, annoying, insulting, hateful, expressing ill-will etc. is an offence. Although, subsection 3 excludes messages or other matters done in the interest of the public, determining what constitutes insult or public interest has always been fluid and too often subjective.

It is feared that by the time the courts make a determination with anyone charged with this offence, the accused person may have spent many days or months and perhaps years in detention during the course of investigation and prosecution. It will, therefore, be important if what constitutes an insult, annoyance for example can be included in the definition on terms in the Bill.

The ubiquitous “national security” mantra is also sowing discord. Section 27 makes it an offence to intercept non-public transmissions of data from a computer system, the transmission of which threatens national security.

Besides the fact that the definition of national security has always been problematic and has been used to abuse human rights, there is the risk of investigative journalists in particular being deemed to have intercepted classified, security-sensitive information unless they can cite their sources. It is important to note that the Bill as it stands now criminalises the possession of such information and that one does not need to have published it to fall foul of the law.

In the Constitution of the National Cybersecurity Advisory Council, a member shall cease to be a member if “the President is satisfied that it is not in the public interest for the person to continue as a member of the Council”. This is not reasonable grounds for a member of the council to be removed especially when public interest is not defined under the Bill. The President can arbitrarily remove a member of the council with the excuse that their removal is in the public interest.

Meanwhile, the proposed National Cybersecurity Advisory Council does not include any representative from the media or the Bar. These two institutions are critical in ensuring that fundamental rights are protected, competing interests are accommodated while regulating behaviour and activities in the digital space.

The Minister of Information and Communications, Mohamed Rahman Swarray, said, “I wish to assure all Sierra Leoneans that this bill will not tamper with the freedoms and human rights. All this bill seeks to do is to protect our citizens in digital space and make good international commitments like the African Union’s Malabo Accord to which Sierra Leone is a signatory, enforce the ECOWAS directive on cyber-crime and data protection and support our accession to the Budapest Convention like other countries in the region have done,” the Minister reacted on his Facebook account.

The Malabo Convention does not prescribe a violation of citizens’ rights and make the use of the internet a potential crime. The Malabo Convention enjoins states that “in adopting legal measures in the area of cybersecurity and establishing the framework for implementation thereof, each State Party shall ensure that the measures so adopted will not infringe on the rights of citizens guaranteed under the national constitution and internal laws, and protected by international conventions, particularly the African Charter on Human and Peoples’ Rights, and other basic rights such as freedom of expression, the rights to privacy and the right to a fair hearing among others.”

## **SLBC Act**

After almost 20-years of promises, back-and-forth dialogue, both nationally and internationally, and draft versions... the Sierra Leone Broadcasting Act was passed in 2010, and ushered in the hopes for a true public service broadcaster.

However, from the outset, the Corporation struggled with authority and independence. Section 13(1), raises concerns over government authority. “The Corporation shall have a Director-General appointed by the President on the recommendation of the Board of Trustees and subject to the approval of Parliament.”

Section 3 outlines the composition of the Corporation. (1) The governing body of the Corporation shall be a Board of Trustees consisting of the following members –

(a) a Chairman, who shall be a person competent and knowledgeable in the operation and management of broadcasting, appointed by the President subject to the approval of Parliament.

(b) a representative each, of the following bodies, elected by their respective governing bodies: (i) Council of Paramount Chiefs; (ii) Inter-Religious Council; (iii) Women’s Forum; (iv) Sierra Leone Bar Association; (v) University of Sierra Leone (Engineering Department); (vi) Youth Council; (vii) Sierra Leone Association of Journalists; and (viii) Civil Society Sierra Leone.

Some of the issues that have plagued the Corporation include Section 5, which reads, 5. (1) Subject to this Act, the Board shall have control and supervision of the Corporation. (2) It shall also be the responsibility of the Board to provide such policy guidance and advice as well as secure the efficient implementation of the functions of the Corporation and enhance the overall performance of the Corporation.

In the past, this reference to “the Board shall have control and supervision of the Corporation” often superseded directives and functions of the Director General.

Section 16 outlines funding sources, including “(1) The activities of the Corporation shall be financed by a fund consisting of (a) moneys appropriated by Parliament for the purposes of the Corporation.

Part Three outlines the objectives and functions of the SLBC. Section 10 states, (1) The object for which the Corporation is established is to provide information, education, entertainment and reflect all shades of opinion throughout Sierra Leone.

(2) Without prejudice to the generality of subsection (1), the Corporation (a) shall provide, as a public service, independent and impartial broadcasting services for general reception throughout Sierra Leone which will include a minimum level of regional programmes broadcast nationally every week;

(b) shall, in collaboration with such institution as may be appropriate, provide external radio and television services through transmission for general reception in countries and places outside Sierra Leone;

(c) shall allow and accept limited sponsorship for programmes and advertisement, except that no sponsorship shall be allowed for news programmes or accepted from political, ethnic or religious groups or institutions;

(d) shall provide, in the minimum,– (i) one free-to-air television channel for general reception throughout Sierra Leone, including any number of satellite, cable or other services;

(ii) one free-to air radio channel;

Section 10(c) has been a consistent bane to the Corporation. In fact, the Corporation continually ignores this section of their Act and accepts advertising in news programs and consistently runs advertisements for religious activities, revivals, services, etc.

Section 11 outlines the specific functions of the Corporation. 11(1) In the discharge of its functions under section 9, the Corporation shall be guided by principles geared toward the development of free and educated opinion, the respect for the rule of law, human rights and with due regard to issues of public interest and fair play.

(2) Without prejudice to the generality of subsection (1), the discharge of its functions of the Corporation under section 9, shall be guided by (a) Sierra Leone’s constitutional guarantees of

freedom of expression; (b) the principles enshrined in the Media Code of Conduct adopted by Sierra Leone's Independent Media Commission; (c) promotion of fair competition based on internationally accepted principles for a public broadcaster, which include independent management, public servile ethos and representation of all viewpoints and sectors of society in a non-partisan and objective manner.

### **Telecommunications Act**

The Telecommunications Act was passed in 2006 and regulates telecoms and radio frequencies. It also established an oversight body referred to as NatCom.

Section 64 states, (1) Subject to the applicable international treaties or agreements, all frequencies required for the operation of any telecommunications network shall be allocated by the Commission and, accordingly, any application for frequency shall be made to the Commission.

(2) For the purposes of subsection (1), the Commission shall have the power to (a) license any person or organisation to use specific radio frequencies for specific purposes, on such conditions and in consideration of such payments as it thinks appropriate, but the Commission shall reserve certain bands of radio frequencies for the exclusive use of the generality of the public, for various communications and other nonbusiness appliances of a purely private nature working within a short range not exceeding 458 metres between terminal yards, without the need for a specific licence.

### **Newspaper Act of 1980 – now repealed**

Under the Newspapers (Amendment) Act of 1980, all newspapers in the country are required to be licensed by the Minister of Information and Broadcasting. This licence, which can be revoked by the Minister at any time, must be renewed annually; failure to do so carries either a fine of one-thousand leones or 12 months' imprisonment or both. The Minister does not have to justify revoking a newspaper's licence, although he is supposed to be guided in his decision by a committee of nine members appointed by him and known as the Newspaper Advisory Committee.

The Act was justified at the time by the then Minister of Information and Broadcasting, Thaimu Bangura, on the grounds that, "in a developing country like Sierra Leone, there was a need 'to protect public morality, public safety and order, to balance the rights of the individual with the rights of the journalists ... and to help create an atmosphere of dialogue and co-operation between the government and the press.'" Of course, it was never explained how the Act was to achieve all this. The then Minister added, "Very soon the eyes and ears of the world will be focussed on Sierra Leone for the OAU [Organisation of African Unity] summit conference [in July 1980], and one of the areas by which we will be judged is the vibrancy of our newspapers. It is this vibrancy which the newspapers lack that the government wants to restore." The Newspapers Act should be seen against the increasing political instability of the time, which was largely triggered by the deteriorating state of the economy in the late 80s.

According to an APC Member of Parliament at the time and later Sierra Leone's second Vice President, Salia Jusu-Sheriff, speaking on the Newspapers Act, "All it does is take a sledgehammer to kill an ant."

Under the Newspapers Act, Paul Kamara, editor of For Di People, in 1984, was detained for several weeks after publishing a reader's letter about the alleged sale of a super-carat diamond by government officials. In 1985, he was again imprisoned, this time for two months, after publishing a report critical of the strong-arm methods of the country's paramilitary police. And he was in trouble yet again in late 1988 for publishing an article in which he accused members of a well-known Lebanese family of short-changing the government on contracts they had been awarded but hadn't fulfilled.

## **Right to Access Information Act**

Sierra Leone's press is considered 'partly free' according to The Freedom of the Press Index in 2017. In 2013, the country drew praise from Amnesty International, Human Rights Watch and its own Freedom of Information Coalition, when parliament passed the Right to Access Information Act – a “major step to ensure greater government transparency, the rule of law, and respect for human rights.”

Sierra Leone enacted the Right to Access Information Law on 29 October 2013, which added to the number of African countries that have passed the FOI law to 13. The right under the Access to Information Act 2013 in Sierra Leone empowers everyone to request official information held by public bodies under the law, known as the Right to Access Information. Section 2 subsection 1 to 6 of the RAI Act 2013 provides that; “every person in Sierra Leone has the right to access information which is in the control of public authorities, it also covers the information held by private bodies undertaking any function on behalf of government or receiving funding from the consolidated fund”. Access to information law is widely recognized as a cornerstone of good governance and an important anti-corruption tool.

The RAI Act defines, “public authority” to include any body–

- (a) established by or under the Constitution of Sierra Leone 1991;
  - (b) established by statute;
  - (c) which forms part of any level or branch of Government;
  - (d) owned, controlled or substantially financed by funds provided by Government;
  - (e) carrying out a statutory or public function; or
  - (f) a body or organisation that receives monies on behalf of the people of Sierra Leone;
- “publish” means to make available in a form generally accessible to members of the public and includes print, broadcast and electronic forms of information dissemination.

The RAI Act outlines how people can make information requests from those public authorities.

In Section 3.(1) A request for information under section 2 shall–

- (a) be made in writing;
  - (b) describe the information requested; and
  - (c) provide an address, which may be an email, for purposes of correspondence.
- (2) For the purposes of paragraph (a) of subsection (1), a request shall be deemed to be made in writing where the text of the request–
- (a) is transmitted by electronic means;
  - (b) is received in legible form; and
  - (c) is capable of being used for subsequent reference.

- (3) An application to access information shall be made in English or Krio by email, fax, post, telephone or by any other medium provided that the applicant provides–
- (a) contact details; and
  - (b) sufficient particulars for the public information officer or any other official to understand what information is being requested.
- (4) A public information officer who receives an oral request shall reduce the request to writing, including the public information officer's name and designation and shall give a copy thereof to the applicant.

On 30 June 2013, the Parliament of the Republic of Sierra Leone passed the law guaranteeing “freedom of information” (referred to as the Right to Access Information (RAI) Act). The Act addresses a fundamental human right that guarantees every individual access to information from public and private authorities. It allows individuals and groups to exercise their rights. The RAI law is an important guard against abuses, mismanagement and corruption. Through access to information the people of Sierra Leone can help ensure accountability and transparency from their governing authorities.

However, the haphazard and inefficient implementation of the Right to Access Information (RAI) law poses a significant challenge to citizens, journalists and civil society organizations. In practice, people applying for access to information have encountered many obstacles and difficulties. Over the years, since the establishment of the RAI law, people have had difficulty gaining access to information from public bodies, particularly when that information relates to sensitive issues such as corruption, organized crime, emergency expenditures, environmental contamination, or relationships with businesses and lobby groups.

Mamadi Gobeh Kamara, who was the Deputy Minister of Information and Communications, during a February 2021 SDI training session, said, “The RAI Act guarantees access to government information and can impose fines for failure to make information available.” But, she noted State institutions are still weak due to a lack of transparency and accountability. She added, “The freedom of expression and access to information are cornerstones of modern democracies and fundamental human rights under international law and those rights are enshrined in the Sierra Leone Constitution.”

One of the main reasons for the current lacklustre access to information situation is that information holders in government agencies do not provide information or do not know where the information is held. The information holders pretend to not be sufficiently aware of their duties under the law.

Citizens do not fully exercise their right to obtain information, because they do not possess sufficient knowledge and skills to implement the FOI law, including requesting information, following up and interacting with the Right to Access Commission.

According to Emmanuel Saffa Abdulai, a lawyer and activist, “After almost eight years, many public institutions are still not in compliance with the Act. Public information officers must become proactive and heads of institutions must go through the Act and abide by the criteria of making information accessible and publishing the required information on their websites.”

SDI applications for information ???

The Right to Access Information Commission, headed by Ibrahim Seaga Shaw, fined the Bank of Sierra Leone for failing in its duty to comply with Sections 2 and 4 of the Right to Access Information Act 2013. Pursuant to Sections 45(b) and 48 of the Right to Access Information Act, the Bank of Sierra Leone was fined Le70 million on Thursday 17 December 2020, The Bank repeatedly failed to provide information on foreign exchange history in Sierra Leone as formally requested by journalist and complainant, Martha Kargbo. The request for the information was formally made by Kargbo on 30 December 2019 pursuant to Section 2(1) of the Right to Access Information Act 2013.

On 7 January 2020, the Bank referred Kargbo to three separate websites, claiming that the information requested could be found on those websites. Kargbo, on 13 January 2020, informed the Bank that the information she requested could not be found on the websites that the Bank had referred her to. On that same date, she renewed her application to the Bank for the same information.

On 30 March 2020, Kargbo wrote to the Right to Access Information Commission, informing them of the failure by the Bank to provide the information she requested. On 14 April 2020, the Right to Access Information Commission wrote to remind the Bank of their obligations under the law to provide the information requested. The Bank made no written response to the letter written to them by the Right to Access Information Commission.

## **SLAJ Code of Ethics**

The SLAJ Code of Ethics is to address the ethical issues facing Sierra Leone's journalism. It draws inspiration and conforms to most of the principles drawn from other Codes of Ethics and international best practices. It is to ensure that journalists adhere to the highest ethical standards, professional competence and good behaviour in performing their duties. This Code is to provide a guide to professional media practice, and it is therefore applicable to members of the Association in Sierra Leone.

The Code of Ethics also mentions self-regulation of the media. "To have efficient and effective media institutions that will serve as powerful forces for the betterment of the nation through the dissemination of accurate and objective information, a constant quest for improved standards and techniques of journalism, and work towards the attainment of media self-regulation in Sierra Leone."

In 2016, as the SLAJ Code of Ethics was being prepared, Sarah Bomkapre, a Sierra Leonean media academic in Germany, wrote, "Sierra Leonean journalists responded positively and express their acceptance for professional ethical standards of journalism. Except for a few, almost all (97.3%) agreed that journalists should always adhere to codes of professional ethics regardless of situation and context.

The core values in the Code include, Freedom of Expression and the Media, Responsibility, Credibility, Accountability and Transparency.

There are 20 Articles in the document, developed by an esteemed group of senior SLAJ journalists in 2016/17. Among the provisions of ethics:

Article 1 notes, "Journalists shall at all times strive to uphold and defend the right of freedom of expression and information, the principle of media freedom and responsibility, and the right of the public to be informed."

Article 2 states Journalists shall not publish or broadcast information promoting, supporting or encouraging violence, incitement or hatred against religious or ethnic minorities and the socially excluded, including persons with disabilities.

Article 4 states "The journalist shall at all times defend and abide by the principles of freedom in the honest collection and publication of news, and of the right of fair comment and criticism. Journalists shall clearly distinguish between comments, opinions, conjecture and fact.

Of course, many of the tenets in the SLAJ Code of Ethics are at the basis of the IMC Code of Practice including, Article 5: Factual, accurate, balanced and fair reporting shall be the ultimate objective of good journalism and the basis of earning public trust, confidence and respectability. Journalists shall be disciplined in their efforts to verify all facts and refrain from publishing inaccurate and misleading information.

Article 9 deals directly with defamation. Journalists shall regard defamation, blackmail, libel and false and groundless accusations as grave professional offences.

Article 11 may be in conflict with the new Cybercrime Bill that's currently being debated.

Confidentiality and Non-Disclosure: Journalists shall observe the principle of confidentiality, which is not to disclose the source of information obtained in confidence. They are bound to protect confidential sources of information.

Article 13 seems to be the one where there is most risk and harkens back to the issue of media poverty. Conflict of interest, reward, gratification and professional integrity: It shall be a professional misconduct if during the course of his/her duty, a journalist corruptly demands and receives monetary or material reward for publishing, broadcasting or suppressing his/her news or views.

Journalists shall refuse gifts, favours, fees, free travel and special treatment, and avoid political and other outside activities that may compromise integrity or impartiality, or may damage credibility and reputation. SLAJ lists a proviso to the free travel and notes a journalist must declare, in their work, who paid for the reporter to travel.

Article 18 notes how journalists should behave and dress. The journalism profession demands good appearance at all occasions. Therefore journalists shall always be properly and decently dressed, comport themselves in a manner that conforms with public taste and professional standards.

While the Cybercrime Bill is being debated, SLAJ has already outlined an article in their Code of Ethics when it comes to working with digital information in Article 19, digital media: special issues. Ethical practice does not change with the medium. Journalists are bound by the above principles no matter where their stories are published or broadcast.

Enforcement of the Code lies with the Complaints and Disciplinary Committee, who shall be responsible for interpreting the Code and recommending appropriate punishment for defaulting members to the Executive.



## **IMC Code of Practice**

The IMC has developed an updated Media Code of Practice, a set of rules and regulations governing the establishment and operations of the print and electronic media and advertising for Sierra Leone. The guiding principles cover democratic substance, popular participation, equality and access to information and communication and freedom of expression. The document mainly focuses itself on the print media, electronic media, complaints, elections coverage and advertising.

The document was the outcome of five media workshops organised by the IMC in collaboration with the Sierra Leone Association of Journalists (SLAJ), PANOS Institute of West Africa (PIWA), civil society organisations and the Ministry of Information and Communication.

There exists little sense of obligation among journalists to comply with any ethical regulations set down by the IMC, despite trainings, workshops and “sensitizations” by the IMC and others. In the 2013 State of the Media Report, SDI observed “a rampant disrespect for the media Code of Practice by journalists, looking at the newspaper headlines and radio discussion programs, one can hardly believe Sierra Leone has a Media Code Practice that is not enforceable and disrespected.”

The introduction to the Media Code of Practice states that the emerging democracy in Sierra Leone requires all institutions to respond to and sustain the development of core democratic values to global best practices. The media landscape has the potential to be dynamic and increasingly powerful in its ability to capture community sentiment and shape the conversations that the general public can have with one another.

Furthermore, it can create a platform that enhances the public's ability to participate in the governance and running of this country and hold government accountable for its actions. It is therefore of utmost importance that the Media Code of Practice can ensure that all media outlets uphold high ethical standards which include respect, integrity, transparency and honesty. Best practice can be attained by following high standards and having a clear code of practice.

In 2020, not much has changed although a general sense of “homogeneity, monotony and uniformity” has overwhelmed the media. If one newspaper does it, others will. If one radio station does something, others usually follow.

The Code of Practice includes provisions on accuracy, balance and credibility, now commonly referred to as the “ABCs of reporting”. The Code places emphasis on professional conduct and provides clearer guidelines about not publishing inaccurate, misleading or distorted material and making all reasonable efforts to cross check the accuracy and credibility of all stories.

There is also a provision regarding character assassination. Journalists must refrain from the use of language, pictures, cartoons, commentaries, analysis, editorials, depictions and/or news that aim directly at destroying or deliberately tarnishing the character of individuals or groups in both the private and public domains. Journalists involved in the use of especially threatening or abusive language aimed at humiliating and or/ridiculing an individual will be considered a breach of the code and subject to a fine not exceeding five million Leones. Another section on discrimination has expanded its definition of what amounts to prejudicial or pejorative content. It now includes any prejudicial or pejorative reference to a person's political affiliation or

religion, alongside a person's colour, ethnicity, sex, individual lifestyle or any physical or mental illness or disability.

The IMC claims in the Code of Practice that it will encourage the print media to practice self-regulation and shall promote the observance of this code. The sentiment is positive, but the IMC cannot encourage and discourage at the same time. To encourage self-regulation means freeing up the media environment, strengthening SLAJ, promoting media literacy, opening up the market to niche publications and “letting the reader, listener or viewer decide” what they consume, purchase or support. But, the Code of Practice, in essence, limits the practice of journalism to State control, especially when the Code of Practice forms part of legislation. In the Print Media Regulations section, the IMC states that they may suspend or cancel the registration of a newspaper or magazine if there have been three contraventions of the Media Code of Practice.

Under a sub-head of “Harassment”, the IMC Code dictates “journalists and photographers must neither obtain nor seek to obtain information or pictures through intimidation, harassment or persistent pursuit.” However, a journalists’ job is to unearth information, research and dig deep into issues to report to the public. The “persistent pursuit” of the truth seems to be at the foundation of journalism.

Under another sub-head, “Indecency and Pornographic Materials”, the Code notes, “Indecency and pornographic materials are strictly prohibited as they are mainly for titillation and add no value to the news.” It is noted there are no guidelines to what one may consider pornographic or indecent. Who’s to judge? On a daily basis, the TV stations show “indecent” music videos and movies – sometimes during the day when children are likely to be watching.

The Code of Practice also lists fines and punishments for contraventions. The accuracy, balance and credibility provisions, for example, come with a Le1 million fine followed by a suspension if the fine is not paid within 30 days. Any contraventions of the children in sex and criminal cases provisions now leads to a fine of Le5 million followed by a suspension if the fine is not paid within 30-days.

All live electronic media programs must be recorded and made available upon request by the IMC. This appears to be a practical provision that will allow the IMC to more effectively monitor electronic media.

### **International Conventions for Freedom of Information and Expression**

International instruments have considered freedom of information and expression as cornerstone rights that enable other rights to be protected and exercised. The full enjoyment of the right to freedom of expression is central to achieving individual freedoms, and in a developing democracy it plays a critical role in tackling the underlying causes of poverty. The laws that ensure freedom of expression and freedom of the media must meet a set of internationally agreed standards. In the best case scenario, they should also seek to meet existing best practices within the international community.

In Nov 1999, the three special mandates on Freedom of Expression (the UN SR, the OSCE Rep. on Freedom of the Media, & the OAS SR on FoE) adopted a Joint Declaration, which included the following statement: ...”implicit in freedom of expression is the public’s right to open access to information and to know what governments are doing on their behalf, without which truth would languish and people’s participation in government would remain fragmented.”

## **Universal Declaration on Human Rights (UDHR)**

At its very first session, in 1946, the UN General Assembly adopted Resolution 59(I), which states, "Freedom of information is a fundamental human right and the benchmark of all the freedoms to which the United Nations is consecrated."

Universal Declaration on Human Rights (UDHR) guarantees the right to freedom of expression in the following terms: "Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

The UDHR, as a UN General Assembly Resolution, is not directly binding on states. However, parts of it, including Article 19, are regarded as having acquired legal force as customary international law.

## **International Covenant on Civil and Political Rights (ICCPR)**

The International Covenant on Civil and Political Rights (ICCPR) elaborates upon and gives legal force to many of the rights articulated in the UDHR. It makes electoral democracy meaningful and builds public trust in administration. Access to information strengthens mechanisms to hold governments accountable for their promises, obligations and actions. It does not only increase the knowledge base and participation within a society but can also secure external checks on state accountability, and thus prevents corruption that thrives on secrecy and closed society. On 21 July 2011, the UN Human Rights Committee adopted General Comment 34 on States parties' obligations under Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) which states, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." The General Comment provides guidance to states on what the freedoms of opinion and expression mean in practice, and therefore strengthens the protection provided by international law.

According to the General Comment: "... the mere fact that forms of expressions are considered to be insulting to a public figure is not sufficient enough to justify the imposition of penalties, albeit, public figures may also benefit from the provisions of the Covenant. Moreover, all public figures, including those exercising the highest political authority such as heads of states and governments, are legitimately subject to criticism and political opposition."

General Comment 34 notes, "State parties should consider the decriminalization of defamation and ... the application of the criminal law should only be countenanced in the most serious of cases and that imprisonment is never an appropriate penalty."

## **European Court**

The European Court has consistently emphasised the pre-eminent role of the press in a state governed by the rule of law and has stated, "Freedom of the press affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of their political leaders. In particular, it gives politicians the opportunity to reflect and comment on the

preoccupations of public opinion; it thus enables everyone to participate in the free political debate which is at the very core of the concept of a democratic society.”

The guarantee to freedom of expression applies with particular force to the media.

### **African Charter on Human and People's Right**

In the Preamble, the Charter notes, **Considering** the Charter of the Organisation of African Unity, which stipulates that “freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples”;

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

Convinced that it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, language, religion or political opinions.

Under the Rights and Duties of persons, Chapter One Human and People's rights, Article 9 (1 and 2) states, “every individual shall have the right to receive information and to express and disseminate his opinions within the law.”

In Article 13(3), it states, “Every individual shall have the right of access to public property and services in strict equality of all persons before the law.”

### **African Charter on Democracy, Elections and Governance**

The Preamble states clearly, “Reaffirming our collective will to work relentlessly to deepen and consolidate the rule of law, peace, security and development in our countries; Guided by our common mission to strengthen and consolidate institutions for good governance, continental unity and solidarity; Committed to promote the universal values and principles of democracy, good governance, human rights and the right to development; Cognizant of the historical and cultural conditions in Africa.

In the African Charter on Democracy, Elections and Governance, under the objectives, Article 2 (10), “aims to promote the establishment of the necessary conditions to foster citizens' participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.”

Article 3 notes, “State Parties shall implement this Charter in accordance with the following principles:

1. Respect for human rights and democratic principles;
2. Access to and exercise of state power in accordance with the constitution of the State Party and the principle of the rule of law;
3. Promotion of a system of government that is representative;

4. Holding of regular, transparent, free and fair elections;
5. Separation of powers;
6. Promotion of gender equality in public and private institutions;
7. Effective participation of citizens in democratic and development processes and in governance of public affairs;
8. Transparency and fairness in the management of public affairs;
9. Condemnation and rejection of acts of corruption, related offenses and impunity;
10. Condemnation and total rejection of unconstitutional changes of government;
11. Strengthening political pluralism and recognising the role, rights and responsibilities of legally constituted political parties, including opposition political parties, which should be given a status under national law.

Article 6 State Parties shall ensure that citizens enjoy fundamental freedoms and human rights taking into account their universality, interdependence and indivisibility.

### **Inter-American Court of Human Rights**

The importance of freedom of expression was particularly emphasised by the Inter-American Court of Human Rights, which stated, "Freedom of expression is a cornerstone upon which the very existence of a democratic society rests. It is indispensable for the formation of public opinion. It is also necessary ingredients for the development of an objective media profession, political parties, trade union, scientific and cultural societies and, in general, those who wish to influence the public, like the civil society activists and organisations. It represents, in short, the means that enables the community, when exercising its opinions, to be sufficiently informed". Consequently, it can be said that a society that is not well informed is not a society that is truly free.

### **Windhoek Declaration**

The Windhoek Declaration is a statement of principles drawn up by journalists in Africa to preserve and extend the freedom of the press. This 1991 UNESCO resolution on "promotion of press freedom in the world," had recognized that a free, pluralistic, and independent press was an essential component of any democratic society. World Press Day is commemorated each year on May 3<sup>rd</sup>, the date the declaration was approved.

#### **The 1991 Windhoek Declaration declares (in part):**

Consistent with Article 19 of the Universal Declaration of Human Rights, the establishment, maintenance, and fostering of an independent, pluralistic, and free press are essential to the development and maintenance of democracy in a nation, and for economic development.

By an independent press, we mean a press independent from governmental, political, or economic control, or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines, and periodicals.

By a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines, and periodicals reflecting the widest possible range of opinion within the community.

The worldwide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfillment of human aspirations.

African states should be encouraged to provide constitutional guarantees of freedom of the press and freedom of association.

To assist in the preservation of the freedoms enumerated above, the establishment of truly independent, representative associations, syndicates, or trade unions of journalists and associations of editors and publishers is a matter of priority in all the countries of Africa where such bodies do not now exist.

## **Specific Violations of Rights**

### **Sylvia Blyden**

Sylvia Blyden is the owner and publisher of Awareness Times, a former high-ranking APC government official and a critic of the current government.

On 1 May 2020, she was arrested at her home in Freetown. On 6 May 2020, her home in the western part of Freetown was searched by several Police personnel and journalists hired by the police to oversee the search. During the search, the police took into evidence eight cell phones and five laptop computers. An assortment of other items, paperwork and a large portrait of the former President, Ernest Koroma, were also seized.

On 22 May 2020, Blyden was charged with sedition, defamation, and “perversion of justice” over her social media posts, according to the Police. She was charged with violating Sections 27, 32, and 33 of Public Order Act 1965.

According to Blyden, initially, she was put in a female lock up cell where she met four women already detained. Just before bedtime, the four women were replaced by five men relocated from the Pademba Road Male Correctional Facility. She described the men as “hardcore criminals”.

Blyden was initially detained for three days without charge. On the third day, AIG Brima Jah, issued an arrest and a female officer read Blyden her rights. She was charged with seditious and defamatory libel. Blyden claims she was subjected to three body cavity searches by the Police on the fifth day of her detention.

On 28 May 2020, Blyden was granted bail at Magistrate Court under a bond of Le500 million and two land owning sureties with Le2 billion combined in property. On 29 May 2020, she was released from custody.

On 2 June 2020, Blyden was re-arrested during an appearance in Magistrate Court for violating bail conditions that prohibited her from speaking publicly about her case. She claims she never violated her bail conditions.

The charges against Blyden stemmed from social media posts where she criticized President Bio’s leadership and alleged that former defense minister Alfred Palo Conteh had been mistreated in detention. She spent 51 days in detention on charges of sedition and defamation in relation to her social media posts.

Blyden’s case was dismissed after the President signed the repeal of the Public Order Act, Part 5 in August 2020.

From the US Dept of State: 2020 Country Reports on Human Rights Practices: Sierra Leone  
Arbitrary Detention: On May 1, police arrested Sylvia Blyden, former minister of social welfare, gender and children’s affairs and a journalist and opposition All People’s Congress (APC) party

member, for alleged libel offenses involving social media posts critical of the government. Police detained her beyond the 72 hours legal limit provided by law. On May 29, authorities released Blyden on bail but then re-arrested her June 2 for allegedly violating bail conditions. On June 25, police released Blyden again on bail. The charges were dropped after the law criminalizing seditious libel was amended in August.

### **Fayia Amara Fayia**

Fayia, who reports for Star Radio and Standard Times newspaper, was brutalised by military personnel on 2 April 2020, while trying to report on the COVID-19 pandemic in Kenema, hospitalised under police custody, subsequently detained for three days, and finally arraigned before court. He was charged with assault, disorderly conduct, and obstructing security officers' duties.

Fayia was trying to take photographs while standing outside a treatment centre for patients with COVID-19 or suspected of having the virus. Military and police personnel were guarding the facility. Fayia was apparently known by several of the guards and identified himself as a reporter.

The Media Foundation for West Africa (MFWA) issued a press statement on 12 April 2020, and called on the Sierra Leonean Government to end the prosecution of Fayia Amara Fayia, a journalist with the *Standard Times* newspaper. SLAJ executive members and regional members also rallied to Fayia's aid.

According to a press release issued by the Sierra Leone Association of Journalists (SLAJ) on 10 April 2020, "Fayia was mob-beaten by about nine military officers allegedly led by one Major Fofana and arrested on Wednesday 1 April 2020 in Kenema in the line of duty." The journalist and his colleagues were refused entry into a potential quarantine venue along Dama Road, Kenema that was barricaded and secured by the military 'while other people were allowed access. The release stated that Fayia was mob-beaten because he attempted to take snapshots of a truckload of rice being offloaded within a barricaded area after he and a colleague were denied entry into the venue.

The journalist decided to take photos of the scene with his phone from a distance, when Major Fofana allegedly stepped forward and grabbed his mobile device from him and later ordered his colleagues to beat him up. "On Saturday, 4th April, 2020, Fayia was whisked off to the Kenema Police Station on the pretext of only to obtain statement from him, but was held in custody afterwards. He spent the entire three-day national Corona Virus Pandemic response lockdown under detention, despite his deteriorating health condition," stated a SLAJ Press release. SLAJ stated that Fayia was subsequently granted Le30 million bail, equivalent to \$3,000 USD plus two sureties; and the matter adjourned.

The case against Fayia was eventually dismissed after negotiations between stakeholders.

### **Stanley Sahr Jimmy**

On 5 April 2020, journalist Stanley Sahr Jimmy, station manager of Wusum Radio 88.5 FM, Makeni, was allegedly "mob-beaten" by five police officers at the Mena Police Station. According to SLAJ, he went to report an alleged break in at the radio station, but an argument

ensued in the process between some of the police officers and him, which allegedly resulted to his beating and ‘forcefully dispossessed’ of his phone. “Jimmy reportedly sustained injuries to his lower abdomen, mouth and left eye. A medical report has been tendered to the CDIID while he is responding to treatment,” stated the SLAJ press release.

### **Adeyemi Jackson**

In May 2020, police arrested and detained Adeyemi Jackson of Universal Radio at the CID Headquarters in Freetown. He was arrested and detained on 21st May 2020 after reportedly requesting an interview with Dr Ibrahim Bundu, a medical doctor attached to the Connaught Hospital in Freetown, in relation to an alleged sexual assault matter.

The journalist was released on the next day, 22 May 2020, after the intervention of the Sierra Leone Association of Journalists (SLAJ).

### **Mahmud Tim Kargbo**

Freelance journalist, Mahmud Tim Kargbo, was arrested for sharing content on social media deemed “insulting” and “scurrilous” about Sierra Leone’s assistant inspector-general of police. He was arraigned in court when, on 4 December 2020, he reported to the police in response to a 30 November 2020 summons.

The journalist was charged with defamation under Section 3 of the Public Order Act and released on bail after spending a few hours in the Pademba Road Male Correctional Centre.

### **Chernor Jalloh and Yusuf Bangura**

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

## **Media Noncompliance with Code of Practice**

IMC, Mustapha disciplinary actions and

Implementation status of Freedom of Information Law in Sierra Leone – RAIC, ask them about the institution. Public officials records management, slowness, actions taken,

### **Recommendations**

#### **Ministries, Departments and Agencies of government**

All branches of the government need to maintain accountability and transparency when dealing with the media. The MDAs should provide an information source and contact for journalists doing stories in their operational sectors.

MDAs should provide access to sources of technical data and information.

MDAs should abide by the Right to Access Information legislation.



The finance people or departments within MDAs should pay their advertising invoices to media outlets as soon as possible and without delay.

### **Police and security forces**

The Police personnel should be very professional in handling reports against the media or journalists. It will be in the best interest for peace to discuss with SLAJ or the IMC on certain complaints from members of the public against journalists before the police affect any arrest. The police should ensure they do not violate the human rights of journalists in handling complaints against the media; therefore there is need for the personnel at the CID to be trained on human rights.

The police should use professional means to deal with media houses and must stop confiscating properties of journalists including their cameras, phones or recorders.

The police should be aware of the laws and codes that govern the operations of the media.

### **CSOs and NGOs**

Non-governmental organizations and civil society groups are content specialists. They work in a variety of sectors, collect data, observe changes in communities and are experts in their field. They are not experts in media or journalism. As such, they should continue to provide data and information to journalists as sources – not for public relations purposes but for quality reporting.

If it is public relations these NGOs are after, they should purchase advertising space in newspapers or on TV or radio. They should not rely on journalists to do their public relations or advertising.

NGOs should stop budgeting for “media”, and assign budgets for advertising or education or sensitization, which would go through the media outlet and not the journalists.

NGOs should stop paying journalists directly. This is tantamount to a bribe or “pay for play”, which skews media reporting. There is a need for all right thinking organisations to be done with the notion of paying journalists for coverage. Whether it is ‘transport’, or ‘lunch’, or ‘out of pocket expenses’, these payments bolster the economics of unsustainable business and irresponsible journalism.

NGOs should continue to educate journalists on their topic knowledge, statistics or sector specialties but leave the reporting to the professional journalists.

NGOs should provide information when called upon and reflect transparency and accountability in all their activities. They should make communications staff available to journalists and provide information when necessary for journalists doing stories involving their sector of expertise.

## **Media**

### **Journalists**

The media should pay particular attention to context and terminology. Journalists cannot report all stories and cannot report any story completely. Journalists should aim to include as much context and background as their audiences require if they are to understand the

significance of official policy decisions and make sense of the facts and events that are reported. This is a basic test of adequacy and accuracy.

Journalists are expected to cross check alleged facts and do some investigative journalism to meet the professional ethics and the law. Journalists should double check information found on the internet, and avoid interpreting and reporting them imprecisely or verbatim.

Language that contains bias should be avoided, particularly when it is used against the government or those in power. They should also abstain from stigmatizing individuals or groups.

Journalists should take pride in doing the job well. Journalists need to understand the 'tools of the trade' in order to be able to explain complex matters clearly to their audiences.

Journalists should cherish the language. Whenever English is used it should be used well. It is part of the public service to the people of Sierra Leone as English is a valuable asset in this globalised world.

Journalists should take advantage of the new technologies and embrace mobile reporting techniques and multi-media presentations.

Clean up the profession. Before journalists can ask questions about the conduct of other people, they should make sure that their own houses are in order.

Invest in the best: smart journalists mean better media. Journalism and the public's understanding of important issues would be enhanced by the introduction of competent specialist correspondents with in-depth knowledge of key areas such as health, education, government, law and finance.

Journalism is powerful: use it wisely. Journalists should take a 'conflict-sensitive' approach to their work, understanding that good journalism and accurate impartial reporting can help reduce tension and potentially avoid conflict.

Good journalists should not be waiting for press releases or invitations to political events. They should be uncovering the stories that affect ordinary people, celebrating the every day heroes, drawing attention to the strange and the scandalous. Whatever the area – health, education, environment, business, human rights – good journalists should have the contacts, facts and trends at their fingertips. They should have the confidence to probe and question the powerful not out of spite or malice but out of a burning need to know on behalf of the public they serve.

### **Editors and Producers**

Editors and producers are the gate keepers of the news and programming. As senior journalists, they should rely on their experience to discern news from public relations, of public interest vs publicity.

They should not discriminate between sexes when assigning stories in the newsroom. They should try to mentor their journalists and encourage professional, responsible reporting on issues of national and local interest.

Editors and producers should be setting the agenda for development by planning ahead, especially during election periods. They need to establish clear goals to their reporting and continue to inform the public on areas of national concern, without fear or favour.

## **Advertisers**

Those placing advertisements in newspapers and on radio or TV need to understand the demographics of those media outlets. They should place ads based on distribution, print run, sales figures, readership/listenership demographics, quality of reporting, reputation of the media outlet, target audience and advertising research/analysis.

Influential entities in the public and private sectors, INGOs and the international community could play an important role by being more judicious in their choice of media outlets for advertising. Community radio stations in rural areas could benefit enormously from the sale of airtime for promotional programmes and jingles. The more responsible newspapers should be first choice for ad placements.

There will be the inevitable financial casualties in the short to medium term but that is to be expected. Responsible advertising helps lead to more responsible media, professional reporting and a healthier media industry.

Advertisers should analyse and collect data on their ad penetration and success. By monitoring their ad placements, advertisers will better allocate funds and directed advertising to their target markets.

## **Donors**

The development sector tends to pay media to publish content that often is just their PR material in disguise. It's time to rethink a practice that undermines both independent journalism and the aid sector's credibility.

International donors are well aware of the damage they cause when they fund trainings and make payments to journalists. Several donors have already instituted policies on not paying reporters to attend press conferences or workshops. Donors are also aware of the damage to their own reputation when public relations write-ups or reports are disguised as reporting. Paying journalists directly has become the norm and many, including aid staff, don't recognize it is a bribe. No one uses the word 'bribe', of course. The payments are called 'expenses' for travel to a press conference or 'per diems' for sitting in a workshop or presser.

According to one media development specialist, "Development spending in low-income countries rarely goes to advertising. Instead, it feeds a corrupt business model that discourages good journalism and undermines the market."

Donors should maintain transparency and accountability for their financing and projects. This means making budgets, proposals and contract agreements available when funding implementing partners on the ground.

If donors want to support the media, they have a number of options. 1) Purchase advertising space or time for their projects or programs directly with media outlets. 2) Support media development through in-house placement of senior journalists to mentor a media outlet's staff. 3) Provide funds for research and travel for journalists to do independent, professional reporting – without having a say in the editorial and without directing the journalist with public relations material. 4) Provide funds to reputable umbrella organizations like SLAJ or their affiliates to conduct necessary training or mentoring programs on specific subjects or sectors. Donors should discourage development agencies from paying for media coverage including through inflated per-diems and transport costs.

Donors should discourage agencies from paying media organizations to run press releases unless they are clearly labelled as 'paid-for content' or 'sponsored content'.

Donors should encourage implementers to identify local media that are trying to develop independent business models and prioritize working with them over others. Indicators of independent businesses include: original reporting, reporting that uses and refers to several sources and that includes the views of multiple parties on a given subject, reporting that uses real people to illustrate a story, an editor with a strong journalism pedigree, innovation in technology and reporting, audience-based revenue.