



**STATEMENT BY HIS EXCELLENCY, DR. JULIUS
MAADA BIO, PRESIDENT OF THE REPUBLIC OF
SIERRA LEONE ON THE OCCASION OF THE
REPEAL OF PART V OF THE PUBLIC ORDER ACT.
FREETOWN, STATE HOUSE, 28 OCTOBER 2020**

Honourable Vice President,
Ministers of Government,
Honourable Members of Parliament,
Members of the Diplomatic and Consular Corps,
Representatives of Civil Society and Rights Organisations,
Distinguished members of the Fourth Estate,
Ladies and Gentlemen,
Good morning:

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I would like to begin today's address with the exciting announcement from NACOVERC that night curfew is lifted for a period of four weeks. As with everything related to our management of COVID-19, we are intentional and thoughtful in making this decision. We will observe trends, implications, and outcomes and we will make further decisions. Be reminded that COVID-19 is a deadly pandemic and I urge every citizen to continue to adhere to all health directives and protocols on frequently and properly washing hands, properly wearing face masks, and maintaining social distance.

Two days ago, I met with the leadership of the Independent Media Commission (IMC) and the Ministry of Information and Communications. We discussed how we could support 130 registered newspapers, 165 registered radio stations, and 42 registered television stations to thrive and evolve in a country with an enviable history of pioneering journalism in West Africa.

In its *Global Expression Report 2019-2020 -The state of freedom of expression around the world*, Sierra Leone has been ranked by the global organisation, Article 19, among the top five countries in Africa for facilitating and supporting freedom of expression. It is acclamation well-deserved and a moment of inspiration to aspire to do more. And that is why we are here.

As previous speakers have indicated, my Government made a firm manifesto commitment to repeal the 55 year old criminal seditious libel law - (Part V of the Public Order Act of 1965). We followed through in cabinet and as a Government, we have made history.

For more than half a century, we had a legislative and governance regime that criminalised journalism. Successive governments had failed to abolish this law that threatened civil liberties and had been abused over the course of half a century

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by successive governments. But the criminal and seditious libel law was simply a bad law. The law presumed that persons arrested were guilty even before they were tried. Truth could not be a strong defence or any defence at all. With the application of the law, everybody involved in the production and dissemination of the alleged libellous publication or broadcast could be liable for summary prosecution and imprisonment.

To wit, bad governments persist by avoiding scrutiny. They believe they thrive when they cast every statement from journalists that is critical of them or seeks accountability as hostile and posing a clear and present danger to their hold on power and thus to the security of the state. Bad governments foster a climate of silence and fear. They prevent scrutiny of their tenure or their actions as leaders.

But we have made a commitment to the people of Sierra Leone that we will foster a culture of good governance and accountability. We therefore made a firm commitment from the outset that we will remove all laws that chill free speech.

Enforcing criminal libel laws contravenes international democratic governance practices. It contravenes international human rights treaties to which Sierra Leone is a signatory, including Article 19 of the Universal Declaration of Human Rights, and Article 19(3) of the International Convention on Civil and Political Rights (ICCPR). All of those international commitments condemn limitations to the right to free expression.

But the impetus for removing the law has also come from within Sierra Leone. A criminal libel law infringes the letter and spirit of the fundamental rights to freedom of expression and of the press as provided for in Section 25 of the 1991 Constitution of Sierra Leone.

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In its annual reports, the Human Rights Commission of Sierra Leone had recommended that the criminal libel law be expunged from our laws.

The last convened Constitutional Review Committee had also recommended for the law to be removed. The Truth and Reconciliation Commission (TRC) report of 2004 also strongly recommended for the Criminal Libel Law to be removed. So what we have done is therefore is not unprecedented, and it is not about scoring political points, or ticking boxes for an international checklist on democratic governance. It has been informed by our unique history, a blameworthy past, and my Government's fervent belief that we must break with that past towards a more open, participatory, and accountable democracy.

True to our promise, my Government has already undertaken to legislate into existence a permanent and independent Commission for National Cohesion, forged a closer working relationship with civil society, strengthening community engagements and strengthening local government, and we are also supporting the growth of the Sierra Leone Association of Journalists (SLAJ). So along with striking out a bad law, what we are doing as a Government in totality is about strengthening our democracy as a whole.

Obviously, there have been naysayers both within Government and among the general public. They have argued, and understandably so, that removing criminal and seditious libel will open the floodgate of irresponsible and unethical journalism. As we have seen in this country, a few rogue elements could stop at nothing to gratuitously slander and destroy the reputations of government officials and citizens. Some have done so for money, favours, or because of their narrow partisan or ethnic inclinations. There have been toxic

partisan platforms for political propaganda, vindictive persecution, rumour mongering and speculation about people's personal lives and motives, and even ethnic innuendo. The impact of that sort of journalism has been to widen cracks and fault lines in our country.

Yes, I know the feeling. For years, I was reported to own phantom multi-million dollar businesses in Ghana and an unending stash of dollars and pounds sterling in foreign accounts from Hong Kong to the Caribbean. That is not to mention personal attacks at my person, my family, career, service, ethnicity, work and even more. So I do understand why citizens would feel more vulnerable to this sort of journalism.

But that would be assuming also that citizens will always misuse democratic freedoms. As I have maintained, the criminal libel and seditious libel laws chilled free speech, undermined the free expression of civil liberties, and denied space for legitimate investigative journalism. Governments should be open to more scrutiny, not less. Equally so, what we need is not to criminalise perceived irresponsible behaviour but to create a space for citizens to experience the alternative – responsible, objective, investigative, and the professional reporting of events.

I have always argued that the repeal will unshackle free speech, expand democratic spaces, and consolidate our democracy. It will open up the space for the growth of the media industry in the country. Professionalism will be enhanced and the best and brightest and more women, especially, will be encouraged to work their trade.

There are still sufficient failsafe mechanisms for the odd rogue element. Media houses will be encouraged to abide by their editorial guidelines. Courts may still consider private civil libel

lawsuits. The Independent Media Commission will enforce the Media Code of Practice; and, the SLAJ Disciplinary Committee will ensure the highest levels of professionalism in its ranks.

So my argument is simple. Civilised and democratic countries cannot be seen as jailers of journalists when journalists exercise their professional responsibility to report objectively and ethically. My Government believes that journalists should legitimately and professionally report on matters of public interest without fear or favour. What we must do is create an atmosphere that is conducive to more professionalism – one that strengthens the content and nature of the professional reporting of journalists, and one in which journalists can operate freely without fear of undue harassment, arbitrary arrest, or imprisonment.

For a start, my Government will review the cases of all persons facing charges of criminal and seditious libel under the old law. My Government will also support an investment conference on the media with a view to supporting enhanced private sector investments in the media. I expect more inter-agency collaboration on opening up opportunities in media for more women to actively participate in the journalism profession. I also expect more dialogue among Government, civil society, and communities on what freedom of speech in its entirety means and how it supports good governance in our country.

Let me conclude by thanking everybody who has contributed throughout this very long historic fight. By continuing to strive to open up guaranteed spaces for the full participation of unfettered voices, we will deepen our democracy. By protecting and guaranteeing free speech and freedoms, we will encourage a vigorous culture of scrutiny and debate that is good for the future and the development of this country.

I thank you.