

# Intimidation:

The renewal of censorship in Liberia  
Attacks on Freedom of Expression - 2009

*Liberian Journalists celebrate 45th anniversary  
in Gbarnga, Bong County*



Annual  
Report 2009

MEDIA STUDIES  
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LIBERIA 2000

Center for Media Studies  
and Peace Building (CEMESP)



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Intimidation: The Renewal of Censorship in Liberia  
Accounts of Attacks on Freedom of Expression in Liberia 2009  
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# Intimidation:

## The renewal of censorship in Liberia Attacks on Freedom of Expression - 2009

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## A: INTRODUCTION

### FOREWORD

*You can cage the singer but not the song.* ~Harry Belafonte. With these prophetic words I like to assume the unpleasant privilege of introducing the 2009 volume of the Attacks on Freedom of Expression in Liberia by the Center for Media Studies and Peace Building (CEMESP) under the sad title - Intimidation: The renewal of censorship in Liberia.

When CEMESP issued the previous accounts: The Perennial Tragedy of Democracy (2006-7) and The Triumph of Impunity (2008), the intension was, and remains, to highlight the direction and trend of attacks on free expression and suggest ways in which the media can operate in a free environment and the rights of the community protected. Regrettably, and perhaps in its attempt to fight our claims of impunity, the government has used arbitrariness like in the case with the closure of the New Broom Newspaper. To make matters worse, the latest action was the utility of the quite absurd charge of "criminal libel and malevolence," which is a grand attempt at censoring the media by intimidatory tendencies. These are quite unacceptable, truly despicable, cannot be seen within the fold of anything resembling democracy neither do they contribute to the new nation Liberia yearns for. Instead, this circumstance widens the room for attacks on free speech and frightens journalists and media workers from freely expressing themselves.

In this era of recovery in Liberia, one would wish that everything being recovered was in the affirmative and developmental sense. That the sad state of censorship is being renewed in Liberia through the more grotesque cover of intimidation is truly regrettable. Try as much as free expression advocates have attempted, the issue of tolerance remains a fleeting element in what should be a nascent democracy. The inherent right to not think as others do is the basis of this system of governance and any attempt whatsoever to defray that is truly ridiculous.

In this era, wherein the people of Liberia are making efforts to reconcile the evils of their past, sensitivities grow fast when any of those evils are seen making the dreaded comeback. No wonder anxieties are heightened whenever issues of corruption come up or when privilege continues to evolve within the framework of government.

As terrifying as the accounts reveal, we call upon the government, the media and the public at large to see this as an effort to identify the issues and to rally the rest of us to accept the fact that people have the inalienable right to express themselves, criticize the government, think to the extent of their wisdom, and perchance enjoy the fullest vestiges of their humanity.

It is only by this that we will be in a position to build for us a great nation.

K. Abdullai Kamara  
Chairman, CEMESP  
January 1, 2010

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## Statement from the Executive Director

As CEMESP closed its alerts collection for 2008, it had to grapple with the sad reality of death threats and confiscation of journalists' equipment by various government actors. Both actions heralded 2009 as a year of increased antagonism against and intimidation of journalists, and painted a gloomy picture of the government's level of tolerance.



While the law and morality make room for journalists to pay for unprofessionalism and sloppiness, the manner and style in which government actors, beginning from the President of the Republic, to the President Pro Tempore of the Senate, down to the police and security personnel - proven to be the custodian of brutality against peaceful citizens - have shown disregard for the basic rights and obligations of journalists is troubling. This signals that the advocacy of prior years in search of freedom and democracy in Liberia have been a futile loss of lives and waste of blood.

Aside from the thrashing and brutalization without amends, the threats and actual closure of unfavorable media, whether by the edicts of suspended Information Minister Laurence Bropleh or the detention and prosecution of print house managers on account of articles produced by independent newspapers are clear indicators of the end of an era of uncensored media, as Liberians and media practitioners have gotten accustomed to since 2003.

This is the state of the Liberian media as CEMESP encountered across 2009, which is a far cry from the freedom of expression heralded by President Sirleaf at her inauguration in 2006.

That accounts of threats to freedom of expression in 2009 is absolutely within the domain of government spells further the level of intolerance, which must be reconsidered.

Authors of rhetoric on democracy agree that government should in no way fight the right of the media to be free. United States Justice Hugo L. Black in his "One Man's Stand For Freedom," notes that "Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the constitution but freedom to continue to prevent others from publishing is not." Despite these clear points, repeatedly governments in parts of the world, like Liberia, continue to act to the contrary. Reflecting further on Justice Black, we couldn't agree better that "criticism of government finds sanctuary in several portions of the First Amendment (United States Constitution)," and Liberian laws

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that embrace freedom of the press.

In closing, we are reminded by Jim Bishop's opinion in "The Day Lincoln Was Shot," that "the truth which makes men free is for the most part the truth which men prefer not to hear." This challenge is for the government to endeavor to allow people to listen to and understand the truth which must set the Liberian person free. By this, the government must change the statistics, by the time the next publications comes forth at the end of 2010. This can better be done by accepting that regardless of the acclaim.

On this note, CEMESP regrets to introduce to you the 2009 accounts of attacks on Freedom of Expression in Liberia- Intimidation: The renewal of censorship in Liberia. Our choice of regret is because reporting these accounts is not an especially favorable occupation. However, we remain challenged in reporting because of the humane obligation to draw attention to the continued threats to the universally acknowledged freedom of expression.

We remain of the conviction like the fallen US President John F. Kennedy that "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." We pray otherwise for Liberia.

*Thank You*  
*Malcolm W. Joseph*  
*Executive Director*  
*December 31, 2009*

## LOCAL & INTERNATIONAL PARTNERS

- National Endowment for Democracy (NED)-USA
- International Freedom of Expression Xchange (IFEX)-Canada
- Peace in Focus Boston USA
- International Coalition of the Responsibility to Protect (R2P)- USA
- Association of World Community Radio Broadcasters (AMARC)
- Media Rights Agenda-Lagos, Nigeria
- Media Foundation for West Africa Accra Ghana
- UNESCO BREDA-Dakar, Senegal
- Center for International Media Ethics
- West Africa Civil Society Forum (WACSOFF) , Abuja, Nigeria
- Conferences of NGOs in Consultative Status with the United Nations (CONGO) Geneva Switzerland
- Network of African freedom of Expression organizations (NAFEO)-Accra
- Ghana
- Institute of Applied Media Studies (IAM) Zurich, Switzerland
- West Africa Democracy Radio (WADR) Dakar Senegal
- West Africa Network for Peacebuilding (WANEP-Liberia)
- Liberia Poverty Reduction Strategy (PRS) Tracking Network
- Liberia Media Laws and Policy Reform Working Group
- Liberia Civil Society Elections Observer Coalition
- Liberia Coalition for Free Expression
- Global Call to Action-Liberia (GCAP-Liberia)
- Actions for Genuine Democratic Alternatives (AGENDA)
- Press Union of Liberia
- Liberia Media Center
- Liberia Media Women Action Committee

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# CEMESP and Services

The Center for Media Studies and Peace Building (CEMESP) is the lead media development and peace building organization set up to confront the problems that undermine unfettered media practice and free speech in conflict situations and peace processes. Its role has been to strengthen the work of media professionals, peace building and human rights organizations through the development of capacity to understand, anticipate, plan and forecast holistic solutions to conflicts.

CEMESP's media consultancy targets mainly institutions involved actively in the search for peace and helping to solve Liberia's development problems as a way of preventing a relapse into conflict.

CEMESP is registered under Liberian laws as a non-governmental organization. CEMESP has a full time staff of seven and a policy making Board of Directors, which meets annually.

Since 2000 the center has supported the institutional development of the media (both traditional and modern) in peace building and conflict resolution. The center has conducted training for more than 300 journalists across the country in media issues, peace building and development.

## Achievements

CEMESP developed a training manual for use in the training of Liberian journalists and local traditional leaders and communicators with skills in peace building.

With the support of UNESCO, CEMESP developed an online media documentation center for Liberia - [www.cemesp-liberia.org](http://www.cemesp-liberia.org)

CEMESP coordinates the Working Group of the Liberia Media Law and Policy Reform Process, which is an effort aimed at making laws impacting and affecting the media more liberal and reflective of the democratic transition.

## Research

Content Analysis Survey of Four radio stations in Monrovia, with the Institute of Applied media Studies based at the University of Zurich in Switzerland; from January-April 2007.

Research on Conflict Journalism in Liberia with Institute of Applied Media Studies (2008)

Beginning with support from the International Freedom of Expression Exchange (IFEX), has monitored, documented and issued alerts and statements on attacks on free expression in Liberia since 2006

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Evaluation of the Public Awareness Campaign on Small Arms and Light weapons conducted by the UNDP - 2006

Evaluation of the West Africa Democracy Radio coverage of the Charles Taylor Trial Project in Liberia- 2009

CEMESP developed directory of Liberia's media practitioners and institutions and a detailed country report of community radios in Liberia on behalf of the World Association of Community Radios (AMARC). CEMESP has also done a research on religious broadcasting. The center in 2004 conducted a research on the success of the DDDR in Liberia.

The organization has also been vigorous in advocacy for press freedom and free speech and hold membership with the International Freedom of Expression exchange (IFEX), The International Coalition on the Responsibility to Protect, World Association of Community Radio (AMARC), the West African Civil Society Forum (WACSOF), the West African Network for Peace Building (WANEP), the Liberia PRS Tracking Network, the Liberia Media Law and Policy Reform Working Group, among others. CEMESP currently heads the Liberian Coalition for Free Expression.

Over the years CEMESP has provided consultancy with media and civil society organizations including West Africa Democracy Radio, Media Rights Agenda, Journalists for Human Rights, World Association of Community Radio (AMARC), West African Civil Society Forum (WACSOF), and the Center for Transparency and Accountability in Liberia. Additionally, CEMESP serves as the Secretariat and coordinating body for the Liberia Media Law and Policy Reform Process.



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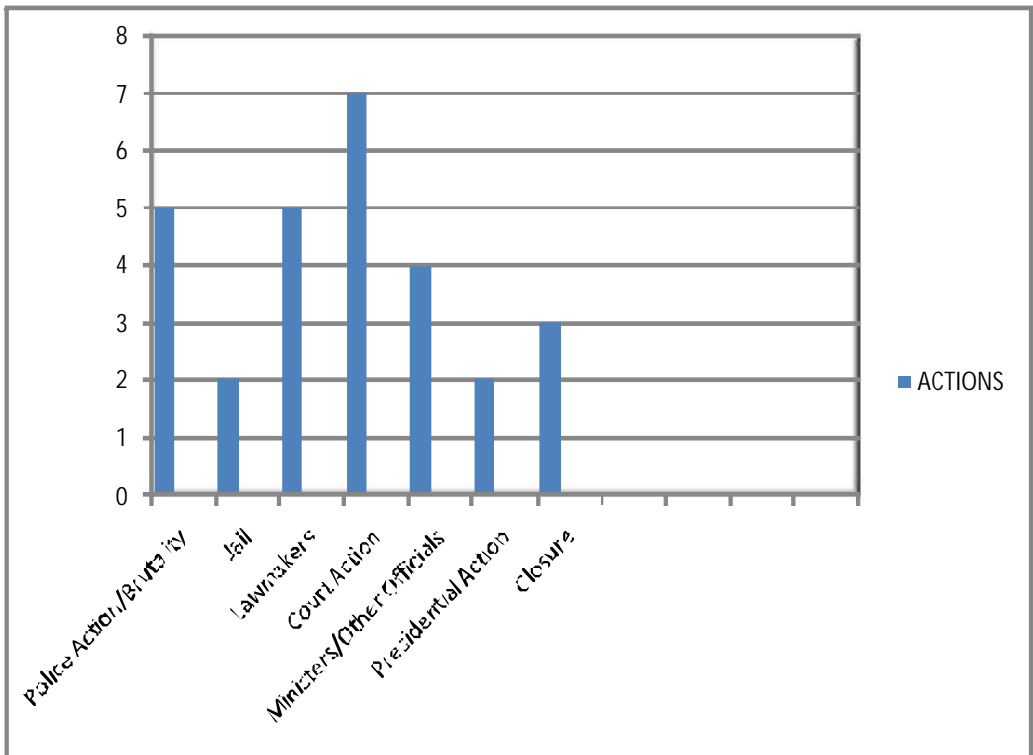
# Freedom of Expression Violations

## Alerts

This segment of the manual is the day by day account of violation or abuse of freedom of expression, as carried out by government and non-state actors. CEMESP issues these alerts on a case by case basis, and files them with the International Freedom of Expression eXchange (IFEX), which also releases them as part of their international obligation. Sometimes as a basis of differences in opinions issues reported by CEMESP may not be cited internationally.

In other instances, CEMESP issues statements outlining its disapproval of certain actions. CEMESP also comes up with statements.

## SOURCE OF ATTACKS ON THE MEDIA



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Sports journalists assaulted by police officer

January 12, 2009: An officer of the Liberia National Police on 8 January 2009 physically assaulted sports journalists who were covering a football match at the Samuel K. Doe Sports Complex in Monrovia.

Journalist Anthony Stevens was physically assaulted by the police officer after he attempted to conduct a post match interview with an official from the Bomi County football team. Bomi County had just beaten Lofa County in a National County Sports Meet football match.

According to Stevens, who reports for Star Radio, the police officer, with badge number 7, asked him to leave the perimeter of the sports field though he had identified himself as journalist who wanted to conduct an interview with team officials.

Stevens said the police officer apparently became infuriated and began to shove him when he realised he was reporting for Star Radio. Stevens sustained bodily injuries in the assault.

The same officer destroyed the digital camera of another sports journalist and colleague of Stevens who attempted to intervene.

Journalist Roland Mulbah, of "Sportsmax" newspaper, told CEMESP that the assault on his colleague seemed premeditated as he was singled out from among several other journalists who were at the perimeter of the playing field.

President Sirleaf Threatens the New Democrat Newspaper

January 16, 2009: Liberia's President Ellen Johnson Sirleaf has threatened the New Democrat newspaper with Court action.

The lawyer representing the legal interest of President Sirleaf , in a citation to the management of the New Democrat, said the Liberian President had hired him to proceed with legal actions against the newspaper for printing the photograph of some of the President's family members allegedly connected to an email scandal.

The lawyer, Syrenius Cephus, who is also publisher of the Plain Truth newspaper, said President Sirleaf complained about the January 12th 2009 edition of the newspaper, under the banner headline: "Email Sandal Reports Unveil Intrigues and Fabrications" in which she accused the New Democrat of deliberately and intentionally printing the photographs of the President's sister and brother-in-law, which according Cephus absolutely have nothing to do with the story.

The President, according to the citation from her lawyer, also accused the New Democrat of being on a calculated campaign to besmear the image of her family.

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At a press conference held on January 13, 2009 the president threatened action against the New Democrat for the publication.

As part of the alleged calculated smear campaign, the President contended, the New Democrat also in its January 12th edition published a story in which President Sirleaf's brother-in-law Estrada Benard allegedly received USD600,000 from a mobile phone company, based on findings from the Dunn Committee.

The committee was constituted by President Sirleaf to investigate a corruption scam involving her former chief of staff, Willis Knuckles.

Attorney Cephus who had cited the New Democrat to a conference scheduled for 3PM on January 16, 2009, is meanwhile demanding from the management of the New Democrat a full retraction of the story to be followed by a public apology or they would face the commencement of a legal battle.

But the Editor of the New Democrat Othello Garblah, told CEMESP that his newspaper stands by the publication and that they will not honor the invitation from the lawyer.

He said their publication is based on the Dunn committee report and that they are prepared to go to court.

Journalist expelled from courtroom

On 2 March 2009, Clarence Jackson, a reporter for Star Radio, an independent radio station, was driven out of the Gbarnga First Instance court, allegedly upon the orders of Liberia's Minister of Justice and Attorney General, Philip A.Z. Banks, following a complaint filed by the presiding magistrate.

MFWA's correspondent reported that Jackson, who was at the court to cover the trial of suspects in mob violence, was escorted out of the court premises by police officers deployed at the court.

The correspondent said that on seeing Jackson in the courtroom, the magistrate told the minister that he (the journalist) had refused to heed an invitation to see him in his office.

On 1 March, Jackson had carried a live report on a protest march which resulted in violence. Professional motorcyclists, who organised the march following the mysterious killing of one of their members by unknown assailants, claimed the government had not done anything to ensure their safety.

Government halts publication of the "New Broom"

3 March 2009: The Government of Liberia has, "with immediate effect," halted the publication of the "New Broom", a weekly local newspaper owned and operated by journalist Roland Worwee.

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Liberian Information Minister Laurence Bropleh told a news conference on 27 February 2009 that the government had halted the paper's publication because it was not registered and therefore operating illegally. He told the conference that Liberia was "a country of laws" and would not allow any institution to operate illegally.

The minister said the government had instructed all printing houses in the country not to print any edition of the "New Broom."

The newspaper's publisher, Roland Worwee, has denied the allegations, however, saying he has already notified freedom of expression and press freedom institutions in the country regarding the government's action. He told CEMESP that several people, including government officials, had complained about the paper's alleged "ethical transgressions."

Worwee said the closure of the newspaper by the Liberian government was prompted by the paper's critical reporting of irregularities in the Ellen Johnson-Sirleaf government. In its 23 February edition, the newspaper accused two public officials, Lands and Mines Minister Eugene Shannon and Agriculture Minister Christopher Toe of sending large amounts of money to their families in the United States on a regular basis.

CEMESP has challenged the decision of the Liberian government to ban the newspaper, saying that if the government is convinced that the "New Broom" has tax liabilities, it should take the newspaper to the tax court rather than unlawfully shutting it down.

"The arbitrary closure of the 'New Broom' by the Liberian government outside due process is barbaric and an attempt to trample upon press freedom and freedom of expression in Liberia," said CEMESP.

Journalist beaten, handcuffed for photographing police action

On 6 March 2009, journalist Nathaniel McClain of the "Renaissance" newspaper in Monrovia was handcuffed and beaten by some officers of the Liberian National Police.

McClain was assaulted by the officers when he tried to photograph a group of police officers who were pushing Customs Commissioner Alphonso Gaye in their attempt to seize his government vehicle which was intended to be used by guests attending the International Women's Colloquium.

A local daily quoted Police Commander Solomon Doe as saying that he ordered his men to confiscate the journalist's camera, because he had failed to identify himself before photographing the officers.

Commander Doe further claimed that the police officers were there on orders from President Ellen Johnson-Sirleaf to seize government vehicles being used for guests at the colloquium. McClain told CEMESP he sustained bruises on his hands as a result of the

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altercation. "I was only doing my duty as a journalist by taking photos of their action against the commissioner". I was surprised when the policemen rushed on me and then assaulted and handcuffed me. You see the marks on my hands," he said.

McClain was released following the intervention of Deputy Police Commissioner James Hallowanger who rushed on the scene after he received several telephone calls from on-lookers. Hallowanger apologized to McClain and promised that the Liberian National Police would take drastic actions against those involved.

The managing editor of the "Renaissance" newspaper, Moses Sonkarly, has described the flogging of McClain by the policemen as barbaric and called for an immediate investigation.

Journalist assaulted by senator

6 May 2009: Reporter Solomon Ware of Truth FM Radio station in Monrovia was on 5 May 2009 physically assaulted by the president pro tempore of the Liberian Senate, Cletus Wotorson, as the reporter tried to ask him a few questions concerning the abrupt adjournment of the Liberian Senate.

Ware, the station's legislative reporter, was hit in the chest by Wotorson, to the disbelief of other journalists and legislative staffers who were on the scene. A journalist who was present during the incident told CEMESP that the incident occurred when the Senate's plenary failed to conduct its regular Tuesday session after Grand Bassa County Senator Gbezohngar Findley requested the Senate to adjourn because there was nothing on its agenda.

Following the abrupt adjournment of the Senate, the senators and others walked out of the chambers, and in keeping with his reportorial duty, Ware walked up to Wotorson to ask why the Senate had to prematurely adjourn.

According to a CEMESP source, Wotorson at first responded to the questions posed to him by Ware, but later got infuriated at the continued line of questioning.

As the reporter persisted in trying to get answers, Wotorson angrily told Ware not to do to him "what he can't do to President Ellen Johnson Sirleaf". In an apparent fit of anger, Wotorson bent his elbow backward into the chest of the reporter, who was close to his side, causing him to bow in pain.

Wotorson later warned Ware: "If you don't stop troubling me with your questions, I will drag you out of this building to serve as a deterrent to other journalists who may want to follow your path of journalism."

The reporter nearly collapsed from the hit in the chest by Wotorson. He was rescued by his colleagues who later took him to another location to cool off. Ware told CEMESP that

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he is currently experiencing severe pains in his chest as a result of the physical assault on him by Wotorson.

CEMESP Executive Director Malcolm Joseph has categorically condemned the assault on Ware. Joseph described the action of the president pro tempore, which comes barely two days after the celebration of World Press Freedom Day, as an attack on press freedom in Liberia. The CEMESP director is calling on the plenary of the Senate to take the necessary actions to avoid a reoccurrence of such an incident.

Reporters boycott senate coverage after assault on colleague

11 May 2009: Journalists under the banner of the Legislative Reporters Association of Liberia have announced a boycott of media coverage of the office of the President Pro-tempore of the Liberian Senate, Cletus Wotorson, for "assaulting" one of their colleagues, Solomon Ware.

On May 5th 2009, Ware, of Truth FM (a local radio station in Monrovia), was reportedly assaulted by the President Pro-tempore of the Liberian Senate while attempting to interview Wotorson following the premature adjournment of the senate's plenary session.

The Legislative Reporters, in a strongly worded statement issued in Monrovia on May 7th, said they would remain unwavering on their stance until Wotorson apologizes for his actions.

The attack on Ware, the statement noted, came at the time journalists the world over were celebrating World Press Freedom Day. "We have unanimously decided as of the date of the issuance of this statement that the offices of Pro-tempore Wotorson will not receive media coverage in any form or manner from legislative reporters until he apologizes for his action," the statement said.

Meanwhile, the journalists have called on the umbrella organization of journalists in Liberia, the Press Union of Liberia, to institute measures to protect the journalists providing media coverage something wrong here at the National Legislature of Liberia.

Senate president apologises for attacking radio reporter

19 May 2009: In a statement issued on 13 May 2009 by the spokesman of the office of the President Pro Tempore of Liberia's Senate, Senator Cletus S. Wortorson apologised to Solomon Ware, a journalist of Truth FM, for an act of aggression against him.

Media Foundation for West Africa's (MFWA) correspondent said Senator Wortorson apologised in the wake of the findings of the Press Union of Liberia (PUL), which proved that he aggressively attacked Ware during an interview at the Capitol Building.

A video footage reviewed by the PUL showed Wortorson shoving his elbow at Ware when the latter attempted to inquire from Senator Wortorson why a session of Liberia's

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Upper House ended in confusion.

The incident led to a media block-out against the office of the Pro Temp by Legislative reporters who demanded an official apology.

Meanwhile, the Legislative Reporters Association said it would meet shortly to decide its next course of action.

Reporter attacked by security personnel

11 August 2009: On Wednesday, 5 August 2009, reporter Dominic Farley of the "Public Agenda" newspaper was attacked by state security personnel from the Executive Mansion while returning from a workshop in Monrovia.

The security men, according to Farley, were riding in a white government mini-van with the inscription "Ministry of State Employees Only".

The reporter was trying to establish the cause of a motor vehicle accident involving the mini-van in which the state security men were riding.

He was immediately confronted by two of the security officers from the van, who requested that he identify himself.

According to Farley, he immediately identified himself but the officers seemed determined to stop him and violently rushed him and seized his note pad, while attempting to force him into their van.

The management of "Public Agenda" newspaper told CEMESP that requests by their staff to have Farley's notepad returned were ignored, and that staff were subject to insults and assaults from the security officers.

The management says it is surprised at such uncivilized behaviour from officers who are supposed to demonstrate good manners in public and who claimed to have come from the office of President Ellen Johnson Sirleaf.

Ministry of Information halts printing of two newspapers

14 August 2009: - The Press Union of Liberia (PUL) has reported maneuvers by the country's Ministry of Information to prevent the printing of "The New Broom" and "The Bi-Lingual" newspapers, describing the government's action as an attack on press freedom and a gross violation of the Liberian Constitution.

In a statement issued on 11 August 2009, the journalists' association reported that it received a letter from the Ministry of Information, Culture Affairs and Tourism ordering a local newspaper printing house, Alley Printing Press not to print "The New Broom" newspaper for allegedly violating the ministry's regulation.

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The PUL says the management of another Liberian newspaper, "The Bi-Lingual" has also complained that the ministry has instructed another printing house, the Seamarco Printing Press, not to print their newspaper.

The union, in its statement, observes that the continuous seizure of "The New Broom" and "The Bi-Lingual" newspapers without judicial action contradicts the government's much-professed commitment to press freedom.

"The latest maneuver by the ministry to get at the media is reminiscent of the repressive tendencies of past regimes which shut down media institutions and altered newspaper headlines, not via judicial process but by and through the Sabanoh Printing Press, the only newspaper printing house in the country at the time," the PUL asserts.

"PUL recalls the police action taken against the 'Independent Newspaper' three years ago on the orders of Information Minister Laurence Bropleh and urges an end to these arbitrary actions."

The union says it is a sad mistake for the government to perpetrate such dangerous maneuvers against the media and particularly calls on President Ellen Johnson Sirleaf to reverse the decision of the Ministry of Information, adding, "The media should not operate at the mercy of the Ministry of Information."

The PUL says that while it will always insist on the development of a professional media, particularly when any institution falls short of ethical standards, the place to hold them accountable is in the court of law as enshrined in Article 15 of the Liberian Constitution and not through extra-judicial means.

Though incidents of arbitrary imprisonments of journalists are rare under the Sirleaf-led government, attacks and other arbitrary actions are akin to its predecessors.

A Liberian freedom of expression organization and media watchdog group, the Center for Media Studies and Peace-Building (CEMESP), annually reports dozens of attacks and abuses against journalists.

In its 2007 and 2009 reports, the international human rights think tank, Freedom House, also listed Liberia amongst countries recorded to have the worst free expression credentials.

In its 2006-2007 report, "Perennial Tragedy of Democracy: Attacks on Free Expression in Liberia", CEMESP unveiled an avalanche of repressive actions against the Liberian media.

The repressive actions included brutal attacks, scare tactics, harassment and intimidation of journalists perpetrated by state security personnel and top government officials.



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A subsequent research report by the CEMESP released in January 2009, "The Triumph of Impunity: Attacks on Free Expression in Liberia", catalogued several other physical and psychological crackdowns clearly akin to the True Whig Party, Samuel Doe and Charles Taylor regimes.

CEMESP has meanwhile joined the Press Union of Liberia in calling for the unconditional lifting of the ban imposed on "The New Broom" and "The Bi-Lingual" newspapers by the Ministry of Information.

Mayor and police storm newspaper office

1 September 2009: The Acting Mayor of Monrovia Mary Broh, accompanied by a group of police officers, On 26 August 2009, stormed the offices of the "News" newspaper in Monrovia and threatened to drag the newspaper to court.

Broh, who was offered a seat by Editor-in-chief Sheriff Adams upon her arrival, refused to sit down, but instead rained insults on the staff, describing the offices of the newspaper as "filthy".

The action of the acting City Mayor was in reaction to a news story published in the 25 August edition of the "News", captioned "Mary Broh Collects US\$50.00 from vendors . . . Compromises Selling on Street".

In the story, the newspaper reported that it had uncovered a scheme designed by Broh to allow street peddlers the opportunity to keep selling on the principal streets in the city center, to the disadvantage of motorists and pedestrians.

The newspaper investigation further uncovered that street peddlers have been paying a toll of US\$50.00 to the Monrovia city corporation under the leadership of Broh since July for selling in the streets.

The newspaper also published a copy of a receipt issued to a vendor by the Monrovia city corporation headed by Broh, indicating a payment of US\$50.00 as a permit fee to sell in the streets of Monrovia.

Lawmaker seizes journalist's recorder

1 September 2009: The recording equipment of Star Radio legislative reporter Julius Kanubah was temporarily seized by the presiding officer of the House of Representatives in Liberia in an incident on 27 August.

Montserrado County Representative Dr. Kettehkumuehn Murray, who presided over the day's plenary session of the House of Representatives, confiscated Kanubah's digital audio recorder on the grounds that the journalist had recorded a melee that had ensued in the plenary session of the House during the appearance of the education minister, Dr. Joseph Korto.

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The audio recorder was later returned to the reporter by the Sergeant- at-Arms of the House of Representatives, Martin Johnson.

Kanubah told CEMESP that the confusion was prompted by the premature manner in which the education minister was discharged by presiding officer Murray, while most lawmakers had not finished asking their questions.

Minister Korto was summoned to appear before the House of Representatives to respond to complaints by Liberians over the abrupt increase in tuition for both private and public schools in the country.

Lawmaker threatens Newspaper and Publisher with Lawsuit

5 September 2009: The New Broom Newspaper and its Publisher Roland Worwee have received a threat of a lawsuit from a member of Liberia's lower House of parliament.

Maryland County Representatives James Birney on September 3rd 2009 announced that he would sue the newspaper and Publisher for publishing what he described as false information about him.

According to him, the New Broom Newspaper quoted him as accusing President Ellen Johnson Sirleaf of receiving a USD two million dollars bribe to award the Cavalla Rubber Plantation in Maryland County, to the Salala Rubber Investment.

The Maryland county lawmaker also said the newspaper also quoted him s as saying that each member of the Maryland Legislative Caucus received USD 50.00 as kickbacks.

Representative Biney who termed the stories as total rubbished, was also accused by the newspaper of been' linked to ritualistic killings and the sale of the National Patriotic Party Headquarters in Maryland county.

But the Publisher of the New Broom newspaper told CEMESP that the newspaper stand by the stories.

Mr. Worwee said he has information and evidence to prove that Representative Biney spoke to him on the issues and that he (Worwee) is prepared to go to court.

Liberian President Drags New Broom Newspaper to Court for USD 5 million

15 September 2009: Liberia's President Ellen Johnson Sirleaf has filed a lawsuit against the New Broom newspaper claiming up to five million United States dollars.

According to the writ of summons issued against the newspaper by the civil law court of Liberia, President Sirleaf filed for Action of Damages in line with the publication of the New Broom newspaper of September 3rd 2009, alleging that the President received Two million United States dollars bribe to award a contract.

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The New Broom story further stated that President Sirleaf received the money for giving the Cavalla Rubber Plantation a business interest. The paper also reported that the Maryland county Legislative caucus also received 250 thousand United States dollars to endorse the agreement.

This is the president's second legal action against a Liberian newspaper, with the first been against the New Democrat newspaper for printing photos of her family members in a story dealing with an email scandal suggesting graft and conflict of interest.

In an apparent reaction to the New Broom publication, information Minister Rev. Lawrence Bropleh based on a 1981 military decree passed one year after the military toppled the constitutionally elected government, demanded that all newspapers and journalists registered with him or face the government's wrath.

At the same time, the Press Union of Liberia has objected to Minister Bropleh's demand.

In a statement issued on the matter, the union described as woefully shameless for the government of President Sirleaf to be clamoring to enforce a decree that was promulgated by a military junta and at the same time claims not to be muzzling the press.

“While we do not intend to question the democratic credentials of President Sirleaf, we therefore challenge her government to rethink the enforcement of this spineless regulation that contradicts the very essence of article 15 of the Liberian constitution” the Press Union of Liberia says.

#### Local Officials Hijack Community Radio Station

16 October 2009: - Local government officials in Salala District, Bong County have hijacked the Salala Community Radio Station, dismissed the station's board of directors, and indefinitely suspended the station manager.

Bridgestone Siakor, the station manager, was suspended by the newly-constituted board of directors on September 29, 2009 while he was away representing the station at a community radio conference in Gbarnga, Bong County.

Salala City Mayor Charles Jackson unilaterally dismissed the old board and constituted a new one, claiming he was empowered by the citizens of Salala District to do so.

But Siakor told CEMESP that he will resist his suspension, arguing that the newly-appointed board is illegal and that Mayor Jackson lacks the authority to dismiss the board.

Siakor further informed CEMESP that his suspension was based on his criticism of corruption in the area and was masterminded by local authorities headed by Mayor Jackson and Salala District Commissioner James Kerkula.

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Siakor noted that his troubles began when he reported on the radio that the collection of rice and money from citizens in Salala District for the recent 162<sup>nd</sup> Independence Day celebration in Bong County was illegal and was never sanctioned by the central government.

Siakor has since been replaced by Carcius Allen, administrative assistant to Mayor Jackson.

Meanwhile, a member of the dismissed board of directors, Daniel Tubman, has described the board's dismissal and the suspension of the station manager as illegal, and says that the district authority has hijacked the station.

Tubman said the board would resist all attempts by the local authority to place the radio station in the hands of their "proxies" who would "dance to their tunes."

CEMESP is calling for the immediate dissolution of the government-influenced board of directors and the reinstatement of the old board of directors and station manager Siakor.

CEMESP Executive Director Malcolm Joseph described the action of Salala City Mayor Jackson and District Commissioner Kekula as an imposition of a siege on the radio station and called the action by the two local officials an attack on press freedom.

The CEMESP director called on the Ministries of Information and Internal Affairs to intervene in the matter and restore the station to its legitimate board of directors and station manager.

Editor sued by Member of House

16 November 2009: Maryland County District Number Three Representative James Biney has filed a US\$500,000 lawsuit against the publisher and managing editor of the "New Broom" newspaper, Roland Worwee.

The lawsuit was filed after Worwee repeatedly published several news articles linking Representative Biney and President Ellen Johnson Sirleaf to alleged dubious roles in a contractual agreement between the government of Liberia and the Cavalla Rubber Corporation in Maryland County.

The lawsuit filed on 20 October 2009 is expected to be heard by judge Peter Gbeniwelleh during the December court sessions.

This is not the first time Worwee has been taken to court in connection with the same issue. A few months ago President Sirleaf initiated a US\$2 million lawsuit against the "New Broom" editor for the same publication.

The case is still pending before the courts.

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Worwee has repeatedly told reporters that he is prepared to go to court on the grounds that he has substantive evidence to support his newspaper's publication. He claims the lawsuits against him are a clever attempt by the government officials to silence the independent media.

State Security Interrogate Newspaper Publisher, jails Press Manager  
December 14, 2009: Authorities of Liberia's National Security Agency has invited the Publisher of the Plain Truth newspaper in connection with a December 9th 2009 publication of the newspaper.

Plain Truth reported that President Ellen Johnson Sirleaf led-Government was supplying arms to Guinean Dissidents as alleged by the Military Junta in Guinea.

Liberia's Justice Minister Christiana Tah told a news conference on December 11th that already state security headed by the National Security Agency has invited the Publisher of the Newspaper Attorney Syrenius Cephus to help provide government with more information on the smuggling of arms to neighboring Guinea.

Cephus was escorted to the headquarters of the National Security Agency on Monday December 14, by the President of the Press Union of Liberia Peter Quaqua and other Liberian media executives.

Cephus is currently been interrogated by officers of the Agency.

The NSA is headed by son of president Ellen-Johnson Sirleaf, Fumba Sirleaf.

At the same time the National Security Agency since December 11th arrested the manager of Seamarco Corporation, the printing press that prints the Plain Truth newspaper.

The Seamarco manager is currently in detention at the NSA beyond the statutory 72 hours period.

Double Lawsuit Against Critical Newspaper  
December 18, 2009: The Commissioner of Immigration and Naturalization, Chris Massaquoi, his cousin Eugene Massaquoi and a Korean national, Oh Zoo Kwak have filed action of damages at the Civil Law Court, sixth judiciary for Montserrado County for Libel against the Public Agenda, Liberia's most critical newspaper.

The Managing Editor of the Public Agenda Newspaper Lyndon Ponnice, told CEMESP that while lawyers representing the newspaper were preparing to respond to the suit, another lawsuit from the Monrovia City Court for criminal coercion was filed by Eugene Massaquoi and Oh Zoo Kwak.

The two lawsuits are in connection with a front page story published in the Public Agenda

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indicating that Eugene Massaquoi and Oh Zoo Kwak had conspired to dupe some Koreans of almost three million United States dollars.

The Monrovia City Court on December 12, 2009 failed to hear the action of Criminal Coercion against the Public agenda, due to absence in court of Attorney Syrenius Cephus the lawyer of the newspaper.

Attorney Cephus, also the Publisher of the Plain Truth newspaper, is himself currently being interrogated by National Security authorities in connection with a publication in his newspaper linking the Liberian government to arms deals in neighboring Guinea.

## Statements

### CEMESP renews commitment to upholding free speech in Liberia

Monrovia, May 3, 2009: On the observance of World Press Freedom Day, May 3, the Center for Media Studies and Peace Building (CEMESP) has recalled that challenges to free expression still remain firm across Liberia, with many persons, including government and civil actors, still resolute in their plans to restrain the media from reporting as it sees fit.

While the constitution of Liberia guarantees freedom of expression, and the current government professes to strongly believe in and adhere to these measures, circumstances in the day to day world of journalists and heavily opinionated and critical persons speak otherwise.

Within the last month in Liberia, this has been exemplified by the illegal closure of the New Broom Newspaper, upon the orders of the Ministry of Information, on account of taxation. To the best of our recollections, tax matters are within the purview of the Ministry of Finance, and even at that, the constitution still requires that privileges granted anyone within this republic can only be withdrawn upon the basis of a legal action. As simple as that statement is, it is still not adhered to. Regrettably, CEMESP notes this as the second of such actions within a space of two years.

Actions against the press were also seen within the last few weeks with the arrest and detention of a reporter, even as he tried to report and photograph allegations of harassment of peaceful residents at the Bureau of Immigration and Naturalization.

On this anniversary of World Press Freedom Day, CEMESP further regrets the continuous siege of the community radio station, Smile FM, in Zwedru, Grand Gedeh by authority of the County Superintendent.

"We are concerned about delays by the Legislature to pass the Freedom of Information

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Law and two other media laws as proposed by media and civil society groups. We believe that the Legislature should see these laws as integral to the democratization of Liberia, and should provide necessary support to ensure their easy passage."

We believe further that the passage of these laws would provide even greater opportunities for lawmakers - and their constituents - to access information that may be necessary to assist them in the governance and legislative process.

Of particular concern however in this regard have been claims about the suspended Chairman of the Liberia Telecommunications Authority using public funds to bribe lawmakers against the passage of the broadcast regulatory act. We believe this is actually against the spirit and intent of the legislative and lobbying process.

Notwithstanding the aforesaid, we like to welcome the actions taken by the House of Representatives and the President to reprimand Mr. Bropleh. In addition to the reprimand, we like to call upon these most progressive public servants to ensure the early, easy and responsible passage of these legislations to remove the dark cloud of suspicion that continues to linger about their integrity as a consequence of Mr. Bropleh's unguided comments.

These signs are ominous, and a stark reminder of days in the 1990s and earlier, when disagreement with or criticism of public officials or figures was already a crime, whose punishment was under action.

As we all recognize that Freedom of the Press can be better achieved with improved working conditions for the journalists who work the craft, CEMESP expresses its solidarity for the discussions that have begun on the institution of a collective bargaining agreement for Liberian journalists.

We believe this would ensure that today turns out as a new and different day in Liberia. The time to restrain speech in Liberia is long past, as people are a lot more enlightened about their rights, and would easily proffer their opinion on issues, as they affect them from time to time.

Malcolm W. Joseph  
Executive Director

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# Press Union of Liberia Statement on the Arrest of Publisher and Printer

(Monrovia 15 December 2009): The Press Union of Liberia strongly condemns and rejects what appears to be an intimidating policy of the Government of President Sirleaf expressed in the harassment of commercial printing houses whenever there is a publication the Government considers unfavorable.

PUL says the latest arrest over the week-end of the owner of SEAMARCO Printing Press by the National Security Agency clearly represents a calculated ploy to subject the printer to psychological torture and the rule of fear. Mr. Michael Mankine has been in jail at the National Security Agency since December 12.

PUL believes that this kind of anti-media maneuvering by government is aimed at pushing printers to begin screening and editing newspaper contents before printing, thereby leading to absolute censorship and an impediment to press freedom.

This is the third time the Sirleaf administration has used the NSA and the Ministry of Information to prey on printing houses. The Union recalls the publication of the Independent Newspaper four years ago of a sex scandal involving President Sirleaf's Minister of State as well as the seizure of the New Broom and Bi-Lingual newspapers at which time the printers were inhibited from publishing papers.

Demanding the release from further detention the innocent man, the Press Union urges Government to abandon its intimidating policy that has the propensity to scare the press into submission and self-censorship..The Union calls on Government to focus its attention on the author of the story, the Plain Truth.

Mr. Mankine is being held in connection with the Plain Truth publication of December 9, captioned: Ellen Government Supplying Guinean Dissident Arms?...Military Junta Alleges.

At the same time, the Union says it is carefully following the ongoing investigation surrounding the publication of the Plain Truth and its Publisher, Sayma Syrenius Cephus and will remain engaged to ensure that transparent justice is served.

The Union, on Friday, escorted Mr. Cephus to the Justice Ministry and than on Monday at the NSA before he was held.

“While we do not wish to discuss the merit and demerit of the story because it borders on national security, we challenged the Government to charge Mr. Cephus forthwith and accord him due process in a free, fair and speedy manner,” the release asserts.

Mr. Cephus is expected to be charged within the statutory period of 48 hours which ends



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today. It is not known what the charge will be but there are indications that he might be charged with sedition or treason.

Signed:

Melissa Chea-Annan

Assistant Secretary-General

## CEMESP Statement on Arrest of Publisher & Printer

Monrovia, December 17, 2009: The Center for Media Studies and Peace Building (CEMESP) has called upon the Government of Liberia to immediately release from further detention the publisher of the Plain Truth Newspaper and the Manager of the Seamarco Printing Press, and find other means of seeking redress for whatever wrongs the men may have committed.

The charges of criminal malevolence, criminal libel and sedition, placed on the media workers is a wanton reminder of the harassment and intimidation perennially faced by journalists and media workers in Liberia across various civil and military regimes, with the intention of stifling free and uncensored speech. Such treatment does not represent the democratic credentials upon which this government was elected, and must be forthwith stopped.

CEMESP would recall that libel is a civil offense, which many prodemocracy and human rights practitioners, including stalwarts in this government like Labor Minister Tiawan Gongloe and Public Works Minister Kofi Woods, stood firmly against during the regimes of Samuel Doe and Charles Taylor.

We are also reminded that students of the University of Liberia led by Alphonso Nimene (now Assistant Minister of Foreign Affairs) were mercilessly flogged by ATU soldiers during the Charles Taylor regime, when they organized a rally to resist similar charges placed against staff of the News Newspaper in 2001.

The repeat of such charges steeped in human rights abuses in Liberia's recent past is a challenge upon this government and a scar on its conscience.

Historically, criminal libel has been used as a tool of oppression and to stifle dissent, especially by tyrannical regimes. Its origin as a secret and arbitrary Court of Star Chamber of England was to serve as a weapon to suppress political dissent and stifle opposition to the English crown, while similar provisions in the Spanish Penal Code were meant to protect the Spanish crown and officials against free speech and action that tended to question authority.

Instituting this charge anywhere with the inherent threat of imprisonment is an abuse of

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the justice system and does not hold in any country where authorities want freedom of speech, of expression, and of the press to prevail.

The predisposition of public officials to use criminal libel to suppress dissent or opposition is just too strong a tendency that it represents a real threat to free speech and expression.

CEMESP finally challenges the human rights activists within the government, who had on another occasion challenged criminal libel to restate their commitment to this tenet of democracy and prevail on their colleagues in the government to reverse this tendency.

More to that, there is now an international effort led by the West African Journalists Association (WAJA) and the International Federation of Journalists (IFJ) to ensure that libel does not remain a criminal offense.

Anything otherwise is a betrayal of the Liberian people's confidence in the democratic process and a deliberate ploy to harass, intimidate and coerce the media into self censorship, as was commonplace during the military regime and the war years.

## The Sad Return of Criminalizing Expression in Liberia

Media workers and the Liberian public have been greeted by the sad, regrettable and unlawful arrest and detention of Journalist Syrenius Cephus of the Plain Truth Newspaper and Michael Makinde of the Semarco Printing Press on account of news stories carried in the Plain Truth.

We are informed that the Plain Truth published a story, more as a relay of reports from the military junta in neighboring Guinea, that officials of the Liberian Government may be supportive of a plan to remove the junta from office.

We are further informed that the Justice Ministry and the National Security Agency (NSA) in Monrovia invited the publisher of the Plain Truth and the Manager of Semarco Press for clarification, and that they have been variously imprisoned since Friday.

This action by the government to arrest journalists and media workers on account of their reports is a wanton abuse of the right to free expression and a necessary distraction of the fight for inclusive and democratic government in Liberia.

In addition to the abuse of basic freedoms that Liberians have begun to accept as part of life, the action of the government is becoming reminiscent of the past, when lambasting and intimidating journalists and other dissenters were the order of the day.

We recall[ed] the tragic days of Samuel Doe and Charles Taylor with numerous arrests, detention and harassment of journalists on account of similar charges, recalling that such

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actions bring to the fore the conflicting state of democracy in Liberia, as has been reported by various freedom of expression organizations.

Such actions bring recent reminders to the publication in 2008 by the Center for Media Studies and Peace Building (CEMESP), in which the group indicated that the media is disappointed because "years after hordes of press freedom and human rights activists insisted upon the right to freely express oneself, and even after much effort have been made towards establishing a government premised on human rights and democracy, the media and free expression remains under threat" in Liberia

Subsequently, in its 2006/2007 report, CEMESP reported 46 cases of attacks on the media, including one in which "political appointees overseeing a state radio, memoed journalists to seek clearance before broadcasting corruption allegations against officials of government..."

All these said, we agree that in order to ensure the life of this democracy, we must think of freedom and justice like the late Canadian Prime Minister John G. Diefenbaker (1895-1979) who argued that "freedom includes the right to say what others may object to and resent," or even find provocative.

Until we run this course, we generally believe that our democracy is threatened, and destined down the same route as was reflected during the days of Doe, Taylor and earlier.

We believe, like the noted author Laird Wilcox that "Freedom of expression ... can never be taken for granted, and especially so for writers (and) journalists... [as these]... are among the first to feel the chill of repression and experience its personal, professional and legal consequences."

[On] "Decriminalizing Free Speech, Utah State Senator Scott McCoy cited studies which showed that "criminal libel prosecutions ...are generally used as weapons against political enemies... (and) to mute or stifle unpopular sentiments and minority viewpoints."

We note with concern that our democracy should be deemed to be too modern to continue with the criminalization of expression that characterized the years of war and anarchy in Liberia, and challenge the government to release Cephus and Makinde and seek a civil remedy for any grievance they may have. - *Editorial, Liberian Express; Volume 6 No. 138; Wednesday, December 16, 2009*

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# PROGRAMMES

## Training

During the course of 2009, CEMESP hosted a number of training workshops, among other things to achieve the overall objectives of:

- A) Improving Liberian journalists knowledge on best practices that enhance peace consolidation and democracy in post conflict context;
- B) Improving the performance of Liberian journalists in reporting peace consolidation and the advancement of good governance and democracy in post-conflict Liberia; and
- C) Improving Liberian journalists' understanding and appreciation of the concept of democracy among the Liberian populace.

These workshops were supported through the National Endowment for Democracy (NED) and looked at: the Communication Process, News Gathering and Reporting and Peace Consolidation; the Meaning of Peace Consolidation in Post-conflict Setting; Effective Reporting on Peace Consolidation in a Rural Setting; Interviewing techniques, Effective Media Management Skills, Concepts of Freedom of Expression, Media Law and Ethics, among others.



*Group photo after workshop in Zwedru*

The first training course was conducted in Ganta, Nimba County from February 16-March 6 2009 and was attended by 25 Community Radio journalists from Bong, Nimba, Gbarpolu and Lofa counties. Nimba County Bain-Garr District Commissioner Madam Emma Yah Konnah opened the first workshop in Ganta and stressed the need for Liberian journalists to be a part of the reconciliation process in the country after years of civil war.



*Participants at workshop in Ganta*

The second training course was conducted in Buchanan, Grand Bassa County from June 8-26, 2009 and was attended by 25 Community Radio journalists (12 females and 13 males) from Rivercess, Grand Bassa, Margibi and Rural Montserrado Counties. Grand Bassa County Superintendent Julia Duncan Cassell welcomed participants and opened the workshop.

## CEMESP and Sports Development



*LEA Executive Committee Member Musa Bility presenting certificates*

As part of its role in improving diversification in the Liberian media, CEMESP in October conducted a week long training workshop for twenty-five journalists of the Sports Writers Association of Liberia.

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The workshop, funded entirely by CEMESP, was aimed at sharpening the journalistic skills of Liberia's sports writers in the basics of journalism, laws of the games and peacebuilding. The workshop covered topics like language usage, interviewing techniques, editorial and feature writing, news gathering & reporting, the Laws of soccer, basketball and table tennis, among others.

Facilitators were drawn from the concerned sporting federations and media trainers in Liberia.

## Training Workshop for Female Journalists



In early July 2009, CEMESP organized a three-week journalism skills training workshop for twenty-five Liberian female journalists under the theme: Preparing Women for Leadership Roles in the Liberian Media

The workshop was part of the National Endowment for Democracy support to CEMESP.

## CEMESP/IFEX promotes Freedom of Expression in Liberia

With Support from the Campaigns and Advocacy Program of the International Freedom of Expression Xchange (IFEX), CEMESP since November 2009 has been engaged in a campaign to create an environment that promotes free expression in Liberia. The six month project is geared towards the strategic aim of achieving the reform of the country's media laws and building greater awareness around the right to free expression in Liberia.

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## Staff Travels, Training, Others

CEMESP staff benefited from a number of capacity building programs, including:

A training exercise organized by the Poverty Reduction Strategy tracking network on the various pillars of Liberia's PRS under the auspices of the United Nations Development Programme (UNDP).

Program Officer Prutus Sackie attended a week-long training course on Proposal Design and Report Writing facilitated by UNDP for the benefit of Liberian Civil society organizations.

Executive Director Malcolm Joseph and Administrative Officer Mabandu Sherif attended the General Meeting of the

International Freedom of Expression eXchange (IFEX) and the Global Forum on Freedom of Expression from June 1-6 2009 in Oslo, Norway.

Executive Director of CEMESP Malcolm Joseph benefited from a three-week training program on Human Rights, Peace and Security in Uppsala, Sweden. The course ran from January 26-February 13th 2009. The training program was the first of two phases and is being sponsored by the Swedish International Development Agency. Malcolm attended the second phase of the course in Pnom Penhn, Cambodia in September. The course was conducted by Indevelop- IMP International Development Consultants. The course raised the level of understanding of the participants on the issues of human rights, peace and security.

The Executive Director, Malcolm Joseph, participated in the Draper Hills Summer Fellows on Democracy and Development Program hosted by the Center for Democracy, Development and the Rule of Law (CDDRL) at the Freeman Spogli Institute for International Studies at Stanford University, from July 27 - August 14. Mr. Joseph was among 27 participants selected from a pool of more than 500 applicants in an extraordinarily challenging process.



*CEMESP Executive Director Malcolm Joseph (l) with NED President Carl Gershman at Stanford U.*

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## Preparing Kids for Picturesque Roles

CEMESP, in September, partnered with the US-based group Peace in Focus and the Liberia Media Center (LMC) to organize a week-long pilot workshop on grassroots peace photojournalism for fourteen underprivileged Liberian youths.

Participants were between ages 11 and 16, and the workshop focused on the use of photography and grassroots media to promote creative peacebuilding and community leadership among youth.



Employing an innovative curriculum that combines photography education with leadership training, the session was aimed at developing essential life skills in media literacy, effective communication, dispute resolution, and social networking. The week-long encounter also encouraged the youths to break down stereotypes and develop powerful insights into social tensions and conflict, by incorporating the practical and theoretical study of symbolic photography concepts such as composition, framing, exposure and perspective.

The workshop will culminate into community projects and a local photography exhibit where participants will have a chance to showcase their work, experiences, and vision for social change.



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## Informing Human Rights Education for Journalists

Under its research programs, CEMESP in June 2009 conducted a baseline study on behalf of the Good Governance through Strengthened Media Programme operated in Liberia by the Canadian media development group Journalists for Human Rights and the LMC.

The baseline study established existing benchmarks and baseline indicators to measure the level of progress within an ongoing five year project and provided recommendations for improvements in strategies affecting the work of journalists and the general media environment insofar as reporting human rights and governance issues are concerned.

The baseline study also determined the level of understanding of journalism, human rights and governance issues, as well as determining whether the training programs being provided through the project are making any change.

## Monitoring Access To Information In West Africa

In partnership with the Lagos-based Media Rights Agenda (MRA), the Center for Media Studies and Peacebuilding (CEMESP) facilitated the first phase of a research project on Monitoring Access to Information in West Africa. CEMESP worked with hired legal consultant to carry out a comprehensive audit of all laws in Liberia and identified clauses in existing laws and regulations which gives citizens or members of the public access to information held by government bodies, as well as those laws and regulations which specifically prohibit and constrain access.

The findings were then analyzed to determine their scope, purpose, subject area and applicability. In the second phase of the research project which is expected to commence in the first quarter of 2010, CEMESP will conduct an access to information monitoring exercise to assess how easy it is for different classes of citizens in Liberia to obtain information from government ministries, departments and agencies.

## Leading Civil Society Efforts to Promote Free Expression

In its role as Chair of the Liberia Freedom of Expression Coalition, CEMESP, with support from the Open Society Initiative for West Africa (OSIWA), has for almost two years now been in the vanguard for the passage of three draft Liberian media laws currently before the Legislature. The laws include a Freedom of Information Act, Independent Broadcast Regulator Act and the Public Service Broadcaster Act.

Utilizing a grant from OSIWA, the coalition has ensured the following activities: country-wide sensitization on the draft Liberian freedom of information law, formulation and development of a draft community radio policy for Liberia, and support to the establishment of a Press Complaint Committee in Liberia.

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## Regional Partnership: WADR



*Community Radio technicians displaying certificates after CEMESP organized workshop in Gbarnga, Bong County*

Across the year CEMESP maintained cordial relations with the West Africa Democracy Radio (WADR) in a number of areas. The first of such collaboration concerned the conduct of an evaluation of a WADR project relative to the coverage of the Charles Taylor trial taking place in The Hague.

The research, held in May 2009, provided an overview of the local media coverage of the trial, including the WADR's intervention in providing information on the trial, the impact of this information provision, the frequency of partners' broadcast of the programs on the trial, Case-by-case analysis of the partners' role in the dissemination and public reaction to the trial.

In early January 2010, CEMESP, with support from the West Africa Democracy Radio and OSIWA, was lead partner in the organization and conduct of a three-day workshop for Technicians from six community radio stations around the country. Other members of the partnership were the Press Union of Liberia(PUL) and the Association of Liberian Community Radio (ALICOR).

The workshop held in the central Liberia city of Gbarnga, brought together 15 community radio technicians from Bong, Nimba, Margibi, Rural Montserrado, Grand Bassa and Grand Gedeh counties.

The workshop covered many issues, including History of Radio, Role of radio technician, Maintenance of Antenna system, Studio Management, Transmission System, Computer Digital Editing (ADOBE), among others. Both the President of the Press Union of Liberia Peter Quaqua and the Station Manager of WADR Peter Kahler spoke at the opening ceremony of the workshop.

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# Appendices

## 1. Essays

### Where are we? The Debate for Press Freedom and Media Accountability in post-conflict Liberia

*“Media underpins development and can play an indispensable role in driving national development and reforms, promoting good governance, impacting public accountability and exposing corruption thereby increasing state resources to address poverty. ... However, for it to play this role effectively, its capacity must be built in a variety of ways to enable it engage on issues more productively and to provide an effective platform for civil society to engage the state to ensure an inclusive debate on the country's reconstruction and development priorities.” - Strengthening Liberia's Media: A Review of Media Support in the Post-Transitional Period and Recommendations for Future Actions (Partnership for Media and Conflict Prevention in West Africa)*

**Introduction:** The media is a very challenging professional area in most parts of the world. They are either fighting to claim their right to be, or are fighting for an environment that would ensure that they effectively play their role. This is a case for a lot more concern, especially if one considers the prolonged conflict and immediate post conflict scenario of Liberia.

All of these occur notwithstanding the fact that actors have variously recounted the media as the lead promoter of social change anywhere. Historically, "governments and interest groups have ... fought to restrain the free space under which the media operate and keep the sector at bay. Where free media thrive, there have been greater prospects for democratic governance and the reverse has seen greater repression."

Media freedom has been a long running battle in undemocratic societies and to some extent in societies espousing democratic tenets. As a measure of their opposition to media freedom, most critics have shouted for responsibility and accountability within the media setting.

**Press Freedom in Liberia:** In a recent report on media situation in Liberia, the Center for Media Studies and Peace Building (CEMESP) said "press freedom is not the number of newspapers and radio/TV stations," and links it to "how much the diversity of news content is influenced by the structure of the news industry, by legal and administrative decisions, the degree of political influence or control, the economic influences exerted by the government or private entrepreneurs and then through easily visible incidents like censorship, harassment, and physical threats to journalists."

The group, in its annual media review 'Perennial Tragedy of Democracy: Attacks on Freedom of Expression in Liberia 2006-2007' reported 46 cases of attacks on the media.

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These included direct government actions, as well as threats and coercions. This also included actions by nongovernmental actors, including student activists.

Guided by this and other reports, Freedom House, in its Freedom of the Press 2009 report, categorizes Liberia as NOT FREE. Among 195 countries surveyed, Liberia stands at the 138th position with a ranking of 63. Freedom House based its grading on three factors: legal environment in which media outlets operate; political influences on reporting and access to information; and economic pressures on contents and the dissemination of news.

But for Liberia, that is a part of the story. Had we been making a comparison with the previous regimes, a lot of gains have been made. In fact, this is a far cry from the days during which journalists were held for charges as diverse as espionage, criminal libel, among others. The fact being that they simply reported the shortcomings of the government or public service personnel. Today is also different from when newspaper offices were not only ordered shut, but were also burnt down, and staff flogged and even killed. The list of casualty in Liberian media history runs over a period of fifty years, well from the days of President Tubman in 1944, up to and including this very day - wherein printing presses have been ordered not to print a paper because, among other things - it is scandalous, it is not registered, the editor/publisher has no qualification, etc. All of these are being claimed in the absence of due process.

With the possible exception of registration, which needs to be contested, scandals and qualification are generally cover ups upon which free expression is constrained.

Even in this day where the government claims to be much more in support of press freedom, there are lots of activities that subtly infringe upon this essential freedom. For instance, the government decides not to do business with media houses that are not "registered." This does not however mean that they do not give advert requests. The registration and tax payment arguments come up when it comes to payment. And these payment arguments come forth especially where the media is seen to be critical.

Meanwhile, these media houses are generally struggling to survive.

Media Accountability in Liberia: In the face of these claims, the government sets out to demand responsibility and accountability of the media, and at times without regard to the fact that the operating environment needs to be free to afford the media practitioners the opportunity to accomplish their objectives of reporting occurrences in society.

While media responsibility generally refers to working within the scope of established (acknowledged) ethics, and caring for the feelings of affected people, minors, victims and so forth, "media accountability is a phrase that refers to the general (especially western) belief that mass media has to be accountable in the public's interest - that is, they are expected to behave in certain ways that contribute to the public good."

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According to the public contributed online reference Wikipedia, "the concept is not clearly defined, and often collides with commercial interests of media owners; legal issues, such as the constitutional right to the freedom of the press ... and governmental concerns about public security and order."

Accountability is also seen in terms of responsibility, which is also hinged on ethics, as is seen by nongovernmental players, and a call for nationalism (national interest) as seen by government actors.

What really is media responsibility in the face of an uneven regulatory environment? Basic responsibility and media ethics require a goodwill effort to ensure that all parties to a contested issue be provided the opportunity to provide redress in any given situation. At current trend, there is no law in Liberia requiring public figures to respond to inquiries from media or otherwise. The bigshot syndrome propels government functionaries to downplay requests for information, especially if it does not come from a colleague within the bigshot league. This leads to an obstruction of the news feed. An anxious reporter with a desire to keep the public informed goes ahead and ensures publication. In most instances this chap will write: "all efforts to get Bossman A to respond proved futile." He has rightfully played his role, but the bossman will claim irresponsibility and lack of ethics. Meanwhile, the bossman is himself not abiding by any ethical consideration to his role as a public servant. He next threatens a law suit, and perhaps uses his influence within high circles to deny the journalist further access, leading to further uncorroborated reports.

It is however fair to note that the questionable actions are not only in terms of the outer media forces. Yll Bajraktari of the Kennedy School of Government at Harvard University and Emily Hsu of the Center for Post-Conflict Peace and Stability Operations in a report on Developing Media in Stabilization and Reconstruction Operations, recall that "the development of independent, pluralistic, and sustainable media in war-torn societies is critical to fostering long-term peace and stability. Post-conflict civilian populations are particularly vulnerable to manipulation by mass media as tensions run high and the possibility of violent relapse remains strong. Many civilians harbor deep skepticism and mistrust of the media, being accustomed to platforms that are controlled either by the state or by political groups looking to further their political agendas." Without stating this point blank, the comments have said that media take advantage of their role to information and instead manipulate, dragging a gullible public to beat up sentiments that they probably have not understood clearly.

Yll and Emily note further that "an effective media strategy can mitigate postwar tensions by elevating moderate voices and dampening extremist ones, but regrets that a poorly developed media strategy can be detrimental in a war-ravaged country still rife with violence. A hastily conceived plan may reinforce divisions between warring parties or create a weak media sector that is vulnerable to exploitation by warlords, political

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patrons, and spoilers. Media development efforts also fail when the public does not trust them to establish a credible source of information." Of course, public trust comes in the media if it is seen to be truly accountable to the effect of following public interest matters without fear or favor.

Linking Freedom to Accountability: Based upon these premises, I like to repeat myself in reference to comments from a media forum organized as part of the national reconciliation process that "the media's role in the reconstruction of Liberia must begin with the reconstruction of the media, which is based on the reforms that will affect the media. If the media is not empowered to demand information while pursuing corruption in government, the media's role in the fight against corruption is already short circuited. If the media cannot explain the source of its support, it is also in no position to demand that of others. This can only be made possible through a nationally endowed reform process." Without freedom, the media cannot be truly accountable, whether within its sector, whether to the government or even to the massive audience that relies upon it for direction. The media must be free, that is relying upon an environment that permits it to pursue issues as they unfold without fear of retribution. This freedom must not be by goodwill, but should instead be based on universally acceptable premises.

This will naturally flow into the realm of responsibility, guided such elements of media accountability as:

Truth: Which ensure that information put forth to the public are always true, regardless of whoever is affected.

Moral High Ground- In order to play the role of disseminating information to the public, setting the agenda of society, and serving as public critic against corruption, abuse, misuse of office, etc. the media must be free from these very crimes. At all times the media must endeavor to report corruption only if the media is free of corruption; report tax evasion only if you pay your taxes; and

Public Interest - The issues that are seen to be in the greater interest of the public. The media is expected to pursue these issues, but who determines what is in the public issue. These are often claimed as issues that universally acknowledge tenets of good governance. Examples include accountability, transparency, basic freedoms, service to the poor and downtrodden, public health concerns - and human rights.

But so often various governments tend to down play the public interest to so called national interest or national security concerns. There are always claims of seeking to protect national security concerns, lest the country retrogresses to war. But let me hasten to note that this is not only about government forces. Elements within the media are also culpable of playing down public interests to pecuniary gains that are manifest through political allegiances, religious sentiments or otherwise. This is especially ridiculous in post conflict scenarios.

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Meanwhile, on a more general scope, media is mostly concerned about the freedom to report issues of corruption, misuse of public office, abuse of human rights, tribal/religious/ethnic sentimentality that so often degenerate into conflict, and that could have been part of the causes of the conflict in the first place, and subsequently make it central to their reportage.

Notwithstanding the aforesaid, in defining public interest the following questions come forth:

How do you report a rape story - write against rape - but write in terms of providing due process to the accused?

Write against terrorism, but report the absence of due process for a terror suspect?

All the same, the media must always ensure equal access to all sectors of the population and provide balanced perspectives to issues and events. The independent and reliable media cannot afford to be corrupted and will need to act in manners and ways that demonstrate independence and professional conduct.

Conclusions: In conclusions, we refer to a monitoring report on the media coverage of the Liberian Government flagship Poverty Reduction Strategy in which the Liberia Media Center (LMC) proposes that "Media reports must not be misleading and journalists should strive to live by standards set by the profession, regardless of the economic condition under which they must work. To ensure adherence to professional conduct, it is important for independent monitoring of media reports to be undertaken on thematic issues and subjects of national and international considerations."

The LMC notes further the crucial need "for such exercise to continue in other areas of media reporting to develop the overall standards of journalism and promote increased accountability to standards and ethics in the post-conflict period."

In order to give further form and effect to these issues, the LMC formally recommended the following:

That the government make available its Communication Strategy ... to enable the public to know the communication flow about the PRS; provision of the County Development Agendas of the fifteen (15) counties to all media; thereby, helping to publicize the PRS. On the other hand, the LMC recommended mentoring for media institutions/practitioners that cover PRS activities to inform them about their pitfalls during the monitoring period.

In making the background for this case, the Media PRS Strategy notes the "severity of media repression during the decades of political, military and civil strife was such that the

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Liberian media now requires an extended period of revitalization and professional development to be able to properly fill its role as the 'fourth estate,' including acting as a watch-dog, directly contributing to good governance and poverty reduction, as well as functioning as a tool for conflict resolution."

This course is from the further background that "the media in Liberia requires a sustained period of engagement in the fields of training and institutional capacity building. The prolonged conflict has left several media outlets and institutions in ruins with an acute shortage of qualified professionals. Media publications in Liberia today are riddled with errors, demonstrating the lack of capacity building opportunities open to professional journalists.

All of these arguments have not come in a vacuum as the umbrella organization of journalists in the country, the Press Union of Liberia (PUL) has since 1975 established a Code of Conduct and Ethics which is still in use. Journalists have violated these ethics nevertheless, yet government has abused these rights irrespective of the constitution and prevailing laws.

The point here is to challenge all to make a determination that civility can be guided by mutual respect and accountability for all. This is the basis of democracy and the fulcrum upon which we endeavor to achieve and live in peace.

*KA Kamara*

*Monrovia, Liberia*

*September 14, 2009*

*(A Background paper for the National Conference on Media Ethics and Accountability: 16-17 September 2009; Monrovia, Liberia)*



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# Fighting Corruption in Post-Conflict Liberia: The Role of the Media

*Ibrahim Al-bakri Nyei*

INTRODUCTION: Corruption is one of the major challenges in the rebuilding of the Liberian state and the revitalization of its economy in this post-civil war era. Corruption is simply the abuse of public office for personal gains and can be done through nepotism, bribery, stealing, misappropriation of resources and administrative malpractices, while the media is the channel through which information is processed and disseminated for the public. Abuse of public office cannot easily be made public without the use of the media. Corruption therefore comes to the attention of the public through the mass media.

Historically, it was in fact one of those factors that contributed to the mass uprisings that precipitated the long years of instability, that is from 1979 to 2003. Announcing a military coup and a takeover of Liberia's age-old True Whig Party Government on April 14, 1980, the junta declared that they overthrew the Tolbert Government for 'rampant corruption,' among other things.

The reign of the junta was marred by widespread corruption ranging from power-abuse, fraud, waste, financial improprieties, human right abuses and administrative malfeasances. This was too much to continue and unacceptable as claimed by the National Patriotic Front of Liberia (NPFL), when they invaded the country in 1989. This culminated into fourteen years of violent conflicts that destroyed the country.

During these years the media was harassed and censored, making it unable to do groundbreaking investigations on corruption cases and allegations. At the worst, the state controlled the media, even the ones operated by private entities. The suppression of the media and free speech can arguably be linked to the civil war, and one of the reasons why people resorted to the use of violence in expressing grievances against the state.

The first-post war democratically elected government, headed by a former United Nations official and long time politician, is highly concerned and careful not to allow its gains to be ruined by corruption. In her inaugural address in 2006, President Ellen Johnson-Sirleaf expressed awareness of the dangers posed by corruption, and declared it 'Public Enemy Number One'. In several statements, the president has decried the abuse of public office for personal benefits, and has sent out many calls mainly to the media to be vigilant and help in exposing corruption.

The media is therefore very important in this post conflict era, particularly in investigating and exposing acts of corruption. Interestingly, little progress has been made in the midst of these daunting challenges. This paper looks at efforts made against corruption and pro-transparency mechanisms put in place to deter corruption and the role of the Liberian media in those efforts.

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Corruption, the Media and the Post-Conflict Situation: A post-conflict situation is an 'after-the-war' situation in which a state is fragile and shadow with a society placed on a brink of either reverting to crises or building a sustainable peace and democratic governance system with the help of partners and the implementation of reform measures that will address all of the pre-conflict problems, promote peace and development. This is the situation that comes when parties in a civil war cease fire, sign a peace agreement and follow its implementation. Sometimes the chances are equal for reversion or progression, or the chance to revert to war can most often be greater than the chance to build the peace when the burning issues are not properly addressed. Châtaigner and Ouarzazi, writing in *Fragile States and the New International Disorder* (2007), argue that transitional regimes (post-war governments) are particularly unstable: they are twice as vulnerable to revolutions, ethnic wars and violent regime changes. Liberia's fourteen-year civil war witnessed the signing of more than ten peace accords and up to five transitional governments with intermittent conflicts. All of the transitional governments were marred by gross abuse of office and embezzlement of public resources by warring factions and political leaders. Media institutions were also factionalized in the process.

The current Liberian post-conflict state is one that is relatively progressing, and the threats to peace are declining by the day.

With corruption identified as part of the reasons Liberia went to war, in the context of post war peace building and state building, it should be part of the priority issues to be jointly addressed by the international community and the post-war government. Corruption is a kind of behavior in which an individual deviates from the official norms and duties of elective or appointed public office for the purpose of enriching himself. In the history of Liberia's public sector corruption has been manifest in the abuse of office or trading in influence, misapplication of entrusted property by officials in both the public and the private sectors, bribery, embezzlement or stealing and extortion, nepotism, tribalism or related acts of patronage, offering or soliciting sexual favor for the performance of an act associated with ones office or for employment, illicit enrichment, rigging of elections, sale of votes, and discrimination based on belief, gender, or social status. The aforementioned acts are unacceptable to any civilized society, and run contrary to the precepts of democracy. Certainly, corruption poses great threats to a post-conflict fragile state - like Liberia.

Ending corruption therefore in this post conflict era must be a robust process with a mustered political will and courage that must involve exposure by the media, prosecution and punishments, including restitution. Additionally, reform measures must ensure the establishment of institutional mechanisms to prevent corruption and reduce the open-ended chances that have existed in the past. Interestingly, the National Anti-Corruption Strategy paper adopted in 2006 outlined several public sector reform measures aimed at fighting corruption. The success of this strategy if pursued decisively will undoubtedly make gains against corruption.

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The media is part of those institutions that go under reform programs after civil conflicts. The general perception is always that the media take sides during conflicts, is abused or is incompetent, and must therefore be reformed and capacitated in the state building process. In Liberia, like many other countries, the media have been absorbed as part of the civil society and is benefitting from lot of training and development programs from the country's international partners. In partnership with civil society organizations, the Liberian media played pivotal roles in the last transitional government and has been represented in numerous reform programs including the processes leading to the development of some of the country's anti-corruption policies and institutional mechanisms.

By definition, the media is the channel through which messages and information are processed and disseminated for the public. A post-conflict society, like any other society, whether normal or conflict society, needs a vibrant media to keep people and governments aware of the daily activities. The danger corruption poses to post conflict societies is that it reverses gains made, creates room for impunity, and at the same time frustrates and delays progress in all sectors and institutions of the state, including the media.

The role of the media in Liberia's post conflict reconstruction is therefore very critical, and has been of sufficient utility in promoting programs of the government and the United Nations mission. This is primarily the reason why the UN established its own public information systems in intervention countries. The mission in Liberia has operated a 24-hour radio (UNMIL Radio FM 91.5 and other frequencies) since 2003, broadcasting news and programs for and about the United Nations and development activities undertaken in the country. The UN also has a quarterly magazine called the UNMIL Focus, and partners with several media institutions including community radios and local newspapers.

For the fight against corruption the Liberian government cannot work alone, and it needs the strong cooperation of the media which has been a vigilant partner. This was why in 2008 President Ellen Johnson-Sirleaf declared: "The government welcomes the determination of the media and other well-meaning citizens to join us as true partners in the fight against corruption".

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Efforts against Corruption and the Role of the Media: The most recent institutional effort against corruption in Liberia was the establishment of the Liberia Anti-Corruption Commission in 2008. The establishment of this commission is part of the plan of actions outlined in the National Anti-Corruption Strategy of Liberia. Before this commission, several efforts have been made by state institutions. Moreover, corruption and its relative activities are criminal under the Liberian legal system. But these laws and public institutions and other mechanisms have not effectively combated corruption. While there are many contributing factors to the problem, a vital point to highlight is the lack of political will; an issue compounded by an entrenched political culture of nepotism and cronyism. These are replete in Liberia's public service. Imagine a government in which one family has a relative as president, finance minister, president pro tempore of the Senate, and several friends, and at the same time the same family controls a big private investment. Imagine also a government in which the President and his kinsmen control public enterprises and the security system; and one in which the president has close friends as heads of the country's most lucrative public enterprises; or a system in which all of the public enterprises reported directly to the president with public funds deposited in the president's personal account. All of the above have happened in Liberia, and this is why the country's public service is undergoing huge 'structural and institutional reforms' in the first post-war regime, started since 2006. Critics are, however, describing some of these reforms as cover-ups to promote 'cronyism, embezzlement and nepotism'.

The post-conflict regime met in place a financial accountability system mainly set-up at key revenue generation agencies of the Government. This system - the Governance and Economic Management Assistance Program (GEMAP) - was recommended by Liberia's international partners and adopted by the National Transitional Government of Liberia in 2005. The Liberian media through the Press Union of Liberia (PUL) along with civil society organizations has played significant roles in the implementation of the GEMAP, and this program is still in place. So far the major efforts against corruption have been the development of anti-corruption policies, the reforming of public institutions, including the General Auditing Commission, the adoption and ratification of international conventions against corruption, including the United Nations Convention Against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption (AUCPCC), and as stated earlier the establishment of the Liberia Anti-Corruption Commission. The creation of the Liberia Extractive Industry Transparency Initiative (LEITI) is also good to be mentioned here for its role in monitoring the country's mineral and forest resources.

All of these institutions and mechanisms have not worked without the effective use of the media for disseminating information about their work to the public. With these in place, the Liberian media has also been very vigilant in breaking stories to call the attention of the public and the anti-grafts agencies in the country. In 2008, an online magazine, FrontPage Africa broke news of an alleged network (chain of email communications among staff and friends of the president and investors) of influence peddling for lucrative government contracts at the highest level of the presidency. This brought the office of the

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president to public disrepute and made the public apprehensive of President Sirleaf's much publicized anti-corruption war. Astounded by what appeared in the publications, she described the act as a 'despicable act of betrayal,' and set up a high panel (Dunn) Commission, funded to the tune of US\$400,000.00 to probe the scandal. Since then and even prior to then many other publications of corruption have appeared in the media.

In 2008 the Liberian media led by the PUL submitted three draft laws developed by the Liberian Media Law and Policy Reform Working Group after almost two years of work. Among those laws was the Freedom of Information (FOI) Act which seeks to make public information easily accessible to journalists, students, researchers, academics and the public at large. Though these laws are potentially of great utility to the fight against corruption, they still linger at the Legislature.

In late December 2009, President Ellen Johnson-Sirleaf issued what is called Executive Order Number 22 on Whistleblowers. This came ahead of a Whistleblower Act the Executive plans to submit to the Legislature for enactment into law. This Executive Order #22 is a major boost to anti-corruption campaigners because it is intended to protect anyone who discloses information about action of impropriety against public interest or public good that is occurring, has occurred, or will occur in any public or private institution.

The role of the media in implementing the Poverty Reduction Strategy and its efforts in monitoring the proper use of funds allotted for county development (County Development Fund - CDF) have been of much relevance that must be noted here. Several radio stations and newspapers have followed the implementations of the CDF around the country and have not relented in reporting progress, challenges and malfeasances in these projects. Media houses like the New Democrat, Nation Times, Daily Observer, Analyst, Public Agenda, Inquirer, and Star Radio, Truth FM, and UNMIL Radio have been steadfast and vigilant in these efforts. Notwithstanding the mounds of allegations spewed out by the media, little actions are taken to curb corruption.

Also, civil society activists have over the years used the media to air and publish their anti-corruption campaigns. The recent effort of the government to do quarterly publishing of revenues and expenditures in local newspaper have been of great help to anti-corruption campaigners who have been able to read through and discover discrepancies.

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Challenges and Prospects: Post-conflict development is interrupted and impeded by many problems, including the limitation of resources, traumas, social problems, including poverty and lack of basic services in health and education. Corruption, again the misapplication of resources, militates against efforts at rebuilding post-conflict states. The media also suffers from crisis and its revitalization is very important to be considered as a critical component of the post-war rebuilding process. The challenges the media faces now in this post conflict Liberia is the chronic human resource and technical capacity problem. These, including some other challenges, affect the viability of the Liberian media in reporting against corruption and in making strides to break stories relevant to the development of the country.

With its numerous problems, the media still strives to bring to light deviant behaviors of public officials. Yet, fighting corruption remains a challenge due to the lack of manifest political will on the part of national leaders, including heads of anti-graft institutions. Most of the cases reported by the media have been left to be discussed in public opinion courts and not conclusively followed to ensure prosecution and restitution where possible.

Media workers also encounter threats on their lives, particularly when individuals involved in corruption cases feel personal about media reports. The continuous attack on free speech and the media are bad signs for our post-war reconstruction. 'The Triumph of Impunity: Attacks on Freedom of Expression in Liberia 2008' published by the Center for Media Studies and Peace Building (CEMESP) is a lamentable account of the uncountable threats and challenges facing the Liberian media.

Additionally, laws drafted to promote anti-corruption campaigns face serious setbacks when they enter the Legislature. This leaves one to wonder why such crucial instrument would be on the docket and mineral and concession agreements make brief stops there and become laws in few days. The following draft bills have been assumed by critics to be gathering dusts in the Capitol Building: The Freedom of Information Act and the Code of Conduct Act.

In the midst of these challenges and threats, the Liberian media remains unflinching, and there are prospects that the joint advocacy of the civil society and the media will yield favorable results against corruption in the country. Additionally, media development groups and some civil society organizations are making lot of efforts to strengthen the capacity of the Liberian media for the scrupulous performance of its role.

Conclusion: The challenges corruption poses to the reconstruction of post-war Liberia needs not be underestimated. It is a daunting but insurmountable task to end or minimize corruption. And such a challenge must be confronted from all sectors of the society with the media playing a leading role.

In this case it is important that the media be given the relevant support by the enactment of rigid legislations against corruption, protect journalists and whistleblowers. Also

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relevant is to ensure the prosecutions of corrupt individuals under a system that will apply the law, and at the same time protect the rights of the accused as 'innocent until proven guilty'.

Finally the media's role as watchdog of society must also be protected and not abused. People sometimes have the tendency of abusing or inflicting assigned roles. The media must guide itself against abusing its rights and privileges outlined in the laws intended to protect free speech and expression. In a nutshell, it is simple to say that 'the watchdog must also watch itself'.

*\*Ibrahim Al-bakri Nyei is a Liberia democracy, development and social justice campaigner. He holds a BA(Honors) in Political Science and is currently enrolled for a Post Graduate Certificate in Peace Studies and Conflict Transformation at the Kofi Annan Institute of Conflict Transformation at the University of Liberia. He can be contacted on +2316265366/pericle925@yahoo.com/www.ibrahimnyei.blogspot.com*

## Communiqué from Media Accountability Conference

Media partners in Liberia, led by the Press Union of Liberia (PUL), the Liberia Media Center and the Center for Media Studies and Peace Building (CEMESP), with support from the United Nations Development Programme (UNDP) convened a two-day National Conference on Media Law, Ethics and Accountability from Wednesday 16 September 2009 in Monrovia.

The conference brought together representatives from media, academia, civil society and government, and was aimed at supporting the media legislative agenda and providing a forum for exchange between media stakeholders and independent observers on media performance, ethics and professional conduct;

The objectives of the meeting included reviewing the media reform process; providing an opportunity for media and others to interact on the media situation in the country; and to discuss media ethical issue;

During the conference, participants recalled the media as vital in helping any nation develop a functioning and effective democracy, and to stimulate a national debate;

Notwithstanding that need, participants also recalled an obligation on the media to be professional, work within the scope of ethics, as well as respect personal privacy, so as not to inspire fear in any vulnerable groups;

### Media Landscape

The conference recognized the challenges of ethics and professionalism that are threatening the respectability of the media sector; Reflected on the volume of damage irresponsible journalism can have on society; Questioned whether self regulation is

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sufficient to stamp excesses, and proposed a possible marriage of some principles of self and statutory regulation;

The conference urged the Press Union of Liberia to lead efforts aimed at setting standard of media practice in Liberia to reinforce the code of conduct for journalists;

Participants noted the need for a regulatory mechanism, involving the media, civil society and the government, which will ensure a level of independence and respect for free expression without unduly limiting the role of the media, set a baseline for professional qualification, investigate alleged misconduct, set standards for salary structures;

Recalled the responsibility of the media to be accountable to society in promoting issues in the public interest; and recommended that the media continue pursuing issues in the greater good of the public;

The conference noted that the media industry is not growing as a result of mismanagement and general economic reasons, and called for media institutions to be seen as business and public institutions with such departments like accounts, editorial and production;

Freedom of Expression: The conference welcomed the commitment from the Government and the Legislature to support freedom of expression, as shown through the media law reform process, including the recent intervention of President Ellen Johnson Sirleaf in reducing the tension between the leadership of the Press Union of Liberia and the Ministry of Information, wherein new commitments were reached towards making the media environment more favorable;

The conference called for the reinforcement of the Law Reform Working Group and charged the Press Union of Liberia to lead efforts in working with the legislature and other actors to pass the bills, but to also ensure that whatever corrections/modifications are made do not compromise the essence of the bills;

The conference also required the Press Union of Liberia to take leadership in this effort, enhance publicity on the lawmaking process; engage the legislators to ensure early passage of the bills; and mobilize the public to engage their legislators in ensuring early passage of the bills;

Welcomed efforts by the Press Union of Liberia to get transformed into a Trade Union, and urged the leadership to ensure a more member-centered organization, encouraging more activities that would enhance unity among members.

Acknowledgement: The Conference acknowledged the success of the deliberations and extended words of appreciation to the UNDP in supporting this event. Appreciation was



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also expressed to the media community, the civil society, the Ministry of Information, The House of Representatives and the Liberian Senate for their participation in the conference.

Done at the Monrovia City Hall, this 17th day of September 2009.

## Civil Society Statements on Montserrado By-Elections

### *Civil Society Concerned: By-Elections Slow, Disorganized*

Monrovia, November 10, 2009: The Liberia Civil Society Election Observer Coalition is concerned about the slow progress and the general disorganization observed so far in the Montserrado County senatorial by-elections.

“Polls begun very late across the county, including central Monrovia, for a variety of unacceptable reasons, including the late arrival of election materials and poll workers, causing many voters to return home because of frustration, fatigue or the weather.”

The coalition is also concerned that up to noon there were still confusion over polling centers, as many voters did not know where to vote as polling centers have been changed with no information about the changes.

“In some instances, the location of several centers could not be identified, as the voters were repeatedly turned back from the options they had. A particular instance involved voters registered in the 30066 - 30068 series. They voted at the Centennial Pavilion in 2005 and were redirected to the Buchanan Street AGM; later to the JJ Ross High School, where there was no polling; then to the New Housing Bank Building, which was not initially listed as a center; and the Newport Street High School.

The coalition notes that polling officers are not properly informed, and are overwhelmed by complaints from voters and party representatives. “This is putting them away from the procedure, and reducing their oversight.”

Centers and facilities were not properly thought out as polling places. As a result, voting took place in private properties like a business center near CEMENCO; and in some instances, school authorities prevented voting (School in Nyanforh Town, Gardnersville; and JJ Ross High School) in their facilities because they have no understanding for the use of their school as polling places. The abandoned Housing Bank, though not cited as a polling place anywhere, is now a precinct.

The coalition however notes the involvement of observers from independent organizations and political parties, as a positive development that should ensure popular participation in the process.

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The coalition is meanwhile calling on the National Elections Commission to “take note of the problems observed so far, and take prompt actions to get them under control.”

The coalition renews that “the successful hosting of these elections is an important step in the sustenance of peace and democracy in Liberia,” and calls on all, inclusive of candidates, parties' supporters, electoral officials and the general public to think of Liberia and commit to making the elections succeed.

The Liberia Civil Society Election Observer Coalition has been organized by Liberian civil society groups with a mission to engage the democratic process, including the monitoring and observation of electoral and political party activities, up to and including the general elections of 2011.

Members of the coalition include the Liberia Democratic Institute (LDI), West African Network for Peacebuilding (WANEP), National Youth Movement for Transparent Elections Partners for Democratic Development (NAYMOTE-PADD), Actions for Genuine Democratic Alternatives (AGENDA), and the Center for Media Studies & Peace Building (CEMESP).

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# Civil Society Election Observers Hail NEC

Monrovia, November 25, 2009: The Liberia Civil Society Election Observer Coalition expresses reasonable satisfaction on the conduct of the November 25th Montserrado County senatorial by-election by the National Election Commission (NEC).

“Polls began on time across the county, including rural Montserrado; for a variety of reasons; including the early arrival of election materials and poll workers, thereby causing many voters to cast their votes with very less hassle, even though very low turnout characterized the process”.

The coalition is however concerned about very few cases of confusion over polling centers, as few voters did not know where to vote on grounds that their names were not reflected on the voter registry. Particular incidents occurred at the Allan Bryant School in Chocolate city, where a gentleman was denied voting on grounds that someone had earlier voted in his stead.

The coalition notes that polling officers were this time around properly informed and equipped with the relevant information required to cater to complaints from voters and party representatives, thereby improving their oversight; although in one incident at the Don Bosco Center in Matadi, CDC representatives on roving observation were furious over been denied information regarding the number of registered voters at that Center.

Generally, Centers and facilities were much thought out as compared to the first round of voting, however polling again took place in private properties including the R & R Bar and Restaurant in the CEMENCO community. This, the coalition says contravenes international elections best practices.

The Civil Society Election Observers however notes the very low voter turnout on Tuesday despite the improved voter sensitization exercises conducted by the NEC and Civil Society. The coalition views the low turnout as clear indication of the lack of confidence and trust in Liberia's political actors.

The coalition is meanwhile calling on supporters of the Unity Party and the Congress for Democratic Change to accept the outcome of the election for the good of our democracy. At the same time, the coalition is commending the NEC for the exercise, which can be described as reasonably free fair and Transparent.

The coalition renews that “the successful hosting of this election is an important step in the sustenance of peace and democracy in Liberia,” and calls on all, inclusive of candidates, parties' supporters, electoral officials and the general public to think of Liberia and avoid diverseness.

The Liberia Civil Society Election Observer Coalition has been organized by Liberian civil

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society groups with a mission to engage the democratic process, including the monitoring and observation of electoral and political party activities, up to and including the general elections of 2011.

Members of the coalition include the Liberia Democratic Institute (LDI), West African Network for Peacebuilding (WANEP), National Youth Movement for Transparent Elections Partners for Democratic Development (NAYMOTE-PADD), Actions for Genuine Democratic Alternatives (AGENDA), Liberia Democracy Watch the Center for Media Studies & Peace Building (CEMESP).

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## **Statement on Media and Security at Africa Security Summit**

### **The Protection of Journalists in West Africa**

**by Malcolm Joseph, 2nd Annual Security/Africa Summit, Accra, December 2009**

*A free press can be good or bad, but, most certainly, without freedom a press will never be anything but bad. ~Albert Camus*

The Chairman & Organizers of this meeting  
Fellow Participants:

I am happy to be in attendance at this forum, which is geared towards generating policies for the safety and security of our one world. While the security professionals are primary in this direction, the roles of other professionals are also needed. In this instance, the media has a role in pointing out activities within the communities, including shortcomings that threaten security. But more that, issues relevant to the safety of the media in reporting occurrences in society also need to be considered in ensuring security for all.

Given that security is the overarching theme of this meeting, I risk boring you should I continue rambling obvious security concepts. Notwithstanding, I like to note quickly that the need for security in one part of West Africa - specifically Liberia in 1990 - led the economic integration body Economic Community of West African States (ECOWAS)- to assume first a general - now a large specialized - peace and security programme. This reference to and assumption of security have greatly changed the shape of things on this side of the continent.

**The Media:** The media situation across Africa today is a far cry from what it might have been a couple of years ago. That however does not make it the desired state that media practitioners enjoy in a theoretical sense, or perchance in the west. Furthermore, we like to assert that the better the media, the better the governance, which translates into better opportunities for the people. Using this analogy, it is fair to state that the media is a crucial catalyst for national development, anywhere.

The Media in West Africa is quickly coming of age, with more and increasing opportunities of advancing into new technologies that are effectively making the gathering and dissemination of news and information more involving within the community. Today, in nearly all countries, the main media houses provide not only full color print or highly digital audio services, but simultaneously provide online versions, making it possible for nationals in the diasporas to know on the spur of the moment developments occurring in their countries of origin.

However, whatever advances we speak to in the media, we need to be guided by the fact that there are huge safety and security challenges that attend this sector.

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The first would however need to be seen in terms of the regulatory and legal environment that permits or denies the media the right to flourish. This is primarily in line with Article 19 of the Universal Declaration of Human Rights and related covenants adopted under the African Charter on Human and People's Rights and similar manifestations in almost all national laws guaranteeing citizens the freedom to express themselves, hold opinions and access information. To borrow from the Americans, whose idea of freedom we pursue in this sector, I like to reference U.S. Senator WILLIAM E. BORAH in his Remarks to the Senate, 19 April 1917: "If the press is not free; if speech is not independent and untrammelled; if the mind is shackled or made impotent through fear, it makes no difference under what form of government you live, you are a subject and not a citizen."

On several of these bases, the people of the world have assumed freedoms and placed them in domestic laws. The brazen fact however is this guarantee is mostly in words and seldom in deeds. Laws that follow up constitutional provisions do not seem to be working. Today, in West Africa and elsewhere, freedom of expression remains under threat. In its 2008 report of attacks on freedom of expression, the Media Foundation for West Africa notes some improvement in the landscape since 2003, but observes "though there has been progress, because there is not enough of it, and because of such strong tendencies to reverse, it is impossible to celebrate with much optimism."

The report continues that it is only in Cape Verde where the media enjoyed "complete freedom to operate" without one report of any kind of governmental or non-state act of impediment. Cape Verde aside, "governmental, official and police arbitrariness reign over media in slightly varying degrees in most (African) countries."

The media's troubles are also beyond government actors, as they often face harassment from non-state actors like party activists and sport fanatics. Such reports have been filed in Liberia, Ghana, Sierra Leone and Nigeria. Of course, as we all expect little effort is made to protect the media or bring perpetrators to book.

**Criminal Libel:** The next issue of concern in the protection of journalists is the issue of libel. This is an issue of professional conduct relating to journalists or anyone for that matter. Under the legal principles, libel is an offense against a person, which is considered through the civil jurisdiction. Unfortunately, in most parts of (West) Africa, libel is treated as a criminal offense, especially when an official of government is involved. Most of such laws began in colonial Africa, and continues today, despite the fact that all has seen that the law is being used to interfere with the freedom of expression which informs the journalism profession.

A further point in this relates to the fact that libel is increasingly maintained as a criminal offense, when all countries in the region have generally reneged on efforts to make laws for free and easy access to public information. In the instance referred to, there are no laws compelling public officials to provide information to the media, yet all expect that the media will provide the most accurate account of events, or at best leave particular issues.

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These positions are taken irrespective of the fact that the people have the right to be informed about their government and functionaries.

International groupings led by the West African Journalists Association (WAJA) and the International Federation of Journalists (IFJ) are building a regional consensus on this, but the other side of the table - the government - regardless of how democratic they portray themselves, continue to stall the process.

Between the last three to five years, there have been little progress in efforts to reform media landscape through appropriate legislations in many countries, among which are Ghana, Nigeria and Liberia.

**Justice for Journalists:** Considering the high rate of attacks, even by non-state actors, on journalists, there are no direct laws ensuring that actions are taken against people for such infringements. There are also little done in terms of providing protection for journalists or prosecuting people believed to be behind attacks on journalists. West Africa is notorious for the murder of Nigeria's Dele Giwa and Burkina Faso's Norbert Zongo. With a space of 10 years between these murders, both of which were committed while the victims were investigating criminal activities involving high level government functionaries, there have as yet been nothing done whatsoever to bring justice. Increasingly getting worse on the bloc, and globally seen as a tyrant, is the Gambia where journalists simply disappear, and with the government saying or doing nothing to provide justice.

**Public Service Broadcasting:** Increasingly governments continue to use state funded media to further their personal political objectives against the best interest of the country or their opponents. Opposition politicians and civil groups seldom have access to such facilities.

Because such facilities ought to provide news and information for all, regardless of status or shade of opinion or ideologies, there is a growing consensus that they ought to be managed by neutral and non-partisan professionals. This proposition is yet to gain support from anywhere, as ruling parties continue to use such facilities towards their partisan interests, ignoring the views of taxpayers, who fund their operations.

Because of such regulations, journalists working with such facilities are not free to work in line with their conscience, least to speak about the line of professional conduct. This line of activity threatens the independence and freedom of journalists.

**Regional Solidarity:** Regardless of the gains that seem to be made in moving West African countries closer to economic integration, journalist are increasingly finding it difficult to travel within the region. While the protocol allows citizens from member states to travel from one West African state to another without visas, journalists are always required to answer additional questions about the media they would be visiting, the issues they would be covering, etc. This is especially prevalent within the French bloc. In a situation

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like this, the question that comes to mind is whether similar questions are placed before doctors, lawyers or teachers. Is it rather the beginning of efforts to muzzle the press, even if one is on a private matter or visiting relations?

With such situations abounding across the region, the issue now relates to what mechanism we put in place to ensure an unfettered press. What can we do to ensure that media practitioners are free from the hassles that they encounter? There is certainly no shortage of conventions that propose to protect journalists and related workers, yet there have been little efforts to ensure rights.

Beyond the physical and psychological threats and violence that journalists face directly or indirectly, there is also the fact about the people being denied basic information that should inform their lives.

These are but daily challenges that affect the work of journalists. All the same, journalists are quite essential in detailing the issues in society, including those that may pose security threats, and which must be reported to claim the attention of authority. *Thank You!*

## Decriminalizing libel (Examples from the Philippines)

By Jun Bautista  
Straight Views

CRIMINAL libel has been with us for more than a century already, dating back to the Spanish colonial rule. Yet, despite the democratization of our country after its transition from colonial rule badges of oppression still linger in our statute books, as evidenced by Article 355 of the Revised Penal Code, which defines and penalizes libel.

Libel is defined by law as the public and malicious imputation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead.

When the public and malicious imputation is made by means of writing or, in general, when uttered on television or radio, it is technically termed as libel. Oral libel other than on television or radio, on the other hand, is termed oral defamation or slander.

As previously mentioned, the liability for libel is not only civil which results only in the award of damages to the aggrieved person, but also criminal which may result in the imposition of a penalty of imprisonment ranging from six months and one day to roughly three years or a fine or a combination of both fine and imprisonment.

The call for striking off our statutes book the crime of libel is not something exclusive to



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us. It is a clamor among democratic countries where freedom of speech and of the press is highly valued in the hierarchy of fundamental human rights.

According to Gregory C. Lisby in his "No Place in the Law: Ignominy of Criminal Libel in American Jurisprudence," published in 2004, although criminal libel remains on the books in the United Kingdom, it is rarely prosecuted. The same thing is true in Denmark, Norway, the Netherlands and Sweden where criminal libel is almost never invoked against the press. In France, Germany and Italy, on the other hand, the courts narrowly or strictly interpret their libel statute in favor of the accused.

In the United States, only 17 states continue to have criminal libel statutes. According to the Reporters Committee for Freedom of the Press in its "First Amendment Handbook," even in states where libel is criminal prosecution is rare. Most of the time, defamed persons would resort to civil remedies by filing tort claims or claim for damages.

Although our legislators, with the exception of Senator Mar Roxas, seem indifferent to the call for decriminalization of libel, we are thankful that our activist Supreme Court under the able leadership of a fine jurist and libertarian-minded Chief Justice in the person of Reynato S. Puno has issued Administrative Circular (AC) 08-2008, which directs judges to opt for fine in imposing penalties for libel -- hopefully as a first step to the eventual decriminalization of libel in our country.

While AC 08-2008 does not decriminalize libel for the obvious reason that only Congress can do so, by directing judges to give preference to the imposition of fines instead of imprisonment as a penalty in libel cases, the specter of journalists being jailed for writing about official misconduct will hopefully diminish, if not vanish.

And contrary to the view of the country's top government lawyer, Justice Secretary Raul Gonzalez Sr., there is nothing illegal with the action of the Supreme Court (SC) for the circular does not impinge on the power of Congress, and considering that judges are given discretion to impose either fine or imprisonment or both under Art. 355 of the Revised Penal Code, the SC can promulgate rules or guidelines in the exercise of that judicial discretion under its constitutional rule-making power in matters of court procedures.

A study of Anglo-American law would show that libel, as a common law crime, originated from the tyrannical Court of Star Chamber of England. This secretive and arbitrary court was established by the early English monarchy as a political weapon to suppress dissent and stifle opposition to the crown.

Our Revised Penal Code was derived from the Spanish Penal Code that was enforced in our country between 1886 and 1930. The libel provisions of the Spanish Penal Code were meant to protect the ministers of the Spanish crown and its other representatives against free speech and action by Spanish subjects, which formerly included Filipinos that tended

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to erode or question Spanish monarchial rule.

It will be seen that historically criminal libel has been used as a tool of oppression and to stifle dissent, especially by tyrannical regimes. As observed in a 2002 online article by Lucy Dalglish, executive director of Reporters Committee for Freedom of the Press, many modern dictatorships have criminal libel statutes, which are threat to human rights.

Criminal libel is simply antithetical in a democratic country like ours where freedom of speech, of expression, and of the press is constitutionally guaranteed fundamental rights. Its threat of imprisonment has a chilling effect on freedom of the press and results in self-censorship by the media in writing about the affairs of government. It is no secret that government officials conveniently threaten journalists with libel suits whenever criticisms about their official conduct or allegations of wrong doing are thrown against them; in reality libel has been a tool to silence the press on the excesses of officialdom.

We are of course aware that freedom of speech is not absolute and is subject to limitations. But while unfounded and malicious statements are to be checked and every individual's reputation is to be respected, character attacks do not represent legitimate penological interests for they are private offenses that can effectively be vindicated by existing civil remedies.

The predisposition of public officials to use criminal libel to suppress dissent or opposition is just too strong a tendency that it represents a real threat to free speech and expression.

In closing, our public officials who claim to uphold the majesty of the Constitution should take heed of the following words of the US Supreme Court in the landmark libel case of *Garrison v. Louisiana*, 379 US 64, 74-75 (1964): "speech concerning public affairs is more than self-expression; it is the essence of self-government."

For more Philippine news, visit Sun.Star Bacolod. (February 6, 2008 issue).

## **Scope of Freedom of Expression: A Reflection on Liberia's Obligations**

*Prutus M. Sackie*

One of the earliest written documents before the 20th century that referenced people's right to free expression is the French Declaration of the Rights of Man approved by the French National Assembly on August 26, 1789. This early instrument recognized the right to freely communicate your ideas and opinions as belonging to the precious rights of man. More than 150 years after the Declaration of the Rights of Man, the right to free expression was recorded in Article 19 of the Universal Declaration of Human Rights.

Prior to the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, the United Nations General Assembly hosted its first session in 1946 at the Westminster

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Central Hall in London, where resolutions calling for an international conference on freedom of information were forged. Resolution 59(I) of this conference opened on the premise that “freedom of information is a fundamental human rights and is the touchstone of all freedoms to which the United Nations is consecrated.” In the wisdom of participants at that session, freedom of information contributes to the peace and security of the world. The then Assembly wisely asserted that cooperation and understanding between nations are influenced by a sound world opinion, which results from freedom of information. The right to freedom of expression which also includes freedom to information is a rostrum from which other rights are propagated and promoted.

The Universal Declaration of Human Rights (UDHR) was proclaimed and adopted on the 10th of December 1948 in Paris by the United Nations General Assembly, with Liberia as one of the 58 member states of the United Nations. While the UDHR is not a legally binding instrument, it is however considered a morally binding document. Next in line and of support to the UDHR is the International Covenant on Civil and Political Rights (ICCPR), Liberia signed in 1967 and ratified almost four decades later in 2004. The ratification of the ICCPR has obligated Liberia to the provisions of the covenant, of which freedom of expression is explicitly noted in Article 19.

Reference is also made to free expression in the African Charter on Human and People's Rights (ACHPR). The ACHPR which was adopted at the Eighteenth Assembly of Heads of State and Government in Nairobi(1981) provided for member states of the then Organization of Africa United, now the African Union to promote and protect the right to free expression among other rights. The ACHPR guarantees every individual the right to receive information and the right to express and disseminate his or her opinions within the law. Liberia ratified the ACHPR in 1982, and as a State party to this instrument Liberia is expected to undertake measures that will give effect to the provisions of the charter.

At its 32nd session in 2002, the African Commission on Human and Peoples' Rights adopted a resolution on the Declaration of Principles on Freedom of Expression in Africa. The declaration calls for freedom of information, the promotion of diversity in information dissemination, independent regulatory bodies for broadcast and telecommunications, prevention of attacks on media practitioners, etc. The African Commission on Human and Peoples' Rights is a quasi judicial organ that interprets the African Charter, looks at alleged violations of the charter and provides recommendations to state parties. As a state party to the African Charter, Liberia is under obligation to respect the terms of the Declaration of Principles on Freedom of Expression in Africa.

The Constitution of Liberia grants every person the right to freedom of expression, placing responsibility on the right's holders of any abuse thereof. This right could be restricted during time of emergency in accordance with the Constitution of Liberia. The right to freedom of expression under the Liberian Constitution encompasses the right to knowledge and to hold opinions without interference, freedom of speech and the press...

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The Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression and Access to Information in Africa, reported to the African Commission on Human and Peoples' Rights in May of 2009 that she received allegations of criminal defamation laws against journalists, harassment and threats against journalists, etcetera, in Liberia and Sierra Leone among other countries. Further on the issue of criminal defamation laws, Frank La Rue, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression welcomed the move of the Parliament of the Republic of Maldives in its adoption of a bill to decriminalize defamation. Criminal defamation law against the media in Liberia is a form of censorship and should be transformed to a matter of civil concern.

Through Liberia's commitments to universal, regional and national instruments that guarantee the right to free expression, the country is obligated under international and national laws to ensure that freedom of expression is enjoyed by all persons. These obligations may take different forms; from ensuring that people exercise this right without hindrance and discrimination, to promoting effective implementation of the right. It may also include the creation of a thriving environment where the right to freedom of expression can be exercised without threats or fear and cooperating with the special rapporteur on freedom of expression whenever needed or necessary in reviewing and studying the situation of freedom of expression in the country. Liberia at this point should consider sending invitation(s) to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression and Access to Information in Africa, and/or the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, to study, report and advise on the country's current freedom of expression situation. This is a bold step that should be given a thought by the government.

The African Commission on Human and People's Rights introduced freedom of expression in the preamble of the Declaration of Principles on Freedom of Expression in Africa, as fundamentally important as a human right standing by itself, and "as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms." The phrase "cornerstone of democracy" speaks to the foundation and basis upon which democracy flourishes. Flourishing democracy in Liberia means a lot to the stability of the country. The right to vote consciously and to efficiently contribute to national debates are hindered in the absence of an effective freedom of expression regime. The scheme then is freedom of expression positively influences democratic tenets, and democratic tenets influence stability.

Freedom of expression is a right to speak in defence of your rights and the rights of others; it is a right that demands knowledge, information and actions about other human rights; it is a right that seeks information and ideas from state and non state actors about their duties and responsibilities to rights' holders; it is a right that diversify the national debates-which is a healthy process; and it is a right that functions as a citizen check to the implementation of human rights. Freedom of expression is an indispensably valuable on

human right. It is of essence that freedom of expression was described as one of the “precious rights of man” in the words of the framers of the Declaration of the Rights of Man.

Liberia needs to do more on its freedom of expression obligations, because public participation is guaranteed by the active exercise of seeking and receiving information, and speaking out on national and communal issues. Freedom of information spawns public participation and trust, and promotes accountability and transparency.

## Status of Freedom of Information Laws across Africa

Country	Dominant language	Region	Year	Status
Algeria, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Gabon, Gambia, Guinea, Guinea-Bissau, Lesotho, Libya, Madagascar, Mali, Mauritania, Mauritius, Namibia, Niger, Rwanda, São Tomé e Príncipe, Senegal, Seychelles, Somalia, Sudan, Swaziland, Togo, Tunisia				No sign of FOI legislation
Angola	Portuguese	Southern	2002	Lei de Acesso aos Documentos Administrativos
Cameroon	French/English	West		Lobbying
Egypt	Arabic	North		Draft law
Ethiopia	Amharic	Horn of Africa	2008	Law on media and FOI takes effect after 2010
Ghana	English	West	2003	Draft law
Kenya	English	Eastern	2005	Draft law
Liberia	English	West		Lobbying Legislature
Malawi	English	Southern	2004	Draft law
Morocco	Arabic	North		due for adoption after 2009
Mozambique	Portuguese	Southern	2005	Draft law
Nigeria	English	West		FOI Bill
Sierra Leone	English	West		Draft law
South Africa English Southern 2000 Promotion of Access to Information Act	South Africa English Southern 2000 Promotion of Access to Information Act	South Africa English Southern 2000 Promotion of Access to Information Act	South Africa English Southern 2000 Promotion of Access to Information Act	South Africa English Southern 2000 Promotion of Access to Information Act
Tanzania	English	East		Draft law
Uganda	English	East	2006	Access to Information Act
Zambia	English	Southern		Draft law
Zimbabwe	English	Southern	2002	Access to Information and Privacy Protection Act

Source: Roger Vleugels, *Overview of all 86 FOIA [Freedom of Information Act] Countries (22 September 2008)*

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# **Freedom of Expression Citation**

## **Article 15 (Constitution of Liberia)**

A. Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof. This right shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.

b. The right encompasses the right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.

c. In pursuance of this right, there shall be no limitation on the public right to be informed about the government and its functionaries.

d. Access to state owned media shall not be denied because of any disagreement with or dislike of the ideas express. Denial of such access may be challenged in a court of competent jurisdiction.

e. This freedom may be limited only by judicial action in proceedings grounded in defamation or invasion of the rights of privacy and publicity or in the commercial aspect of expression in deception, false advertising and copyright infringement.

## **Article 9(African [Banjul] Charter on Human and People's Rights)**

Every individual shall have the right to receive information.

Every individual shall have the right to express and disseminate his opinions within the law.

## **Article 2 (International Covenant on Economic, Social and Cultural Rights)**

a. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

b. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

c. developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

## **Article 19 (Universal Declaration on Human Rights)**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

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# **Acknowledgment**

On the publication of this compendium, the Center for Media Studies and Peace Building (CEMESP) notes the contributions made by various actors, including funding organizations, media advocacy groups, journalists and others affected by the threat on free expression. The contributions have been diverse for a number of reasons, some including funds, encouragement, attribution for prior publications, etc. While it would be impossible to note each contributor by person, it would also not be prudent should we not list a few very important supporters.

We accordingly like to note the following:

- National Endowment for Democracy (NED)
- International Freedom of Expression eXchange (IFEX)
- Media Foundation for West Africa
- Liberia Freedom of Expression Coalition
- Media Rights Agenda
- Institute of Applied Media Studies Zurich University
- Peace in Focus

At CEMESP secretariat, we like to note the role of the following: Mabandu Sherif, Prutus M. Sackie, Sando Wheigar, Zoegar Jaynes, Rudolph Neufville and Ralph Wilson. Note is also made here of Kenneth G. Bracewell. We will also acknowledge the role of all human rights organizations. It is our prayer that acceptance of the issue we advocate will make a next edition of this publication unnecessary.



**ANTHONY STEVENS STAR RADIO  
ASSAULT BY POLICE**

**City Mayor Disrupt, Threaten  
The "New" Newspaper**

**Publisher Roland Worwee New Broom  
Newspaper Threat of Lawsuit Lawmaker (Biney)**

*Dominic Farley Public Agency  
Assaulted Security Personnel*

**ROLAND MURBAH, SPORTSMAX  
EQUIPMENT DESTROYED POLICE**

**ATTORNEY SYRENIUS CEPHUS  
PLAIN TRUTH NEWSPAPER  
MICHAEL MAKINDE SEMARCO  
PRINTING CORPORATION**

*Clarence Jackson  
Star Radio Denied Access Court*

*Nathaniel McClain Renaissance  
Newspaper Assaulted Police*

**THE BILINGUAL CLOSURE  
MINISTRY OF INFORMATION**

*Legislative Reporters Association of Liberia*

**New Democrat Newspaper Threat of  
Lawsuit The President**

**New Broom Newspaper  
Lawsuit The President**

*Solomon Ware Truth  
FM Assaulted by Senator*

**Salala Community Radio Station**

**The New Broom Newspaper Closure  
Ministry of Information**

**ATTORNEY SYRENIUS CEPHUS  
PLAIN TRUTH NEWSPAPER  
MICHAEL MAKINDE SEMARCO  
PRINTING CORPORATION**

**JULIUS KANUBAH STAR RADIO  
EQUIPMENT SEIZED LAWMAKER (MURRAY)**