Press Freedom in Liberia, an Elusive Dream



Samuel K. Doe, former Liberian president, was known for abusive practices.

By Welma Mashinini Redd

For virtually all of its 167-year history Liberia, the first African republic, has known little or no press freedom or freedom of speech. Many factors account for this. First, for more than 110 years the country was a virtual one-party state. From 1878 to 1980, the True Whig Party (TWP) of Liberia, founded by African Americans who established the country, held all elective offices, including the presidency.

This did not augur well for free speech in a country where the government was the single largest employer with the power to even influence hiring decisions in private companies. Critics of the government who were often denied employment in both the public and private sectors cowered in silence.



Charles Taylor's repressive regime made journalism a hazardous profession.

This trend continued until 1980, when a coup led by junior officers and enlisted men of the Liberian military toppled the TWP hegemony. Sgt. Samuel K. Doe and other coup leaders, who hailed from indigenous ethnic groups at the bottom of the social and economic ladder, announced that they had staged the coup to end corruption and the dictatorial one-party rule of the TWP.

For a while, it seemed there would be a flowering of free speech.

Journalists, students, and people who opposed the coup soon engaged in open criticism of the government. But, the military cracked down. The leading private newspaper in the country, *The Daily Observer*, was banned on at least two occasions, its offices burned and the entire editorial staff imprisoned.

Doe "won" an election in 1985 that opposition parties claimed was rigged. He had reneged on a promise to return to the barracks. Excesses of his regime included widespread killings of opponents and a clamp-down on free speech and critical reporting. All of these sparked an armed rebellion in December 1989. That rebellion soon turned into a full-scale civil war in which hundreds of thousands died and most of the country's infrastructure was destroyed.

Rival warring factions killed many journalists: four from the national Liberian Broadcasting System (Charles Gbeyon, Tommy Raynes, Moses Washington and Sekou Kromah); a BBC Liberian Correspondent (John Vambo); and two visiting Nigerian journalist (Tayo Awotunsin and Krees Imobibie).

The war ended in 1997 with an election that brought a warlord, Charles Taylor, to power. President Jimmy Carter and other international observers witnessed the election and declared it generally free and fair. However, once in power, Taylor became a dictator just like his predecessor, Doe. He imprisoned opponents and journalists critical of his regime. Among those imprisoned by President Taylor in August 2000: Sierra Leonean producer, Sorious Samura; British director, David Barrie; British/South African cameraman, Timothy Lambon; and South African soundman, Gugulakhe Radebe, who told the BBC about their imprisonment and near-death ordeal under Taylor.

At the turn of the century, Taylor's opponents launched an armed insurrection and Liberia again descended into war. The war ended when Taylor, pressured by the United States and other western powers, was forced into exile in 2003. On April 26, 2012, the International Criminal Court located

in The Hague in the Netherlands handed Taylor a 50-year prison sentence for crimes against humanity, after a five-year trial

After Taylor was forced from power, an interim government served from 2003 until elections of 2005 ushered in the present government headed by Ellen Johnson Sirleaf, Africa's first elected female president.

Sirleaf, a former United Nations and World Bank official, was a long-time opposition leader. Former president Doe imprisoned her twice for criticizing his regime. She lost the 1997 presidential election to Taylor and went into exile to avoid political persecution.

Given Sirleaf's track record as an opposition leader and the political persecution she suffered under both presidents Doe and Taylor, many journalists and free speech advocates hoped that with her election Liberia would at long last enjoy free speech protections. Their hopes have not been completely dashed. Independent newspapers as well as private and community radio and television stations have proliferated throughout the country and they often carry stories critical of the president. Despite the progress, constraints on free speech rights still hamper reporters. The new tool? Libel suits.

Uphill Battles for the Press

Liberian government officials continue to harass and intimidate journalists and commentators who publicly criticize them. Two stories best illustrate this pattern of suppression. The first involved Rodney Sieh, owner and editor-in-chief of *FrontpageAfrica,* Liberia's leading print and online newspaper. After writing a few articles critical of the judiciary and the chief justice of Liberia, Sieh was held in contempt by the Supreme Court and imprisoned in 2010. He was released only after writing a letter of apology for "placing the court and the integrity of the judiciary at risk."

This was just the beginning of what many consider a concerted attempt to use the courts to silence Sieh. In 2011, the former Minister of Agriculture sued Sieh for libel based on a series of *FrontpageAfrica* articles alleging that the minister misused public funds. Sieh's stories were based on a report issued by the Audit Commission of Liberia, a government agency. However, the trial judge denied Sieh's motion to dismiss the case, which went to trial. The jury, which Sieh claimed was bribed, brought down a verdict of $1.6 million against Sieh.

Sieh did not have the money to satisfy the judgment or perfect an appeal to the Supreme Court. He was jailed in August 2013, under an obscure Liberian statute which called for people found guilty to be imprisoned and pay the fine at the rate of $25 a month. At that rate, Sieh's sentence would last more than 5,000 years.

International pressure began to mount against the Liberian government for Sieh's release. Human Rights Watch, Amnesty International, and Global Witness, called on the president to revise Liberian libel laws to comply with international standards. From his hospital bed, while in prison, Sieh authored a *New York Times* Op Ed on Aug. 30, 2013, bringing even more international attention to his case.

The case did not officially involve Sirleaf or her government since it was brought by a former government minister. However, in a speech shortly after Sieh's imprisonment, Sirleaf in a clear reference to Sieh, spoke of journalists who use their "poisoned pens" to destroy others. Sirleaf also warned that those who "take our silence for weakness" were mistaken and that the government would not allow them to tarnish the reputation of its officials with impunity.

Despite her harsh stance, Sirleaf was forced to bow to international pressure for Sieh's release. In November 2013, her justice minister released him after two months on grounds of compassion. In an interview, Sieh insisted that for freedom of speech to indeed be practiced in Liberia, "Mrs. Johnson Sirleaf must fulfill her promise to decriminalize defamation and 'insult' laws in Liberia, enforce Liberia's existing Freedom of Information laws and prosecute corrupt officials."

Now, Sieh faces a libel suit brought by the head of the National Port Authority. Sieh says he must spend scarce resources to hire lawyers and pay for court costs.



Ellen Johnson-Sirleaf, the president of Liberia, was once imprisoned for criticizing the government.

Doing so, he explained, will likely take a toll his ability to fund the operations of his paper

The government has also targeted other newspapers. Sirleaf has personally filed lawsuits against two newspapers. Similarly, her son Robert Sirleaf, whom she appointed as chairman of the National Oil Company of Liberia, has sued a local paper for libel. Although these suits were dropped or settled due to international pressure, they have had a chilling effect on critical reporting about the government or government officials, as newspaper editors tend to engage in self-censorship to avoid libel suits and the expense that come with them.

The Costa Case

The other case that illustrates government efforts to stifle the press involves the host of a political talk radio show, Henry Costa, who regularly criticizes the president and other officials. In several of his broadcasts, Costa accused Fumbah Sirleaf, another son of President Sirleaf and also her National Security Agency (NSA) chief, of making constant threats against him. Costa challenged the NSA chief to a duel. Listeners said Costa was clearly speaking in jest, but the government put him in jail on March 21, on charges of making "terroristic threats."

Costa was slapped with $3,000 bail—unusually high for Liberia. Shortly after his release, the owner of the radio station that hosted his show took him off the air. Costa quickly managed to set up his own radio station by Feb. 3, but within a month the government broadcast regulatory body, the Liberia Telecommunications Authority (LTA), summoned Costa to show why his radio license should not be withdrawn. LTA insisted it was a violation of his non-commercial license to broadcast commercials. Significantly, this is the first time the government has taken such action against a station with a non-commercial license that carries commercials in its broadcasts. Costa

and the rest of the media in Liberia are anxiously awaiting the final decision of the LTA on whether it will withdraw his license.

What the Future Holds

In an exclusive interview with the *Morgan Global Journalism Review*, Peter Quaqua, former president of the Press Union of Liberia (PUL), said that the news media continue to operate under "very difficult circumstances" in Liberia. For things to change, Quaqua said, the government must "move to implement key provisions of the "Declaration of Table Mountain." The Declaration, signed by most African countries in Table Mountain, South Africa in June, 2007, calls on signatories to repeal laws in their countries that criminalize defamation.

President Sirleaf, upon signing the Declaration in July 2012 said she was fulfilling "… a pledge regarding [her] Government's acceding to the effort toward repealing criminal defamation laws on our statutes." Under her government, Liberia also signed the Freedom of Information Act in 2010 and the African Platform on Access to Information in 2011, all multinational accords meant to promote freedom of the press and freedom of speech.

However, the government has still not followed through with any statute to decriminalize libel laws. Accordingly, journalists unable to satisfy enormous libel judgments against them could still go to jail just as Sieh did for failure to pay the $1.6 million libel judgment brought against him. Under Quaqua's leadership in 2012, the PUL submitted a draft bill to the Liberian Legislature that would abolish the defamation laws in accordance with the Table Mountain agreement. Such a bill would hold public figures accountable for their actions as it relates to service in government. The bill is yet to be written into law.

Quaqua, on April 28, 2014 was elected president of the West African Journalists Association (WAJA), a platform he said he would use to address "criminal defamation, insults laws, access to information…" and more across the entire West African Sub-region by seeking to partner with the Economic Community of West African States (ECOWAS). In an interview with *The Gambian Affairs* newspaper, Quaqua said, "We [WAJA] shall call the attention of our political leaders and seek to revive and strengthen our observatory status at ECOWAS". All 16 West African countries including Liberia are members of ECOWAS. Quaqua insists that journalists will continue to push "for the harmonization of media regulatory laws that will increase freedom of speech not only in Liberia, but also throughout the West African sub-region."

