

Reporters Without Borders

<http://www.rsf.org/sierra-leone-editorial-criticizing-president-24-10-2013,45375.html>

Africa - Sierra Leone

Discharged

Two journalists discharged in return for guilty plea on one count

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Reporters Without Borders takes note of the Freetown high court's decision on 10 March to caution and discharge *Independent Observer* managing editor **Jonathan Leigh** and editor **Bai Bai Sesay** after pressuring them into pleading guilty to a single count of conspiracy to defame the president.

"Sierra Leone's justice system took more than ten hearings to drop this case," said Cléa Kahn-Sriber, the head of the Reporters Without Borders Africa desk. "The judge's decision to discharge the journalists ends a six-month-long ordeal but their being forced to plead guilty to a conspiracy charge is no mark of honour for the country's institutions.

"The government's policy of harassing the media is a threat to fundamental freedoms. The authorities use criminal defamation and sedition charges to intimidate journalists and then allow the proceedings to drag on in order to keep up the pressure."

The proceedings against Leigh and Sesay were finally abandoned on 10 March after more than 10 court appearances since October, in which they faced charges on 26 counts of criminal libel, sedition and conspiracy in connection with an editorial critical of President Ernest Bai Koroma.

All but one of the 26 charges, conspiracy to commit libel against President Koroma, were dropped prior to the final hearing. But Leigh and Sesay were pressured into pleading guilty to the conspiracy charge, in return for which the judge did not pass sentence and just issued a caution.

According to Sierra Leone Association of Journalists (SLAJ), the judge said in a final warning to journalists, that "truth is not a defence in seditious libel and that they must be able to prove beyond reasonable doubt that the publication in question is in the public interest." They judge did not say how "public interest" should be defined.

Leigh and Sesay were arrested on 18 October, a day after publishing the offending editorial – headlined, "Who is molesting who, the President or the VP?" – and were not released until 4 November after paying bail of 500 million leones (85,000 euros) each.

Sierra Leone is ranked 72nd out of 180 countries in [the 2014 Reporters Without Borders press freedom index](#), 10 places lower than in the 2013 index.

24.10.2013 - Editorial criticizing president prompts multiple proceedings

Reporters Without Borders is alarmed by the way the authorities seem bent on hounding **Jonathan Leigh**, the managing editor of the *Independent Observer*, an opposition daily, and **Bai Bai Sesay**, its editor, over an editorial critical of President Ernest Bai Koroma.

The two journalists have been detained ever since their arrest by the Criminal Investigation Department (CID) on 18 October, a day after they published the editorial, which was headlined: "Who is molesting who, the President or the VP?"

"We call on the courts to free these two journalists immediately and unconditionally, as they have been held arbitrarily for seven days in appalling conditions," Reporters Without Borders said.

"We are also amazed by all the different judicial and administrative proceedings in this case.

Why was the CID, a police unit that is supposed to investigate major crimes, the first to intervene? And, as well as the civil suit brought by the ruling party on the president's behalf, why is the Independent Media Commission also trying to get in on the act?

"What is the reason for such determination to persecute two journalists who just did their job by publishing an opinion piece? We call on the government to comply with its international obligations to respect freedom of expression and guarantee press freedom."

The head of the CID initially said Leigh and Sesay were to be prosecuted under section 33 of the 1965 Public Order Act, which concerns libel. It was later reported that they had been charged with "inciting treason" under article 17 (3)(a) of the constitution. The change to a more serious charge is indicative of the level of political influence over the investigation.

At the same time, the ruling All People's Congress has brought a libel suit against Leigh and Sesay on President Koroma's behalf. Immediately after the article's publication, the President demanded the publication of a retraction and an "unreserved apology" but they were arrested before they had time to respond.

And, finally, the Independent Media Commission (ICM), the government's media regulatory body, issued a summons to the two journalists on 22 October to appear for questioning.

Moses Kargbo, the secretary-general of the Sierra Leone Association of Journalists (SLAJ) told Reporters Without Borders that a judge refused to release on bail Leigh and Sesay when they appeared in court yesterday afternoon. The journalists were charged with "seditious libel". The reading of the charges lasted over an hour. Another hearing is scheduled for 29 October. Meanwhile, they are to be held in Freetown's main prison.

Attempts to intimidate the media are continuing. The *Independent Observer's* printer as well as journalists with *Global Times* and *Salone Times* have been summoned for questioning by the police.

Sierra Leone is ranked 61st out of 178 countries in [the latest Reporters Without Borders press freedom index](#).

Photo : President Koroma

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