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Assessing Journalist Safety in Liberia from the Prism of UNESCO Indicators

Project Implemented by Center for Media Studies and Peacebuilding



Data gathering enumerators in training session

This report is exploring the nature of journalist safety and impunity issues in terms of who is doing what, where, why and why not in Liberia.

Introduction

For far too long the issue of journalists safety has been taken for granted in Liberia. The country has a long history of repression of media. This dates back to autocratic regimes before the war. Perhaps this situation has been fostered by the ill-conceived notion that journalists should accept attacks and victimization as an accompaniment of the profession- deemed as risky. So in this trite logic the beating or detention of journalist can pass as a non-issue. The folly of this assumption is not hard to find. For journalists are not special human beings with shock absorbing capacities in their DNA. They are normal human beings doing special kind of work that articulates all other rights- for all and sundry. They therefore deserve protection to do their work professionally.

In the post war dispensation, there might not be an incident of murder of a journalist as was the case of Charles Gbeyon, the photo journalist executed in the aftermath of the botch coup against Samuel K Doe in 1985. Gbeyon has been immortalized by the extant government of President Ellen Johnson Sirleaf. A hall at the Ministry of Information Culture and Tourism is named after Charles Gbeyon, It is an honor to the slain journalist that carry with it the impression of a break away from the past of media repressive regime to one that is friendly to media. This is half the picture;

This paper is exploring the nature of journalist safety issue in terms of who is doing what, where, why and why not in Liberia.

In the current dispensation, whilst it is truth that no journalist has been killed in overt and covert state sponsored attacks, there are other forms of attacks on media and freedom of expression. Advocacy for media rights have preoccupied the Press Union of Liberia and other partners. We at the Center for Media Studies and Peacebuilding have an enduring track record of documenting alerts on the various forms of media and freedom of expression violations and abuses in Liberia. This effort has been cited as one source assumptions verifier in the findings and results of study.

The World Press Freedom Day had been the most celebrated by media stakeholders in the country. It has always offered a rallying point to cry out for journalists' rights to practice without let or hindrance. Media stakeholders have made solidarity statements in observance of this day. However, the state had never given this day the special place as a holiday or an occasion to make statement in support of freedom of media right as a cog in the wheel of the post war democratic trajectory. In contrast, days such as Women's Day, Children Day, to name but few, have at least elicited goodwill statements from the government.

Why the somewhat state snobbery of World Press Freedom Day? It goes back to the warped mentality about journalists: they must accommodate abuses and attacks as a hallmark of their trade. Africa's NEPAD MDG initiative also failed to factor press freedom as a strategy to foster good governance and development. It has been a national and international double speak.

However, change is seeping in. The emergent international day to end impunity crimes against journalists- sanctioned by the United Nations General Assembly on December 18th 2013, has placed Liberia under obligation to respect provisions especially those that speak to safety and checking of impunity actions meted out to journalists. All states are to provide an enabling environment including mechanisms that investigate attacks and violations of media rights to respond to the culture of impunity.

It is not that journalists are ‘super citizens’ of privileged to be accorded this protection. As a matter of fact the definition of a journalist is widening-encompassing citizen journalism, bloggers, fixers and other media workers. Their contribution to widening the democratic space based on plurality of ideas is an ingredient of a thriving democracy. And Liberia is still deemed as a fragile democracy. It is less surprising that this study has unearthed levels of media rights violations. In the final analysis this is an assessment of the state of media safety based on UNESCO indicators. It seeks to explore what various state and non state actors have contributed to safety of journalists or not attempts to puts issues that germane in their right perspectives.

Methodology

In this research project, CEMESP has administered questionnaires to an array of media practitioners, media consumers, representatives of UN bodies, academia, security personnel, human rights bodies among others. 150 respondents were in all sampled. These were either journalists, state actors including the security apparatus, representatives of media development entities, CSOs and academia, among others. Questions were developed for this category based on the safety indicators. Among other things, these questions for the 150 respondents have sought to know:

Sample Questionnaires

1. How do media houses enforce safety standards for their staff?
2. Give four examples of some of these safety measures that media houses observe
3. Between the scale of 1-3, 1 being very good, 2 good and 3 poor, how do you rate the relationship between the media and security?
4. Between the scale of 1-3, 1 being very good, 2 good and 3 poor, how do you rate the relationship between the media and public officials?
5. Between the scale of 1-3, 1 being very good, 2 good and 3 poor, how do you rate the relationship between the media and UN bodies?
6. Are safety issues factored in the training of journalists?
7. Are there gender discrimination in terms of journalist’s access to some information?
8. How transparent is the procedure for journalists to practice?

9. Are there instances where journalist have been denied access to cover a story
10. Cite instances of where journalists were restricted from covering
11. Are there instances where people have been punished by law or otherwise for attacking journalists?
12. Cite instances where actions have been taken to punish attacks or abuses of journalist rights
13. Are there safety issues and mechanism for internet usage for journalists?
15. Give example of some of these internet safety measures that have been applied in past two years
16. Has any journalist or media worker exposed to death threat been provided support by CSOs and international partners?
17 Are there employment and welfare protection guarantees for journalists and media workers?
18. Give examples of how employment and welfare benefits for journalists and media workers are enforced in your media entity
19. Have journalists or media workers died of sicknesses in the past two years
20. If yes state how many
21. How likely is it that journalists or media workers attacked, killed or violated will receive credible investigation by state institutions?

In addition to administering of questionnaires to the 150 respondents, focus group discussions were conducted based on various indicators. This was more or less the expert views of the targeted respondents who answered nuance versions of the questions derived from various categories of the indicators. Their output on the subject matter is enriching as it insightful.

We have also reviewed relevant literature cited especially in the section that covers the overview of safety of journalists in Liberia. This is especially related to what had been written on safety of journalists and what are being done or not to address impunity. To this end we have thrown into the study our in-house routine documentation of alerts of varied forms of violations of media rights. We based our documentation on best practice obtained in capacity building training from Freedom House. We have also included periodic reports on the same issue from CPJ, IFEX and West Africa Journalists Association. As we were in the process of drafting of this report the Gender Media Policy was launched and its content has been reflected here.

The PUL Collective Bargaining Agreement-ought to bind the government of Liberia, full time and freelance journalists and media owners. This has been reviewed and excerpts therein factored herein.

Report from the Ethics and Grievance Committee of the Press Union of Liberia, CSO Situation Room Media Content Monitoring on Ebola, and the constitutional development process of the country to situate the legal frameworks; among other source of data that appertain to safety and impunity of journalists also proved invaluable to the cross fertilization of literature in lending credence to the assumptions-findings and corresponding results made herein. The approach here treats the findings separate from the result-the conclusion section- doing an analysis of the findings to inform results and recommendation

The research methodology can be trusted for bringing out the issues around the main and sub UNESCO safety indicators. This is consequently a research based on empirical findings and results that speaks to the reality of journalist safety and impunity fostering it.

Those who have spoken on the issues are knowledgeable about the subject matter- either from the point of view of the being actors journalists; media developers- rendering various capacity building programs; and listeners or viewers and readers of news reports; officials of relevant ministries department and agencies including the UN system.

As a quality controlmechanism,a special panel of people cutting across government; UN; CSOs; academia; media manager; and the Press Union of Liberia has validated the draft product to enhance the credibility thereof.

Summary of Findings

The following are findings deducible of the application of data collection tools on employedon the safety of journalists in Liberia since two years back...

- ❖ That some forty journalists in Liberia have faced various forms of violations including assault, detention, litigations, closure and impoundment of equipment, denial of access to cover stories, death threats within the period under review.
- ❖ Assault and detention are the most common forms of aggression on journalists during the period under review;
- ❖ That elections and protest actions are the most common events for journalists rights to be violated;
- ❖ That a couple of journalists have complained Police officers for acts of aggression with scarcely any redress;
- ❖ Two case of physical assaults allegedly committed by the Police according to the PUL Grievance and Ethics committee;
- ❖ Over a dozen journalists have faced various court litigations in the course of reporting;
- ❖ Reporting of corruption puts journalists in harmsway with no special enforceable protection guarantees for whistleblowers with at least one dead in suspicious circumstances;
- ❖ No journalist has died by reason of obvious brutality;

- ❖ Over a dozen of journalists have died in circumstances that relate to lack of health insurance or safety lapses such as nonexistent trust fund to cater to sick journalists;
- ❖ That the security is the most guilty of journalists rights violations both in frequency and scale;
- ❖ Most respondents stated that invasion of privacy is one of the vex issue that could cause aggression towards journalists;
- ❖ Most respondents including journalists maintained that the collective bargaining agreement binding the government, the Press Union of Liberia and media owners is not applied to address the problem of remuneration and benefits which undermines professional practice that insulate against attacks on journalists;
- ❖ That there are constitutional and policy guarantees to promote media safety but very limited in terms of application and impact in checking the vicious circle of impunity;
- ❖ That a media gender safety policy has been introduced which is yet to be applied and mainstreamed;
- ❖ There is high perception among respondents that it is very unlikely for a journalist victimization cases to lead to investigation with favorable outcome for the victim;
- ❖ That the UN bodies have opportunities for journalists to seek redress which are yet to exploited;
- ❖ Academic institutions training journalists have not purposefully introduced safety issues as a course to be included for journalists beyond Media Law and Ethics...

Table 1: Forms of Attacks and “Causes”

Abuses meted out against Journalist	Assault	Closure of Media houses and impoundment	Death	Detention	Total number of respondents
Bias reporting	7			9	16
critical questions					
exposing of corruption	55	5			60
intrusive reporting				13	13
Court Action		7		34	41
Others	11			9	20
Total	73	12		65	150

This table represents views of 150 respondents in the category of journalists, government officials, media stakeholders CSOs and media consumers. The qualitative data is arrived at based on interviewees' monitoring of the trend of events in the country. Assault stood out as the most common form of attack meted to journalists. Of the 40 journalists interviewed linked the action to their persistence to expose corruption. Exposing corruption they claim meant most times getting in the harms-way in a bid to access substantive documents to nail culprits in an investigative news story. Detention ranks next. The period under review witnessed the arbitrary detention of journalists by security apparatus mostly the police and the court houses. This was flagged in the interviewee's responses. 65 of the 150 interviewees said journalists were basically detained but most said it was as a result of their bias, critical or intrusive reporting.

Contextual Background

Legal, normative, policy and institutional obligations of the state

The section takes off from the Accra Peace Accord of August 2003 and looks back at the constitutional development of the country from the first republic. It aspires to situate those elements of government that have fraught state policies on human rights and civil liberties. This section will zero in on the Accra Comprehensive Peace Accord which has informed the post war socio economic and political direction of Liberia. This approach will consequently establish the nexus between freedom of the press and good governance in the country's transitional strides.

It is of necessity to state that comprehensive Peace Accord of Ghana took cognizance of the historical imbalances and gross human rights violations. The accord sought to address the pre-war anomalies that sparked and sustained the war. Inherent in the spirit and text of the accord was desire to have a clean break with the past.

Certainly a reflection of the past will provide insight into the historical realities that promoted a patrimonial socio-political configuration based on entrenched autocratic tendencies and dictatorial rule. Power changed hands from the white colonial masters to the reactionary Americo Liberians repatriated from slavery in America.

It was but after a century that the natives wrested the power stranglehold from the Americo-Liberians otherwise referred to as the Congos. There is an irony in the script about the Congo-native relationship. Having endured the brunt of decades of slavery, Congos, resettled in overlordship to play the slave master to the indigenes. The ruling Americo-Liberian class practiced a system of patrimony and dominated the country's politics for over a century (from 1870 until the military coup in 1980).

With time the country witnessed a modicum of tokenistic tendencies from the Americo-Liberians. They sought to make concessions for native Liberians to for instance gain education. Native Liberians albeit held nominal positions.

Gus Liebenow noted: The Americo-Liberian elite displayed an ambivalent political concern toward the involvement of tribal people in traditional forms of economic association. The involvement of tribal people in more modern forms of economic associations, on the other hand,

was viewed with open hostility by the True Whig leadership. In the absence of government support of cooperatives, the cash-crop economy was destined to remain under the control of foreign entrepreneurs and leaders of the Americo-Liberian class, with little competition from peasant cultivators.

This repression sparked the coup of 1980 led by Army Sergeant Doe when President Tolbert who ruled since 1971 was killed. It marked the end of a century long rule of the True Whig Party.

Doe also practiced tribalism and brutal suppression of dissent. Then the war broke out in which he was killed. For the purpose of this report it is worth highlighting the constitutional contribution that Doe made in the Liberian political history. Doe was the brainchild behind the current constitution of 1986 that put to end the first constitution of 1847.

Having said that it is import to pry into the essential elements of the first constitution; for it sowed the seed of extant constitution. The first constitution under which Liberia, declared a free, sovereign and independent state by the name and style of the Republic of Liberia was introduced on July 26, 1847. The decision of the Liberian Commonwealth to regularize its status in accordance with modern international law was a direct result of what Governor Joseph Jenkins Roberts called the "embarrassment we labor under with respect to the encroachments of foreigners, and the objections urged by Great Britain in regard to our sovereignty." Because Great Britain, operating from neighboring Sierra Leone, regarded the Commonwealth and its parent organization the American Colonization Society (ACS), as "private persons" not entitled to exercise sovereignty especially in the domain of levying and collecting customs duties. The need was urgently felt to proceed with formalizing independence. After appropriate consultations with the ACS and the U.S. government, with both endorsing the idea of independence, the Commonwealth Council began preparation of the mechanics for assuming independence. Drawing upon the American experience, the repatriates labored toward preparing a declaration of independence and a constitution, which would include a bill of rights. The Constitution was based on the ideals of democratic government as reflected in the original American Constitution, and embodying such fundamental principles as centralism (authority inherent in national governments); popular sovereignty (government by the will and consent of the governed); limited government (powers of government specified in the Constitution); government of general powers (acts unspecified in the Constitution but necessary for good government); separation of powers (legislative/executive/judiciary); and the supremacy of the judiciary (inherent power of judicial review). The Constitution specifically contains a preamble and five articles including the bill of rights (Article I), legislative powers (Article II), executive powers (Article III), judicial powers (Article IV), and miscellaneous provisions (Article V).

What this historical allusion is seeking to do is to illustrate the fact that Liberia had come of age in democratic normative espousal. This has been more in text than in practice.

The current 1986 constitution that was upheld by the Accra Accord which returned the country to post war democratic transition remains the supreme law of Liberia. It is heavily modeled on the federal government of United States. It replaced the 1847 constitution.

After the execution of President Tolbert, the soldiers led by Samuel Kayon Doe that ousted the government suspended the 1847 constitution in 1980. Doe's Peoples Redemption Council instituted a decree to momentarily rule the country. In April 1981 political science professor at the

University of Liberia Amos Sawyerr was appointed by the junta to chair a national constitution committee of 25 persons to draft a new constitution. In December 1982 the first draft of the constitution was presented. The junta Peoples Redemption Council appointed an advisory council to review the draft. In October 1983 the review committee finished its task and made some alterations to the draft. Among other things the presidential tenure was increased from four to six years with the deletion of an entrenched clause that would have inhibited the alteration of presidential tenure; removal of prohibition on government participation by military personnel. Another salient alteration was the deletion of provisions establishing two autonomous agencies charged with approving judicial candidates and investigation of corruption.

In July 1984 the constitution was subjected to a national referendum where it received popular acclamation and endorsement by 78.3% of voters. Following the 1985 general election the new constitution came into force in January 1986 with the election of Doe and the newly elected legislature.

Now, let us look at some of the socio-political engineering that the Comprehensive Accra Peace Accord sought to address about the historical anomalies. Key considerations were made in the text that are of relevance to this report.

These clauses inter alia states: "Moved by the imperative need to respond to the ardent desire of the people of Liberia for genuine lasting peace, national unity and reconciliation; Reaffirming the objective of promoting better relations among ourselves by ensuring a stable political environment in which our people can live in freedom under the law and in true and lasting peace, free from any threat against their security; Determined to concert our efforts to promote democracy in the sub-region on the basis of political pluralism and respect for fundamental human rights as embodied in the Universal Declaration on Human Rights, the African Charter on Human and People's Rights and other widely recognized International instruments on human rights, including those contained in the Constitution of the Republic of Liberia..."

Having come so far in this section of the report, it has clearly emerged that the constitutional development of Liberia had even under successive dictatorial administrations maintained vestige of international laws based on principles of the League of Nations and the United Nations that promote unfettered freedom of expression. This is where elements of bill rights and civil liberties contained in past and extant constitutions are traceable.

What the foregoing point is driving at is this: there had always been a basis for freedom of expression in the series of constitutions that have evolved in Liberia.

Specific and poignant in the 1986 constitution under which the country is governed explicitly provided under entrenched clauses. Article 15a stipulates that every person shall have the right to freedom of expression, being fully responsible for the abuse thereof..." Article 15d further strengthens the clause when it states "in pursuance of this right there shall be no limitation on the public right to be informed about the government and its functionaries..."

Other state policy commitment to press freedom at least in principle cannot be ignored. Comparatively, that is rating the pre and post war administrations, the extant President Ellen Johnson Sirleaf must be given a plus. The media reforms are monumental - one being the signing

onto the Declaration of Table Mountain which seeks to decriminalize media offenses. The Declaration of Table Mountain states in part:“...states must recognize the indivisibility of free press and their responsibility to respect their commitments to African and international protocols upholding the freedom, independence and safety of journalists...” Three years since this declaration was signed the government has in a state of nations address promised to make the legal perfection to repeal all laws that are consistent with the Declaration of Table Mountain. This is yet to happen with three medial laws, the bill to have a national broadcaster, the broadcast regulator and community radios sustainability bill.

Certainly, it is the geo-political trajectory following the cold war that has dismantled dictatorship on the continent- making free press and human rights issues as critical pre-conditions to democratic largess in debt waivers, aid among other things. Liberia has passed the Freedom of Information Act in 2010, being the first in West Africa. There is an Independent Human Rights Commission with power to investigate public and private persons in violations of human rights. There is huge investment in making both the Army and Police more professional and more forthcoming in their obligation to deepen the democracy.

Even as there is a whole world apart from what the status quo represents on paper than in practice that guarantees unhindered media practice, the Police state that was evident in pre-war days- as a tool of clamp down on dissent and victimization of journalists has petered out dramatically. The current dispensation has made increasing contribution to a freer media environment in Liberia. This needs to be deepened in the psyche of duty bearers and institutions that media as the most potent agent of political socialization and must be treated as friend than an enemy

Overview of the situation of Journalists safety in the country

Journalists’ safety in Liberia is not a novelty discourse. This is notwithstanding the fact that country for the first time last year celebrated the International Day to End Impunity Crimes against Journalists as endorsed by the UN General Assembly. UN General Assembly Resolution 68/163 at the 68th session in 2013 put states under the obligation to counter acts of impunity that had over the years accounted for murder of 700 journalists-cases that have been investigated.

Table 2: Periods when Journalists are attacked

Periods journalists are attack	cross checking of information	Election	government meetings	protest and demonstrations	Total
More than five	14		9		23
Two		53		62	115
Cannot tell		5		7	12
Total	14	58	9	69	150

Findings from the survey showed that journalists are most vulnerable during protest/demonstration and during election periods. (69 of 150) 46% of interviewees say protests and demonstration while (58 of 150) 39% says election. Conclusively responses were this way because the survey was conducted during the special senatorial election and the heat of the Ebola crisis. These periods witness the increase on attacks

by journalists by political parties, government officials, partisans at political rallies etc. and agitating communities' members mostly for Ebola related issues with state securities influence.

The quote of the Liberia Assistant Information Minister for Public Affairs Albert Jaja at the International Day to End Impunity Crimes against Journalists is pertinent here- “It is gratifying that the statistics cited for journalist killed cannot be attributed to journalists in Liberia...”

Truthful as this point can be, it would be simplistic to hold the minister's comment as a basis to conclude that Liberia is beyond reproach. In Liberia, journalists' safety and attendant impunity unleashed within and without the establishment including: assaults, detention, media closure and impoundment, threats, court litigations, remuneration and welfare disregards, denial of access to cover events, discriminatory access to advertisement that puts journalists out of business; as it does foster unprofessional mercenary media practice, are all critical safety and impunity issues to the overall developmental yearnings. The point of view of the President of the Press Union of Liberia K. Abdullai Kamara at the said event on 3rd November 2014 is worth alluding to. He recalled World Press Freedom Day celebrations that had provided the opportunity to raise the red flag about media rights violations and challenges. He struck a contrasting chord that opens the field of enquiry on the subject more objectively. And this is what the assessment on journalists' safety in Liberia is aspiring to. Objectivity in this context must be anchored on empirical data qualitative and quantitative. It goes beyond anecdotes and speculations. There is no dearth of verifiable material on this subject in Liberia.

For instance CEMESP had consistently documented cases of attacks, threats and victimization of journalists in Liberia. This report had been feeding into indices released by Freedom House which has for the couple years witnessed a stagnation of the country in Partly Free media bracket. As matter of fact the country had to rise to that Partly Free Media status following the passage of the Freedom of Information Act. It was a product of CSO-Media advocacy- accounting for Liberia's being the first in West Africa to have the referenced piece of legislation. This law is hardly providing access to information even as a few journalists have applied for it and denied access. The case of Roland Wowie who filed a complaint to the office of the Independent Information Commissioner when denied an FOI request by one government parastatal, lend credence to fact that institutional arrangement that protect freedom of expression are more on paper than in practice. CEMESP also hit the same rock when the center filed an FOI request for the Liberia Anti Corruption Commission to disclose asset declaration forms of ministers and deputies. When the LACC refused to disclose, CEMESP reported the matter to the Independent Information Commissioner who ruled in favor of CEMESP but the LACC has since last year refused to respect that ruling.

Reporters without Borders Freedom of Press Worldwide had in the past couple of years, attested to the Freedom House rating. It puts Liberia in the Noticeable Problem category. Among other things, 'Noticeable Problem' takes into cognizance violations and weakened safety net for journalists to practice in Liberia. (Pad here)

There had been barrage of criticism of the country's press freedom situation as reported by Freedom House, the Committee for the Protection of Journalists as well as West Africa Journalist Association. CPJ report on impunity Road to Justice is worth citing here on the issue of impunity is an inspiration for Liberia.

Table 3: Journalists responses to general safety issues in the media

	Yes	No
Are there laws protecting unhindered media practice	84	15
Journalist attack to receive credible investigation by state bodies	11	89
Do you have an idea of person or People punished for Attacking Journalist	8	92
Procedures for Journalist to practice	36	64
Advertising use as coded means influence contents	61	39
Does state finance private media	24	70
Freedom of Expression and media laws observed	68	31
Are there safety policies for journalists provided by government and or the PUL	57	44
Do media houses enforce safety standards for their staff	32	73

Interviewees generally agreed that there are laws protecting unhindered media practice in principle but a mismatch in practice. Most journalists interviewed say they do not have the slightest idea if there exists a safety policy covering them. Interviewees mostly denied that private media are funded by the state and no safety policies provided by the PUL and government. Also, most journalists stated that advertisement is discriminatory with the ministry of information decided which media entity gets government ad as a possible token for promotional stories. This practice has the propensity to keep some media houses out business

“Today, we have no excuse. Every single murder of a journalist is documented. We know the when, where, and how; we know the why; and we often know the who. Such knowledge compels us to act—not only in the interest of justice but also to ensure that in our globalized society violent forces can no longer determine what we know. If the ideals of the Information Age are to be realized, then we must take every step to eradicate the greatest single threat to global free expression: the unchecked and unsolved killings of those journalists who seek to inform their societies and the world...”

As indicated under the summary of the findings graphically illustrated based on survey, no journalist has been killed, one lawyer who had assumed the sobriquet of whistleblower Michael Allison was discovered dead on the beach. He had just leaked to Liberia Anti-Corruption Commission a corruption incident involving lawmakers and the National Oil Company Liberia. His remains have been slated two set of autopsy in verifying the perception of foul play as opposed to dying by drowning. Allison is seen as a freedom of expression victim except the ongoing investigation proves otherwise. No journalist is serving jail terms. A media house is closed and verdict in the matter is underway.

The summary of findings has pointed to the court as the most notorious recourse of public officials to clamp down on media especially using onerous fines to lose down some media houses. In the past couple of years no fewer than twelve court actions were pressed on journalist and media workers. Journalists are sometimes brutalized by mostly security operatives. CEMESP Media Legal Defense project for the past two years is a verifying data source on the court litigation entrapment journalists in Liberia have contended with.

The details provided can supplant for partial truth in giving the country a fair assessment of the safety and impunity issues involving media practice and freedom of expression.

Are there systems to investigate attacks and violations of journalists by the Police? The Inspector General alluded to the Professional Standard unit during the celebration of International Day to End Impunity Crimes against Journalists. He said it had over the years ensured that miscreant on the Police force are disrobed. He said the people can rely on the Professional Standards division of the Police force. How many journalists have made use of this unit of the force noted as most notorious in violating the rights of journalist? The answer is very negligible. Why is this so? Journalists interviewed say they don't trust the Police Professional Standards complaints unit. There is hardly any precedent to show that an officer who brutalized a journalist received fair judgment.

The courtsystem in Liberia has credibilitycrisis. The recent threat of the country on the occasion marking the March opening of the Supreme CourtChiefJustice Francis Korpor that journalistswould be dealt with by the court for perceivedinfractions is a worrisome sign. He is quoted as saying: "...Chapter 3 Article 15 (a),(e) of the Liberian Constitution as stating that the right to freedom of speech and of the press is an ascribed right that carries responsibility even though such right cannot be enjoined by government but may only be limited by judicial actions in proceedings grounded in defamation, etc. .. the phrase being 'responsible for the abuse thereof' as contained in Article 15 (e) surmises that there are certain aspects of those rights that are prohibited by law and while recognizing that the liberty of the press and free expression of citizens are essential to democratic society, the framers of the Constitution provided that freedom may be limited... in recent years [we have] observed the alarming irregularity and blurring of the lines between the right to freedom of speech and of the press and the abuse of that right and this is constantly done through outright falsehood and invectives spotted out by the print and electronic media institutions... the Judiciary welcomes criticism because it is not only permissible but it is desirable... Liberian government and that judges and lawyers are not any less immune to public criticism than ordinary citizens or any other member of government... I have indicated, where it is established that a judge or judicial member is involved in any act of impropriety, appropriate penalty be administered as it was done in the past but what cannot be accepted are outright lies intended to cast aspersions on and erode public confidence on the judiciary and judicial officers. This has to stop because the law gives the court the right to punish for any act which offends its dignity and indeed other courts in other judiciary have similar authority. Let this be a notice to all..."

The PUL President K. AbdullaiKamara has condemned the comment as a threat. His point of view is anchored on the Africa Union Human Rights court landmark ruling. It states: "... the African Court on Human and Peoples' Rights has ruled that imprisonment for defamation violates the right to freedom of expression while criminal defamation laws should only be used in restricted circumstances. Burkina Faso, against whom the case was taken, was ordered to change its laws and the judgment will have a major impact across the continent, where many journalists still face prison for libel," according to **MLDI-LAND MARK VICTORY FOR FREEDOM OF EXPRESSION.**

If media stakeholders are striving to have the government of Liberia signed Declaration of Table Mountain accorded practical effect then it must lend itself to a form of regulation that assures the public of a responsible media.

Assistant Minister of Information Culture and Tourism Albert Jaja as one of the review panel members says that the care must be taken for journalists not to get it wrong that effort at decriminalizing insult laws offers a carte blanche safety net for journalistic ethical transgressions.

The position of the PUL and stakeholders is to have a media self-regulation regime. This has found expression in the drafting of bill Independent Media regulator that will supplant the existing Ethics and Grievance Committee of PUL.

At present stakeholders inclusive of the government: IREX; CEMESP and other fifty plus CSOs have entrusted the responsibility to the Liberia Media Center in conducting monthly media content monitoring on Ebola even as the epidemic is declining. Two reports have been released. The stock taking has presented fascinating findings in terms of where some media houses are doing well and falling short. Reactions to these report is one of appreciation of journalists and stakeholders who see the emerging peer review mechanism as promising initiative to inspire believability and suppress unprofessional media reportage that sometimes incite aggression towards journalists. Media stakeholders want to sustain this media monitoring to cover other thematic and subject areas.

One journalist Papi Kollie was brutalized last year by a Police officer. He represents an example of victim of Police brutality, which investigation has been a subject of controversy. The journalist takes exception to such assurance from the Police boss about reliance on their Professional Standards unit. There are other journalists and media workers who share this sentiment of Papi Kollie. Octavian Williams who had a brush with Police Deputy Commander Abraham Koroma on purported traffic violations that was blown up into an assault case leading to arrest and detention of the journalists. Octavian Williams denies any fair arbitration of the Police.

Granted that some of the claims of impunity acts of brutality allegedly meted out to journalists could sometimes be dramatized and or blown out of proportion; they could as well be the sheer result of journalists failure to take precaution.

The Police Inspector General called it failure to stay behind RED LINES-prohibited areas for journalists. A senior newspaper Publisher of Inquirer Philip Wesseh cited the tactlessness some reporters display in taking certain photos that draw untoward attention and consequently harm on themselves.

Times there were in Liberia especially during the administration of former President Doe when printers (who fall within the safety net herein discussed), suffered attacks by state security apparatus for printing suspected critical edition. This situation has not been recorded under the current administration among the forms of abuses and violations- physical attacks and psychological- journalist and media workers have encountered during the period under review. The media landscape remains divided about what it takes to operate a media entity where the government has proposed the re-enactment of a military junta edict that sanctions government registration of media houses. Some section of the press is opposed to it and have used issue as an

opportunity call for the impeachment of the leadership of the PUL. By this proposition PUL is supposed to register all journalists and has been accused of allegedly capitulating to the government when an OU was signed to that effect;;;Observers view this as having the effect of denying some journalists- perceived as critical the opportunity to operate a media entity;;;

The point need to be restated that Journalists safety is not supposed to be viewed from the myopic lens of somebody from outside the profession attacking or abusing media rights. There is the case of welfare lapses as in health insurance. The Press Union for the past couple of years worked on a Collective Bargaining Agreement that is supposed to be a tripartite binding document. The government must sign; the press houses must sign; and the journalists as employees to do same. This documented had passed the stages of vetting and validation as a radical step to addressing wage and service benefit of practicing journalists. It is veritable means to resolving ethical infractions that are somewhat tied to the causations of attacks on journalists. It is however dismaying that less than three media houses (of the over fifty newspapers and radios stations in the capital Monrovia) have complied with the dictates of the Collective Bargaining Agreement.

Still exploring safety of journalists from within brings to mind the gender dimension of women hardly rising to position of seniority. There are subtle unverifiable anecdotes that speak to male editors and managers sexual harassment in press houses. If this point cannot be rule out it is truly negligible in practice. The issue of less incentive to female journalists to rise in the ranks of the profession; or not assigned to serious and tasking beats have been cited. Male editors interviewed say it is the unwillingness of some female journalists to accept challenges and compete with their male colleagues. The new Gender policy a product of support from USAID through IREX in partnership with Liberia Women Media Action Committee, Female Journalist Association of Liberia and the Press Union of Liberia, has responded to some of these issues. It is a confirmation of the fact that female journalists are being violated. This point about gender discrimination has been corroborated by at least ten female journalists interviewed. Time is of essence to see how gender rights in the media as it relates to sexual abuse will be adhered to.

Focus Group Responses

This section represents the views of experts who responded to what was adapted as focus group discussants on specific questions relative to the safety indicators and sub Indicators but distinct to what was deployed among the 150 respondents in the questions highlighted:

The roles and response of the UN system and other extra-national actors with presence within the country (Category 2) PrutusSakie of UNIL Human Rights section was first to answer prepared questions

- UNMIL including international agencies need to take a definite position on matters of journalist safety and violations
- UN agencies are so tactful and quiet to speak definitely on matters affecting journalists
- Journalist can make use of the Office of the Special Reporteur (SR) – Freedom of Expression. The SR conducts visits to countries and carries out investigation around journalist safety and freedom of expression. But the “Special Procedure” has not been

used in Liberia. However, state must invite the Special Rapporteur. Civil society and the media can also communicate with that body on how to access said office. The Special Procedure is a complaint office for freedom of expression.

- UN monitors all allege cases against journalists follow up and ask/inquire from allege perpetrator (eg. Police) directly about their side of the story. This serves as a deterrent measure.
- Four meetings have been held with the PUL, two each with the Quaqua and Abdullai- immediate past and present leaderships.
- International mechanisms available for redress against journalists, but not much is being done to activate these mechanisms. Eg. (The Office of the Special Rapporteur)
- Limited collaboration with the UNMIL human rights section to counter allege violation of freedom of expressions and journalist violations
- UNMIL human rights section can help bring some of the issues to the international stage
 - Eg (Upcoming Universal Periodic Review)
 - Every State attends and presents a shadow report, PUL and/or civil society could attend and present the media and civil society perspective

The roles and response of the State and other political actors

Here the Deputy Minister of Information Isaac Jackson made the following points on the above question under indicator 3:

- There exist a free press in Liberia today compared to other regimes before
- Government has passed a number of media friendly laws (FOI, Table Mountain) and about to transform the LBS to a public service broadcaster
- Signed an MOU with the PUL, violating the existing laws that grant the Ministry of Information the function to register journalists and media houses. Today, the PUL has that responsibility through an MOU to register journalists while the MOI register media houses at a minimum fee among the lowest in the sub region. Print pays \$225, while electronic \$350.
- A framework is being put in place to denounce hate speech
- I don't recall when a journalist was violated by an official, but if this should ever happen, the law should take its course. Government has not supported any official or citizen for

unlawful acts including wrongful acts against journalists. Every citizen should be prosecuted in accordance with the law, not just journalists.

- In practical term, journalists are protected by law and enjoy the rights as other citizens

Also adding his voice on the issue Assistant Minister of Information Albert Jarjar made the salient points:

- More than 90% of journalists death is health related than state sponsored based on data bank PUL had developed
- Need to institute medical insurance for journalists
- Citizens need to be educated on what is impunity
- It is better to encourage the public to take recourse to the court than settle scores for offending publications by other hurtful means
- Government control of registration and advertising is a market dynamics factor of value for money rather than strangulating some media houses out of business
- Many newspapers were paid for backlog advert bills the government owed and so the question of paying \$200 to register media entity as business must not be criticized

The roles and response of CSOs and academia

Frank Sainwola is the Chairman of the Press Union of Liberia Grievance and Ethics Committee as well as lecturer of mass communications at the University of Liberia whose output on the above includes:

- Post war journalist condition is relatively stable - better than before
- Few cases of violence against journalists; two cases of physical harm allegedly committed by security bodyguards
- Journalist need to understand danger zones
- On the other hand, there have been over 10 formal complaints against journalists (print and electronic) from public officials and private citizens for unethical reporting ranging from invasion of privacy to irresponsible reporting.
- A few cases have been investigated, others ongoing and the rest disposed. Some of the findings have been made public – where the journalist in question or the media institution were reprimanded and apologize. An example was a case involving the General Auditing Commission and a particular newspaper.

- There have also been a number of verbal intimidations-An example is the case of FrontPage Africa and its managing editor, Rodney Sieh. This was a threat to free speech that resulted to economic and physical health consequences for the newspaper and the managing editor respectively.

Also adding his voice is the President of the West Africa Journalist Association and erstwhile PUL President Peter Quaqua:

- The safety situation in Liberia is poor, legal frameworks, logistics and remunerations
- Safety not restricted to going to work and return home everyday
- Poor state safety environment for journalist in terms of legal safeguards, logistics and remuneration and benefits for journalists
- No instance of state investigation of attacks on journalism one convened minister Elizabeth Hoff did not come out a verdict but training workshop for victims and perpetrators the journalist and security personnel respectively
- Police professional standard unit cannot be guaranteed to hand down fair judgment involving an officer that attacks or violates the right of journalists
- UNMIL peacekeepers in recent past brutalized journalists
- Journalist need to be professional and understand their limits
- Journalism schools need to include safety issues in curriculum

The President of the PUL K. AbdullaiKamara made the following comments:

- Safety concerns the broader issue of legal environment that is supposed to protect journalist. There is also the issue of safety gears and accesses to cover say the mines which are hardly guaranteed to journalists. The Ebola incident exposed this vulnerability with at least three journalists dying as a result of the lack of protection gears to cover treatment units. There is also the issue of welfare contained in the collective bargaining agreement to be adopted in the upcoming congress. It has a lot of safety requirement such as safe transportation and adequate remunerations.
- Engagement with the security forces to respond to issue of impunity has not yielded dividends. Government always argues that they are supporting free media but media offenses continue to be criminal, very little done to make safety reassurances...

- The recent comment of the Chief Justice about media criticism is a threat intended to cower journalists from reporting on some of their misdeeds; let the court do its work and we will do ours....
- The UN bodies not very much supportive in dealing with safety and impunity issues that confront journalists. Granted, when a journalist is arrested, they human rights section of UNMIL visits, but in terms of tangible effect of such visits, it is hardly noticeable...We don't expect the UN to have an activist approach on attacks on media but let them be more proactive than reactive in engaging stakeholders on the need to protect journalists.
- The relationship between government and journalists is not the friendliest. The government is expected to live up to their expectations in terms of filling gaps in legal frameworks. We will work on journalist ethical infractions in peer review and code of conduct monitoring etc.
- The President's state of the nation address pledging commitment for media reforms is the second time we are hearing this. It is yet to change anything.
- Mass Communication and journalists training content are limited in scope and depth to prepare journalists for safety. Human Rights courses have been embedded overtime in curricular but this is not enough. The courses have to be innovative and functional to the realities on the ground especially at relates to protecting journalist from the various forms violations and abuses.
- The Police are generally brutalizing people; it is not situation that it is because somebody is a journalist that makes them prone to attack. There could be exceptional instances of targeting journalists, but it is more often the general state of things for some Police to violate the rights of people. For instance the Police who recently slapped a female journalist Fascia Harris for taking the photo of somebody arrested for wearing short dress did not know that Fascia was a journalist. It is the same thing in the case of PapieKollie who was dissatisfied with the Police investigation report but he could not identify the areas of contention that would have determined our next line redress seeking action.

The roles and response of media and intermediaries

Deputy Minister Post & Telecommunications Zotawon Titus also provided insight into what this aspect of the indicators reflects in Liberia:

- No regulations for internet and social media users.
- Liberia has an open access background, which means that it has a programme of choice usage – for an example, users can download whatever they want, pornography, games, etc.

- For other countries, they espouse to certain values thereby guiding against insults, etc. For an example, royals will not be insulted as done in Liberia.
- No investigation has been made of internet usage violations
- No guarantees of protection from prosecution for those who use internet or social media platforms
- In short, there are no regulations to sifter contents – for example, if someone posted something about Boko Haran that is far removed from Liberia, it is difficult to deal with based on the concept of open access. Our policies do not support sieving contents. Another example, there are other internet platforms like Google that are not allowed access in certain countries like China. The reason is that these Countries set standards for its citizens in determining the kinds of platforms to use based on security and other factors. For Liberia, it is not the case. So, you can post contents for example on Facebook, maligning me without any trace to a person's true identity.
- Regarding guarantees of protection from prosecution against internet or social media, there are none. If the purpose of using the internet is for knowledge acquisition and information sharing that is not against the laws of Liberia, fine. But, if the internet is used for example, to propagate starting a war in Liberia which is a motive against public safety and security that can be proved, the justice ministry will play its role.
- One of the ideas behind the internet is to create innovative platforms that promote learning, exchange of information and at most bridge the gaps between communities. So, having strong regulations might defeat that purpose. But, if someone for example lies on a person no matter the information channel and that person can be identified, he/she isn't immune from any suit. In order words he/she is not protected from prosecution.

The Result

The views represented here are reliable. They represent an admixture of point of views of journalists and well selected media users and state actors. It is possible to ascribe valid judgment about the results.

A Liberia safety indicator for journalist assessed is telling us that there are problems. The findings are supplying the resultant need to take purposive actions using a stakeholders approach. It is about putting in place systems whilst harnessing existing ones that have not worked well. In this regard the government has the bigger role to play in addressing the journalist safety issues. The obligation on the government here is supplied by the result of the study that finds government officials especially the security as the biggest violators of journalists' rights. If this justification is not enough; what about the cardinal obligation of the state as provided in the constitution and international instruments that the country has ratified? Free media is barometer to measure how

other liberties are enjoyed- Lip service to protecting freedom of expression has collateral effect on the country's good governance measurement-This contradiction about what the state is fashioned on and what it is manifesting relative to freedom of expression generally need to be confronted rather than playing the ostrich-burying head in the sand

What is the complementarity for instance in government's state of the nation address to repeal draconian media laws and the subsequent verbal threats of the chief Justice on the event marking the resumption of a court?

The same action was exhibited in the drafting of media guidelines to cover Ebola Treatment Units- done without involving journalists and stakeholders resulting to a rumpus.

The government action amounts to double-speak to which the PUL has reacted in protests leading to mediation efforts of IREX and other stakeholders.

The UN system has roles to play in this. Their support to media in trainings and other logistical boost is amply in evidence beyond attestation of respondents. They have not been voluble about media violations. This is understandable- they want to be diplomatic without being incendiary. This amounts to double standard according to some schools of thought. It behooves the UN agencies to mainstream safety and or defines direct approaches to tackling impunity relative to journalists' safety.

The PUL and other media development organizations need to step up actions beyond issuance of press release to protest media rights violations. They have to work with other groups to exploit opportunities that proscribe impunity actions. The Human Rights Special Rapporteur of the UN for instance has an avenue for redress that has been scarcely exploited.

There are other actions that militate against assault and court litigations. This speaks to working on media friendly legislations; providing safety trainings and other advocacies that checkmate media rights violations and abuses.

One vex issue for which some section of media has taken exception to the PUL leadership stance in signing an MOU- allowing government to register media houses whilst the PUL registers individual journalist has to be laid to rest within pending media reforms that will cede media registration and regulation to an independent and more representative body. This approach responds to the unpredictability and unacceptability of the policy derived from the military junta about entrance criterion to practice journalism in Liberia.

Clearly the existing curriculum for journalism students is not tailored to provide safety guidelines in traversing the minefields. Courses in media law and ethics are not safeguards enough; where laws are in the law book that regards insult as an offense that induces court actions; physical and other psychological attacks.

Also the proposed decision of the Ministry of Information to approve all advertisement that the government puts out has the potential to disadvantage some critical media houses and put them out of business. This is a veiled censorship. Where perpetrators of media aggression are predisposed to posit the unprofessional reportage of journalists it is the business of editors to sustain the impressive findings of the media monitoring that vindicates journalists from inciting Ebola related violence and stigma.

Assuming that there is a connection between attacks on media and unprofessional conduct; media would promote safety and win public solidarity the more by doing what is right and professional.

Conclusion

Whilst the statistics captured are very revealing, they could not be full proof in the assumptions made. The truth is many of those respondents might have come in with their biases and ignorance of the subject matter. But these inadequacies cannot becloud judgment on patterns and trends such as the court being the most virulent of weapon against media. We have no replay of Charles Gbeyon but there are fresh memories of the Rodney Sieh jailed for as long as he would have defrayed million dollars. We have Philbert Brown whose newspapers the National Chronicle remains closed for purported sensitive security related publications. Other cases have been cited in the report. It is very possible that the study has missed out on other details beyond the sample size. But this can serve as an eye opener to the safety of journalists in all its ramifications in Liberia.

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Report of the PUL Grievance and Ethics Committee

Draft Collective Bargaining Agreement for Liberian Journalists PUL

UNESCO IPDC: The Safety of Journalists and the Danger of Impunity