



# REPUBLIC OF LIBERIA **TRUTH AND RECONCILIATION COMMISSION**

Volume Three:

## **APPENDICES**

**Title VI:**  
Media and Outreach in the TRC Process



## Final Statement from the Commission

Nearly three and half years ago, we embarked upon a journey on behalf of the people of Liberia with a simple mission to explain how Liberia became what it is today and to advance recommendations to avert a repetition of the past and lay the foundation for sustainable national peace, unity, security and reconciliation. Considering the complexity of the Liberian conflict, the intractable nature of our socio-cultural interactions, the fluid political and fragile security environment, we had no illusion of the task at hand and, embraced the challenge as a national call to duty; a duty we committed ourselves to accomplishing without fear or favor.

Today, we have done just that! With gratitude to the Almighty God, the Merciful Allah and our Lord and Savior Jesus Christ, we are both proud and honored to present our report to the people of Liberia, the Government of Liberia, the President of Liberia and the International Community who are “moral guarantors” of the Liberian peace process.

This report is made against the background of rising expectations, fears and anxiety. The vast majority of us who are victims or survivors of the massive wave of atrocities induced by the conflict, expect that all the recommendations contained in this report will be implemented and reparations in the forms of compensation, policy and institutional reforms, specialized services, restitution or financial relief, will address all our social, economic, cultural, civic and political rights issues, ensure accountability, undermine impunity and foster national healing and reconciliation.

The few of us who commanded the force of arms, financed, resourced and provided political and ideological guidance to several warring factions, we fear alienation, prosecutions and other forms of public sanctions which may undermine our current socio-economic and political stature acquired during the conflict period.

Though this latter group of us equally desire national healing and reconciliation, it should be accomplished without any cost to our current standing and prestige. Bygones must be bygones. Having no regard for the rule of law, we ignored the TRC Process and when we opted to cooperate and appear before the Commission, we deliberately lied and failed to speak truthfully about the scale of our participation and deeds as a show of remorse and contrition which acknowledges the pains and sufferings of victims and triggers the national healing and reconciliation

we profess to desire.

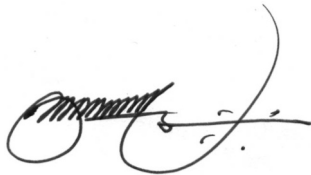
A true transitional justice process, as the TRC of Liberia, is never a perfect human endeavor; and will not satisfy all segments of our society. It is equally true that the TRC may never meet all the expectations or allay all the fears of contending interests it naturally arouses. Expectations, fears and anxieties, justifiably so, are products of the TRC process and not its outcome. The process is what justifies or legitimizes the product or the outcomes.

The outcome in this report is the product of deliberate planning and engagement with all segments of our society centering on all 15 counties of Liberia and the Diaspora. Capturing over 22,000 written statements, several dozens of personal interviews and over 500 hundred live public testimonies of witnesses including actors, perpetrators, and direct victims; a national regional consultation with county stakeholders and a national conference on reconciliation and the way forward provided the Commission a national perspective of the conflict, its causes, trends, impacts and the vision and aspirations of the people of Liberia for a better future. The Commission incorporated desk research, media publications and human rights reports of very prominent international and local human rights institutions into its work. So guided and informed, the Commission is well poised to make this report and draw the conclusions and make the recommendations contained in this report which in four volumes documents the comprehensive work of the Commission.

We extend appreciation to all, locally and internationally, who supported and worked with the Commission to ensure it succeeded at its mandate. We mention the Government of Her Excellency, Ellen Johnson-Sirleaf, the National Legislature including the House Standing committee on Peace and Reconciliation, The International Contact Group on Liberia (ICGL), Minnesota Advocates for Human Rights and the hundreds of volunteers across the USA, the media and dozens of civil society institutions, who were very interested and supportive of the process and lastly but not the least, the people of Liberia everywhere, not only for their support but most importantly for their abiding faith and confidence in the process and our ability to successfully navigate and pilot suavely through the many turbulences we encountered along the way.

We call on all to view this report and use it as a tool, blueprint and foundation for carving a better, brighter and more secured future for posterity. The purpose of our work was not necessarily to please anyone

but to objectively and independently execute the mandates of the TRC realistically and objectively in patriotic service to the nation in unraveling the truth of our national nightmare. This report is our roadmap to liberation and lasting peace which means that reconciliation in Liberia is never again an elusive goal. It is both a possibility and a reality we must achieve by opening our hearts and accepting the realities and consequences of our national existence and move forward. This report is a contribution to that process and it is our prayers that all Liberians will see it that way and work for the full implementation of the recommendations without fear or favor or respect for any man. When we do this, the love of liberty “which brought us here” will “bring us together” under God’s Command so that this sweet and glorious land of liberty will forever be ours.



**Jerome J Verdier, Sr.**  
**Counselor-at-Law**  
**Chairman**

*Dated in Monrovia this 30th day of June A.D. 2009*



## ACKNOWLEDGEMENT

The TRC is most grateful to the Liberian media at home and in the Diaspora for the partnership with the TRC in the implementation of the Commission's mandate and in particular to the recent past and current administration of the Press Union of Liberia (PUL) for the level of cooperation with the TRC and cordial working relationship between the both institutions.

Special appreciation goes to the Atlanta Friends of the Liberian TRC especially the Carter Center for organizing and hosting forums and workshops with the Liberian Community in Georgia on the TRC process and initializing the forum on the media and the conflict from which activities the idea for a media hearing of the TRC on the role of the media in the conflict was born.

We extend deep appreciation to UNESCO for funding assistance to the TRC for the holding of the special thematic hearing on the media and training workshop for Liberian journalists with the PUL.

We are deeply grateful to the International Center for Transitional Justice (ICTJ) for training of journalists on transitional justice mechanisms and the TRC's mandate and assistance with facilitating the media's role in developing the Journalists Code of Conduct for covering the TRC process and assistance with training of statement takers on Budumburam refugee camp in Ghana.

We are especially deeply grateful to the Advocates for Human Rights and management partner Sutherland Asbill and Brennan LLP, Kara Apland and Ben Guthrie for extensive research conducted on the Liberian media and producing a comprehensive draft of the media report. Josh Curry of Sutherland Asbill and Brenna LLP efficiently and tirelessly worked with the TRC ensuring timely coordination of information for this report.

Thanks also go out to all local, international journalists and media practitioners who participated in the media hearings and the PUL workshop and a big thank you to the Liberia media for support of the TRC process.

We remain indebted to the Georgia Tech University of Atlanta, Georgia, especially Dr. Michael Best who led the effort and his entire team including John Etherton of the Liberian project for adding value to the TRC process through support of the IT department, media and outreach efforts of the Commission and their availability to assist the TRC whenever called upon. We appreciate John Etherton for going the extra mile to help.

Finally but importantly, we want to acknowledge and also appreciate the hard work of the TRC Diaspora Media Committee particularly the point person Mr. Sam Togba Slewion of the Liberian Community in Philadelphia for the effective manner in which information about the process was disseminated amongst Liberians in the USA and the commitment in ensuring that the TRC's work was known to members of that Community and beyond and for assisting with coordinating, organizing and facilitating the various Diaspora, USA engagements. Thank you.



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## Section 1: Introduction

This report explores the role of the news media in the Liberian civil conflict from 1979 to 2003. The report examines the effects of conflict and government actions on the media and conversely the effects of the media on Liberia's internal conflict. In particular, the report explores the media's role in the intensity and duration of the civil conflict, provides an analysis of the relevant legal standards, and describes the current status of the Liberian news media. Finally, the report makes recommendations for the future of the press in Liberia.

Information for this report was drawn from four types of sources: (1) print-based scholarly research (e.g., books and journals); (2) reports published by human rights and journalist rights non-governmental organizations (NGOs) and international NGOs (INGOs); (3) news articles published by the international and Liberian media; and (4) interviews with nine individuals who were active journalists during the conflict or are scholars focused on conflict studies and Liberia.

Understanding the role of the media in the Liberian conflict requires some knowledge of Liberian history. Liberia was founded in 1822 by freed men and women of color from America. The American Colonization Society, a philanthropic organization whose members included Thomas Jefferson and James Monroe, paid for the founding colonists' voyage to western Africa. The Americo-Liberian settlers declared Liberia an independent nation in 1847, making Liberia the oldest independent state in Africa. The Americo-Liberian settlers ruled Liberia but they did not integrate into the greater African tribal society, preferring to keep their distance as members of the elite upper class. This would prove to be an important fact of the Liberian conflict.

A number of government administrations and rebel factions are discussed in this report. William Tubman, who was Liberia's longest serving president, was elected in 1944 and served until his death in 1971. William R. Tolbert, Jr., who succeeded Tubman as President of Liberia in 1971, held that office for 19 years until 1980, when he was killed in a bloody coup led by Samuel Kanyon Doe. Doe, who became Head of State in 1980, was the first non-Americo-Liberian to hold that office. On December 24, 1989, Charles Taylor launched an armed uprising from the Ivory Coast into Liberia to overthrow Doe's government. Taylor's forces were known as the National Patriotic Front of Liberia (NPFL). Another faction of fighters, led by Prince Johnson and known as the Independent National Patriotic Front of Liberia (INPFL), was initially allied with Taylor. The war lasted for about fourteen years during which time many other rebel factions emerged including; ULIMO, ULIMO-K and J, the Liberian Peace Council (LPC), Liberians United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL), Lofa Defense Force (LDF), etc.

In 1990, the Economic Community of West African States (ECOWAS) sent a group of peacekeepers to Liberia. This peacekeeping force was called the Economic Community of West African States Monitoring Group (ECOMOG). The fighting continued, and, in 1990, Doe was killed while in Prince Johnson's custody. Johnson made a home video of Doe's death which was transmitted throughout Africa and the world.

After Doe's death, an interim government was established in 1990 under the leadership of Dr. Amos C. Sawyer. Sawyer resigned in 1994, transferring power to a power – sharing Council of State (an interim government comprising representatives of warring factions and political parties). There were several Councils of State until Taylor won the Presidential election in 1997. After much intense and violent conflict, Taylor was elected President of Liberia in 1997. Finally, in 2003, under mounting pressure from the international community and domestic enemies, Taylor was forced to resign giving way to the Comprehensive Peace Agreement brokered in Accra, Ghana and the Interim government of business man Gyude Bryant subsequently leading to the 2005 elections of Mrs. Ellen Johnson-Sirleaf as President of Liberia.

## Section 2: Summary History of the Liberian Media

Under Americo-Liberian rule, the Liberian media was a microcosm of Liberia's political system. The media was owned and operated by the elite upper class and existed largely for the benefit of that class. Ties between the media and the government were close, and most news outlets were either censored by the government or practiced mild self-censorship. Coverage of political issues was "sycophantic, hardly newswy."<sup>1</sup> Yet, in comparison to the overt repression that would occur under the Samuel Doe and Charles Taylor governments, the media under Americo-Liberian rule was fairly free of oppression.

The first newspaper published in Liberia was the *Liberian Herald*, published by Americo-Liberian settler Charles L. Force beginning on February 16, 1826.<sup>2</sup> Although Force's death later that year marked the end of the *Liberian Herald*, a continuous supply of small, generally short-lived newspapers would appear in later years. Several of these newspapers earned a reputation for independent thought because they advocated for political debate and challenged government practices.<sup>3</sup> Carl Patrick Burrowes, a scholar of the history of the Liberian media, describes the nineteenth century as a period of unfettered freedom for the press.<sup>4</sup> It was not until early in the twentieth century that the government began to restrict media rights.

Two important events signaled the changing of the tide: the first was the 1905 libel trial of journalist N.H. Cassell, and the second was the enactment of criminal libel and obscene libel laws in 1916.<sup>5</sup> These early twentieth century libel laws banned news on certain subjects if the information was printed with the intent to destabilize the country. The passage of the 1916 libel laws marks the beginning of a period in which freedom of expression rights were subjugated to national stability or national unity concerns, as determined arbitrarily by the state. National stability and national unity rationales would later become the primary justification for further subjugating the press during the Liberian civil war beginning in 1979. In 1924, another law was passed, outlawing "deceptions and lies deemed harmful in matters of public affairs."<sup>6</sup> This 1924 law also shifted the burden of proof in any criminal trial to the accused notwithstanding language to the contrary in the Liberian Constitution.

Despite the legislative deterrents, the Liberian press continued to engage in open reporting until the first overt attempts to stifle freedom of expression by the Tubman

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<sup>1</sup> Momo K. Rogers, *The Liberian press under military rule*, 21 *Liberian Studies Journal* 1, 7–32 (1996).

<sup>2</sup> Ayodeji Olukoju, *Culture and Customs* (Greenwood Press 2006).

<sup>3</sup> *Id.*

<sup>4</sup> Carl Patrick Burrowes, *Modernization and the Decline of Press Freedom: Liberia 1847 to 1970*, Journalism & Mass Communication Monographs (Dec. 1996).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

administration.<sup>7</sup> In 1948, the editor of the *African Nationalist* was accused of plotting to overthrow the government. Bypassing the court system, a legislative tribunal tried him and found him guilty.<sup>8</sup> The greatest attacks on the press occurred in 1955, during the presidential election period. President Tubman “resorted to sheer gangsterism to cow the opposition and to muzzle the press.”<sup>9</sup> Journalists who wrote articles criticizing or embarrassing Tubman or the True Whig Party were arrested, jailed, or fined.<sup>10</sup> In addition, Ayodeji Olukoju, a Liberian studies scholar, reports that government forces physically attacked journalists and media offices.<sup>11</sup> It was these incidents that would set the tone for the coming years.

In addition to overt attacks on journalists and media outlets, the Tubman administration used its financial resources to discourage negative press. Journalists and news outlets friendly to the government were subsidized and allowed greater freedom to operate.<sup>12</sup> As a result of Tubman’s attacks on press freedom, talented young Liberians were discouraged from practicing journalism and opted for safer, more lucrative careers.<sup>13</sup> The Tubman administration also discouraged journalistic education. By the time President Tolbert took office in 1971, the Liberian media was completely stagnant. In the early 1970s, Tolbert took steps to reform and rejuvenate the media but these reforms and liberalizations ended when he banned the student newspaper *Revelation* for printing an article critical of his brother’s business practices. President Tolbert’s failed media reforms, however, gave the people of Liberia a taste of freedom of expression that would help spur growth in the independent media after Samuel Doe took office.<sup>14</sup>

The Tubman and Tolbert regimes’ treatment of the press set a dangerous precedent of government restriction of press freedom that was continued and intensified during Liberia’s civil war. By the time Samuel Doe took office on the heels of a bloody coup in 1979, government censorship of the media in the name of national security or national unity was the norm, and several media outlets were widely used to spread government propaganda. No doubt these practices made it easier for later regimes to repress and victimize the media. However, in comparison to the crimes committed after 1979, Isaac D. E. Bantu, a former president of the Press Union of Liberia, is able to look back on the Tubman and Tolbert administrations as “the golden years.”<sup>15</sup> Even though the government put pressure on the media not to publish certain articles, he said, journalists were not tortured or murdered.<sup>16</sup>

<sup>7</sup> C. William Allen, *Soaring above the cloud of mediocrity*, 15 *Liberian Studies Journal* 1, 74–84 (1990).

<sup>8</sup> Burrowes.

<sup>9</sup> Olukoju.

<sup>10</sup> Burrowes.

<sup>11</sup> Olukoju.

<sup>12</sup> Burrowes.

<sup>13</sup> Allen.

<sup>14</sup> Adewale Maja-Pearce, *The press in West Africa*, 19 *Index on Censorship* 6, 44–73 (1990).

<sup>15</sup> Interview with Isaac D.E. Bantu (Aug. 9, 2007) (on file with author) (hereinafter “Bantu Interview”).

<sup>16</sup> *Id.*



## General History of the Print Media

The Press emerged as an institution in Liberia during the 19<sup>th</sup> century following the arrival of an American Negro printer Charles L. Force to the colony of Liberia. Charles Force as stated earlier printed and edited Liberia's first independent newspaper "The Liberian Herald" on a hand-operated press on February 7, 1826. The printing press which was purchased for \$591.96 was given to Force as a gift to the colonists by the Massachusetts Colonization Society. The machine was sent with a promise of one year free operational financing by the society.

The Liberian Herald was four pages with each page having three columns wide and published monthly. Unfortunately the paper went out of circulation few months after the death of Mr. Force. However, with the timely arrival in 1829 of John B. Russwurm of Maine, the first Negro graduate of the Bowdon College in the USA, the Herald was again revived. But its format was changed with the addition of a fourth column; the length of the page was also increased from ten inches to fifteen inches.

Russwurm's first issue of The Herald was published on March 6, 1830. Mr. Russwurm, a former editor of The Freedom Journal (the first Negro weekly in America), sold The Herald on subscription at \$2.00 annually. He published the paper until he was appointed as governor of Maryland (Liberia) in 1836.

With the appointment of Russwurm, the vacant editor's position was taken over by Mr. Hilary Teage. Mr. Teage published the paper successfully for ten and a half years until 1847 when health compelled him to give up the editorship to Hilary R. W. Johnson. Under Johnson's administration, the Herald went into print for eight years. But after his appointment as private secretary to Stephen Allen Benson (Liberia's second President) in January 1856, he exited the profession.

Hilary Johnson was succeeded by Edward Wilmot Blyden, a West Indies scholar well learned in Latin, Greek and Arabic literature. A naturalized Liberian, Mr. Blyden published the Liberian Herald until 1862, when he left to take up his new assignment as professor at Liberia College, now University of Liberia.

After Blyden's appointment in January 1862, the Liberian Herald vanished from the market. The largest collection of the Herald is today preserved in the Maryland Historical Society Library in America.

Liberia's and Africa's first independent newspaper perished due to the lack of manpower; and perhaps the Liberian government's inability to provide financial assistance for its continuous operation.

When Liberia gained her independence in 1847, subsidy to the paper from the Massachusetts Colonization Society was withdrawn. The Herald was therefore printed for fifteen and a half years with financial aid from the Liberian government until its closure in 1862.

It is worthy to note that in spite of the society's one year's promise to subsidize the paper, she (Massachusetts Colonization Society) subsidized the paper for seventeen and a half years with the exception of the three years none publication period (1826 - 1829). The paper was therefore printed successfully for 33 years.

It is important to point out also, that The Herald newspaper did not publish news articles critical about the government because of government's subsidy to the paper. Secondly, three out of the five editors received political appointments. The remaining two, Charles Force (first editor) died few months after the paper started and Hilary Teage (third editor) fell ill. Blyden was presumably the Liberian Herald's last editor.

Three independent newspapers – The Liberian Star, The Amulet, and Africa's Luminary – which came into existence in 1839 remained in circulation after the closure of The Herald. But due to the scarcity of population, high illiteracy and low level of per capita income, these papers also became short-lived. However, The Luminary was the longest survivor of the papers. It existed for seven years. The Luminary was published semi-monthly by the Committee of the Missionary Society of the Methodist Episcopal Church in New York and printed by the Methodist Mission Press in Monrovia. Rev. John Seys was its editor.

With the closure of the above mentioned newspapers, two other newspapers, the Sentinel and The Liberia Advocate were started. The Sentinel was started in August 1854 by Edward J. Roye, a merchant who came to Liberia on January 7, 1846. He became speaker of the House of Representatives in 1849. He was Liberia's fifth President and also one of the country's wealthiest man. The publication of this paper was suspended when Roye decided to practice law.

The Liberian Advocate was started by E.S. Morris on January 1, 1873. The objective of the paper was to Christianize Liberians, especially native Liberians, through education. When Morris returned to America in 1876, publication of the paper was abandoned. The motto of this paper was "Christian Liberia, the Open Door to Heathen Africa."

Sixteen years after the closure of The Sentinel and The Advocate, 24 private papers came into existence. Three out of the 24 published articles critical about the national government and its officials.

These were: 1) The African Nationalist, published weekly 2) The Friend, bi-weekly and



### 3) The Independent weekly newspaper.

The African Nationalist editor, Mr. C. Frederick Taylor, was convicted by the Legislature in 1939 for seditious libel and contempt. He was imprisoned and released on parole. After his release, he published another article on President William V. S. Tubman, which was labeled as libelous. He was arrested and imprisoned for 15 years. He died after his release (the paper had collapsed with his arrest).

The Friend newspaper started by Mr. Samuel Richards was critical of the True Whig Party's political policies. The paper was already on the verge of collapse when political opponents broke into its offices at night and hastened its closure by smashing its equipment.

The Independent Weekly was started by individuals who opposed the Tubman regime. The paper encountered its first major problem in 1955 when its editor Mrs. Bertha Corbin, a naturalized Liberian from America, was arrested by the legislature for contempt, fined \$1,000.00 and imprisoned for six months. Equally so the writer of the article Mr. Tuan Wreh was arrested and tried by the Judiciary Committee of the legislature for criticizing the legislature in his article. He was sentenced to six months imprisonment. The Independent Newspaper was banned. Mrs. Corbin and Mr. Wreh were banned from writing or publishing newspapers in Liberia.

The remaining 21 independent newspapers, which did not write critical articles on government activities, were closed because of poor management, lack of funds and market penetration. The only exception among this group was the Recorder which was edited by Rev. Nathaniel H.B. Cassell, professor of Mental and Moral Philosophy in Liberia College (University of Liberia). The paper survived for 25 years and discontinued in 1938 when Editor Cassell became President of Liberia College and Rector of the Trinity Memorial Church in Monrovia. The Recorder was published fortnightly and was one of Liberia's most influential papers.

### **History of the Electronic Media in Liberia**

In 1926, the Firestone Plantations Company entered into a concession agreement with the Government of Liberia to cultivate rubber in the country. Two years after the agreement was entered into, the attempt to establish a radio station in Liberia was made by Firestone in 1928. Though the company interest was in rubber cultivation, the radio station was needed to communicate with employees as well as its headquarters in Ohio, USA.

Later, the radio apparatus was installed along the Du River in Marshall Territory (now Margibi County). This successful experimentation culminated into the promulgation

of the organization of the “United States-Liberia Corporation in 1928.” The “Corporation offered an eight hour regular commercial broadcast service to the public weekly beginning at 8:30 AM.” Since the company was only interested in rubber cultivation, the entire venture did not gain ground.

On May 18, 1928, Mr. Harvey S. Firestone made the first radio message in Liberia. On this day, he transmitted a message to his father in Akron, Ohio and this was the first time that public radio communication directly existed between America and Liberia. In that same year the United States-Liberia Radio Corporation was established and regular commercial services were offered to the Listening public with a weekly radio program which ran from 8:30 am to 9:00 pm.

In December 1928, Firestone made a worldwide broadcast of his New Year’s greeting to his plantations workers. The Firestone management used Morse code mounted upon a table outside of the station to carry on communication between Ohio, USA and Harbel, Liberia, where the Firestone Plantation is headquartered. The station was mainly set up to entertain the employees and staff of Firestone.

After the move to establish radio communication prominently in the country failed, an America military doctor, Colonel John B. West, in 1944, visited Liberia on the US Public Health Mission and decided to remain in the country. West’s interest in radio moved him to mount a radio station on his residence. Finally, this home-operated radio became Liberia’s national radio station. After improving on its quality, Col. West named the station the Liberia Radio Service (ELRS). Between 1959 and 1960, the name ELRS was changed to that of the Liberia Broadcasting Corporation (ELBC) when the Liberian Government joined in a partnership with a London based commercial organization called Redifussion. In 1960, ELBC officially became a government-owned station. The government acquired full ownership of ELBC in 1963 and took over the management in 1968.

ELBC operated under the supervision of the Liberia Broadcasting Commission, a body which was responsible to regulate broadcasting activities in the country. At that time the station was still managed by the British firm, Redifussion. Its General Manager was Mr. Hedley Chambers. The short and medium wave radio station operated on a 210 kilowatt transmitter.

Under the partnership agreement, the British firm was responsible to produce and solicit advertisement for the station. Of the 100% stock, the British firm controlled 51% while the Government of Liberia controlled 49% and under the agreement, the Liberian Government did not play a major role in the programming and decision making policy of the station. Redifussion was free to introduce programs that catered more to advertisers than the Liberian audience or the government; this was done to protect the

economic interest of the company.

### **Television in Liberia**

In 1964, a television station was established in Liberia through a contract signed between the Liberian Government and the London based Redifussion Ltd. The station was launched under the management of ELBC and all of its facilities were taken over by the government. Prior to the civil conflict in Liberia, the station had expanded its services to areas outside the 40 mile radius, including Buchanan, Grand Bassa County; Voinjamin, Lofa County; Robertsport, Grand Cape Mount County; Gbarnga, Bong County; Tubmanburg, Bomi County. This effort was made possible through the installation of a 500 watt modulator and a high gain antenna.

The TV station operated on a 1 kilowatt transmitter with a range of 50 miles. The station also operated a UHF Band III.

In 1968, four years later, the ownership of ELBS reverted to the Liberia Government and the government resumed management of the station through the Liberia Broadcasting Corporation. In the same year, Mr. G. Henry Andrews became the station's first General Manager.

The corporation became a public corporation in 1972 under the supervision of the Ministry of Information, which formulated guidelines and policies in relation to programming with the Minister as the Chairman of the Board of Directors.

Decree # 20 was signed on October 10, 1980 and published on June 26, 1981 establishing the Liberia Broadcasting System along with the Liberia Rural Communications Network, as a component of the system.<sup>17</sup>

### **The Liberian Society and the Media**

Little systematic research has been conducted on the Liberian media and even less on freedom of the press. The old constitution of 1847 provided that no laws should be made to restrict press freedom, and that every man is free to speak or write on any subject, being responsible for the abuse thereof. The 1847 Constitution guaranteed that the press is free to criticize the government and its officials in their conduct of public office as well as all other persons and organizations whose activities affect the public welfare.

But the Publication Act of February 8, 1924 made it criminal for any person to maliciously make, publish or expose for sale to the public view any writing, engraving, drawing or effigy, falsely charging the President of Liberia or the diplomatic

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<sup>17</sup> Cote, Henry B. June 4, 1960. The Press in Liberia, UNESCO Conference, Dakar University

representatives of any foreign government with the commission of any act which, if true, would warrant a criminal prosecution against such official, if the intent for doing so is to defame, degrade, revile or expose to the public hatred, ridicule and contempt any aforesaid officials or disturb the friendship and peace between any foreign government and Liberia.

Penalty against any person convicted of this offence was a fine of not less than \$300.00 or more than \$1,000.00 together with imprisonment ranging from six months to two years, depending on the gravity of the case. Also in 1925, a false publication act was passed. According to the code, "It is not an excuse to make true statement of fact, or express an opinion, whether such opinion be correct or not as to the qualifications of any person for public office."

The Act of 1925 placed restraint on any person making harmful and false statements, even though carelessly. Any person guilty of this crime is liable to a fine of \$50.00 to \$100.00.

After the April 12, 1980 military takeover, the 1847 Constitution was suspended by the people's Redemption Council military regime. But no specific law was promulgated to restrict press freedom in Liberia. Under PRC Decree 46, the National Communication Bureau under the umbrella of the Ministry of Information is solely responsible for the implementation of laws affecting journalism in Liberia. Decree 46 further authorized the Bureau to monitor all communications entering and leaving the country. The Bureau was also to serve as a regulatory and enforcement body of the government in all matters relating to communication in Liberia.

The Bureau was mandated to set and enforce professional journalistic standards for all publication which does not conform to these professional standards. The Bureau was also empowered to regulate the importation, exportation, distribution or publication of books, periodicals, newspapers, booklets, tracts, etc and had the right to ban any of the aforementioned materials.

The National Communication Bureau could recommend to the Ministry after a hearing, the suspension of the license of any journalist who violates any section of Decree number 46 or any regulations promulgated by virtue of same. And the decision of the minister who served at the will and pleasure of the head of state shall be the final in all cases involving journalists and journalism in Liberia.<sup>18</sup>

Then came the promulgation of PRC Decree 88A which prohibited the government and its officials from public scrutiny. It also forbade open discussions on national,

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<sup>18</sup> PRC Decrees

international and political issues. The absence of press freedom and freedom of speech as a result of this decree made it very difficult for any journalist to effectively carry out his/her duties without being arrested or detained.

In regards to freedom of thought and conscience, October 19, 1983 Constitution of Liberia states in Chapter Three, Article 15, that: "Every person shall have the right to freedom of expression, being fully responsible for the abuse thereof." According to the new constitution, "this right shall not be curtailed, restricted or enjoined by government except during an emergency declared in accordance with the constitution."<sup>19</sup>

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<sup>19</sup> Revised Constitution 1983

### Section 3: The Media in Liberia under the Doe Government

Under the government of Samuel Doe, the Liberian media experienced tremendous change, both positive and negative. If the years under Americo-Liberian rule had been somewhat stagnant, the changes under the Doe regime were striking. This era saw both the growth of independent news outlets as well as an increase in state repressive measures. Ironically, these two trends appear to be interrelated. In the early 1980s, several new newspapers entered circulation with editorial policies that reflected a new vision of the press as a watchdog that would hold the government accountable to the people of Liberia. These media outlets were often unafraid to publish articles critical of the government. Their boldness led the Doe government to step up the repressive measures taken against the press. Even without the growth of independent news outlets dedicated to keeping a watchful eye on the government, it is possible that the Doe administration would have been more repressive than its predecessors. However, whatever the cause, the consensus among both the individuals interviewed and the texts consulted is that, under the Doe administration, the Liberian media enjoyed less freedom and was subject to greater and more overt repression than at any previous point in Liberian history.

#### 3a. The Early Years under Doe

As repressive toward the press as the Doe administration later turned out to be, this was not evident during the first six months to a year after Doe seized power. Momo K. Rogers, a Liberian media scholar, calls this the “honeymoon period” between the Doe government and the media.<sup>20</sup> As was the case throughout Liberian society in general, the coup raised hopes and expectations for change and for the establishment of new freedoms. A week after the coup, the weekly news magazine *Focus* ran the headline: “Press Freedom at Last!”<sup>21</sup> The article went on to quote Gabriel Nimely, Minister of Information, Cultural Affairs, Tourism, and Broadcasting, as saying that the press would have full freedom to report, but would be held to new standards of honesty and accuracy. In many other public statements, government spokespersons, ministers, and President Doe himself repeated the theme of “freedom with responsibility.”<sup>22</sup>

In the hopeful atmosphere that followed the coup, the Liberian press grew rapidly. Between 1980 and President Doe’s ouster in 1990, over thirty private newspapers were founded in Liberia.<sup>23</sup> All of these new newspapers were independent of the government to varying degrees, and some were apolitical, devoted to sports coverage. The new newspapers that had the most impact on Liberian society were the *Daily*

<sup>20</sup> Momo K. Rogers, *The Liberian press under military rule*, 21 *Liberian Studies Journal* 1, 7–32 (1996).

<sup>21</sup> *Id.*

<sup>22</sup> Ayodeji Olukoj, *Culture and Customs* (Greenwood Press 2006).

<sup>23</sup> *Id.*



*Observer*, *Footprints Today*, and the *Sun Times*. The *Daily Observer* was the first of the new newspapers, and it was launched on February 16, 1981. Published by Kenneth Y. Best and edited by Rufus M. Darpah, the *Daily Observer* was the first newspaper to embody the new spirit of the Liberian press. Its debut editorial stated: "For nearly sixty years Liberia has lacked a free press."<sup>24</sup> The *Daily Observer* clearly relished the prospect of solving that problem.

The transition from promises of press freedom to overt repression centered around the issue of the responsibility of the press. This theme was present even in the earliest pronouncements of the Doe government, although few, if anyone, realized what "responsibility" would eventually come to mean. Momo Rogers writes that the Liberian press initially took government proclamations about media accountability to mean that rigorous standards of integrity would be upheld.<sup>25</sup> Given that the pre-coup media had been generally sympathetic to or controlled by the government, it was the general consensus that the media would benefit from higher reporting standards. What the Doe administration had in mind, though, was far different. For them the term "responsible journalism" served as a thinly veiled method of forcing the press to censor itself.<sup>26</sup> News stories that were deemed disagreeable or threatening to the government were labeled "irresponsible" and "lies and misinformation."<sup>27</sup> Freedom of the press existed only within the bounds of government defined responsibility, and therefore it existed in name only. Government enforcement of "responsible journalism" became the justification for systematic violations of media rights.

### 3b. Outlets, Capacity, and Audience

At the beginning of President Doe's period in office, several independent radio stations were broadcasting in Liberia. The majority of these stations were international outlets: the BBC, Radio France, and Voice of America (VOA). The international outlets had significantly more resources than the local stations, and thus their broadcast signals were able to reach most, if not all, of Liberia. In addition to the international stations, there was also a domestic radio station, ELCM (later called Radio Veritas), whose relatively independent editorial policy landed it in trouble with the government. ELCM was affiliated with the Catholic Church, although it is not clear whether ELCM's support and direction was local or international.

With the exception of the international outlets, the only radio station with the capacity to broadcast to the entire country was the Liberian Broadcasting System (LBS). It

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<sup>24</sup> Rogers.

<sup>25</sup> *Id.*

<sup>26</sup> Michael Alexander Innes, *Political Communication in Wartime Liberia: Themes and Concepts* (Ctr. D'Études Des Politiques Étrangères et de Sécurité, Paper No. 26, May 2004), available at <http://www.er.uqam.ca/nobel/cepes/pdf/no26.pdf>.

<sup>27</sup> *Liberian newspaper banned in Monrovia*, Xinhua General Overseas News Service, Apr. 7, 1988.

accomplished this through the Liberia Rural Communications Network (LRCN), a project started by the Tolbert administration and completed by the Doe government, with financial assistance from USAID.<sup>28</sup> It is almost certain that more radio stations were founded between 1979 and 1990, but an exhaustive list is nearly impossible to compile. The other stations were small, local stations with short broadcasting ranges. In some instances, various special interest groups including church groups would start a radio station to serve their own members. These smaller stations were either short-lived, because of resources, or out of reach of the larger cities. Thus, they likely had no effect on the course of the Liberian conflict. In addition, a BBC correspondent working in Liberia during 1990, stated that as the conflict intensified there was no local media and that international media outlets were the only source of information for many Liberians.<sup>29</sup>

It has already been mentioned that in addition to the *Daily Observer*, the *Sun Times* and *Footprints Today* were popular, well-edited newspapers. It should be emphasized, however, that newspapers were rarely read outside of Monrovia, and within Monrovia newspapers were only read by a small, elite percentage of the population. This was a result of both economic and educational constraints, although economic concerns appear to be what stopped most Liberians from reading newspapers.<sup>30</sup>

### 3c. Repression of the Media by the Doe Administration

The “honeymoon period” that the press and the government enjoyed initially proved to be short-lived, as were the hopes for a free press. On April 20, 1980, the Liberian government issued the following directive: “Foreign journalists arriving in the country to cover the current state of affairs are asked to report at the Ministry of Information, Cultural Affairs and Tourism and Broadcasting for proper accreditation. Foreign journalists are also informed that all press activities, including the filing of telex messages, will be coordinated through the Ministry of Information.”<sup>31</sup>

On March 3, 1981, Tom Kamara, editor-in-chief of the newspaper *New Liberian* was arrested by police director Joe Y. Myers after publishing a story about a budget crisis within the police agency. This arrest was quickly denounced as “bad and wrong” by Chairman Joseph K. Sampson of the Liberian People’s Redemption Council Ministry on Information. However, Chairman Sampson’s denouncement had little effect and such arrests would become increasingly common.

In September 1981, Col. Gray D. Allison, who replaced Gabriel Nimely as Minister of

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<sup>28</sup> Innes.

<sup>29</sup> Interview with Elizabeth Blunt (March 12, 2008) (on file with author) (hereinafter “Blunt Interview”).

<sup>30</sup> Blunt Interview; Interview with William Reno (Mar. 10, 2008) (on file with author) (hereinafter “Reno Interview”).

<sup>31</sup> *In brief: Announcement to foreign journalists*, BBC News, Apr. 21, 1980.



Information, announced that the government would begin to enforce a new directive “giving the ministry the mandate to edit all releases and announcements by or about Government or its agencies.”<sup>32</sup> By this point, the *Daily Observer*, which was initially friendly to the government, had already been banned by the state from printing for a month (beginning June 23, 1981), after publishing letters to the editor reacting to a government ban on student leaders at the University of Liberia.<sup>33</sup> The paper was again banned on November 4, 1981, this time for two months, for publishing an article criticizing the unsanitary conditions in Monrovia. The paper was banned three more times between 1981 and 1985. In January 1985, it was banned on the orders of President Doe because President Doe apparently felt that an issue of the *Daily Observer* gave more coverage to a trade union dispute than one of his speeches. The *Daily Observer* did not resume publication until late 1986.<sup>34</sup>

Closures of media outlets became the primary method of censoring the news media under the Doe administration. The most frequent targets were the three newspapers most willing to challenge the government: the *Daily Observer*, *Footprints Today*, and the *Sun Times*. In 1986, President Doe fined the *Sun Times* \$3,000, effectively closing the paper because it was unable to pay the fine. When the Press Union of Liberia (PUL) protested this action, which had bypassed the legal system, President Doe responded that the *Sun Times* was a threat to national unity.<sup>35</sup> The paper was again banned from printing in April 1988.<sup>36</sup> Less than a week later, *Footprints Today* was banned from publishing. The closure was reportedly prompted by the paper’s publishing of a letter that “castigated” President Doe.<sup>37</sup> To protest these closures, the PUL organized a weeklong media blackout.

Violating a government ban carried severe consequences. In March 1986, the offices of the *Daily Observer* were destroyed by fire a day after Kenneth Best announced that the paper would resume publication despite a government ban.<sup>38</sup>

In addition to closing media outlets, the Doe administration used harassment and arrest to deter journalists from publishing unfavorable stories, and to punish those who did. In February 1984, Willis Knuckles of the *Daily Observer* was arrested and held without charge at the Bella Yallah Prison for several days, during which he was tortured.<sup>39</sup> During the same year, Rufus Darpoh was detained without charge for six months after reportedly “printing anti-government articles for the foreign press.”<sup>40</sup>

<sup>32</sup> Rogers.

<sup>33</sup> Adewale Maja-Pearce, *The press in West Africa*, 19 Index on Censorship 6, 44–73 (1990).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Liberian newspaper banned in Monrovia.*

<sup>37</sup> *Liberian newspaper banned and journalists arrested*, BBC News, Apr. 13, 1988.

<sup>38</sup> *Ban on press union, teachers, and students’ groups lifted*, Associated Press, Mar. 5, 1986.

<sup>39</sup> Amnesty International, *Submission to the Truth and Reconciliation Commission of Liberia*, Sept. 4, 2006, <http://asiapacific.amnesty.org/library/Index/ENGAFR340062006?open&of=ENG-LBR>.

<sup>40</sup> *In brief: Release of journalist detained in Liberia*, BBC News, Nov. 11, 1984.

Appendix 1 to this report, describing media rights violations that occurred between 1980 and 2003, contains further examples of such arbitrary arrests and beatings of journalists.

One of the most widely publicized incidents during the mid 1980s was the murder of journalist Charles Gbenyon. Gbenyon, a broadcast journalist working for the LBS, was killed by security forces in late November 1985 at the Executive Mansion. Several TRC witnesses including fellow journalists informed the TRC that Gbenyon was arrested by Doe's soldier, stripped naked and taken to the Mansion and killed. One eye witness stated that Gbenyon was taken to the mansion to President Doe before being killed. He was escorted out of the President's office outside to the front (beach side) of the mansion where he was laid flat on the ground with his face towards the sun and his throat slit. He was reportedly buried on the beach behind the mansion. One explanation for his death suggests that he was accused of showing support for Thomas Quiwonkpa during Quiwonkpa's failed 1985 coup attempt.<sup>41</sup> Gbenyon's former colleague, Isaac D.E. Bantu, simply says that Gbenyon was killed "reportedly for his anti-government reporting."<sup>42</sup> Suah Deddeh writes that Gbenyon was in possession of a taped interview with the head of the Special Elections Commission, Emmet Harmon, in which Harmon confessed that the 1985 election had been rigged. Apparently, when Gbenyon refused to turn over the tape, he was killed.<sup>43</sup> However, fellow journalist and team mate of the late Gbenyon, Kwame Clement, testifying at the TRC media hearing last October, dismissed suggestions that Gbenyon was showing support for the Quiwonkpa invasion, or that he was in possession of a tape recording. Given the importance of this event, it would be worth investing further to gain a clearer understanding of the circumstances surrounding Gbenyon's death. In particular, BBC *Focus on Africa* editor Robin White stated that if a foreign military force had intervened to ensure that the 1985 elections were free and fair, perhaps Liberia would have been spared the next decade and a half of violent conflict.<sup>44</sup>

The beatings, arrests – and in the case just noted, murder – of journalists gave weight to the threats made against members of the media by the government. During an interview in June 1986, President Doe reportedly told Rufus Darpoh: "God gave you long life, but you are careless with it."<sup>45</sup> In the same year, the PUL issued a statement calling for an end to the "constant harassment and intimidation of journalists."<sup>46</sup> The use of the word "constant" suggests that in addition to documented events, such as arrests and closures, many other smaller abuses must have gone unrecorded. One major task for future research will be to gain a greater understanding of the extent of

<sup>41</sup> Olukoju.

<sup>42</sup> Isaac D.E. Bantu, *International Violence in Liberia Extends to Journalists*, 60 Nieman Reports 2, 15 (The Nieman Foundation for Journalism at Harvard University, Cambridge, Mass. 2006).

<sup>43</sup> Suah Deddeh, *Pushing for press freedom in Liberia*, 11 Journal of Democracy 2, 159–68 (2000).

<sup>44</sup> Interview with Robin White (Mar. 24, 2008) (on file with author) (hereinafter "White Interview").

<sup>45</sup> Maja-Pearce.

<sup>46</sup> Olukoju.

these allegedly constant violations of journalists' rights.

It certainly appears that President Doe, and the highest level of the Liberian government, were aware of, if not directly responsible for, many of the closures and arrests that took place. There also existed, however, what one interviewee called an "atmosphere of impunity."<sup>47</sup> That is, many beatings took place not by order of high-level leadership, but because lower-ranking officials and military commanders were not held responsible for violating the law. Apparently, these individuals carried out private vendettas against journalists and were never punished.

### 3d. Journalistic Standards

As has been noted, the Doe administration pushed to create an atmosphere in which the media would censor itself under the guise of "responsible journalism."<sup>48</sup> While some newspapers resisted government interference and international media outlets were able to provide independent news, many other journalists and outlets were forced to accept the government's control. After finishing the construction of the state-owned LBS, President Doe treated LBS as his official mouthpiece. The news reported by LBS was heavily censored and controlled.<sup>49</sup> Additionally, Jerome Boikai argues that the broadcast media was, in general, less independent than the newspapers.<sup>50</sup> A lack of adequately trained journalists and low wages were also detrimental to the overall quality of reporting.<sup>51</sup> The establishment of the Department of Mass Communications at the University of Liberia helped to provide quality training; however, due to budgetary constraints and the generally unfavorable media environment, fewer than ten students graduated from the program in 1990.<sup>52</sup>

On a positive note, Momo Rogers praises the professionalism of the Liberian media during the 1985 elections, saying: "With a few exceptions, coverage of events leading to the multi-party presidential elections of 1985 showed that Liberian journalists can be non-partisan."<sup>53</sup> Similar sentiments were expressed by BBC *Focus on Africa* reporter and BBC correspondent Elizabeth Blunt. Blunt stated that Liberians take their freedoms very seriously and that the Liberian media was very brave to stand up to the repression and oppression that it was facing during this time period.<sup>54</sup>

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<sup>47</sup> Interview with Stanford Peabody (Aug. 6, 2007) (on file with author) (hereinafter "Peabody Interview").

<sup>48</sup> Innes.

<sup>49</sup> Interview with Moses D. Sandy (Aug. 6, 2007) (on file with author) (hereinafter "Sandy Interview").

<sup>50</sup> Jerome Boikai, *The media system of Liberia*, Mass Communication, Culture, and Society in West Africa (Hans Zell Publishers, New York 1986 ed. Frank Ugboajah).

<sup>51</sup> *Id.*

<sup>52</sup> C. William Allen, *Soaring above the cloud of mediocrity*, 15 Liberian Studies Journal 1, 74–84 (1990).

<sup>53</sup> Rogers.

<sup>54</sup> Blunt Interview.

## Section 4:

### The Liberian Media during the First Round of the Civil War: 1989-1997

When armed conflict intensified in 1989, the Liberian media encountered new challenges as peacetime repression gave way to the dangers of reporting from war zones. Journalists faced danger on two levels. First, journalists, like other civilians working in or near combat, risked being shot by a stray bullet or falling victim to an act of lawlessness. The second risk, unique to journalists, was the danger of being targeted by rebel or government forces, or by enraged citizens, who took offense at the stories that they wrote or broadcast. Many journalists found it difficult to separate these two risks.<sup>55</sup> In addition, this period ushered in heightened concerns about integrity in reporting. With Liberia caught up in highly factionalized conflict, many media outlets became, wittingly or unwittingly, mouthpieces for the competing factions' propaganda.

#### 4a. Outlets, Capacity, and Audience

When Charles Taylor and his National Patriotic Front of Liberia (NPFL) invaded Liberia in 1989, the battles that erupted among Taylor's forces, Johnson's Independent National Patriotic Front of Liberia (INPFL), and Doe's government troops had a disastrous effect on the media. Radio equipment and printing presses were destroyed and newspaper circulation was disrupted. Moreover, the economy was so depressed that fewer media outlets could afford to continue operations. By the time President Doe was killed in 1990, many of the media outlets that had existed during his administration were no longer in operation. After some stability returned in the early 1990s, the Economic Community of West African States Group (ECOMOG), a peacekeeping force sent to Liberia in 1990 by the Economic Community of West African States (ECOWAS), gave the *Sun Times* and *Footprints Today* permission to resume printing, but neither had the funds to do so. The *Inquirer Newspaper* still in circulation today emerged as the first professional war time paper and its staff comprised journalists previously of the *Daily Observer* and other news entities. Much of the radio infrastructures that existed under Doe's administration had been destroyed during the fighting, and, in the rural areas, this equipment was under the control of the NPFL or INPFL.<sup>56</sup>

In Monrovia, ECOMOG supplied equipment to the Liberian Broadcasting System (LBS) so that it could resume operation. However, this assistance came at a price - ECOMOG assumed a degree of editorial control over LBS. ECOMOG also provided funds to launch a new newspaper in Monrovia. Although the *Torchlight* was funded by ECOMOG, it gained a reputation for being a relatively independent and reliable newspaper in Monrovia. This is likely because of the strength of its co-editors, Rufus

<sup>55</sup> Interview with Stanford Peabody (Aug. 6, 2007) (on file with author) (hereinafter "Peabody Interview").

<sup>56</sup> John Momoh, *Liberia's dual post-war press structure*, 20 *Index on Censorship* 2, 28-29 (1991).



Darpoh and Stanton Peabody.<sup>57</sup> No such assistance was provided to areas outside Monrovia. The Inquirer, self funded, was regarded by many as one of the most independent and credible at the time until the emergence of the New Democrat Newspaper published by an old hand of the profession, Mr. Tom Kamara which raised the standards for newspapers then.

During the rebuilding of radio stations and newspapers, some owners or those in charge of a particular media outlet would often hire journalists of their own ethnic group.<sup>58</sup> Generally, however, the reporting coming from these sources was based on the journalist's allegiance to a particular group or faction that was vying for power, rather than on the journalist's ethnicity. Thus, bias in the reporting was based on allegiance to one faction or another and almost never reflected simple ethnic-group bias.

#### 4b. Gbarnga/Monrovia Press and Complicity in Conflict

During the first round of the civil war, the Liberian media split into two camps that mirrored the geo-political division of Liberia. Evidence shows that a key element of Charles Taylor's plans for success was for NPFL forces to seize control of rural radio broadcasting locations and, failing that, to loot whatever useable equipment could be taken from such locations and destroy whatever could not be moved.<sup>59</sup> For example, during an attack on Paynesville, NPFL forces targeted the ELBC FM radio facilities controlled by the Doe government, stole what equipment they could, and then razed the facilities upon their departure.<sup>60</sup> NPFL's goal in seizing broadcasting facilities in the hinterland was not only to deny the enemy the ability to use such equipment. Taylor also intended to create his own media system.<sup>61</sup> If people in NPFL-held territory wanted news and radio programming, they would be forced to get it from Charles Taylor's media outlets. In order to entice journalists to come and work for his media empire, Taylor often sought out individuals who were fleeing Doe's death squads and offered guarantees of food and other provisions.<sup>62</sup>

Although Doe and his Monrovia government also created their own media facilities to use as tools in fighting the civil war,<sup>63</sup> they could not match the resources and scope of the empire that Taylor created from the former LBC network. Later, when Prince Johnson occupied Monrovia, he actively sought to recruit journalists to his cause in

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<sup>57</sup> *Id.*

<sup>58</sup> Interview with Alphonso Toweh (Mar. 19, 2008) (on file with author) (hereinafter "Toweh Interview").

<sup>59</sup> Michael Alexander Innes, *Scorched Ether: Radio Broadcasting in the Liberian Civil War* (Montreal Institute for Genocide and Human Rights Studies, Concordia University 2003).

<sup>60</sup> *Id.*

<sup>61</sup> Tom Kamara, *Warlords and Misinformation: Liberia's Case*, The New Democrat, Aug. 1, 2003, [http://www.newdemocratnews.com/news\\_details.php?recordID=77](http://www.newdemocratnews.com/news_details.php?recordID=77).

<sup>62</sup> Gabriel I.H. Williams, *Liberia: The Heart of Darkness* (Trafford Pub. 2006).

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

hopes of countering Taylor's media monopoly.<sup>64</sup>

By 1992, Taylor had consolidated all three of the government's LBS radio stations into the Liberia Communications Network (LCN), a privately-held empire directed from his headquarters in Gbarnga.<sup>65</sup> The "Gbarnga Press," as it was called, operated in areas held by Taylor, essentially all of Liberia except Monrovia and its immediate surroundings.<sup>66</sup> Meanwhile, the "Monrovia Press," controlled by ECOMOG, operated in and around Monrovia.

Geo-social realities dictated the forms that the media took in these two factions. In Monrovia, where all of Liberia's newspapers had been published before the war, both newspapers and radio stations operated. In the rural, NPFL-controlled areas, radio stations dominated, as illiteracy and scattered populations made distributing newspapers unfeasible. As such, radio was the critical media source operating in Liberia during most of the conflict.

Journalists were forced to choose sides because of the reality of the divided press. For some, the choice was based on political affiliation. For most, however, the choice was a function of where the journalist called home.<sup>67</sup> Thus, the geo-political division of the country, not ethnicity or political affiliation, drove the choice in most instances.<sup>68</sup> One journalist, who worked within the Monrovia media during this period, held the opinion that the majority of the journalists in the Gbarnga camp were fine journalists who happened to get caught on the wrong side of the front lines and were forced to repeat propaganda. Some took advantage of opportunities to escape NPFL-controlled territory, while others had a chance to escape but did not take it. The inaction of this latter group harmed Liberia.<sup>69</sup>

Journalists in both Monrovia and rural Liberia were, to varying degrees, censored and forced to repeat propaganda. This raises serious and legitimate questions about the media's complicity in the conflict. These questions are difficult to answer for at least two reasons. First, there were many journalists in Liberia, and generalizations do not accurately capture the range of choices they made. Some journalists, for example, resisted censorship fiercely, at great risk to themselves. Others repeated propaganda willingly, while still others did so only grudgingly to protect themselves or their families. Second, proving that the media was complicit in promoting and even intensifying the conflict would require documentation on a level that has not yet been

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<sup>65</sup> Innes, *Scorched Ether*.

<sup>66</sup> Michael Alexander Innes, *Political Communication in Wartime Liberia: Themes and Concepts* (Ctr. D'Études Des Politiques Étrangères et de Sécurité, Paper No. 26, May 2004), available at <http://www.er.uqam.ca/nobel/cepes/pdf/no26.pdf>.

<sup>67</sup> Innes, *Political Communication*.

<sup>68</sup> Interview with Elizabeth Blunt (March 12, 2008) (on file with author) (hereinafter "Blunt Interview").

<sup>69</sup> Interview with James Qualah (Aug. 9, 2007) (on file with author) (hereinafter "Qualah Interview").

compiled and that would be difficult, if not impossible, to obtain. The sheer volume of radio broadcasts made during the conflict would make this a particularly challenging endeavor. Records of radio broadcasts are scarce. That is not to say, however, that none exist. The BBC monitoring service and the U.S. Foreign Broadcast Information Service both monitored radio broadcasts transmitted during the Liberian conflict.<sup>70</sup> A review of these records could provide useful information about the messages that were being broadcast in Liberia during this period of conflict.

What can be said with certainty is that both the Monrovia Press and the Gbargna Press faced censorship during the war and developed partisan tendencies.<sup>71</sup> While the Monrovia Press enjoyed greater independence than did the Gbargna Press, it was still censored to varying degrees throughout the conflict. Because these were the only media outlets operating during a large portion of the early years of the war, most Liberians did not have access to independent news sources.<sup>72</sup> The media became the conduit through which competing parties traded insults and accusations and issued propaganda. Having this information/misinformation broadcast across Liberia served to “publicize and amplify” the messages sent by opposing factions.<sup>73</sup>

Compared to the situation under the Doe government, Amos Sawyer’s Interim Government of National Unity (IGNU) made progress toward expanding press freedoms.<sup>74</sup> The press censorship that occurred during this time period was not carried out by the IGNU; rather, censorship was an ECOMOG function.<sup>75</sup> It can be stated that the press under IGNU was free. The peacekeeping force included a Military Public Information Officer who was responsible for determining what information the press was allowed to relay. The military information officer would determine which politically or militarily sensitive events the media would be permitted to report, and would issue a press release containing suggested content.

Journalists and news outlets were free to report on unapproved stories (and many did), but they did so at the risk of being punished by ECOMOG. Punishment by ECOMOG was not uncommon. In fact, journalists whose reporting was deemed inappropriate by ECOMOG were often arrested or beaten.<sup>76</sup> ECOMOG defended this censorship by insisting that controlling the information available to the public was necessary to ensure safety during wartime. (See ECOMOG press policy attached as Appendix 2.) The stated ECOMOG press policy sought to bring an end to the conflict through

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<sup>70</sup> Mark Frohardt & Jonathan Temin, *Use and Abuse of Media in Vulnerable Societies* 12 (United States Inst. of Peace, Special Report 110, Oct. 2003), available at <http://www.usip.org/pubs/specialreports/sr110.pdf>.

<sup>71</sup> John Momoh, *Liberia’s dual post-war press structure*, 20 *Index on Censorship* 2, 28–29 (1991).

<sup>72</sup> Interview with Gabriel I.H. Williams, World Movement for Democracy (May 30, 2002), <http://www.wmd.org/wbdo/jun-jul02/gabrielwilliams.html>.

<sup>73</sup> Suah Deddeh, *Pushing for press freedom in Liberia*, 11 *Journal of Democracy* 2, 159–68 (2000).

<sup>74</sup> Interview with Moses D. Sandy (Aug. 6, 2007) (on file with author) (hereinafter “Sandy Interview”).

<sup>75</sup> Qualah Interview.

<sup>76</sup> *Id.*

psychological and persuasive messages, to foster reconciliation, to “provide the psychological environment to usher in the interim government and assist in returning Liberia to party democracy,” and to deal fairly with the warring factions. (See Appendix 2). In practice, ECOMOG attempted to stifle the press, citing security and safety concerns, and in this way ECOMOG was just another faction attempting to control the media. Even if one accepts the necessity of censoring the press during peacekeeping operations, which is by no means an acceptable military practice, the use of violence as a means of enforcement —as is detailed in the next section—is unacceptable.

The control that Charles Taylor exercised over the Gbargna Press was stronger and more extensive than the censorship that ECOMOG imposed on the Monrovia Press. Michael Innes points out that Charles Taylor took direct control of radio facilities in the areas that he controlled and used them freely as his personal mouthpiece.<sup>77</sup> Interviews with prominent figures suggest that the residents of rural Liberia were aware of the extent of Taylor’s control over the media, and they considered the international media the only reliable source of information.<sup>78</sup>

The interviews conducted for this report revealed several important results of Taylor’s control of the media in greater Liberia. First, as described above, Taylor used the radio stations he captured to broadcast propaganda and swell his ranks early in the conflict.<sup>79</sup> At times, Taylor used his LBS media empire to make open threats against individuals he regarded as enemies.<sup>80</sup> Second, many Liberians were misinformed about ECOMOG and its purpose in Liberia. In some areas, this was a result of a lack of information. In other areas, within reach of Taylor-controlled radio stations, it was the result of deliberate misinformation spread by the NPFL.<sup>81</sup> For example, Taylor would frequently broadcast the location of forthcoming NPFL artillery targets in government territory, ostensibly to allow the civilian population to flee the area, but in practice it helped to make conquest easier and eliminated the need for Taylor to minimize collateral damage during the shelling of various targets.<sup>82</sup> This behavior also had the effect of exacerbating tensions within Monrovia’s civilian population; the population was steadily increasing due to the influx of people fleeing from the fighting out in the hinterlands.<sup>83</sup>

Third, several scholars have opined that Taylor was able to use his control of the media to ensure his election as President in 1997. In the months leading up to the election,

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<sup>77</sup> Innes, *Political Communication*.

<sup>78</sup> Peabody Interview; Sandy Interview.

<sup>79</sup> Bantu, Isaac D. E. Interview with author. August 8, 2007. Phone interview (hereinafter “Bantu Interview”).

<sup>80</sup> Williams.

<sup>81</sup> Sandy Interview

<sup>82</sup> Williams.

<sup>83</sup> *Id.*



Taylor was the only candidate with the ability to reach the hinterlands of Liberia, thanks to the media empire that he created during the early years of the war.<sup>84</sup> The only other Liberian radio station operating during the 1997 elections, the independent Star Radio, came online only two days prior to the election and did not have the geographic reach that Taylor's facilities possessed.<sup>85</sup> Thus, many parts of greater Liberia did not receive information on candidates running against Taylor, or even adequate information about the elections. This was, again, a function of lack of media coverage in some areas, and NPFL censorship in other areas.<sup>86</sup> Coupled with the threats of continued warfare if the elections were delayed, the access that Taylor's media empire provided allowed him to transition his public persona from rebel leader to political actor.<sup>87</sup> Simply put, Taylor had the media resources and organization to blitz the public in a manner that the other candidates simply could not match.<sup>88</sup>

While Taylor's empire gave him a major advantage in the election, other circumstances also played a large role in the election. This has led some scholars to downplay the direct impact of Taylor's media monopoly on the election results.<sup>89</sup> One scholar argues that the choice of Taylor by the Liberian people was most directly due to a preference for whatever candidate "was most likely to enforce security and offer the best chance of improving their living conditions."<sup>90</sup> Journalist Mark Huband points to a more war-weary explanation of the election results—"Liberians were wise to vote for [Taylor]... If he had lost, there would have been another war. So they voted for him to bring a little peace to their lives after the horror."<sup>91</sup>

Even if there were competing concerns underlying the election and the future of Liberia at the time, the fact remains that Taylor possessed and aggressively utilized a media empire that no other candidate could match, giving him an unparalleled ability to promote himself as a presidential candidate. At the very least, Taylor remained the most active and vocal presence through the period leading up to the election. Upon taking office as President, "Charles Taylor's first order of business was to consolidate under his authority the public media channels."<sup>92</sup> Clearly, the control of and access to local media was an important part of Taylor's overall strategy, both as leader of the NPFL and later as the elected President of Liberia.

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<sup>84</sup> Larry Minear, Colin Scott, and Thomas G. Weiss, *The News Media, Civil War, & Humanitarian Action* 47–50 (L. Rinner Publishers 1996).

<sup>85</sup> Innes, *Scorched Ether*.

<sup>86</sup> Peabody Interview.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> David Harris, *From "Warlord" to "Democratic" President: How Charles Taylor Won the 1997 Liberian Elections*, 37 *The Journal of Modern African Studies* 3, 431–55 (1999).

<sup>90</sup> *Id.*

<sup>91</sup> Mark Huband, *The Liberian Civil War* (1998).

<sup>92</sup> Ritchard T. M'Bayo, *Libiera, Rwanda & Sierra Leone: The public face of public violence*, 26 *Ecquid Novi* 21, 21–32 (2005).

#### 4c. Repression

Neither Monrovia nor greater Liberia was a safe location in which to practice journalism from 1990–1997. Some of the crimes committed against journalists and some of the attacks on press freedom appear to have come from the top levels of rebel, IGNU, or ECOMOG leadership. Others appear to be a function of a pervasive atmosphere of violence and impunity, in which individuals acting independently were not held accountable for their actions.

Several examples help to illustrate the media oppression that was being practiced. The INPFL was responsible for the deaths of two journalists: R. Jayenneh Moore in 1990.<sup>93</sup> Violence was not limited to Liberian journalists; in April 1990, Briton and United Press International correspondent Mark Huband was kidnapped and held for four days by unidentified rebel troops in Nimba county.<sup>94</sup> In January 1991, ECOMOG field commander Joshua Dogonyaro announced that two Nigerian journalists missing for several weeks had been killed by NPFL troops.<sup>95</sup> Taylor issued a formal apology in 1992, blaming “rebels within the NPFL,”<sup>96</sup> but the exact circumstances surrounding the journalists’ deaths remain unclear. In January 1992, Issac Bantu and Dan Brown were detained and held at the INPFL’s Caldwell base.<sup>97</sup> In Monrovia, a journalist writing for the BBC was assaulted by ECOMOG troops in 1993 because he had apparently written an article criticizing ECOMOG.<sup>98</sup> Later, in 1995, James Momoh of *The Inquirer* was beaten by ECOMOG troops after he tried to photograph Armed Forces of Liberia (AFL) troops.<sup>99</sup> More seriously, John Vambo, a journalist for the BBC, died after being flogged by ECOMOG troops. He was reportedly being punished for asking an interviewee on air how far away from the executive mansion a rocket barrage had landed, information ECOMOG feared could be used to target future attacks.<sup>100</sup> It is certainly true that journalist suffered other acts of violence and repression during this time period, but these few examples serve as a vivid illustration of the repression that Liberian and international journalists were forced to operate under during this time period.

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<sup>93</sup> Deddeh.

<sup>94</sup> *Liberian journalist freed by Liberian guerrillas*, Associated Press, Apr. 16, 1990.

<sup>95</sup> *Nigeria: Journalists want probe of colleague’s death in Liberia*, Inter Press Service, Jan. 28, 1991.

<sup>96</sup> *Taylor says sorry for murder of Nigerian journalists*, Agence France Presse, May 8, 1992.

<sup>97</sup> Amnesty International, *Submission to the Truth and Reconciliation Commission of Liberia*, Sept 4, 2006, <http://asiapacific.amnesty.org/library/Index/ENGAFR340062006?open&of=ENG-LBR>.

<sup>98</sup> Amnesty International.

<sup>99</sup> *Id.*

<sup>100</sup> Qualah Interview.

## Section 5:

### The Liberian Press under the Taylor Administration: 1997-2003

After Charles Taylor's election, which as noted above was at least partially a consequence of his control of a large portion of the Liberian media, there were hopes that the end of open warfare would create a safer atmosphere for journalists.<sup>101</sup> In fact, peace did lead to a moderate growth in the number of media outlets in Liberia. By 1999, Monrovia was home to ten newspapers, which was many more than existed in 1997.<sup>102</sup> Charles Taylor, however, was no friend of the independent press, and the Liberian media soon faced a level of repression reminiscent of the years under President Doe. The primary difference between the two presidents is, while Doe saw the media as an enemy and isolated himself from it, Taylor realized the potential power of the media and sought to use the media as a tool to further his military and political ambitions.<sup>103</sup> Thus, journalists were arrested or tortured if they did not report in a way that Taylor considered favorable, or at least neutral. News outlets were also closed or vandalized under Taylor's administration. The culture of "responsible journalism" that existed in the Doe years re-emerged. Preventing the dissemination of "lies" and protecting "national unity" became the rationales that Taylor used to stifle the freedom of Liberia's media.

#### 5a. Outlets, Capacity, and Audience

Between 1997 and 2003, Charles Taylor extended his dominance over Liberian media. As head of state, he exercised total control over LBS, which became his personal mouthpiece.<sup>104</sup> Taylor's control over LBS complemented his existing control of rural radio stations and his personal station, KISS FM. The usual international media outlets, the BBC, VOA, and Radio France, continued to broadcast in Liberia, but the local media again underwent a tumultuous turnover. The most respected newspapers during this period were *The Inquirer* and *The New Democrat*. A new independent radio station, Star Radio, was launched in 1997 by the Dutch NGO Foundation Hinirondelle, with support from the United Nations and the U.S. government. In addition, two television stations, the private DCTV and the government-owned LCNTV, broadcast in Monrovia.<sup>105</sup>

#### 5b. Repression

One of Charles Taylor's chief methods of controlling media outlets not favorable to his government was to ban them from printing or broadcasting. In May 2002, Human

<sup>101</sup> Suah Deddeh, *Pushing for press freedom in Liberia*, 11 *Journal of Democracy* 2, 159–68 (2000).

<sup>102</sup> Ayodeji Olukoj, *Culture and Customs* (Greenwood Press 2006).

<sup>103</sup> Interview with Isaac D.E. Bantu (Aug. 8, 2007) (on file with author) (hereinafter "Bantu Interview").

<sup>104</sup> Interview with Moses D. Sandy (Aug. 6, 2007) (on file with author) (hereinafter "Sandy Interview").

<sup>105</sup> Deddeh.

Rights Watch, an INGO, observed that “in the face of renewed rebel action and negative international publicity, the Taylor government has become increasingly intolerant of dissent. In particular it has intensified its harassment and intimidation of the independent press, civil society groups, and legitimate political opposition groups.”<sup>106</sup> In early 1998, Star Radio was the first to be shut down. Not long after it began broadcasting, Star Radio was suspended for one month because of an allegedly “illegal allocation of broadcast frequencies.” It was allowed to resume broadcasting after an outpouring of local and international support.<sup>107</sup> On March 15, 2000, both Star Radio and Radio Veritas were shutdown, and their offices were forcefully cleared by police. Taylor defended the closure by saying that “agent provocateurs” within the stations were responsible for a “rising incidence of inflammatory comments and radio programming.”<sup>108</sup> Taylor claimed that the independent radio stations were a threat to national peace and security. Radio Veritas resumed operation roughly a week after being banned, but the ban on Star Radio lasted until 2003 when it was lifted by Chairman Gyude Bryant.<sup>109</sup> This was consistent with Charles Taylor’s threat that Star Radio would “not come back on the air again.”<sup>110</sup> In 2001, Radio Veritas was banned from using its long-range shortwave transmitter, but was allowed to keep broadcasting on an FM frequency that covered Monrovia.<sup>111</sup>

In addition to sparring with independent radio stations, on several occasions the Taylor government shut down newspapers that were operating in Monrovia. In late February 2001, *The News* was forced to stop printing, with the government citing unpaid back taxes (likely a fabricated charge). At the same time, equipment was seized from the offices of the *New Nationalist*, *The Analyst*, and *Monrovia Guardian*.<sup>112</sup> *The Analyst* was closed again a year later, and its offices were looted by police.<sup>113</sup> These are just several examples of a systematic campaign of closures and harassment against newspapers willing to break from the political conformity demanded by the Taylor administration.

The forced closure of individual stations became almost commonplace, and on two occasions the government issued blanket bans on press coverage. The first ban was issued in March 1998, when Minister of Information Joe Mulbah issued a directive requiring all newspapers and radio stations to have at least \$10,000 in their bank accounts in order to continue operations.<sup>114</sup> Newspapers were also required to have a

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<sup>106</sup> Human Rights Watch Report, May 2002, Vol. 14, No. 4(A), p. 5.

<sup>107</sup> *Star Radio back on air after month long suspension*, BBC News, Feb. 13, 1998.

<sup>108</sup> *Attacks on the Press in 2001, Liberia*, Committee to Protect Journalists, <http://www.cpj.org/attacks01/africa01/liberia.html>.

<sup>109</sup> *About us*, Star Radio, <http://www.starradio.org.lr> (follow “About Us” hyperlink).

<sup>110</sup> *Attacks on the Press in 2001, Liberia*.

<sup>111</sup> *Attacks on the Press in 2002, Liberia*, Committee to Protect Journalists, <http://www.cpj.org/attacks02/africa02/liberia.html>; *Attacks on the Press in 2001, Liberia*.

<sup>112</sup> *Attacks on the Press in 2002, Liberia*; *Attacks on the Press in 2001, Liberia*.

<sup>113</sup> *Attacks on the Press in 2002, Liberia*.

<sup>114</sup> Olukoju.

minimum circulation of 4,000 copies before they could operate under the ban.<sup>115</sup> These figures were high enough that enforcing them would have closed the majority of Liberian media outlets. After a fierce reaction from the Liberian media, the directive was scrapped.<sup>116</sup> The second blanket ban was issued in October 1998, when the Ministry of Information ordered that all news outlets were to cease transmitting news over the internet until they were properly registered.<sup>117</sup> This ban was also short-lived, as Justice Minister Eddinton Varmah declared it illegal in the same month.<sup>118</sup>

The government also took measures against unfriendly media outlets. Individual journalists were consistently harassed, beaten, or arrested. In December 1997, Alex Redd of Radio Ducor was abducted by plainclothes security officers after covering the funeral of Samuel Dokie. He was charged with treason in relation to articles that he wrote and was tortured while in custody. Redd was released after several days when the charges against him were reduced to a felony.<sup>119</sup> In June 2002, Hassan Bility, the editor of the respected newspaper *The Analyst*, was arrested and charged as a member of the rebel group LURD after publishing articles critical of the Taylor government. Bility was held for six months, during which time he was tortured and denied access to the court system on the grounds that he was an “enemy combatant” and “prisoner of war.”<sup>120</sup>

Incidents of media rights violations are well documented due to the growth of INGOs devoted to protecting journalists and media rights. The arbitrary detention of journalists who published articles critical of the government was also a common practice under Taylor. Indeed, the resources attached to this report list further incidents of media rights violations. (See Appendix 2.) A few examples help to illustrate the government’s actions. In 1999, Isaac Menyongai was held without charge after refusing to disclose a source he used for an article on a South African businessman with ties to the Liberian government.<sup>121</sup> Some detentions were apparently calculated moves ordered by Taylor, including, for example, the arrest of PUL president Suah Deddeh in March 2000 as he left the Executive Mansion.<sup>122</sup> Others were the result of security forces and government officials being free to pursue vendettas in an atmosphere of impunity. In 2001, Sam Dean of the *Monrovia Guardian* was detained and charged with criminal malevolence by Police Commissioner Paul Mulbah simply for writing an article critical of Mulbah.<sup>123</sup> The government even arrested and charged four foreign

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<sup>115</sup> *Id.*

<sup>116</sup> *Liberia cancels guidelines stifling press freedom*, Africa News, Mar. 25, 1998.

<sup>117</sup> *Broadcasting via internet banned*, BBC News, Oct. 19, 1998.

<sup>118</sup> *Restriction on the use of internet is illegal: Liberian minister*, Agence France Presse, Oct. 25, 1998.

<sup>119</sup> Amnesty International, *Submission to the Truth and Reconciliation Commission of Liberia*, Sept 4, 2006, <http://asiapacific.amnesty.org/library/Index/ENGAFR340062006?open&of=ENG-LBR>.

<sup>120</sup> *Attacks on the Press in 2002, Liberia*.

<sup>121</sup> *Liberian police detain another journalist*, Agence France Presse, Mar. 5, 1999.

<sup>122</sup> *Attacks on the Press in 2000, Liberia*, Committee to Protect Journalists, <http://www.cpj.org/attacks00/africa00/Liberia.html>.

<sup>123</sup> *Attacks on the Press in 2001, Liberia*.



journalists with spying while they were in Liberia to produce a documentary about Liberia's post-war recovery. The journalists, associated with Britain's Channel Four News, were eventually released after an international outcry.<sup>124</sup>

### 5c. Journalistic Standards

Just as under the Doe administration, the predominant expectation of Liberian journalists and media outlets was that they would censor themselves in accordance with the government's wishes. Many journalists resisted this censorship at great risk to their careers and lives, but the atmosphere of repression stifled the Liberian media as a whole. One of the major issues during the years of Taylor's presidency was the portion of the media he directly controlled (e.g., KISS FM and the LRCN). To be employed by Taylor's media organizations, journalists had to be willing to adhere to Taylor's wishes.<sup>125</sup> The government-owned LBS, theoretically independent of the executive office, was unable to remain impartial. Moses D. Sandy, who served as editor-in-chief of the LBS for a brief period under Charles Taylor before being forced to flee the country because of his refusal to censor the news to Taylor's satisfaction, pointed out that the LBS was easy for Taylor to control because the position of director-general of the LBS was a political appointment under Taylor's control.<sup>126</sup> The LBS director-general was forced to submit to Taylor's demands to keep his job.<sup>127</sup> Still, during this time it is difficult to speak of a universal standard in reporting because some journalists and media outlets were more willing to resist Taylor's censorship than others.<sup>128</sup> The Liberian public quickly became aware of Taylor's influence on the media and learned which news sources were more reliable.<sup>129</sup>

Economic constraints and undereducated journalists were two other factors that negatively impacted the quality of journalism in Liberia. Years of intense fighting did catastrophic damage to Liberia's economy. All Liberian media outlets had very limited resources and were unable to pay their journalists high wages.<sup>130</sup> This made the temptation to accept bribes, also called *katoing*, much greater.<sup>131</sup> Alphonso Toweh, a journalist during the Taylor era and now a correspondent for Reuters News Agency, explained that for many journalists, the decision whether to accept a bribe was a purely economic decision because journalists were not paid well enough to support their families and extended families.<sup>132</sup> Toweh also explained that not all journalists took bribes, but, like in many other countries, whether a journalist would accept a bribe

<sup>124</sup> IFJ condemns "sinister implications" of spying allegations against journalists in Liberia, International Federation of Journalists, August 22, 2000, <http://www.ifj.org/default.asp?index=1158&Language=EN>.

<sup>125</sup> Olukoju.

<sup>126</sup> Sandy Interview.

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> Interview with James Qualah (Aug. 9, 2007) (on file with author) (hereinafter "Qualah Interview").

<sup>130</sup> Interview with Alphonso Toweh (Mar. 19, 2008) (on file with author) (hereinafter "Toweh Interview").

<sup>131</sup> Olukoju.

<sup>132</sup> Toweh Interview.

depended on his or her particular economic situation.<sup>133</sup> Economic constraints also forced many of the local media outlets to close. Taylor used his personal fortune to buy off many of Liberia's best trained journalists.<sup>134</sup> Taylor also controlled and operated many of the media outlets, and the journalists who worked for those particular stations or newspapers were required to report in ways that favored Taylor.

Many Liberian journalists were also undereducated. Obtaining formal training as a journalist was expensive and few journalists were able to take time away from work or travel abroad to obtain a traditional education in journalism. Thus, much of the sensational and destabilizing reporting that occurred during the conflict was partially a result of a majority of Liberian journalists having too little professional training.<sup>135</sup> Many of the same problems continue to plague Liberia today,<sup>136</sup> and a detailed discussion of the current problems facing Liberia can be found below.

Despite these constraints, many Liberian journalists engaged in outstanding reporting. At great risk to themselves, they provided timely and accurate news to the Liberian people and to the international community. In an interview, Qualah suggested that without the efforts of many brave Liberian journalists the civil war would have lasted longer and claimed more lives.<sup>137</sup> The difficulties of reporting in a repressive society or from a conflict area cannot be emphasized enough. Therefore, while it is essential to look at the failures of the Liberian media during the conflict, it is also necessary to be aware of the media's invaluable contributions to Liberian society.

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<sup>133</sup> *Id.*

<sup>134</sup> Sandy Interview.

<sup>135</sup> *Id.*

<sup>136</sup> Toweh Interview.

<sup>137</sup> Qualah Interview.

## Section 6: The International Media in Liberia

International media outlets covered the Liberian conflict. The BBC, Reuters, the New York Times, CNN, IRIN News (the UN news sources), the Washington Post, Africa Confidential and AllAfrica.com are some of the news outlets that directly covered the conflict. BBC reports go as far back as Samuel Doe's takeover in 1980.

### 6a. Relationship with the Local Media

According to James Qualah, who worked as a broadcast journalist with Radio Veritas and DC101 in Liberia until he received death threats from Charles Taylor and was forced to leave the country in 1997, the international media can only be effective when working with the local media.<sup>138</sup> The local media provided the international media with information and, without local input, international reporting becomes skewed and provides an incomplete picture of the events taking place in a country.<sup>139</sup> Therefore, local media plays a significant role in international reporting. Isaac D.E. Bantu, a former president of the Press Union of Liberia, explained that, as a local reporter, "people rely on you."<sup>140</sup> His reporting might have been transcribed by another journalist in Washington, D.C. and reported in the international press, Bantu said. Stanford Peabody, a reporter for the *Daily Observer* and now the editor-in-chief of a Liberian newspaper, described working alongside BBC journalist Elizabeth Blunt because it was "safer to travel together."<sup>141</sup> However, many international journalists reported alone. Reuters journalist Matt Bigg, who worked in Liberia during the latter half of the conflict, stated that Reuters worked completely independently of the local Liberian media.<sup>142</sup>

International journalists who covered the conflict in Liberia faced the same dangers and risk of persecution as the local journalists. For example, in about 1990, Blunt explained that the government "failed to renew her press accreditation. They did not throw me out of the country, but as they pointed out, if I could not report, there was not much point in my being in Liberia."<sup>143</sup> Of course, other more serious persecution also occurred. In 1993, John Vambo, a stringer for the BBC, was flogged by ECOMOG troops after allegedly issuing reports that were critical of ECOMOG.<sup>144</sup> He was airlifted back to London and eventually died from the wounds he received.<sup>145</sup>

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<sup>138</sup> Interview with James Qualah (Aug. 9, 2007) (on file with author) (hereinafter "Qualah Interview").

<sup>139</sup> Qualah Interview.

<sup>140</sup> Interview with Isaac D.E. Bantu (Aug. 9, 2007) (on file with author) (hereinafter "Bantu Interview").

<sup>141</sup> Interview with Stanford Peabody (Aug. 6, 2007) (on file with author) (hereinafter "Peabody Interview").

<sup>142</sup> Email from Matthew Bigg to Author (Aug. 30, 2007) (on file with author) (hereinafter "Biggs Email").

<sup>143</sup> Interview with Elizabeth Blunt (March 12, 2008) (on file with author) (hereinafter "Blunt Interview").

<sup>144</sup> Amnesty International, Amnesty International Report 1994 – Liberia (Jan. 1, 1994), <http://www.unhcr.org/cgi-bin/texis/vtx/print?tbl=RSDCOI&id=3ae6a9f40>.

<sup>145</sup> Qualah Interview.



Another incident occurred in 2000, when Taylor's administration arrested four foreign journalists working for Insight News Television on a documentary for London's Channel Four.<sup>146</sup> Britons David Barrie and Timothy Lambon, South African Gugulakhe Radebe, and Sierra Leonean Samoura Sorious were arrested in their hotel rooms in Monrovia on August 18, 2000, even though, according to Channel Four, the team had obtained written permission from the Liberian Ministry of Information to film the documentary.<sup>147</sup> In a statement explaining their arrest, Liberian Justice Minister Eddington Varmah accused the journalists of committing "acts against the security of the state," and added that their "clandestine activity" was aimed at "providing assistance to foreign powers." Varmah did not provide any further explanation, and he also did not provide details of the charges. The journalists were eventually released after they apologized to Taylor and the people of Liberia for "any offence which our action or statements have caused."<sup>148</sup> Taylor identified their offense as " 'a clear case of libel.' "<sup>149</sup> After releasing the journalists, Taylor stated that the four men were not being expelled from Liberia, and that they, and any other journalists, were welcome to do "factual work" in Liberia.<sup>150</sup> Another news report commented that the four journalists would likely be released on humanitarian grounds, but indicated that Taylor was attempting to "send a warning to foreigners that they should tone down their criticism of Taylor and his government."<sup>151</sup> The report also opined that, "[i]f foreign news teams think twice about criticizing Liberia in the future, then Taylor will have achieved at least one of his aims."<sup>152</sup>

## 6b. Role in Conflict Reporting

International media played a role in raising global awareness about the conflict in Liberia, but the manner in which international media reported on the Liberian conflict has been subject to some debate.

"In recent years, observers of international affairs have raised the concern that media have expanded their ability to affect the conduct of foreign policy. Dubbed the 'CNN effect' . . . the impact of these new global, real-time media is typically regarded as substantial, if not profound."<sup>153</sup> Nik Gowing, a BBC journalist and scholar, commented

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<sup>146</sup> International Press Institute, Four foreign TV journalists arrested (Aug. 21, 2000), [http://www.freemedia.at/cms/ipi/statements\\_detail.html?ctxid=CH0055&docid=CMS1147074748639&year=2000](http://www.freemedia.at/cms/ipi/statements_detail.html?ctxid=CH0055&docid=CMS1147074748639&year=2000).

<sup>147</sup> *Id.*

<sup>148</sup> *Freed journalists arrive home*, BBC News, Aug. 26, 2000, <http://news.bbc.co.uk/2/hi/africa/895957.stm>.

<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Analysis: Charles Taylor and the journalists*, BBC News, Aug. 22, 2000, <http://news.bbc.co.uk/2/hi/africa/891592.stm>.

<sup>152</sup> *Id.*

<sup>153</sup> Steven Livingston, *Clarifying the CNN Effect: An Examination of Media Effects According to Type of Military Intervention 1* (John F. Kennedy Sch. of Gov't's Joan Shorenstein Ctr. on the Press, Politics and Pub. Pol'y at Harvard Univ., Research Paper No. 18, 1997), available at [http://www.ksg.harvard.edu/presspol/research\\_publications/papers/research\\_papers/R18.pdf](http://www.ksg.harvard.edu/presspol/research_publications/papers/research_papers/R18.pdf).

that “journalists and policy makers alike tend to assume that media coverage has an undefined yet pivotal role in helping conflict management or prevention. Indeed, a role for the media in conflict prevention is routinely assumed at conferences, seminars, and gaming sessions without question or any clear understanding of what that role is.”<sup>154</sup> The available data and scholarly research, however, indicate that there is little, if any, cause and effect relationship between reporting on conflict and setting foreign policy. The key variable in the media’s effect on foreign policy is not the presence or absence of reporting; rather, it is the presence or absence of political leadership.<sup>155</sup> In other words, “studies of the international coverage in the media reveal that the primary framing of international news comes from the world view of the home country of the media.”<sup>156</sup> Thus, media coverage of conflict tends to follow political interest in managing that conflict, not the other way around.<sup>157</sup> Regardless of the data, Gowing explains, that “for reasons of self-interest and/or conviction, many journalists who risk their lives to report on a looming or exploding conflict will not be deflected from the view that the CNN factor either directly influences policy, or if it doesn’t, then it should.”<sup>158</sup>

From an international perspective, “the Liberian civil war has received sparse international coverage and exhibits little media-policy interaction.”<sup>159</sup> This is not to say, however, that the international media played no role in the Liberian conflict. “The BBC World Service radio and a group of agency reports based in Abidjan maintained a steady stream of news—which was little disseminated or used outside the region.”<sup>160</sup> In addition, scholars have explained that various factions vying for control of Liberia targeted the international media because they understood that “the international media was a tool that they could use to benefit their aims.”<sup>161</sup> Nevertheless, William Reno, a professor at Northwestern University who studies African conflicts, stated that “the effect of the international media’s reporting was probably minimal enough that it did not fundamentally change events in the course of the war.”<sup>162</sup> Robin White, editor of

<sup>154</sup> Nik Gowing, *Media Coverage: Help or Hinderance in Conflict Prevention* (Carnegie Commission on Preventing Deadly Conflict 1997), <http://www.wilsoncenter.org/subsites/ccpdc/pubs/media/medfr.htm> (follow “Media Coverage: Help or Hinderance in Conflict Prevention?” hyperlink).

<sup>155</sup> Livingston at 3.

<sup>156</sup> Hans-Henrik Holm, *Failing failed states*, 33 *Security Dialogue* 4, 457–71 (Int’l Peace Research Inst., Oslo 2002), available at [http://www.comm.ucsb.edu/research/mstohl/failed\\_states/2002/papers/Holm.pdf](http://www.comm.ucsb.edu/research/mstohl/failed_states/2002/papers/Holm.pdf) (see pdf page 6).

<sup>157</sup> For additional discussion on this topic see generally Livingston; Gowing; Peter Jakobsen, *Focus on the CNN Effect Misses the Point: The Real Media Impact on Conflict Management is Invisible and Indirect*, 37 *Journal of Peace Studies* 2, 131–43 (Int’l Peace Research Inst., Oslo 2000), available at <http://faculty.maxwell.syr.edu/rdenever/PPA-730-27/Jakobsen.pdf>; Alison Holder (dissertation), *Forgotten or Ignored? News media silence and the conflict in the Democratic Republic of Congo (DRC)* (London Sch. of Econ. Dev. Studies 2004), available at [http://www.stanhopecentre.org/network/holder\\_dissertation.pdf](http://www.stanhopecentre.org/network/holder_dissertation.pdf); Eytan Gilboa, *The CNN Effect: The Search for a Communication Theory of International Relations*, 22 *Pol. Comm.* 1, 27–44, available at <http://ics.leeds.ac.uk/papers/pmt/exhibits/2280/N42777V583117G17.pdf>

<sup>158</sup> Gowing (follow “National Interest: The Media’s Complaint” hyperlink).

<sup>159</sup> Larry Minear, Colin Scott, and Thomas G. Weiss, *The News Media, Civil War, & Humanitarian Action* 47–48 (L. Rinner Publishers 1996).

<sup>160</sup> *Id.*

<sup>161</sup> Interview with William Reno (Mar. 10, 2008) (on file with author) (hereinafter “Reno Interview”).

<sup>162</sup> *Id.*

the BBC's popular *Focus on Africa* segment, expressed similar views, "we like to think we have a big effect on things but . . . I think we have much less effect that we would like to think that we have."<sup>163</sup> Reno stated, however, that, as the Liberian conflict continued and it became apparent that Charles Taylor was basically waging war to exploit Liberia's natural resources, the international community began to advocate for his removal from power.<sup>164</sup> In this way, Reno said that the international media helped to reinforce the restrictions being placed on Taylor by the international community. In particular, Reno explained that the proliferation of conflict diamonds stories in the late 1990s strategically limited what Taylor was able to accomplish.<sup>165</sup> Reno attributes this effect to the international and diplomatic communities' use of the story to limit Taylor. Thus, as explained above, foreign policy helped to drive the story, instead of the story driving the policy.

Inside Liberia, and in Western Africa more generally, international media outlets certainly had a greater reach than any local media providers.<sup>166</sup> Most people in rural areas relied on international media that had the capacity to broadcast to all of Liberia, such as BBC radio and Radio France.<sup>167</sup> According to Blunt, a West Africa correspondent for the BBC who has covered the conflict in Liberia since her first visit to the country in 1986, international media coverage was crucial as the capacity of the local media deteriorated.<sup>168</sup> "The local papers grew thinner and eventually disappeared, as they ran out of newsprint. The radio and TV stations went off the air when they were overrun by the fighting or had no more diesel to power their transmitters. The BBC became the only way for Liberians to find out what was happening in their own country," Blunt wrote in an article discussing her reporting in Liberia.<sup>169</sup> In an interview, Blunt reiterated this point, explaining, "if the BBC had not been reporting out of Liberia quite intensively people would have had no idea what was going on . . . they would not have known which areas were safe, which areas were dangerous, which roads were open, which way not to go. It would have been a complete blackhole in terms of information."<sup>170</sup> White made similar remarks, explaining that if the BBC had not covered the conflict, and if people like Charles Taylor were not on the radio, "there just would have been silence because the government itself did not say anything. That was their game—it was to say nothing."<sup>171</sup> Other writers corroborate Blunt's and White's claims. Gabriel I.H. Williams, editor of Liberia's *Inquirer* newspaper during the first round of the Liberian civil war, wrote that

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<sup>163</sup> Interview with Robin White (Mar. 24, 2008) (on file with author) (hereinafter "White Interview").

<sup>164</sup> Reno Interview.

<sup>165</sup> *Id.*

<sup>166</sup> Jonathan Temin, *Considering the Role of the BBC in African Conflict*, 30 *Review of African Political Economy* 98, 654–55 (Dec. 2003).

<sup>167</sup> Interview with Moses D. Sandy (Aug. 6, 2007) (on file with author) (hereinafter "Sandy Interview").

<sup>168</sup> Elizabeth Blunt, *A school named after me*, BBC News, Mar. 18, 2004, [http://news.bbc.co.uk/1/hi/this\\_is\\_bbc\\_news/newsid\\_3536000/3536929.stm](http://news.bbc.co.uk/1/hi/this_is_bbc_news/newsid_3536000/3536929.stm).

<sup>169</sup> *Id.*

<sup>170</sup> Blunt Interview.

<sup>171</sup> White Interview.

“the international media, especially the BBC, projected unfolding developments not only to the outside world but also inside Liberia itself. The BBC’s nightly *Focus on Africa* program almost brought normal activities to a halt as people flocked around short-wave radio sets to hear [the] latest developments.”<sup>172</sup> Other international outlets also broadcast radio programs. For example, the Voice of America (VOA) radio station broadcasts news to Liberia, but, according to Blunt, the VOA reports were not as reliable because, unlike BBC reporters, VOA reporters were not actually stationed in Liberia.<sup>173</sup>

International media therefore played a significant role in the conflict because they were one of the only entities capable of communicating with all of Liberia. “These broadcasts are particularly influential in countries in which government maintains a near monopoly over media and independent outlets are weak or nonexistent, such as Liberia, and in extremely under-developed countries in which there are few listening alternatives, such as Sierra Leone.”<sup>174</sup> “The BBC plays a particularly influential role in Africa when conflict erupts, largely because of its capacity to report quickly and relatively accurately on breaking news.”<sup>175</sup> Robin White, a BBC *Focus on Africa* editor, has an interesting view on this point. He said that it was “not a good thing that people had to listen to the BBC to find out what was going on in their own country. That is bad! I tell you, that is not a good thing, you know. A good day in Liberia is when they stop looking at the BBC,” when they have their own local media and “believe [that their] media is doing a good job.”<sup>176</sup>

The international media was viewed as a more objective source of information during the conflict. In particular, as the conflict intensified, the local media became the target of the warring factions. Williams wrote that “what is most disturbing about attacks on the press is that a crackdown on the press is often the first signal of a broader assault on human rights.”<sup>177</sup> Independent “ ‘journalists were prime targets for those who viewed the media as an enemy simply because journalists exposed and uncovered their shadowy deeds.’ ”<sup>178</sup> Local journalists were often forced to join one faction or another simply to stay alive.<sup>179</sup>

The warring factions also sought control of radio transmitters and other media channels as a means to consolidate their authority and perpetuate propaganda

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<sup>172</sup> Gabriel I.H. Williams, *Liberia: The Heart of Darkness* 88–89 (Trafford Pub. 2006).

<sup>173</sup> Blunt Interview.

<sup>174</sup> Temin at 655.

<sup>175</sup> *Id.*

<sup>176</sup> White Interview.

<sup>177</sup> Williams at 18 (internal quotations omitted).

<sup>178</sup> Michael Alexander Innes, *Political Communication in Wartime Liberia: Themes and Concepts* 11 (Ctr. D’Études Des Politiques Étrangères et de Sécurité, Paper No. 26, May 2004), available at <http://www.er.uqam.ca/nobel/cepes/pdf/no26.pdf>.

<sup>179</sup> *Id.* at 11–12.



supportive of their efforts.<sup>180</sup> For example, Williams wrote that up until the NPFL was driven out of eastern Monrovia it occupied the pre-war headquarters of Liberian Broadcasting System (LBS), using its transmitter equipment to distribute propaganda. With many of the other radio stations and newspaper offices destroyed, the NPFL was able to dominate the airwaves. Adding to the propaganda, Taylor's followers put captured or surrendered AFL soldiers on the air to say that their lives were not in danger and to describe how well they were being treated in an effort to break down the AFL forces. It eventually became known that surrendering AFL soldiers were killed by the NPFL. When the NPFL was forced from Monrovia, it looted the LBS radio and television transmission equipment and burned the multi-million dollar LBS complex. With the looted transmission equipment, the NPFL established its own LBS in Gbarnga. The NPFL established the Liberia Rural Communications Network (LRCN) and its transmitter reached Monrovia, broadcasting the NPFL's side of the story to the Liberian public. In November 1990, ECOMOG attempted to counter the NPFL's efforts with its own mobile shortwave transmitter and the Voice of Nigeria radio broadcasting from Monrovia. Also, under the authority of ECOMOG, some newspapers began to be printed in Monrovia. Still, the NPFL dominated the media in its occupied territory.

Taylor and his supporters portrayed the ECOMOG-backed radio and independent Monrovia newspapers as " 'mouthpieces' of the foreign imposed puppet government and occupation force . . . and often took to the airwaves and pronounced death sentences on people in Monrovia they regarded as enemies."<sup>181</sup> For their part, government-sponsored media demonized Taylor and regularly featured people with accounts of human rights abuses in NPFL-held Liberia. Thus, "the local media, captive to various Liberian factions, were never a reliable source of news. External media were therefore a crucial source of objective information for all participants" in the conflict.<sup>182</sup> Both Reno and Blunt commented that Liberians were savvy enough to understand the different perspectives and potential bias inherent in each media source.<sup>183</sup> Nevertheless, Liberians heavily relied on the BBC to get objective news about their own country.<sup>184</sup>

The international media faced unique challenges in reporting on the conflict due to their position. First, the international media was one of the only entities capable of transmitting information to all of Liberia. Second, many Liberians viewed the international press as impartial and independent. Thus, the international media became a target of the warring factions in their ongoing propaganda campaign. Blunt explained that "Taylor was by far the most media savvy person around in the country

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<sup>180</sup> *Id.* at 11–15; see also Ritchard T. M'Bayo, *Libiera, Rwanda & Sierra Leone: The public face of public violence*, 26 *Ecquid Novi*. 21, 27 (2005).

<sup>181</sup> Williams at 147.

<sup>182</sup> Minear at 49.

<sup>183</sup> Blunt Interview; Reno Interview.

<sup>184</sup> Blunt Interview.

in about 1990.”<sup>185</sup> Early in the conflict, “none of the other factions were very actively using the media. Reporters had to go to them and some factions would talk more freely than others, but the one person who came to us was Taylor,”<sup>186</sup> Blunt said.

By the mid-1990s, Taylor had further developed his talents in the manipulation of the media and actively used the media to wage his war. For example, Taylor accused international outlets of false reporting, and tried to suppress them by intimidation, bribery, and denial of access to local stringers. As a result, international broadcasts were sometimes inaccurate. Moses D. Sandy, former editor-in-chief of the LBS, points out that, because the control and editing mechanisms for these outlets were international, Liberians who heard an incorrect report had no way of challenging or correcting it.<sup>187</sup> Blunt also confirms that “there was no way of ringing up the BBC to complain, and most of them did not . . . they did not complain to the BBC, they just came on and killed you.”<sup>188</sup> Other commentators also address this point. Reno said that criticisms of the foreign reporting never made it out of elite circles of society; they were almost never carried by the international media; and they rarely reached Liberians in the countryside.<sup>189</sup> To the extent that these criticisms were carried in local newspapers, Blunt confirms that very few people had access to newspapers.<sup>190</sup> Reno also stated that Liberians would get angry about inaccuracies or misconceptions reported by the international press, but explained that the politics in the country had more to do with shaping the conflict than the erroneous reporting did.<sup>191</sup>

The BBC was careful to monitor its reporting on the conflict to ensure that it was objective, Blunt explained.<sup>192</sup> In particular, Blunt noted that the BBC was aware of the ethnic and religious aspects of African conflict, and thus was careful to avoid inflammatory reporting.<sup>193</sup> “We certainly never deliberately encouraged anybody to go out and kill anybody else. It was a bit of horror if you are a reporter and that by reporting one thing you stir up loose ends” that led to violence.<sup>194</sup> Nevertheless, Blunt also noted that the Liberian conflict, at least during the early 1990s, was not ethnically or religiously motivated.<sup>195</sup> Rather, the issue was “people in uniform beating up civilians.”<sup>196</sup>

Taylor’s targeting of the international press eventually became more insidious. For

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<sup>185</sup> *Id.*

<sup>186</sup> *Id.*

<sup>187</sup> Sandy Interview.

<sup>188</sup> Blunt Interview.

<sup>189</sup> Reno Interview.

<sup>190</sup> Blunt Interview.

<sup>191</sup> Reno Interview.

<sup>192</sup> Blunt Interview.

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*



example, Taylor used the BBC's expansive reach to further the propaganda that he was distributing on transmitters capable of reaching only part of the country.<sup>197</sup> Taylor used satellite phones to call the BBC and report AFL killings, which the BBC broadcasted across Liberia.<sup>198</sup> Taylor also used the BBC "to regularly blast the international airwaves with stories of overwhelming NPFL battlefield success. . . . Taylor's regular BBC interviews helped to accelerate the AFL's demoralization and intensify public panic."<sup>199</sup> Such use of the BBC by Taylor also boosted the notoriety of the NPFL, and the resulting increase in popularity translated into large recruiting gains during Taylor's campaign through the hinterland towards Monrovia.<sup>200</sup> Also, Taylor used the BBC to announce his plans for future attacks. Not only did this terrorize the nation, but civilians would flee when they heard that their homes lay in Taylor's path, making it much easier for Taylor to dominate the country.<sup>201</sup> White contests this point. He said that the BBC was careful not to broadcast direct threats by the warring factions.<sup>202</sup> "We did not let anybody on air who would issue a threat. We would not let that go out. You know people would come along and say 'let me advise the people of Monrovia to flee because we are coming right there tomorrow and going to kill them all.'

You know we would not put that on under any circumstances."<sup>203</sup> Nevertheless, news of Taylor's war plans was clearly carried on the radio in Liberia, and Taylor's use of the media made it easier for him to advance in the hinterlands on the way to Monrovia. Finally, Taylor also used the BBC to command his troops by hiding coded messages in the radio statements that he would make on-air.<sup>204</sup> This helped Taylor considerably because he lacked a centralized communications and command network. These types of events led many Liberians to say that "the BBC fought the war." Unfortunately, the BBC was not aware of this dynamic until it was too late.<sup>205</sup> And in retrospect, White commented that "the truth—you know people said [the BBC] caused—you caused the war. Well we did not. Charles Taylor started the war."<sup>206</sup>

In contrast, Doe was never able to influence the media in the same way as Taylor.<sup>207</sup> In part, this difference was due to Taylor's charismatic nature. "Taylor was a very outward going and gregarious kind of guy and he [could] talk in very smooth tones on the radio so he made good use of that" medium to build his authority.<sup>208</sup> White said that "the number of interview that the BBC did with Charles Taylor were . . . very

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<sup>197</sup> Peabody Interview.

<sup>198</sup> Bantu Interview.

<sup>199</sup> Williams at 90.

<sup>200</sup> Temin at 656.

<sup>201</sup> Bantu Interview.

<sup>202</sup> White Interview.

<sup>203</sup> *Id.*

<sup>204</sup> Peabody Interview.

<sup>205</sup> Bantu Interview.

<sup>206</sup> White Interview.

<sup>207</sup> Reno Interview.

<sup>208</sup> *Id.*

small,” maybe five or six.<sup>209</sup> “But the impression, because Taylor was such a good performer, people seem to think that he was endlessly on when he was not on endlessly at all,” White said.<sup>210</sup> “Doe’s spokesmen at the time were on far more frequently than he was but . . . Taylor was a much better performer.”<sup>211</sup>

In an interesting twist, Blunt commented that the access that the international and local media had to the government-controlled areas, essentially to Monrovia, may have actually hurt the government’s position.<sup>212</sup> “In a way it was a disadvantage to the government that I was on their side of the line cause I could see what they were doing whereas with Taylor we only had his word for it” and of course he was not telling the BBC about the atrocities that he was committing on his side of the line.<sup>213</sup> Regarding Taylor, White explained that the BBC gave him a hard time when he was interviewed.<sup>214</sup> We “did not just sit back and say tell me what is happening sir . . . you know we were well aware of what he was trying to do. So . . . if you listen to the actual interviews that were done, I did most of them, I gave him a very, very, very hard time.”<sup>215</sup>

The attention that Taylor was given in the international media had the apparently unintended consequence of helping Taylor legitimize his claim to authority. For example, Michael A. Innes, a political scientist who studies political communication, echoed Sandy’s and Bantu’s comments, explaining that “Taylor’s ability to communicate with international media was a particularly subversive example of foreign intrusion in Liberian politics, and represented a direct challenge to the Doe regime’s long-standing efforts to control public information.”<sup>216</sup> Innes wrote that Taylor’s use of the BBC allowed him “to circumvent resource limitations and rival the statewide network of radio transmitters that ultimately served Doe. Taylor’s running dialogue with the BBC countered official news of the war, enhanced perceptions of rebel success, and identified Taylor as Doe’s chief competitor.”<sup>217</sup> Thus, reporting by the international press helped to establish Taylor as a legitimate leader during the early part of the conflict.<sup>218</sup>

Other scholars have expressed similar views. Ritchard Tamba M’Bayo, another scholar studying conflict in Africa, argues that “the international media intentionally or unintentionally have become life-sustaining platforms for rebel groups and those who engage in extreme acts of violence as a form of political communication.”<sup>219</sup> M’Bayo

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<sup>209</sup> White Interview.

<sup>210</sup> *Id.*

<sup>211</sup> *Id.*

<sup>212</sup> Blunt Interview.

<sup>213</sup> *Id.*

<sup>214</sup> White Interview.

<sup>215</sup> *Id.*

<sup>216</sup> Innes at 19.

<sup>217</sup> *Id.*

<sup>218</sup> *Id.*

<sup>219</sup> M’Bayo at 23.

also explained that “unhindered media access given to Taylor and others had intended and unintended consequences for the broader peace process that the international community sought” for states like Liberia.<sup>220</sup> Specifically, attention in the international press helped Taylor win psychological victories and establish himself a force to be reckoned with.<sup>221</sup>

In addition to the media attention showered on Taylor, Reno notes that visits by foreign dignitaries, such as President Jimmy Carter and Jessie Jackson, helped to reinforce Taylor’s claim to authority.<sup>222</sup> In particular, Reno explained that, when President Carter visited Taylor in 1992, it actually had the unintended effect of putting Taylor back at the negotiating table instead of undercutting his position, and this effect combined with Taylor’s self-promotion helped to make Taylor’s position in the peace negotiations stronger.<sup>223</sup>

## 6c. Criticism of the International Media

The international media has been criticized for its role in reporting on the Liberian conflict. Although many of the criticisms discussed below appear to assume some connection between media reporting and foreign policy setting, it is still valuable to discuss public criticisms of the international media in connection with the media’s role in the Liberian conflict.

International coverage of the conflict in Liberia has been criticized as overly simplistic.<sup>224</sup> “While the war in Liberia and its ethnic aspects have been highly complex and so difficult either for outsiders to grasp or to convey to their audiences, the superficiality of media representations is both misleading and potentially dangerous.”<sup>225</sup> “The Liberian conflict ‘was reported as a wired, lower-order war, said an NGO press officer, reflecting on his unsuccessful efforts to call greater attention to the mayhem. The international media ventured into Liberia, it appears, to provide bizarre documentary-style coverage from the ‘Heart of Darkness’ rather than news of a serious threat to international peace and security.”<sup>226</sup>

The international media has also been criticized for failing to report on the economic aspects of the conflict. Reno explains that “warlord pursuit of commerce has been the critical variable in conflicts in Liberia and other African states. Strongmen have used commerce to consolidate their political power within a coalition of interests among

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<sup>220</sup> *Id.* at 26.

<sup>221</sup> *Id.*

<sup>222</sup> Reno Interview.

<sup>223</sup> *Id.*

<sup>224</sup> Tim Allen, *The Media of conflict: war reporting and representations of ethnic violence* 192 (Jean Seaton ed.; Zed Books dist. by St. Martin’s Press, 1999).

<sup>225</sup> *Id.* at 192.

<sup>226</sup> Minear at 48.

themselves, businesspeople, and local fighters. Taylor, for example, has presided over commerce in gold, diamond mining, timber, and rubber. Taylor's main rivals, who appeared after 1991, have based their authority on control of these and other markets."<sup>227</sup> "Media . . . have almost consistently failed to analyze the economic aspects of African wars, which arguably form the crux of many conflicts, providing as they do both the motivation and the means for expressing or resolving competition through violent conflict. The links between the economic strategies of those competing for national power and international businesses operating in the semi-legal or illegal global economy is where analysis of contemporary wars should be focused, and where targeted interventions may have most impact. Effective action to resolve the Liberian conflict was successful only following serious attention by the international community to the issue of the illegal economy and its role in perpetuating the war."<sup>228</sup> Reno also noted that, once the international community shifted its focus to the illegal economic aspects of the conflict, Taylor's strategic options became increasingly limited.<sup>229</sup> Reno credited this effect, initiated by the international and diplomatic community, as playing a significant role in removing Taylor from power.<sup>230</sup> It is also important to note that the international media played a role here too because it carried and developed the story painting Taylor as, in effect, the head of a criminal syndicate.

Given the strategic effect that reporting on the economic aspect of the Liberian conflict had in the late 1990s, it is fair to question whether bringing this issue to light earlier would have changed the course of the war. Blunt offers one point of view. She opined that, if international media attention had been given to stories about natural resource abuse in Liberia sooner, it would have had no effect on the conflict.<sup>231</sup> The rebel forces "just grabbed whatever they could and I do not think anything that I broadcast, or anybody else broadcast, would have made any difference" during the early stages of the conflict.<sup>232</sup> Later in the conflict, however, Blunt generally agreed with Reno that the conflict diamonds and other resource abuse stories began to limit what Taylor could do as a political leader.<sup>233</sup> White offered a different perspective. He said that the natural resources aspect of the story could have been more influential far before the conflict diamonds story developed in the late 1990s.<sup>234</sup> White said that the BBC reported on the resource abuse that the Tolbert government was engaged in during the 1970s because "we thought this was what directly led to the Doe coup and then the death of people like Tolbert and all his ministers."<sup>235</sup> Still, the international community did not develop a significant interest in the Liberian conflict until decades later, when it became clear

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<sup>227</sup> William Reno, *Warlord Politics and African States* 79 (Lynne Rienner Pubs. 1999).

<sup>228</sup> Allen at 214.

<sup>229</sup> Reno Interview.

<sup>230</sup> *Id.*

<sup>231</sup> Blunt Interview.

<sup>232</sup> *Id.*

<sup>233</sup> *Id.*

<sup>234</sup> White Interview.

<sup>235</sup> *Id.*

that Taylor was using Liberia's natural resources almost exclusively for personal gain.<sup>236</sup>

Another criticism of Western media is that it only covers conflict that is directly related to Western interests and foreign policy or conflict that is so dramatic and horrifying that it can produce a good story.<sup>237</sup> In the words of BBC correspondent Fergal Keane, "African news is generally only big news when it involves a lot of dead bodies. The bigger the mound, the greater the possibility that the world will, however briefly, send its camera teams and correspondents. Once the story has gone 'stale', i.e., there are no new bodies and the refugees are down to a trickle, the media circus moves on."<sup>238</sup> Blunt made similar remarks. In 1990, when the United States airlifted Americans out of Liberia, "the international media rushed in" but when "they discovered the planes were full of Liberian toddlers [and not white adult Americans] they all went away again."<sup>239</sup> In one seasoned journalist's opinion, the "feeding frenzy" style reporting on African conflicts is "positively racist."<sup>240</sup>

From an objective point of view, the data and analysis support Blunt's and Keane's remarks. "The analysis shows that both news agencies and national media outlets do not provide detailed coverage of failing states except in relatively brief moments of crisis. Sustained coverage of failing states is not provided. There is little coverage of developments in failing states per se or coverage of international efforts to rebuild and reconstruct these failing states."<sup>241</sup> The slow and challenging process of rebuilding might not invoke as much interest from the world as extreme violence, but press scrutiny is necessary for transitional justice to occur in a democratic setting.<sup>242</sup> The international media can hold tribunals and other reconciliation processes accountable to the world. "In the absence of a professional and independent press putting these tribunals under constant scrutiny there is a lack of necessary democratic control."<sup>243</sup>

Some commentators also criticize the media's coverage of humanitarian conflicts as "counterproductive for effective diplomacy aimed at conflict prevention or management."<sup>244</sup> "Too often during discussions or negotiations, the protagonists or delegations perform somewhat theatrically for the press corps, thereby apparently stiffening their positions and compounding the problems of mediation or confidence building."<sup>245</sup> It is clear that Taylor and others used the media as a part of their larger

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<sup>236</sup> Reno Interview.

<sup>237</sup> Graham Spencer, *The media and peace: from Vietnam to the 'War on terror.'* 72 (Macmillan 2005).

<sup>238</sup> *Id.*

<sup>239</sup> Blunt Interview.

<sup>240</sup> *Id.*

<sup>241</sup> Holm (pdf file at p. 7). Also note, Holder provides a much more detailed analysis of a similar media situation that occurred in the Congo during the 1990s. See generally Holder.

<sup>242</sup> Thierry Cruvellier, *War Crimes Tribunals in Africa and Sleeping Press Watchdogs*, 58 *Nieman Reports* 26, 27 (Fall 2004), available at <http://www.nieman.harvard.edu/reports/04-3NRfall/V58N3.pdf>.

<sup>243</sup> *Id.* at 28.

<sup>244</sup> Gowing (follow "Is Media Coverage A Sine Qua Non for Conflict Prevention?" hyperlink).

<sup>245</sup> *Id.*



plan to gain control of Liberia. In this respect, attention in the international press aided Taylor in both gaining control of Liberia and solidifying the legitimacy of his claim to that control.

Finally, it should be noted that one scholar addressed the role of the BBC in the Liberian conflict specifically.<sup>246</sup> Jonathan Temin suggested several ways that the BBC can amend its policies on reporting to counteract the negative impact the BBC may potentially have on African conflict.<sup>247</sup> Temin explains that the BBC should respect the large amount of influence its reporting has in conflict situations and exercise its influence responsibly.<sup>248</sup> Although “nobody in the BBC takes their job lightly, editors and policymakers must pay particular attention to how they report on conflict in Africa.”<sup>249</sup> For example, if running a particular story would likely result in increased violence, or if the BBC suspects that a particular interviewee is attempting to use the BBC as a medium to spread hate, fear, or misinformation, Temin suggests that the BBC carefully consider whether to run the story.<sup>250</sup> Still, Temin stresses that the horrors and violence of the war in Liberia were not the fault of the BBC.<sup>251</sup>

Temin does not blame the BBC for the conflict. He simply calls on the BBC to recognize that it was manipulated by actors like Charles Taylor to serve as a tool for their own personal gains resulting in collusion (even if unintentionally) between the BBC and the warlords.<sup>252</sup> Temin stresses that by giving any impression that the BBC is colluding with factions in conflict (willingly or otherwise), the BBC “risks credibility, damages hard-won reputations, and may even put correspondents’ lives in danger.”<sup>253</sup> These suggestions are intended to empower the BBC to serve a positive roll in a difficult situation. As has been discussed, when conflict races through an area, outlets like the BBC are frequently the only remaining media outlets capable of spreading information. Thus, the BBC has an important role to play because “warlords thrive on misinformation and lack of information.”<sup>254</sup> In the future, the BBC must be careful to exercise its influence and authority in a way that ensures that it does not become a tool of one faction or another.<sup>255</sup>

## 6d. Role of the Diaspora Population and Media During the Conflict

It is difficult to gauge the influence that the Liberian diaspora population and media held over the international response to the Liberian conflict. What is certain, however,

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<sup>246</sup> Temin.

<sup>247</sup> *Id.* at 659.

<sup>248</sup> *Id.*

<sup>249</sup> *Id.* at 658.

<sup>250</sup> *Id.* at 659.

<sup>251</sup> *Id.*

<sup>252</sup> *Id.*

<sup>253</sup> *Id.*

<sup>254</sup> *Id.* at 658.

<sup>255</sup> *Id.* at 658.



is that the diaspora media maintained a relatively high level of discussion of Liberian issues during the Liberian conflict. In contrast, the international media often failed to provide sufficient international attention to Liberia. After the first civil war began in 1989, the diaspora population and media complained that the conflict was being largely ignored by the international media and foreign governments, including the United States.<sup>256</sup> Despite Liberia's tightly controlled media and lack of modern communications infrastructure, some of the diaspora population and media were still able to obtain Liberian news during the conflict from friends, contacts, and others remaining in Liberia.<sup>257</sup> This flow of information from different sources inside Liberia helped provide the diaspora media with a different voice than the international media. Thus, the Liberia diaspora media may have helped shape the international response to the Liberian conflict.

While many Liberians fled Liberia during the civil conflict, some Liberians had already resettled in other countries, such as the United States, prior to the conflict. Therefore, the Liberian diaspora population had already established ties in major U.S. population centers, including New York, Minnesota, Maryland, Pennsylvania, New Jersey, Georgia, North Carolina, and California.<sup>258</sup> After the conflict began, the United States was one of sixteen countries with established quotas for accepting Liberian refugees.<sup>259</sup> Other countries with relatively large Liberian diaspora communities include Australia and Canada, and several European countries including Netherlands and Poland.<sup>260</sup> With the influx of Liberians to communities in the United States and other countries, the diaspora media likely found an interested audience to maintain their publications. One diaspora publication, *The Perspective*, has been operated by the Liberian Democratic Future (LDF) online since 1998, and proclaims to "confront the issues head on by concentrating on telling the truth, exposing the root causes, underlining contributing factors and identifying the class divisions which are the undercurrent of the various problems in Liberia."<sup>261</sup>

The Liberian diaspora and media provided different views of the Liberian conflict than international media reports, but it is difficult to gauge what, if any, influence the diaspora and media may have had on the international response to the Liberian conflict.

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<sup>256</sup> Elizabeth Kurylo, *Liberians, Feeling Ignored, March Today in Atlanta*, *The Atlanta Journal and Constitution*, C1, Nov. 20, 1992.

<sup>257</sup> Kimberly J. McLarin, *Liberians Wait for Word on Loved Ones / The War has Ripped Their Homeland Apart / They Say the U.S. Government has Turned Its Back on the Crisis*, *Philadelphia Inquirer*, B01, Nov. 2, 1992.

<sup>258</sup> Robin Dunn-Marcos, et al., *Liberians: An Introduction to their History and Culture*, 19 Culture Profile 50–51 (Apr. 2005).

<sup>259</sup> UNHCR, *Liberian refugees take first steps towards new life in the U.S.* (Aug. 24, 2006), available at <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=412dfc4c4>.

<sup>260</sup> Migration Policy Institute, *Global Data Center: Inflow of foreign-born population by country of birth, by year*, available at <http://www.migrationinformation.org/GlobalData/>.

<sup>261</sup> *About Us*, *The Perspective*, <http://www.theperspective.org/editorial.html>.

## 6e. Conclusions

In summary, although it is widely assumed that a great deal of international reporting on a conflict will force prominent foreign powers to adopt interventionist or conflict-management policies to end the violence, the available data indicate that there is no cause and effect link between reporting and foreign policy setting. Rather, policy tends to be framed from a strategic perspective focused on the foreign actor's existing goals. International media reports on the Liberian conflict therefore had little, if any, effect on the policies pursued by the foreign powers.

Instead, due in part to the international media's ability to transmit its messages to the entire country and because the international media was often seen as an independent, objective source by Liberians, the international media became an important target for Taylor and other actors (including ECOMOG) seeking to control Liberia. Like the natural resources that Taylor sought to control in the country-side, rebel forces viewed the international media as another resource that they needed to control. In this sense, Taylor, the Doe government, ECOMOG, and others, sought to manipulate the international media to project their propaganda messages to Liberians. This manipulation took many forms, including persecuting and arresting local and international journalists on the ground in Liberia, and maintaining close contact with the important international news outlets via satellite phone to discriminate propaganda directly. In the end, Taylor's manipulation of the international media helped to legitimize his claim to authority. Although the press has been criticized for its actions, any potential responsibility that the international media may bear for the atrocities committed in Liberia has not been specifically identified.

## Section 7: Legal and Professional Standards

### 7a. Liberian Law

Freedom of the press and freedom of expression have been considered pillars of effective democracy and civil rights for centuries. Article nineteen of the Universal Declaration of Human Rights declares that, “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.”<sup>262</sup> Government treatment of the media during the Liberian civil war, as addressed in this report, was a serious violation of this standard, and it conflicted with Liberian law as well. Article fifteen of the 1984 Liberian Constitution guarantees the right to freedom of expression (see Appendix 3), which includes freedom of speech and freedom of the press.<sup>263</sup> The 1984 Constitution provides “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.”<sup>264</sup> The right to freedom of expression includes “freedom of speech and of the press.”<sup>265</sup> The 1984 Liberian Constitution also expressly prohibits any “limitation on the public right to be informed about the government and its functionaries.”<sup>266</sup> Finally, the Constitution provides that “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.”<sup>267</sup> According to Liberian journalists Isaac D.E. Bantu and Moses Sandy, Liberian law was sufficient to protect journalists during the conflict, but the law was broken and ignored.<sup>268</sup> In Sandy’s words, “people became a law unto themselves” during the civil war. Both the Doe and the Taylor administrations ignored the courts and responded to allegedly “false” journalism by flogging journalists and burning down press houses. Under both Doe and Taylor, there was an atmosphere of impunity.<sup>269</sup> Many beatings took place not on the orders of the high levels of leadership, but because officials and military commanders were not held responsible for adhering to any laws. The problem of the press in Liberia was not primarily a problem of law and policy, but it was a problem of abuse at the hands of the

<sup>262</sup> Universal Declaration of Human Rights, G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 10, 1948), available at <http://www.unhchr.ch/udhr/lang/eng.htm> (hereinafter “UDHR”).

<sup>263</sup> 1984 Constitution of the Republic of Liberia art. 15, available at [http://onliberia.org/con\\_1984\\_2.htm](http://onliberia.org/con_1984_2.htm).

<sup>264</sup> *Id.*

<sup>265</sup> *Id.*

<sup>266</sup> *Id.*

<sup>267</sup> *Id.*

<sup>268</sup> Interview with Stanford Peabody (Aug. 6, 2007) (on file with author) (hereinafter “Peabody Interview”); Interview with Moses D. Sandy (Aug. 6, 2007) (on file with author) (hereinafter “Sandy Interview”).

<sup>269</sup> Interview with James Qualah (Aug. 6, 2007) (on file with author) (hereinafter “Qualah Interview”).

government, and lack of infrastructure and other means of economic survival.

Over the course of Liberian history leaders have manipulated the law in order to gain greater control over the media and to justify objectionable treatment of the press. In 1924, the Liberian government passed legislation that made certain statements about the president of Liberia and officials representing foreign governments in Liberia a form of libel punishable under criminal law.<sup>270</sup> A year later, The False Publication Act (1925) introduced criminal penalties for “harmful and false” statements made about a candidate’s fitness for public office.<sup>271</sup> This legislation began a trend of stifling government criticism that became more severe with time. Bertha Corbin and Tuan Wreh, who wrote for the *Independent Weekly*, and C. Frederick Taylor of the *African Nationalist* are but three examples of journalists who served prison sentences and were banned from working as a result of their critical reporting on government activities.<sup>272</sup>

During the Tubman and Tolbert administrations, limits on press freedom did not come directly from legal restrictions. Rather, freedom of the press was not supported by the government, and the administrations did not support formal training for journalists.<sup>273</sup>

Samuel Doe used military decrees to justify his arbitrary abuses of press freedoms and violations of human rights. For example, Decree 88A, passed on July 21, 1984, gave security agencies the right to arrest and detain anyone who was “spreading rumors, lies, and misinformation against any government official or individual either by word of mouth, writing, or public broadcast.”<sup>274</sup> In response to protests by the press and public, Doe amended the decree slightly in 1986, but it was not repealed until the end of his regime in 1990. As a result of this decree and others, Doe detained many journalists without trial. Momolu Sirleaf and C. William Allen, publisher and editor of the independent paper the *Footprints Today*, were detained without trial a few months after decree 88A was passed.<sup>275</sup> After their release, Sirleaf and Allen sued the government for violating their fundamental human rights, which resulted in a second arrest and 55 days in one of Doe’s military camps. Decree 88A was also used to shutdown papers and radio stations of which Doe did not approve. The government invoked 88A to close the *Sun Times* after it featured an article and editorial discussing an alleged assassination attempt on Baccus Matthews, one of Doe’s opponents in the 1985 elections.<sup>276</sup>

Charles Taylor also used the law as a tool to subvert press freedoms. Taylor’s initial attitude toward the media was characterized by subtle, but repressive, regulations which were enforced selectively and unjustly. In 1998 the government passed

<sup>270</sup> Ayodeji Olukoju, *Culture and Customs of Liberia* 53 (Greenwood Press 2006).

<sup>271</sup> *Id.*

<sup>272</sup> *Id.*

<sup>273</sup> *Id.*

<sup>274</sup> *Id.* at 55.

<sup>275</sup> *Id.* at 54.

<sup>276</sup> *Id.* at 55.

legislation that required newspapers to achieve a minimum circulation of 4,000 copies and required newspaper houses and radio stations to have a minimum deposit of \$10,000 in order to operate.”<sup>277</sup> These measures severely restricted the independent press. In May 2000, Taylor moved a step further and closed Radio Veritas and Star Radio, two independent stations that hosted phone-in programs that allowed the public to engage in government criticism, calling them “threats to public security.”<sup>278</sup> On February 8, 2002, Taylor legalized this practice by declaring a state of national emergency, which gave government authorities the power to limit press freedoms.<sup>279</sup> The Ministry of Information announced that anyone who commented on the state of emergency would be “dealt with” under the emergency laws. The introduction of this policy was followed by a wave of arrests; for example, Stanley Seakor, publisher and manager of *the Analyst* newspaper and other *Analyst* employees were arrested.”<sup>280</sup> *The Analyst* was eventually closed.<sup>281</sup> In May 2002, Taylor moved to extend the state of emergency motion for another six months.<sup>282</sup>

Taylor also abused and controlled the court system to exercise power over the media. In June 2002, Taylor arrested *the Analyst*’s editor Hassan Bility as an alleged illegal combatant.<sup>283</sup> Taylor accused Bility of attempting to assassinate him in collaboration with the Liberian United for Reconciliation and Democracy (LURD)<sup>284</sup>. The government failed to present Bility in court, justifying their actions based on his status as an “unlawful combatant,” and when the Court Martial Board issued an August 7th deadline for Bility’s appearance, the government declared the writ “null and void.”<sup>285</sup> The Court Martial Board later denied that it issued a writ commanding Bility’s appearance.<sup>286</sup> Bility was never given a trial, and although officials insisted that his arrest was not related to his work as a journalist, all evidence points to that conclusion.<sup>287</sup> Evidence that Bility was involved with LURD or had plans to assassinate Taylor was never presented.<sup>288</sup> in the words of Ayodeji Olukoju, “In effect, the obsession with so-called state security – which means keeping the secrets about sordid deeds of government officials – has shackled professional journalism in Liberia.”<sup>289</sup>

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<sup>277</sup> *Id.* at 56.

<sup>278</sup> *Id.*

<sup>279</sup> *Attacks on the Press in 2002, Liberia*, Committee to Protect Journalists, <http://www.cpj.org/attacks02/africa02/liberia.html>.

<sup>280</sup> Letter from Johann P. Fritz, Director, International Press Institute to Charles Taylor, President of Liberia (May 17, 2002), available at

[http://www.freemedia.at/cms/ipi/statements\\_detail.html?ctxid=CH0055&docid=CMS1146658629866&year=2002](http://www.freemedia.at/cms/ipi/statements_detail.html?ctxid=CH0055&docid=CMS1146658629866&year=2002).

<sup>281</sup> *Id.*

<sup>282</sup> *Id.*

<sup>283</sup> Letter from Johann P. Fritz, Director, International Press Institute to Charles Taylor, President of Liberia (Aug. 7, 2002), available at

[http://www.freemedia.at/cms/ipi/statements\\_detail.html?ctxid=CH0055&docid=CMS1146645821233&year=2002](http://www.freemedia.at/cms/ipi/statements_detail.html?ctxid=CH0055&docid=CMS1146645821233&year=2002).

<sup>284</sup> *Id.*

<sup>285</sup> *Attacks on the Press in 2002, Liberia*.

<sup>286</sup> *Id.*

<sup>287</sup> *Id.*

<sup>288</sup> *Id.*

<sup>289</sup> Olukoju at 57.



After the interim government headed by Bryant was established, and the Ellen Johnson-Sirleaf administration took over the government in 2005, laws and policies pertaining to communication have been focused on establishing media that is free and fair. According to Gabriel Williams, former Secretary-General of the Press Union of Liberia and founding member of the Association of Liberian Journalists in Americas, C. William Allen, the Transitional Minister of Information, demonstrated a commitment to promoting free and independent media by relaxing registration requirements.<sup>290</sup> The government also established a National Communications Policy Commission that will regulate the media in order to promote journalistic ethics and ensure sovereignty among media outlets. (See Appendix 4 (text of the Act Constituting a National Communications Policy Commission).)<sup>291</sup>

On October 27, 2004, the government held a national conference on media law and policy reform, which concluded that, “a free and independent media is a prerequisite for a well functioning democracy and good governance.”<sup>292</sup> Yet free press advocates are still citing elements of Liberian law that are repressive. The fact that journalists are still tried in criminal courts is especially controversial. According to Johann P. Fritz, the director of the International Press Institute, “while an individual’s reputation may well deserve a measure of protection in the civil courts, it is wrong to use the criminal courts. Such laws stigmatize journalists for making mistakes and increase the likelihood of censorship, thereby harming society and the public’s right to know.”<sup>293</sup> The International Press Institute objected when staff at the independently-run *New Broom* newspaper were arrested on criminal charges under Section 11.44 of the New Penal Law of Liberia. The staff were accused of “criminally, unlawfully and maliciously” publishing a story accusing Abraham Mitchell, the Commissioner of the Bureau of Immigration and Naturalization (BIN), of bribery.<sup>294</sup>

## 7b. International and Regional Legal Standards

The right to freedom of expression has long been recognized as a fundamental human right. Free expression is of crucial importance to the functioning of a democratic government, a necessary precondition for the exercise of other important rights and freedoms, and is in its own right essential to human dignity.

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<sup>290</sup> Gabriel I.H. Williams, *Journalism at a Crossroads in Liberia*, 58 Nieman Reports 3, 33 (The Nieman Foundation for Journalism at Harvard University, Cambridge, Mass. 2004), available at <http://www.nieman.harvard.edu/reports/04-3NRfall/V58N3.pdf>.

<sup>291</sup> *An Act Constituting a National Communications Policy Commission*, Center for Media Studies and Peace Building, <http://www.liberianmedia.org/Communications%20Policy.htm>.

<sup>292</sup> *Liberian Media Law and Policy Reform Conference Ends with Ambitious Plan of Action*, United Nations Educational, Scientific and Cultural Organization News Service (Oct. 10, 2004), [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=17423&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=17423&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>293</sup> *IPI Calls for “Criminal Malevolence” Charge Against Newspaper Staff in Liberia to be Dropped by Courts*, International Press Institute (July 20, 2004), [http://www.freemedia.at/cms/ipi/statements\\_detail.html?ctxid=CH0055&docid=CMS114441283120&year=2004](http://www.freemedia.at/cms/ipi/statements_detail.html?ctxid=CH0055&docid=CMS114441283120&year=2004).

<sup>294</sup> *Id.*



Many sources of international law recognize freedom of expression as a fundamental right. Indeed, the major regional human rights treaties, including one specific to Africa, recognize freedom of expression as an essential human right. These international standards are important for both understanding the mistreatment of the media in Liberia and establishing guidelines for rebuilding Liberian media.

It is important to note that people affected by conflict are often aware of the international standards that protect their right to freedom of expression. For example, William Reno notes that newspapers in Freetown, Sierra Leone cited to various sources of international law when discussing press abuse.<sup>295</sup> While these standards may not have stopped rebel or government forces from beating or even killing journalists during the long Liberian conflict, a working knowledge of international law and journalism standards can help oppressed journalists fight against their oppressors with the knowledge that the rest of the world supports the idea of freedom of expression.<sup>296</sup> Moreover, these standards form a solid foundation upon which new journalists can be trained.<sup>297</sup> Adhering to a high standard of professional conduct, and seeking to promote freedom of expression, are important parts of ensuring that the press is able to perform its function in a democracy—especially when this function is threatened by despotic warlords bent on ruling a country through the use of violence.

This subpart will summarize the relevant international and regional legal standards that apply to the media.

**Universal Declaration of Human Rights.** The Universal Declaration of Human Rights (UDHR) was adopted unanimously by the United Nations General Assembly on December 10, 1948.<sup>298</sup> Article 19 of the UDHR proclaims that “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.”<sup>299</sup>

When the UDHR was adopted, it was widely viewed as a statement of principles, but it has acquired increasing legal significance over time. On the twentieth anniversary of its adoption, the United Nations General Assembly declared that the UDHR “states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community.”<sup>300</sup> Moreover, all significant human

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<sup>295</sup> Interview with William Reno (Mar. 10, 2008) (on file with author) (hereinafter “Reno Interview”).

<sup>296</sup> Interview with Elizabeth Blunt (March 12, 2008) (on file with author) (hereinafter “Blunt Interview”).

<sup>297</sup> *Id.*

<sup>298</sup> UDHR.

<sup>299</sup> *Id.* at art. 19.

<sup>300</sup> Final Act of the International Conference on Human Rights, Teheran, May 13, 1968, U.N. Doc. A/CONF. 32/41 at 3 (1968).

rights treaties adopted after 1948 recognize the UDHR in their preambles. For example, the preamble to the International Covenant on Civil and Political Rights recognizes that “that, in accordance with the UDHR, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.”<sup>301</sup> Also, both the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention), which went into effect on September 3, 1953, and the Inter-American Convention on Human Rights (American Convention), which went into effect on July 18, 1978, recognize the UDHR in their preambles and they give effect to the principles set forth in the UDHR.<sup>302</sup>

The right to freedom of expression recognized in the UDHR, however, is not without restriction. Unlike some of the later treaties, the UDHR does not place any direct limitation on the right to freedom of expression. Rather, Article 29.2 recognizes that “in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”<sup>303</sup> Thus, the UDHR implicitly recognizes that some very limited restrictions on freedom of expression may be appropriate in certain cases.

**International Covenant on Civil and Political Rights.** Article 19 of the International Covenant on Civil and Political Rights (ICCPR) recognizes that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”<sup>304</sup> The ICCPR went into effect on March 23, 1976, and as of January 25, 2008, 160 States have ratified or acceded to the ICCPR.<sup>305</sup> Liberia signed the ICCPR on April 18, 1967 and ratified it on September 22, 2004.<sup>306</sup>

Unlike the UDHR, however, the ICCPR expressly provides that the right to freedom of

<sup>301</sup> International Covenant on Civil and Political Rights pbml., adopted Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Jan. 3, 1976), available at [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm) (hereinafter “ICCPR”).

<sup>302</sup> Convention for the Protection of Human Rights and Fundamental Freedoms pbml., opened for signature Nov. 4, 1950, 213 U.N.T.S. 222 (entered into force Sept. 3, 1953), available at <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm> (hereinafter “European Convention”); American Convention on Human Rights pbml., opened for signature Nov. 22, 1969, 1144 U.N.T.S. 123 (entered into force July 18, 1978), available at <http://www.oas.org/juridico/english/treaties/b-32.html> (hereinafter “American Convention”).

<sup>303</sup> UDHR at art. 29.

<sup>304</sup> ICCPR at art. 19.

<sup>305</sup> List of States that have signed and ratified or acceded to the International Convention on Civil and Political Rights, Office of the United Nations High Commissioner for Human Rights, available at <http://www2.ohchr.org/english/bodies/ratification/4.htm> (hereinafter “ICCPR states”).

<sup>306</sup> *Id.*

expression may “be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; [and] (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.”<sup>307</sup> These restrictions also must be narrowly drawn, and the United Nations Human Rights Committee explained that:

When a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself. Paragraph 3 lays down conditions and it is only subject to these conditions that restrictions may be imposed: the restrictions must be ‘provided by law’; they may only be imposed for one of the purposes set out in sub-paragraphs (a) and (b) of paragraph 3; and they must be justified as ‘necessary’ for that State party for one of those purposes.<sup>308</sup>

Thus, although press freedoms may be restricted under certain narrow circumstances, the ICCPR recognizes that a free press is a fundamental human right. In addition, Article 20 provides protection from media abuses by prohibiting propaganda for war and “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”<sup>309</sup>

The ICCPR, like the other regional charters that will be discussed below, also includes articles that require parties to implement and enforce the rights protected in the convention. The ICCPR requires members to accept two kinds of obligations: first, to adopt legislative or other measures as may be necessary to give effect to the rights protected by the treaty, and second to remedy violations of the rights provided. In relevant part, Article 2.2 states “where not already provided for by existing legislative or other measures, each State Party . . . undertakes . . . to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.”<sup>310</sup> Furthermore, Article 2.3 requires member states:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.<sup>311</sup>

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<sup>307</sup> ICCPR at art. 19.

<sup>308</sup> Report of the Human Rights Committee to the General Assembly, 38th Sess., Supp. No. 40, at Annex VI General Comment 10, U.N. Doc. A/38/40 (1983).

<sup>309</sup> ICCPR at art. 20.

<sup>310</sup> *Id.* at art. 2.

<sup>311</sup> *Id.*

Both the European Convention and the American Convention require adoption of similar legislative or other measures to ensure that the rights protected in the relevant conventions are also protected by national law.<sup>312</sup>

In Africa, a specific regional charter also protects freedom of expression.

**African Charter on Peoples and Human Rights.** Article 9 of the African Charter of Human and Peoples' Rights (ACHPR) recognizes that "every individual shall have the right to receive information . . . and to express and disseminate his opinions within the law."<sup>313</sup> The ACHPR went into effect on October 21, 1986, and as of May 26, 2007, 53 African States are party to this charter.<sup>314</sup> Liberia acceded to the ACHPR on August 4, 1982 and signed this charter on January 31, 1983.<sup>315</sup>

Among the regional charters, the ACHPR is unique because it does not expressly place any restrictions on the right to receive information and to express and disseminate opinions within the law. Rather, the general restrictions on the freedoms identified in the ACHPR are set out in Articles 27–29. Most significantly, the ACHPR states that the "rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest."<sup>316</sup>

Like the ICCPR, and the other regional conventions discussed above, the ACHPR requires, in Article 1, that states party to it "shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them."<sup>317</sup> Thus, the ACHPR is binding law in the States' that have adopted it.

**Economic Community of West African States Treaty.** The Economic Community of West African States (ECOWAS) was founded on May 28, 1975. Liberia is a member of ECOWAS.

The perambulatory clauses of the ECOWAS treaty recognize and reaffirm the ACHPR.<sup>318</sup> Article 66 of the ECOWAS treaty provides that the member states "agree to cooperate in the area of information."<sup>319</sup> To this end, the ECOWAS states agreed to:

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<sup>312</sup> European Convention at art. 1; American Convention at art. 28.

<sup>313</sup> African Charter on Human and Peoples' Rights art. 9, June 27, 1981, 21 I.L.M. 58, available at [http://www.achpr.org/english/\\_info/charter\\_en.html](http://www.achpr.org/english/_info/charter_en.html) (hereinafter "ACHPR").

<sup>314</sup> List of Countries which have signed, ratified/acceded to the African Union Convention on African Charter on Human and People's Rights, African Union, available at [http://www.achpr.org/english/ratifications/ratification\\_african%20charter.pdf](http://www.achpr.org/english/ratifications/ratification_african%20charter.pdf) (hereinafter "ACHPR states").

<sup>315</sup> *Id.*

<sup>316</sup> ACHPR at art. 27.

<sup>317</sup> *Id.* at art. 1.

<sup>318</sup> Treaty Establishing the Economic Community of West African States pmbl., Jul. 24, 1993, 35 I.L.M. 660 (1996), available at <http://www.worldtradelaw.net/fta/agreements/ecowasfta.pdf> (hereinafter "ECOWAS Treaty").

<sup>319</sup> *Id.* at art. 66.

- (a) to maintain within their borders, and between one another, freedom of access for professionals of the communication industry and for information sources;
- (b) to facilitate exchange of information between their press organs; to promote and foster effective dissemination of information within the Community;
- (c) to ensure respect for the rights of journalists;
- (d) to take measures to encourage investment capital, both public and private, in the communication industries in Member States;
- (e) to modernize the media by introducing training facilities for new information techniques; and
- (f) to promote and encourage dissemination of information in indigenous languages, strengthening cooperation between national press agencies and developing linkages between them.

In 2001, the ECOWAS states agreed to a Protocol on Democracy and Good Governance.<sup>320</sup> The protocol proclaims that “the freedom of the press shall be guaranteed.” Article 37 commits each member state to working “towards ensuring pluralism of the information sector and the development of the media.” In addition, the protocol states that financial assistance to privately-owned media “shall be done by an independent body or by a body freely instituted by the journalists themselves.” The protocol also provides for sanctions against member states that massively violate human rights.

**Declaration of Windhoek.** In 1991 a group of African newspaper journalists gathered at the United Nations Educational, Scientific and Cultural Organization (UNESCO) Seminar on Promoting an Independent and Pluralistic African Press to consider the state of the media in Africa. On May 3, 1991, the conference participants issued the Declaration of Windhoek (attached as Appendix 5).<sup>321</sup> The Declaration was endorsed by the UNESCO’s General Conference.

The Declaration recognizes the transgressions on free press that have occurred and continue to occur across the Africa continent, and the particular economic and political challenges faced by the African press. It emphasized that, consistent with Article 19 of the UDHR, “an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation, and for economic development.” The Declaration also stated that the media should only be funded by the government where authorities guarantee a constitutional and effective freedom of information and

<sup>320</sup> Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping And Security (December 2001), available at [http://www.iss.co.za/af/regorg/unity\\_to\\_union/pdfs/ecowas/12ProtDemocGood.pdf](http://www.iss.co.za/af/regorg/unity_to_union/pdfs/ecowas/12ProtDemocGood.pdf).

<sup>321</sup> United Nations Educational, Scientific and Cultural Organization, Declaration of Alma Ata on Promoting Independent and Pluralistic Asian Media and Declaration of Windhoek on Promoting an Independent and Pluralistic African Press, U.N. Doc. DPI/1317 (1993), available at [http://www.unesco.org/webworld/fed/temp/communication\\_democracy/windhoek.htm](http://www.unesco.org/webworld/fed/temp/communication_democracy/windhoek.htm) (hereinafter “Windhoek Declaration”).



expression and the independence of the press. Furthermore, the Declaration called on African governments to release journalists jailed for their professional activities and to allow the return of journalists who have fled their countries due to their professional activities. The Declaration also identified a particularly relevant list of initiatives and projects to aid the development of the media in Africa.

In 1993, the United Nations General Assembly took note of the Windhoek Declaration and proclaimed May 3 as World Press Freedom Day.

Part II of the ACHPR also established a quasi-judicial body called the African Commission on Human and People's Rights (ACHR), which is charged with promoting and protecting human and peoples' rights in Africa.<sup>322</sup> Pursuant to Article 45 of the ACHPR, the ACHR is also responsible for interpreting the ACHPR.

**Declaration of Principles on Freedom of Expression in Africa.** On October 23, 2002, the ACHR adopted an authoritative Declaration of Principles on Freedom of Expression in Africa (DPFEA) (attached as Appendix 6).<sup>323</sup> In its perambulatory clauses, the DPFEA recognizes the Declaration of Windhoek, and in its operative clauses the DPFEA echoes the language of the UDHR and proclaims that "freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy." The DPFEA also emphasizes that "no one shall be subject to arbitrary interference with his or her freedom of expression" and requires that any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary and in a democratic society."

The DPFEA specifically expands upon the principles of freedom of expression that are established in Article 9 of the ACHPR. For example, the DPFEA identifies goals and objectives relevant to diversity of expression, freedom of information, formation and regulation of an independent private broadcasting network, establishment of a public broadcasting system, and regulation of the print media. The DPFEA also calls on African states to develop a system for publicly complaining about print or broadcast media, promoting professionalism among journalists, and protecting journalists from attacks, such as murder, kidnapping, intimidation, and threats of force, due to their exercise of the right to freedom of expression.

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<sup>322</sup> ACHPR at Part II.

<sup>323</sup> African Commission on Human and Peoples' Rights, *Declaration of Principles on Freedom of Expression in Africa*, available at [http://www.achpr.org/english/declarations/declaration\\_freedom\\_exp\\_en.html](http://www.achpr.org/english/declarations/declaration_freedom_exp_en.html) (hereinafter "DPFEA").



**Special Rapporteur on Freedom of Expression in Africa.** On December 7, 2004, the ACHR established a Special Rapporteur on Freedom of Expression in Africa.<sup>324</sup> The special rapporteur's mandate requires it to analyze national media legislation, policies, and practices of African Union states and monitor their compliance with the DPFEA. The special rapporteur is also required to investigate and report massive violations of freedom of expression to the African Union Commission. The ACHR renewed the mandate of the special rapporteur for two years on November 28, 2007.<sup>325</sup>

In addition to the UDHR, ICCRP, ACHPR, Declaration of Windhoek, and DPFEA other sources of international law also support the right of freedom of expression in Liberia. First, it is important to note that the European Charter and American Charter should be looked to for comparative guidance on the content and application of the right to freedom of expression in Africa, and more specifically in Liberia. Second, other less authoritative sources of international law support the right of freedom of expression.

**The Johannesburg Principles.** Article 19, an international human rights organization that defends and promotes freedom of expression and freedom of information, explains that "freedom of expression is a fundamental, indeed foundational right, guaranteed under international law, all three main regional human rights treaties and almost every national constitution with a bill of rights."<sup>326</sup> The Johannesburg Principles on National Security, Freedom of Expression and Access to Information (Johannesburg Principles) (attached as Appendix 7) were adopted on October 1, 1995 by experts in human rights, international law, and national security convened by Article 19.<sup>327</sup> They are based on international and regional law and standards. "The Johannesburg Principles have been widely endorsed and relied upon by judges, lawyers, civil society actors, academics, journalists and others, all in the name of freedom of expression. They set a high standard of respect for freedom of expression, confining claims based on national security to what States can legitimately justify."<sup>328</sup> Accordingly, the standards are especially relevant to the press abuse in Liberia because their goal was to set standards for what is an appropriate level of press restriction in the interest of national security.<sup>329</sup>

Before exploring these themes, it is important to note that the Johannesburg Principles

<sup>324</sup> African Commission on Human and Peoples' Rights, *Resolution on the Mandate and Appointment of a Special Rapporteur on Freedom of Expression in Africa*, available at [http://www.achpr.org/english/info/free\\_exp\\_res\\_3.html](http://www.achpr.org/english/info/free_exp_res_3.html).

<sup>325</sup> African Commission on Human and Peoples' Rights, *Resolution on the Expansion of the Mandate and Re-appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa*, available at [http://www.achpr.org/english/resolutions/resolution122\\_en.htm](http://www.achpr.org/english/resolutions/resolution122_en.htm).

<sup>326</sup> Toby Mendel, *The Johannesburg Principles: Overview and Implementation 2*, Article 19 (Feb. 7, 2003), available at <http://www.article19.org/pdfs/publications/jo-burg-principles-overview.pdf>.

<sup>327</sup> Article 19, *The Johannesburg Principles on National Security, Freedom of Expression and Access to Information 4* (Nov. 1996), available at <http://www.article19.org/pdfs/standards/joburgprinciples.pdf> (hereinafter "Johannesburg Principles").

<sup>328</sup> Mendel at 1.

<sup>329</sup> *Id.*

echo the freedom of expression ideals enshrined in the UDHR, ICCPR, and ACHPR (and other authoritative sources of international law, including the European Charter and the American Charter). The Johannesburg Principle 1 provides that “everyone has the right to hold opinions without interference . . . to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice.”<sup>330</sup> Thus, the Johannesburg Principles describe a right to freedom of expression that is based on general principles of international law and that is recognized by the international community in the various treaties and conventions described above. In this respect, the Johannesburg Principles may be looked to for important guidance on the content and application of the right to freedom of expression. The Johannesburg Principles may also be used to inform an interpretation of these documents, specifically in the context of restrictions based on national security.

Like the ICCPR, the Johannesburg Principles expressly allow certain restrictions on freedom of expression, “including for the protection of national security.”<sup>331</sup> Johannesburg Principle 1(d) provides that:

No restriction on freedom of expression or information on the ground of national security may be imposed unless the government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest. The burden of demonstrating the validity of the restriction rests with the government.<sup>332</sup>

The principles delineate what “prescribed by law” entails, what is necessary to a democratic society, and when a national security interest is legitimate. In short, for a restriction to be prescribed by law, the law must be accessible, unambiguous, drawn narrowly and with precision so as to enable individuals to foresee whether a particular action is unlawful and the law must provide for adequate safeguards against abuse, such as permitting prompt and full review in an independent court. Restrictions are necessary in a democratic society when the government proves (1) that the expression or information at issue poses a serious threat to a legitimate national security interest, (2) the restriction imposed is the least restrictive means possible for protecting that interest, and (3) the restriction is compatible with democratic principles. Finally, a national security interest is legitimate when it has the genuine purpose and demonstrable effect of protecting a state’s existence or its territorial integrity against the use or threat of force, or its capacity to respond to the use or threat of force (whether internal or external). On the other hand, a restriction sought to be justified on the ground of national security is not legitimate if its purpose or effect is to protect the

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<sup>330</sup> Johannesburg Principles at 7.

<sup>331</sup> *Id.*

<sup>332</sup> *Id.*

government from embarrassment or exposure to wrongdoing, or to conceal information about the function of its public institutions, or to entrench a particular ideology, or to suppress industrial unrest.

The Johannesburg Principles also characterize a category of speech as “protected.” This category of speech shall not constitute a threat to national security and therefore cannot be restricted on such grounds.<sup>333</sup> It includes speech that “advocates non-violent change of government policy or the government,” criticizes the government, objects to military service or actions, and “is directed at communicating information about alleged violations of international human rights standards or international humanitarian law.”<sup>334</sup>

**2001 African Charter on Broadcasting.** In 2001, a group of media practitioners was convened at a UNESCO conference held in Windhoek, Namibia to celebrate the ten-year anniversary of the Windhoek Declaration. The Windhoek + 10 conference adopted a charter on broadcasting in Africa (attached as Appendix 8).<sup>335</sup> Although the African Charter on Broadcasting has not been adopted by any state-based bodies, it contains important suggestions for reforming broadcasting in Africa. It sets out clearly-defined objectives for establishing regulatory systems based on “promoting respect for freedom of expression, diversity, and the free flow of information and ideas, as well as a three-tier system for broadcasting: public service, commercial and community.” It also explained that “the right to communicate includes access to telephones, email, Internet and other telecommunications systems, including through the promotion of community-controlled information communication technology centres.” Finally, the African Charter on Broadcasting calls on “media organizations and civil society in Africa to use the Charter as a lobbying tool and as their starting point in the development of national and regional broadcasting policies.”

**Recommendations of the Forum on Freedom of Expression in Africa.** On June 30, 2006, a large collection of media organizations, including the Liberian Bar Association and the Centre for Media studies and Peace Building (Liberia), sent an open letter to the African Union Heads of State and Governments (attached as Appendix 9).<sup>336</sup> This letter called upon the African Union to “reinforce the mechanisms protecting freedom of expression, freedom of the press within the [ACHR], especially by ensuring the independence of all human rights monitoring mechanisms especially the Special Rapporteur on freedom of expression in Africa, [ACHR] and the African Court of

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<sup>333</sup> *Id.* at 9–10

<sup>334</sup> *Id.*

<sup>335</sup> United Nations Educational, Scientific and Cultural Organization, *African Charter on Broadcasting 2001* (May 5, 2001), available at [http://portal.unesco.org/ci/en/files/5628/10343523830african\\_charter.pdf/african%2Bcharter.pdf](http://portal.unesco.org/ci/en/files/5628/10343523830african_charter.pdf/african%2Bcharter.pdf).

<sup>336</sup> Open Letter from Media Organizations, *Recommendations of the Forum on Freedom of Expression in Africa* (July 6, 2006), available at <http://www.canada.ifex.org/en/content/view/full/75532>.

Human Rights” and to “adopt a treaty that will reinforce the existing principles on press freedom and freedom of expression in Africa.” The letter was also endorsed by Article 19.

Other relevant sources describing international and regional standards for free expression include:

- UNESCO, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, <http://www2.ohchr.org/english/issues/opinion/>.
- Article 19, “Freedom of Expression Handbook,” <http://www.article19.org/pdfs/publications/1993-handbook.pdf>.
- Berger, Media Legislation in Africa: A Comparative Legal Survey, [http://portal.unesco.org/ci/en/files/25479/11915762761medialegislationinafrica\\_web.pdf/medialegislationinafrica\\_web.pdf](http://portal.unesco.org/ci/en/files/25479/11915762761medialegislationinafrica_web.pdf/medialegislationinafrica_web.pdf).

The international standards described above can be applied to the Liberian conflict. For example, Taylor’s and Doe’s treatment of the press was in clear violation of the principles established in international law and reflected in the Johannesburg Principles. Johannesburg Principle 1.1 requires that restrictions prescribed by law must be narrowly and precisely drawn so as to enable individuals to foresee whether a particular action is unlawful. Doe’s Decree 88A and Taylor’s “State of Emergency” certainly did not fit either requirement. Principle 1.1 also requires that the law be placed under scrutiny by an independent court or tribunal, which did not take place in Liberia with respect to Doe’s Decree 88A and Taylor’s “State of Emergency.” Next, Taylor’s and Doe’s treatment of the press also conflicted sharply with Johannesburg Principle 1.3, which requires, in order to establish a restriction on freedom of expression or information, the government must demonstrate that “(a) the expression or information at issue poses a serious threat to a legitimate national security interest; (b) the restriction imposed is the least restrictive means possible for protecting that interest; and (c) the restriction is compatible with democratic principles.”<sup>337</sup> Finally, much of the speech Doe and Taylor restricted fell within one of the four categories of protected speech that the Johannesburg Principles state may not be restricted on national security grounds.

These three examples have serious implications because the Johannesburg Principles reflect the general understanding of a broad spectrum of the international community on freedom of expression issues. Thus, contravention of these principles also likely violate international law. It should be beyond doubt that many of the actions taken by Taylor and Doe violated internationally recognized freedom of expression principles. What remains to be seen, however, is how Liberia will use the international standards regulating freedom of expression to assess the capability of Taylor, Doe, and other

<sup>337</sup> *Id.* at 8.

actors functioning during the decades-long Liberian conflict.

### 7c. Professional Standards

In addition to the international standards on freedom of expression, reference documents on professional standards and the media can provide a baseline for understanding the role of the media in the Liberian conflict and may also serve as an important tool for developing media standards in post-conflict Liberia. In addition, “an awareness of international standards of professional journalism provides a basis from which journalists may feel justified, beyond their own personal conviction, to resist manipulation, because they enjoy a network of support and feel part of a larger community of journalists who adhere to a common standard. Not only are they emboldened by the support of a larger community of colleagues, but they may also be able to use the network to communicate with the outside world if media freedoms come under attack. Consequently, actors with the intent of manipulating media may be more hesitant to do so if every time they apply pressure behind the scenes their actions are made public by the local or international media.”<sup>338</sup>

**Declaration of Rights and Obligations of Journalists.** The Declaration of Rights and Obligations of Journalists (Munich Charter) was drawn up and approved in Munich, Germany on November 24–25, 1971.

#### *Preamble*

The right to information, to freedom of expression and criticism is one of the fundamental rights of man. All rights and duties of a journalist originate from this right of the public to be informed on events and opinions. The journalists’ responsibility towards the public excels any other responsibility, particularly towards employers and public authorities. The mission of information necessarily includes restrictions which journalists spontaneously impose on themselves. This is the object of the declaration of duties formulated below. A journalist, however, can respect these duties while exercising his profession only if conditions of independence and professional dignity effectively exist. This is the object of the following declaration of rights.

#### *Declaration of Duties*

The essential obligations of a journalist engaged in gathering, editing and commenting news are:

1. To respect truth whatever be the consequences to himself, because of the right of the public to know the truth.

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<sup>338</sup> Mark Frohardt & Jonathan Temin, *Use and Abuse of Media in Vulnerable Societies* 4 (United States Inst. of Peace, Special Report 110, Oct. 2003), available at <http://www.usip.org/pubs/specialreports/sr110.pdf>.



2. To defend freedom of information, comment and criticism.
3. To report only on facts of which he knows the origin; not to suppress essential information nor alter texts and documents.
4. Not to use unfair methods to obtain news, photographs or documents.
5. To restrict himself to the respect of privacy.
6. To rectify any published information which is found to be inaccurate.
7. To observe professional secrecy and not to divulge the source of information obtained in confidence.
8. To regard as grave professional offences the following: plagiarism, calumny, slander, libel and unfounded accusations, the acceptance of bribes in any form in consideration of either publication or suppression of news.
9. Never to confuse the profession of journalist with that of advertisements salesman or propagandist and to refuse any direct or indirect orders from advertisers.
10. To resist every pressure and to accept editorial orders only from the responsible persons of the editorial staff.

Every journalist worthy of that name deems it his duty faithfully to observe the principles stated above. Within the general law of each country, the journalist recognizes, in professional matters, the jurisdiction of his colleagues only; he excludes every kind of interference by governments or others.

### *Declaration of rights*

1. Journalists claim free access to all information sources, and the right to freely enquire on all events conditioning public life. Therefore, secrecy of public or private affairs may be opposed only to journalists in exceptional cases and for clearly expressed motives.
2. The journalist has the right to refuse subordination to anything contrary to the general policy of the information organ to which he collaborates such as it has been laid down in writing and incorporated in his contract of employment, as well as any subordination not clearly implicated by this general policy.
3. A journalist cannot be compelled to perform a professional act or to express an opinion contrary to his convictions or his conscience.
4. The editorial staff has obligatorily to be informed on all important decisions which may influence the life of the enterprise. It should at least be consulted before a definitive decision on all matters related to the composition of the editorial staff, e.g. recruitment, dismissals, mutations and promotion of journalists, is taken.
5. Taking into account his functions and responsibilities, the journalist is entitled not only to the advantages resulting from collective agreements but also to an individual contract of employment, ensuring the material and moral security of his work as well as a wage system corresponding to his social condition and

guaranteeing his economic independence.

**Code of Newspaper Practice.** The Federation of International Editors of Journals (FIEJ) adopted a code of professional conduct in 1981 in direct response to UNESCO's attempts to establish international law on what constitutes good conduct in the media.<sup>339</sup>

### *Preamble*

Freedom of expression is one of the basic human rights. It is an essential prerequisite for an enlightened and well-informed public opinion. As a prime source of information and comment, the press should be not only honest, accurate and fair, but also free and independent. To help safeguard the integrity and liberty of the press, the following code of practice has been formulated.

### *The Code*

1. **Press Freedom.** A free press is the most effective safeguard of the freedom of expression, without which other fundamental civil liberties cannot be protected. The press should have the right to publish news and comment without hindrance to ensure that the public is full informed.
2. **Facts.** Facts should be established and reported with impartiality.
3. **Separation of news and opinion.** The difference between news and comment should be clearly drawn. This principle does not deprive a newspaper of the right to present its own view and the opinions of others.
4. **Recognition of different opinions.** The press recognises and respects differences of opinion and favours the publication of alternative views. It opposes discrimination on grounds of sex, race, nationality, language, religion, ideology or conviction.
5. **Respect for human dignity.** Publishers, editors-in-chief and journalists should respect the dignity and privacy of the individual and avoid intrusion into personal grief and suffering, unless considerations of public interest take precedence.
6. **Presentation of violence.** Crime, terrorism, violence and other acts of brutality and inhumanity should not be glorified.
7. **Correction of falsehoods.** Published facts and information that are later found to be false should be corrected without reservation.
8. **Protection of sources.** Confidential sources of information are to be protected. Names of informants should not be divulged without their consent.
9. **Secrecy.** The confidentiality of public and private affairs, as defined by law, should not be allowed to result in excessive secrecy in the reporting of important

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<sup>339</sup> Federation of International Editors of Journals, Code of Newspaper Conduct (1981), available at <http://www.ijnet.org/Director.aspx?P=Ethics&ID=8315&LID=1>.

events. The public interest takes precedence.

10. **Human rights.** Where the freedom of expression conflicts with other-established human rights, it is the responsibility of publishers and editors in chief to decide which right has precedence.
11. **Independence.** Newspapers should not submit to external pressure, whether by governments, political parties, commercial interests or private individuals.
12. **Advertisements.** Advertisements should be clearly identified to distinguish them from editorial matter.

**Code of Ethics of the British National Union of Journalists.** The British National Union of Journalists adopted the following code of ethics on June 29, 1994.

1. A journalist has a duty to maintain the highest professional and ethical standards.
2. A journalist shall at all times defend the principle of the freedom of the Press and other media in relation to the collection of information and the expression of comment and criticism. He/she shall strive to eliminate distortion, news suppression and censorship.
3. A journalist shall strive to ensure that the information he/she disseminates is fair and accurate, avoid the expression of comment and conjecture as established fact and falsification by distortion, selection or misrepresentation.
4. A journalist shall rectify promptly any harmful inaccuracies, ensure that correction and apologies receive due prominence and afford the right of reply to persons criticised when the issue is of sufficient importance.
5. A journalist shall obtain information, photographs and illustrations only by straightforward means. The use of other means can be justified only by over-riding considerations of the public interest. The journalist is entitled to exercise a personal conscientious objection to the use of such means.
6. Subject to the justification by over-riding considerations of the public interest, a journalist shall do nothing which entails intrusion into private grief and distress.
7. A journalist shall protect confidential sources of information.
8. A journalist shall not accept bribes nor shall he/she allow other inducements to influence the performance of his/her professional duties.
9. A journalist shall not lend himself/herself to the distortion or suppression of the truth because of advertising or other considerations.
10. A journalist shall only mention a person's race, colour, creed, illegitimacy, marital status (or lack of it), gender or sexual orientation if this information is strictly relevant. A journalist shall neither originate nor process material which encourages discrimination, ridicule, prejudice or hatred on any of the above-mentioned grounds.
11. A journalist shall not take private advantage of information gained in the course of his/her duties, before the information is public knowledge.

12. A journalist shall not by way of statement, voice or appearance endorse by advertisement any commercial produce or service save for the promotion of his/her own work or of the medium by which he/she is employed.

**Code of Ethics of the Society of Professional Journalists.** The present version of the Code of Ethics of the Society of Professional Journalists was adopted in September 1996.

#### *Preamble*

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility. Members of the Society share a dedication to ethical behavior and adopt this code to declare the Society's principles and standards of practice.

***Seek Truth and Report It:*** Journalists should be honest, fair and courageous in gathering, reporting and interpreting information. Journalists should:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
- Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.
- Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.
- Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.
- Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.
- Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.
- Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
- Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story
- Never plagiarize.
- Tell the story of the diversity and magnitude of the human experience boldly,

even when it is unpopular to do so.

- Examine their own cultural values and avoid imposing those values on others.
- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
- Support the open exchange of views, even views they find repugnant.
- Give voice to the voiceless; official and unofficial sources of information can be equally valid.
- Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
- Distinguish news from advertising and shun hybrids that blur the lines between the two.
- Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

**Minimize Harm:** Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect. Journalists should:

- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste. Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.

**Act Independently:** Journalists should be free of obligation to any interest other than the public's right to know. Journalists should:

- Avoid conflicts of interest, real or perceived.
- Remain free of associations and activities that may compromise integrity or damage credibility.
- Refuse gifts, favors, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community



organizations if they compromise journalistic integrity.

- Disclose unavoidable conflicts.
- Be vigilant and courageous about holding those with power accountable.
- Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.
- Be wary of sources offering information for favors or money; avoid bidding for news.

**Be Accountable:** Journalists are accountable to their readers, listeners, viewers and each other. Journalists should:

- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.
- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly.
- Expose unethical practices of journalists and the news media.
- Abide by the same high standards to which they hold others.

**Press Union of Liberia.** The Press Union of Liberia adopted a code of ethics on May 19, 1997.<sup>340</sup> The code was drawn up as a reference guide and to ensure that journalists in Liberia adhere to the highest ethical standards, professional competences, and good behavior in performing their duties. In large part, the code mirrors the other standards described above. For example, it provides that “journalists shall defend freedom of speech, expression and information.” It also states that journalists should “ensure equal access to the media for the presentation of divergent views and dissenting opinions.”

Other relevant sources describing professional journalism standards include:

- Code of Ethics, International Federation of Journalists,  
<http://www.ijnet.org/Director.aspx?P=Ethics&ID=8338&LID=1>.
- Ethics Standards, Media Helping Media,  
<http://www.mediahelpingmedia.org/content/view/248/235/>.
- Editorial Guidelines, British Broadcasting Corporation,  
<http://www.bbc.co.uk/guidelines/editorialguidelines/edguide/>.
- Code of Ethics (Ilorin Declaration), Nigerian Press Organization,  
<http://www.ijnet.org/Director.aspx?P=Ethics&ID=8340&LID=1>.
- “The International Principles on Professional Ethics in Journalism”,  
<http://www.mmc2000.net/docs/leggi/UNESCO.pdf>.

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<sup>340</sup> Press Union of Liberia, *Code of Ethics*, available at  
<http://www.ijnet.org/Director.aspx?P=Ethics&ID=8328&LID=1>.

## 7d. Liberian Standards

Currently Liberia lacks quality journalism. Establishing clear standards concerning ethics, legitimacy, objectivity, and presentation are essential if Liberia is going to develop a professional and respected news industry.<sup>341</sup> To this end, the Press Union of Liberia (PUL) has published a Code of Ethics and Conduct that can serve to guide developing Liberian standards regulating the press. (See Appendix 10 (Code of Ethics and Conduct published by the PUL.)) The PUL's code focuses on promoting objective, fair, and accurate journalism and condemns bribery and violent or hateful content.

It may also be useful to look to international standards to further develop Liberia's media laws and standards. In particular, the international legal and professional documents discussed above could serve as a great resource for further developing Liberia's media laws and professional standards. One particular advantage of looking to established international standards in developing Liberia's media laws and standards is that Liberian courts and professional associations can benefit from the international community's interpretation of these laws and standards.

## 7e. Opportunities for Legal/Policy Reform

Law and policy reform can play a role in improving free and effective press in Liberia. In particular, the international and regional standards discussed above provide guidance in developing media law and policy for Liberia. The Johannesburg Principles in particular are an excellent resource that can be adopted to build adequate legal safeguards into Liberian media law. It is important to note, however, that legal and policy developments alone are not sufficient to protect the press from oppression. Rather, legal reforms must be enacted and implemented in an atmosphere that is supportive of permitting freedom of the press. Specifically, the government must follow the laws it enacts and respect the free press's role in Liberian society. The following is a summary of some reforms suggested by the resources consulted in drafting this report. It would also be very valuable for Liberian policymakers to consult the sources described above and reach their own conclusions about the media law reforms that are necessary to ensure press freedom in Liberia.

The Windhoek declaration suggests that government ownership and influence on the media must be limited. Liberian journalist Moses D. Sandy believes that political appointees should not have power in the Liberian media and the media should not be funded by the government.<sup>342</sup> Next, given the prevalence of radio in African media, a substantial reform of the Liberian broadcasting industry may be helpful. Some

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<sup>341</sup> Interview with Stanford Peabody (Aug. 6, 2007) (on file with author) (hereinafter "Peabody Interview"); Qualah Interview.

<sup>342</sup> Sandy Interview.

attempts at such regulation have been attempted in Liberia. For example, an Act establishing an independent, non-partisan, public broadcasting station was proposed in Liberia but was not passed.<sup>343</sup> This Act is in line with recommendations issued at the National Conference on Media Law and Policy Reform in 2004.<sup>344</sup> It may also be valuable to consult certain international sources for further guidance when reconsidering the establishment of a public broadcasting station. In particular, the 2001 African Charter on Broadcasting that was adopted by the Windhoek + 10 Conference contains recommendations on regulating broadcast media in Africa.

Johann P. Fritz of the International Press Institute advocates reforming the way that abusive media is punished in Liberia. Specifically, the International Press Institute advocates trying journalists accused of libel, or other media law violations, in civil rather than criminal courts.<sup>345</sup> “Using criminal laws to punish journalists for practicing their profession will have an extremely detrimental effect on the Liberian media environment. In the past such criminal laws have driven Liberian journalists into hiding or out of the country and I am fearful this is exactly what has happened in the present case,” said Fritz said in a statement discussing Liberian media laws.<sup>346</sup> Others also have made suggestions for reform. For example, journalists and law makers at the National Conference on Media Law and Policy Reform suggested regulations that ensure quality reporting must be enacted.<sup>347</sup> In the event that a journalist violates a regulation, the National Conference on Media Law and Policy Reform suggested that the journalists issue an apology or be disciplined by the PUL instead of being subjected to civil prosecution in the Liberian court system.<sup>348</sup> Furthermore, the conference suggested that the PUL, an independent body, take a greater role in regulating media in Liberia.<sup>349</sup>

Another necessary reform concerns access to public information. Internationally recognized freedom of expression rights also include a certain degree of access to government information. Typically this freedom is referred to as a “freedom of information” right and it encompasses the right to access public documents, or documents regarding government actions. Freedom of information rights are also discussed in the Johannesburg Principles.<sup>350</sup> Similarly, the National Conference on Media Law and Policy Reform produced recommendations suggesting that, “a

<sup>343</sup> *Liberia Broadcasting System*, Center for Media Studies and Peace Building, <http://www.liberianmedia.org/LBS.htm>.

<sup>344</sup> *Liberia Conference to Tackle Media Law Reform*, International Freedom of Expression Exchange, Oct. 2004, <http://www.ifex.org/alert/rtrtrrrrrtrrrtrrrtrrrts/content/view/full/61771/>.

<sup>345</sup> IPI Calls for "Criminal Malevolence" Charge Against Newspaper Staff in Liberia to be Dropped by Courts, International Press Institute, July 20, 2004,

<sup>346</sup> *Id.* [http://www.freemedia.at/cms/ipi/statements\\_detail.html?ctxid=CH0055&docid=CMS1144412833120&year=2004](http://www.freemedia.at/cms/ipi/statements_detail.html?ctxid=CH0055&docid=CMS1144412833120&year=2004).

<sup>347</sup> *Liberia Conference to Tackle Media Law Reform.*

<sup>348</sup> Peabody Interview.

<sup>349</sup> Peabody Interview.

<sup>350</sup> Johannesburg Principles at 11.

Freedom of Information Act, which will give members of the public, including journalists, a right of access to records and information held by public bodies, subject only to legitimate exceptions, should be enacted in Liberia as soon as possible. All other laws which unduly restrict the right to information, such as the Media Commission Act, should be amended to reflect the principles of maximum disclosure of information under an access to information law.”<sup>351</sup> To put these principles into effect, an Act designed to “extend the right of members of the public to unhindered access to information in the possession of public authorities or private bodies and to guarantee the protection of individuals in possession of and providing information to members of the public” has been proposed but not adopted in Liberia. Furthermore, Acts establishing various regulatory committees for electronic and print media also have been proposed but not passed. To be effective, and to promote media progress in Liberia, any such committees would work to protect free press and maintain journalistic standards in a way that promotes freedom of expression.

As discussed above, enacting legislation to protect media rights is only the first step in ensuring that Liberia can develop a free and expressive press capable of informing the Liberian people about their own country. After adopting the necessary legal reforms, the Liberian government, and civil society, must also endeavor to create an atmosphere where media rights are respected. This atmosphere must be created if the press freedoms that the international community calls an essential part of all peoples’ human rights are ever to be truly realized in Liberia.

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<sup>351</sup> *Final Declaration adopted by the National Conference on Media Law and Policy Reform, Liberia, 23 October 2004*, International Federation of Journalists (Oct. 25, 2004), <http://www.ifj.org/default.asp?index=2755&Language=EN>.

## Section 8:

### Media Coverage of Accompanying Factors and Consequences of Conflict

International and local media coverage of Liberia's civil conflict initially focused on the military struggle between the warring ethnic and political factions and further focused on the human toll of the conflict.<sup>352</sup> As the conflict continued, the media broadened its coverage to analyze some of the underlying factors prolonging the conflict, including the strategic importance of Liberia's natural resources and the effect of the influx of illegal arms into Liberia.<sup>353</sup> The media's attention to such underlying factors may have hastened the economic sanctions eventually imposed on Liberia. Such sanctions, however, were sometimes not imposed until years after international recognition of some of these factors or were otherwise ineffective at addressing the factors underlying the conflict. It may be believed that the media did not focus enough attention on these issues early in the conflict because initial recognition of these underlying factors did not generate sufficient and decisive international action to end the Liberian conflict. The recognition of one or more underlying factors of any particular crisis may sometimes take years to analyze and understand. Furthermore, the media's ability to influence public opinion and facilitate rapid and effective international responses to humanitarian crises cannot be firmly established. Thus, it is not clear that earlier coverage of the natural resources/illegal economy aspect of the Liberian conflict would have had any effect on the outcome of the conflict.

Liberia's civil conflict, which evolved into different phases involving multiple ethnic groups and several Western African nations, has been described by commentators as "complex and dynamic."<sup>354</sup> Within this difficult context, the initial focus of the media's attention on other aspects of Liberia's conflict, such as the human toll and the military campaign rather than natural resources exploitation and illegal arms trade, is not surprising. However, after the media coverage of the Liberian conflict perceptibly shifted to analyzing some of the important underlying factors of the conflict, international opinion and support for viable solutions to end the conflict appeared to coalesce into concerted international action.

#### 8a. Natural Resource Exploitation

Liberia's vast natural resources include timber, diamonds, gold, iron ore, and rubber distributed throughout its countryside.<sup>355</sup> Prior to the Liberian conflict in 1989, Liberia's

<sup>352</sup> Interview with Hassan Kiawu (Mar.14, 2008) (on file with author)(Kiawu was with Reuters News Agency as a report covering Africa; he is now a BBC journalist) (hereinafter "Kiawu Interview"); Interview with William Reno (Mar. 10, 2008) (on file with author) (hereinafter "Reno Interview").

<sup>353</sup> Kiawu Interview; Reno Interview.

<sup>354</sup> Phillipa Atkinson, *The war economy in Liberia: a political analysis*, The Relief and Rehabilitation Network (RRN) 4, (1996).

<sup>355</sup> E-Law Alliance Worldwide, *E-Law Impact: Protecting Natural Resources in Liberia*, <http://www.elaw.org/news/impact/text.asp?id=2688>.



leader, Samuel Doe, was believed to be trading Liberian timber and mining resources for arms.<sup>356</sup> During the early phase of the conflict, Liberia's natural resources played a major role in perpetuating the conflict when Charles Taylor seized timber-rich regions while continuing to advance on the Liberian capital of Monrovia. As early as May 1990, the local media reported that Taylor had begun selling Liberian timber to French buyers from the Liberian territory that Taylor's forces had captured.<sup>357</sup> Liberians who were familiar with the importance of Liberia's vast natural resources probably "knew what was going on."<sup>358</sup> As early as 1992, the international media recognized the use of Liberia's natural resources, particularly timber, to fuel the Liberian conflict.<sup>359</sup> One commentator described the Liberian timber trade at that time as "organised gangsterism."<sup>360</sup> Another commentator reported that "foreign investors – mostly French, Italian, German, and Lebanese, but including some Americans – reportedly have paid Taylor millions in 'taxes' for the right to exploit Liberia's timber, rubber, iron ore, gold, and diamond reserves."<sup>361</sup> Since these earliest media reports, other reports from the United Nations and non-governmental agencies (NGOs), have documented the extensive harvesting and sale of Liberia's timber, diamonds, and gold for funding Taylor's political and military activities.<sup>362</sup>

By the mid-1990s, the local and international media started reporting about the exploitation of Liberia's diamonds.<sup>363</sup> In particular, international media outlets such as Reuters and Agence France-Presse were at the forefront of reporting these stories.<sup>364</sup> The media coverage of the exploitation of Liberia's, and Sierra Leone's, diamonds probably helped shape events during the Liberian conflict more than any other media coverage of the conflict.<sup>365</sup> The media coverage and scrutiny of the diamond exploitation helped to cast Taylor and other political leaders as "international crooks rather than political actors representing one side in a battle between communities."<sup>366</sup> Beginning in 1999, international opinion on how to resolve the Liberian conflict shifted from "let's get all the different actors together and try to negotiate some kind of power sharing and peace deal" to an "international approach that Taylor should not be allowed to be the President of Liberia because he is really. . . a criminal syndicate head and that Foday Sankoh and the Revolutionary United Front (RUF) they don't really have a political agenda, they have an economic agenda."<sup>367</sup> International concern about

<sup>356</sup> William Reno, *Warlord Politics and African States* 89 (1998).

<sup>357</sup> Kiawu Interview.

<sup>358</sup> Reno Interview.

<sup>359</sup> Atkinson at 5; *The Independent* (UK), *EC's Timber Imports Fuel Liberia Civil War*, Nov. 22, 1992.

<sup>360</sup> Patrick Johnston, *Timber Booms, State Busts: The Political Economy of Liberian Timber*, 31 *Review of the African Political Economy* 101, 441-456 (Sept. 2004).

<sup>361</sup> Bill Berkeley, *Between Repression and Slaughter* (Liberia), 270 *Atlantic Monthly* 6 (December 1992).

<sup>362</sup> Global Witness, *The Usual Suspects, Liberia's Weapons and Mercenaries in Cote d'Ivoire and Sierra Leone, Why it's Still Possible, How it Works and How to Break the Trend* 8 (March 2003).

<sup>363</sup> Kiawu Interview.

<sup>364</sup> *Id.*

<sup>365</sup> Reno Interview.

<sup>366</sup> *Id.*

<sup>367</sup> *Id.*

the diamond issue may have helped coalesce various international coalitions attempting to address and resolve the Liberian conflict.<sup>368</sup> After continued media coverage and an apparent shift in international opinion about how to resolve the Liberian conflict, the United Nations Security Council finally imposed economic sanctions on Liberia in 2001. These sanctions were specifically aimed at protecting Liberia's exploited diamond resources.

The breadth and magnitude of Taylor's exploitation of Liberia's natural resources had already enabled Taylor to amass a large war chest to continue to finance his activities. One commentator estimated that Taylor's exploitation of Liberian diamonds and timber generated revenues for Taylor in the amount of approximately \$63 million per year from 1997 to 2003.<sup>369</sup> Even though the United Nations Security Council imposed sanctions in 2001 that banned the export of diamonds from Liberia, Taylor continued to desire substantial income from the sale of Liberian timber.<sup>370</sup>

A significant contributing factor to the exploitation of Liberian timber and other natural resources was foreign economic concerns, particularly in Europe and Asia. "To sell diamonds and timber. . . onto the world market requires foreign partners."<sup>371</sup> When it was apparent that exploitation of Liberia's natural resources was continuing despite the United Nations' sanctions, international media reports criticized nations such as France and China, both members of the United Nations Security Council, for continuing to import Liberian timber.<sup>372</sup> Between January and June 2000, France and China timber imports alone accounted for 46.4% of Liberia's total exports, worth approximately \$20.5 million.<sup>373</sup> In 2000, European Union countries' timber imports from Liberia accounted for approximately 67% of Liberia's total exports.<sup>374</sup>

Among the arguments that European and Asian countries asserted in support of continuing to accept imports of Liberian natural resources, such as timber, was that imposing sanctions would "affect the people" and increase Liberian unemployment.<sup>375</sup> Some foreign corporations that were singled out by the media may have countered adverse media reports about their Liberian business activities by using their financial resources to ensure positive press.<sup>376</sup> Despite specific media criticism, both France and China strongly opposed initiatives by the United States and the United Kingdom to impose further sanctions on Liberia in March 2001.<sup>377</sup>

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<sup>368</sup> *Id.*

<sup>369</sup> Coalition for International Justice, *Following Taylor's Money: A Path of War and Destruction* 14-19 (May 2005).

<sup>370</sup> United Nations Security Council Resolution 1343, (Mar. 7, 2001); Johnston 441-456.

<sup>371</sup> Center for Public Integrity/All Africa Global Media, *Making a Killing: The Business of War*, October 28, 2002.

<sup>372</sup> The Perspective/AllAfrica.com, *Saddam's Oil and Taylor's Timber*, April 23, 2001.

<sup>373</sup> Emmanuel Kwesi Aning, *Regulating Illicit Trade in Natural Resources: The Role of Regional Actors in West Africa*, 30 *Review of African Political Economy* 95, 99-107 (Mar. 2003).

<sup>374</sup> *Id.*

<sup>375</sup> *Saddam's Oil and Taylor's Timber*; Johnston 441-456.

<sup>376</sup> Qualeh Interview.

<sup>377</sup> Aning at 99-107.

After the September 11, 2001 terrorist attacks on the United States, international support to stem the exploitation of Liberian diamonds and other natural resources appeared to increase.<sup>378</sup> For example, the United States government had initially opposed international moves to impose further controls on the purchase and sale of diamonds after the United Nations sanctions on Liberia in March 2001, but after hearing reports that Osama bin Laden had used the West African diamond trade to finance his terrorist activities, the United States government softened its position towards stricter controls.<sup>379</sup>

Coinciding with Taylor's exile from Liberia in July 2003, France and China finally bowed to international pressure to impose economic sanctions on Liberian timber.<sup>380</sup> In November 2003, with no remaining opposition to United Nations Security Council timber sanctions, the Security Council passed a resolution recognizing the exploitation of Liberia's timber as a major factor in perpetuating the Liberian conflict, and imposed sanctions on the import of Liberian timber and timber products.<sup>381</sup>

Despite continued media attention to the exploitation of Liberia's natural resources, particularly timber and diamonds, it took almost ten years for the international community to impose sanctions against Liberian natural resource exports. While the media's role in reporting these types of activities should be commended, the ability of the media to facilitate immediate policy change in Liberia is questionable.

## 8b. Illegal Arms Trade / Terrorism Links

Illicit arms shipments to Liberia are believed to be a direct consequence of the exploitation and sales of Liberia's natural resources. Such arms shipments were tracked from originating sources in Eastern Europe and some were transshipped through Liberia to other countries.<sup>382</sup> Yet other arms shipments were destined for Taylor's military activities in Liberia and throughout Western Africa.<sup>383</sup> Liberian timber companies helped facilitate the shipment of illicit arms directly to Taylor's Liberian forces and mercenaries in Cote d'Ivoire.<sup>384</sup> In the early years of the Liberian conflict, the international and local media did not report extensively on these activities, most likely due to the initial lack of information about Taylor's finances and arms connections. However, it was likely apparent to many that Taylor was obtaining arms from outside sources because he was continuing to spread violence and discord throughout Western Africa by using foreign made weaponry.<sup>385</sup> In March 2001, the

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<sup>378</sup> *Making a Killing: The Business of War*.

<sup>379</sup> *Id.*

<sup>380</sup> Johnston at 441-456.

<sup>381</sup> United Nations Security Council Resolution 1521, Dec. 22, 2003.

<sup>382</sup> *The Usual Suspects* at 7, 16-27.

<sup>383</sup> *Id.*

<sup>384</sup> *Id.*

<sup>385</sup> *Id.*

United Nations Security Council passed a resolution imposing an embargo on the supply of arms to Liberia.<sup>386</sup> Despite the arms embargo, the flow of illicit arms continued because the exploitation of Liberia's timber and other natural resources had not yet been completely restrained.

After the September 11, 2001 terrorist attacks, intelligence information provided by the United States and other governments to the international media probably helped to bring the consequences and effects of Liberian illicit arms shipments to light. In the year following the terrorist attacks on the United States, organizations such as the United Nations Expert Panel Report on Liberia and Global Witness investigated the extent of illicit arms shipments through Liberia as well as how such arms were being obtained outside of and used within Liberia.<sup>387</sup>

In November 2003, the same United Nations Security Council resolution that recognized the exploitation of Liberia's timber as a major source of perpetuating the Liberian conflict also recognized that proliferation and trafficking of illegal arms fueled and exacerbated conflicts in Western Africa as well as in Liberia.<sup>388</sup> With these sanctions, the United Nations was finally able to stem the imports of Liberian timber to other countries and thereby reduce one currency for the illicit arms trade through Liberia. By this time, however, Taylor had already been exiled from Liberia.

### 8c. Refugee and Internally Displaced Persons' Movements

Another consequence of the Liberian conflict was the displacement of millions of people within and from Liberia, and throughout Western Africa, including Sierra Leone, Guinea, and Cote d'Ivoire. The international and local media reported these movements as part of the human toll resulting from the Liberian conflict. The collective international response during the first phase of the Liberian conflict from 1989 to 1997, however, was in the form of a small, ineffective peacekeeping force, ECOMOG, which eventually got drawn into the fighting, and humanitarian aid funneled by governments to NGOs.<sup>389</sup> The United Nations' involvement in Liberia during the 1990s was notoriously absent, possibly due to the number of other crises around the world, including in other African states such as Somalia and Rwanda.<sup>390</sup>

The initial displacements began shortly after initiation of the first phase of the Liberian conflict between Taylor and the government of Samuel Doe from 1989 to 1990, during which time an estimated 700,000 Liberian refugees moved into Sierra Leone, Guinea,

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<sup>386</sup> United Nations Security Council Resolution 1343, Mar. 7, 2001.

<sup>387</sup> *The Usual Suspects* at 7, 16-27.

<sup>388</sup> United Nations Security Council Resolution 1521, Dec. 22, 2003.

<sup>389</sup> Deborah Maresko, *Development, Relief Aid, and Creating Peace: Humanitarian Aid in Liberia's War of the 1990's*, 6.1 OJPCR: The Online Journal of Peace and Conflict Resolution 94-120 (Fall 2004).

<sup>390</sup> *Id.*

Cote d'Ivoire, Ghana, and Nigeria, and other Liberians also moved from the Liberian countryside into the city of Monrovia.<sup>391</sup> By August 1990, 70,000 Liberians had fled to Sierra Leone alone.<sup>392</sup> In 1991, the Revolutionary United Front (RUF), including Liberian fighters loyal to Taylor, invaded eastern Sierra Leone causing thousands of refugees to flee the area.<sup>393</sup> When fighting in Liberia broke out again in 1993, Liberians fled again into Monrovia and across the Liberian borders.<sup>394</sup> By 1994, RUF forces had captured Sierra Leone's diamond mining areas, and an estimated 2.5 million people had been displaced from these areas.<sup>395</sup> In 1995, a Liberian peace agreement was reached, but the following year, Liberian factional fighting spread to Monrovia and hundreds of thousands of Liberians fled the country.<sup>396</sup> As the fighting intensified, the international community, including the United Nations, merely increased humanitarian aid rather than sending military forces.<sup>397</sup> Annual humanitarian aid from foreign countries reached approximately \$100 million per year, but NGOs were left to their own devices to protect and distribute the aid amid the chaos and fighting.<sup>398</sup>

In 1999, Liberian fighting broke out again, this time to oust Taylor from control of Liberia. In 2002, about 200,000 Liberians had been displaced from their homes as a result of fighting.<sup>399</sup> As of late 2002, many internally displaced Liberians were housed in refugee camps throughout Liberia because the government could not guarantee their safe return home free from rebel attacks.<sup>400</sup> By 2003, an estimated 250,000 Liberians were believed to be exiled in Ghana, Guinea, Cote d'Ivoire, and Sierra Leone.<sup>401</sup> At the same time, approximately 20,000 Liberians who had fled to the United States were under temporary refugee status; many others had become naturalized U.S. citizens or permanent U.S. residents.<sup>402</sup> The international attention that Liberia garnered during the latter phase of the conflict was focused on the exploitation of Liberia's natural resources (i.e., diamonds and timber). Along with continued humanitarian aid, the international response during this late phase of the conflict included economic sanctions against Liberia in an effort to stem the exploitation of Liberia's diamonds and other natural resources.

<sup>391</sup> Atkinson; Lansana Gberie, *Liberia's War and Peace process: A Historical Overview*, A Tortuous Road to Peace: The Dynamics of Regional, UN and International Humanitarian Interventions in Liberia, Festus Aboagye and Alhaji M S Bah, ed., Ch. 3 (May 2005); Berkeley.

<sup>392</sup> Gberie at Ch. 3.

<sup>393</sup> Douglas Farah, *Following Taylor's Money: A Path of War and Destruction*, Coalition for International Justice (May 2005).

<sup>394</sup> Atkinson.

<sup>395</sup> Farah.

<sup>396</sup> *Id.*

<sup>397</sup> Maresko at 94-120.

<sup>398</sup> *Id.*

<sup>399</sup> Jonathan Paye-Layleh, *Liberian authorities warn that alleged assassins may pose as foreign journalists*, AP Worldstream (September 6, 2002).

<sup>400</sup> Remarks by the Director of the Liberia Democracy Resource Center at the 38th Anniversary of The Press Union of Liberia, *The Liberian Media March to 2003: What Hope for a Successful Non-Violent Elections?* (October 2, 2002).

<sup>401</sup> Robin Dunn-Marcos, et al., *Liberians: An Introduction to their History and Culture*, 19 Culture Profile 50 (April 2005).

<sup>402</sup> Monica Rhor, *Displaced Liberians Long to Go Home Many Waiting for Their Country to Find Peace*, The Boston Globe, July 11, 2003.



Based on the relatively limited and slow response by the international community to address the human toll in Liberia, it appears that the media coverage of Liberian refugees and internally displaced persons also failed to provoke an immediate and concerted international response to resolve the Liberian conflict. One commentator described the Liberian conflict as having numbers (200,000 casualties in seven years) matching some of the most publicized atrocities during the 1990s, such as the conflict in the former Yugoslavia, but still the Liberian conflict received little international attention.<sup>403</sup>

#### 8d. Journalists and Media Personnel as Witness Survivors to Human Atrocities

Local and international media reported many atrocities during the Liberian conflict. However, such reporting subjected their media personnel to government and military harassment and even punishment, such as arrest, beatings, censorship, shutdown, and, worse, torture and murder.<sup>404</sup> Some journalists who survived such atrocities did not fully recover from the conditions they were subjected to, while others survived similar conditions and continued reporting.<sup>405</sup>

One witness survivor during Doe's regime, journalist Rufus Darpoh, was kidnapped and detained by government security agents for allegedly writing anonymous articles.<sup>406</sup> Darpoh was held for over six months at a notorious military prison, Belle Yalla, and subjected to beatings and other forms of torture.<sup>407</sup> The conditions were apparently so harsh that Darpoh told others: "you cannot tell the public what goes on there," and indicated that no human being should have to endure the hell that was at Belle Yalla.<sup>408</sup>

Another witness survivor, journalist Alex Redd, worked for Ducor Radio.<sup>409</sup> Redd was harassed, beaten, abducted, arrested, and tortured by Taylor's Liberian government security officers in late 1997.<sup>410</sup> He was charged with treason, which was later changed to providing false and conflicting information about his abduction.<sup>411</sup> Shortly after being released, Redd fled Liberia to the United States to avoid further persecution.<sup>412</sup>

These and other examples of witness survivors in the media helped to publicize the brutality of the Liberian conflict to the international community. While only a few of

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<sup>403</sup> Maresko at 94-120.

<sup>404</sup> Gabriel I. H. Williams, *Liberia: The Heart of Darkness* 287-298 (2002); Joe S. Kappia, *In Liberia, the Regime Makes Journalism a Very Risky Business*, *The New York Times*, September 9, 1990.

<sup>405</sup> Williams, *Heart of Darkness* 326-27.

<sup>406</sup> *Id.*

<sup>407</sup> *Id.*

<sup>408</sup> *Id.*

<sup>409</sup> *Id.* at 340, 349.

<sup>410</sup> *Id.*

<sup>411</sup> *Id.*

<sup>412</sup> *Id.*

these examples were ever publicized by the international media, local Liberian media and journalist organizations, such as the Association of Liberian Journalists in America (ALJA), attempted to raise the international community's awareness of the former Liberian government's campaign of censorship of and brutality against local and international journalists.<sup>413</sup>

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<sup>413</sup> *Id.* at 347–51.

## Section 9: The Media in Liberia Today

“Liberia’s independent media have survived despite extensive self-censorship during the civil war. Journalists suffered from constant surveillance, harassment, threats, detentions, and beatings. Since the expulsion of former president Charles Taylor in 2003, the media environment has become decidedly more open. Several private newspapers are published, and there are at least five FM radio stations. Call-in radio talk shows are very popular, and Liberian President Johnson-Sirleaf herself participates in a monthly talk show, ‘Conversations with the President.’”<sup>414</sup>

After the fighting stopped in August of 2003, the Liberian Press Union issued a statement assessing the condition of the media.<sup>415</sup> They reported that, “media institutions were massively looted by combatants during the fighting. Computers, vehicles and other equipment were carted away, leaving newspaper houses and radio stations in a deplorable state. At the moment, media institutions have diverted their attention from developing their institutions to concentrate on replacing what was lost.”<sup>416</sup>

### 9a. Actors

Since the establishment of the interim government, and eventually the Johnson-Sirleaf administration, various independent media outlets have sprung up in Liberia.<sup>417</sup> This is due partly to a less repressive government, and partly to relaxed registration requirements passed by the transition government. Yet the quality of the media is questionable and many outlets have been forced to close down due to lack of funding.<sup>418</sup> An official at the Ministry of Information reported the existence of thirty-two radio stations, three television stations and thirty-one newspapers; all numbers continue to rise.<sup>419</sup> Yet the government continues to exert a large influence on the media. The state owned Liberian Broadcasting Service (LBS) currently runs one radio station, ELBC, which has yet to achieve national coverage.<sup>420</sup> James Qualah reports that neither ELBC radio, nor Johnson-Sirleaf’s newspaper, the *New Liberia*, has much leverage, and they are used primarily to promote herself and her administration.<sup>421</sup>

<sup>414</sup> *Freedom in the world – Liberia* (2007), Freedom House (2007), available at [http://www.freedomhouse.org/inc/content/pubs/fiw/inc\\_country\\_detail.cfm?year=2007&country=7215&pf](http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2007&country=7215&pf) (hereinafter “Freedom in the World-Liberia”).

<sup>415</sup> Gabriel I.H. Williams, *Journalism at a Crossroads in Liberia*, 58 Nieman Reports 3, 31 (The Nieman Foundation for Journalism at Harvard University 2004), available at <http://www.nieman.harvard.edu/reports/04-3NRfall/V58N3.pdf> (hereinafter “Williams, *Journalism at a Crossroads*”).

<sup>416</sup> *Id.*

<sup>417</sup> *Id.*

<sup>418</sup> Interview with Stanford Peabody (Aug. 6, 2007) (on file with author) (hereinafter “Peabody Interview”).

<sup>419</sup> Williams, *Journalism at a Crossroads* at 31.

<sup>420</sup> *Country profile: Liberia*, BBC News, May 18, 2007,

[http://news.bbc.co.uk/1/hi/world/africa/country\\_profiles/1043500.stm](http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1043500.stm) (hereinafter “Country Profile: Liberia”).

<sup>421</sup> Interview with James Qualah (Aug. 9, 2007) (on file with author) (hereinafter “Qualah Interview”).

There is no state-run television service.<sup>422</sup>

Primary independent radio stations include Star Radio (an FM and shortwave station operated in partnership with the Swiss based Hirondele Foundations), Kiss FM and Sky FM (private stations based in Monrovia), Radio Veritas (a private, Catholic station) and ELWA (a private Christian station).<sup>423</sup> UNMIL radio, a station operated by the United Nations, is the most highly funded and most respected radio station.<sup>424</sup> The major private print media outlets are the *Inquirer*, *Daily Observer*, *News*, *Analyst*, *Heritage*, *Public Agenda*, *Independent*, *Informer*, *Parrot*, *Monitor*, *Poll Watch*.<sup>425</sup> Clar TV, Power TV and Real TV are the private television stations in the region. Taylor closed many of these outlets, including Star Radio, Radio Veritas and the *Daily Observer*, during his regime.<sup>426</sup> The fact that they have been able to re-open is a testament to the progress that has been made. The Daily Talk is the latest media invention - a popular black board style media outlet positioned at a major street corner, providing alternative source of media for the general public.

Locally based organizations, such as the Press Union of Liberia, the Liberian News Agency and the Center of Media and Peace Building, continue to advocate for free press and adherence to journalistic standards. International support for building free media in Liberia comes from many organizations including the U.S. Institute of Peace, the Mano River Media Forum, the United Liberia Press, the Liberia Media Development Program (UNHCR), the Liberian Press Union, the Liberian Media Initiative and other TRCs.

## 9b. Assaults and Corruption

The status of the media in Liberia is greatly improved, and issues of press freedom are undoubtedly where the greatest steps have been made. In the words of Liberian free press leader Isaac D.E. Bantu, “journalists in...Liberia now enjoy a high level of freedom in this fledgling democracy.”<sup>427</sup> Yet attacks on journalists continue to occur and a mutual animosity has been growing between the government and the media, especially since the Johnson-Sirleaf administration took over from the transitional government.<sup>428</sup> Johnson-Sirleaf has repeatedly accused the private media of distortion, blackmail and sensationalism and called for media reform and adherence to higher journalistic standards.<sup>429</sup> This conflict has manifested itself further through criticism of

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<sup>422</sup> *Id.*

<sup>423</sup> *Country profile: Liberia.*

<sup>424</sup> Qualah Interview.

<sup>425</sup> *Country Profile: Liberia*

<sup>426</sup> Ayodeji Olukoj, *Culture and Customs* 54–56 (Greenwood Press 2006).

<sup>427</sup> Isaac D.E. Bantu, *International Violence in Liberia Extends to Journalists*, 60 Nieman Reports 2, 15 (The Nieman Foundation for Journalism at Harvard University 2006).

<sup>428</sup> *Freedom in the World – Liberia.*

<sup>429</sup> *Id.*

the administration by the press and physical assaults on journalists by officers.

One example from a recent string of police attacks on journalists occurred on April 20, 2006 in Monrovia. Charles B. Yates of the *Inquirer* and Morris Glayboe of the *Informer* were beaten by policeman.<sup>430</sup> The journalists were reporting on the eviction of street vendors when police officers told them they were not authorized to take photographs on the scene. When Yates and Glayboe continued taking photographs, several policemen beat them. Another incident occurred on June 13, 2006.<sup>431</sup> Officers detained four journalists who were investigating the dismissal of personnel from the Special Security Service (SSS): Abas Dulleh of the *New Democrat* newspaper, Patrick Honnah of Truth FM radio, Oolando Zeonger of the *Heritage* newspaper, and Jallah Grayfield of the Catholic Radio Veritas. Police claimed that the journalists had exceeded their rights when they photographed a notice at the executive mansion.

During the summer of 2006, Johnson-Sirleaf established a “blue ribbon” committee in response to international concerns about the numerous attacks on journalists by police officers.<sup>432</sup> The Committee is charged with investigating these incidents and recommending preventative policies. In September 2006, the committee published a report releasing its findings.<sup>433</sup> The Committee recommended an ongoing dialogue between security personnel and independent media to establish a relationship and minimize misunderstanding and conflict between the two. The Committee also proposed that security services should replace media equipment that was damaged in instances of conflict. The report was controversial, however, because four journalists named in the report – Patrick Hunder of Truth FM, Abbas Dorley of the *New Democrat* newspaper, Jallah Grayfields of Radio Veritas, and Orlando Zeongar of the *Heritage* newspaper – claimed they had not been invited to testify before the committee.

Despite attempts of reconciliation, police assaults on journalists continue. On October 13, 2006, four police officers attacked and severely beat Edmond Garley of Smile FM while he was covering the officers allegedly abusing detained rioters.<sup>434</sup> The riots were related to the murder of a cyclist in Zwedru, Grand Gedeh County. A police officer later claimed on Smile FM that the journalist was beaten due to negative reporting on the police station.

Evidence of government corruption is also a concern. In June 2006 management at LBS (the state broadcaster) told journalists that they must get approval before broadcasting stories discussing the corruption of government officials and others.<sup>435</sup> A memorandum issued by Benjamin N. Tangay, the Assistant Director General for News and Public Affairs (ADG), clearly stated that journalists must send any story of

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<sup>430</sup> *Liberia, World Press Freedom Review – 2006*, International Press Institute (2006), [http://www.freemedia.at/cms/ipi/freedom\\_detail.html?country=KW0001/KW0006/KW0162/&year=2006](http://www.freemedia.at/cms/ipi/freedom_detail.html?country=KW0001/KW0006/KW0162/&year=2006)



this nature to his office, and that failure to do so “will leave the ADG with no alternative but to institute stern administrative measure(s) against violator(s).” Another incident occurred at the end of the year, when a group of publishers under the title of Concerned Publishers of Liberia accused government officials of making 500 USD donation, or so-called “Christmas gifts,” to certain media institutions in an attempt to influence the media.<sup>436</sup> The Concerned Publishers called the government’s action a “clever attempt to undermine the credibility of the independent media, thereby diverting the attention of the media from independently and fairly reporting...events in the country.”<sup>437</sup>

### 9c. Capacity – Technology and Infrastructure

The capacity of the media in Liberia poses an even greater challenge to achieving free and effective journalism than the assaults on the media described above. “When the war reached Monrovia, much of the media infrastructure was destroyed completely,” reported Gabriel Williams, former Secretary General of the Press Union of Liberia and founding member of the Association of Liberian Journalists in Americas.<sup>438</sup> Williams was forced to flee the country after receiving death threats regarding his work as a journalist.<sup>439</sup> Upon a return visit to Liberia, he witnessed the dramatic decline of professional media standards. “From watching how they operated and reading what they published, it was obvious that most of the news organizations were substandard,” Williams writes. In part, this is because media outlets attempting to emerge from the destructive conflict are desperately underfunded. They are operating in substandard conditions with substandard equipment, and not enough of it. Worse yet, only a few journalists receive regular paychecks. Yet operation costs are higher than ever. Until July 2006, there was no public electricity in Liberia (all generating facilities were destroyed in the conflict), so news outlets were forced to purchase low quality electricity from private sources at high costs.<sup>440</sup> Furthermore, only one commercial printing house remained operational through the war, and it is expensive.

The capacity of the media is also limited by the weak Liberian economy, which virtually collapsed during the conflict.<sup>441</sup> Unemployment rates hovered around 80% in

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(hereinafter “*Liberia, World Press Freedom Review-2006*”).

<sup>431</sup> *Id.*

<sup>432</sup> *Id.*

<sup>433</sup> *Id.*

<sup>434</sup> *Id.*

<sup>435</sup> *Id.*

<sup>436</sup> *Id.*

<sup>437</sup> Other examples of the most recent free press violations may be found in reports issued by the International Press Institute, <http://www.freemedia.at/cms/ipi/>.

<sup>438</sup> Interview with Gabriel I.H. Williams, World Movement for Democracy (May 30, 2002), <http://www.wmd.org/wbdo/jun-jul02/gabrielwilliams.html> (hereinafter “*Interview with Gabriel I.H. Williams*”).

<sup>439</sup> Williams, *Journalism at a Crossroads* at 31–32.

<sup>440</sup> *Id.*

<sup>441</sup> *Id.* at 32.

<sup>442</sup> *Id.*

2004; crime and corruption are rampant in Monrovia.<sup>442</sup> Not much of the population can afford to purchase publications, and few businesses can afford to pay for advertisements – a large source of support for private media.<sup>443</sup> These economic and capacity problems also feed corruption. Many Liberian journalists make US \$10-15 per month, and rely on gifts to survive.<sup>444</sup> There is no way for these reporters to be objective. Also, media outlets do not have the money to pay qualified journalists, leaving opportunities for the unqualified. The media is not self-sustaining in Liberia, and, until it is, journalists will preach the interests of those who have money. Economic development is needed for a strong media.

## 9d. Capacity – Human Capital

Perhaps an even greater capacity challenge facing the Liberian media is the lack of educated journalists. According to the UNESCO Media Development Program, “journalistic standards in the Liberia media demand as radical an attention as the infrastructural, organizational and technical resource needs of the industry. Skills in content output, such as reporting, writing, editing and broadcast production, require improvements from the basics to higher levels of handling complex issues and situations by media and capacity building of both journalists and managers of media in terms of election reporting will be required.”<sup>445</sup> According to Williams, at the end of the Taylor regime, about 98% of trained journalists were out of the country.<sup>446</sup> Williams, Qualah and Peabody all agreed that there is an excess of untrained, unqualified journalists flooding the streets in Monrovia. Not only does Liberia desperately need educated journalists, it needs a means of educating them. As Peabody notes, most journalists are not college (or even high school) graduates, they are not familiar with the standards or ethics of reporting, and they are not educated enough to really understand the subjects they are reporting about.<sup>447</sup> As Peabody notes, “being a journalist is not just being passionate,” one must be analytical and skilled. At one time there was a two-year certificate program in the Mass Communications department at the University of Liberia but it was suspended during the war.<sup>448</sup> Training is necessary to ensure that reporting is balanced, objective, and encourages peace rather than conflict.<sup>449</sup> Furthermore, journalists must be trained and skilled in order to produce ethical, effective journalism, which is necessary to build civil society and democracy in Liberia.

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<sup>443</sup> *Id.*

<sup>444</sup> Interview with Moses Sandy (Aug. 8, 2007) (on file with author) (hereinafter “Sandy Interview”).

<sup>445</sup> *Liberia Media Development Program Governance and Rule of Law*, UNESCO/UNDP (2005), [http://portal.unesco.org/ci/en/files/18569/11128865521liberia\\_media.pdf/liberia\\_media.pdf](http://portal.unesco.org/ci/en/files/18569/11128865521liberia_media.pdf/liberia_media.pdf) (hereinafter “*Liberia Media Development Program Governance*”).

<sup>446</sup> Interview with Gabriel I.H. Williams.

<sup>447</sup> Peabody Interview.

<sup>448</sup> Williams, *Journalism at a Crossroads* at 32.

<sup>449</sup> Interview with Moses D. Sandy (Aug. 6, 2007) (on file with author) (hereinafter “Sandy Interview”).

## 9e. Accessibility

A final step in rebuilding the Liberian media is making news sources accessible to all of Liberia. Moses Sandy estimates that 75% of the population lacks access to information.<sup>450</sup> Yet expanding accessible media to the entire population is an essential step in building an effective democracy with meaningful elections. In order to make informed voting decisions, all Liberians need access to objective media coverage.<sup>451</sup> Nationwide information transmission is also necessary in order to ensure that the government is accountable to all parts of the country, and that election processes and government actions are exposed and transparent.

During the civil war, the majority of rural Liberia did not have media access; most outlets were confined to Monrovia and the surrounding counties.<sup>452</sup> As a result, people in remote areas of the country were cut off from issues that affected their lives. Many people did not know all the candidates in elections. Most rural Liberians were not familiar with the role of ECOMOG, which the NPFL exploited by spreading false stories.<sup>453</sup> As a result, most rural Liberians did not know that ECOMOG was a peacekeeping force. Rural Liberians also missed out on government programs and international aid efforts that could have improved their lives. Unless media accessibility is expanded, these problems will continue to plague greater Liberia.

The information gap between Monrovia and more remote areas of Liberia also foster the real and perceived inequalities that exist between the two areas.<sup>454</sup> The most removed segments of the population need the opportunity to express their views, be educated about their rights and be included in the political process in order to prevent further violence and hatred. The media is the ideal tool to foster this exchange.

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<sup>450</sup> *Id.*

<sup>451</sup> *Liberia Media Development Program Governance* at 2.

<sup>452</sup> Sandy Interview.

<sup>453</sup> *Id.*

<sup>454</sup> *Liberia*, International Alert (Feb. 2007), [http://www.international-alert.org/our\\_work/regional/west\\_africa/liberia.php](http://www.international-alert.org/our_work/regional/west_africa/liberia.php).

## Section 10: Recommendations

“The media has enormous responsibilities in post-conflict areas. Strengthening democracy and basic human freedoms, including freedom of expression, depends largely on the reporter’s capacity to provide reliable information through responsible and professional reporting.”<sup>455</sup> Building free, fair and effective media in Liberia, however, will take substantial amounts of time and effort, but doing so is an absolutely crucial part of fostering reconciliation, democracy and human rights in post conflict Liberia.

### 10a. Legal Reform

Section 7e contains several specific opportunities for legal reform. This subsection will briefly summarize the recommendations made above.

The international and regional standards discussed above can be looked to for guidance in developing media law and policy for Liberia. In particular, the Johannesburg Principles are an excellent resource that when adopted will help to build adequate legal safeguards into Liberian media law. Still, implementing legal and policy reforms alone will not sufficiently protect the Liberian press from oppression. Rather, legal reforms must be enacted and implemented in an atmosphere that is supportive of freedom of the press. The government must follow the laws it enacts and respect the free press’s role in Liberian society.

According to the Windhoek Declaration, government ownership and influence on the media must be limited. Commentators suggest that political appointees not be given power in the Liberian media, and the media should not be funded by government resources. Draft legislation protecting the media has been proposed in Liberia, but these drafts have not been adopted.

It is also important to reform the way that abusive media is regulated in Liberia. In particular, the International Press Institute advocates trying journalists accused of libel in civil courts rather than criminal courts. Furthermore, experts have suggested that regulatory mechanisms be put in place to ensure quality reporting. For example, regulations might require a journalist to issue an apology, or, allow the Liberian Press Union, an organization independent of the government, to license and suspend journalists for abuse of press freedoms.

Protecting freedom of information is also essential. Liberians must be able to access

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<sup>455</sup> *Strengthening Professional Journalism*, UNESCO (July 2007), [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=22194&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=22194&URL_DO=DO_TOPIC&URL_SECTION=201.html) (hereinafter “Strengthening Professional Journalism”).

public documents and documents regarding government actions. Experts also advise adopting a Freedom of Information Act to permit Liberians to access important government documents. Finally, broadcasting reform has been proposed by regional bodies, such as the Windhoek +10 Conference. Draft legislation establishes various regulatory committees for electronic and print media, and such committees would work to protect free press and maintain journalistic standards in Liberia.

Finally, it would also be valuable for Liberian policymakers to consult the sources described above and reach their own conclusions about the media law reforms that are necessary to ensure press freedom in Liberia. International legal standards and proposals for media law reform can only be effective if they are adapted to fit Liberia's unique cultural and historical context.

## 10b. Lessons from other TRCs

### *i. Treatment of the Media by Other TRCs*

Some knowledge may be gained from reports of TRCs in other countries such as South Africa, Chile, East Timor and Sierra Leone. The persecution of journalists and the role of the media in these other conflicts did not garner a lot of attention during hearings before TRCs. These TRCs used media reports, including newspaper articles, as background information in their investigations, but as a general rule, journalists were treated similarly to others giving statements to the TRCs. The persecution of journalists was not given specific attention by other TRCs, but rather it was treated along with the persecution of regular citizens' freedom of expression rights.

In South Africa, the TRC's report did not devote special, specific attention to the persecution of journalists during the South African apartheid.<sup>456</sup> The report does use newspaper articles from the time of the events to supplement facts given by the statement takers.<sup>457</sup> The report also credits the media with furthering the conflict because it gave power to the group that had coverage and controlled the coverage.<sup>458</sup> The media also played a role in two other ways: coverage of events gave notoriety to some groups<sup>459</sup> and media coverage disseminated information to different people within the groups without direct communication.<sup>460</sup>

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<sup>456</sup> The South African TRC Report, available at <http://www.info.gov.za/otherdocs/2003/trc/rep.pdf>.

<sup>457</sup> South African TRC Report, at 359 (using a newspaper to describe the number of men training at a particular facility).

<sup>458</sup> South African TRC Report, at 461, 582.

<sup>459</sup> South African TRC Report, at 446.

<sup>460</sup> South African TRC Report, at 471.

<sup>461</sup> Chilean Truth and Reconciliation Report, [http://www.usip.org/library/tc/doc/reports/chile/chile\\_1993\\_toc.html](http://www.usip.org/library/tc/doc/reports/chile/chile_1993_toc.html), vol. I/II digitized by permission of the University of Notre Dame Press, Feb. 22, 2000).



In Chile, the TRC structured its report so that the roles and reactions of the major sections of society are discussed, including the media.<sup>461</sup> During the early years of the conflict in Chile, the report notes that “In many instances what they [the media] reported was not true, as has been proven subsequently. We should especially note the publication of unverified reports of alleged escape attempts or armed confrontations that served to justify in public opinion the killing of many people, and likewise affected their good name and dignity. Misinformation provided to public opinion in these matters undoubtedly furthered human rights violations in our country.”<sup>462</sup> During the middle years of the conflict, the report notes that the general attitude of the media was one of “tolerance toward human rights violations and refrained from using their influence to try to halt them.”<sup>463</sup> The report also describes the various fates of newspapers and radio stations including being shutdown.<sup>464</sup> As in the South African report, the Chilean report also credits the media with contributing to the human rights violations by spreading false information.<sup>465</sup>

East Timor’s conflict occurred from 1974–1999.<sup>466</sup> Like the South African and Chilean TRCs discussed above, the East Timor Commission used media reports as secondary sources in the creation of its report.<sup>467</sup> The Commission did not specifically focus on journalists or human rights violations committed against journalists or against other media personnel. Instead, the role of the media and its impact came to light as each person told his/her story. The report includes a description of the leaders of the opposing sides using the radio to communicate with the masses and also as a way to discourage prisoners, convincing them their side had lost.<sup>468</sup> The Commission also determined that international media attention lessened human rights violations.<sup>469</sup>

The conflict in Sierra Leone and the work of its TRC are particularly informative for the Liberian TRC, given the shared and intertwined experiences the countries had with Charles Taylor. In its report, the Sierra Leone TRC commits a section to the history as it relates to the media and its susceptibility to those in power.<sup>470</sup> The Commission goes further and credits the suppression of the media and free speech with helping to create

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<sup>462</sup> Chilean TRC Report, at Part 3, ch. 1C.

<sup>463</sup> Chilean TRC Report, at Part 3, ch. 2C.

<sup>464</sup> Chilean TRC Report, at Part 3, ch. 2C.

<sup>465</sup> Chilean TRC Report, at Part 3, ch. 2A.1.g; Part 3, ch. 4G.1.

<sup>466</sup> East Timor Truth and Reconciliation Commission Report, <http://www.ictj.org/en/news/features/846.html>; <http://www.ictj.org/static/Timor.CAVR.English/00—Preface.pdf>.

<sup>467</sup> East Timor TRC Report, <http://www.ictj.org/static/Timor.CAVR.English/00—Preface.pdf>.

<sup>468</sup> East Timor TRC Report, [http://www.ictj.org/static/Timor.CAVR.English/07.2\\_Unlawful\\_Killings\\_and\\_Enforced\\_Disappearances.pdf](http://www.ictj.org/static/Timor.CAVR.English/07.2_Unlawful_Killings_and_Enforced_Disappearances.pdf), at 10-11.

<sup>469</sup> East Timor TRC Report, [http://www.ictj.org/static/Timor.CAVR.English/07.2\\_Unlawful\\_Killings\\_and\\_Enforced\\_Disappearances.pdf](http://www.ictj.org/static/Timor.CAVR.English/07.2_Unlawful_Killings_and_Enforced_Disappearances.pdf), at 308.

<sup>470</sup> Sierra Leone Truth and Reconciliation Commission Report, <http://www.trcsierraleone.org/drwebsite/publish/index.shtml>. In PDF form at <http://www.trcsierraleone.org/pdf/FINAL%20VOLUME%20THREE/VOLUME%203%20A.pdf>, at 42, 64-65, 91.

the right environment for the revolutionists to bind together and thrive.<sup>471</sup> The appendix contains many statements of Sierra Leoneans, including several statements that detail effects of the media.<sup>472</sup>

## *ii. Recommendations from Other TRCs*

The reports also contained recommendations for the media to prevent future human rights violations. The Chilean report suggested the media be part of restoring the good name of people and making symbolic reparations because defamation in the press had been a huge issue during the conflict.<sup>473</sup> The East-Timor report contained several recommendations which appear to be no more than lofty goals. Those recommendations include: continuing the policy of open government in its dealings with the community and seeking to maximize open dialogue with the community, including through the media;<sup>474</sup> enhancing public participation and the accountability of public servants where rules of access place very few restrictions on the information that can be made public and included in Freedom of Information provisions;<sup>475</sup> helping publishers, journalists and all sections of the media recognize that their role is vital to effective citizenship in Timor-Leste and that their over-riding professional responsibility is to provide independent and accurate news, information and alternative points of view on significant public issues to all sections of East Timorese society;<sup>476</sup> instituting an annual award for investigative journalism carried out by an East Timorese journalist and given in honor of journalists who lost their lives in Timor-Leste in service during the civil unrest period;<sup>477</sup> emphasize the fundamental importance of rights of freedom of movement, opinion, association and assembly to the vitality and creativity of political, cultural, social and economic life in Timor-Leste and that law enforcement agencies continue to receive training on these rights and on strict procedures for the peaceful handing of public demonstrations;<sup>478</sup> and defamation laws should not be criminalized, allowing for the proper regulation of these matters by the civil courts.<sup>479</sup>

The Report for Sierra Leone also includes suggestions for improvement in the media and in turn encouraging peace. The Commission states:

<sup>471</sup> Sierra Leone TRC Report,

<http://www.trcsierraleone.org/pdf/FINAL%20VOLUME%20THREE/VOLUME%203%20A.pdf>, at 91.

<sup>472</sup> For example, see Sierra Leone TRC Report,

<http://www.trcsierraleone.org/pdf/APPENDICES/Appendix%202%20-%20Submissions.pdf>, at 775-778

(Statement by Mrs. Sylvia E.J. Blyden);

<http://www.trcsierraleone.org/pdf/APPENDICES/Appendix%203%20Transcript%20of%20Public%20Hearings.pdf>, Part 3, Thematic & Institutional Hearings, p. 4 (Statement by Victor Foh, representing All Peoples Congress).

<sup>473</sup> Chilean TRC Report, at Part 4, ch. 1B.2.4.

<sup>474</sup> East Timor TRC Report, <http://www.ictj.org/static/Timor.CAVR.English/11-Recommendations.pdf>, at 9.

<sup>475</sup> East Timor TRC Report, <http://www.ictj.org/static/Timor.CAVR.English/11-Recommendations.pdf>, at 9.

<sup>476</sup> East Timor TRC Report, <http://www.ictj.org/static/Timor.CAVR.English/11-Recommendations.pdf>, at 9.

<sup>477</sup> East Timor TRC Report, <http://www.ictj.org/static/Timor.CAVR.English/11-Recommendations.pdf>, at 10.

<sup>478</sup> Timor-East TRC Report, <http://www.ictj.org/static/Timor.CAVR.English/11-Recommendations.pdf>, at 10.

<sup>479</sup> Timor-East TRC Report, <http://www.ictj.org/static/Timor.CAVR.English/11-Recommendations.pdf>, at 10.

A free press ranks alongside an independent judiciary as one of the most important counter forces to the excesses of both the public and private sectors. The media should be free of political patronage. The degree to which the media is independent is the degree to which it can perform an effective public watchdog function on the conduct of public officials and powerful individuals in society. Laws establishing ‘freedom of expression’ require support and enforcement from the courts. Without an independent judiciary, press freedom cannot be maintained.<sup>480</sup>

The Commission also calls on members of the media to carry out thorough investigations before publishing stories because the media has an important and informative role to play in making available accurate information on potential public office holders.<sup>481</sup> It further suggests that the Sierra Leone association of journalists be more proactive in monitoring standards of journalism.<sup>482</sup>

The Commission also put together a list of items that are necessary to aid reconciliation and items that could hinder progress in Sierra Leone. One point of potential improvement is the public’s confidence in the media. The report suggests the community views the media as biased and suggests, as a way of improving confidence, that the media engage the public in important national issues as a way of building trust.<sup>483</sup>

### 10c. Capacity Building – Resources and Technology

External support can help Liberian media outlets obtain the resources they need to raise standards of reporting and achieve independence. Educational resources, technological equipment, production materials and workspace needs are all necessary elements of effective media. Establishing and financing an independent, local “press aid” foundation, would ensure that there is a means of meeting such needs in the long-term.<sup>484</sup> Networking on local, regional and international levels can also provide opportunities for resource sharing and development.<sup>485</sup> Finally, public open forums

<sup>480</sup> Sierra Leone TRC Report, <http://www.trcsierraleone.org/pdf/FINAL%20VOLUME%20TWO/VOLUME%202.pdf>, at 76.

<sup>481</sup> Sierra Leone TRC Report, <http://www.trcsierraleone.org/pdf/FINAL%20VOLUME%20TWO/VOLUME%202.pdf>, at 80, 239.

<sup>482</sup> Sierra Leone TRC Report, <http://www.trcsierraleone.org/pdf/FINAL%20VOLUME%20TWO/VOLUME%202.pdf>, at 81.

<sup>483</sup> Sierra Leone TRC Report, <http://www.trcsierraleone.org/pdf/FINAL%20VOLUME%20THREE/VOLUME%203%20B.pdf>, at 490.

<sup>484</sup> United Nations Educational, Scientific and Cultural Organization, Declaration of Alma Ata on Promoting Independent and Pluralistic Asian Media and Declaration of Windhoek on Promoting an Independent and Pluralistic African Press, U.N. Doc. DPI/1317 (1993), available at [http://www.unesco.org/webworld/fed/temp/communication\\_democracy/windhoek.htm](http://www.unesco.org/webworld/fed/temp/communication_democracy/windhoek.htm) (hereinafter “Windhoek Declaration”).

<sup>485</sup> Liberia Media Development Program Governance and Rule of Law, UNESCO/UNDP (2005), [http://portal.unesco.org/ci/en/files/18569/11128865521liberia\\_media.pdf/liberia\\_media.pdf](http://portal.unesco.org/ci/en/files/18569/11128865521liberia_media.pdf/liberia_media.pdf) (hereinafter “Liberia Media Development Program Governance”).

should be held to give all civilians the opportunity to express their opinions and engage in an active exchange of ideas with the media.

## 10d. Capacity Building – Training and Education

“Journalism training and educational development is an immediate necessity toward the ultimate goal of maintaining a professional media network.”<sup>486</sup> The following reforms may be helpful.

- Long-term communications education programs as well as short term training workshops must be instituted. Workshops for trainers can expand these efforts even further.<sup>487</sup>
- Training should emphasize the importance of freedom of expression, the role of the media in community and peace building and ethical standards.
- Media outlets should be encouraged to develop their own mission, code of ethics and enforcement mechanisms in order to strengthen their commitment to professional and ethical journalism.<sup>488</sup>
- Training on conflict reporting, especially safety training and risk-awareness for local journalists (who tend to be less equipped and more vulnerable than international journalists), can help strengthen media recovering from conflict.<sup>489</sup>
- The power of media in building civil society can be promoted among entire communities through town meetings and open workshops that discuss democracy, civil rights and what constitutes ethical journalism.<sup>490</sup>
- Journalists should be educated about what constitutes a violation of ethical and legal standards, and what repercussions may ensue.
- Implement quality standards after journalist training.<sup>491</sup>

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<sup>486</sup> *Strengthening Professional Journalism*.

<sup>487</sup> *Liberia Media Development Program Governance* at 2.

<sup>488</sup> Dorina Bekoe & Christina Parajon, *Liberia's Peacebuilding Effort: One Year after Transition*, United States Institute of Peace (Dec. 2006), [http://www.usip.org/pubs/usipeace\\_briefings/2006/1213\\_liberia\\_peacebuilding.html](http://www.usip.org/pubs/usipeace_briefings/2006/1213_liberia_peacebuilding.html) (hereinafter “Bekoe, *Liberia's Peacebuilding Effort*”).

<sup>489</sup> *Liberia Media Development Program Governance* at 3.

<sup>490</sup> Center for Media Studies and Peace Building, <http://www.liberianmedia.org>.

<sup>491</sup> Interview with James Qualah (Aug. 9, 2007) (on file with author) (hereinafter “Qualah Interview”).

## 10e. Privatization and Sustainability

Throughout Liberia's history, the Liberian government has exerted significant ownership over the media, and achieving a sustainable private media has been a struggle. Political influence and ties must be broken before the media can truly achieve independence.

Government officials must not be allowed to hold positions of influence in the media and media outlets should not rely on the government for funding and support.<sup>492</sup> Also, the existence of a sustainable, private media is necessary to developing livable working conditions and wages for journalists. Livable wages and working conditions are, in turn, necessary in avoiding corruption and promoting transparency.<sup>493</sup> In the short term, providing potentially viable media outlets with professional guidance, resources and start up costs may eschew the traps that occur when media is not sustainable.<sup>494</sup> In the long term, a strong, competitive private sector can help to achieve these goals. While external investment can help stimulate the private sector, local investment in private media is also essential to strengthen the role of private media in local civil society.<sup>495</sup> As private media becomes self sufficient, standards of quality will rise as well. As Sandy argues, it is essential for the media to play a role in the political, social and economic development of Liberia. Liberians need to stop viewing the government as the only force for development, and the media must grow to have a strong, independent role in society. Suggestions for promoting independent media and private development:

- Training programs that address business management can promote sustainability by helping media outlets manage their finances and development.<sup>496</sup>
- Financing a study on user-ship of independent media outlets can establish an advertising market that will stimulate the private, independent media.<sup>497</sup>
- Development of exchange networks between editors, managers and publishers on local and international levels can serve to raise awareness about press repression. Networks also promote exchange and competition regarding development issues.<sup>498</sup>
- Government ownership of media outlets should be avoided. Instead, the

<sup>492</sup> Interview with Moses D. Sandy (Aug. 6, 2007) (on file with author) (hereinafter "Sandy Interview").

<sup>493</sup> Interview with Alphonso Toweh (March 19, 2008) (on file with author) (hereinafter "Toweh Interview").

<sup>494</sup> *Liberia Media Development Program Governance and Rule of Law* at 4.

<sup>495</sup> Sandy Interview.

<sup>496</sup> *Liberia Media Development Program Governance* at 4.

<sup>497</sup> Windhoek Declaration.

<sup>498</sup> *Liberia Media Development Program Governance* at 4.



government should support the development of a competitive and professional private media.

## 10f. Expansion

Dissemination of public information across all of Liberia is necessary for national reconciliation to occur.<sup>499</sup> Expanding media accessibility throughout Liberia can be achieved through expanding infrastructure to remote areas of the country and focusing education, training, and equipment donations on these areas. Support for new media outlets must be focused on areas currently without access to the media. Fostering connections and networking between rural and urban media outlets can also help include rural Liberia in reporting and national dialogue that occur in Monrovia.<sup>500</sup>

It is important to first recognize that the news media has an enormous responsibility in post-conflict Liberia. Building free, fair, and effective news media in Liberia is an absolutely crucial part of fostering reconciliation and democracy and advancing human rights.

Both private and public ethical and professional reforms are necessary. Bribery, or katoing, is an enormous stumbling block that must be overcome in Liberia. This issue can be traced through many of the other reforms that are necessary for improving the Liberian media. An entire generation of private and public media practitioners has matured in a society where bribes are an acceptable means of getting news into a newspaper or onto the airwaves. Changing this culture should be a top priority for the government, civil society organizations, and public and private international development groups working to improve Liberia. Potential assistance programs could include efforts to develop codes of ethics for media houses and broadcast stations; to establish, in the Press Union of Liberia or another appropriate private organization, a mechanism for enforcing ethical and professional standards privately; and to reform public enforcement mechanisms to remove the legitimate threat of abusive political influence in the media. Developing these standards is not enough; media practitioners must also be conversant in these standards and follow them even in difficult situations. The government must also commit itself to remain supportive of a free press even if media reports damage the reputation or goals of the government. Long-term development demands this result.

Livable wages and working conditions for journalists are also necessary for avoiding corruption and promoting transparency in the media. Government and private media groups should cooperate to find a solution to this problem. In the short term, providing potentially viable media outlets with resources and operating costs may eschew the

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<sup>499</sup> Sandy Interview.

<sup>500</sup> Bekoe, *Liberia's Peacebuilding Effort*.

traps that occur when media is not sustainable without resort to inappropriate funding (e.g., bribes, etc.). In the long term, a strong, competitive private sector can help to achieve these goals and put pressure on unethical, characterless publications to reform or close.

Legal reform is also essential. Liberia should adopt laws that allow all citizens to access government information. In addition, an appropriate body of experts should be commissioned to identify for repeal certain laws that have been used to victimize the media. For example, journalists accused of violating media laws should be tried in civil courts, not criminal courts. Liberia also needs an independent, public broadcasting organization that can provide news to Liberians. Several models for an independent public broadcasting organization exist and could be implemented in Liberia.

Educational resources, technological equipment, production materials, and workspace needs are all necessary elements of an effective media. It is also important that Liberians have access to news media they can understand. Liberia has over fifteen local languages, and many people are unable to obtain reliable, national news in a language that they understand.

## THE MEDIA AT THE TRC

### Special Thematic Hearing on the Role of the Media

The TRC Act of 2005 mandated the Commission to conduct a critical review of Liberia's socio-economic and political institutions with the view of making recommendations for reforms. Pursuant to its mandate, the TRC on October 27 – 29, 2008, held a three day Special Thematic Hearing on the Liberian media at the Centennial Memorial Pavilion on Ashmun Street, Monrovia, Liberia, focusing on the topic of the domestic and international news media and the role that it played in the Liberian civil conflict. The Special Thematic Hearing under the theme: "The Media and the Liberian Conflict," examined the role of the local and international media in the civil war. It examined how the media particularly reported on the civil war regarding content, lessons learned, and ethical issues underpinning media coverage of the conflict, challenges confronting the media during the period under review and how these impacted the conflict generally. It was organized to coincide with a two day training workshop for journalists held from October 30 – 31, made possible through collaborative effort of the TRC and partners including the Carter Center of Atlanta, UNESCO, Emory University, the Sutherland Law Firm and Georgia Tech University. UNESCO provided the funding for hosting the hearings and workshop.

The hearings were especially significant because strengthening democracy in Liberia and ensuring that all citizens have access to basic human freedoms, including freedom of expression, largely depends on the news media's capacity to provide reliable information through professional and unbiased journalism. Much of the report on the media hearings and workshop focus on the history of the media culture of today, attempting to provide an understanding of the many challenges confronting journalists - challenges that threaten the media's role in national reconstruction efforts. This is followed by a number of recommendations advanced by Liberian journalists attending the hearings and workshop for consideration by the TRC. Some of these recommendations may have been previously advanced but will be restated within the context for the sake of maintaining originality of the workshop's work. Recommendations from the workshop have divided these into several categories and; focuses on strengthening the media for its role in national development and reconstruction; recommendation to the TRC for reform of the media; and a set of proposals on improving the public and the journalist understanding of the work of the TRC. The recommendations are further placed into three different categories – Levels 1, 2 and 3, listing them in order of priority to determine how to move forward with implementation.

The TRC believes that Liberian journalists with years of experience in the field and sharing their experiences will add value to the work of the Commission by assisting to

document appropriately what transpired in the country. Moreover, journalists are seemingly viewed as people who simply report the news or other people's experiences and not necessarily as individuals or members of society having their own unique experiences. Hence, the TRC endeavored to ensure that members of the media as real people were afforded the opportunity to also share their experiences with the TRC in a bid to capture their voices.

Journalists and media institutions in the country experienced suppression from the policies of successive Liberian governments. Journalists were sometimes imprisoned and even killed and several media institutions were burned down by men usually believed to be state security officers or fighters or supporters of the former warring factions who saw the reportage of media institutions as unfavorable to their organizations. Meanwhile, years of civil conflict in the country affected every sector with the media being one of the institutions hardest hit and hence the Commission's resolve to give the media a voice in its process.

During the Special Thematic Hearing, 14 prominent local and international media practitioners with vast knowledge of the Liberian conflict gave their perspectives of how the activities of the Liberian media and practitioners helped to shape the conflict. Some exiled Liberian journalists were for the first time returning home to Liberia after 19, 14 and 6 years respectively having fled successive suppressive regimes in the country.

Participating journalists with firsthand experience and eyewitness accounts of events in the country have assisted the TRC in piecing together unsolved mysteries of Liberia's history and leaves the Commission in a better position to advance the kinds of recommendations needed to influence the country's recovery process.

**Prominent domestic and international journalists testified included the following;**

**Local Journalists**

Kenneth Best  
Gabriel I. H. Williams  
Tom Kamara  
Stanton Peabody  
Philip N. Wesseh  
Elizabeth E. Hoff  
Fanny Cole-Weefur  
Sheriff Adams  
Aaron Kollie  
Robert Lormia  
Peewu Flomoku

**International Journalists**

Robin White formerly of the BBC  
William Burke formerly of CNN  
Kwame Clement former ELTV News Anchor  
Dr. Steven Ellis, Writer and Historian  
Mr. Isaac D. E. Bantu formerly of the BBC

Mr. James Butty of the VOA did not testify but rather served as trainer for the Workshop with the PUL.

A full and complete record of these proceedings is preserved in the archives of the TRC. The hearings were precipitated by series of efforts aimed at involving the media in the process of the TRC and galvanizing support from the media for the Commissions work. As early as May 2006, prior to the official launching of the TRC, an approach to working with the media was initiated by the oversight Commissioner for Media and Outreach who organized a Media Committee to help guide the TRC in its work with the media. The Media Committee of the TRC comprised several local and international partners;

International Center for Transitional Justice (ICTJ)

Open Society Initiative for West Africa (OSIWA)

Press Union of Liberia

Liberian Media Women Network

UNMIL (Rule of Law, Public Information, Human Rights & Protection Section)

Liberia Crusaders for Peace

Straight from the Heart

UNDP

TRC

Individual media practitioners

### **Impact of the Media on the Conflict**

International and local media coverage of Liberia's civil conflict initially focused on the military struggle between the warring ethnic and political factions and further focused on the human toll of the conflict. As the conflict continued, the media broadened its coverage to analyze some of the underlying factors prolonging the conflict, including the strategic importance of Liberia's natural resources and the effect of the influx of illegal arms into Liberia. The media's attention to these underlying factors may have hastened the economic sanctions eventually imposed on Liberia. These sanctions, however, were sometimes not imposed until years after international recognition of some of these factors or were otherwise ineffective at addressing the real issues belying the conflict. It may be believed that the media did not focus enough attention on these issues early in the conflict because initial recognition of these underlying factors did not generate sufficient and decisive international action to end the Liberian conflict. The recognition of one or more underlying factors of any particular crisis may sometimes take years to analyze and understand. Furthermore, the local media's ability to influence public opinion and facilitate rapid and effective international responses to humanitarian crises cannot be firmly established. Thus, it is



not clear that earlier coverage of the natural resources/illegal economy aspect of the Liberian conflict would have had any effect on the outcome of the conflict.

### **Workshop with Media to Advance Recommendations for Final Report**

This section of this report is a result of a three day workshop held in Monrovia, Liberia in October 2009. The goal: to appraise the performance of the Liberian media in its coverage of the civil war, while taking stock of the role journalists play in today's society and how best they all contribute to the national reconstruction process. A crucial part of that process involves the Truth and Reconciliation Commission. As such, the workshop was, in part, intended to assess the readiness of the media for the task to come when the TRC presented its final report. As disseminators of information, the media will be responsible for passing the report onto the public and initiating a critical debate that should help the people understand the findings and recommendations of the TRC.

The idea for the workshop grew out of an event held in Atlanta, Georgia in June of 2008 when the Carter Center hosted a forum on The Role of the Media in the Liberian Conflict. The conversation focused on how journalists – both local and international – covered the 14 year war and the impact such coverage may have had. In assessing that gathering, the Truth and Reconciliation Commission represented by its Commissioner with oversight for the media, Ms. Massa A. Washington, and its partners, proposed a public hearing on the media's performance and the experience of journalists during the conflict. Additionally, some partners argued that this time around the discussions should be expanded to involve a capacity building session that provides a critical analysis of how the media handled the conflict, lessons learned, an assessment of today's media culture, and the media's readiness or preparedness to contribute to the national reconstruction efforts.

Working with its partners – the Carter Center and the Atlanta based Sutherland Law Firm – The TRC sought funding from UNESCO, and in late October brought three international journalists and three former high profile Liberian media practitioners to Monrovia to join eight local journalists participating in the hearing and interact with a large number of other journalists for three days of hearings before the TRC and two days of workshop.

This portion of the media report relates to the workshop focusing on different stages of the Liberian media, beginning with the immediate pre-war days. Much of the report focuses on the media culture of today, attempting to provide an understanding of the many challenges confronting journalists - challenges that threaten the media's role in national reconstruction efforts. This is followed by a number of recommendations from Liberian journalists themselves and has been divided into several categories. 4.1 focuses

on strengthening the media for its role in national development and reconstruction; 4.2 includes recommendations to the TRC for reform of the media; and 4.3 is a set of proposals on improving the public and the journalist's understanding of the work of the TRC. The recommendations are further placed into three different categories – Levels 1, 2 and 3, listing them in order of priority to determine how to move forward with implementation.

## ATTENDANCE:

The workshop was well attended, attracting more than 75 persons on the first day, 61 on the second and at least 35 people on the final day. Participants included representatives of the many newspapers in Monrovia, one editor from a rural newspaper, producers and reporters from various radio stations, members of the Truth and Reconciliation Commission, freelancers, a number of veteran journalists with no current institutional affiliation, and representatives of various NGOs, civil society groups, media development groups and the World Bank.

## LOOKING BACK

The first day of the workshop was a time to look back on what some may call, the glory days of the Liberian media – a period when journalists were at the forefront of the campaign for change in the country. As panelist Lamini Waritay recounted, this was a time when the government adopted repressive policies and took actions that severely limited press freedom and endangered the lives of journalists. It was the 1980's when the military was in charge of the affairs of state, the immediate pre-war period.

From the very beginning, the junta leaders refused to entertain the concept of a free press, and in no time they were on a collision course with members of the media. Waritay noted a number of examples involving the government owned *New Liberian* newspaper, which took the lead in testing the limits of press freedom promised by the new rulers. The paper published several letters and articles critical of the administration. Its editors, Rufus Darpoh and Lamini Waritay were taken in for questioning and detained on many occasions.

This contentious state of affairs continued throughout the decade of the 80's with several prominent journalists being consistently arrested. Rufus Darpoh, who later became a correspondent for *West Africa* magazine, was even sent to the maximum security prison, Camp Belle Yallah at one point. Liberia's first independent daily, the *Daily Observer*, founded in 1981, was a frequent target. The paper was closed down numerous times, its staff detained on a number of occasions, and its offices set ablaze. The SunTimes and other newspapers were also shut down at one point or another. In the aftermath of a coup attempt in November, 1985, the 29 year old reporter/anchor of

the government owned ELTV, Charles Gbenyon was murdered by government agents.

The infamous Decree 88A became a hallmark of the government's actions against free press during this period. The law, passed in July, 1984, gave security forces the right to arrest and detain anyone caught "spreading rumors, lies, and misinformation about any government official or individual either by writing, word of mouth or public broadcast." What constituted a violation of this decree was something determined only by government.

It was during this era that the Press Union of Liberia was reorganized and became a potent force in the fight for a free press. The PUL also took on the added responsibility of challenging government on issues not related to the media, joining other pressure groups in criticizing the pervasive abuse of human rights and official power. Journalists also aggressively pursued the news during this period, fulfilling the role they defined for themselves as watchdogs of society. In fact, it is this role that landed them in frequent trouble with a government that was determined to silence its critics. During the war, newspaper offices were burnt down, including the New Democrat, Inquirer, Heritage etc. The Inquirer Newspaper alone was burned down five times.

### **Today Media Environment Through Media Lenses**

Much of the workshop was spent with panelists assessing today's media culture in the country, from the level of press freedom to the many challenges at hand and the media's readiness to contribute to the process of national development and reconstruction. There was a consensus that the press in Liberia (print and broadcast) is perhaps at its most difficult period in history, plagued by a myriad of issues resulting from the fourteen year civil war. As panelist Abdullai Kamara of the group, Journalists for Human Rights, put it, *"Like all other sectors of Liberia, the media was completely devastated..." by the conflict.* The ensuing problems could be summarized into the following sub-topics

- A. *Lack of Trained Manpower*
- B. *Ethical Transgressions*
- C. *Poverty in the Media*

Workshop participants and panelists agreed that the media's role in the national reconstruction process is crucial. It provides a space for open and critical discussions and debates on national issues, and in the case of community radio, is increasingly becoming an educational tool – promoting local development in a number of areas. But to more effectively take on its responsibilities in the national reconstruction process, the media itself needs to be rehabilitated, addressing the points noted above.

- A. *Lack of Trained Manpower:* As already noted the Liberian media suffered immensely from the civil war, losing a large percentage of its trained or more experienced manpower. Today many of those with any formal education in journalism and other veterans of the craft are either practicing out of the country or have taken up employment with NGOs or government agencies. There are no statistics on how many of the best of Liberian journalists were lost to the war in one way or another, but there's evidence of a rather young, inexperienced workforce with very little training currently filling the void. Many of the media practitioners in the country today lack the basics – conceptualizing a story, pursuing the news, and general newsgathering and writing skills. In fact a constant refrain during the workshop was that Liberian journalists “lack the nose for news.”

For the most part, many of the media houses depend on press releases, which in some instances are rewritten to serve as news stories. The young journalists do not seem to have the capacity to look beyond the press releases or other narrowly defined sources of news to conduct their own investigation. A panelist from the Truth and Reconciliation Commission noted an example of this. During the TRC's outreach to the leeward counties, a number of journalists accompanied members of the Commission. Their primary assignment: to report on activities of the Commission in those counties. But as the TRC member noted, there were several other stories that were very evident during those trips – stories that went unnoticed and unreported by all but one correspondent who came back to base with at least one non-TRC related report.

Some panelists and participants also blamed such narrow focus on other factors like individual political interests or the pervasive culture of corruption in the media, which will be discussed later.

One glaring evidence of the absence of adequate training: many of today's newspapers are poorly produced and stacked with grammatical errors. There's also the question of how accurate some of the stories are. At issue: the reporter's ability or lack thereof to clearly portray the newsmaker's point of view.

The University of Liberia is the leading institution of training for journalists in the country. There are of course short term capacity building workshops and seminars conducted by the Press Union of Liberia, other media advocacy groups, NGOs and individuals. But the University's Mass Communications Department has been in the forefront of any long term training program. However its curriculum is out of step with today's reality. It was drawn up back in the early 80's and has not had any significant overhaul since then, leaving some to contend that acquiring a journalism degree from the university is a

waste of time.

- B. *Ethical Transgressions*: The Liberian media suffers from a serious credibility problem. According to workshop panelists, receiving money for news is a common practice in the country, which is serving to discredit the profession and jeopardize its ability to contribute meaningfully to the national reconstruction process. This is not new to the Liberian press. “Katos” has always been a part of the media culture, but in the years since the war it has become so pervasive, and for many newsmakers, it is the only or perhaps the best way to get their stories in the papers or on the airwaves. In fact another more troubling aspect of this practice has emerged during this post-conflict era.

Initially, “Katos” was mostly limited to reporters or editors receiving money (envelopes) when they showed up for press conferences, interviews or some event in the pursuit of news stories. But today, it’s been expanded to include the sale of pages of newspapers or airtime. Newsmakers and media critics argue that for stories to make it to the pages of some newspapers, or to get airtime on some radio stations, money has to change hands. One panelist quoted the former head of the United Nations Mission in Liberia, Jacques Klein as saying, “ten dollars can get you any story in Liberian newspapers.”

Another panelist, Kenneth Best of the Daily Observer newspaper, recalled being approached by a diplomat asking how much the Observer charged to get a story on the front page. The New Democrat’s Tom Kamara recounted a similar incident. In his case he was asked the same question by a fellow journalist who was apparently acting on behalf of a newsmaker. While both the Observer and Democrat may have declined any cash offer to publish stories, other newspapers regularly accept such offers.

Some critics contend that some of the more than 20 newspapers that exist today were started primarily to extort money from newsmakers. Their appearance on newsstand is very irregular, being published only when they have successfully sold news pages of the paper or received ads from one of the local businesses or non-governmental organizations.

- C. *Poverty in the Media*: One panelist noted that the ethical issues facing Liberian journalists are perhaps the most serious, saying because of this problem the press today is at its worst. The question at hand is why is corruption so pervasive in today’s media culture? A number of reasons were advanced. Some blamed the lack of adequate training, while others contended that training alone is not a solution. As the New Democrat’s Tom Kamara pointed out “ethics can be taught in the classroom, but you cannot teach someone to be ethical.”



Most participants attributed the problem to the malaise of poverty in the media brought about by a number of factors. Liberian journalists are among the lowest paid in West Africa with many making a meager \$20 to \$30 a month. A bag of rice, the country's food staple, costs about \$65, meaning many reporters do not make enough to provide basic necessities for the survival of their families. But those who get paid are the lucky ones. Some reporters at the workshop revealed that a number of newspapers often fail to pay their employees or freelance journalists who do occasional work for them.

Some editors and managers blame the low pay scale on a myriad of problems. They insist that most media organizations are undercapitalized, barely making enough to keep operating. Newspaper sales are poor. Each paper costs about \$20 LD, and in a country where the majority of the people are unemployed, that amount is beyond the reach of many. Another problem is the poor circulation, mostly limited to Monrovia and surrounding cities and counties. The New Democrat has the largest circulation with 3,500 copies a day, followed by the Daily Observer with about 2,000 copies.

About 75 to 80 percent of newspaper revenue comes from advertisements. Panelists noted that the ad culture has still not recovered from the civil war. Businesses are slowly re-emerging and economic activity is just beginning to pick up. As a result, many of the ads that appear in the papers come from the United Nations Mission and other UN agencies and international non-governmental organizations. Most Managing Editors and Publishers, agree that they do not make enough from ad sales to pay their employees relatively decent salaries. Participants argued that these factors contribute to the corruption seen in the media today.

During the discussions another school of thought emerged. Some critics argued that some media organizations generate sizable sums of money from ads. Yet they fail to pay their employees well. They blame this on poor management, noting that many newspapers and radio stations may not even have business plans and those who run them lack the requisite administrative skills.

Another issue is the debate over ad rates. Some managers see the need for standardizing rates, arguing that some newspapers may lower their rates considerably to attract clients. That creates an unfair advantage as the papers with the most circulation will then be forced to match the low rates.

**CONFRONTING THE PROBLEMS:**

There were many suggestions advanced during discussions on how to solve the many problems faced by today's journalists. Some participants argued that certain standards are set to address the pervasive lack of professionalism. Many of today's reporters have no formal training in journalism or related disciplines. In fact, most of them are only high school graduates, products of an education system that itself needs to be rehabilitated, prompting critics at the workshop to suggest a minimum education requirement. Others argued against this, suggesting that would be stifling freedom and limiting the rights of individuals.

Participants called for the Press Union of Liberia to play a central role in addressing many of these problems. But they lamented what one panelist called the lack of a "functional strategic direction within the organization." Another called the union a dysfunctional organization. The PUL has since held elections, and the former Secretary General, Peter Quaqua was elected president, promising to reform the union, once again giving it a voice in today's society.

**RECOMMENDATIONS:**

At the end of three days of debates and discussions, the following recommendations were put forth:

- A. The PUL and other media advocacy groups should launch a campaign to discourage newsmakers from paying for news. If we are serious about lifting the standard of the profession, this recommendation must be taken seriously.
- B. The PUL should encourage those media institutions that have not yet established a code of ethics to guide their employees to do so immediately or should adopt the PUL's code of ethics. The PUL must encourage every organization to begin to take more stringent disciplinary actions against staff members who violate the established or adopted code.
- C. The PUL and other media advocacy groups should begin to work with NGOs and UN organizations to consolidate capacity building efforts. While many donor agencies and NGOs recognize the need to help rebuild the media in the country, many are beginning to complain about the fragmented nature of the many training and development programs and are starting to question their effectiveness. A more cohesive or centralized approach may be what is needed.
- D. The Liberian Media Center should work with the Press Union of Liberia to organize a business development seminar for editors and media managers. The goal: to improve the marketing and business structure of media organizations

to help them become financially sustainable, addressing the problem of poverty in the media. Topics to be covered: raising revenue, business structure, salaries, etc.

- E. The PUL and other media advocacy groups should seek the requisite expertise to begin immediate work on drawing up a proposal for the establishment of a mid level training program for journalists.
- F. The new leaders of the Press Union of Liberia should take action to revitalize the union. They must seek capacity building opportunities for the leadership and members. What's at stake here is the future of journalism in Liberia and the ability and capacity of the PUL to take the lead in the rehabilitation of the media in this country. The union must also more actively engage its members. It may seek the counsel of some of the older more experienced journalists (among them, former leaders). The new leadership could establish an advisory team to include some of these more experienced journalists.

### **Recommendation to the TRC for reform of the Liberian media:**

Part of the mission of the workshop was to come up with suggestions to the TRC to include in its report as part of its recommendations to the Liberian government. It is therefore proposed that the TRC should recommend:

- A. That an expert body, including the PUL, other media advocacy and research groups like the Center for Media Studies and Peace Building, CEMESP, and the Ministry of Information, should work to identify repressive media laws and regulations currently on the books and propose to the appropriate authorities that all such provisions be decriminalized. The laws in question, together with a general lack of respect for due process, were in part responsible for the abuses suffered by journalists and media houses in the past. Additionally, they are out of step with the new atmosphere of freedom enjoyed by the media in post conflict Liberia.

### **REVIEWING THE TRC/MEDIA PARTNERSHIP**

It became evident during the workshop that some of the journalists present lacked a basic understanding of the TRC process and its mandate. While the Commission and the media have worked together in the past to define its mission and basic language associated with its work, more needed to be done to prepare journalists and the public for the final report and recommendations. Panelist Augustine Toe of the Catholic Justice and Peace Commission expressed his view that the vast majority of the people in the rural areas did not understand the purpose and functions of the TRC.

In a recent report on press coverage of the TRC, the Liberian Media Center concluded that at times it is difficult to distinguish news from opinions in some of the press reports on the work of the Commission. There have also been instances where reporters have been accused of misrepresenting certain individuals who appeared before the TRC. This goes back to the lack of training, and in a way, the lack of professionalism found in today's media. In its report, the LMC commended four news organizations for what it called, "outstanding work" in covering the TRC. This represents only a fraction of the more than 40 media institutions in the country. The Commission was nearing the end of its mission, thus there was not enough time to work on improving coverage provided by other media houses. Therefore it was necessary to focus on a select group of reporters to report on the its activities.

As such, it was recommended:

- A. That the PUL should work with media managers to seek funding for a weekly report on the work of the TRC to be provided by a group of reporters assigned to the Commission – one each from three or four of the leading media houses. This group would write, edit and publish a report, covering all aspects of the Commission's work. It will also be responsible for reporting on the findings and recommendations of the TRC.
- B. The TRC should summarize key portions of its report. The document is expected to be massive and the failure to provide necessary summaries may lead to it being misrepresented by elements of a media that's evidently still struggling to comprehend the mission of the TRC and the language associated with its work. The summaries should include:
  - Overall findings
  - Summations
  - Recommendations
- C. TRC, the PUL and the Liberian Media Center should arrange a follow up training session - one of a more practical nature that defines and explains the basic functions of the Commission and some of the language expected to be associated with its report. The training should involve the group of three or four reporters to be chosen to provide the weekly report, plus a select few from other media institutions.
- D. The TRC should work with media experts, its international partners, the Press Union of Liberia and community radio managers and producers to design a rural outreach program, utilizing the services of community radio stations to help the people understand its role and to prepare them for the commission's

recommendations. This program should include among others public service announcements in some of Liberia's indigenous languages.

- E. TRC should work with its Director of Media/Outreach to have a designated spokesperson more readily available to some of the many talk radio programs to further explain its mission and help prepare people for the recommendations to come from the Commission. It must ensure that not every Commissioner is authorized to speak on its behalf.

### **PRIORITY RECOMMENDATIONS:**

The extensive list of recommendations contained in this report is essential to the rehabilitation of the Liberian media and the country's reconstruction and reconciliation efforts. As such, to ensure a timely and effective implementation, they have been further divided into three different categories – levels 1, 2 and three, suggesting the order of priority in which they must be tackled.

Level – 1: These are high priority recommendations on which work must begin immediately.

- a. The PUL and other media advocacy groups should launch a campaign to discourage newsmakers from paying for news. If we are serious about lifting the standard of the profession, this recommendation must be taken seriously.
- b. The PUL should encourage those media institutions that have not yet established a code of ethics to guide their employees to do so immediately or should adopt the PUL's code of ethics. The PUL must encourage every organization to begin to take more stringent disciplinary actions against staff members who violate the established or adopted code.
- c. The PUL and other media advocacy groups should begin to work with NGOs and UN organizations to consolidate capacity building efforts. While many donor agencies and NGOs recognize the need to help rebuild the media in the country, many are beginning to complain about the fragmented nature of the many training and development programs and are starting to question their effectiveness. A more cohesive or centralized approach may be what is needed.
- d. That an expert body, including the PUL, other media advocacy and research groups like the Center for Media Studies and Peace Building, CEMESP, and the Ministry of Information, should work to identify repressive media laws and regulations currently on the books and propose to the appropriate authorities that all such provisions be decriminalized. The laws in question, together with



a general lack of respect for due process, were in part responsible for the abuses suffered by journalists and media houses in the past. Additionally, they are out of step with the new atmosphere of freedom enjoyed by the media in post conflict Liberia.

- e. That the PUL should work with media managers to seek funding for a weekly report on the work of the TRC to be provided by a group of reporters assigned to the Commission – one each from three or four of the leading media houses. This group will write, edit and publish a report, covering all aspects of the Commission's work. It will also be responsible for reporting the findings and recommendations of the TRC.

– Level – 2

- a. The Liberian Media Center should work with the Press Union of Liberia to organize a business development seminar for editors and media managers. The goal: to improve the marketing and business structure of media organizations to help them become financially sustainable, addressing the problem of poverty in the media. Topics to be covered: raising revenue, business structure, salaries, etc.
- b. The PUL and other media advocacy groups should seek the requisite expertise to begin immediate work on drawing up a proposal for the establishment of a mid level training program for journalists.

## OUTREACH AND SENSITIZATION

### Taking the TRC to the People

#### A. Liberian Crusaders for Peace (LPC)

In May 2006, the TRC formed its Media and Outreach Committee comprising several community based organizations, local and international partners to advise and guide the TRC on best methods for mobilizing the nation for the TRC process. The Liberian Crusaders for Peace (LCP), a community based communication and outreach organization headed by Ambassador Julie Endee, a Liberian communication expert and Cultural Ambassador of Liberia was contacted by the TRC to spearhead its community outreach efforts. In early May 2006, and in preparation for the official launching of the TRC in June 2006, the LCP on behalf of the Commission, brought together fifty-five Peer Educators and Social Mobilizers resident in the 15 Counties from various civil society organizations and hosted them at the Liberian Biomedical Research Center in Margibi County, where they underwent three days of training in communications and social mobilization skills. The Training was facilitated by Amb. Endee with partners from UNMIL, the UNDP and TRC ITAC and Commissioners also serving as trainers. Once trained, the Peer Educators in turn trained social mobilizers in the counties for the TRC outreach work. In total, 1,124 Mobilizers were trained in the 15 counties.

Staffs associated with the Diaspora Project in the United States of America, Ghana and Nigeria, were similarly trained as community mobilizers to ensure that TRC outreach techniques were mainstreamed across the board. All training programs focused a gender dimension that included emphasis on women and children's issues. The majority of training was conducted in collaboration with civil society groups.

#### B. UNMIL Radio 1 Hour Street Broadcast

The UNMIL radio on behalf of the TRC of Liberia carried out street broadcasts in various parts of Monrovia where Commissioners and Senior Staff of the Commission were questioned about the process and provided answers and clarifications to educate the populace about what they needed to know. Through this method, the TRC was able to learn about how people felt about the it and their expectations of the Commission. This approach was extremely useful since the concept of transitional justice and TRC process was new and strange to Liberians. The one hour street program allowed Liberians and other foreign nationals to give their opinion on how the Commission could achieve its mandate.

### **C. UNMIL Radio and Radio Veritas 1 Hour Call-in Talk Shows**

Commissioners of the TRC, and staff teaming up with civil society were provided the opportunity to educate the Liberian people about the process on the UNMMIL radio and Radio Veritas one hour talk shows respectively which was heard around the country. Through this medium, the public was given the opportunity to call on the show and ask the Commissioners or team members whatever they wanted to know about the process. These call in talk shows to a great extent educated the population about the TRC.

### **D. Straight from the Heart (Awareness Program Focusing on Ex-combatants):**

This program was implemented in collaboration with UNMIL and was basically intended to educate ex-combatants about the TRC process. There were a group of ex-combatants involved in the process who were used to encourage fellow ex-combatants to be a part of the TRC process. This program became very useful to the TRC statement taking program as ex-combatants were encouraged by their colleagues to give their statements to the TRC statement takers. Straight from the heart was moderated by Ms. Agnes Kamara a volunteer with UNMIL radio at the time.

### **E. Outreach to Various Schools**

The outreach process of the Commission was not limited to particular groups in the society; students were considered highly in the process as they are the future leaders of the nation. This process commenced from the elementary and Junior High schools, and was later extended to Senior High Schools, Colleges and Universities in the Country. On these campuses, the students were educated about the process by informing them about the function, powers, mandate and expectations of the Commission. They were also given the opportunity to ask questions and to give their opinions about the process. The students were given stickers, flyers and other outreach materials carrying key messages of various phases of the TRC work. Particularly crucial was the establishment of the TRC University of Liberia Club on the main campus of the University. Students who became members of this Club were trained to educate their fellow students about TRC. They were used in carrying out outreach for the Commission amongst colleagues.

### **F. Outreach and Sensitization With Civil Society**

The outreach process was taken to the 15 Counties of Liberia benefiting residents of rural communities. This process was carried out in collaboration with the Crusaders for Peace and was launched throughout the 15 Counties of Liberia. Posters, stickers and

flyers carrying key messages of the Commission were widely distributed. Civil Society organizations buttressed the Commission's efforts by conducting sensitization and awareness in all fifteen Counties, as well as distributing 15,000 copies of the TRC's informational questions and answers (Q&A) brochure, replicating and distributing 10,000 copies of the 1986 Constitution of Liberia to schools and communities for civic education and by conducting sensitization and awareness workshops about the TRC process. In 2007, the TRC entered into a memorandum of understanding with 16 civil society organizations, further concretizing this partnership. As the work of the Commission progressed, County Coordinating Teams were set up nationwide to add steam to the outreach effort. The involvement of civil society in the TRC process enormously enhanced the Commission's work in accomplishing its mandate.

### **G. Pre- Statement Taking and Sensitization**

Prior to the statement taking process of the TRC of Liberia which paved the way for the individual and thematic hearings, the Liberian populace had to be informed about the Commission, its function, mandate, powers and what it sought to achieved. They also had to know what the statement taking process was all about and what the Commission would do with the statements that were collected. This had to be done so as to assure the cooperation of the Liberian people in giving their statements to the statement takers of the TRC. The Commission first and foremost recruited statement takers from various parts of the country and educated them both on what they were assigned to do and also what they needed to know about the Commission which would aid their work. Due to limited funding available to the Commission to properly carry out the outreach activities of sensitizing the Liberian people before the statement taking process began, some parts of the country did not know of the statement takers presence in their counties and districts. However, that the statement takers taught on necessary information about the Commission, they assisted in carrying out outreach in some of those areas that were not reached before the statement taking process. Despite the financial constraint, the following activities were carried out:

- *Production of Outreach Materials*

The media and outreach department of the Commission produced flyers, stickers, posters and banners, which were distributed all over the Country. Key messages on the TRC statement taking process were aired on various radio stations in the country including local and community radio stations. The TRC jingle was played regularly on radio stations during this period.

- *Talking Drum Studio Program*

In collaboration with the Talking Drum Studio, a weekly drama series was aired

educating the Liberian people about the TRC statement taking process. The drama series aired in simple Liberian English, focused on introducing and presenting Statement Takers to the communities. They were informed who the statement takers were, what their functions were, how they were to be identified and why people should give their statements to them. Challenges associated with this process for example, the fear of giving statements, having to revisit traumatic incidents and importance of giving statements were discussed.

- *Pre-Hearing Sensitization Activities*

The TRC hearings process conducted in the 15 Counties of Liberia and the United States of America was officially launched in Monrovia, Montserrado County on Tuesday January 8, 2008 at the Centennial Memorial Pavilion on Ashmun Street. Individuals who gave their statements to the statement takers of the commission had the opportunity of telling their stories in public or private. As was standard procedure, outreach and sensitization was done to enhance this phase of the Commission's work.

## **H. Diaspora Outreach Process**

The TRC Diaspora Project was launched on 22 June 2006, In the United States of America and was extended to West African Countries.. Numerous outreach, education and sensitization events were held in several U.S. cities where large populations of Liberians reside. Like the national TRC activities, these activities included town hall meetings, formal presentations, speaking engagements in churches and mosques, and special events. The media at home and abroad was also equally involved in spreading the TRC's message across to Liberians and the general public. Several newspapers, radios and television interviewed project staff and Commissioners in Liberia and abroad.

The TRC's Diaspora Project was innovative because it redefined the way in which truth and reconciliation commissions should operate—from local or nationally-centered bodies to global truth seeking institutions—by conducting international hearings that included testimony and perspectives from its citizens abroad; thereby, raising the bar of ingenuity in transitional justice approaches. The Diaspora Project began in Minneapolis, Minnesota (USA), which is home to approximately 5,000 of the 40,000 Liberians living in the U.S., with the assistance of one of the TRC's key partners, the Advocates for Human Rights, which served as a primary implementer of the Project. The Diaspora project resulted in the collection of approximately 1,500 statements from alleged perpetrators and victims of Liberia's various episodes of state chaos and conflict. The project eventually conducted activities in eleven U.S. cities, Europe and to Ghana, Nigeria, and Sierra Leone where a significant number of Liberian refugees in West Africa reside. Community Advisory Committees comprising credible Liberians



were established in each city hosting a project. Numerous outreach events were organized in collaboration with the Advisory committees and often hosted by the various Liberian communities. This approach ensured Diaspora community involvement and support for the Project. Approximately 1000 statements were collected from Liberians in West Africa. A Diaspora Media Committee headed by Mr. Sam Togba Slewion, a Liberian Journalist in Philadelphia, the USA ensured the effective dissemination of TRC information amongst Liberians and others in the Diaspora.

### **Members of TRC Diaspora Media Committee**

1. Mr. Sam Togba Slewion – Point Person
2. ICTJ
3. Advocates for Human Rights
4. Liberian Embassy, Washington DC
5. TRC Liberia
6. Ms. Teeta Banks, Liberia's Honorary Consul to Philadelphia

### **A. Ghana Outreach Process**

In March 2007, Commissioner Massa Washington, met with Ghanaian and UN authorities including the Chairman of the Ghana Refugee Board, the Camp Management of the Buduburam Refugee Camp and the UNHCR in Ghana for consultation on extending the TRC Diaspora project to Liberians in Ghana. Once given the green light by Ghanaian authorities, the TRC in April, dispatched a team of three headed by Commissioner Washington to commence outreach with Liberians on the camp and other parts of the Country. This initiative was heavily buttressed by TRC Diaspora partners, the Advocates for Human Rights who took several teams to Buduburam including management partners for the project. Together, the TRC Liberia and Diaspora partners, conducted vigorous outreach and sensitization programs on the Buduburam Refugee Camp. The camp played host at the time to about 34,000 Liberian, Sierra Leonean Refugees intermittently. Several town hall meetings, workshops and training on the TRC and transitional justice processes were held.

These activities were usually well attended by refugees on the camp and other Liberians from other parts of Ghana. Officials of the Ghanaian government were very supportive of the process. The Ghanaian Minister of the Interior attended one of the Town hall forums while the Police Department provided security though this service was not utilized as it was not needed at the end of the day. Sensitization involved a cross section of stakeholders including; community leaders from various organizations. The team also met with individual groups including County Associations, Religious

Leaders, Youth Groups, the Traditional Elders and the Veteran Child Soldiers Association (VESOAL). As a result of the aggressive outreach undertaken in Ghana, the TRC statement taking process received an unprecedented high approval rating from amongst Liberian refugees on the camp evident by the high numbers of persons who queued to give their statements to the TRC statement takers. The TRC also conducted outreach in Sierra Leone and Nigeria respectively. Due to the lack of resources, statements were not taken from Liberians in Sierra Leone. However, a sampling of the statement taking was done in Nigeria where about 27 statements were received from victims on the refugee camp in Oru, Ogun State.

## **B. The Georgia Institute of Technology and the TRC of Liberia**

The Georgia Institute of Technology partnered with the Liberian Truth and Reconciliation Commission (TRC) to study the use of new media in the TRC process. Information and communication systems can help restore and reconcile a nation that is destroyed by years of civil conflict. Through an integrated and holistic approach, Georgia Tech has collaboratively designed and implemented interactive information and communication systems to support Liberia's Truth and Reconciliation Commission. These information and communication systems include a rich online web presence and offline interactive multi-modal computer environments that are all designed to reach out to every Liberian – the Diaspora, educated and illiterate, the rural and urban.

Georgia Tech, is a major research university based in Atlanta, Georgia, USA. For the last 10 years, Georgia Tech has ranked as a top 10 US public university. In a worldwide ranking, Georgia Tech placed 8<sup>th</sup> in the category "best university for technology". Georgia Tech educates and graduates the most African American engineering students at both the undergraduate and PhD levels in the U.S.A. Internationally recognized as a leader in applying technology to meet the world's needs, Georgia Tech has conducted many projects in sub-Saharan Africa. Georgia Tech's Sam Nunn School of International Affairs has a substantial program that studies the role of new media in TRC's. The focus of this program is to re-conceptualize the role of new s media in reconciliation. This work is led by Dr. Michael Best along with Dr. Bill Long who has studied TRC's and published several works on their function and efficacy.

The truth and reconciliation process varies across contexts because it is formed around local conditions. Nonetheless, some general processes have emerged as a necessity for lasting post-conflict peace. These processes includes , story-telling, fact-finding, and statement-taking; for the responsible parties to be assigned and accept the guilt of their actions; reparations and pardons leading to some state of forgiveness; and identity re-transformation by individuals and communities, ultimately leading to reconciliation. At first-glance, modern communication technologies, such as the Internet, appear too

clinical to be helpful to this process. But anyone who has actively participated in dynamic online communities, or who has found new avenues of creation and expression online, knows that these environments can be deeply transformative. Thus, modern information and communication systems can play a critical role in a nation's post-conflict truth-seeking and reconciliation.

Given the potential of information and communication systems for reconciliation, the promise of such technologies has not been fully tested yet. Many truth and reconciliation commissions have used websites to publish their reports, but so far they have failed to take full advantage of the affordances of these new mediums. Furthermore, in Liberia, the Internet reaches a miniscule portion, less than one percent, of the country's population. In contrast, mobile phones are in the hands of over 15% of the population and reach an even larger portion by sharing cellular phones among family, friends, and community call centers. Therefore, to connect with all Liberians a wide range of information technologies must be employed.

All of the projects that Georgia Tech has undertaken with the TRC have followed user-centered design best practices. User-centered design is based on principles of local relevance, user input into the entire design and implementation process, and attention to collaborative and community based design practice. This method has formed the basis of Georgia Tech's information and communication systems design activity and has guided all of the work Georgia Tech has done in Liberia. Commissioners of the TRC have provided direct input into the design process. Inputs have also come from user studies; focus groups, and related exercises. By following the principles of user centered design the Georgia Tech/TRC partnership has ensured that all systems are usable, appropriate, and responsive to local needs.

The TRC is charged in its mandate to reach out to Liberians in the Diaspora, thus a rich and interactive website was an ideal means to engage this group. A state-of-the-art interactive multi-modal web site was launched. Discussion forums, video and audio repositories, formalized information-sharing, and secure confidential online statement taking were all implemented to fully capitalize on current online technologies.

After design inputs were gathered from the TRC, Liberians in Liberia, and Liberians living in the USA, the Georgia Tech team spent the summer of 2007 developing the website. After testing and refining the site for two months, the TRC website went online in October 2007. Since then, the website has received a steady flow of traffic. TRC staffs were trained to post press releases on the website, and Georgia Tech sent an employee to Monrovia to assist with the maintenance of the website.

To date, the TRC website receives over 3,700 unique visitors a month. On average, each visitor looks at just over 6 pages per visit. Thus, each month, visitors view 22,000 pages

from the TRC website. The majority of the users are in the United States, followed by the United Kingdom, Canada, Netherlands, Spain, Sweden, Belgium, and Lebanon. However, a large portion of the website traffic coming from England and Lebanon is actually coming from Liberia since a majority of the satellite companies that connect Liberia to the internet are based in these two countries. In addition to countless press releases that have been posted, the site also has an extensive collection of over 600 videos from the TRC public hearings. These hearing videos are the most popular item on the TRC website. Fifty percent of the traffic on the TRC site is a result of search engines like Google and Yahoo. Most often, users are searching for the TRC with search terms like, "TRC Liberia." The websites [embassyofliberia.org](http://embassyofliberia.org) and [theliberiandialogue.org](http://theliberiandialogue.org) also direct a substantial amount of traffic to the site.

At the moment, Georgia Tech is in the midst of conducting a survey of Internet users in Monrovia and America to gauge the efficacy of the website as it relates to healing and empowering the Liberian people. This study is focused on the differences and similarities between users in the Diaspora and those living at home. The results of this survey will be published in late 2009.

The Georgia Tech/TRC partnership has also led to the creation of the Mobile Story Exchange System, or MOSES. MOSES is designed to extend the reach of the TRC to Liberians living in rural Liberia who may not be literate or lack access to traditional forms of media and the Internet. MOSES is an interactive computer video system where in a cartoon character, also named MOSES, gives the user audio prompts in simple Liberian English to help guide him or her with the system. The interface is also designed to be as simple as possible, consisting of only seven color coded buttons.

MOSES allows users to record their own video about the TRC process, current affairs, or any other subject. In addition to user-created videos, MOSES also has videos that were produced by the TRC that explain the mandate and the work of the Commission. MOSES has its own battery pack that allows it to operate for a full day without electricity from any outside source. TRC and Georgia Tech staff can easily transport Moses in the back of an SUV to most rural areas and can even run MOSES from inside the SUV when rapid deployments are necessary.

The goal of MOSES is twofold. The first goal is to provide Liberians in rural areas with a way to see the work of the TRC process by watching video content from the TRC. The second goal is to allow Liberians to participate in a national dialogue with one another by recording videos on issues they want to talk about. It is hoped that this dialogue will foster healing, promote truth-telling, and give Liberians an outlet to discuss other issues.

To date, Moses has been deployed in seven of the fifteen counties and has been used by several hundred Liberians who have recorded over 400 videos on MOSES. These videos range from jokes and songs to very serious discussions of Liberia's troubled past and accounts of the atrocities committed during the Liberian civil crisis. MOSES continues to undergo design changes as Georgia Tech researchers refine the system to meet the needs of the users in Liberia.

MOSES has been received with great interest and positive feedback everywhere the system has been. Liberians are excited by the opportunity to make their voices heard and participate in national dialogue. This is evidenced by recordings made on MOSES and through comments made by users of MOSES to Georgia Tech and TRC staff.

Between these two projects Georgia Tech has become the custodian of what will surpass 1,000 videos and other content elements documenting the work of the TRC and stories of the people of Liberia. Archivists at Georgia Tech are currently working to permanently store this digital content allowing persistent sustained access. Furthermore, it is hoped that the content will be used as the centerpiece of a virtual digital memorial that will provide a lasting testimony to the processes of national healing.

In addition to these two principal projects Georgia Tech has assisted the TRC with day-to-day IT management in its Monrovia office.

For more information on Georgia Tech's work in Liberia please contact Dr. Michael Best at [mikeb@cc.gatech.edu](mailto:mikeb@cc.gatech.edu). Or John Etherton - Project Manager

### Appendix 1: Media Rights Violations: 1980-2003

Date	Description
4/21/1980	The government issued the following announcement: "Foreign journalists arriving in the country to cover the current state of affairs are asked to report at the Ministry of Information, Cultural Affairs and Tourism and Broadcasting for proper accreditation. Foreign journalists are also informed that all press activities, including the filing of telex messages, will be coordinated through the Ministry of Information. Signed: Alhaji (Kromah), Assistant Minister for Information, and agreed by the Minister Gabriel Nimley"
3/7/1981	Tom Kamara of the New Liberian was arrested on the orders of Police Director Joe Y. Myers after publishing a story alleging that around 2000 police employees might not receive pay for the next three months due to budgetary constraints. Later, the chairman of the PRC committee on information, Joseph K. Sampson, described the arrest as "wrong and bad".



11/23/1981	The ban on the Daily Observer was lifted by the government.
2/8/1984	Willis Knuckles of the Daily Observer and BBC was detained, held without charge at the Bellah Yallah prison, and tortured. He was released several days later.
6/1/1984	Rufus Darpoh of the New Liberian was arrested and detained until 17 November.
11/21/1984	Rufus Darpoh was released after being detained without charge for six months for “allegedly printing anti-government articles for the foreign press.”
1/17/1985	Minister of Justice Jenkins Scott announced that the Daily Observer would not be permitted to print after it carried a series of “anti-government” stories.
8/1/1985	President Doe announced plans for a nationwide radio service that would reach all areas of Liberia. The initiative was to be paid for with a special tax.
10/1/1985	President Doe presented the LBS with \$256,000 to expand operations.
11/20/1985	The PUL, along with several other organizations and unions, were banned by the government of Liberia.
12/1/1985	Charles Gbenyon, a senior journalist for the LBS was killed at the Executive Mansion.
3/5/1986	The government lifted a three month ban on the PUL, instated on Nov. 18, six days after the Quiwonkpa coup attempt.
3/5/1986	The offices of the Daily Observer were destroyed by fire. The Daily Observer had just announced that it would resume publication despite being banned by the government.
5/14/1986	The PUL issued a complaint concerning the government’s non-response to anonymous crimes against journalists.
5/8/1987	In a public speech, President Doe called on the local media to expose any government official involved in corrupt actions.
8/1/1987	John Vambo detained without charge, later released.
4/7/1988	Sun Times banned for printing “lies and misinformation” according to government.
4/11/1988	Thomas Nimley of the Sun Times was arrested and held without charge for refusing to reveal the source of an article he wrote about the Special Anti-terrorist Unit. The PUL said it would initiate legal action on his behalf.
4/12/1988	In a public speech, President Doe said that some media institutions were trying to undo progress that had been made in the country and undermine the government by systematically publishing misinformation.
4/13/1988	Footprints Today banned by the government, and five of its journalists arrested. In response to this closure and that of the Sun Times, the PUL announced a weeklong media blackout. The journalists were released after a 90 minute meeting between Doe and the PUL.

6/22/1988	Washington Post correspondent Blaine Harden was banned from Liberia after publishing a story on corruption in the Liberian government.
5/21/1989	President Doe said that Liberia was committed to freedom of the press, but that "it is the responsibility of all those who enjoy such rights to obey other provisions of the constitution in maintaining a stable political and economic environment." This was in response to a statement by the U.S. tying aid to Liberia to increased freedom of press.
6/15/1989	ELWA was closed by the government for broadcasting "false news" and refusing to comply with a government ultimatum. It reported on the deaths of two individuals at the Liberia - Malawi football match, deaths the government said never occurred.
7/1990	R. Jayenneh Moore killed by INPFL forces on Bushrod Island
1/18/1990	The Ministry of Information, Culture and Tourism has urged (but not required) all visiting journalists to contact the ministry for accreditation before covering events inside the country.
3/20/1990	Klohn Hinneh of The News was detained on the orders of Emmanuel Gbalazeh, Chief Justice of the Supreme Court of Liberia.
3/24/1990	President Doe ordered the ban on ELCM, Footprints Today, and Sun Times lifted.
4/6/1990	Mark Huband, a British reporter working with UPI, was kidnapped by anti-government rebels. He was released four days later, and said he was not mistreated.
1/28/1991	Two Nigerian journalists - Christopher Imodibe of the Guardian and Tayo Awotusin of the Champion Newspapers respectively were starved to death by the NPFL. The killing was confirmed by an ECOWAS commander on Jan 25. Charles Taylor issued an official apology in 1992 and blamed the murders on a "rebel within the NPFL." However, a witness of the TRC testifying at the Diaspora hearing in Minnesota in June 2008, Mrs. Marie Vah told TRC Commissioners that she met the two Nigerian journalists in jail in Gbarnga when she was arrested by NPFL rebels and jailed while attempting to locate her mother and other relatives. Mrs. Vah told Commissioners that she and her girlfriend were jailed in the same makeshift cell in Gbarnga with the two men and that the men's conditions were horrible. She said the two Nigerian journalists were tortured and flogged twice a day, morning and evening and were denied food, water and open air. She lamented that the men who had been incarcerated before she and her girlfriend were arrested and jailed, were all skin and bones when they encountered them. The journalists she said were starved to death in prison. They were accused of espionage.
1/1/1992	Isaac D.E. Bantu and Dan Brown detained for three days by Prince Johnson of the INPFL, held at Caldwell, were tortured and made to drink dirty water on orders of Mr. Prince Johnson.

11/2/1992	Charles Taylor announced in a radio broadcast that a Liberian journalist, Klon Hinneh, had been shot and killed (this was disputed by family members). Taylor's comments were taken as a death threat against journalists.
1/1/1993	A BBC journalist was beaten by ECOMOG troops after he published an article criticizing ECOMOG.
6/1/1993	The interim government announced a "temporary" restraint on the press, requiring that all war-related stories be cleared with the Ministries of Information and Justice before being published. A PUL statement published several days later said that journalists would not comply with the directive.
4/1/1995	Benjamin Wilson was beaten by police after he refused to turn over photographs he had taken at a refugee camp.
9/1/1995	James Momoh of The Inquirer was beaten by ECOMOG troops while trying to photograph AFL soldiers
1/8/1996	D. Sompon Weah and Peewee S. Flomoku, working for The News, are attacked by the bodyguards of Liberian Refugees Repatriation and Resettlement Commission director Mrs. Weade Kobbah Wureh, on her orders. They were covering clashes between ECOMOG and ULIMO-J.
1/9/1996	James Seitua, editor in chief of The Daily Observer, was arrested after meeting with the Director of the National Police. The incident appears to be linked to an article he published on 12-29-95, alleging links between the NPFL and Sierra Leonean rebels. He was not charged, and was released on bail two days later.
1/10/1996	Stanton Peabody was arrested while attempting to intervene on behalf of James Seitua. He was released on bail two days later with Seitua, he is charged with "criminal malevolence," a charge that is later dropped.
1/11/1996	Police storm the office of the Inquirer, looking to arrest Jacob Doe, in relation to an article titled "Jungle Justice at Police Station" about the arrests of Seitua and Peabody. Doe escaped arrest.
2/28/1996	Sando Moore, publisher of The National, and Keabah Kortu are summoned by Minister of Justice Francis Garlawulo to explain an article they published alleging that a hit squad controlled by the NPFL and led by Lt. Gen. Jack-the-Rebel was operating against government targets in Monrovia. Moore was beaten and detained.
7/4/1997	Star Radio is launched by the Swiss NGO Fondation Hirondelle.
11/19/1997	Liberian Information Minister Joe Mulbah announced that the New Democrat would not be allowed to publish, because it had applied to register with the government after a deadline had passed.
11/26/1997	Six men believed to be former NPFL fighters operating under Gen. Coocoo Dennis abducted Chris Teah, an associate of Al-Jerome Chede, believing him to be Chede.
12/1/1997	Alex Redd of Radio Ducor was abducted by plainclothes security officials while covering Samuel Dokie's funeral. He was tortured and charged with treason, but the charges were reduced to felony and he was released on bail.

12/1/1997	Seven journalists from The Inquirer were taken to the President's residence, where they were interrogated and received death threats after publishing an article concerning the death of Samuel Dokie.
1/13/1998	Star Radio is allowed to resume broadcasting. Pro-Taylor radio reported that the station's management had "agreed to operate within the laws of Liberia" in talks, and that the government had no desire to muzzle the press.
1/23/1998	A group of eight Liberian police officers led by Saa Gbollie, an Assistant Director of Police flogged and beat Hassan Bility, Managing Editor of The National, while escorting him to police headquarters to meet with Police Director Joe Tate. Tate denied giving his officers orders to beat Bility, and promised to take disciplinary action against the officers involved.
3/21/1998	"The Liberian government issued stiff guidelines for the media Friday which journalists viewed as clearly intended to entrap newspapers and radio stations in the country. Assistant Information Minister Joseph Massaquoi told the PAN African News Agency on Friday that the guidelines also affected radio stations, without giving details. These guidelines, issued by the Ministry of Information, require a newspaper to have 10,000 U.S. dollars in its account before it can receive a permit to operate." The guidelines also require that each newspaper pays an annual registration fee of 5,000 Liberian dollars (roughly 125 U.S. dollars) to the Ministry of Information. Managing editors must be the holder of a "bachelor's degree and at least 10 years of working experience, and show evidence of being senior editor for between three and five years of a local journal." The guidelines also require newspaper to have a daily circulation of 4,000 and restrict their registration for the second week of January each year."
10/19/1998	The Ministry of Information ordered that all broadcasts and newspaper posts over the internet stop, until all media outlets are registered with the government. This is allegedly in compliance with the 1998 revised guidelines on media legislation in Liberia.
10/21/1998	President Taylor accused the media and human rights groups of seeking to destroy Liberia's image. "They publish rubbish and all kinds of things to damage the country," Taylor told a crowd of hundreds of residents in Kakata, 55 kilometres (35 miles) northeast of the capital, Monrovia. "When you grab one pressman, human rights groups accuse you of clamping down on the press, but they are destroying the country," he added."
10/22/1998	Justice Minister Eddinton Varmah said that the government prohibition on internet broadcasting was illegal.
10/30/1998	The Ministry of Labor ordered Star Radio administrators Jeanette Carter and George Bennett to leave the country because, as foreign nationals, they were working illegally.
11/23/1998	A group of ex-combatants stormed the offices of the Sabannah Printing Press, attacked employees and journalists, destroyed machinery and copies of The News and the Inquirer. The attack was allegedly in response to an article in the Heritage paper (also printed by Sabannah) titled "Ex-fighters Plan Mass Demonstration." Government security guards reportedly stood by while the attack took place.



1/13/1999	Sheriff Adams and Nyekeh Forkpa of The News were charged with criminal contempt after reporting that two witnesses in the attempted-coup trial had contradicted each other in their testimony. Judge William Metzger had previously placed two other journalists from the New Democrat in contempt of court and fined them for printing a headline that was “misleading and embarrassed the court.” It is unclear whether the headline was sensationalized or not.
3/1/1999	Philip Moore of The News was arrested on charges of “criminal malevolence” after reportedly trying to blackmail Justice Minister Eddington Varmah. Moore denied the charges. He was released several days later on the orders of Varmah himself after intervention by the PUL and Roman Catholic Justice and Peace Commission
3/1/1999	Col. George Dwana, AKA Jack the Rebel, was arrested on the orders of Charles Taylor for investigation of a Feb 25 incident in which Philip Wesseh and Roger Seton of the Inquirer were assaulted by security forces when they intervened in a dispute between Dwana and a taxi driver.
3/5/1999	Isaac Menyongai of the paper Heritage was detained without charge for refusing to disclose the source of a story he wrote about a South African businessman with ties to Liberian government officials.
7/16/1999	About 25 journalists and several police officers were arrested for attempting to sell poultry unfit for human consumption in a Monrovia market.
10/2/1999	President Taylor ordered that LBS’s equipment be repaired, and pledged to provide resources to keep the station broadcasting continuously.
12/29/1999	Sarkilay Kantan and Isaac Menyongai of The Concord Times were arrested after police received a complaint from Alexander Kulue, head of the state-run Liberian Refugee Agency, accusing the two of “criminal malevolence” after they published an article accusing him of corruption. They were held overnight and released after a judge found that they had not violated any laws.
3/15/2000	Radio Veritas suspended by Taylor government, reopens after editors agree to adhere to “tenets of professionalism”. When The News ran a headline on the story declaring “Amid mounting tension, government reverses direction,” Taylor denounced the paper as un-patriotic and accused it of sowing hatred and abusing the freedom of the press.
3/15/2000	Star Radio closed by Taylor government.
3/17/2000	Suah Deddeh (President of PUL) was arrested while leaving the Executive Mansion, where he went to protest the closure of Star Radio. He was not charged and released the next day.
8/22/2000	Four journalists (David Barrie and Timothy Lambden from the UK, Sorius Samura from Sierra Leone, and Gugulakhe Radebe from South Africa, all affiliated with Britain’s Channel Four Insight News) were arrested by the government and charged with spying while filming a documentary about Liberia post-war recovery. They were subsequently released after an international outcry.
9/1/2000	Staff of New Democrat flees country after death threats following an article questioning the circumstances of the death of a government minister.



2/21/2001	Three newspapers (the New National, The Analyst, and the Monrovia Guardian) had equipment seized by police. Unable to operate, The News was shut down for three weeks, while The Analyst closed in May when the remainder of its equipment was seized. It reopened in June.
2/21/2001	Four journalists (Bobby Tapson, Joseph Bartuah, Abdullah Dukuly, and Jerome Dalieh) were arrested and charged with spying after publishing an article detailing suspicious government spending. They were held for a month and released after local protest and their sending letters of apology to Taylor.
4/1/2001	The government announces that any reports on fighting in Lofa county must be cleared by the Information Ministry prior to broadcast.
4/17/2001	Sam Howard, a BBC reporter, was detained and threaten by defense minister Daniel Chea after insinuating that the government was involved in the killing of Liberian Youth and Sports Minister Francois Massaquoi.
5/25/2001	The government sets stricter guidelines on foreign journalists wishing to enter the country, and stricter penalties for breaking "laws".
7/2/2001	Radio Veritas was banned from broadcasting on shortwave radio. It continued broadcasting on a FM frequency that covered Monrovia. The closure came after the station aired several shows critical of the Taylor government.
8/20/2001	Sam Dean of the Monrovia Guardian was detained and charged with "criminal malevolence" by police chief Paul Mulbah after publishing an article critical of Mulbah.
9/17/2001	T-Max Jlateh of DC 101.1 was arrested after airing calls from listeners that expressed support for the 9-11 attacks in the U.S.
11/1/2001	Wilson Tarpeh of The News is arrested during the closure of his newspaper. He was freed on the 25th of November.
11/1/2001	The News and the Monrovia Guardian are temporarily closed for the second time in 2001, with the government citing unpaid taxes. Both resumed publication in early December.
2/12/2002	Stanley Seakor, James Lloyed, and Ellis Togba of The Analyst are arrested after publishing a series of articles criticising Taylor's declaration of a state of emergency. They were released the next day.
3/26/2002	Jerome Dalieh and Bill Jarkloh of The News were detained by police and held for several hours after publishing an article calling for "true democracy".
3/29/2002	Three journalists (Bockarie Musa, Kota Dogba and Dennis Samukai) a guard, and a technician were arrested and detained during a strike at the Liberian Broadcasting System headquarters.
4/1/2002	The Analyst is closed by the government, and its offices looted by police.
5/11/2002	Emmanuel Mondaye of the Independent Inquirer was arrested by police while covering the fighting between LURD and government forces. He was accused of violating state of emergency provisions and released after three days.
6/24/2002	Hassan Bility, editor of The Analyst, was arrested and charged with collaborating with LURD. Although a Liberian court ordered his release, this did not happen, as he was declared an "unlawful combatant" and "prisoner of war". He was tortured while in custody, and released to the U.S. embassy in December.

12/15/2002	Throble Suah, a reporter for The Inquirer, was flogged by members of the Anti-Terrorist Unit. His condition was serious enough that he needed to be flown out of the country for medical care.
5/17/2003	Liberia Communications Network director Moses Sonkarly reports receiving death threats from defense minister Daniel Chea, after not approving an unofficial news memorandum sent to him by Chea for broadcast.
5/27/2003	Stanley McGill was assaulted by three members of the ATU who stole the laptop he was carrying.
6/5/2003	The homes of three journalists (Philip Moore of The Independent, Charles Asumana of The Inquirer, and Karba Williams) were set ablaze.
6/12/2003	Three journalists (Bobby Tapson and Bill Jarkloh of The News, and Joe Watson of LBS) were abducted by LURD personnel. They were released one week later.
6/12/2003	Lyndon Ponnies fled his home when it was attacked by armed men, who stole all his possessions. Ponnies had previously received death threats and had his paper, The Concord Times, banned in 2000 after publishing articles critical of the government.

## Appendix 2:

### ECOMOG Press Policy Statement<sup>501</sup>

- To assist in bringing an end to the Liberian civil war through psychological and persuasive messages.
- To create and foster the spirit of reconciliation and forgiveness among the people of Liberia.
- To provide the psychological environment to usher in the interim government and assist in returning Liberia to party democracy.
- To exercise fairness and even-handedness when dealing with issues concerning the warring factions in Liberia.

## Appendix 3:

### Article 15 of the 1984 Liberian Constitution

#### 1984 Liberian Constitution, Article 15

- 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 expressed. 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.

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<sup>501</sup> As appears in: Momoh, John. 1991. Liberia's dual post-war press structure. *Index on Censorship* 20(2): 28-29.

## Appendix 4:

### **An Act Constituting a National Communications Policy Commission**

Whereas, Liberia is an unregulated multi-media society and the activities of some of these are inconsistent with journalistic ethics, thereby creating disharmony among the citizenry.

Whereas, the imperative of the National Communications Policy that deals with problems attendant to the proliferation of newspapers, magazines, periodicals of different types of opinions, radio and television stations and the fast rate of changing telecommunications technologies, including satellite broadcasting, computerized transborder data communicator and interactive broadband cable systems cannot be overemphasized;

NOW, THEREFORE, it is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature assembled:

#### SECTION I:

That a Commission to be known and styled National Communications Policy Regulatory Commission is hereby established for the formulation of guidelines designed to ensure the sovereignty in respect of changing communications technologies, whether in the airspace or otherwise.

#### SECTION II:

The National Communications Policy Commission hereby constituted, shall composed of the following:

1. Minister of Posts & Telecommunications Chairman
2. Minister of Information, Culture & Tourism Co-Chairman
3. Minister of Justice Member
4. Minister of National Security
5. Minister of Transport
6. Director General of the Cabinet
7. Deputy Minister of State/ Public Affairs
8. Managing Director, LEC
9. Director-General, LBS
10. Chairman/ Mass Communications Dept. University of Liberia
11. President, Liberia Bar Association Member
12. President, Liberia Chamber of Commerce

13. Managing Director, Liberia Telecommunications Corporation
14. Press Union of Liberia
15. President, Association of Liberia Media Women
16. Representatives, Private Broadcasting Stations
17. Mr. Bill Frank Enoayi

SECTION III:

The National Communications Policy Commission shall have the power to formulate a comprehensive National Policy and guidelines which shall address all aspects of media-government relations in Liberia.

SECTION IV:

This Act shall become effective immediately upon publication into hand bills.

ANY LAW TO THE CONTRARY NOTWITHSTANDING



## Appendix 5:

### Declaration of Windhoek, May 3, 1991

Declarations on Promoting Independent and Pluralistic Media Endorsed by the General Conference at its twenty-sixth session - 1991

We the participants in the United Nations/ United Nations Educational, Scientific and Cultural Organization Seminar on Promoting an Independent and Pluralistic African Press, held in Windhoek, Namibia, from 29 April to 3 May 1991,

Recalling the Universal Declaration of Human Rights,

Recalling General Assembly resolution 59(I) of 14 December 1946 stating that freedom of information is a fundamental human right, and General Assembly resolution 45/76 A of 11 December 1990 on information in the service of humanity,

Recalling resolution 25C/104 of the General Conference of UNESCO of 1989 in which the main focus is the promotion of “the free flow of ideas by word and image at international as well as national levels”,

Noting with appreciation the statements made by the United Nations Under-Secretary-General for Public Information and the Assistant Director-General for Communication, Information and Informatics of UNESCO at the opening of the Seminar,

Expressing our sincere appreciation to the United Nations and UNESCO for organizing the Seminar,

Expressing also our sincere appreciation to all the intergovernmental, governmental and non-governmental bodies and organizations, in particular the United Nations Development Programme (UNDP), which contributed to the United Nations/UNESCO effort to organize the Seminar?

Expressing our gratitude to the Government and people of the Republic of Namibia for their kind hospitality which facilitated the success of the Seminar,

Declare that:

1. Consistent with article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation, and for economic development.

2. By an independent press, we mean a press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals.
3. By a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.
4. The welcome changes that an increasing number of African States are now undergoing towards multi-party democracies provide the climate in which an independent and pluralistic press can emerge.
5. The world-wide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfillment of human aspirations.
6. In Africa today, despite the positive developments in some countries, in many countries journalists, editors and publishers are victims of repression—they are murdered, arrested, detained and censored, and are restricted by economic and political pressures such as restrictions on newsprint, licensing systems which restrict the opportunity to publish, visa restrictions which prevent the free movement of journalists, restrictions on the exchange of news and information, and limitations on the circulation of newspapers within countries and across national borders. In some countries, one-party States control the totality of information.
7. Today, at least 17 journalists, editors or publishers are in African prisons, and 48 African journalists were killed in the exercise of their profession between 1969 and 1990.
8. The General Assembly of the United Nations should include in the agenda of its next session an item on the declaration of censorship as a grave violation of human rights falling within the purview of the Commission on Human Rights.
9. African States should be encouraged to provide constitutional guarantees of freedom of the press and freedom of association.
10. To encourage and consolidate the positive changes taking place in Africa, and to counter the negative ones, the international community—specifically,

international organizations (governmental as well as non-governmental), development agencies and professional associations-should as a matter of priority direct funding support towards the development and establishment of non-governmental newspapers, magazines and periodicals that reflect the society as a whole and the different points of view within the communities they serve.

11. All funding should aim to encourage pluralism as well as independence. As a consequence, the public media should be funded only where authorities guarantee a constitutional and effective freedom of information and expression and the independence of the press.
12. To assist in the preservation of the freedoms enumerated above, the establishment of truly independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, is a matter of priority in all the countries of Africa where such bodies do not now exist.
13. The national media and labour relations laws of African countries should be drafted in such a way as to ensure that such representative associations can exist and fulfil their important tasks in defence of press freedom.
14. As a sign of good faith, African Governments that have jailed journalists for their professional activities should free them immediately. Journalists who have had to leave their countries should be free to return to resume their professional activities.
15. Cooperation between publishers within Africa, and between publishers of the North and South (for example through the principle of twinning), should be encouraged and supported.
16. As a matter of urgency, the United Nations and UNESCO, and particularly the International Programme for the Development of Communication (IPDC), should initiate detailed research, in cooperation with governmental (especially UNDP) and non-governmental donor agencies, relevant non-governmental organizations and professional associations, into the following specific areas:
  - (i) identification of economic barriers to the establishment of news media outlets, including restrictive import duties, tariffs and quotas for such things as newsprint, printing equipment, and typesetting and word processing machinery, and taxes on the sale of newspapers, as a prelude to their removal;

- (ii) training of journalists and managers and the availability of professional training institutions and courses;
  - (iii) legal barriers to the recognition and effective operation of trade unions or associations of journalists, editors and publishers;
  - (iv) a register of available funding from development and other agencies, the conditions attaching to the release of such funds, and the methods of applying for them;
  - (v) the state of press freedom, country by country, in Africa.
17. In view of the importance of radio and television in the field of news and information, the United Nations and UNESCO are invited to recommend to the General Assembly and the General Conference the convening of a similar seminar of journalists and managers of radio and television services in Africa, to explore the possibility of applying similar concepts of independence and pluralism to those media.
18. The international community should contribute to the achievement and implementation of the initiatives and projects set out in the annex to this Declaration.
19. This Declaration should be presented by the Secretary-General of the United Nations to the United Nations General Assembly, and by the Director-General of UNESCO to the General Conference of UNESCO.

## ANNEX

### Initiatives and Projects Identified in the Seminar

- I. Development of co-operation between private African newspapers:
  - to aid them in the mutual exchange of their publications;
  - to aid them in the exchange of information;
  - to aid them in sharing their experience by the exchange of journalists;
  - to organize on their behalf training courses and study trips for their journalists, managers and technical personnel.
- II. Creation of separate, independent national unions for publishers, news editors and journalists.
- III. Creation of regional unions for publishers, editors and independent journalists

- IV. Development and promotion of non-governmental regulations and codes of ethics in each country in order to defend more effectively the profession and ensure its credibility.
- V. Financing of a study on the readership of independent newspapers in order to set up groups of advertising agents.
- VI. Financing of a feasibility study for the establishment of an independent press aid foundation and research into identifying capital funds for the foundation.
- VII. Financing of a feasibility study for the creation of a central board for the purchase of newsprint and the establishment of such a board.
- VIII. Support and creation of regional African press enterprises
- IX. Aid with a view to establishing structures to monitor attacks on freedom of the press and the independence of journalists following the example of the West African Journalists' Association.
- X. Creation of a data bank for the independent African press for the documentation of news items essential to newspapers.



## Appendix 6:

### Declaration of Principles on Freedom of Expression in Africa

#### RESOLUTION ON THE ADOPTION OF THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION IN AFRICA

The African Commission on Human and Peoples' Rights, meeting at its 32nd Ordinary Session, in Banjul, The Gambia, from 17th to 23rd October 2002;

Reaffirming the fundamental importance of freedom of expression and information as an individual human right, as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms;

Concerned at violations of these rights by States Party to the Charter;

Taking into consideration the 1991 Windhoek Declaration on Promoting an Independent and Pluralistic African Press, the Final Report of the African Conference of "The Journalist and Human Rights in Africa" held in Tunis, Tunisia from 31st October to 1st November 1992, the Resolution on Freedom of Expression adopted by the African Commission on Human and Peoples' Rights in Tripoli on 7th May 2001, the Statement of the Seminar on "Freedom of Expression and the African Charter" held from 23rd to 25th November 2000 in Johannesburg, South Africa and the first and second meetings of the Commission's Working Group on Freedom of Expression held in Cape town, South Africa from 10th to 11th February 2002 and in Pretoria, South Africa on 1st May 2002 respectively;

Decides to adopt and to recommend to African States the Declaration of Principles on Freedom of Expression in Africa annexed hereto;

Decides to follow up on the implementation of this Declaration.

#### Declaration of Principles on Freedom of Expression in Africa

##### *Preamble*

Reaffirming the fundamental importance of freedom of expression as an individual human right, as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms;

Reaffirming Article 9 of the African Charter on Human and Peoples Rights;  
Desiring to promote the free flow of information and ideas and greater respect for

freedom of expression;

Convinced that respect for freedom of expression, as well as the right of access to information held by public bodies and companies, will lead to greater public transparency and accountability, as well as to good governance and the strengthening of democracy;

Convinced that laws and customs that repress freedom of expression are a disservice to society;

Recalling that freedom of expression is a fundamental human right guaranteed by the African Charter on Human and Peoples Rights, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as other international documents and national constitutions;

Considering the key role of the media and other means of communication in ensuring full respect for freedom of expression, in promoting the free flow of information and ideas, in assisting people to make informed decisions and in facilitating and strengthening democracy;

Aware of the particular importance of the broadcast media in Africa, given its capacity to reach a wide audience due to the comparatively low cost of receiving transmissions and its ability to overcome barriers of illiteracy;

Noting that oral traditions, which are rooted in African cultures, lend themselves particularly well to radio broadcasting;

Noting the important contribution that can be made to the realisation of the right to freedom of expression by new information and communication technologies;

Mindful of the evolving human rights and human development environment in Africa, especially in light of the adoption of the Protocol to the African Charter on Human and Peoples Rights on the establishment of an African Court on Human and Peoples Rights, the principles of the Constitutive Act of the African Union, 2000, as well as the significance of the human rights and good governance provisions in the New Partnership for Africa Development (NEPAD); and

Recognising the need to ensure the right to freedom of expression in Africa, the African Commission on Human and Peoples Rights declares that:

## I. The Guarantee of Freedom of Expression

1. Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.
2. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

## II Interference with Freedom of Expression

1. No one shall be subject to arbitrary interference with his or her freedom of expression.
2. Any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary and in a democratic society.

## III Diversity

Freedom of expression imposes an obligation on the authorities to take positive measures to promote diversity, which include among other things:

1. availability and promotion of a range of information and ideas to the public;
2. pluralistic access to the media and other means of communication, including by vulnerable or marginalized groups, such as women, children and refugees, as well as linguistic and cultural groups;
3. the promotion and protection of African voices, including through media in local languages; and
4. the promotion of the use of local languages in public affairs, including in the courts.

## IV Freedom of Information

1. Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.
2. The right to information shall be guaranteed by law in accordance with the following principles:
  - everyone has the right to access information held by public bodies;
  - everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;
  - any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;

- public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;
  - no one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and
  - secrecy laws shall be amended as necessary to comply with freedom of information principles.
3. Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies.

## V Private Broadcasting

1. States shall encourage a diverse, independent private broadcasting sector. A State monopoly over broadcasting is not compatible with the right to freedom of expression.
2. The broadcast regulatory system shall encourage private and community broadcasting in accordance with the following principles:
  - there shall be equitable allocation of frequencies between private broadcasting uses, both commercial and community;
  - an independent regulatory body shall be responsible for issuing broadcasting licenses and for ensuring observance of license conditions;
  - licensing processes shall be fair and transparent, and shall seek to promote diversity in broadcasting; and
  - community broadcasting shall be promoted given its potential to broaden access by poor and rural communities to the airwaves.

## VI Public Broadcasting

State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles;

- public broadcasters should be governed by a board which is protected against interference, particularly of a political or economic nature;
- the editorial independence of public service broadcasters should be guaranteed;
- public broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets;
- public broadcasters should strive to ensure that their transmission

- system covers the whole territory of the country; and
- the public service ambit of public broadcasters should be clearly defined and include an obligation to ensure that the public receive adequate, politically balanced information, particularly during election periods.

## VII Regulatory Bodies for Broadcast and Telecommunications

1. Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.
2. The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society, and shall not be controlled by any particular political party.
3. Any public authority that exercises powers in the areas of broadcast or telecommunications should be formally accountable to the public through a multi-party body.

## VIII Print Media

1. Any registration system for the print media shall not impose substantive restrictions on the right to freedom of expression.
2. Any print media published by a public authority should be protected adequately against undue political interference.
3. Efforts should be made to increase the scope of circulation of the print media, particularly to rural communities.
4. Media owners and media professionals shall be encouraged to reach agreements to guarantee editorial independence and to prevent commercial considerations from unduly influencing media content.

## IX Complaints

1. A public complaints system for print or broadcasting should be available in accordance with the following principles:
  - complaints shall be determined in accordance with established rules and codes of conduct agreed between all stakeholders; and
  - the complaints system shall be widely accessible.
2. Any regulatory body established to hear complaints about media content, including media councils, shall be protected against political, economic or any other undue interference. Its powers shall be administrative in nature and it shall not seek to usurp the role of the courts.
3. Effective self-regulation is the best system for promoting high standards in



the media.

## X Promoting Professionalism

1. Media practitioners shall be free to organise themselves into unions and associations.
2. The right to express oneself through the media by practising journalism shall not be subject to undue legal restrictions.

## XI Attacks on Media Practitioners

1. Attacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public.
2. States are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies.
3. In times of conflict, States shall respect the status of media practitioners as non-combatants.

## XII Protecting Reputations

1. States should ensure that their laws relating to defamation conform to the following standards:
  - no one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances;
  - public figures shall be required to tolerate a greater degree of criticism; and
  - sanctions shall never be so severe as to inhibit the right to freedom of expression, including by others.
2. Privacy laws shall not inhibit the dissemination of information of public interest.

## XIII Criminal Measures

1. States shall review all criminal restrictions on content to ensure that they serve a legitimate interest in a democratic society.
2. Freedom of expression should not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and

there is a close causal link between the risk of harm and the expression.

#### XIV Economic Measures

1. States shall promote a general economic environment in which the media can flourish.
2. States shall not use their power over the placement of public advertising as a means to interfere with media content.
3. States should adopt effective measures to avoid undue concentration of media ownership, although such measures shall not be so stringent that they inhibit the development of the media sector as a whole.

#### XV Protection of Sources and other journalistic material

Media practitioners shall not be required to reveal confidential sources of information or to disclose other material held for journalistic purposes except in accordance with the following principles:

- the identity of the source is necessary for the investigation or prosecution of a serious crime, or the defence of a person accused of a criminal offence;
- the information or similar information leading to the same result cannot be obtained elsewhere;
- the public interest in disclosure outweighs the harm to freedom of expression; and
- disclosure has been ordered by a court, after a full hearing.

#### XVI Implementation

States Parties to the African Charter on Human and Peoples' Rights should make every effort to give practical effect to these principles.

Done in Banjul, 23rd October 2002

## Appendix 7:

### The Johannesburg Principles on National Security, Freedom of Expression and Access to Information

#### I. GENERAL PRINCIPLES

##### Principle 1: Freedom of Opinion, Expression and Information

- (a) Everyone has the right to hold opinions without interference.
- (b) Everyone has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice.
- (c) The exercise of the rights provided for in paragraph (b) may be subject to restrictions on specific grounds, as established in international law, including for the protection of national security.
- (d) No restriction on freedom of expression or information on the ground of national security may be imposed unless the government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest. The burden of demonstrating the validity of the restriction rests with the government.

##### Principle 1.1: Prescribed by Law

- (a) Any restriction on expression or information must be prescribed by law. The law must be accessible, unambiguous, drawn narrowly and with precision so as to enable individuals to foresee whether a particular action is unlawful.
- (b) The law should provide for adequate safeguards against abuse, including prompt, full and effective judicial scrutiny of the validity of the restriction by an independent court or tribunal.

##### Principle 1.2: Protection of a Legitimate National Security Interest

Any restriction on expression or information that a government seeks to justify on grounds of national security must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest.

### Principle 1.3: Necessary in a Democratic Society

To establish that a restriction on freedom of expression or information is necessary to protect a legitimate national security interest, a government must demonstrate that:

- (a) the expression or information at issue poses a serious threat to a legitimate national security interest;
- (b) the restriction imposed is the least restrictive means possible for protecting that interest; and
- (c) the restriction is compatible with democratic principles.

### Principle 2: Legitimate National Security Interest

- (a) A restriction sought to be justified on the ground of national security is not legitimate unless its genuine purpose and demonstrable effect is to protect a country's existence or its territorial integrity against the use or threat of force, or its capacity to respond to the use or threat of force, whether from an external source, such as a military threat, or an internal source, such as incitement to violent overthrow of the government.
- (b) In particular, a restriction sought to be justified on the ground of national security is not legitimate if its genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions, or to entrench a particular ideology, or to suppress industrial unrest.

### Principle 3: States of Emergency

In time of public emergency which threatens the life of the country and the existence of which is officially and lawfully proclaimed in accordance with both national and international law, a state may impose restrictions on freedom of expression and information but only to the extent strictly required by the exigencies of the situation and only when and for so long as they are not inconsistent with the government's other obligations under international law.

### Principle 4: Prohibition of Discrimination

In no case may a restriction on freedom of expression or information, including on

the ground of national security, involve discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, nationality, property, birth or other status.

## II. RESTRICTIONS ON FREEDOM OF EXPRESSION

### Principle 5: Protection of Opinion

No one may be subjected to any sort of restraint, disadvantage or sanction because of his or her opinions or beliefs.

### Principle 6: Expression That May Threaten National Security

Subject to Principles 15 and 16, expression may be punished as a threat to national security only if a government can demonstrate that:

- (a) the expression is intended to incite imminent violence;
- (b) it is likely to incite such violence; and
- (c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.

### Principle 7: Protected Expression

- (a) Subject to Principles 15 and 16, the peaceful exercise of the right to freedom of expression shall not be considered a threat to national security or subjected to any restrictions or penalties. Expression which shall not constitute a threat to national security includes, but is not limited to, expression that:
  - (i) advocates non-violent change of government policy or the government itself;
  - (ii) constitutes criticism of, or insult to, the nation, the state or its symbols, the government, its agencies, or public officials, or a foreign nation, state or its symbols, government, agencies or public officials;
  - (iii) constitutes objection, or advocacy of objection, on grounds of religion, conscience or belief, to military conscription or service, a particular conflict, or the threat or use of force to settle international disputes;
  - (iv) is directed at communicating information about alleged violations of international human rights standards or international humanitarian law.
- (b) No one may be punished for criticizing or insulting the nation, the state or its symbols, the government, its agencies, or public officials, or a foreign nation, state or its symbols, government, agency or public official unless the criticism or insult was intended and likely to incite imminent violence.



### Principle 8: Mere Publicity of Activities That May Threaten National Security

Expression may not be prevented or punished merely because it transmits information issued by or about an organization that a government has declared threatens national security or a related interest.

### Principle 9: Use of a Minority or Other Language

Expression, whether written or oral, can never be prohibited on the ground that it is in a particular language, especially the language of a national minority.

### Principle 10: Unlawful Interference With Expression by Third Parties

Governments are obliged to take reasonable measures to prevent private groups or individuals from interfering unlawfully with the peaceful exercise of freedom of expression, even where the expression is critical of the government or its policies. In particular, governments are obliged to condemn unlawful actions aimed at silencing freedom of expression, and to investigate and bring to justice those responsible.

## III. RESTRICTIONS ON FREEDOM OF INFORMATION

### Principle 11: General Rule on Access to Information

Everyone has the right to obtain information from public authorities, including information relating to national security. No restriction on this right may be imposed on the ground of national security unless the government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest.

### Principle 12: Narrow Designation of Security Exemption

A state may not categorically deny access to all information related to national security, but must designate in law only those specific and narrow categories of information that it is necessary to withhold in order to protect a legitimate national security interest.

### Principle 13: Public Interest in Disclosure

In all laws and decisions concerning the right to obtain information, the public interest in knowing the information shall be a primary consideration.

#### Principle 14: Right to Independent Review of Denial of Information

The state is obliged to adopt appropriate measures to give effect to the right to obtain information. These measures shall require the authorities, if they deny a request for information, to specify their reasons for doing so in writing and as soon as reasonably possible; and shall provide for a right of review of the merits and the validity of the denial by an independent authority, including some form of judicial review of the legality of the denial. The reviewing authority must have the right to examine the information withheld.

#### Principle 15: General Rule on Disclosure of Secret Information

No person may be punished on national security grounds for disclosure of information if (1) the disclosure does not actually harm and is not likely to harm a legitimate national security interest, or (2) the public interest in knowing the information outweighs the harm from disclosure.

#### Principle 16: Information Obtained Through Public Service

No person may be subjected to any detriment on national security grounds for disclosing information that he or she learned by virtue of government service if the public interest in knowing the information outweighs the harm from disclosure.

#### Principle 17: Information in the Public Domain

Once information has been made generally available, by whatever means, whether or not lawful, any justification for trying to stop further publication will be overridden by the public's right to know.

#### Principle 18: Protection of Journalists' Sources

Protection of national security may not be used as a reason to compel a journalist to reveal a confidential source.

#### Principle 19: Access to Restricted Areas

Any restriction on the free flow of information may not be of such a nature as to thwart the purposes of human rights and humanitarian law. In particular, governments may not prevent journalists or representatives of intergovernmental or non-governmental organizations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are

reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others.

#### IV. RULE OF LAW AND OTHER MATTERS

##### Principle 20: General Rule of Law Protections

Any person accused of a security-related crime involving expression or information is entitled to all of the rule of law protections that are part of international law. These include, but are not limited to, the following rights:

- (a) the right to be presumed innocent;
- (b) the right not to be arbitrarily detained;
- (c) the right to be informed promptly in a language the person can understand of the charges and the supporting evidence against him or her;
- (d) the right to prompt access to counsel of choice;
- (e) the right to a trial within a reasonable time;
- (f) the right to have adequate time to prepare his or her defense;
- (g) the right to a fair and public trial by an independent and impartial court or tribunal;
- (h) the right to examine prosecution witnesses;
- (i) the right not to have evidence introduced at trial unless it has been disclosed to the accused and he or she has had an opportunity to rebut it; and
- (j) the right to appeal to an independent court or tribunal with power to review the decision on law and facts and set it aside.

##### Principle 21: Remedies

All remedies, including special ones, such as habeas corpus or amparo, shall be available to persons charged with security-related crimes, including during public emergencies which threaten the life of the country, as defined in Principle 3.

##### Principle 22: Right to Trial by an Independent Tribunal

- (a) At the option of the accused, a criminal prosecution of a security-related crime should be tried by a jury where that institution exists or else by judges who are genuinely independent. The trial of persons accused of security-related crimes by judges without security of tenure constitutes a prima facie

violation of the right to be tried by an independent tribunal.

(b) In no case may a civilian be tried for a security-related crime by a military court or tribunal.

(c) In no case may a civilian or member of the military be tried by an ad hoc or specially constituted national court or tribunal.

#### Principle 23: Prior Censorship

Expression shall not be subject to prior censorship in the interest of protecting national security, except in time of public emergency which threatens the life of the country under the conditions stated in Principle 3.

#### Principle 24: Disproportionate Punishments

A person, media outlet, political or other organization may not be subject to such sanctions, restraints or penalties for a security-related crime involving freedom of expression or information that are disproportionate to the seriousness of the actual crime.

#### Principle 25: Relation of These Principles to Other Standards

Nothing in these Principles may be interpreted as restricting or limiting any human rights or freedoms recognized in international, regional or national law or standards.

## Appendix 8:

### African Charter on Broadcasting 2001

Final Report

“Ten Years On: Assessment, Challenges and Prospects”

3- 5 May 2001

Windhoek

#### AFRICAN CHARTER ON BROADCASTING 2001

Acknowledging the enduring relevance and importance of the Windhoek Declaration to the protection and promotion of freedom of expression and of the media;

Noting that freedom of expression includes the right to communicate and access to mean of communication;

Mindful of the fact that the Windhoek Declaration focuses on the print media and recalling Paragraph 17 of the Windhoek Declaration, which recommended that a similar seminar be convened to address the need for independence and pluralism in radio and television broadcasting;

Recognising that the political, economic and technological environment in which the Windhoek Declaration was adopted has changed significantly and that there is a need to complement and expand upon the original Declaration;

Aware of the existence of serious barriers to free, independent and pluralistic broadcasting and to the right to communicate through broadcasting in Africa;

Cognisant of the fact that for the vast majority of the peoples of Africa, the broadcast media remains the main source of public communication and information;

Recalling the fact that the frequency spectrum is a public resource which must be managed in the public interest;

We the Participants of Windhoek + 10 Declare that:

#### PART I: GENERAL REGULATORY ISSUES

1. The legal framework for broadcasting should include a clear statement of the principles underpinning broadcast regulation, including promoting respect for freedom of expression, diversity, and the free flow of information and ideas, as



well as a three-tier system for broadcasting: public service, commercial and community.

2. All formal powers in the areas of broadcast and telecommunications regulation should be exercised by public authorities which are protected against interference, particularly of a political or economic nature, by, among other things, an appointments process for members which is open, transparent, involves the participation of civil society, and is not controlled by any particular political party.
3. Decision-making processes about the overall allocation of the frequency spectrum should be open and participatory, and ensure that a fair proportion of the spectrum is allocated to broadcasting uses.
4. The frequencies allocated to broadcasting should be shared equitably among the three tiers of broadcasting.
5. Licensing processes for the allocation of specific frequencies to individual broadcasters should be fair and transparent, and based on clear criteria which include promoting media diversity in ownership and content.
6. Broadcasters should be required to promote and develop local content, which should be defined to include African content, including through the introduction of minimum quotas.
7. States should promote an economic environment that facilitates the development of independent production and diversity in broadcasting.
8. The development of appropriate technology for the reception of broadcasting signals should be promoted.

## PART II: PUBLIC SERVICE BROADCASTING

1. All State and government controlled broadcasters should be transformed into public service broadcasters, that are accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender.
2. Public service broadcasters should, like broadcasting and telecommunications regulators, be governed by bodies which are protected against interference.
3. The public service mandate of public service broadcasters should clearly defined.
4. The editorial independence of public service broadcasters should be guaranteed.
5. Public service broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets.
6. Without detracting from editorial control over news and current affairs content and in order to promote the development of independent productions and to enhance diversity in programming, public service broadcasters should be

- required to broadcast minimum quotas of material by independent producers.
7. The transmission infrastructure used by public service broadcasters should be made accessible to all broadcasters under reasonable and non-discriminatory terms.

### PART III: COMMUNITY BROADCASTING

1. Community broadcasting is broadcasting which is for, by and about the community, whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit.
2. There should be a clear recognition, including by the international community, of the difference between decentralised public broadcasting and community broadcasting.
3. The right of community broadcasters to have access to the Internet, for the benefit of their respective communities, should be promoted.

### PART IV: TELECOMMUNICATIONS AND CONVERGENCE

1. The right to communicate includes access to telephones, email, Internet and other telecommunications systems, including through the promotion of community controlled information communication technology centres.
2. Telecommunications law and policy should promote the goal of universal service and access, including through access clauses in privatisation and liberalisation processes, and proactive measures by the State.
3. The international community and African governments should mobilise resources for funding research to keep abreast of the rapidly changing media and technology landscape in Africa.
4. African governments should promote the development of online media and African content, including through the formulation of non-restrictive policies on new information and communications technologies.
5. Training of media practitioners in electronic communication, research and publishing skills needs to be supported and expanded, in order to promote access to, and dissemination of, global information.

### PART V: IMPLEMENTATION

1. UNESCO should distribute the African Charter on Broadcasting 2001 as broadly as possible, including to stakeholders and the general public, both in Africa and worldwide.
2. Media organizations and civil society in Africa are encouraged to use the Charter as a lobbying tool and as their starting point in the development of

national and regional broadcasting policies. To this end media organisations and civil society are encouraged to initiate public awareness campaigns, to form coalitions on broadcasting reform, to formulate broadcasting policies, to develop specific models for regulatory bodies and public service broadcasting, and to lobby relevant official actors.

3. All debates about broadcasting should take into account the needs of the commercial broadcasting sector.
4. UNESCO should undertake an audit of the Charter every five years, given the pace of development in the broadcasting field.
5. UNESCO should raise with member governments the importance of broadcast productions being given special status and recognised as cultural goods under the World Trade Organization rules.
6. UNESCO should take measures to promote the inclusion of the theme of media, communications and development in an appropriate manner during the UN Summit on the Information Society in 2003.

## Appendix 9:

### **Open Letter from Media Organizations, Recommendations of the Forum on Freedom of Expression in Africa**

Open letter to African Union Heads of State and Governments

The formation of the African Union (AU) in 2000 raised many hopes for Africa on the continent and in the Diaspora. The main objectives of the Constitutive Act of the AU highlights among others the followings: “to promote the principles and the democratic institutions, popular participation and good governance; to promote and protect human and peoples’ rights in accordance with the African Charter on Human and Peoples’ Rights and other relevant human rights instruments”.

These values require the consolidation of democracy, the rule of law, the possibility for African citizens to participate in the management of public affairs, freedom of expression and press freedom.

To underline this option, welcomed by journalists and freedom of expression organisations, the African Commission on Human and Peoples’ Rights took the initiative to reinforce the protection of freedom of expression by the adoption of the Declaration of Principles on Freedom of Expression in Africa in 2002, in Banjul and by the nomination of a Special Rapporteur on the Freedom of Expression, during its 36th ordinary session in December 2004 in Dakar.

Despite all these commitments and positive developments, the persecution of journalists, harassments, arbitrary arrests and detentions, the enactments of anti media laws and the killings of journalists and media workers continue with total impunity on the continent.

That is the reason why, journalists and freedom of expression organisations around the continent, committed to the values and the vision of the African Union, wanted to organise a Forum on Freedom of Expression prior to the African Union-Banjul Summit.

The forum scheduled for the 29 - 30 of June 2006, on the eve of the Summit, was barred by the Gambian authorities who ordered the Kombo Beach Hotel manager where the forum was supposed to be held, to suspend it because there was no official authorisation from the government.

This action of the Gambian Authorities is unacceptable and constitutes a blatant violation of the provisions of the Constitutive Act of the African Union. It is contrary the African Union’s Head of States and Governments’ commitments to human rights

and democratic principles.

This behavior undermines the basis for dialogue between civil society and the African Union on such a fundamental issue as freedom of expression; which is blatantly violated by many of its members notably by the Gambian government host of this important Summit.

We therefore call your attention as the Leaders of the African Union to this dangerous precedent, which should be unacceptable in a country which is hosting the African Union Summit and is the headquarters of the African Commission on Human and Peoples' Rights.

The Civil society forum on freedom of expression barred by the Gambian authorities took place in Senegal. We urge you to ensure that the resolutions adopted by the forum will be given due consideration by the African Union leadership. This means ensuring that a delegation from the forum which will be sent in Addis Ababa will be received by the Chairperson of the African Union Commission.

Only by so doing African leaders will demonstrate the commitment of the African Union to denounce and combat harassments of media practitioners and freedom of expression advocates in some African countries.

#### Recommendations of the Forum of Freedom of Expression in Africa

##### *Preamble*

We, the participants of the Forum on Freedom of Expression in Africa meeting in Saly, Senegal under the auspices ARTICLE 19 in partnership with, the Gambia Press Union, Media Foundation for West Africa, Media Institute of Southern Africa, the All Africa Editors Forum, Panos Institute for West Africa, Famedev, the West African Journalist Association, High Way Africa Conference, SABMiller Chair of Media and Democracy and Media Rights Agenda.

- Considering Article 19 of the Universal Declaration of Human Rights;
- Considering Article 9 of the African Charter of Human and Peoples' Rights;
- Recalling the Declaration of Windhoek on the development of an African independent and pluralist press;
- Recalling further the African Charter on broadcasting;
- Considering the Constitutive Act of the African Union, notably Article 3 on the promotion of democratic principles and institutions, good governance and human rights;
- Considering the Declaration of Principles on Freedom of Expression in Africa of the African Commission on Human and People's Rights;



- Considering the NEPAD plan of action and its provisions on good governance and human rights;
- Considering the resolution on the mandate and the designation of a Special Rapporteur on freedom of expression in Africa;
- Concerned by the killings of journalists in some African countries; and the impunity accorded to the authors of such crimes;
- Concerned by the arbitrary arrest, the selective use of anti-media legislations, the arbitrary closure of media outlets, the adoption of restrictive measures to unduly hinder the right to freedom of expression;
- Further concerned by the absence of dialogue between journalists and freedom of expression defenders and the African Union bodies.

Call on the African Union to:

1. Reinforce the mechanisms protecting freedom of expression, freedom of the press within the African Commission on Human and Peoples' Rights, especially by ensuring the independence of all human rights monitoring mechanisms especially the Special Rapporteur on freedom of expression in Africa, African Commission on Human and Peoples' Rights and the African Court of Human Rights;
2. Adopt a treaty that will reinforce the existing principles on press freedom and freedom of expression in Africa;
3. Encourage member States to initiate reform of legislation that undermine press freedom, pluralism of information and media development in Africa;
4. Take into consideration freedom of expression and press freedom as one of the important criteria in the peer review mechanism of NEPAD;
5. Promote and support an economical, political, and social environment for media development and viability in Africa;
6. Promote the adoption of harmonized norms on public service information and access to public information in Africa;
7. Ensure total independence of media and telecommunications regulatory bodies in Africa, with special regard to the convergence and new technologies of information and communication;
8. Take institutional measures to ensure representation of non governmental media and freedom of expression organizations within ECOSOCC;
9. Adopt criteria and transparent procedures for the accreditation of non-governmental organizations at African Union Summits;
10. Guarantee to civil society access at African Union Summits and the possibility to organize parallel activities in conformity with the Constitutive Act of the African Union;

11. Establish a framework for permanent dialogue and consultation between journalists and freedom of expression organizations and the African Union bodies.

Done in Saly, Senegal, 30 June 2006

The Forum Signatories

Signed by:

ARTICLE 19, the Global Campaign for Free Expression (Senegal/UK)

The Gambia Press Union (GPU) (Gambia)

Media Foundation for West Africa (MFWA) (Ghana)

Media Institute of Southern Africa (MISA) (Namibia)

The African Editors Forum (South Africa)

Panos Institute for West Africa (PIWA) (Senegal)

The Inter African Network for Women, Media, Gender Equity and Development (FAMEDEV) (Senegal)

The International Federation of Journalists (IFJ)-Africa Office (Senegal)

West African Journalist Association (WAJA) (Senegal/Mali)

The Highway Africa Conference (South Africa )

The SAB Miller Chair of Media and Democracy (South Africa)

Media Rights Agenda (MRA) (Nigeria)

The International Press Centre (IPC), Nigeria

National Council for Liberties in Tunisia (CNLT) (Tunisia)

The Network of African Freedom of Expression Organisations (NAFEO) (Ghana)

Observatoire de la Liberté de presse, de l'Éthique et de la Déontologie (OPEL) (Côte d'Ivoire)

Le démocrate (Niger)

Le Quotidien (Senegal)

Foroyaa (Gambia)

Association Mauritanienne des droits de l'Homme (Mauritania)

Working group on Freedom of Expression in North Africa (Tunisia)

Les Échos du Jour (Benin)

Journalists Union of Cameroon (Cameroon)

Le Messenger (Cameroon)

Network for Media for Elections (Cameroon)

National Forum for Human Rights (Sierra Leone)

Coalition for Freedom of Information (Sierra Leone)

Site Media (Burkina Faso)

Nana FM (Togo)

Kiss Radio (Sierra Leone)

Institut Supérieur de Sciences de l'Information et de la Communication (Senegal)

Association for Media Development in Southern Sudan AMDISS) (Southern Sudan)  
Le Courier (Mali)  
Liberian Bar Association (Liberia)  
Centre for Media Studies and Peace Building (Liberia)  
Crocodile/OTM (Togo)  
Open Society Initiative for West Africa (Senegal)  
Open Society Foundation/ Network Media Programme (UK)  
Independent, Gambia

## Appendix 10:

### Press Union of Liberia Code of Ethics and Conduct

This Code of Ethics and Conduct shall be binding on all journalists and media institutions in Liberia and punishment for violators shall range from warning, fine, and suspension to expulsion. The Press union of Liberia Grievance and Ethics Committee shall investigate all matters and complaints arising out of the violation of this Code and recommend penalties to the Executive Committee, for action.

#### PREAMBLE

The Code of Ethics and Conduct for Liberian journalists has been drawn up as a ready reference guide and its application is binding on all members of the Press Union of Liberia.

The code is to ensure that members adhere to the highest ethical standards, professional competence and good behavior in performing their duties.

The public expects the media to perform with a high sense of responsibility without infringing on the rights of individuals and society.

#### CODE OF ETHICS AND CONDUCT

##### Article 1.

The journalist shall defend freedom of speech, expression, and information.

##### Article 2.

The journalist should make sure of the truth of what he/she reports without distortions.

##### Article 3.

The journalist should refrain from plagiarism, deformation, obscenity, slander and unfounded accusations. Where there is need to use other other's material, it is proper to credit the source.

##### Article 4.

The journalist's freedom of opinion shall be exercised in respect of the right of the public to information. In all instances, the accuracy of the facts reported or commented on, shall not be misrepresented through the journalist's personal opinions.

## Article 5.

The journalist should respect the private lives of persons when they have no consequence on public life. Journalists should ensure the respect of the rights or reputations of others. Enquiries and intrusions into an individual's life can only be justified when done in the public interest.

## Article 6.

Malicious information liable to discredit a person or expose him/her to scorn or hate should not be published/broadcast.

## Article 7.

The journalist should refuse and denounce all attempts at bribery and corruption. No journalist should receive or expect any benefit from the publication/broadcast or the suppression of any information or commentary. The journalist should avoid all affiliations with any individuals/groups whose company is likely to call his/her credibility into question. The journalist should put himself/herself above partisan, ideological cleavages in order to give greater prominence to the norms and professional practices.

## Article 8.

The journalist should refrain from biased coverage of events that have tribal sectional and political implications.

## Article 9.

The journalist should publish correction or rejoinder promptly and give it due prominence. An apology should be published whenever appropriate.

## Article 10.

The journalist should not publish or broadcast incitement to violence, crime, revolt and war.

## Article 11.

The journalist should not engage in negative journalism, misleading headlines and fabrications. The journalist should refrain from publication of sensational headlines. Newspaper headlines should be fully warranted by the contents of the articles they accompany. Photographs should give an accurate picture of an event and not highlight an event out of context.

## Article 12.

The journalist should ensure equal access to the media for the presentation of divergent views and dissenting opinions.



## Article 13.

The journalist should not publish or broadcast false information or unproven allegations.

## Article 14.

The journalist should, while in the performance of his/her duty, conduct himself/herself in an orderly manner, refrain from the use of profane language(s) and shall be properly attired.

## Article 15.

The journalist should not publish or broadcast information or advocacy of religious or ethnic hatred, especially those that constitute incitement to discrimination, hostility or violence.

## Article 16.

Journalists should, in case of personal grief and distress, exercise tact and diplomacy in seeking information, publishing and broadcasting them.

## Article 17.

Journalists should not abuse the use of pseudonyms.

## Article 18.

No journalist should use his/her power for selfish or otherwise unworthy purpose. If this is done, it is faithless to a high trust.

## Article 19.

The journalist should make adequate enquiries and cross-check the facts before publication/broadcast.

## Article 20.

The journalist should be mindful of his/her responsibility to the public and the various interests in society.

## Article 21.

Journalists are bound to protect confidential sources of information.

## Article 22.

Journalists should ensure that under no circumstance, news or a publication or broadcast be suppressed unless it borders on national security or is in the public interest to do so.

## Article 23.

Journalists should not publish or broadcast any report or write-up affecting the reputation or an individual or an organization without a chance to reply. That is unfair and be avoided.

Article 24.

Journalists should draw a clear line between comment, conjecture and fact although free to take positions on any issue.

Article 25.

Journalists should respect embargoes on stories.

Article 26.

Journalists should avoid identifying victims of sexual assault.

Article 27.

Journalists shall obtain information, photographs and illustration only by straight-forward means.

Article 28.

The journalist should protect the rights of minors and criminal and other cases, secure the consent of parents or guardians before interviewing or photographing them.

Article 29.

This Code of Ethics and Conduct shall be binding on all journalists and media institutions in Liberia and punishment for violators shall range from warning, fine, suspension to expulsion. The Press union of Liberia Grievance and Ethics Committee shall investigate all matters and complaints arising out of the violation of this Code and recommend penalties to the Executive Committee, for action.

ADOPTED THIS NINETH DAY OF MAY 1997

## Appendix 11:

### **CODE OF CONDUCT FOR JOURNALISTS COVERING THE LIBERIAN TRUTH AND RECONCILIATION COMMISSION**

Our duty to provide information as Journalists is premised on the assumption that society needs information to progress. We work for the progress of society. Our actions should be guided by principles that advance the common good of society. For us in Liberia, that means promoting peace and national reconciliation.

The TRC was established “to promote peace, security, unity and reconciliation.” Supporting the TRC is therefore a national call as well as a professional duty.

The general principle underlying the Code of Ethics of the Press Union of Liberia shall be the guide for all journalists in their reportage of the TRC. Consequently, respect for the truth, accuracy, balance, the protection of individual dignity, and fairness shall be the cardinal principles in the coverage of the TRC.

#### **We therefore agreed that:**

1. Journalists should ensure that what he/she reports is without distortions. The journalist should refrain from defamation, obscenity, slander and uninformed accusations.
2. Journalists should respect the rights and dignity of all those involved with the TRC. Reporters should note that statements/testimonies given to the TRC in closed hearing are confidential unless otherwise indicated. The rules relating to the confidentiality of sources and evidence of witnesses as provided for in the Truth and Reconciliation Commission of Liberia shall also be observed:
3. Journalists are not allowed to interview witnesses while their appearance and testimony are pending before the TRC. Interviews can only be conducted after the person shall have appeared before and debriefed by the TRC.
4. Journalists should exercise care and sensitivity in seeking, publishing and broadcasting information about people who are personally grieved and distressed.
5. Malicious information liable to discredit a person or expose him/her to ridicule or hate should not be published/broadcast.
6. Journalists who discover or are referred to information that may constitute

evidence for prosecution should refrain from actions that could compromise the integrity of evidence and seek the participation of official institutions in the discovery. This applies specially to forensic evidence and archives.

7. Journalists should refrain from publishing the identity of key witnesses to acts under the mandate of the commission or acts potentially subject to prosecution, if publication may endanger the witness' security or integrity.
8. Journalists should report accurately and avoid misleading and sensational headlines. Headlines should be fully warranted by the contents of the articles they accompany.
9. Photographs should give an accurate picture of an event and not portray or sensationalize an incident out of context. The TRC should ensure that every person that appears in a public hearing should have been understood to the possibility of his or her picture being published.
10. Journalists should ensure balance coverage of all sides of the conflict presented to the TRC with particular attention to the issues of tribal, religious, sectional and political implications.
11. Journalists should draw a clear distinction between comments, conjecture, facts and testimonies.
12. Journalists should avoid identifying victims of sexual assault. The journalists should also be aware of gender-based assumptions and prejudices and guard against stereotyping.
13. Care and sensitivity shall be applied in the coverage of special vulnerable groups like women and children. The coverage of children in particular shall be guided by the **UNICEF** guidelines on reporting on children.
14. The language of the press shall reflect the language of the TRC. The labels, attributes and references to persons as decided by the commission (e.g. witnesses, victims, perpetrators, etc) where possible shall be the language of the press. The press shall therefore treat all witnesses with respect and refrain from name calling and stereotyping.
15. Journalists shall refrain from making exaggerated claims about the Commission in order to help manage public expectations of the commission.
16. The relationship between the press and the Commission shall be guided by the

principles of mutual respect and cooperation.

17. Journalists shall respect the TRC as the master of its process and consequently refrain from interfering in the work of the Commission.

18. The TRC is an independent body established for social healing and institutional renewal. The media shall endeavor to frame their coverage to reflect this.

Both the TRC and the media are in the quest for truth. But each has a distinctive role in the process. The TRC has the official mandate to conduct investigations and to compile an official report. The media have the traditional role of providing information, education and also acting as watch dogs of society. This requires the press to keep a critical but constructive eye on the work of the TRC. The provisions in this code of conduct shall therefore be binding on all journalists reporting about the TRC in Liberia.

The Press Union of Liberia and respective media institutions shall ensure compliance and take appropriate measures against violations as it sees fit in keeping with its constitution and Code of Ethics to prevent recurrence.



## Appendix 12:

### PUBLIC REQUEST FOR INFORMATION

- The Truth and Reconciliation Commission of Liberia (TRC) invites individuals and organizations to submit to it in writing, interview or oral statements any information they may have on the causes, nature and impact of any aspect of the Liberian civil crises, especially on those events that took place between January 1979 and October 2003.
- Such information will assist the TRC to fulfil its mandate of researching, investigating and documenting the background, context and circumstances of the violent civil conflicts and the forms, nature, patterns and effect of the violations and abuses perpetrated during the Liberian civil crises. It will also help the TRC to establish the identities of the individuals and organizations responsible for the crises and violations. The information will also enable the TRC make appropriate recommendations for achieving national peace, security, unity, reconciliation and justice.
- Persons or organizations wishing to make such submission to the TRC are requested to pay particular attention to any of the following:
- The root causes of the crises and wars as well as the factors that ensure that the crises and wars were prolonged, and the sufferings of the Liberian people were deepened;
- The forms and patterns of human rights violations and abuses, including sexual and gender base violence;
- The effect of the crises and wars on women, children, youth elderly, persons with physical or mental disability or other minority groups;
- The role of warring factions and political and social groups in the conflicts and wars;
- The role of international actors (including foreign governments, non-governmental organizations (NGOs) and foreign individuals) in the conflicts and wars;
- Abuse of privileges, powers and authority by public office holders and individuals purporting to hold public office;

- Corruption and other economic crimes, including serious fraud and the exploitation of natural or public resources to perpetuate or fuel armed conflicts used in a manner that impoverished the people of Liberia and increased their vulnerability;
- Historical falsehoods and misconceptions of the past relating to Liberia's socio-economic and political development;
- The identity of any person or group responsible for any of the violations and abuses specified above;
- How the human dignity of victims of the violations and abuses can be restored; and
- How genuine national peace, national unity, security, reconciliation and justice can be fostered.
- Please send all information to:

***Contact information***

**Truth and Reconciliation Commission Head office**

9th Street Sinkor, Warner Avenue (beach side)

**Tel:** 077515218

**E-mail:** oneliberia@yahoo.com or [www.trcofliberia.org](http://www.trcofliberia.org)

Or

Any TRC Office in the 15 Counties (ask for the Coordinator or Assistant Coordinator)

**Diaspora Contact**

Minnesota Advocates for Human Rights