



# Sierra Leone Association of Journalists

1<sup>st</sup> Floor, 56 Campbell Street, Freetown, Sierra Leone P.M.B. 724,

Website: [www.slajsl](http://www.slajsl) Email: [slaj.salone@gmail.com](mailto:slaj.salone@gmail.com)

**President:** +232 76 470288 / +232 30 470288, **Secretary-General:** +232 34 149 033 +232 76 814217

## SLAJ'S POSITION PAPER ON THE COUNTER-TERRORISM ACT, 2024, AND ITS POTENTIAL IMPACT ON FREEDOM OF EXPRESSION/PRESS IN SIERRA LEONE

Prepared by SLAJ Legal Team

Date: 7<sup>th</sup> March 2025





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## INTRODUCTION

The Counter-Terrorism Act, 2024 aims to address threats to national security by defining and penalizing acts of terrorism. While such laws are crucial for public safety, certain provisions in the Act pose significant risks to freedom of expression, journalistic independence, and civic engagement. The vague and broad language used in the Act creates the potential for misuse, which could restrict press freedom, public discourse, and the work of human rights defenders.

This position paper evaluates the potential dangers of the Counter-Terrorism Act, 2024, with reference to Section 25 of the Sierra Leone Constitution, Act No. 6 of 1991, Article 19 of the International Covenant on Civil and Political Rights (ICCPR), and Article 9 of the African Charter on Human and Peoples' Rights (ACHPR). It highlights concerns regarding the Act's implications for journalists and activists and provides recommendations to prevent undue restrictions on fundamental rights.

## LEGAL FRAMEWORK FOR FREEDOM OF EXPRESSION

### 1. SECTION 25 OF THE SIERRA LEONE CONSTITUTION, ACT NO. 6 OF 1991

The 1991 Constitution of Sierra Leone guarantees freedom of expression under Section 25, which states:



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*Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference, freedom from interference with his correspondence, and freedom to own, establish and operate any medium for the dissemination of information, ideas, and opinions...*

However, the Constitution also provides for restrictions in the interests of public order, national security, and morality. These limitations must be interpreted narrowly to prevent government overreach that could suppress dissent and media freedom.

## **2. ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)**

As a party to the ICCPR, Sierra Leone is obligated to protect freedom of expression, as provided in Article 19:

*(1) Everyone shall have the right to hold opinions without interference.*

*(2) 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.*



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*(3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore 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;*

*(b) For the protection of national security or of public order (ordre public), or of public health or morals.*

The United Nations Human Rights Committee has clarified that national security restrictions must not be overbroad and should not criminalize legitimate journalistic activities.

### **3. ARTICLE 9 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (ACHPR)**

Under Article 9 of the ACHPR, Sierra Leone is bound to uphold:

*(1) Every individual shall have the right to receive information.*

*(2) Every individual shall have the right to express and disseminate his opinions within the law.*

The African Commission on Human and Peoples' Rights has emphasized that national security laws must not be used to restrict media freedom and that journalists should not face prosecution for reporting on security matters.



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## **KEY CONCERNS FOR JOURNALISTS AND FREEDOM OF EXPRESSION**

### **1. OVERBROAD DEFINITION OF TERRORISM (SECTION 12)**

The Act defines terrorist acts broadly, including actions that are "prejudicial to national security or public safety" or that create "fear in a section of the public."

Journalistic activities exposing government misconduct, corruption, or controversial political issues could be misinterpreted as causing "fear" or being "prejudicial to national security."

Lack of precision allows for subjective interpretation, which may lead to the criminalization of dissent.

### **2. CRIMINALIZATION OF INFORMATION DISSEMINATION (SECTIONS 21 AND 22)**

- ◆ Section 21 criminalizes the distribution of any publication that may "encourage or induce terrorism," with a minimum sentence of 25 years.
- ◆ This provision could be misused against journalists reporting on:
  - ◆ Terrorist threats or recruitment
  - ◆ Political protests or civil unrest
  - ◆ Government responses to security issues
- ◆ Section 22 restricts online dissemination, which could criminalize social media reporting.



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### **3. HARSH PENALTIES FOR JOURNALISTIC ACTIVITIES (SECTIONS 12, 13, 18, AND 19)**

- ◆ Minimum 30-year sentences for offenses such as:
- ◆ Interviewing or quoting alleged terrorists
- ◆ Investigating security agencies' misconduct
- ◆ Reporting on protest movements or extremist groups
- ◆ These provisions create a climate of fear, discouraging investigative journalism.

### **4. POTENTIAL FOR ABUSE AGAINST JOURNALISTS COVERING PROTESTS AND POLITICAL UNREST**

- ◆ Sections 12 and 15 criminalize acts that "disrupt essential services" or "compel a person to act or refrain from acting."
- ◆ Journalists covering labor strikes, protests, or security crackdowns could be accused of aiding terrorism.

### **5. LACK OF SAFEGUARDS FOR PRESS FREEDOM**

- ◆ The Act does not distinguish between legitimate journalism and actual terrorist propaganda.
- ◆ No explicit protections for journalists, whistleblowers, or human rights defenders.
- ◆ The absence of an independent review mechanism increases the risk of misuse.



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## **RECOMMENDATIONS**

### **1. CLARIFY THE DEFINITION OF TERRORISM**

- ◆ Amend Section 12 to exclude journalistic work and media reporting from the definition of terrorist acts.
- ◆ Provide a clear distinction between violence and legitimate reporting on terrorism.
- ◆ To clearly define what constitutes Terrorism eg.

## **Terrorist Acts and Safeguards for Fundamental Rights**

### **1. Definition of Terrorist Act**

For the purposes of this Act, a “terrorist act” is any act committed with the intent to advance a political, ideological, religious, racial, or ethnic cause that results in any of the following:

- a. Causing serious bodily harm to any person;
- b. Causing serious damage to property;
- c. Endangering a person’s life;
- d. Creating a serious risk to the health or safety of the public;
- e. Involving the use of firearms, explosives, or other dangerous implements;
- f. Releasing or exposing the public to dangerous, hazardous, radioactive, toxic, or otherwise harmful substances, including chemicals, biological agents, or toxins;
- g. Actions that are prejudicial to national security or public safety;
- h. Acts designed or intended to disrupt essential services, including but not limited to communications, banking, financial services, utilities, transportation, or other critical infrastructure.

### **2. Exclusions – Acts of Political Expression and Peaceful Assembly**

Notwithstanding the foregoing, any act of protest, demonstration, or work stoppage, including those conducted in furtherance of a political, ideological, religious, racial, or ethnic cause, shall not be considered a terrorist act under this Act if the conduct does not result in the harms





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specified in subsection (1)(a), (b), (c), or (d). This provision is intended to protect the fundamental rights of freedom of expression and peaceful assembly as guaranteed by the Constitution of Sierra Leone.

### **3. Judicial Oversight and Due Process**

Any determination that an act constitutes a terrorist act under this Act shall be subject to prompt and independent judicial review. Persons affected by such determinations shall have the right to challenge the decision in a court of law, ensuring adherence to principles of due process and a fair trial.

### **2. PROTECT JOURNALISTIC ACTIVITIES FROM CRIMINALIZATION**

- ◆ Introduce an exemption in Sections 21 and 22 for journalists and media professionals.
- ◆ Define "encouragement" and "inducement" with strict legal parameters.

### **3. REDUCE EXCESSIVE PENALTIES FOR INFORMATION DISSEMINATION**

- ◆ Revise Sections 12, 13, and 21 to prevent disproportionate punishment for journalists.
- ◆ Introduce a due diligence defense allowing journalists to prove their intent was to inform the public, not promote terrorism.

### **4. INTRODUCE A SAFEGUARD CLAUSE FOR PRESS FREEDOM**

- ◆ Amend the Act to include explicit protections for media practitioners.
- ◆ Establish a media oversight body to assess cases where journalists are accused of violating the law.



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## 5. ENSURE JUDICIAL OVERSIGHT AND REVIEW

- ◆ Mandate judicial review for cases involving journalists before prosecution can proceed.
- ◆ Allow independent media and human rights organizations to challenge misuse of the Act.

## CONCLUSION

While the Counter-Terrorism Act, 2024, seeks to address national security concerns, its broad language and harsh penalties pose a significant threat to press freedom and civic expression in Sierra Leone. Without safeguards, journalists could face intimidation, self-censorship, and wrongful imprisonment.

By reviewing the Bill to incorporate clear protections for journalists and civic actors, Sierra Leone can balance national security concerns with fundamental freedoms, ensuring compliance with Section 25 of the Constitution, Article 19 of the ICCPR, and Article 9 of the ACHPR.

Signed:

**Alhaji Manika Kamara**  
National Secretary General

