



*Republic of Liberia*

## **Ministry of Information, Cultural Affairs & Tourism**



*Office of the Minister*

Dear Friends,

On behalf of the President, I acknowledge with thanks your continuous interests in the post-conflict development of Liberia. In the matter of your present concern, however, I am compelled to point out that it is more complex and challenging than you have represented.

Firstly, Liberia's continued progress in preserving free speech is second to none. Since 2006, the media landscape of Liberia has exploded with more than 30 newspapers and online services, 19 radio stations and 45 community radio stations which operate across the rural areas. All of these are independently owned and operated. Together with the implementation of the freedom of information law, under which, only a few days ago, the Independent Freedom of Information Commissioner ruled in favor of a private petitioner's right to information against a government functionary, as well as a robust engagement with the civil society on issues of transparency and accountability within the framework of the Open Governance Partnership (OGP), Liberia continues to take steps to uphold and preserve access to information and free speech.

Additionally, being the second only country on the Continent to accede to the Table Mountain Declaration, having now enlisted the inputs of stakeholders including the Press Union of Liberia, the Umbrella organization of journalists in the country, we are in the advanced stages of legislating the decriminalization of media related offenses from our statutes, a process we hope to conclude by the next sitting of the Legislature which begins in January. All of these – and we are prepared to do more – has improved the environment and expanded the space for voices, at home and abroad which were previously silenced, to be heard on national challenges and public policy issues.

Yet, we must also admit that this media explosion is growing in dire need of technical support and assistance including training for journalists and a strong self-regulatory framework, as well as renewal of commitments to best practice, professional care and ethical standards. Careful to avoid impugning on the important values of independence of the media, the government has tried to reach out in a limited way, and would warmly appreciate your assistance and support, for the continued development of the Liberian press.

Secondly, today, the sheer confluence of voices and the heightened public awareness against corruption ought to testify to how far we have travelled in this fight against corruption. The first

Liberian Administration to seriously lift the fight against corruption into national prominence and a deeper consideration by all Liberians, each year, we have tackled age-old vulnerabilities in the public service, strengthened institutional weaknesses, build capacities, and have either administratively or through the courts, wherever applicable, taken the required actions against corrupt officials to both expose the societal problem and set the right examples.

In this regard, we have already enacted and are implementing strong anti-corruption laws and best practice procedures, regular increases in civil servants salaries, the conduct of various audits, and the creation of integrity and watchdog institutions such as the Public Procurement and Concession Commission (PPCC) and the Liberia Extractive Industries Transparency Initiative (LEITI) which continues to significantly change the way we have publicly procured, awarded contracts and concessions, and accounted for revenues from our natural resources. Also, an internal audit mechanism has been institutionalized across the government agencies and functionaries to assist with stricter adherence to best practices and procedures. Here, especially, we are determined to prevent as opposed to waiting to cure.

Moreover, the Office of Attorney-General has recruited a team of private lawyers to sift through dozens of previous and current audit reports for the purpose of specific evidence gathering for the ensuing judicial process. Aware that there is not a statute of limitation for the prosecution of corruption allegations, and although we have successfully prosecuted a number of such audit findings, the truth also is that the government has lost a few high-profiled corruption cases. Accordingly, we have encouraged the prosecutorial team to continue this important exercise, and to work along with the General Auditing Commission (GAC) until the required evidence is sufficient, within the limits of the law, to prove the guilt of accused persons beyond reasonable doubts – the required standard for such criminal trials.

We recognize the ease with which a suspicious mind may misconstrue these actions as attempts to delay or to be selective. Our response, without prejudice to anyone, is that in post-conflict environments like ours which are struggling to rebuild the country literally from scratch; where important decisions such as prosecution has to be continuously weighed against other competing national imperatives including infrastructure (roads, power, ports and ICT), education, health and agriculture because of the acute limitation on available resources, the Liberian government does not have the benefit of chance nor is our fight against corruption enabled by failing to convict especially in the prosecution of high-profiled cases. Lessons have been learned and the condition of the country confirms to us that we must insist on getting it right the first time of asking. Recently appointed, a young solicitor-general, on account of the work of this team, has already secured a number of high-profile grand jury indictments for corruption. We urge you to stay tuned.

It may interest you to also know that our fight against corruption is a cultural shock – an attack on entrenched values across the multiple institutions of the society (see Transparency International’s Corruption *Perception* Report) which reached disproportionate levels over the years of the complete collapse of the Liberian State. Undoubtedly, it requires time and steadfast dedication – the latter we are determined to institutionalize – in order to realize the objective of winning our fight against corruption.

In short, in the fight against corruption, we are not where we want to be but the progress we have made is considerable as well as sustainable. We have the various reports of Transparency International Global Corruption Index which show Liberia’s steady progression, year-on-year, against corruption, as well as an improved national awareness, to back up this claim. Again, as anyone will expect, overtime, we may ebb and flow on the Global Corruption Index, however, we assure you that it will not be on account of the lack of will by the government to continue to deepen the gains already made in the fight against corruption.

And so, properly framed, the object of our present engagement cannot, or better said, should not be our proved commitment to fight corruption or to preserve free speech. This matter is really a test of our continued dedication to the rule of law – to building a society where all are subjects of the law.

In this regard, we admit that our courts are not where we wish them to be, and our laws may not be altogether perfect. In recognition of these, we have continued to undertake reform measures which have included the passage of a new jury law and the enforcements of stricter ethical codes and administrative practices for court officers. The Supreme Court recently named, shamed and penalized a number of court officers including high-profile lawyers for various breaches of these codes, and has promised to further deepen the reforms across the entire Judiciary. Aware of the dire consequences of a return to lawlessness, we must continue to build public confidence in the courts as fair venues for the settlements of civil disputes and criminal offenses.

At the same time, we are painstakingly reviewing our statutes and laws, including the Liberian Constitution, through the works of an independent law review commission of eminent jurists and other Liberians. At the completion of this work, proposed changes will be regularly put to the people or their representatives for their actions. We are always mindful so as not to undermine the enhancement of the rule of law in the country by actions and examples which can easily pervade the unwanted impression that anyone, either by the influence of their profession or the importance of their status in the society, is above the law.

As you know, Liberia is travelling from a very dark past of lawlessness influenced in large measures by an ‘imperial presidency’. We have tried to enable this difficult journey by attending to matters of the rule of law with devotion and care, and have consciously suppressed appetites

and refused invitations to draw the Liberian Presidency into influencing the resolutions of disputes, civil or criminal, which are cognizable before the courts. In fact, the Liberian Constitution forbids interference in judicial processes, and this President does not wish to ever be endowed with such powers.

Speaking of the Liberian Constitution, in keeping with Article 59, you have requested the exercise of presidential pardon. The presidential pardon to which the Constitution refers is at the outcome of criminal prosecutions. This dispute is civil, between two private citizens, and one in which the government is not a party for which its rights can be waived or pardoned. The defendant is being held, and offices ordered closed by the Civil Law Court, in accordance with the Civil Procedure Law of Liberia which provides that anyone who cannot or will not pay a libel judgment is to be ordered imprisoned, and as the business was attached as a juridical person to the suit, it was ordered closed by the Civil Law Court. We may not all agree but this is the law.

Also, although in your letter we noticed a number of critical omissions, as a government, we must avoid being publicly engaged in a retrial of the issues of law or facts especially of civil disputes between citizens which were raised or waived by the parties, and decided by the courts, including the highest court of our land. We cannot find how the ongoing consolidation of the rule of law, and the broader aspirations of building a just and equitable society, are helped by such engagements especially where parties have represented their causes before the courts, and have either exhausted the available remedial processes or waived the opportunities afforded by the law to do so.

Like you though, we are concerned about the imposition of excessive awards, fines and punishments. In fact, the Liberian Constitution specifically proscribes such impositions. It is also true that the Liberian Supreme Court has consistently ruled against excessive judgment awards and punishments by trial courts and juries. However, such claims, over a period of sixty days as at the date of announcement of the appeal, must be regularly brought to the attention of the Supreme Court by litigants who believe the judgment award or punishment to be excessive or unfairly imposed. No branch of the government, including the President, can do for a party which has been enjoined in a controversy before the courts, what the party must do for itself. Like we say in Liberia, the government hands are tied.

As to the implications of excessive awards and punishments from libelous suits on the continued exercise of free speech in the country, while we are right to be concerned, and commit ourselves to work with you and others in finding ways for appropriate reforms, which could include consideration of a defendant's ability to pay, we remain optimistic that the ongoing efforts to uphold and preserve various freedoms, including freedom of speech and worship, as well as the protection of rights of citizens, are becoming so well established, and widely embraced across

the Liberian society that it will be difficult, if not impossible, to undo. Moreover, libel falls where truth stands. It follows therefore that a professional and public commitment to reporting the truth should not be equated to censorship. It really is, and should be encouraged to remain, a duty of public officials and journalists.


As to the wellbeing of Mr. Sieh, please be reassured that after contracting malaria, a common tropical illness, he is being treated and cared for by the Liberian government at our largest medical facility. All of the rights and privileges to which Mr. Sieh is justly entitled as a citizen of Liberia under these circumstances, are and will continue to be accorded him. Meanwhile, we are not adverse, and will encourage the parties to speedily work out a much-needed resolution.

Of course we have some ways to go to become the society we aspire to be. But thanks to the resilience of the Liberian people, and the continuous friendly engagements of organizations like yours, the transformation of our society is being diligently pursued. This is also possible because as leaders, we have been bold in tackling the issues which combined to plunge our country into war. These issues have profoundly included corruption, transparency and accountability, the rule of law, preservation of freedoms and protection of rights.

Having just celebrated 10 years of living together in peace, we believe the steady progress of our country to be self-evident, and that the foundations for a functionally thriving democratic society are being solidly planted. It may please you to also know that each day the confidence of Liberians improves in regard to our desire to govern transparently and accountably, to deepen the rule of law, to protect freedoms and rights, and by such dedicated actions, to add value and new meaning to Liberian citizenship; is yet another day to celebrate our society's leap from its past of conflict and anarchy to a future of peace and security. It is within this context that we have elaborately responded to your concerns, and have requested your understanding and support.

Please accept, dear friends, our gratitude for sharing this response with your vast membership and the various stakeholders in Liberia's transformation which were copied in yours.

Sincerely,

Signed:   
Lewis G. Brown, II.

