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Executive Summary

For the past 20 years, the MFWA has been monitoring the media landscape and carrying out advocacy on freedom of expression issues across West Africa. Since 2014, it has been publishing the results of its monitoring exercise as the West Africa Freedom of Expression Monitor (The Monitor).

This edition of The Monitor covering the first quarter of the year (January -March 2017) recorded 47 violations of freedom of expression rights. This is a relatively high figure compared to those of the first and second quarter of last year. Those two quarters combined (January-June, 2016) recorded 44 violations. The immediate past quarter, October-December, 2016 also recorded just 14 violations, far below the figure for the quarter under review.

Among the issues that accounted for violations during the quarter under review is the rise in student activism as evidenced by student agitations in Guinea, Togo and Sierra Leone which resulted in confrontations with the authorities. This situation is closely linked with security agents' lack of appreciation of citizens' rights to peaceful assembly and procession.

Categories of violations recorded during the period include killing, arrests/detentions, physical attacks, shutdowns, seizure/destruction of property and digital rights abuse. Out of the ten countries featured in this report, Nigeria recorded the highest number of violations (16), followed by Togo with eight. Ghana and Guinea recorded five violations each. The rest of the violations were recorded in Benin, Burkina Faso, Cote d'Ivoire, The Gambia, Liberia and Sierra Leone.

Besides producing a high number of violations, the quarter under review was also one of the bloodiest; a total of seven demonstrators were killed in addition to two bystanders, as against four victims in the whole of 2016. Security agents accounted for 36 violations. State officials and individuals came a distant second with three violations each.

All the ten countries that recorded violations in this report have obligations under their respective national constitutions as well as international law to respect, protect and fulfill the right to freedom of expression. The MFWA therefore urges the governments in the respective countries to take measures to end impunity for crimes against journalists and to show greater commitment to upholding citizens' rights to freely express themselves through timely and effective redress mechanisms.

Introduction

From the military dictatorships of the mid-1960s to the end of the 1980s, West Africa has gradually emerged as a sub-regional model in terms of democratically elected governments. For three decades after independence in the 1960s, all the countries at various times were under repressive military regimes. Senegal, Cape Verde and (until the December 24, 1999 coup) Cote d'Ivoire remained as the only countries that had not experienced military rule in the sub-region. With the fall of Yahyah Jammeh, all the 16 countries in West Africa now have democratically elected governments.

The democratic dispensation which began in the early 1990s opened up spaces for citizens' participation in governance processes. The media environment generally improved and the right to freedom of expression (FOE) largely respected. The progress has, however, not been even; while some of the countries began practicing democratic governance only recently, others have gone through difficult transitions after violent upheavals. There is, therefore, the need to sustain advocacy on freedom of expression and human rights.

In line with this, the MFWA has been monitoring freedom of expression violations over the past two decades. Since 2014, the results of the monitoring exercise have been published periodically as the West Africa Freedom Expression Monitor (The Monitor). Since its introduction in 2014, The Monitor has served as reference material for advocacy to promote and protect media and FOE rights in West Africa. With all 16 countries in the region being parties to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, which guarantee FOE, freedom of association and assembly rights, The Monitor helps to gauge the level of compliance with these international and regional human rights frameworks.

This edition of The Monitor covers the first quarter of 2017 (January-March). Over the three-month period, a total of 47 violations of freedom of expression rights were recorded. This is a relatively high figure compared with recent decreasing trends in violations, and thus underlines the need for all stakeholders to work more assiduously towards achieving the ideals espoused in the above legal frameworks.

Methodology

The findings in this report are based on analysis of monitoring reports received from MFWA's seasoned correspondents in the 16 countries across West Africa. They monitor and report FOE violations and other related developments in the sub-region on a daily basis. For the purpose of The Monitor, the reports from the correspondents are complemented

by other reports on FOE situation in the region filed by other member organisations of the International Freedom of Expression Exchange (IFEX) and featured on the IFEX website.

Similar to previous editions of The Monitor, the January-March 2017 edition of The Monitor presents findings from the analysis of the monitoring reports under five sections: incidents of violations recorded, perpetrators, targets/victims of violations and redress for violations. The report also features an analysis of some key trends and developments within the FOE space. The report ends with a set of recommendations to key stakeholders on measures to take to improve the media and the FOE landscape in the region.

Incidents of Violations

A total of 47 violations were recorded from January - March, 2017. This is a massive rise, considering that last quarter of 2016 recorded 14 violations. The 47 violations were in nine categories. Arrests and detentions, and physical attacks were the most frequently cited violations perpetrated against individuals and journalists. The other categories of violations were killings, censorship, shutdowns, freedom of assembly and digital rights violations. There were also incidents where the personal property or working equipment of victims were seized or destroyed. The frequencies of incidents of each of the nine categories of violations are presented in Figure 1 below:

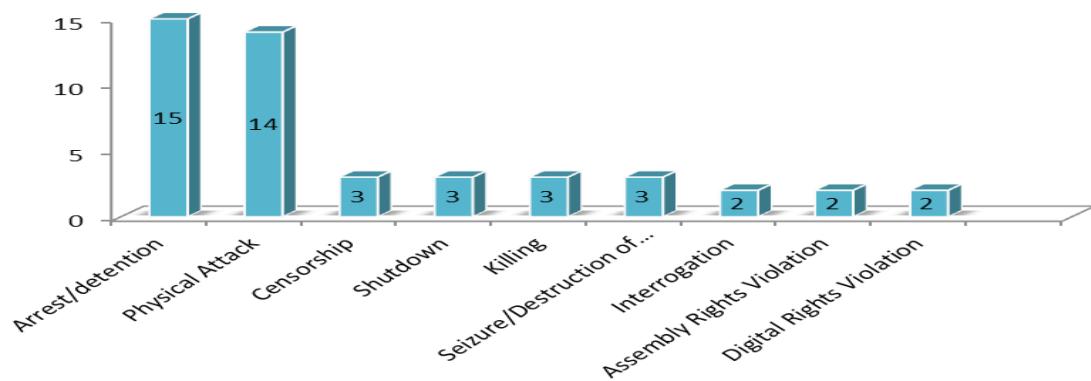


Figure 1: Types and Frequency of Violations:

Countries and Incidents of Violations

Ten out of the 16 countries in the West Africa region recorded violations. Nigeria recorded the highest number of violations (17) followed by Togo (8) and then Ghana and Guinea each recording five violations. Table 1 below gives more details of the type and number of violations perpetrated in each of the ten countries.

Country	Types of Violation									
	Killing	Physical Attack	Censor	Arrest/ Detention	Digital Rights Violation	Assembly Rights Violation	Shutdown	Interrogation	Seizure/ Destruction of Property	Total
Nigeria	0	2	2	8	2	0	1	0	1	16
Togo	1	4	0	2	0	0	1	0	0	8
Ghana	0	3	0	1	0	0	0	0	1	5
Guinea	1	2	0	1	0	0	0	1	0	5
Gambia	0	1	1	1	0	0	1	0	0	4
Sierra Leone	1	1	0	1	0	0	0	0	1	4
Côte d'Ivoire	0	0	0	1	0	0	0	1	0	2
Benin	0	0	0	0	0	1	0	0	0	1
Burkina Faso	0	1	0	0	0	0	0	0	0	1
Niger	0	0	0	0	0	1	0	0	0	1
Total	3	14	3	15	2	2	3	2	3	47

Table 1: Countries and Types of Violation

Nine types of violations were recorded in all. Arrests/detentions and physical attacks occurred 15 and 14 times respectively. Nigeria recorded the most incidents of arrests/detentions, while Togo recorded the highest number of physical attacks with four incidents.

In January 2017, there was a crackdown on the media in Nigeria in which a number of journalists were arrested in six separate incidents. There were digital rights violations against two people; a blogger, Kemi Omolulo-Olunloyo, was arrested after an Instagram post about a popular actress, while Jerry Edoho of the Ibom Nation newspaper was arrested and arraigned in court after he took to Facebook to seek confirmation of a reported crash of a commercial airplane belonging to Dana Air.

Security agents killed one person during a demonstration by commercial drivers in Togo where gendarmes and unknown individuals physically attacked journalist, Robert Avotor in separate incidents. There were physical attacks on student demonstrators in Guinea and Sierra Leone in which seven people and one person died, respectively.

Before leaving office, Yahya Jammeh's regime shut down four radio stations in The Gambia, while in Burkina Faso, security officials attacked journalists during a CAF Champions league match in Ouagadougou.

Perpetrators of Violations

Seven different types of perpetrators were responsible for the 47 violations reported in this edition of The Monitor. Similar to previous findings, security agents were the major

culprits – they carried out about 79 percent (37) of the violations recorded in the quarter under review. Security agents were responsible for all the three incidents of killings which resulted in the death of nine people in Guinea, Sierra Leone and Togo. They were also the perpetrators of 15 out of the 16 violations reported from Nigeria and six out of the eight violations recorded in Togo.

In Sierra Leone also, the police were responsible for three of the four violations cited from the country – they arrested, detained and seized the passport of Abdul Fatoma, a civil society activist. They also attacked a group of student demonstrators with tear gas and live bullets, killing one (one of the three incidents of killings recorded during the quarter). Security agents were also responsible for all the arrests, detentions, and interrogations, as well as some of the physical assault cases and the use of tear gas to disperse and disrupt students' protests and press conference in the other countries cited for violations.

The other 10 violations were perpetrated by state officials (3), individuals (3), organised groups (2), regulatory body (1) and a court (1). Table 2 below provides additional information on the perpetrators of the 47 violations in each of the 10 countries.

Country	Perpetrator						
	Security Agents	State Officials	Organised Group	Individuals	Regulator	Court	Total
Ghana	3	0	1	1	0	0	5
Liberia	0	0	0	0	0	0	0
Nigeria	15	0	0	0	0	1	16
Togo	6	0	0	1	1	0	8
Guinea	3	1	0	1	0	0	5
Niger	0	1	0	0	0	0	1
The Gambia	2	1	1	0	0	0	4
Benin	1	0	0	0	0	0	1
Cote d'Ivoire	2	0	0	0	0	0	2
Sierra Leone	4	0	0	0	0	0	4
Burkina Faso	1	0	0	0	0	0	1
Total	37	3	2	3	1	1	47

Table 2: Country and Types of Perpetrator

Targets /Victims of Violations

This section of the report looks at the direct targets and/or victims of the violations reported. Thus, the indirect victims of the violations (who are usually more than the direct victims) are not the focus of this section. Analysis of the monitoring reports showed that the main targets and victims of the violations cited in the 10 countries were journalists, media technicians, students, a citizen journalist, an activist, a media organization and a printing press.

Specifically, the 47 violations were perpetrated against 68 identifiable victims; 30 journalists in made up 25 males and five females; one female citizen journalist (blogger); nine media and printing houses; 12 ordinary citizens including students; a male civil society activist and 15 media technicians.

Redress for Violations

Generally, freedom of expression (including expressions through protests/demonstrations) violations in the region went unpunished. This often serves to empower perpetrators to flagrantly abuse journalists, media organisations, protestors and dissidents. In the quarter under review, only six out of the 47 violations recorded in Nigeria, The Gambia, Burkina Faso, Sierra Leone and Togo received some level of redress.

The Togolese Minister of Security and Civil Protection, Yak Damehame, met with journalist Robert Avotor and his editor, following two assaults on the journalist in a space of twelve days. The minister assured them that the incidents would be investigated and the assailants punished, as demanded in a petition by the MFWA and its national partner in Togo, IM2DH. That symbolic gesture is so far the only act of redress in Togo. Meanwhile, the arrest and detention of teenage student protesters and the killing of a demonstrator remain unresolved.

In Nigeria, Brigadier General Sani Usman, spokesperson for the Nigeria Army paid a visit to the office of the Premium Times in a bid to build goodwill between the Army and the media organisation. The visit came nearly two months after the police raided the Premium Times on the orders of the Army. Brigadier General Usman expressed regret over the “communication gaps” responsible for the incident and called for a new beginning in relations between the two institutions.

There was a similar rapprochement in The Gambia when the Minister of Interior, Mai Fatty, apologised to a reporter of the Foroyaa newspaper, Kebba Jeffang, who was assaulted by supporters of three political parties of the ruling coalition government. The apology

followed a successful mediation by the MFWA's national partner, the Gambia Press Union.

Still in The Gambia, the government has started the process of addressing one of the most high-profile cases of human rights abuses in the country. On February 23, 2017, Yankuba Badjie and seven other former NIA officers were arraigned before a court over the death in NIA custody of opposition figure Solomon Sandeng on April 15, 2016.

In Sierra Leone, Civil society activist Abdul Fatoma has had his seized passport returned to him after a month. The Confederation of African Football has imposed a fine of US\$30,000 on Burkinabe football club Rail Club Kadiogo (RCK) for crowd violence during their match against USMA of Algeria that resulted in physical attacks on some journalists.

We commend the disciplinary action taken by CAF against RCK of Burkina Faso and the ongoing trial of the former NIA officials in the Gambia. It is regrettable to note however, that besides the conciliatory gestures by the government and security officials in respect of the raid on the Premium Times in Nigeria, the physical assaults on Kebba Jeffang (Gambia) and Robert Avotor (Togo), no concrete action has been taken by the authorities in the three countries to bring the perpetrators of the violations to book or to provide some form of reparation for the victims.

Some Key FOE Developments

The fall of Yahyah Jammeh has brought about interesting developments and prospects for the freedom of expression environment in The Gambia.

In February 2017, President Adama Barrow issued an Executive Order to dismiss Yankuba Badjie, head of the notorious National Intelligence Agency in The Gambia. The Executive Order by the President also renamed the organisation as the State Intelligence Services (SIS) with a revised mandate.

"This new service shall only deal with intelligence gathering and analysis to protect The Gambia from external and internal threats. ... "It shall no longer arrest, detain or undertake any activities that are unconstitutional, especially with regards to civil rights," The President's Executive Order said.

This development is one of the best so far for the exercise of freedom of expression and media rights in The Gambia. The operation of this Executive Order will bring relief to journalists, critical voices and human rights activists who were often targeted by the erstwhile NIA. It will expand the frontiers of freedom of expression and media freedoms to facilitate participatory and accountable governance in the new Gambia.

In addition to the Executive Order and the government's own initiatives aimed at reforming the media sector, a number of regional and development partners have also been visiting and holding talks with the government. The Media Foundation for West Africa (MFWA) that has been working in The Gambia with its national partner organisation, the Gambian Press Union, undertook a four-day mission in the country to assess the post-Jammeh media landscape and support media reforms to improve the media's capacity to help consolidate the democratic transition in The Gambia. .

In a meeting with the delegates from the MFWA who went on the mission, President Barrow and other senior officials also restated the government's commitment to freedom of expression and to dealing with the impunity cases of Chief Ebrima Manneh, Musa Saidykhan, Deyda Hydara and others that were recorded under the Yahya Jammeh regime.

Conclusion

The 47 violations contained in this report is a relatively high figure, given that the last two quarters of 2016 recorded 25 and 14 violations respectively.

For a sub-region that is touted as a success in constitutional democracy as compared to other regions of Africa, 47 freedom expression and assembly rights violations in three months is a matter of concern. The killing of seven people exercising their right to peaceful assembly and procession, together two bystanders, makes the situation even gloomier.

The ten countries cited in this report have democratic governments underpinned by a wide range of legal safeguards for civil liberties including the right to freedom of expression and assembly. The International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, the ECOWAS Protocol on Democracy and Good Governance and the national Constitutions of the various countries in West Africa have provisions that do not only guarantee the right to free of expression but also oblige the state to uphold such rights.

The 47 violations of freedom of expression rights captured in this report therefore, underline the need for stakeholders, especially governments to give practical meaning to the afore-mentioned legal safeguards by upholding the law and ensuring justice whenever there are breaches.

To this end, the MFWA make the following recommendations for improving the freedom of expression environment in the region.

Recommendations

To Media Organisations and Journalists

- Work with high standards and professionalism at all times.
- Media managers and owners must report and denounce violations against media organisations and journalists.
- Media managers must commit to using all legal means to ensure justice for media persons whose rights are violated in the line of duty.

To Governments in West Africa

- Ensure that both state and non-state actors respect and protect the FOE rights.
- Promote the safety and protection of journalists and media organisations.
- Ensure that security agents stop violating the rights of journalists and others exercising their right to freedom of expression. Specifically, police and security forces must cease committing acts of physical attacks, arbitrary arrests and detentions against journalists and dissenting voices.
- Train security agents to appreciate the work of the media in democratic societies and to work collaboratively with them.
- Order a stop to the use of live bullets to control demonstrators

To ECOWAS

- Hold accountable culprits (both state and non-state actors) of freedom of expression violations through criminal, civil, administrative, or other sanctions to combat impunity.
- Encourage member states to “ensure respect for the rights of journalists” as stated in Article 66 of the ECOWAS Revised Treaty.
- Impose and enforce sanctions on Member States that recalcitrantly flout statutory obligations.

To the African Commission Special Rapporteur on Freedom of Expression and Access to Information

- Monitor compliance of West African countries with the binding Lohé Issah Konaté judgment of the African Court concerning decriminalisation.
- Engage the new government in The Gambia, and together with regional civil society organisations like the MFWA, fashion out a programme to build strong institutions to enhance the work of the media in The Gambia.

To the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion

- Call on the governments in West Africa, particularly Gambia, Nigeria and Guinea, where violations have been recurring, to respect and protect freedom of expression rights.

- Include more West African countries in fact-finding missions.
- Visit the countries in West Africa that have standing invitations to all thematic special procedures: Benin, Cape Verde, Ghana, Guinea-Bissau, Niger, Nigeria, and Sierra Leone to the assess FOE environment.

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