

# **FREE EXPRESSION MONITOR**

July - September, 2017



Nigeria 11, Togo 7, Mauritania 7, Ghana 4,  
Guinea 2, Gambia 1, Niger 1, Mali 1

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# Executive Summary

Over the past two decades, the freedom of expression environment in West Africa has witnessed modest improvements. The progress has largely been due to the advocacy work of freedom of expression and human rights organisations across the region.

Since 2014, the MFWA has been publishing the West Africa Freedom of Expression Monitor (*The Monitor*, in short). The Monitor is an analysis of the MFWA's daily monitoring and periodic reporting on freedom of expression (FOE) violations in West Africa.

This edition of the Monitor covering the period from July to September 2017, recorded a total of 34 violations, as against the 33 recorded in the preceding quarter.

The types of violations recorded during the period included killings, arrests/detentions, physical attacks, shutdowns, seizure/destruction of property and digital rights violations. Three people were killed during the quarter, two of them in connection with demonstrations in Togo, and the other a Nigerian journalist. It is the second time this year that a demonstrator and a journalist have been killed in Togo and Nigeria respectively. After recording no incident during the second quarter, The Gambia, where violations were rampant in recent years, recorded a single violation in this quarter.

Like the second quarter, Nigeria and Togo recorded the most violations; 11 and seven respectively. Mauritania also recorded seven while four incidents were recorded in Ghana. Guinea recorded two violations with Niger recording a single violation.

Security agents accounted for 20 violations; state officials (8), organised groups (2), the courts (2) and individuals (2)

The above violations and the impunity with which they were perpetrated call into doubt the commitment of the governments in the countries concerned with regard to their obligations under their national constitutions as well as the several regional and international charters, treaties and covenants guaranteeing the right to free expression and press freedom.

Another regrettable irony is the fact that state actors such as security agents and public officials feature among the top violators of freedom of expression rights.

In view of the above, the MFWA wishes appeal to governments in West Africa, particularly, those cited in this report, to prioritise safety of journalists and freedom of expression issues. They should do this in recognition of the important role of the media and diversity of opinion in building stable, progressive and inclusive societies.

# Introduction

Since the beginning of the 1990s, West Africa has made visible progress in constitutional governance. The progress on the political front has resulted in a marked improvement in the freedom of expression (FOE) conditions in many of the countries in the region. This improvement is evidenced by media pluralism and editorial diversity; enriched public discourse; and active participation of citizens in political processes, among others. However, the progress made so far continues to face threats from state and non-state actors. Physical attacks, arbitrary arrests and detentions, crippling fines and other coercive tools are routinely used to intimidate the media, leading sometimes to self-censorship. Some governments also resort to internet shutdowns to mute dissident or divergent voices, especially during important occasions like opposition demonstrations or general elections.

The continued assault on press freedom and FOE rights generally underlines the need for continued advocacy to protect the gains and push back the lingering threats. Pursuant to this, the Media Foundation for West Africa (MFWA) has been monitoring and reporting on the freedom of expression landscape in West Africa for the past two decades. Reports from the monitoring are often used to inform advocacy campaigns for redress of FOE violations and for the reform or repeal of repressive media laws. Since 2014, the results of the daily monitoring are collated, analysed and published on a quarterly basis as the West Africa Freedom of Expression Monitor (*The Monitor*). *The Monitor* covers violations of freedom of expression rights and allied civil liberties such as the right to peaceful assembly.

This edition of *The Monitor* covers the period July to September, 2017. During the three-month period, a total of 34 violations were recorded in eight countries. Paradoxically, the national constitutions of the countries cited in this report, along with the other countries in the region, have provisions that guarantee the right to freedom of expression and other civil liberties. These countries have also acceded to international and regional instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights which guarantee the rights to free expression and assembly.

The persistent violations of FOE and other rights in the region despite the constitutional provisions and internationally binding instruments which guarantee these rights highlight the urgent need for collaboration between stakeholders to help improve the situation through sustained advocacy for respect and protection of FOE rights in line with the legal provisions.

# Methodology

Data for this *Monitor* was gathered through the daily monitoring and reporting of FOE development (positive and negative) in the region by MFWA's seasoned correspondents. As part of the organisation's FOE advocacy, the MFWA works with its monitors to track developments in the FOE landscape, especially violations against freedom of expression rights and other civil liberties such as freedom of assembly across West Africa. (Freedom of expression (FOE) is thus used in the report to refer to general FOE issues, as well as freedom of assembly and association developments). On a daily basis, the correspondents send monitoring reports to the MFWA which are published in the form of *Alerts* to call attention to the issue and seek redress where necessary. These *Alerts* are subsequently collated, analysed and published on a quarterly basis as *The Monitor*.

To ensure comprehensive reporting, other incidents reported by fellow member organisations of the International Freedom of Expression Exchange (IFEX) and published on the IFEX website from July to September 2017, are incorporated into this report.

## Findings

The findings are presented under six sections: incidents of violations, perpetrators of violations, targets/victims of violations, comparative analysis of findings with that of the preceding quarter, and the state of redress for violations cited within the reporting period. The report also features some key trends and developments in the FOE landscape in the region and makes a number of recommendations to relevant stakeholders on measures to be taken to improve the FOE situation in West Africa.

### Incidents of Violations

The quarter under review recorded 34 FOE violations which were made up of nine categories of violations. Physical attacks (9), arrests and detentions (8) and seizure and destruction of equipment (5) were the most frequent types of violations recorded. There were also two separate incidents of killings which resulted in three deaths. The other categories of violations are shown in Figure 1. The frequency of incidents of all the nine categories of violations is also presented in Figure 1 below:

Figure 1: Types and Frequency of Violations



## Countries and Incidents of Violations

Eight out of the 16 countries in West Africa recorded violations in the quarter under review. As in the preceding quarter (April-June, 2017), Nigeria and Togo recorded the highest number of violations – 11 and seven respectively. Mauritania followed with seven violations. The violations recorded in Togo and Mauritania were largely as a result of government's crackdown on a series of opposition demonstrations. Table 1 below provides additional details on the eight countries cited and the violations perpetrated in each.

**Table 1: Countries and Types of Violations**

Country	Types of Violation									Total
	Fine	Arrest / Detention	Physical Attack	Censorship	Digital Rights	Freedom of Assembly	Sentencing	Seizure / Destruction of Property	Killing	
<i>Nigeria</i>	0	1	4	1	1	0	0	3	1	11
<i>Togo</i>	0	0	2	1	2	0	0	1	1	7
<i>Mauritania</i>	0	4	2	0	0	1	0	0	0	7
<i>Ghana</i>	1	1	1	0	0	0	0	1	0	4
<i>Guinea</i>	0	1	0	1	0	0	0	0	0	2
<i>Gambia</i>	0	0	0	0	1	0	0	0	0	1
<i>Niger</i>	0	0	0	0	0	0	1	0	0	1
<i>Mali</i>	0	0	1	0	0	0	0	0	0	1
<b>Total</b>	1	7	10	3	4	1	1	5	2	34

As indicated in Table 1, Nigeria recorded one incident of killing and four cases of physical attacks, three of which involved the destruction of journalists' equipment. The authorities in Kwara State dismissed a civil servant from his job for a Facebook post critical of the Senate President. A governor censored two journalists by banning them from covering his administration, while another governor caused the arrest and detention of a journalist over charges of false reporting.

All the seven violations recorded in Togo were linked to the recent political tensions in the country. Two demonstrators were killed in Togo on August 19. Also, Security agents physically attacked demonstrators on two different occasions. Social media was shut down for five days beginning September 5 and social media was partially disrupted for three days on September 19. On September 6, a journalist was barred from covering one of the serial demonstrations while the police seized the camera of another journalist covering the demonstration.

Similar to Togo, Mauritania witnessed a series of violations linked to political tensions. In the case of Mauritania, however, the tensions were linked to a referendum in August 2017. On July 26, the police physically attacked participants in parallel demonstrations organised by the opposition coalition in three districts of the capital – Arafat, Sebkhia and Dar-Naim districts. Several demonstrators were injured including a senator, Ould Gadda, while many others were arrested and detained. The quarter also saw the arrest and detention of four senior journalists from three media houses which were highly critical of the government – in three separate operations. The government accused the four journalists of being financed by an exiled dissident businessman, Mohammed Ould Boammatou. The Mauritanian authorities also arbitrarily barred a pro-Qatari group, Popular Initiative in Solidarity with Qatar, from organising a press conference. The conference was intended to express moral support for Qatar over the economic blockade imposed on the Gulf country by its Arab neighbours. A leading abolitionist



figure, Ali Sow, was arrested and detained in an undisclosed location on July 8, a day after participating in an anti-constitutional reforms demonstration.

In Ghana, unruly football fans physically assaulted a sports journalist and destroyed his camera during a ceremonial match between the two biggest clubs in the country, Asante Kotoko and Hearts of Oak. A high court imposed a crippling fine on a newspaper for defaming a public official while the police arrested and detained an opposition activist for defaming President Nana Akufo-Addo.

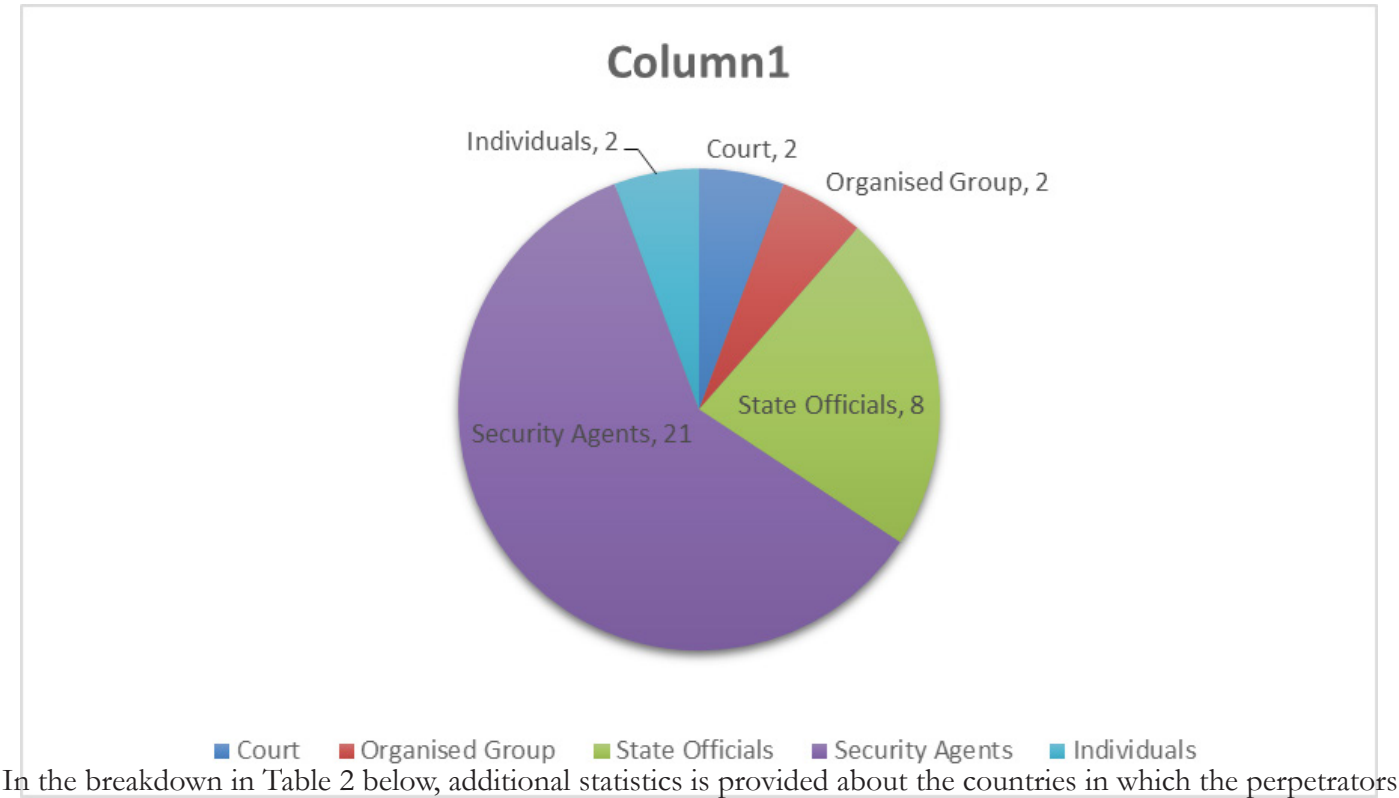
In Guinea, a journalist was arrested and detained for two hours after he was caught filming a police officer who was extorting money from a motorcyclist. The journalist’s recordings were also deleted. Similarly, a Gambian citizen who criticised the country’s Minister of Sports on Facebook was summoned by officials of the ministry and forced to delete the post.

A journalist with Bonferey TV in Niger, who is known for his unrelenting criticism of the government, was sentenced to two years in prison and stripped of his citizenship for ten years. Baba Alpha was charged with using forged documents to obtain his citizenship in a trial widely condemned as politically motivated. In Mali, a popular blogger and activist, Madou Kante, [was shot](#) in the chest by unknown assailants as he was driving early in the morning of July 25. Fortunately, he survived the attack.

Perpetrators of Violations

Five different perpetrators carried out the 35 violations. Security agents perpetrated 20 (57%) of the 34 violations recorded. State officials were responsible for eight violations while individuals, the courts and organised groups accounted for the remaining six. Figure 2 below gives more details about the frequency of violations perpetrated by the FOE violators.

Figure 2: Frequency of Violations by Perpetrators



carried out the FOE violations. The breakdown in Table 2 shows that with the exception of The Gambia and Niger, “officers in uniform” carried out 20 of the violations in five of the eight countries cited.

**Table 2: Country and Types of Perpetrator**

Country	Type of Perpetrators					
	Security Agents	State Officials	Organised Group	Individuals	Court	Total
Nigeria	7	3	0	1	0	11
Togo	5	3	0	0	0	8
Mauritania	6	1	0	0	0	7
Ghana	1	0	2	0	1	4
Guinea	2	0	0	0	0	2
The Gambia	0	1	0	0	0	1
Mali	0	0	0	1	0	1
Niger	0	0	0	0	1	1
<b>Total</b>	<b>20</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>34</b>

In Nigeria, some members of the Department of State Services, (DSS), a paramilitary group, [brutalised](#) Toba Adedeji, a reporter of the *Osun Defender* newspaper and Timothy Agbor, a correspondent of *The Point* newspaper on September 1, 2017. Agbor’s mobile phone was also destroyed by his assailants. The journalists’ only ‘crime’ was that he was covering a protest over poor working conditions by the Nigeria Union of Local Government Employees in the state capital, Osogbo.

On the same day (September 1) in Kogi State, security aides attached to the Kogi State Government House [assaulted](#) Segun Salami, a reporter working with Channels Television. About six policemen beat up the journalist whom they accused of showing disrespect by being on the phone while the national flag was being lowered. Other accounts say one of the police officers accused Salami of taunting him.

Then on September 12, some 20 soldiers stormed the Abia State Secretariat of the Nigerian Union of Journalists in Umuahia and [assaulted](#) journalists there, smashing and seizing their smartphones and iPads. The soldiers accused the journalists of unauthorised coverage of their parade dubbed “Operation Python Dance.”

Earlier, on July 30, a police officer, CSP Abdullahi, led a group of thugs to attack participants and journalists at a press conference organised by the opposition All Peoples’ Congress. A cameraman from Liberty Television [was wounded](#) and his video camera [broken](#) in an assault.

Security agents in Mauritania perpetrated six out of the seven violations recorded in the country. In three separate operations carried out on August 25, 2017, security officials [arrested](#) four journalists; Moussa Samba Sy, of the *Quotidien de Nouakchott*, Jedna Deida, of the online news portal *Maurineb*, as well as Babacar Baye Ndiaye and Rella Bâ, both of Cridem.com, an online journal. All the media outlets are private and very critical of the government in Nouakchott. The Mauritanian police also physically attacked demonstrators on July 6 and [arrested](#) dozens. Again, security forces arrested a prominent abolitionist, Ali Sow, for participating in an anti-government demonstration.



Police officers in Togo carried out two incidents of physical attacks and the [killing of five people](#) in two separate incidents. A police officer also [seized](#) the camera of a journalist, Silvia Combey, and prevented her from covering a demonstration.

In Ghana, the regional police command in the second largest city Kumasi, [arrested](#) and detained a pro-opposition activist, Frank Appiah, for defaming the President of Ghana. A police officer who was being filmed while extorting money in the city of Kindia in Guinea, [arrested](#) the journalist, Kindy Drame, who did the filming and forced him to delete the recording.

State officials followed state security agents in violating FOE rights. They carried out eight violations; three each in Nigeria and Togo, and one each in Mauritania and The Gambia. The offensive by state actors began on July 16 when Kaduna State governor, Nasir El-Rufai arraigned [Luka Binniyat](#), a journalist with the *Vanguard* newspaper before a High Court. Binniyat was charged with “breach of public peace” in connection with a story he wrote in which he alleged that some herdsmen had killed five students of the State College of Education.

Although Binniyat was recovering from an accident and arrived in court on crutches, the trial judge, Alhaji Bashir Sukola, ordered him to be remanded in custody until July 20. On the adjourned date, the Judge set tough bail conditions of N10 million (US\$28,000) with two sureties and the surrender of the sureties’ passport. Unable to meet the conditions, Binniyat was again remanded in prison. The journalist was still in prison custody as at the end of September, 2017.

On September 16, the Governor of Imo State, Chief Rochas Okorocha, [banned](#) Amby Uneze of *THISDAY* and Chidi Nkwopara of the *Vanguard* newspaper from covering activities at the State House, the seat of government. Describing the two as “enemies of government”, Chief Okorocha said the two were fond of writing unfavourable reports about his administration.

Authorities in Kwara State sacked a public servant, Biodum Baba, from his job for criticising the Nigerian Senate President, Bukola Saraki on Facebook. They also put Baba before a court in Ilorin. The Senate President had been cleared of corruption allegations by the Code of Conduct Tribunal (CCT), and commenting on this, Baba wrote; “If Saraki has been discharged by the CCT, has he been discharged by God?”

The media regulator in Togo, Haute Autorité de l’Audiovisuelle et de la Communication (HAAC), in the morning of September 6, summoned Emmanuelle Sodji and informed her that her accreditation had been [withdrawn](#) with immediate effect. Consequently, Sodji, who is a correspondent of TV5 and France 24, both French-based media organisations, could not cover an opposition demonstration scheduled for that very day. State officials in Togo also ordered a social media [shutdown on September 5](#) and a partial network disruption on September 19.

On August 28, officials of the Ministry of Sports in The Gambia summoned a young citizen, Baboucarr Kebbeh, and made him delete from his Facebook wall a critical comment about the work of the sector minister. In Mauritania, authorities arbitrarily barred a pro-Qatari group from organising a press conference to show solidarity with Qatar whose Gulf neighbours have imposed sanctions on her.

A group of supporters of Kumasi Asante Kotoko Football Club [attacked](#) a cameraman of *Hearts News*, a biweekly

newspaper belonging to rival club Hearts of Oak during a ceremonial match in Kumasi, Ghana. They also destroyed his camera. Still in Ghana, a court ordered the [Daily Post](#) newspaper to pay the equivalent of US\$180,000 in a defamation suit. Judging by the media economy in Ghana, the fine is excessive and can cripple the newspaper.

Unknown individuals [killed](#) Lawrence Okojie, a journalist with the *Nigeria Television Authority* (NTA), in Edo State, Nigeria on July 8, while a court in Niger sentenced journalist Baba Alpha to two years in prison and suspended his rights as a citizen for ten years, in what was widely perceived as a political trial of the outspoken government critic.

## **Targets /Victims of Violations**

The victims of the violations contained in this report were, as in previous reports, mostly journalists. Others were citizens expressing themselves through demonstrations or social media as well as media organisations and activists. It is worth noting that the targets/victims referred to in this report were those who directly suffered from the violations reported.

Altogether, 24 victims suffered the violations recorded. They were made up of 16 journalists, four citizens, three activists and one media house. The 16 journalists who suffered violations were from Nigeria (8), Mauritania (4), Togo (2), Ghana (1) and Niger (1). The four citizen victims were made up of the two protesters who were killed in Togo, as well as The Gambian and the Nigerian citizen who were harassed for expressing themselves on Facebook. For the four activists who suffered violations, they were from Ghana, Mali (2) and Mauritania (2). The lone media organisation directly targeted during the monitoring period was the *Daily Post* of Ghana.

It is worth noting that in some cases, the definite number of victims could not be established, as in the case of the social media disruptions in Togo which affected all users of social media in the country.

## **Redress for Violations**

Most of the violations were carried out with impunity as almost all of them remain unredressed. However, in what offers some consolation amidst the gloom, Ghana's president, Nana Addo Dankwa Akufo-Addo [declined interest](#) and asked the police to release an opposition activist, Frank Appiah, who had been arrested for defaming him (the president). Subsequently, the MFWA issued a statement commending the President Akufo-Addo's gesture as a classic example of how leaders can act to protect press freedom.

In another positive incident, a Magistrate Court in Ilorin, Nigeria, discontinued the case involving Abiodun Baba because the Senate President, Bukola Saraki, whom Baba was accused of insulting on Facebook, did not show interest in the case.

Another gesture that came close to redressing a violation was the one involving the Department of State Services (DSS). Following public backlash over their brutal attack on Toba Adedeji of the *Osun Defender* and Timothy Agbor of *The Point* newspaper, the paramilitary group showed remorse and offered 40,000 Naira (US\$110) as compensation for Agbor's destroyed camera. However, the Osun State Chapter of the Nigerian Union of Journalists (NUJ), through whom the offer was made, [rejected](#) the gesture on behalf of the journalist and insisted on justice.

The quarter under review also witnessed three cases of redress of violations perpetrated in previous quarters of

2017. On August 11, Ouleye Mané, a journalist with *Touba TV* in Senegal, was [released](#) after being arrested on June 30 and detained for about six weeks for sharing a cartoon of President Macky Sall on WhatsApp. The cartoon showed the president flirting with a woman.

In a landmark case in Niger, three officers from the anti-riot squad of the Police were on August 22, [sentenced](#) to one year imprisonment each and ordered to pay 15 million CFA (US\$26,993) in compensation to a student whom they brutalised during demonstrations held in mid-April 2017.

Still in Niger, a High Court, on September 11, provisionally [released](#) Ali Soumana, Managing Editor of a private weekly, *Le Courrier*. Soumana was detained in June after he published a warrant a court had prepared for the arrest of an individual which had not yet been issued.

## Comparative Analysis of Second Quarter and Third Quarter Findings

The findings from the July-September 2017 monitoring have some similarities with those of April-June 2017.

Nine categories of violations were coded during both quarters. With the exception of The Gambia, all the countries that recorded violations in the quarter under review (July-September, 2017) were also cited in the previous quarter April-June, 2017). Nigeria, Togo and Mauritania recorded the highest incidents of violations in both quarters. However, each of the three countries recorded more violations in the quarter under review. Nonetheless, the findings of the two periods showed some variations in other respects. Table 3 below provides additional information.

**Table 3: Frequency of Violations Recorded during the First and Second Quarters of 2017**

Country	Frequency of Violations	
	April - June	July - September
Nigeria	9	11
Togo	5	7
Mauritania	4	7
Ghana	3	4
Guinea	3	2
Niger	2	1
Mali	4	1
Gambia	0	1
<b>Total</b>	<b>33</b>	<b>34</b>

## Some Key FOE Developments

The quarter recorded some major developments on the FOE landscape of the sub-region. In Ghana, 34 radio stations were [closed down](#) by the National Communications Authority for failure to renew their long expired licenses. The telecommunications and radio frequency regulator also imposed fines on a number of stations ranging from GHC50,000 (US\$11,000) to GHC61,000,000 (US\$13.8 million).

On August 22, a top Army officer in Nigerai revealed in a television interview that the military has set up “strategic media centres that [monitor](#) the social media to be able to sieve out and react to all the ones that will be anti-government, be anti-military, (and) be anti-security.”

The revelation prompted an advocacy group, Partnership for Media and Development PAMED, to express concern that the Army's watch over individuals' activities online could [undermine](#) "the safety of media professionals, especially online journalists and those covering the activities of the military."

The quarter also saw the nomination of Ghana as the host country for the 2018 World Press Freedom Day celebrations. Ghana will be the second country in West Africa to host the World Press Freedom Day celebrations after Senegal in 2008.

## Conclusion

The three-month monitoring (July - September 2017) cited 34 incidents of FOE violations which directly impacted 25 victims made up of journalists, ordinary citizens, activists and one media organisation. Unfortunately, two separate incidents resulted in three deaths; (two in Togo and one in Nigeria). This brings to 13 the total number of people killed in the region as at the end of September in 2017. The 13 is made up of two journalists and 11 demonstrators and bystanders. Nine (9) were killed in the first quarter; one (1) in the second quarter and three (3) in the third quarter of 2017.

The disheartening part of these heinous violations is the fact that at the time of finalising the July-September-2017 report, no one had been apprehended for any of the killings. Similarly, many of the violations reported remain without any redress. Unfortunately, this is nurturing an environment of impunity which appears to be emboldening perpetrators while potentially inducing journalists and dissidents to impose self-censorship.

The trend seems to suggest a lack of commitment on the part of governments in the region to fully guarantee FOE (in all its forms) as clearly stipulated in their respective national constitutions and the other legally binding regional, continental and international frameworks they have acceded to. The Media Foundation for West Africa (MFWA), therefore, calls on all governments in the region; and regional, continental and international bodies and mechanisms to intervene in the situation to help improve the FOE environment in West Africa. The MFWA's specific recommendations are as follows:

## **Recommendations to Governments in West Africa**

- ☐ Ensure that both state and non-state actors respect and protect FOE rights.
- ☐ 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 collaborate with them.
- ☐ Order a stop to violent attacks on demonstrators and protesters

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

- ☐ Call on the governments in West Africa, particularly Nigeria, Mauritania and Togo, where violations have been recurring of late, to respect and protect freedom of expression rights.
- ☐ Include more West African countries in fact-finding missions.
- ☐ Exert pressure on the government of Togo to conduct thorough investigations into the recent killings related to demonstrations.

### **To Media Organisations and Journalists**

- ☐ Work with high standards and professionalism at all times.
- ☐ Media managers and owners must prioritise the safety of their employees at all times.
- ☐ Media managers must commit to using all legal means to ensure justice for media personnel whose rights are violated in the line of duty.



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