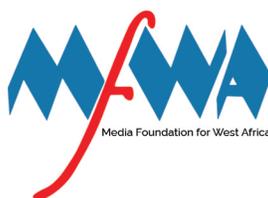




QUARTERLY REPORT

FREEDOM OF EXPRESSION MONITOR

APRIL-JUNE 2019



with funding support from:

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EXECUTIVE SUMMARY

Over the past two decades, the Media Foundation for West Africa (MFWA) has monitored and reported on violations of freedom of expression (FOE) rights in West Africa. The reports from the monitoring highlight violations, redress of violations, introduction, repeal or reform of laws affecting freedom of expression rights and other relevant developments in the FOE space. The reports also recommend to the authorities to take certain measures to forestall future violations and improve journalists' safety in the sub-region.

Over the past five years, the findings of the monitoring activities have been collated and analysed into quarterly reports titled West Africa Free Expression Monitor. Covering the period April-June, 2019, this edition of the Monitor recorded 47 violations in 11 countries.

The violation which occurred most frequently was arrest and detention with journalists and protesters bearing the brunt of 15 such incidents. Ten instances of physical attacks were recorded, making it the second most dominant type of violation.

Four protesters were killed, two each in Guinea and Benin, while the digital rights of the populations of Benin and Mauritania were violated via internet disruptions. Three incidents of shutdowns involving four media houses were recorded in Ghana and Nigeria.

Guinea recorded 11 violations to top the chart, followed by Ghana with eight and Mauritania with five.

With regard to the perpetrators, security agents carried out 24 violations, representing 51% of the violations, followed by state officials with nine. Individuals and political party affiliates perpetrated five violations each.

There were some positive developments in Ghana where President Akuffo-Addo assented to the draft RTI law passed by the country's Parliament to complete the process.

The report concludes with a number of recommendations to stakeholders urging them to address the FoE challenges in the region.

INTRODUCTION AND BACKGROUND

In contrast to the military and autocratic regimes that ruled most of West Africa from the late 1960s to late 1980s, West Africa has since the early 1990s witnessed an impressive evolution towards democracy. Currently, every country in the sub-region is a constitutional democracy with presidential term limits largely respected.

In line with the democratic dispensation, the countries have adopted constitutions and enacted legislative instruments that safeguard press freedom and freedom of expression generally. The liberal attitude inherent in a democracy has translated into a wider space for expression of divergent opinions with the media in the vanguard. The effect of this pluralistic media landscape and the increased civil society voice in public discourse has been a better informed public that is much more implicated in the governance process.

It is important to note that these progressive legal frameworks are anchored on a number of relevant regional and international treaties and covenants that the various countries have signed or ratified. These instruments include the International Convention on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR), both of which guarantee fundamental human rights including the right to free expression, and peaceful assembly.

Additionally, most of the countries have repealed Criminal Libel in line with these instruments and the general tide towards democracy.

The progressive legal environment notwithstanding, a number of countries still face some daunting challenges in upholding freedom of expression in practice, as evidenced by the violations recorded in this report. The violations range from killings to arbitrary arrests and detentions, threats, physical attacks and arbitrary shutdown of media outlets.

The report highlights abuses and provides documentary evidence to inform advocacy interventions for the promotion and protection of freedom of expression rights in West Africa. It also demands redress for violations reported.

In all, 47 violations were recorded during the period under review covering the months of [April](#), [May](#) and [June](#) 2019.

METHODOLOGY

The report, which highlights the freedom of expression (FOE) situation in West Africa, is a compilation of data from monitoring reports received from MFWA's national partner organisations and correspondents in West Africa.

The reports received from our partners and correspondents on a daily basis are published by the MFWA as "Alerts." The Alerts are republished as Monthly Round-ups and further collated using the Statistical Package for Social Sciences (SPSS) tool and developed into quarterly Monitors. The daily

monitoring reports from partner organisations and correspondents are complemented by other reports published by fellow members of the International Freedom of Expression Exchange (IFEX).

The data gathered from April to June 2019 are presented under the following sections: Incidents of Violations; Countries and Types of Violations Recorded; Perpetrators of Violations; Targets/Victims of Violations; and Redress for Violations and the Issue of Impunity. Other FOE Developments recorded during the month under review are also highlighted. The report ends with recommendations on how to improve the media and the FOE landscape in the West Africa region.

INCIDENTS OF VIOLATIONS

The 47 violations recorded in the reporting period were in nine categories – Physical attacks, arrests /detentions, seizure/destruction of equipment, killings, shutdown, threats, sentencing, denial of assembly and digital rights violations. Fifteen (15) incidents of arbitrary arrest and detention followed with ten incidents recorded in ten countries, making it the commonest type of violation perpetrated in the region during the period under review. This was followed by eleven cases of physical attacks recorded in six countries. All the categories of violations reported are presented in Table 1 below with an indication of the countries in which they occurred.

Table 1. Countries and Types of Violations

Country	Types of Violation										
	Threats	Arrest/ Detention	Physical Attack	Digital Rights Violation	Repressive Law	Sentence	Seizure/ Destruction of Property	Killing	Shutdown	Denial of Assembly	Total
<i>Guinea</i>		3	3			1	1	2		1	11
<i>Ghana</i>	1	2	2				1		2		8
<i>Mauritania</i>		2		2			1				5
<i>Nigeria</i>		1	2				1		1		5
<i>Liberia</i>	1	1		1			1				4
<i>Niger</i>		2			1						3
<i>Benin</i>		1		1				1			3
<i>S. Leone</i>		1	1				1				3
<i>Senegal</i>		1	1								2
<i>Burkina Faso</i>					1						1
<i>The Gambia</i>		1									1
<i>Guinea Bissau</i>			1								1
Total	2	15	10	4	2	1	6	3	3	1	47

As indicated in the Table above, incidents of physical attacks were recorded in six out of the 12 countries where violations were recorded. Below are highlights of the violations recorded;

On April 28, the Beninois authorities disrupted social media networks in the country and subsequently, the entire internet as tension mounted over the decision to proceed with legislative elections from which all opposition candidates had been disqualified.

On June 22 (a day after holding presidential elections), the authorities in Mauritania blocked mobile telephone connections around mid-day. It was the second interference with the internet in ten days. In what the authorities said was a measure to prevent malpractices during final year school examinations, the government of Mauritania [blocked Internet access](#) throughout the country from June 10 to 13, 2019.

Liberia had set the tone for the digital rights violations on June 7 by [disrupting social media platforms](#) as George Weah's government faced the wrath of Liberians who came out in their thousands to protest against perceived corruption and bad governance.

The onslaught against expression online continued this time through [repressive legislations](#) targeting online publications in Burkina Faso and Niger. The new penal code passed by the Burkinabe Parliament on June 21, 2019 imposes sanctions including prison sentences and fines of up to 10 million CFA francs (about US\$ 17,350) for publication, in any medium, "likely to compromise the conduct of an operation or intervention of the Defense and Security Forces against acts of terrorism." The code also requires anyone who wishes to disseminate "images and sounds of scenes of terrorist offences" to obtain prior authorisation.

A similarly controversial provision in Niger's cybercrime law adopted on June 25, 2019, imposes fines of about US\$ 8,700 and prison sentences of up to three years for online publications deemed to "undermine public order," a broad term that is liable to subjective interpretation.

In a crackdown on post-election protesters in Benin on May 1, two people were shot dead, while in Guinea, a bloody security crackdown, coupled with attacks from ruling party supporters, also left one person dead and about 22 protesters injured in the southern town of N'Zérékoré on June 13, 2019. Several protesters were arrested and a night-time curfew was imposed on the town.

On June 19, Mory Kourouma who was brutalized on April 30, alongside several opposition protesters in Guinea, [succumbed](#) to his injuries, while receiving treatment at the hospital.

Seven members of the National Front for the Defense of the Constitution (FNDC), a political group wearing shirts with the inscription "No to Constitutional Changes," opposed to President Conde's third term agenda, were arrested on May 4, 2019, at a sports stadium in Kindia where the President who was performing an official ceremony. The seven were on May 7, 2019, [sentenced](#) to three months in prison and a fine of Guinea Francs 500,000 (about US\$55) each.

On June 14, the police in Senegal violently dispersed thousands of demonstrators who were demanding transparent management of the country's oil resources. Several protesters were injured, while many leading figures of the pressure groups that organised the march were arrested.

On June 23, 2019, the police in Mauritania arrested and detained dozens of members and supporters of the opposition for protesting against the results of the previous day's presidential polls.

In a move widely perceived to be politically-motivated, the National Broadcasting Commission (NBC), Nigeria's media regulator, on June 6, 2019, suspended indefinitely the license of DAAR Communications PLC, operators of the African Independent Television (AIT) and RayPower FM, owned by Raymond Dokpesi, a leading member of the opposition politician. The subsequent closure of the two stations was, however, reversed by a court order the following day.

The National Communications Authority (NCA), the broadcasting and telecommunication frequency regulator in Ghana, on May 9, 2019, shut down Radio Gold and Radio XYZ, both based in Accra and aligned to the main opposition party, the National Democratic Congress (NDC). Security stormed the two stations in the middle of a live coverage of the NDC party's activity and ordered them to shut down for owing license fees, an action the MFWA [condemned](#) as discriminatory and lacking transparency.

On April 30, a group believed to be supporters of the ruling coalition (Arc-en Ciel) attacked two journalists who were covering a protest march in the town of Kankan. Malick Diakité from Horizon FM and Alhassane Diallo from the news website Guineealerte.com were beaten, their clothes torn and their work equipment including phones confiscated.

On June 5, a group of police officers [brutalised](#) Kofi Bartels, a reporter with Nigeria Info, a privately-owned radio station in Port Harcourt. Bartels was beaten and arrested for filming the police assaulting an adolescent. The police officers "took turns to slap, punch, kick me all over my body," the journalist posted on [Twitter](#).

In an incident that the MFWA described as "typical of military and autocratic regimes" and "unimaginable" in Ghana, national security operatives stormed the offices of ModernGhana.com on June 27, 2019, seized computers and [arrested two of journalists](#) of the online media outlet. Deputy Editor, Emmanuel Ajarfor Abugri and Emmanuel Yeboah Britwum, a reporter, were detained for three days and interrogated with Abugri reportedly tortured.

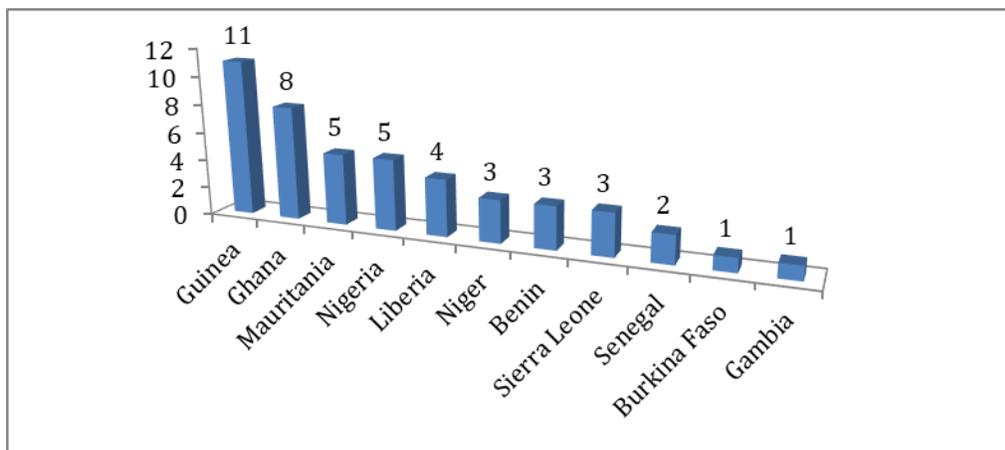
An investigative journalist, Manasseh Awuni Azure, was forced to seek asylum temporarily after he came under incessant death threats. The threats followed an investigative report by journalist, which exposed the presence in a government facility of a vigilante group allegedly aligned to the ruling new Patriotic Party. Edward Adeti, another journalist whose investigative work led to the resignation of a Minister of State, also reported threats on his life to the police.

COUNTRIES AND TYPES VIOLATIONS

Eleven countries recorded violations during the period under review. Guinea recorded the highest number (11). A proposed constitutional amendment to allow President Alpha Conde to stand for a third term in office has raised the political temperature in Guinea, leading to a series of violations against opponents of the proposal.

Ghana followed with eight violations, a 100% increase from the previous quarter violations over the period, thus continuing a recent trend of deterioration of its freedom of expression environment. Mauritania and Nigeria recorded five violations each, followed by Liberia with four. For Nigeria, which recorded 15 violations during the first quarter (January-March, 2019), the five recorded during this quarter represents a 200% improvement and one of the country's highest ratings in recent years. For the second consecutive quarter, no incidents were recorded in Mali, just like the perennially progressive Cape Verde. Figure 1 below shows the number of violations cited in each of the 11 countries.

Fig.1: Countries and Number of FOE Violations Recorded



PERPETRATORS

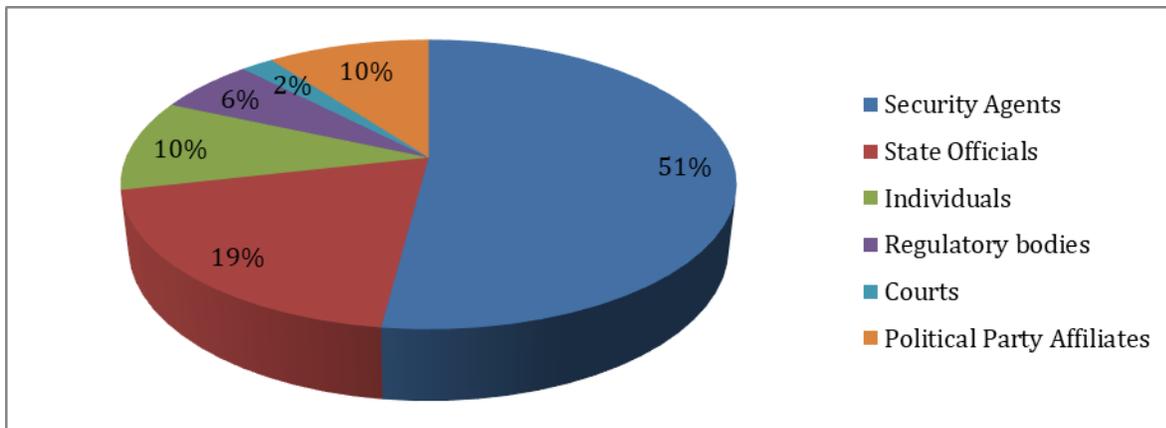
Six types of perpetrators carried out the 47 violations recorded in April-June 2019. Security agents perpetrated 24 violations accounting for 51% of the total. State officials, individuals, political party affiliates and regulatory bodies were responsible for eight (9), five (5), five (5) and three (3) violations, respectively. Table 2 below gives more details about the six categories of perpetrators involved and the number of violations carried out by each category in the 11 countries featured in this report.

Table 2: Countries and Types of Perpetrators

Country	Perpetrators						
	Security Agents	State Officials	Individuals	Regulator	Court	Political Party Affiliates	Total
Guinea	6	2				3	11
Ghana	4		2	2			8
Mauritania	2	2					5
Nigeria	3		2	1			5
Liberia	2	1	1				4
Niger	2	1					3
Benin	2	1					3
Sierra Leone					1	2	3
Senegal	2						2
Burkina Faso		1					1
The Gambia	1						1
Guinea Bissau		1					1
Total	24	9	5	3	1	5	47

Figure 2 below gives further details about the seven categories of perpetrators involved and the percentage of the violations carried out by each category of perpetrator.

Figure 2: Perpetrators and percentage of violations



TARGETS/VICTIMS

The 47 violations directly affected 77 identifiable victims, 32 of them political party affiliates in Guinea. Twenty-two (22) journalists and 19 citizens were also affected. Fifteen of the citizens involved were arrested in a single swoop on protesters in The Gambia.

Only one female journalist was involved. Four media houses (three radio stations and one television station) were also targets. In some cases, like crackdowns on demonstrators, the number of victims could not be identified. The victims of the network disruptions in the Mauritania, Liberia and Benin are not included in this table as the numbers are very large. It is estimated that the shutdowns in the three countries affected about four million internet users in total. Table 3 below provides details about the number of victims who suffered violations in the respective countries.

Table 3: Countries and Victims of Violations

Country	Victims					
	Citizens	Journalists	Political Affiliates	Party	Media Houses	Total
Guinea		2	32			34
Ghana		6			2	8
Mauritania		1				1
Nigeria		2			2	4
Liberia		3				3
Niger	2					2
Benin	2	1				3
Sierra Leone		5				5
Gambia	15					15
Guinea Bissau		2				2
Total	19	22	32		4	77

CULTURE OF IMPUNITY AND REDRESS OF VIOLATIONS

The above violations underline the continuing challenge to FOE rights in West Africa despite general improvements over the last decade. More disturbing however is the stark reality that those resisting change and continuing to tread the old path of freedom of expression violations often do so with impunity.

A Court of Appeal in Cotonou on May 16, 2019, ordered the media regulator to [lift its suspension](#) of the privately-owned *La Nouvelle Tribune* newspaper. The newspaper was suspended indefinitely on July 26, 2018, after it repeatedly published critical articles about President Patrice Talon.

In Guinea, seven people who had been sentenced for protesting against President Alpha Conde were [set free by an appeal court](#) on May 13. The court also ordered that the seized T-shirts of the convicts should be returned to them.

There were no redress actions besides the two mentioned above. This lack of redress for freedom of expression violations underlines a deep-seated culture of impunity in the sub-region. It also demonstrates a lack of commitment on part of the governments of the countries cited with regard to their obligations under various international and regional protocols to promote press freedom by protecting journalists' safety.

This situation affects the ability of the media to play its role in helping to consolidate democracy by enhancing accountable and transparent management of public resources.

OTHER KEY FOE DEVELOPMENTS

The quarter recorded a series of lawsuits in Liberia that could have a chilling effect on freedom of expression and press freedom in particular.

Liberia's Minister of State for Presidential Affairs, Nathaniel McGill, in a suit filed on April 15, [demanded US\\$500,000 in damages](#) from Henry Costa, owner of Roots FM and host of the Costa Show, and the shutdown of his radio station.

Top Liberian Musician popularly called CIC sued an entertainment blogger, Suzan Gbangaye, for defamation. Suzan joked during one of her Facebook monologues that CIC was responsible for the death in a motor accident of his friend in 2017.

On 10 July 2019, Othello B. Garblah, a journalist working with the *New Dawn* Newspaper, appeared before Judge Peter W. Gbeneweleh of a criminal court in Monrovia. The journalist was summoned to answer charges of contempt of court in connection with an article on a corruption trial case published with the photo of Judge Peter W. Gbeneweleh

Away from the lawsuits in Liberia, the National Assembly in Nigeria on May 20, 2019, introduced [restrictive guidelines](#) for media accreditation to cover its activities. The guidelines containing about 20 stringent conditions were denounced as amounting to censorship and were consequently withdrawn.

There was, however, some significant progress in other areas, with a court in Benin lifting the indefinite suspension of a newspaper and the President of Ghana assenting to the new RTI Law.

In Ghana, stakeholders on press freedom [renewed their commitment](#) to promoting the safety of journalists in the country at a Stakeholders' Dialogue organised on May 2, 2019, to mark the day. The forum was jointly organised by Media Foundation for West Africa (MFWA) and the Ghana Journalists Association (GJA).

There was a similar engagement in Guinea where media stakeholders, the security forces and the judiciary organised a **round-table** on June 27-28, to discuss ways of improving relations between these three institutions in order to protect journalists' safety in the country.

On May 21, Ghana completed the process of adopting a Right to Information RTI law when President Addo Dankwa Akufo-Addo [assented](#) the law which was recently passed by the country's Parliament.

CONCLUSION

All the 16 countries in the West Africa region have national constitutions and other pieces of legislations that guarantee freedom of expression, assembly and access to information. Almost all of them are also parties and/or signatories to regional and international instruments such as the ICCPR, the African Charter on Human and People's Rights (ACHPR) which guarantees citizens' right to due process concerning arrest and detention (Article 6), and [freedom of information and expression](#) (Article 9). Most of these countries have also ratified the International Covenant on Civil and Political Rights Article 19 (2) of which stipulates that "Everyone shall have the right to freedom of expression."

Despite these protocols, violations against the right to free expression, assembly and access to information persist. Unfortunately, state actors, who are expected to protect the universally and constitutionally guaranteed rights, are the major culprits, a situation that is fostering impunity in the region.

The situation, therefore, demonstrates a certain level of indifference on the part of the governments of the countries concerned with regard to their commitment to the above protocols.

Meanwhile, a truly free freedom of expression environment is critical to building and sustaining a credible democracy in which citizens feel encouraged to participate in public discourse without any fear of retribution from any quarters.

It is, therefore, imperative for all stakeholders to take measures to end the siege on journalists and media organisations and the repression of dissenting opinions. To this end, the MFWA makes the following recommendations towards improving the freedom of expression environment in West Africa.

RECOMMENDATIONS

To Media Organisations and Journalists

- Media managers and owners must denounce and report violations against media outlets and workers.
- Media managers must provide adequate capacity building and logistics to their staff to help them detect and avoid danger in the course of their journalistic work.
- Media owners and managers must ensure that journalists are knowledgeable about the political, cultural, physical and social conditions in the areas where they will be deployed before they are sent there.
- Media owners should institute policies to provide their staff legal assistance for work-related legal liabilities.

To Governments in West Africa

- Ensure that both state and non-state actors respect and protect freedom of expression rights.
- Promote the safety and protection of journalists and media organisations.
- Create national mechanisms to monitor and report on journalists' safety. ^[11]_[SEP]
- Hold accountable the perpetrators (both state and non-state actors) of freedom of expression, access to information and freedom of assembly violations through criminal, civil, administrative, or other sanctions to combat impunity.
- Ensure that security agents desist from acts intended to restrict or limit journalists from doing their work.
- Ensure that security agents stop violating the rights of journalists and others exercising their right to freedom of expression and assembly. Specifically, police and security forces must cease committing acts of physical attacks, arbitrary arrests and detentions and threats against journalists and people expressing dissenting opinions.
- Ensure security agents are trained in non-violent control of protesters.
- Implement the binding judgment of the African Court in the case of Lohé Issa Konaté v. Burkina Faso and amend criminal defamation laws to conform to the ruling.

Media development and rights advocacy organisations

- Monitor and report on press freedom violations
- Advocate for the respect and protection of freedom of expression, access to information and freedom of assembly rights.
- Provide advice and capacity building to stakeholders on issues such as the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures.

- Support and provide safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assist with provision of safety equipment.
- Facilitate engagements between media and police and other security agencies to ensure improved relations between the two groups.

To ECOWAS

- 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 flout statutory human rights obligations.
- Impress upon President Alpha Conde of Guinea to take steps to arrest the deadly crackdown on dissent by his political party supporters and the security forces.

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

- Monitor compliance of West African countries with the binding Lohé Issa Konaté judgment of the African Court concerning decriminalisation of freedom of expression offences.
- Encourage member states to adhere to the Declaration of Principles on Freedom of Expression in Africa.
- Engage governments of the countries where violations are rampant to take steps to end the violations and to fight impunity for attacks on journalists.

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, where high 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.



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