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Executive Summary

The Media Foundation for West Africa (MFWA) has over the past two decades been monitoring and reporting on freedom of expression (FOE) violations in West Africa and carrying out campaigns for redress, including petitions and litigations, where necessary.

Since 2014, the results of the monitoring have been published as the West Africa Freedom of Expression Monitor (The Monitor, in short). This is the second quarter edition of the Monitor, covering the period from April to June 2017. The period under review recorded 33 violations in nine countries. The figure shows an important reduction in incidents of violations, the first quarter having recorded 47.

The types of violations recorded during the period included killing, arrests/detentions, physical attacks, shutdowns, seizure/destruction of property and digital rights abuse. There were two incidents resulting in the killing of two people as against the three separate incidents recorded in the first quarter of 2017 which resulted in nine deaths. Another point worth noting is the fact that The Gambia, which consistently recorded violations in every quarter since the introduction of the monitor, recorded no violation during the period under review.

Of the 33 violations recorded, nine (the highest) were recorded in Nigeria. Togo recorded five violations while Mali and Mauritania recorded four each. Three violations each were recorded in Ghana and Guinea. The rest of the violations occurred in Niger (two), Burkina Faso and Senegal (one each). Security agents accounted for 13 violations; state officials eight; individuals seven; the courts four and organised groups one.

The countries in which the 33 violations were recorded have local laws which safeguard (FOE) and are signatories to several regional and international charters, treaties and covenants which oblige them to respect, protect and fulfill the right to freedom of expression of their citizens. The violations contained in this report and the impunity with which they were perpetrated, thus show a certain lack of political will on the part of the governments in the countries involved to fulfill these obligations.

In view of the above, the MFWA wishes to encourage the various governments in the aforementioned countries to take measures to protect journalists, human rights activists, media houses and civil society organisations against violations related to freedom of expression and assembly. We also urge governments in West Africa, particularly the countries which recorded violations, to ensure that perpetrators of FOE violations, particularly state actors such as security agents and public officials, are punished to deter future perpetrators.
Introduction

West Africa has made giant strides in its march towards democratic governance over the past 20 years. The post-dictatorship chapter in the sub-region opened in Benin in 1991 with that country’s first post-independence election which ended the 19-year rule of military strongman, Mathew Kerekou. Since then, the inexorable march towards democracy has only gathered momentum in the sub-region. Today, all the governments in West Africa are democratically elected.

These changes in the political sphere have, in the majority of cases, impacted positively on the media and freedom of expression (FOE) landscape. The military decrees and edicts have largely made way for constitutional provisions and legislations that guarantee fundamental freedoms including freedom of expression in the majority of the countries in the sub-region. This golden age of democracy in West Africa has also seen human rights and other civil society organisations like the Media Foundation for West Africa (MFWA) actively engaged in advocacy around FOE issues across the sub-region in order to consolidate the progress.

As part of its FOE advocacy activities, the MFWA has since 2014 been publishing on a quarterly basis the West Africa Freedom of Expression Monitor (the Monitor). The Monitor highlights violations of freedom of expression rights generally, and allied civil liberties such as the rights to peaceful assembly.

Since its introduction, The Monitor has served as an advocacy tool for promoting and protecting media and FOE rights in West Africa. It also helps in gauging commitment level of the 16 various countries monitored with regard to their obligations under national legislations as well as regional and international instruments regarding freedom of expression and the rights to peaceful assembly. It is worth noting that all 16 countries in the region are 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.

This edition of The Monitor covering the period April-June, 2017 recorded a total of 33 violations. This is a welcome 30 percent reduction from the 47 violations recorded during the first quarter (January to March 2017). Nonetheless, the continued incidents of violation of FOE rights in the region shows that the ideals espoused in the national, regional and international legal frameworks are not observed in practice. This, therefore, underlines the urgent need for sustained collaboration between stakeholders to ensure that FOE rights are respected and protected in line with legal frameworks.
Methodology

The MFWA has correspondents in all 16 countries of West Africa who monitor FOE developments in their assigned countries on a daily basis and report on incidents of FOE violations and other developments. The monitoring reports from the correspondents, which are published in the form of *Alerts*, are collated, analysed and published on a quarterly basis as *The Monitor*.

Findings of monitoring undertaken from April to June 2017 are presented in this edition of *The Monitor*. The findings are discussed under six sections: incidents of violations, perpetrators of violations, targets/victims of violations, comparative analysis of first and second quarter findings and the state of redress for violations cited in this report. Also highlighted in this report are some key trends and developments in the FOE landscape in the region. The report ends with a series of recommendations to relevant stakeholders on measures to take to improve the FOE situation in West Africa.

Incidents of Violations

The monitoring of FOE developments in the region cited 33 violations over the April-to-June-2017 monitoring period; a significant reduction in violations compared to the 47 violations recorded in the preceding quarter (January to March 2017). The 33 violations cited in the reporting period were made up of eight categories of violations. Physical attacks (11), arrests and detentions (6), and censorships (5) were the types of violation frequently perpetrated. The other categories of violations recorded were digital rights violation, killing, repressive legislation, threat, sentence, and seizure and destruction of property. 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](image)

Countries and Incidents of Violations

Nine out of the 16 countries in West Africa recorded violations in the quarter under review. Nigeria recorded the highest number (9) of violations followed by Togo (5). Mali and Mauritania recorded
four violations each while Ghana and Guinea recorded three apiece. Table 1 below gives more details of the type and number of violations perpetrated in each of the 10 countries.

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

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
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<td>0</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>0</td>
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<td>2</td>
<td>1</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>Togo</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Mauritania</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>gabon</td>
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<td>0</td>
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<td>0</td>
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<td>3</td>
</tr>
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<td>Cameroun</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>3</td>
</tr>
<tr>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Niger</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Senegal</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2</td>
<td>6</td>
<td>11</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
<td>33</td>
</tr>
</tbody>
</table>
Bagalé and also arbitrarily arrested and detained Ali Soumana, the Director of Publication of *Le Courrier* newspaper.

There was a Facebook disruption in Mali for three days, and two investigative journalists, David Dembele and Abobacar Diko from the online news portal, *Le Monde Afrique*, were also threatened after they exposed an alleged financial scandal involving the leadership of the Catholic Church in Mali. Also, Master Soumy, an artiste and activist who campaigned against proposed constitutional changes in Mali, was threatened by unknown individuals and his Facebook account hacked.

On June, 28, a group of musicians in Burkina Faso stormed the studio of *Radio Omega*, based in Ouagadougou and attacked a presenter, Hamed Kossa, for allegedly discriminating against local songs. In Mauritania, two Frenchwomen - Tiphaine Gosse, a freelance journalist and Marie Foray, a human rights lawyer - who were conducting a research on slavery in the country, were expelled. Oumou Kane, the leader of a youth movement, was arrested in a crackdown on a peaceful protest and subsequently convicted.

**Perpetrators of Violations**

The 33 violations were carried out by five different perpetrators. As in the previous edition, security agents were the leading culprits having perpetrated 14 of the violations. State officials were responsible for eight violations while individuals accounted for six violations. The other perpetrators were the courts (4) and organised group (1).

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

<table>
<thead>
<tr>
<th>Country</th>
<th>Security Agents</th>
<th>State Officials</th>
<th>Organised Group</th>
<th>Individuals</th>
<th>Court</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nigeria</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>Togo</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Mali</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Mauritania</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Ghana</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Guinea</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Niger</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Senegal</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>14</strong></td>
<td><strong>8</strong></td>
<td><strong>1</strong></td>
<td><strong>6</strong></td>
<td><strong>4</strong></td>
<td><strong>33</strong></td>
</tr>
</tbody>
</table>
As shown by the table above, three of the 14 violations perpetrated by security forces during the quarter were recorded in Nigeria against one victim; Ibraheema Yakubu of DW TV. In Burkina Faso a gendarme carried out the Farmer’s Day attack on a journalist in Burkina Faso. The two incidents of physical attacks as well as arrests and detention of students on the campus of the Université de Lome were also perpetrated by gendarmes. In Niger, the police carried out the killing of a student protestor and the arbitrary arrest and detention of a senior journalist. Similarly, a combined group of police officers and gendarmes were the perpetrators of the physical attack and censorship against a reporter of Gnagna TV in Guinea. Security forces also attacked and arrested demonstrators in Mauritania.

State officials were responsible for eight violations, four of them in Nigeria. These include the raid on The Sun newspaper by the federal anti-graft agency and the seizure of the accreditation of a reporter of The Punch newspaper by an aide to President Buhari. The demolition of Breeze FM was on the orders of the Governor of Nasarawa State, Umar Tanko Al-Makura.

The Governor of Lelouma Province in Guinea ordered the arrest and detention of a journalist for false reportage.

Although the Malian government denied responsibility for the Facebook shutdown in June, its failure to disclose the culprits implicates the Ministry of Communications. State officials in Mauritania ordered the two Frenchwomen who were conducting a study on slavery, to leave the country. The passage of a repressive media law in Senegal was also an initiative by state officials.

Individuals accounted for six violations including the killing of Famous Giobaro of Glory FM in Nigeria. Individuals, suspected to be land guards, were responsible for a physical attack on a TV3 reporter who was investigating encroachment on a public land in Ghana’s capital, Accra. Also in Ghana, construction workers physically attacked a reporter of Otec FM in Kumasi. In Mali, unknown individuals threatened two reporters in one incident and, in another incident, threatened an artiste and hacked his Facebook account.

An organised group, namely a local musicians’ group CORA/FB, carried out physical assault on a presenter at Radio Omega in Burkina Faso.

The courts sentenced two student leaders who were the victims of gendarmes’ brutality in Togo. Similarly, a court in Mauritania sentenced the leader of a youth movement who was arrested during a demonstration. The courts denied journalists access to news source in Nigeria and Ghana when the judges presiding over cases ordered all reporters out of their respective courtrooms.
Targets /Victims of Violations

This section of the report focuses on the direct targets and/or victims of the violations reported. In all 30 individuals and two media houses were affected by the violations. The 30 individuals are made up 24 journalists, three citizens and three activists.

Out of the 24 journalists affected, 13 were in Ghana, including the 11 who were expelled from a magistrate’s court in Accra. The two other victims in Ghana, both males, were Isaac Nsiah Foster of OTEC FM and Myepaul Sowah of TV3, who were assaulted by some individuals in separate incidents.

The 11 other journalist victims include David Dembele and Abobacar Diko of Le Monde Afrique in Mali; the French freelancer, Tiphaine Gosse, who was deported from Mauritania; Guinea’s Amadou Sadjo Diallo and Boubacar Camara. Others are Guezouma Sanogo and Ahmed Kossa, both of Burkina Faso. The rest are Famous Giobaro (Glory FM), Lekan Adetayo (The Punch) and DW correspondent Ibraheema Yakubu, all of (Nigeria), as well as Ali Soumana and Malah Bagalé (Niger).

The three activist victims are Master Soumy (Mali), Marie Foray and Oumou Kane (Mauritania). The three citizens are Satchivi Foly and Marius Amagbegnon (Togo) and Malah Bagale (Niger). The media houses affected are Breeze FM and The Sun, both in Nigeria.

Redress for Violations

The overwhelming majority of the violations contained in this report were yet to receive redress at the time of preparing this report. Only two of the violations, one each from Burkina Faso and Nigeria, drew some form of reaction from the authorities concerned. However, the reaction did not go far enough to restore the right of the victims or punish the perpetrators.

Burkinabe president, Roch Marc Kaboré condemned the attack on journalist, Guezouma Sanogo by one of his security guards: “I wish to state with all solemnity that I am sincerely sorry about what happened; it is not proper that such incidents should occur in this era”, the president said, while wishing the journalist “a speedy recovery.” There has, so far, been no action.

The Senate Committee on Information in Nigeria visited the site of the demolished Breeze FM building and condemned the act. The Committee members expressed solidarity with the Management of the radio station and urged the government of Nasara State to pay compensation.

Following the fall of the Yahya Jammeh regime, the new leaders in The Gambia have taken number initiatives to redress violations perpetrated under the former dictatorship. As part of these initiatives, a Magistrates’ court in Banjul, issued an arrest warrant for the suspected killers of prominent Gambian Journalist Deyda Hydara. Founder of The Point newspaper and tireless critic of Yahya Jammeh, Hydara was gunned down in a drive-by shooting by unknown assailants while on his way from work on December 16, 2004.
After Hydara’s murder, the state opened an investigation which was closed after 22 days without identifying the culprits. Following a suit filed on November 23, 2011 by Hydara’s family with the help of the International Federation of Journalists-Africa, the ECOWAS Court on June 10, 2014, decided that government failed to properly investigate Hydara’s murder. The Court ordered the Gambian government to pay $50,000 in damages Hydara’s family and $10,000 as legal costs. The state is yet to comply with the Court’s judgment.

Apart the arrest warrant issued in respect of this emblematic case of impunity and the symbolic shows of concern by President Kabore and the Nigerian Senate Committee, all other violations recorded during the quarter remain without any remedies.

**Comparative Analysis of First and Second Quarter Findings**

Though the findings from the two quarters (January-March 2017 and April-June 2017) vary slightly in some variables, they also show similar trends in many respects. Killings were recorded in both quarters, and arrests and detentions were the two types of violations which were frequently perpetrated. With regard to the countries cited, the first quarter (January-March) recorded violations in 10 countries, and the second quarter (April-June) cited nine countries. It must however be noted that the countries cited in both quarters were not necessarily the same. Specifically, Benin, Cote d’Ivoire, The Gambia and Sierra Leone, which were cited in the first quarter, did not feature in the second quarter findings. Similarly, Mali, Mauritania and Senegal which were cited in the second quarter did not feature in the first quarter.

On a relatively positive side, the figure recorded in Nigeria dropped by almost 50%. Similarly, all the countries which were featured in both quarters either recorded a decline or the same number of violations, except Burkina Faso and Niger where the figure increased from one violation to two. Table 3 below provides further detail about the frequency of violations perpetrated in the respective countries during the first and second quarters of 2017.

**Table 3: Countries and number of violations recorded during the first and second quarters of 2017**

<table>
<thead>
<tr>
<th>Country</th>
<th>Frequency of Violations Recorded</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>January - March</td>
</tr>
<tr>
<td>Nigeria</td>
<td>16</td>
</tr>
<tr>
<td>Togo</td>
<td>8</td>
</tr>
<tr>
<td>Mali</td>
<td>-</td>
</tr>
<tr>
<td>Mauritania</td>
<td>-</td>
</tr>
<tr>
<td>Ghana</td>
<td>5</td>
</tr>
<tr>
<td>Guinea</td>
<td>5</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>1</td>
</tr>
<tr>
<td>Niger</td>
<td>1</td>
</tr>
<tr>
<td>Senegal</td>
<td>-</td>
</tr>
<tr>
<td>Cote d’Ivoire</td>
<td>2</td>
</tr>
</tbody>
</table>
Some Key FOE Developments

There were cases of media unprofessionalism and other press offenses which resulted in penalties ranging from suspensions, contempt charges and imposition of huge damages in Ghana, Guinea, and Togo.

The media regulator in Togo suspended for one month *La Nouvelle* newspaper for “insensitive reporting.” This was after the paper published gruesome pictures of dead and mutilated bodies of victims of past political violence in the country.

For interpreting a provision in the Guinean civil code to mean that “All children born to polygamous couples from 1968 onwards are bastards”, Mohamed Mara, a radio presenter on Espace FM in Guinea was suspended for one month by the media regulator, which considered his comments as an insult. The programme, *Grandes Geueles*, was also suspended for a month.

In Ghana, the police arrested and charged two journalists with “causing fear and panic” after the two, (Iddrisu Awudu of Winners FM and Mark Abrey of Techiman Times), failed to substantiate their allegations that murderers and kidnappers had invaded Techiman, a town in the Brong Ahafo Region. The two journalists eventually opted for an out-of-court settlement after grappling with the law over a month and half.

A journalist with the *Daily Graphic*, Ghana’s leading newspaper with nationwide circulation, was sentenced to a fine of Ghc5,000 (about US$1,200) for publishing an interview judged to be contemptuous of a High Court in Accra.

On June 30, operatives of the Bureau of National Investigations stormed the studios of Zaa Radio in Tamale in the Northern Region of Ghana to disrupt a programme that was thought to be fanning religious conflict.

In Cote d’Ivoire, a new press bill which sought to reintroduce prison terms and crippling fines for press offenses was introduced. However, the bill was withdrawn for further study and wider consultation following vehement opposition from the media in the country and civil society including the MFWA and its national partners across West Africa who petitioned the Ivorian president over the bill.
Conclusion

Although the 33 violations contained in this report are fewer than 47 recorded during the first quarter, the situation still gives cause for concern in a sub-region touted to be among the most progressive in Africa in terms of respect for civil rights.

The lack of remedy for the majority of the violations contained in this report, particularly, the two killings, have the potential to induce self-censorship and encourage impunity. Also, Senegal’s new repressive media law, coupled with Cote d’Ivoire’s attempt to do same, is an ominous sign of emerging intolerance of critical journalism and dissent in the sub-region.

The nine countries cited in this report are supposed to be democracies built on solid constitutional and legislative safeguards for civil liberties including the right to freedom of expression and assembly.

Additionally, they are parties to regional and international instruments such as 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, all of which have a wide range of provisions that do not only guarantee the right to free of expression but also oblige the states to uphold such rights.

The 33 violations of freedom of expression rights captured in this report therefore underline the need for all stakeholders – government, media, civil society, national assembly and security agents to work together towards ensuring that the afore-mentioned legal safeguards are observed in practice.

On the other hand, the cases of unprofessionalism captured in this report could undermine efforts at improving journalistic standards and promoting a vibrant and credible media in the sub-region.

In view of the above findings, the MFWA make the following recommendations for improving the freedom of expression environment and media professionalism in the region.

Recommendations

To Media Organisations and Journalists
• Work with high standards and professionalism at all times.
• Media managers must commit observing themselves and inculcating in their staff the highest ethical values

To Governments in West Africa
• Ensure that both state and non-state actors respect and protect 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 collaborate with them.
• Order a stop to violent attacks on demonstrators and protesters.

To ECOWAS
• Hold accountable perpetrators (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 persistently flout statutory obligations.

To the African Commission Special Rapporteur on Freedom of Expression and Access to Information
• Engage the new government in The Gambia, and together with regional civil society organisations like the MFWA, to fashion out a programme to build strong institutions to enhance the work of the post-Jammeh 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 Nigeria, Guinea 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.
• Urge Governments in West Africa to address the question of impunity for violence against peaceful demonstrators.