

West Africa Freedom Of Expression Monitor

April-June 2018

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Executive Summary

The Media Foundation for West Africa (MFWA) has been monitoring the freedom of expression (FOE) environment across West Africa over the past two decades. Since 2014, the results of the monitoring exercise are published on a quarterly basis as the *West Africa Freedom of Expression Monitor*, which serves as an index on press freedom in the region and a reference tool for advocacy.

The results over the years show a positive trend as far as the number and gravity of violations are concerned. While violations such as politically instigated attacks, enforced disappearances and detention of journalists have decreased considerably over the past few years, security agents, acting on the orders of powerful individuals or out of overenthusiasm, continue to pose considerable threats to press freedom and freedom of expression generally.

During the period, 40 violations were recorded. The violations were recorded in 13 countries. Senegal led the chart with eight reported violations. This was followed by Mali and The Gambia with six and five violations respectively. Togo and Ghana followed with four violations each. Nigeria recorded three while Cote d'Ivoire, Liberia and Mauritania recorded two violations each. Benin, Burkina Faso, Guinea and Niger recorded one violation each.

The violations included killings, physical attacks, arbitrary arrests and detentions, imprisonment, censorship, and seizure/destruction of working equipment of journalists. Security agents continued to be the lead violators as they accounted for 28 of the violations. The rest of the violations were spread across state officials, individuals, political party affiliates and organised groups.

With the exception of a few violations that were redressed or received assurances of redress from authorities, most of the violations contained in this report are yet to be remedied. This culture of impunity remains a challenge as it encourages further abuses.

This indicts the governments of the countries where violations were recorded as having disregarded their obligations to protect freedom of expression under their national constitutions, as well as relevant regional and international treaties which they are a party to. The MFWA, therefore, appeals to governments in the region to assume their full responsibilities with regard to protecting the right to freedom of expression and punishing violators of this right

Introduction

Compared to the situation in the 1960's through to the 80's, the media and freedom of expression environment in West Africa has improved significantly from the 1990's onwards. This improvement has come about as a result of the restoration of multi-party democracy in all the countries in the sub-region. The democratic dispensation has brought with it a boom in the media industry with many private newspapers and radio. The Internet and social media has also put news at the fingertips of citizens, making it possible for them to participate more in public discourse and contribute to democratic processes.

These advances are, however, challenged by the continued existence of laws that limit the enjoyment of freedom of expression and assembly rights and the persistent culture of impunity for violations against journalists, media, citizens, and activists who exercise these rights.

Critical journalists and media are censored, shut down or crippled with excessive fines or damages in criminal or civil libel suits. Journalists suffer arbitrary arrests and detentions, physical assaults and even loss of their lives.

Some governments also deploy the full force of their security apparatus against peaceful anti-government demonstrations. Sometimes the Internet or some social networking websites are shut down to muffle critical voices and to prevent images of the brutal crackdowns from reaching the outside world.

This report highlights some of the above threats to freedom of expression and of assembly, and forms part of the MFWA's advocacy efforts to improve the conditions in West Africa. The report is also intended to serve as a reference tool for advocacy by other freedom of expression and human rights organisations in the sub-region.

Methodology

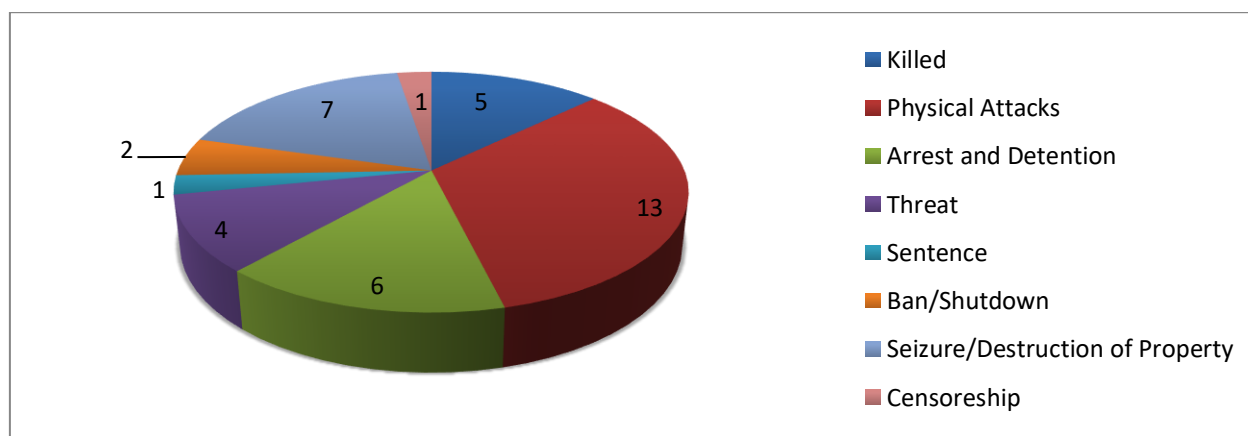
This report is a consolidation and analysis of freedom of expression monitoring reports received from the MFWA's correspondents and national partner organisations from across West Africa, which were published on our website, either as alerts or as part of a situational analysis. The information from our correspondents and partners is complemented by reports or alerts published by other partner organisations.

The findings of this report are presented in five sections: incidents of violations recorded, countries and types of violations recorded, perpetrators of violations, targets/victims of violations and redress for violations. The issue of impunity is also highlighted as well as key developments within the freedom of expression (FOE) space. The report ends with recommendations to key stakeholders on measures to take to improve the media and the FOE landscape in West Africa.

Incidents of Violations

The quarter (April-June 2018) recorded 40 violations ranging from killings, physical attacks, arrests and detentions to destruction of property. Figure 1 below illustrates the types and frequency of violations recorded.

Figure 1: Types and Frequency of Violations



Countries and Types of Violations

The 40 violations recorded during the period were reported from 13 countries: Benin, Burkina Faso, Cote d'Ivoire, Ghana, Guinea and Liberia. The rest are Mali, Niger, Nigeria, Senegal, The Gambia, Togo and Mauritania. There were no reported violations from Cape Verde, Guinea and Guinea Bissau. The highest number of violations were recorded in Senegal. This was followed by Mali with six violations and The Gambia with five violations. Togo followed with four violations.

Nigeria continued to record low numbers for violations with 3 reported cases this quarter.

Five people lost their lives during the period. Four of these individuals lost their lives while exercising their rights to peaceful assembly. All the four were killed by security forces during demonstrations. Liberian Journalist Tyron A. Brown, was killed in the early hours of April 16, 2018 while on his way to work. It is not clear how he was killed; however eye witnesses accounts say a black jeep dropped Brown's body at his residence at about 3:00am and drove off. His cellphone, modem and money were found intact, ruling out the possibility of robbery and raising concerns that his murder might be in connection with his work.

Table 1 below gives more details of the type and number of violations perpetrated in each of the 13 countries that recorded incidents.

Table 1

	Types of Violation							Total	
	Killed	Physical attacks	Arrest and Detention	Threat	Sentence	Ban/ Shutdown	Seizure/ Destruction of property		Censorship
<i>Senegal</i>	1	4	1				2		8
<i>Mali</i>		3	1				2		6
<i>The Gambia</i>	2	1	1				1		5
<i>Togo</i>	1	2					1		4
<i>Ghana</i>		1		3					4
<i>Nigeria</i>		2		1					3
<i>Liberia</i>	1					1			2
<i>Mauritania</i>							1	1	2
<i>Cote d'Ivoire</i>			1	1					2
<i>Benin</i>						1			1
<i>Burkina Faso</i>			1						1
<i>Guinea</i>			1						1
<i>Niger</i>			1						1
<i>Total</i>	5	13	7	4	1	2	6	1	40

As indicative of table 1 above, 13 of the violations were physical attacks. Six of the 13 countries that recorded violations during the period recorded physical attacks against journalists or citizens exercising their rights to freedom of expression or assembly. These incidents were reported in six countries.

Below is a highlight of some of the violations recorded during the quarter.

Senegal

April 19, 2018: Police violently dispersed protesters and arrested former prime minister, Idrissa Seck, as well as opposition figures Malick Gakou, and Thierno Bocoum. Their arrest followed a march organised by the coalition of opposition political parties to protest the revision of the electoral code of Senegal.

April 23, 2018: Police violently descended on student demonstrators of Macky Sy High School injuring many in the process. The Police fired tear gas and used physical force to disperse the high school students who were demanding an end to a teachers' strike. Security forces also assaulted two journalists, Cheik Anta Diop and Samba Fall, who were covering the violent repression of the demonstration. The police officers also damaged Samba's camera.

May 15, 2018: Senegalese security forces killed one student and injured many others after they clashed with students of Gaston Berger University who were protesting delays in the payment of their allowances. During the protest, the university authority called in gendarmes who used live ammunition and killed Mouhamadou Fallou Sene, a 25-year old student.

May 15, 2018: Police assaulted Ankou Sadjago, a journalist of the news website *Senego*, while he was covering violent clashes between students and security officers at the Universite Cheikh Anta Diop in Dakar. Sadjago was filming and streaming the violence on Senego's Facebook page when police officers seized the phone he was using and beat him up.

Mali

April 25, 2018: Some guards of Mali's President brutalised Doumba Dambele, a journalist with Kledu Radio. Dambele was covering a ceremony to inaugurate an interchange by President Ibrahim Boubacar Keita when, for no apparent reason, one of the guards threw him to the ground and assaulted him.

April 13, 2018: Police officers assaulted Mahamadou Sacko, a reporter from *Le Prétoire* newspaper, detained him and seized his mobile phone and his motorcycle. Sacko was filming the demolition of a garage by the police when they attacked him.

June 2, 2018: Police in Mali violently dispersed thousands of opposition demonstrators injuring many, including presidential candidate, Igor Mamadou Diarra, as well as journalists covering the demonstration. The police were indiscriminate in their crackdown as they targeted journalists and civil society leaders in the crowd with tear gas and truncheons. More than 20 persons were wounded in the process.

The Gambia

June 18, 2018: Police shot two demonstrators dead and injured many others in a crackdown on a protest against sand winning in their community. The Police Intervention Unit (PIU), which was deployed to control the crowd, clashed with the protesters and fired live bullets. In the process, two

people died while seven others were injured. Pa Modou Bojang, a journalist covering the demonstration, was brutalised and detained by the police. His recorder was also seized.

Cote d'Ivoire

April 6, 2018: Eighteen people, mostly opposition figures, were sentenced to 12 days imprisonment and fined 50,000 CFA Francs (about US\$95), for demonstrating for electoral reforms in the country. The judge also stripped them of their right to vote for five years and restricted their movement to their place of birth for the next three years.

April 26 2018: Unidentified people issued death threats against investigative journalist of the *Elephant Déchainé* newspaper after he published an article on economic malfeasance within a customs agency which led to the arrest and detention of the Managing Director of the agency. "We are going to shoot you. You cannot escape," read one of the messages.

Ghana

May 4, 2018: Hajia Fati, a known activist of Ghana's ruling New Patriotic Party, assaulted Ohemaa Sakyiwaa, a reporter of Accra-based Adom FM. Ohemaa said in an attempt to interview Hajia Fati, the party activist punched her mouth and almost snatched her phone from her. Hajia later claimed she did not know Ohemaa was a journalist.

May 18-30: During the period, Anas Aremayaw Anas was abused and threatened by the Member of Parliament, Kennedy Agyapong, prior to the release of Anas' latest investigative video on corruption in Ghana football. Abdul Malik Kwaku Baako, Editor-in-Chief of the New Crusading Guide, was also threatened for comments he made during a radio programme. Civil society activist, Franklin Cudjoe, was threatened for some pronouncements he had made regarding a controversial telecommunications contract the government awarded.

Nigeria

April 4, 2018: Founder of God is Able Mega Fire Ministry, Opolo, Yenagoa, Apostle Kingsley Abiekunogho, who was standing trial for fraud, directed his congregation to beat up journalists at Magistrate Court 3 in Yenagoa for taking pictures of him.

May 22, 2018: A group of men from the army, police and other security agencies beat-up Emeka Ihiegbulem while he was covering the 18th anniversary celebration of two Biafra separatist groups.

May 24, 2018: Adelani Yusuff, brother of the Deputy Speaker of the Nigeria House of Representatives threatened to "deal with" Mojeed Alabi, a reporter with New Telegraph. This threat followed Alabi's investigative article published on May 24, 2018 titled 'Exposed! Nigeria's Deputy Speaker in N1.1bn Water Contract Scam,'

Liberia

April 9: The offices of FrontPageAfrica were [shut](#) and its staff bundled away by sheriffs of a Monrovia civil court. The action was in connection with an advertiser's announcement it published, which resulted in a US\$1.8 million civil suit against the newspaper.

April 16: Tyron A. Brown, a journalist with Super FM, was killed on his way to work. Eye witness accounts say at about 3:00 AM a black jeep dropped Brown's body at his residence and drove off.

All his belongings including cellphone, modem and money were found intact, according to reports, discounting the possibility of robbery.

Togo

11, 12, and 14 April 2018: One person died following police crackdown on marches which were held in the cities of Lome, Kpalime and Sokode to demand electoral reforms. The police dispersed the crowd with tear gas, injuring about 25 persons. One Abdourahim, who got injured, died from his injuries on April 14.

April 25, 2018: A gendarme assaulted Aristide Teko Ahatefou, a journalist with *Togo Actualités*, while he was covering an opposition demonstration in Lome. Colonel Kodjo Sana Baoula, asked Ahatefou to produce documents showing that he was authorised to cover the demonstrations but rejected the press card presented by the journalist and assaulted him. The reporter's camera was damaged in the process.

Mauritania

April 29, 2018: Gendarmes in Mauritania confiscated the equipment of journalists from the independent daily, ALAKHBAR. The officers seized the equipment to enforce their order that the journalists should stop reporting on the plight of the population in a drought-stricken Temesah community.

Niger

April 15, 2018: The police arrested Abdourahamane Idé Hassane, Maikoul Zodi, and Ibrahim Diori, leaders of youth organisations for attempting to defy a ban on demonstrations in the country.

Benin

May 23, 2018: The state media regulatory body closed the *La Nouvelle Tribune* newspaper until further notice for “conducting an insulting and offensive campaign violating the Head of State’s privacy and using degrading vocabulary.” Under HAAC’s law, it can only shut down media outlets when the media violates its law. However in this instance, the HAAC cited press ethics, Benin’s information and communication law, to shut down the newspaper when neither of these provisions prescribe shutdown as a punishment for such an act- insulting the head of state as the HAAC claims.

Burkina Faso

June 14, 2018: Gerdarmes arrested and detained an activist, Naim Toure, who in a Facebook post, criticised the National Gendarmerie for the alleged neglect of a gendarme who was wounded in the course of duty. Toure was accused of inciting the armed forces to revolt.

Guinea

June 20, 2018: Minister of Justice, Cheick Sako, ordered for the arrest and detention of journalist Mamadou Saliou Diallo for defaming him in an article published by the online

newspaper, *Nemsguinee.com*. In the said publication, Diallo wrongly attributed to the Minister some controversial actions taken by his predecessor. The Minister’s action breached the Press Law of 22 July 2010 which decriminalised press offenses and excluded the keeping of journalists on remand or in preventive detention for press offenses.

More information on these violations and others cited in this report can be found on the MFWA’s website www.mfwa.org.

Perpetrators of Violations

The 40 violations were carried out by five types of perpetrators. Security agents continued their lead as the worst violators of freedom of expression and freedom of assembly rights by perpetuating 31 of the violations recorded. This was followed by individuals who accounted for five of the violations. Political party affiliates, organised groups and a regulatory body were also reported to have committed press freedom violations.

Table 2 below gives a breakdown of the perpetrators that were responsible for the violations reported in each country.

Table 2: Country and Types of Perpetrator

	Type of Violator					Total
	Security Agency	Political Party Affiliate	Individuals	Organised Groups	Regulatory Body	
<i>Senegal</i>	8					8
<i>Mali</i>	6					6
<i>The Gambia</i>	5					5
<i>Ghana</i>		1	3			4
<i>Togo</i>	4					4
<i>Nigeria</i>	1		1	1		3
<i>Liberia</i>	1		1			2
<i>Mauritania</i>	2					2
<i>Cote d'Ivoire</i>	1		1			2
<i>Benin</i>					1	1
<i>Burkina Faso</i>	1					1
<i>Guinea</i>	1					1
<i>Niger</i>	1					1
Total	31	1	6	1	1	40

Targets /Victims of Violations

This section of the report focuses on the direct targets and/or victims of the violations reported. It excludes mass victims such as a ban on public assembly/procession as it is often difficult to determine the exact number of individuals and entities affected. Also in instances such as Internet shutdowns it is not immediately clear how many persons were affected. This is because while there could be a generally estimated number of Internet users in a country or area, these figures are usually based on usage of mobile phones etc. Also sometimes while some of the violations affected a group with a definite number, the gender distribution of the group could also not be established.

In all, a total of about 102 identifiable persons/entities were affected by the 40 violations, made up of 80 citizens and activists, 20 journalists, and two media organisations. Crackdowns on protests in Senegal, Togo, The Gambia and Mali accounted for the huge number of citizen victims. These victims were mostly physically attacked or arrested. It must be noted, however, that there were several individuals whose rights were violated in the period but are not included in the figure of victims as there were no official records. For example there are no official figures regarding the number and identities of all the persons affected by the crackdown on the demonstrations in Senegal. Also, the number of victims from the violent dispersion of thousands of demonstrators in Mali could not be ascertained.

Culture of Impunity and Redress of Violations

Most of the violations recorded during the period are yet to be addressed. However, there were some encouraging developments. Following the fatal demonstration in The Gambia, the President, Adama Barrow, rendered an apology to the victims and assured citizens that the right measures would be taken to forestall such an event. The Inspector General of Police also rendered an apology and indicated that the officers involved would be sanctioned. He further went on to tender in his resignation. This is a positive development as it has become evident that freedom of expression and freedom of assembly rights are being respected in The Gambia.

One redress action recorded during the period was the replacement of the camera of Aristide Teko Ahatefou, a journalist with the online news website *Togo Actualités*, whose camera was destroyed on April 25, 2018 by the gendarme identified as Colonel Kodjo Sana Baoula. A few days after the incident, the Minister of Security and Civil Protection, Yark Damehame, condemned the assault on the journalist and replaced the damaged camera.

These are but the positive steps that were taken after the violations. However as stated earlier, many of the violations remain unaddressed.

The lack of accountability for these abuses encourages further abuses. Impunity is entrenched when violators of human rights are not held accountable. The persistence of impunity for crimes against journalists is a real threat to quality and independent journalism which is a prerequisite for inclusive, transparent and accountable governance.

The continued repression of demonstrations is also very disturbing as in most cases these abuses by security forces are carried out with approval from government or in the assurance that, there would be no repercussions for abusing the rights of citizens, activists, journalists etc.

Urgent steps therefore need to be taken by governments and sub-regional bodies like the ECOWAS to reverse the trend to ensure that journalists, media outlets, citizens and civil society activists and opposition figures can enjoy their freedom of expression and assembly rights and can participate in governance processes, public debates etc. without fear.

Some Key FOE Developments

The Gambia's Supreme Court on May 9, 2018 declared as unconstitutional the law on False Publication on the Internet, among other repressive pieces of legislation, namely defamation and aspects of Sedition. The ruling, which also ordered the Government of The Gambia to repeal the offensive laws, followed a civil suit filed by the MFWA's national partner organisation, Gambia Press Union (GPU). On Sedition, the Court made a distinction between the provisions, making it criminal only where the alleged seditious materials refer to the person of the person, administration of justice or when it intends to promote hatred among different classes in society. It said there is no sedition when the target is the government as an institution.

The Government of Liberia suspended the operating licenses and authorisations issued to media operators between January 1 and June 18, 2018. According to the government, the measure was to fix "technical and administrative anomalies including duplication of frequencies to radio and television operators, and incorrect designations and submissions". The move was criticised by many who believed it was a subtle attempt to restrict the radio broadcasting environment and silence certain critics. The MFWA partner organisation in Liberia, Center for Media Studies and Peacebuilding, has said the move could be a calculated attempt on the part of the Weah-led administration to silence critical voices.

On April 3, 2018, Nigerien authorities expelled journalist Baba Alpha of the Bonferey news agency. Alpha's expulsion came after he had served a year of his two-year sentence. Following his release, the authorities reportedly drove him to Labbezanga, a border town between Niger and Mali. Alpha was arrested in March 2017, and accused of bearing false documents asserting his Nigerien nationality. Alpha was consequently jailed two years. On March 12, 2018, however, an appeals court suspended the second year of his prison term. Alpha has since his arrest maintained that he was born in Niger and has indicated his arrest and imprisonment were as a result of his critical reportage against the government.

Following a strike action by workers of the state printing press Imprimerie Nationale, on June 18, 2018, the print media industry in Mauritania has been crippled. All newspapers in the country are printed by the Imprimerie Nationale, hence the strike has affected all newspapers in the country. Workers of the printing press are among other things protesting the non-payment of government subsidy to the organisation for two years, leading to non-payment of salaries.

Conclusion

The violations recorded in this quarter constitute a breach of the various legal, national and international frameworks adopted by all the countries cited in this report to guarantee the right to freedom of expression and assembly. These frameworks include 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 respective countries.

The persistence of these violations and the almost total lack of redress tend to establish a culture of impunity which induces widespread fear, thus impairing the enjoyment of freedom of expression and freedom of assembly rights.

Given the centrality of freedom of expression and press freedom to building strong, inclusive and peaceful societies, and the inter-connectedness of freedom of expression to the enjoyment and fulfilment of other rights, every effort must be made to end the abuse of journalists and repression of dissenting voices.

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

Recommendations

To Media Organisations and Journalists

- Media owners and managers must have regular safety training programmes for journalists and other media workers.
- Media managers and owners must denounce and report 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.
- Work with high standards and professionalism at all times.

To Governments in West Africa

- Ensure the independence and plurality of media during critical periods such as elections.
- 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.
- Train security agents to appreciate the work of the media in democratic societies and to work in collaboration with the media.
- Order a stop to the use of excessive force, particularly, live bullets by security agencies to control demonstrators.

To ECOWAS

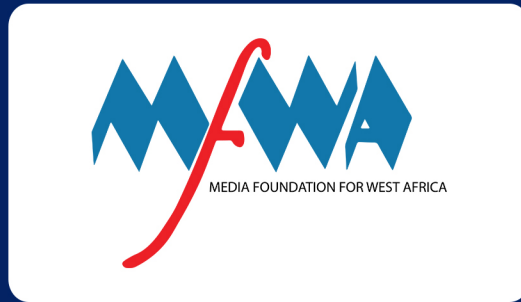
- Hold accountable culprits (both state and non-state actors) of freedom of expression, access to information and freedom of assembly violations through criminal, civil, administrative, or other sanctions to combat impunity.
- Encourage member states to “ensure respect for the rights of journalists” 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 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, Senegal, Niger, Ghana, Guinea and Nigeria 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 to the assess FOE environment.



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