



QUARTERLY REPORT

FREEDOM OF EXPRESSION MONITOR

JANUARY - MARCH 2019



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OSIWA

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EXECUTIVE SUMMARY

The Media Foundation for West Africa (MFWA) has been monitoring and reporting on violations of freedom of expression (FOE) rights in all 16 countries in West Africa. The monitoring reports highlight incidents of violation, redress of violations, introduction, review or reform of laws affecting freedom of expression rights and other positive developments. It also calls on the appropriate authorities to take action to forestall future violations.

Since 2014, the findings of these monitoring activities are collated and analysed into quarterly publications titled, the West Africa Free Expression Monitor.

This edition of the West Africa Free Expression Monitor covers the period January-March, 2019 and recorded 42 violations in nine countries.

Physical attacks on journalists and media houses (14) and arrest/detention (10) were the dominant types of violations recorded. There was one incident of killing with a journalist as the victim while a radio station was shut down in Nigeria. Fifteen violations were recorded in Nigeria, the highest in the region during the period under review, followed by Liberia with seven.

State actors, namely security agents and state officials perpetrated 14 and 10 violations, respectively, accounting for some 57% of the violations recorded. Individuals perpetrated nine violations while political party affiliates carried out five.

The monitoring also recorded some positive developments in Liberia where President George Weah on February 28, 2019, signed into law the Kamara Abdullai Kamara Bill that scraps criminal libel from Liberia's statutes. The Senate had approved the bill earlier on February 7. In Ghana, Parliament passed the Right to Information Bill which was first drafted in 1999 and put before the House in 2010.

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

INTRODUCTION AND BACKGROUND

After attaining independence in the 1960's with elected governments at the helm, almost all the countries in West Africa had their constitutional order disrupted within a decade by a wave of military coups. By the late 1970's only Cote d'Ivoire, Cape Verde and Senegal had avoided the coup phenomenon in the region.

Over the past nearly three decades, however, the sub-region has witnessed a mass return to democracy that has left almost no country behind. The transition has led to a boom in the media industry with repressive military decrees having given way to constitutional provisions and legislative instruments that are relatively protective of press freedom and freedom of expression generally.

Additionally, the countries in the sub-region are signatories to, or have ratified a number of regional and international treaties and covenants that guarantee fundamental human rights including the right to free expression, assembly and access to information. These instruments include the International Convention on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR).

In line with these instruments and the general tide towards democracy, most of the countries have repealed Criminal Libel. Liberia joined these countries during the quarter under review, leaving Sierra Leone, Senegal, Mali and Guinea Bissau as the only countries whose laws allow criminal prosecution for defamation and libel.

During the quarter, Ghana's Parliament also passed the Right to Information law in March, bringing to ten the number of countries in the sub-region which have given their citizens the legal right to access public information. The other nine are Nigeria, Sierra Leone, Liberia, Cote d'Ivoire, Burkina Faso, Togo, Benin, Niger and Guinea.

Despite the progressive legal environment, some formidable challenges to freedom of expression still persist in a number of countries. These challenges are evidenced in the freedom of expression violations recorded in this report. The violations range from killings to threats, physical attacks, arbitrary arrests and detentions and arbitrary closure of media outlets.

For over 20 years, the MFWA has been monitoring, collating and highlighting these violations. Since 2014, the results of the monitoring have been published as the West Africa Freedom of Expression Monitor (The Monitor). The Monitor highlights abuses, demands redress and provides documentary evidence to inform advocacy interventions for the promotion and protection of freedom of expression rights in West Africa.

This edition of The Monitor covers the period January, February and March, 2019 and recorded 42 violations including one killing in Ghana.

METHODOLOGY

The Monitor, which highlights freedom of expression developments and challenges in West Africa, is a periodic report on the freedom of expression (FOE) situation in the sub-region – the 15 ECOWAS member-states and Mauritania. The report is compiled using data from monitoring reports received from MFWA's national partner organisations and correspondents in the various countries.

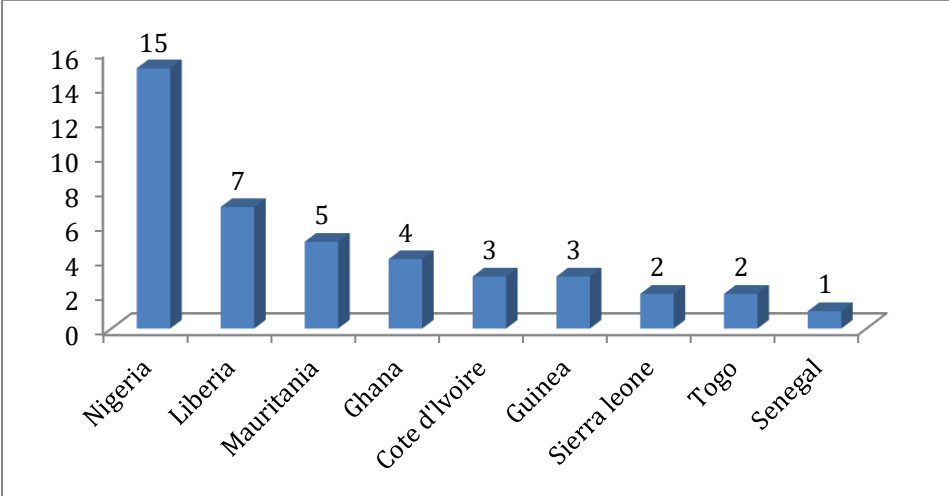
The daily monitoring reports received from our partners and correspondents are published by the MFWA as "Alerts." The highlights of the alerts are further published as Monthly Round-ups and finally collated and analysed using the Statistical Package for Social Sciences (SPSS) tool to produce the quarterly 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) in the West Africa region.

Results from the collation and analyses of the data gathered from January to March, 2019 are presented below 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 observed in the course of the monitoring 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

Nine out of the 16 countries in the West Africa region recorded violations. Nigeria recorded the highest incidents of violations (15), followed by Liberia (7); Mauritania (5); Ghana (4) and Guinea and Cote d'Ivoire (3) each; Togo and Sierra Leone recorded two (2) violations each with Senegal recording a single incident. The seven countries where no violations were reported are Benin, Burkina Faso, Cape Verde, The Gambia, Guinea Bissau, Mali and Niger. Figure 1 below depicts the number of violations cited in each of the 9 countries.

Fig.1: Countries and Number of FOE Violations Recorded



COUNTRIES AND TYPES VIOLATIONS

The 42 violations recorded in the reporting period were in 12 categories – Physical attacks, arrests /detentions, seizure/destruction of equipment, killings, ban/suspension, fines, shutdown, threats, sentencing, denial of assembly, digital rights and censorship. Fifteen incidents of physical attacks were recorded in six of the nine countries featured in this report, making it the commonest type of violation perpetrated in the region during the period under review. Arbitrary arrest and detention followed with ten incidents recorded in four countries. There was also an incident of killing of an

investigative journalist. 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												
	Killing	Threat	Physical Attack	Censor	Arrest/ Detention	Digital Rights Violations	Denial of Assembly Rights	Ban/ Suspension	Fine	Sentence	Shutdown	Seizure/ Destruction	Total
<i>Nigeria</i>			7		6						1	1	15
<i>Liberia</i>			2	2			1					2	7
<i>M'rania</i>			1	1	2							1	5
<i>Ghana</i>	1	1	2										4
<i>Cote d'Ivoire</i>					1	1				1			3
<i>Guinea</i>					1		1		1				3
<i>S. Leone</i>			1									1	2
<i>Togo</i>								1		1			2
<i>Senegal</i>			1										1
Total	1	1	14	3	10	1	2	1	1	2	1	5	42

As indicated in the Table above, incidents of physical attacks were recorded in six out of the nine countries where violations were recorded. There was also one incident of killing in Ghana. Below are highlights of the violations recorded;

Nigeria

On January 6, the military in Nigeria went on the rampage against the *Daily Trust* newspaper. The soldiers first stormed the newspaper's regional office in Maiduguri and arrested the regional editor, Uthman Abubakar, together with a reporter, Ibrahim Sawab, after searching the premises. At the newspaper's head office in Abuja, the soldiers took away a production staff and some desktop computers.

On January 16, some hoodlums, suspected to be political party thugs, burst into the newsroom of Albaraka Radio in Bauchi State and assaulted Ibrahim Bababa, a radio presenter. The journalist sustained some injuries from the attack.

Still in Nigeria, three journalists: Emmanuel Oladesu of *The Nation* newspaper, Temitope Ogunbanke of *News Telegraph* and Abidoun Yusuf of Ibile Television [sustained gunshot wounds](#) while covering a political campaign rally on January 8 which turned bloody.

Nigeria recorded some violations during its general elections on February 23. Five journalists were arrested while they were going to interview Peter Obi, the vice presidential candidate of the opposition PDP in Anambra State; a photojournalist was hit and wounded by a bullet fired into his home by unidentified men in military uniform; and a group of journalists were barred from monitoring the collation of results at some polling stations in the country.

On March 1, Obinna Don Norman, owner and editor-in-chief of *The Realm News*, [was arrested](#) and detained by the police while he was participating in a live political programme at Flo FM, based in Umahia, the capital of Abia State. The journalist has since been held at the Afara Ibeku Prison in Umuahia on charges of cyberstalking and harassment of Abia State Senator, Theodore Orji.

Still on March 1, the National Broadcasting Commission [shut down](#) Jay FM two days after the state secret service, Department of State Services (DSS), stormed the station and [arrested](#) its chief engineer, Ojingwa Oji.

The state-level elections held across Nigeria on March 9 also recorded some violations against journalists. Political party vigilantes [attacked](#) a group of journalists covering Nigeria's Governorship elections in Kaduna State. The victims, two of whom were identified as Amos Tauna of Daily Post and Bala Shidong of Radio Nigeria, had their phones and other valuables seized or destroyed by the thugs who were creating chaos at a polling station.

Soldiers seized the cars of some journalists and held them hostage for hours at the Union bank area in Damaturu, Yobe during the governorship elections, also on March 9. Musa Mingye of *Blueprint* and *Daily Trust* reporter, Hamisu Kabir Matazu, were detained for no apparent reason despite having the Independent National Electoral Commission (INEC) approved sticker for accredited journalists on their cars and identifying themselves with their company ID cards, INEC-issued ID cards and INEC-issued reflective jackets.

On March 30, there was an incident of [arrest and detention](#) four armed operatives believed to be agents of the Department of State Services picked up Jones Abiri, Editor of the *Weekly Source* newspaper, from the premises of the newspaper and drove him away.

In **Liberia**, three armed men suspected to be sympathisers of the government stormed Roots FM on January 31 and [destroyed equipment](#) at the station's studios. The thugs repeated the act on February 10, this time, carrying away two transmitters and other studio equipment. On March 5, some unknown assailants also attacked Joy FM, based in Monrovia, disrupting the station's transmission by cutting vital transmission cables. On February 21, the House of Representatives said the reports of journalists covering the House were "repetitive" and so decided to revoke their accreditation. On the same same day, 18 out of 27 accredited journalists were prevented from entering the House by the Deputy Sergeant at-arms, who cited lack of space.

In **Mauritania**, a group of police officers perpetrated a [wanton assault](#) on a journalist, Mohamed Mahmoud Ould Khouye on March 2. Despite identifying himself to a police patrol team as a

journalist, Ould Khouye, who was returning home from work, was taken to a police station in Nouakchott and assaulted.

On March 22, two bloggers, Abderrahmane Weddady and Sheikh Ould Jiddou, were summoned before the Public Prosecutor before being held in prison custody on charges of publishing false story on Facebook about the President Mohamed Ould Abdul Aziz. Three days into their detention, police raided Weddady's home and took away his computer. On March 27, the bloggers were transferred to the central prison of Nouakchott.

Still in Mauritania, the police [briefly detained](#) two journalists, Bilal Camara and Mohamed Lemine Ould Isselmou and deleted recordings from their camera on March 26.

In **Côte d'Ivoire**, a Member of Parliament, Alain Lobognon, was detained and later [sentenced](#) to one year in prison over "false publication" charges relating to his post on twitter on a judicial matter. In a similar case, a political activist, Nabaloum was summoned by the public prosecutor and put before court.

There were four violations in **Ghana**. [Ahmed Hussein Suale](#), a member of the Tiger Eye PI investigative team, was shot and killed by unknown gunmen in Accra on January 16. An investigative journalist, Manasseh Azure Awuni, received death threats from unknown persons following his report on a vigilante group. Three journalists (one female) were brutalised by police officers on March. On March 15, a pastor, Reverend Owusu Bempah, stormed the premises of Accra-based Radio XYZ accompanied by four thugs. The invaders intimidated staff and clients of the station and were barely restrained from inflicting harm.

In Guinea, the mayor of Conakry [prohibited](#) a planned demonstration by a coalition of civil society organisations. A journalist, Moussa Yero Bah of Espace FM was ordered to pay the equivalent of US\$ 2,500 in fines after losing a defamation suit. The amount exceeded the maximum US\$ 1100 prescribed by the Guinean press code for press offenses. On March 26, the police [arrested](#) Lansana Camara, deputy managing editor of the news portal *conakrylive.info* and detained him over an investigative story he had written about fuel procurement at the Ministry of Foreign Affairs.

In **Togo**, a political activist, Foly Satchivi, was on January 18, [sentenced to two years](#) in prison with one year suspended for his participation in, and support for serial anti-government protests. On March 25, the media regulator, Haute Autorité de l'Audiovisuel et de la Communication (HAAC), revoked indefinitely the licence of Bonero Lawson-Betum, owner and Managing Editor of *La Nouvelle* newspaper, for what it described as "deliberate refusal to respect the fundamental principles of journalism." The revocation means Lawson-Betum and his newspaper have been banned indefinitely.

On January 16, supporters of **Sierra Leone's** opposition All People's Congress (APC) party [brutalized](#) a five-man crew from the AYV Media group. The assailants also damaged the equipment of the crew, while in **Senegal**, supporters of President Macky Sall attacked a bus carrying the press

corps that was covering the campaign of opposition candidate, Issa Sall, in the city of Tambacouda. Eight journalists were injured in the attack.

More details of these violations can be found on our website, www.mfwa.org.

PERPETRATORS OF VIOLATIONS

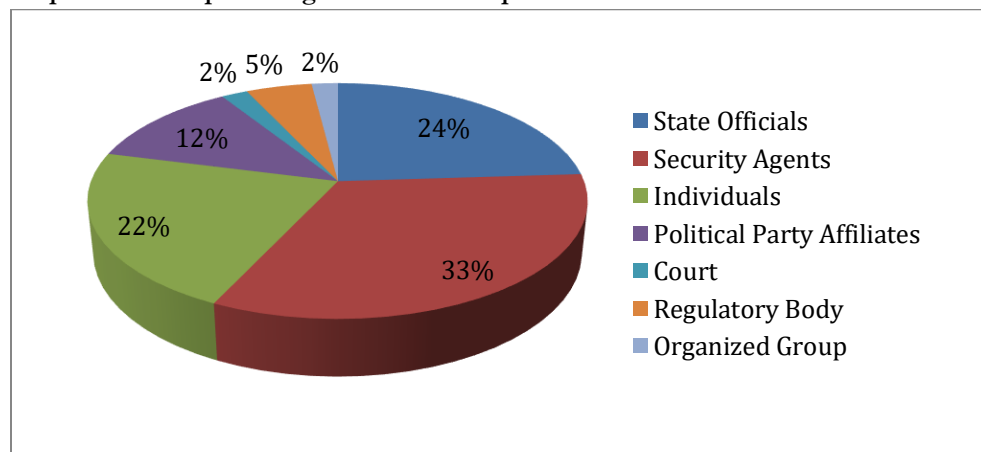
Seven types of perpetrators were responsible for the 42 violations recorded in January-March 2019. State officials and security agents were responsible for 28 violations, representing nearly 61 percent. Individuals and political party affiliates were the next big offenders with nine (9) and five (5) violations respectively. Table 2 below gives details about the seven categories of perpetrators involved and the number of violations carried out by each category in the nine countries.

Table 2: Countries and Types of Perpetrators

Country	Types of Perpetrators							Total Violations
	State Officials	Security Agents	Individuals	Political Party Affiliates	Court	Regulatory Body	Organised Group	
Nigeria		9	2	2		1	1	15
Liberia	3		4					7
Mauritania	1	4						5
Ghana		1	3					4
C. d'Ivoire	3							3
Guinea	2				1			3
S. Leone				2				2
Togo	1					1		2
Senegal				1				1
Total	10	14	9	5	1	2	1	42

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

Perpetrators and percentage of violations reported



TARGETS/VICTIMS

The 42 violations directly affected 71 identifiable victims, 58 of them journalists including 18 who were barred from covering Parliament in Liberia. A total of 15 journalist victims were recorded in Nigeria. Five of the journalist victims were identified as females. Seven media houses (five radio stations and two newspapers) were affected by the violations. Four activists, one media worker and one political party affiliate were the other victims. 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	Types of Victims					Total
	Journalists	Activists	Media Organisation	Media Worker	Political party affiliate	
Nigeria	17		2	1		20
Liberia	18		3			21
Mauritania	2	2				4
C. d'Ivoire		1			1	2
Ghana	5		1			6
Guinea	2					2
Sierra Leone	5					5
Togo	1	1	1			3
Senegal	8					8
Total	58	4	7	1	1	71

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.

Of all the violations reported above, only one has been addressed, and even that partially; the interdiction of police officers in Ghana for assaulting three journalists of the *Ghanaian Times* newspaper. Jones Abiri was released a day after his arrest, but just like the case of other journalists

and activists who were detained and released after some hours or few days, the perpetrators do not face any consequences.

This lack of redress for freedom of expression violations raises questions about the commitment of governments in the region to tackle impunity. Also, these abuses undermine quality and independent journalism which are crucial to transparent, democratic and accountable governance.

OTHER KEY FOE DEVELOPMENTS

There were two major boosts for press freedom and access to information in West Africa during the period under review. The first was President Weah's [signing into law](#) a bill to decriminalise libel. This followed earlier approvals of the bill by the Senate on February 7, 2019 and the House of Representatives on July 3, 2018.

The second progressive development occurred in Ghana where the Parliament finally [passed into law](#) the Right to Information Bill which had been before it for ten years. The law was passed on March 26, 2019, nearly 20 years after the bill was first drafted and nine years since it was first deliberated upon by the House. The law is expected to promote accountability and enhance the fight against corruption by facilitating access to public information, in line with Article 21 (1) (f) of the Constitution that guarantees the right to information.

In another development, the Media Foundation for West Africa (MFWA) in collaboration with the Nigeria Union Journalist (NUJ), the International Media Support (IMS), organised a forum on media and police relations in Abuja from February 6-8, 2019. The intervention contributed to a reduction in police-perpetuated attacks on journalists during the coverage of the country's general elections

On March 5, MFWA and its partner organisation, Union des journalistes indépendants du Togo (UJIT) organised a Forum on Security-Media Relations and the Safety of Journalists in Togo. The forum brought together senior officers from the various security agencies, officials of the media regulatory body and journalists, including editors and managers of media organisations to discuss ways of fostering a healthy working relationship between the media and security agents for the safety of journalists.

In The Gambia, authorities withdrew a new screening policy for journalists applying to cover the presidency. The new procedure, which included an interview of journalists by the state intelligence agency, was withdrawn after the Gambia Press Union, MFWA's partner organisation, called on all journalists to boycott the arrangement until its engagement with the government resulted in an agreement.

Senegal conducted elections without a single incident on during or after the elections.

Finally, Issiaka Tamboura, Editor of the *Soft* newspaper in Mali, [was released unhurt](#) on February 18 after more than 30 days in captivity. Tamboura was kidnapped in central Mali by a suspected militant group on December 27, 2018.

CONCLUSIONS

All the 16 countries in the West Africa region have national constitutions 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) and the ECOWAS Protocol on Democracy and Good Governance. Despite these provisions, 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.

Meanwhile, a truly free freedom of expression environment is one of the critical building blocks for consolidating the gains made so far in the democratisation processes in the region. There is, therefore, an urgent need for measures to be put in place by stakeholders 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 organisations and journalists.
- Media managers must provide adequate capacity building and logistics to their staff to help them detect and avoid danger in course of their journalistic work.
- Journalists must work with high standards of professionalism at all times.

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.
- 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.

To ECOWAS

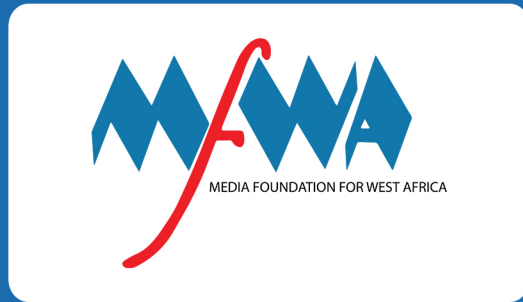
- Encourage member states to “ensure respect for the rights of journalists” as stated in Article 66 of the ECOWAS Revised Treaty.
- Impose and enforce sanctions on Member States that flout statutory obligations.

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 of freedom of expression offences.
- Encourage member states to adhere to the Declaration of Principles on Freedom of Expression in West 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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