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Executive Summary



Internet penetration over the last decade has been steadily increasing in West Africa. This has enhanced freedom online, increased active engagement of citizens on national issues using internet platforms and promoted the publication of newspapers online, thus ensuring access to multiple forms of contents.

The widespread use of new media and social media platforms has however, also resulted in increased crackdown and repression of civil and political rights in the digital space, especially by despotic governments.

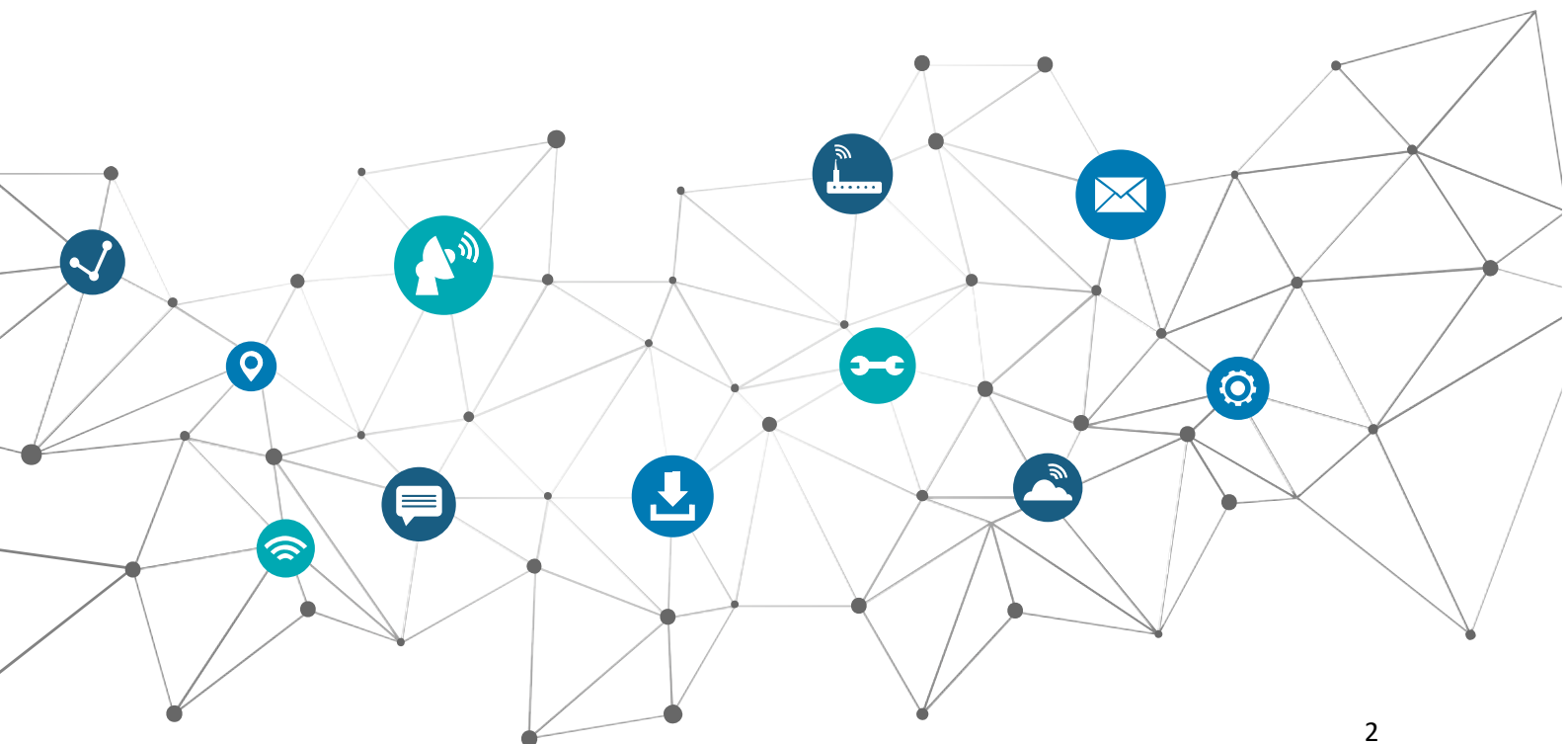
Over the years, the Media Foundation for West Africa (MFWA) has been monitoring violations of freedom of expression both offline and online. The present report covering July, August, and September, 2019, forms part of the monitoring exercise of the internet space by MFWA. This report presents findings of the monitoring exercise across the 15 ECOWAS countries, including Mauritania. It is the third of a series of four reports on internet related issues across the sub-region in 2019.

The report highlights incidents of digital rights violations and discusses the challenges confronting internet access and use in the region. The report covers nine countries – Benin, Cote d'Ivoire, Ghana, Guinea, Guinea Bissau, Mauritania, Nigeria, Senegal, and Togo. Four out of the nine countries recorded incidents of digital rights violations.

In all, eight incidents considered to be digital rights violations were recorded during the quarter. Arrest and detention, threats and intimidation were the types of violations recorded.

The report also highlights emerging threats to digital freedom and other related developments in West Africa.

The report concludes with some recommendations for improving internet access and use in West Africa.



Introduction



There has been tremendous expansion of the internet and advancement of the Information and Communication Technologies (ICTs) in the past two decades. The internet in particular has evolved at a phenomenal pace, putting information literally at the door step of people and enabling them to communicate in an instant and efficient manner that was a distant dream only two decades ago. With advances in Communication gadgets such as smartphones and other internet-enabled devices, people are now able to communicate in real time.

West Africa has enjoyed a reasonable share of the boom in communication technology. The progressive internet penetration in the region has improved civic and political rights in the region, and contributed to empowering citizens' participation in public discourses. Social media is increasingly being used to convene online gatherings to demand good governance and transparency.

However, not all governments have a progressive view of these developments. Autocratic regimes rather feel threatened by the digital empowerment of their citizens and device all manner of means to repress online freedoms. They do these through repressive laws, arrests, detention and harassment of their outspoken critics on digital platforms and even through internet shutdowns at critical moments such as elections and mass protests.

As an organisation that works to promote freedom of expression online and offline, the Media Foundation for West Africa (MFWA) has been monitoring and reporting on internet issues to help to consolidate the gains and push back against the repression.

The reports from the monitoring are published periodically as The West Africa Internet Rights Monitor and are intended at providing credible reference material for internet rights advocacy and policy dialogues at the national, regional and international levels. This edition of The Internet Rights Monitor covers nine countries – Benin, Cote d'Ivoire, Ghana, Guinea, Guinea Bissau, Mauritania, Nigeria, Senegal, and Togo.

The methodology, findings, and recommendations from the three-month (July-September 2019) monitoring are presented below.



Methodology



This report is the result of the monitoring, documenting and reporting of internet-related issues, especially violations against online expression, recorded in West Africa from July to September 2019. The monitoring is undertaken by MFWA's internet right monitors and national partner organisations across West Africa.

The MFWA also undertakes general monitoring of all the countries to complement the efforts of the monitors and partners in the various countries. The quarterly report, focuses on countries in which abuses and other developments were recorded during this quarter.

The monitoring and reporting are guided by an internet rights monitoring tool which was developed by the MFWA and shared with its national partner organisations and internet rights monitors. A user manual that provides tutorials on the monitoring tool also provides additional guidance to the monitors who send monthly monitoring reports to the MFWA. The various country reports are then analysed into quarterly reports which are published as The West Africa Internet Rights Monitor. The West Africa Internet Rights Monitor is aimed at building a credible database on access and internet rights issues to inform advocacy and shape policy interventions in the region.

Findings



In all, four countries recorded internet rights-related violations. Other countries recorded other developments related to court actions, abuse of internet usage, and cybercrime. Four journalists were arrested, threatened, and harassed in Nigeria for their online publications and social media posts. The authorities in Senegal arrested and detained a retired media professional and activist for his Facebook publication. In Benin, an investigative journalist was sued before the court for what the court termed as false news published in his online magazine. In Guinea, a journalist was dragged to court for his post on social media.

Victims of the internet rights violations were mainly journalists (seven) and social media activists (two). All the violations recorded during the period under review were perpetrated by state security agencies and state officials.

Country-Specific Findings



In Benin, mobile internet services are expanding. As of June 2019, the internet penetration rate was estimated to be about 51, 88% with 6, 273, 986¹ people having access to mobile internet in the country.

During the period under review, a magistrate's court in Cotonou on August 12, 2019, sentenced Ignace Sossou, a journalist working with Web Benin TV to a one-month suspended jail term and a fine of CFA Franc 550,000 francs (about US\$ 850). Ignace was found guilty of "publishing false information on the internet." The journalist had published two investigative articles in which he made tax evasion allegations against Jean Luc Tchifteyan, a businessman of French nationality and owner of the Tchifteyan Group of Companies based in Cotonou.

On July 30, 2019, the global social media platform, Facebook, launched its first activity in Benin under its regional programme titled "Boost avec Facebook." The initiative seeks to equip 1,500 young starts-up and entrepreneurs with digital marketing skills across seven cities in Benin.

From September 17 to 21, 2019, a national forum was held on the internet in Cotonou and Parakou, two of the biggest towns in Benin. The five-day event termed 'Benin DNS Forum'² is a major national platform set up in 2015 to deliberate on issues related to the Internet and its governance in Benin. This year's event was organised under the theme (French): "Technologie internet et perspectives économiques pour l'atteinte des objectifs du développement durable"(Internet technology and economic outlook in attaining the sustainable development goals).



In Cote d'Ivoire, internet users were reported to be about 11, 953, 653³ in June 2019 with an estimated 4,726, 000 Facebook users in September 2019⁴.

On September 20, 2019, Diane Blé⁵; student of Université Felix Houphouët Boigny d'Abidjan, was sentenced to one year imprisonment for sharing a disturbing video on social media. The video showed fans of a deceased musician digging up the grave of their idol. Other 15 persons were arrested in connection with this matter.

In another incident, a Facebook activist, Soro Tangboho, also known as Carton Noir; who was serving a one year sentence for streaming live on Facebook a video of some policemen allegedly extorting money from moto riders, had his sentence increased to two years on July 31, 2019. This

¹ ARCEP Benin (2019, June). Evolution et répartition du parc internet mobile par opérateur. *Observatoire de l'Internet, Tableau de bord au 30 Juin 2019*, Retrieved from <https://arcep.bi/wp-content/uploads/2019/09/Tableau-de-bord-Internet-au-30-Juin-2019.pdf>

² BENIN DNS FORUM (2019, September). BDF'19. Retrieved from <https://dnsforum.bi/category/activites/>

³ Internet Users statistics for Africa. (2019, June 30). Retrieved from <https://www.internetworldstats.com/stats1.htm>

⁴ Social media users in Cote d'Ivoire. (2019, 2019). Retrieved from <https://napoleoncat.com/stats/social-media-users-in-cote-divoire/2019/09>

⁵ Toure, A. (2019, September 20). Côte d'Ivoire: Profanation de la tombe de DJ Arafat, Diane Blé condamnée à un an de prison ferme, déferée à la MACA. Retrieved from https://www.koaci.com/article/2019/09/20/afrique/justice/cote-divoire-profanation-de-la-tombe-de-dj-arafat-diane-ble-condamnee-a-un-an-de-prison-ferme-deferee-a-la-maca_135078.html

followed an appeal by the State Prosecutor who argued that the one year sentence imposed on June 7, 2019, was too lenient. He was accused for "disturbing the public order" and "incitement to xenophobia".⁶ Tangboho was arrested and detained since November 7, 2018.

Still in Cote d'Ivoire, the authorities prohibited a political activist, Valentin Kouassi, from participating in political discourse including on social media. The order was part of conditions for the release of the activist who had been arrested on July 1, 2019 and charged with disturbing public order for organising an "illegal" rally in the southern city of Adzopé.



The internet and the social media landscape in Ghana is considered one of the most progressive in West Africa. As of June 2019, the number of internet users in the country was estimated at 11,737,818⁷. At the end of the quarter under review, Facebook⁸ users were about 5,737,000 people. Meanwhile, data cost and quality of services remain the biggest challenges encountered by internet and social media users.

Fifteen cybercriminals were arrested in Ghana in the course of a four-month operation dubbed "Operation reWired", which was conducted globally across 10 countries, including Ghana. The operation was carried out jointly by cyber security experts from the United States and Nigeria. The arrested persons were part of criminal organisations that perpetrate Business Email Compromise (BEC) which involved luring their victims in romance scams, and sometimes into fraudulent real estate transactions. The report on the outcome of the operation which was released on September 10, 2019 by the US Department of Justice, also said the criminals were deceiving their victims to make wire transfers to bank accounts controlled by them (the criminals).

On a positive note, Microsoft Company announced that it was partnering with Alliance for a Green Revolution in Africa (AGRA). The partnership seeks through the use of big data and artificial intelligence, to enhance precision farming that increases farm productivity and profitability to improve food security for 30 million farming households across 11 countries including Ghana. The announcement was made during the Green Revolution Forum held in Accra, from September 3 to 6, 2019.



In Guinea, the result of a survey carried out by NapoleonCat revealed that Facebook users are more than any other category of internet users in that country. The results of the survey published in September said about 1,911,800 Facebook users were recorded in the country as of June, 2019. During this quarter; two incidents related to freedom online and abusive of telecommunication law interpretation were recorded in the country.

⁶ Amnesty International (2019, June 14). Urgent Action Update: Online Activist Sentenced to One Year in Prison. Retrieved from <https://www.amnestyusa.org/urgent-actions/urgent-action-update-online-activist-sentenced-to-one-year-in-prison-cote-divoire-ua-14-19/>

⁷ Internet Users Statistics for Africa. (2019, June 30). Retrieved from <https://www.internetworldstats.com/stats1.htm>

⁸ Social media users in Ghana. (2019, September). Retrieved from <https://napoleoncat.com/stats/social-media-users-in-ghana/2019/09>

⁹ Department of Justice, Office of Public Affairs. (2019, September 2019). 281 Arrested Worldwide in Coordinated International Enforcement Operation Targeting Hundreds of Individuals in Business Email Compromise Schemes. Retrieved from <https://www.justice.gov/opa/pr/281-arrested-worldwide-coordinated-international-enforcement-operation-targeting-hundreds>

On July 10, Habib Marouane Kamara, who works with Radio Nostalgie, in Conakry was dragged to court by Aboubacar Makhissa Camara, the Director of the National Tax Service on a defamation charge. The journalist had posted corruption allegations on Facebook against the Director of the National Tax Service. Kamara has been on bail with the case pending.

In another development, security forces on August 19, 2019, summoned two radio journalists and subsequently presented them before the court. Thierno Souleymane Diallo and Aboubacar Algassimou Diallo, respectively journalist, owner of the press group Lynx and managing director of Radio Lynx FM were charged with disturbing public order under Guinea's cyber security law N°L/2016/037/AN. Meanwhile, their offense was to have interviewed over telephone a critic of the government during a popular show on their radio station, an act that has nothing to do with cybercrime. Not surprisingly, the court struck out the case and discharged the two journalists of the accusation leveled against them by the security forces.



Guinea Bissau

As of December 2018, the country had recorded 1.49 million¹⁰ mobile telephony subscribers. However, access to mobile service internet remains a challenge, with a high cost of data bundle, poor service delivery and uneven coverage of internet with rural areas heavily marginalised. In January 2019, Facebook reported that 150 000¹¹ people in Guinea Bissau use its social media platform.

As part of efforts to improve service delivery, the Electricity and Water Company of Guinea-Bissau (EAGB) on Friday, July 5, 2019, signed a partnership agreement with the telecommunications operator ORANGE Bissau. The partnership¹² seeks to allow customers of the public electricity company to pay their bills through "Orange Money", thus reducing the flow of customers in their branches.



Mauritania

As of June 30, 2019, an estimated 969,519¹³ people were using the internet in Mauritania. Facebook is the most popular social media platform used in the country, with 734 200¹⁴ users as of September 2019.

In Mauritania, dissent and divergent views on sensitive issues such as slavery or religion are not often tolerated, especially when expressed in the public domain such online space.

However, the country is gradually witnessing some progressive developments and openness.

During the quarter under review, the detained blogger, Mohamed Cheikh Ould Mkhedir, was released on July 29, 2019, after spending five years in prison, on blasphemy charges. He should

¹⁰ Simon, K. (2019, January 31). Digital 2019: Guinea Bissau: The internet headline data you need to understand mobile, internet, and social media use in a PowerPoint presentation [15]. Retrieved from <https://www.ceicdata.com/en/indicator/guinea-bissau/number-of-subscriber-mobile>

¹¹ Simon, K. (2019, January 31). Digital 2019: Guinea Bissau, Jan 2019-Social Media Advertising Audiences in a PowerPoint presentation [24]. Retrieved from <https://datareportal.com/reports/digital-2019-guinea-bissau>

¹² Orange et EAGB Signent un Accord pour Faciliter l'Achat de crédit pour électricité via Orange Money. (2019, Juillet 5). Retrieved from <https://bissauactu.com/index.php/2019/07/05/orange-et-eagb-signent-un-accord-pour-faciliter-lachat-de-credit-pour-electricite-via-orange-money/>

¹³ Africa 2019 Population and Internet users Statistics (2019, June 30). Retrieved from <https://www.internetworldstats.com/stats1.htm>

¹⁴ Social media users in Mauritania (2019, 2019). Retrieved from <https://napoleoncat.com/stats/social-media-users-in-mauritania/2019/09>

have been released in 2017 but the authority continued to keep him behind bars out fear of losing favour with dissatisfied radicals, especially with the approach of elections.

Nigeria

Nigeria has one of the highest internet penetration rates in Africa. As of June 2019, the number of internet data users was estimated at 174, 024, 116¹⁵. Facebook alone has 23 million users¹⁶, making it the most popular social media platform in the country.

While internet penetration and usage are increasing in the country, cybercrime is also on the rise. An article published by dw.com on September 11, 2019, revealed that 167 people in Nigeria were arrested¹⁷ in Nigeria in a joint operation conducted by the governments of the United States of America and Nigeria. The arrested individuals were involved in cyber scams, money laundering, business email compromise schemes, interception and hijacking of wire transfers from businesses and individuals, among other online criminal activities. The joint operation also resulted in the seizure of nearly US \$ 3.7 million.

During the 109th edition of its Consumer Outreach Programme in Osogbo, Osun State in Nigeria held on September 5, 2019, and the National Communications Commission - Nigeria disclosed that the country is poised to roll out a set of robust legal code to combat cyber-attacks.

"The internet code is a regulatory intervention expected to secure the country's cyberspace against threats from cyber attackers and addressing issues such as online child protection, privacy, and data protection among others," stressed Alhaji Ismail Adedigba, the Commission's Deputy Director, Consumer Affairs Bureau.

Meanwhile, during the period under review, some online journalists, and social media users were subjected to repression by the authorities for expressing critical views.

The Department of State Services (DSS) officers on August 3, 2019, arrested and detained in Lagos, a journalist; Omoyele Sorowe, owner and editor in chief of *Sabara Reporters*, an online news outlet, for calling for demonstration against perceived misrule and corruption in the country via social media using the hashtag: #RevolutionNow. Omoyele was subsequently charged for treason felony, cyberstalking and money laundering.

On August 5, 2019, security forces arrested and detained, Ibrahim Dan Halilu, a communication specialist. Operatives of the DSS raided his house in Rigachikun, in Kaduna State and took him away around 2:00 PM local time. Halilu was accused of supporting Sowore in a Facebook post, expressing solidarity with the journalist and activist.

Also, the police in Lagos, on August 22, 2019, arrested Agba Jalingo, publisher of Cross River Watch, an online newspaper based in Calabar, the capital city of Cross River State. The police arrested him after he published an article demanding accountability for funds allocated by the state to a bank project.

¹⁵ Monthly Subscriber Technology Data (2019, June). Retrieved from <https://www.ncc.gov.ng/statistics-reports/subscriber-data#monthly-subscriber-technology-data>

¹⁶ Kemp, S. (2019, January). Digital 2019: Nigeria. Facebook audience overview. Retrieved from <https://datareportal.com/reports/digital-2019-nigeria>

¹⁷ Rahn, W. (2019, September 11). Hundreds arrested in US-Nigeria crackdown on cyber scam. Retrieved from <https://www.dw.com/en/hundreds-arrested-in-us-nigeria-crackdown-on-cyber-scams/a-50376028>

In another incident, a public officer, Cristo Ekpoh, a close associate of the Akwa Ibom State Governor, threatened Cletus Ukpong, a Regional Editor of the *Premium Times* newspaper. Ukpong denounced through a publication he posted on his Facebook page, the illegal arrest and detention of his colleague journalist Mary Ekere. Ekere was arrested on September 16, 2019, for taking pictures of an operation by an Environmental and Waste Management Agency set up by the Government of Akwa Ibom State.

Also, a police inspector, Sunday Japhet, was questioned in Bauchi, a city in Bauchi State in the northeast of Nigeria for allegedly criticizing President Muhammadu Buhari tenure in a Facebook post. Japhet protested against unpaid allowances to police officers and suggested that the authorities have neglected the police.



As of 2018, internet users in Senegal were 9,6 million in the country. Out of this figure, 88,6%¹⁸ access to the internet via mobile telephone and other ITC's gadgets. Facebook users were estimated at about 3,456,000¹⁹ people as of September 2019.

During this quarter, a veteran journalist and a social media activist was arrested and detained for his online freedom of expression. On July 16, 2019, gendarmes arrested Guy Marius Sagna while he was in a meeting at the office of the Front pour le revolution anti-impérialiste pan-africaine et popularize (FRAPP), a civil society organisation of which he is a leading member. Sagna was interrogated over a comment he posted on Facebook about the neglect of the country's health facilities.

On July 29, Adama Gaye, a freelance journalist known for his critical articles in the newspapers and social media, was arrested and [remanded in custody](#) on charges of "insulting the President of the Republic." Gaye was arrested for a Facebook post in which he alleged that President Macky Sall had an adulterous affair during an official trip abroad. The activist denied making the said post, adding that his account might have been hacked.



The internet penetration in Togo is said to be 12%. Facebook is driving the trend of social media with 656 500²⁰ users as of September 2019.

The Criminal Investigation Department of the National Police in Togo, also arrested 12 individuals²¹ in an operation carried out on September 10, 2019. These persons were arrested because of their involvement in cybercrime involving attacks on financial institutions, cyber fraud and money laundering.

¹⁸ Vidzaku, S. (2018, May 5). Sénégal : le nombre d'utilisateurs d'Internet a atteint 9,6 millions de personnes. Retrieved from <https://afrique.latribune.fr/afrika-tech/2018-05-08/senegal-le-nombre-d-utilisateurs-d-internet-a-atteint-9-6-millions-de-personnes-777869.html>

¹⁹ Social media users in Senegal (2019, September). Retrieved from <https://napoleoncat.com/stats/social-media-users-in-senegal/2019/09>

²⁰ Social media users (2019, September). Retrieved from <https://napoleoncat.com/stats/social-media-users-in-togo/2019/09>

²¹ de Souza, N. (2019, September 12). Togo : 9 Nigériens cybercriminels arrêtés par la police. Retrieved from <https://l-frii.com/togo-9-nigeriens-cybercriminels-arretes-par-la-police/>

Conclusions and Recommendations



The internet space is relatively unrestricted in the West Africa region. However, the violations recorded in Cote d'Ivoire, Nigeria, Guinea, and Senegal highlight the growing critical issues of the repressive application and interpretation of laws governing the cyberspace to suppress online dissent and political activism.

The various incidents show clearly that laws are being interpreted variably to crack down dissident or critical voices online, despite the countries having freedom of expression, press law and freedom of association guaranteed in their respective Constitutions. These countries have also ratified regional and international legal frameworks that mandate states to protect and promote freedom of expression offline as well as online.

Arrest and detention as well as frivolous court proceedings serve as means of repression, intimidation and harassment of dissident voices online. Fortunately, this quarter did not record any network disruption, contrary to the two last quarters which recorded shutdowns in Benin, Liberia and Mauritania.

While, the violations are unacceptable, it is important for users to avoid abusing the internet. The network of criminals using the Internet for nefarious ends poses a danger to other users. The growing menace of cyber-attacks, money laundering through digital banking systems and internet-facilitated fraud schemes have become a huge challenge to the rapid expansion of the digital economy.

Besides hindering the effective public service delivery, cybercrime provides a pretext for autocratic governments to adopt draconian laws to regulate the internet. These laws often fail to discriminate between journalistic use of the internet, leading to prosecution of journalists for online publications that would normally not be liable to any judicial actions when done offline.

In light of the foregoing, the MFWA makes the following recommendations towards improving the internet freedom environment in West Africa;

- Governments should, at all times, ensure that freedom of expression rights are respected online as well as offline,
- Government should embark on massive citizens' education on the responsible use of the internet.
- Governments should desist from all attempts of frustrating dissident voices, journalists, political and civil society organisations activists that demand rule of law, and true democratic governance
- Courts should ensure that the interpretation of laws are compatible with regional and international legal frameworks on internet rights.
- Governments should ensure that cyberspace is secured, individuals and business data and online activities are protected from hackers and other cyber-attacks.
- Governments should ensure that violations against online expression are thoroughly investigated and perpetrators duly punished.
- Security should avoid the illegal arrests and detentions of journalists, citizens, and activists for simply expressing their rights to civil and political participation in the debates and discourses on national issues and interests.
- All stakeholders must work pro-actively and collaboratively in addressing online freedom and cybersecurity issues
- Legislation and mechanisms that are human rights-friendly must be put in place, and fully and efficiently functioning to curb the trend of the growing insecurity in the cyberspace.
- Internet users must seek reparation and redress whenever their rights are violated.
- Online platforms and applications should be used responsibly by all.