

FREEDOM OF EXPRESSION

MONITOR

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Executive Summary

Over the past two decades, the political landscape in West Africa has been largely favourable to the media and freedom of expression (FOE) generally as a result of the mass return to democracy by countries in the region. With the democratic dispensation has come

This healthy development 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 to help consolidate the progress made. As part of its FOE advocacy activities, the MFWA has been monitoring the freedom of expression landscape in West Africa and publishing the results of the monitoring as the Freedom of Expression Monitor (The Monitor).

Published on a quarterly basis, The Monitor highlights violations of freedom of expression rights and allied civil liberty such as the rights to peaceful assembly. The Monitor has, since its introduction, served as an advocacy tool for promoting and protecting media and FOE rights in West Africa. It is also a measure of the level of commitment the 16 countries to their obligations under national, regional and international binding instruments regarding freedom of expression.

This edition of The Monitor (January-March, 2020) recorded a total of 64 violations. This represents a 52% increase on the average quarterly violations recorded in 2019 which stood at 42. Political tensions in Guinea which resulted in several attacks on freedom of expression may have contributed to the increase. Also there were several violations against journalists in relation to the COVID-19.

With regard to the countries and frequency of violations, Guinea recorded the most violations (14), followed by Liberia (11) and Nigeria (9).

The continued violation of FOE rights in the region underlines a gap in the ideals espoused in the national, regional and international legal frameworks and their actual implementation to promote safety of journalists and advance freedom of expression.

Introduction

Press freedom and freedom of expression generally have seen an impressive improvement in West Africa over the past two decades. This progress is considered as one of the dividends of the democratisation process that the sub-region has witnessed since 1991. After three decades of political instability and military dictatorship dating from the mid-1960's, all the countries in West Africa have, from the 1990's, adopted democracy en masse.

The return to constitutional democracy eased restrictions on the media and the work of civil society organisations. The evolution towards a culture of respect for fundamental freedoms including freedom of expression, has however, come under constant threat from reactionary state and non-state actors.

In view of these threats that 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 to seek redress for such violations. Since 2014, the results of the monitoring have been published as the West Africa Freedom of Expression Monitor (The Monitor, in short).

This report covers the first quarter of 2020 (January-March). The period under review recorded 64 violations in 13 countries. The countries concerned are Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Nigeria, Niger, Senegal, Sierra Leone and Togo.

All the countries mentioned above are constitutional democracies with local laws which guarantee freedom of expression and assembly. They are also signatories to regional and international charters, treaties and covenants guaranteeing FOE rights. The continued repression clearly do not reflect a commitment to these frameworks.

In the light of the above, the MFWA urges all stakeholders in the FOE space to increase collaboration in promoting freedom of expression and to take measures to end impunity for such violations.

Methodology

The report is based on daily alerts received from the MFWA's correspondents and national partner organisations in all 16 countries of West Africa who monitor and report on freedom of expression issues in their respective countries. The daily alerts are collated, analysed and published on a quarterly basis as The Monitor. This edition covers the period January-March, 2020. The findings are discussed under six sections: incidents of violations, perpetrators of violations, targets/victims of violations, and redress for violations. Some key developments in the FOE landscape in the region which are not necessarily violations are also highlighted. The report ends with a series of recommendations to relevant stakeholders to take to measures improve the FOE situation in the region.

Incidents of Violations

The FOE monitoring activities over the period January-March, 2020 recorded a total of 64 violations made up murder, arbitrary arrest and detention (18) and physical attacks (15) were the most frequently perpetuated violations. There six different incidents of killing and censorship and four incidents each of shutdown of media houses and of seizure and destruction of journalists' working tools. The frequencies of incidents of each of the eight categories of violations are presented in Table 1 below, together with an indication of the countries in which they were recorded:

Table 1 Countries and Types of Violations

Country	Types of Violations												
	Arrest/ Detention	Threats	Physical Attack	Censor	Digital Rights Violations	Sentence	Seizure/ Destruction of Property	Killing	Denial of Assembly	Shutdown	Suspension	Fine	Total
<i>Guinea</i>	5		2	2	1		1	3					14
<i>Liberia</i>	3		5				2	1					11
<i>Nigeria</i>	1		3	2			1	2					9
<i>The Gambia</i>	3		1	1						2			7
<i>Togo</i>	1				1				1		2		5
<i>Cote d'Ivoire</i>												3	3
<i>Mauritania</i>	2				1								3
<i>Sierra Leone</i>	2		1										3
<i>Ghana</i>		1								1			2
<i>Guinea Bissau</i>			1							1			2
<i>Mali</i>	1		1										2
<i>Niger</i>	1					1							2
<i>Senegal</i>			1										1
Total	19	1	15	5	3	1	4	6	1	4	2	3	64

As indicated in the above chart, Guinea, Liberia and Nigeria were the countries where the most violations were recorded. Details of the violations recorded in the various countries are presented below;

Highlights of Violations

The outbreak of the corona virus led to a series of violations against journalists. These included dismissals, arrests and detentions and physical assault on journalists during in the course of coverage of the COVID-19 or for reportage deemed false or disruptive by the authorities. Others were also attacked by security officers enforcing curfews or lockdowns in various countries.

On March 26, 2020, Vincent Ake, General Manager of the state-owned Newspaper Corporation, was summarily dismissed by the Rivers State government after the Tide newspaper, over which he has oversight, broke the story of the first case of COVID-19 in the State. On March 28, a security officer [manhandled](#) Angela Nkwo-Akpolu of the *Leadership* newspaper in Imo State and seized her iPad as she was covering an exercise to enforce COVID-19 directives.

In Senegal, a police officer assaulted two journalists who were covering the enforcement of the COVID-19 curfew. On March 24, uniformed security officers assaulted Serifo Tawel Camara, a journalist with Radio Capital. The officers said Camarahad broken the COVID-19 curfew, although the media is officially exempted from the restriction.

On March 25, a civil court in Abidjan [imposed a fine](#) of FCFA 5million (USD 8,356.55) on two senior journalists of the *Génération Nouvelles* and the newspaper after ruling that they published “false information likely to cause panic” in relation to the COVID-19 pandemic. In Niger, a freelance journalist, Kaka Touda Mamane Goni, was handed a three-month suspended sentence after a magistrate Court in Niamey found him guilty of publishing false news on COVID-19.

Killing

- On January 13, 2020, two [people were killed](#), after security forces attacked anti-government protesters in Conakry and Labé. Mamadou Sow, a 21-year-old high school student, was shot dead by security forces in Coza, Conakry while Amadou Diallo, also died from gunshot wounds after police fired at demonstrators in Labé.
- On February 17, security forces in Guinea [shot and killed](#) a student protester in the town of Lola. Saa Étienne Ouendino died on the way to hospital after being hit by a bullet from clashes between security forces and high school students who were demonstrating to demand an end to a teachers’ strike.
- About ten people were killed while protesting Guinea’s controversial March 22, 2020 legislative elections and a referendum to change terms limits. The country recorded several

[other elections-related incidents](#), including an internet shutdown an attack on a group of journalists by protesters and the arrest of one journalist by a the police.

- On January 15, [Maxwell Nashan](#), a journalist with the Federal Radio Corporation of Nigeria (FRCN), Adamawa State, was found tied and muzzled in a bush with his body hacked at several places. Nashan had been abducted from his house the previous day. He was carried to the hospital but died shortly after arriving.
- In the second incident, security forces [shot and killed](#) Alex Ogbu, a journalist with the *Regent Africa Times* newspaper, when they were cracking down on Shiite Muslim protesters in Abuja on January 28.. Two other persons sustained gunshot wounds during the crackdown.
- On January 26, exactly 21 days after 21 days after being [assaulted](#) by President George Weah's elite security guards, Zenu Miller, a presenter with the privately-owned Okay FM based in the Capital Monrovia [died](#)..

Shutdown of Media Houses

- The police in The Gambia closed down closed down Home Digital FM and King FM, both based in Banjul on January 26, arrested four journalists and 137 anti-government protesters in a chilling throw-back to the repression of the Jammeh era.
- On February 5, 2020, Ghana's National Communications Authority (NCA), the statutory electronic communications licensing body, [suspended](#) the operations of Radio Tongu, a privately-owned station based in the Volta region of Ghana, an action that has turned out to be a shutdown of the media house.
- On February 29, 2020, soldiers close to the elected President of Guinea Bissau, Umaro Sissoco Embaló, stormed the premises of the public broadcaster, and shut down both the radio and television units. The action followed the refusal of the broadcasting service to cover the swearing-in ceremony of Embaló whose electoral victory was being challenged in Court.

Internet shutdown

On February 22, the authorities [disrupted the internet](#) as Togo went to the polls. Several monitoring reports said social media networks such as Facebook and Messenger were inaccessible in several parts of the country. Twitter and WhatsApp were, however, partially accessible.

Details of these incidents and others, including full complement of violations recorded Cote d'Ivoire, Mali, Sierra Leone, and Guinea and Guinea Bissau are available on the MFWA [website](#).

Perpetrators

Six different types of perpetrators accounted for the 63 violations with Security agents being the most culpable representing 71% of the total. Also, of the 13 countries that recorded violations, only Ghana did not record a security agent perpetrator.

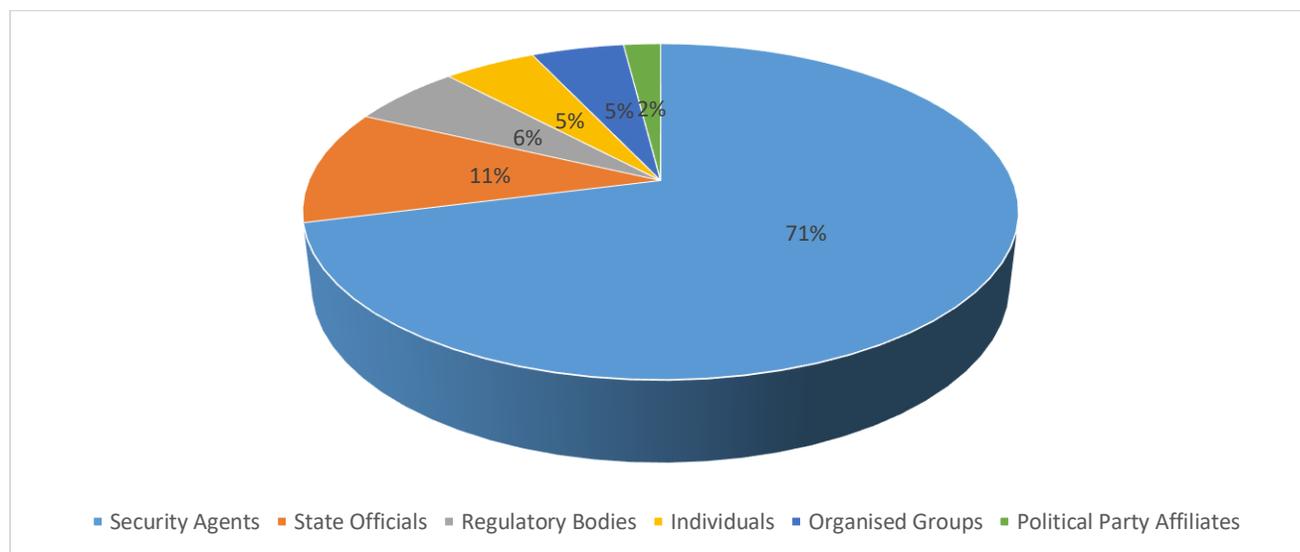
Table 2 below gives more details of the type and number of violations perpetrated in each of the countries.

Table 2: Country and Types of Perpetrator

Country	Perpetrators of Violations						Total
	Security Agents	State/Public Officials	Individuals	Political Party Affiliates	Regulatory Body	Organised Group	
Guinea	12	1	1				14
<i>Liberia</i>	11						11
<i>Nigeria</i>	4	1	1			3	9
<i>The Gambia</i>	6				1		7
<i>Togo</i>	2	1			2		5
<i>Cote d'Ivoire</i>		3					3
<i>Mauritania</i>	3						3
<i>Sierra Leone</i>	2			1			3
<i>Ghana</i>			1		1		2
<i>Guinea Bissau</i>	2						2
<i>Mali</i>	2						2
<i>Niger</i>	1	1					2
<i>Senegal</i>	1						1
Total	46	7	3	1	4	3	64

Figure 2 below gives further details of the types of perpetrators and percentage distribution of violations carried out by each type.

Figure 2 Perpetrators and Percentage of Violations



Targets /Victims of Violations

The 64 violations recorded in January-March 2020, affected a total of 281 identifiable persons and institutions of which 164 were citizens who bore the brunt of security forces' crackdown on demonstrations. Of the citizen victims, 137 were arrested in a mass swoop against anti-government demonstrators in The Gambia and 46 student protesters in Sierra Leone. It must be noted that the citizen victims could have been higher but for the fact that several of them do not get identified from the crowd. Also, the exact number of victims of the internet shutdowns recorded in Togo and Guinea could not be established. Forty-three of the victims were journalists with Guinea accounting for eleven of them. The rest were twenty activists and eight media organisations; one censored, three suspended and four shut down.

Redress/Impunity over Violations

Only one violation recorded during the quarter was redressed. This was in the form of a letter of apology written by the head of the Executive Protection Service (EPS), Trokon Roberts to the Press Union of Liberia. In the letter dated March 6, 2020, Trokon said he "sincerely regretted" the attack on Salam Kaloko by officers of the EPS on Kaloko of Maggie Online TV was brutalised while he was covering a demonstration.

On February 13, 2020, Agba Jalingo, Publisher of the Cross River Watch newspaper was granted bail after 174 days of detention. The journalist was arrested on August 22, 2019, after he published a report alleging diversion of public resources by the Cross River State government.

On March 20, 2020, an Appeals Court in Abuja [reduced all three jail terms](#) that Nigerian activist Ibrahim Wala was serving for making corruption allegations on Facebook against the Chairman of Nigeria's Hajj Commission. The activist, who had already spent one year in prison, would regain his freedom in 2021, instead of 2026, according to the court's ruling.

Sierra Leonean activist, Thomas Moore Conteh, who was arrested for joining a students' protest in solidarity, was acquitted on March 27, 2020, after the government decided to drop the charges.

It is clear that impunity is getting entrenched, a situation that threatens to erode the gains made in the FOE over the years. The MFWA therefore urges all stakeholders to stand up to the challenge to roll back the tide of impunity for crimes against journalists, activists and dissenting citizens.

Other FOE Developments

In other developments, January 16 marked the first anniversary of the killing of investigative journalist, Ahmed Hussein Suale, and the MFWA, as part of activities to observe the day, wrote a letter to the Inspector General of the Ghana Police Service, John Oppong-Boanu, asking for updates on investigations into the incident. The MFWA also urged the Inspector General to ensure that the investigations into Suale's murder are carried out swiftly, expeditiously.

On February 26, Prof. Aaron Oquaye, Speaker of the National Assembly of Ghana threatened to prevent journalists from covering the House if they decide to prioritise any other issue over proceedings in the Chamber. The warning came a day after the press corps went out of the Chamber to interact with an opposition Member of Parliament while the House was holding a plenary which the opposition National Democratic Congress (NDC) party had boycotted. Following the warning, the MFWA issued a statement to caution the Speaker that his posture constituted an unacceptable interference with the independence of the media.

Conclusion

The violations recorded during the January-March 2020 monitoring period represent a 50% increase over the average quarterly figure of 2019. This is worrying, given the sub-region's image as one of most progressive in Africa in terms of respect for civil rights. The impunity, which has characterised the majority of these violations, gives cause for concern in view of its potential to lead to self-censorship.

The unsolved killings of two journalists in Nigeria, the unresolved circumstances surrounding the death of Zenu Miller in Liberia and of thirteen demonstrators in Guinea are particularly alarming. The violations call into question the human rights credentials of the countries involved which have Constitutional provisions that guarantee the rights to freedom of expression and assembly. Also, violations against journalists in connection with the COVID-19 reporting are regrettable, given the important role the media is playing in the fight against the pandemic.

The countries cited in this report are parties or signatories to several regional and international instruments that obliges them to respect and protect freedom of expression rights. Some of these instruments are International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, the ECOWAS Protocol on Democracy and Good Governance. The above violations therefore underline the urgent need for sustained and collaborative efforts to bridge the gap between the values espoused in the above protocol and treaties and their effective implementation to guarantee freedom of expression in West Africa. To this end, the MFWA wishes to make the following recommendations for improving the freedom of expression environment in the region.

Recommendations

To Media Organisations and Journalists

- Work with high standards and professionalism at all times.
- Media managers must commit to using all legal means to ensure justice for media persons whose rights are violated in the line of duty.

To Governments in West Africa

- Ensure that both state and non-state actors respect and protect the 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 culprits (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 recalcitrantly flout statutory obligations.

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

- Engage the new government in Nigeria, Ghana and Guinea on the need to intensify investigations into the killing of journalists and demonstrators in the respective countries and ensuring that the perpetrators are identified and punished.

To the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion

- Call on the governments in West Africa, where violations have been recurring to respect and protect freedom of expression rights.
- Include more West African countries in fact-finding missions.



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