

QUARTERLY REPORT

FREEDOM OF EXPRESSION MONITOR

April - June 2020



Table of Content

Executive Summary.....	2
Introduction.....	3
Methodology	3
Incidents of Violations.....	4
Countries and Incidents of Violations	4
Perpetrators of Violations.....	6
Targets/Victims.....	7
Redress/Impunity for Violations	8
Some Key FOE Developments	9
Conclusion.....	10
Recommendations.....	10

Executive Summary

Many countries in West Africa have won admiration across the world as a beacon of democracy compared to other regional blocks in Africa. This is largely due to the fact that, since 1991, all the countries in this zone have democratically elected leaders, with term limits often respected. Underpinning this democratic culture is a sprawling media sector that has improved access to information and empowered citizens to demand better governance and delivery of public services.

The return to constitutional democracy has come with improved legal environment for the media and greater tolerance for dissenting opinion. The space for civil society to operate has also opened up, allowing for greater scrutiny of government policies and performance. However, the new dispensation does not sit well with all governments and other actors with vested interests. Security agents perpetrate vicious attacks on journalists especially when they fear that an act of unprofessionalism on their part has been recorded or unfairly recorded by the journalists. Sometimes, under the orders of a state official or powerful individuals, security agents assault, arrest and harass “troublesome” journalists. Political party affiliates and persons involved in scandals exposed by the media also subject journalists and media houses to hostility.

It was within the above context 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 April-June 2020 .

The period under review recorded 56 violations in twelve countries. The figure represents some 12% decrease in violations compared to the first quarter (January-March 2020) which recorded 63 violations.

Fourteen violations were recorded in Nigeria, the highest for the quarter which also saw Liberia record 11. Five violations each were recorded in Ghana, Mali and Sierra Leone, with Mauritania and Dsenegal recording three. Three countries recorded two violations each and three others recorded a violation each. Benin, Burkina Faso, Guinea Bissau and Cape Verde recorded no violations.

All the countries that recorded violations 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 violations are therefore in contradiction of the commitments the governments of the countries concerned have made under these legal instruments to protect and promote press freedom and freedom of expression.

In the light of the above, the MFWA urges all stakeholders in the FOE space to intensify their efforts and improve collaboration in promoting press freedom and in fighting impunity for such violations, particularly among security agents and public officials who are frequent violators.

Introduction

Over the past two decades, the Media Foundation for West Africa (MFWA) has been monitoring and reporting on press freedom in the ECOWAS member countries and Mauritania. The monitoring has established a pattern of improvement in the media freedom and freedom of expression (FOE) landscape generally in the last decade. This healthy development has been a boost to human rights and other civil society organisation like the MFWA which has been actively engaged in advocacy around FOE issues in a bid to consolidate the progress made.

As part of its FOE advocacy activities, the MFWA has, since 2014, been publishing the results of its monitoring of the FOE landscape as the *West Africa Freedom of Expression Monitor* (The Monitor). Published on a quarterly basis, The Monitor highlights violations of freedom of expression rights and other civil liberties such as the rights to peaceful assembly. The Monitor serves as an advocacy tool for promoting and protecting media and FOE rights in West Africa. It also serves to gauge the level of commitment of the governments concerned regarding their obligations under national, regional and international instruments on freedom of expression. All the 12 countries featured in this report are party to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, which guarantee freedom of expression and assembly rights.

This edition of The Monitor recorded a total of 56 violations. This is a 12% reduction in the violations recorded in the first quarter (January-March 2020) which stood at 63. Nonetheless, the continued violation of FOE rights in the region shows that the ideals espoused in the national, regional and international legal frameworks are not observed in practice. This, therefore, underlines the urgent need for sustained collaboration between stakeholders to ensure that FOE rights are respected and protected in accordance with the above frameworks.

Methodology

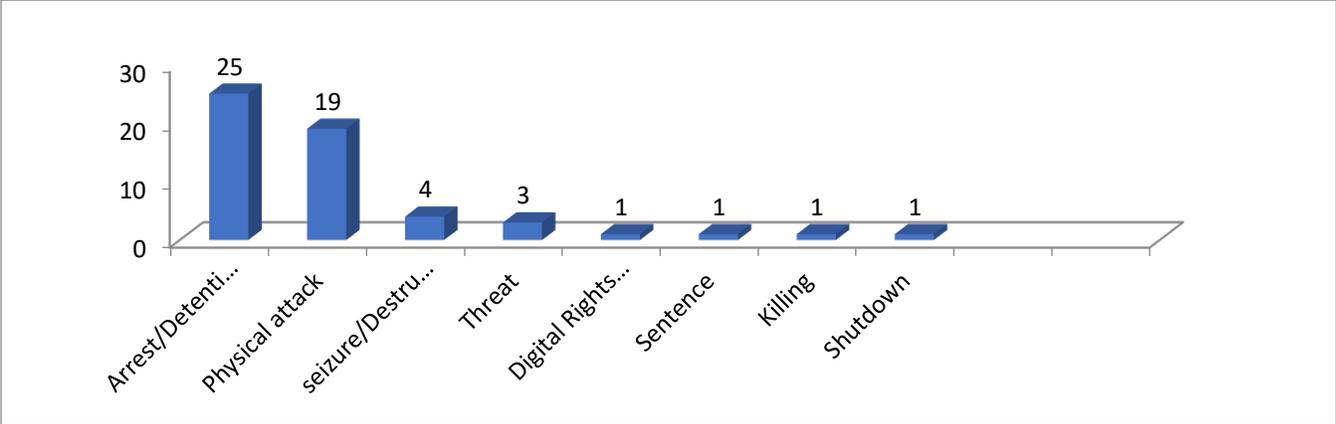
This report is based on daily Alerts received from the MFWA's correspondents in all 16 countries of West Africa who monitor FOE developments in their assigned countries. The daily alerts are collated, analysed and published on a quarterly basis as The Monitor. This edition covers the period April-June 2020. The findings are discussed under six sections: incidents of violations, perpetrators of violations, targets/victims of violations. Also highlighted in this report are some key trends and developments in the FOE landscape in the region that are not necessarily violations. The report ends with a series of recommendations to relevant stakeholders on measures to take to improve the FOE situation in West Africa.

Incidents of Violations

The FOE monitoring activities over the period April-June, 2020 recorded a total of 56 violations in 12 countries. The violations were in eight different categories. Arrests and detentions and physical attacks were the most frequently perpetrated violations. There was an internet disruption in Mali and a brutal crackdown on an anti-government protest on June 10 which led to the death of 11 people. A

media house was shut down in Guinea. Four incidents of seizure and destruction of property were also recorded. The frequencies of the eight categories of violations recorded during the monitoring are presented in Figure 1 below:

Figure 1: Types and Frequency of Violations



Countries and Incidents of Violations

Twelve countries recorded violations during the quarter under review. 17 violations were reported in Nigeria, followed by 11 in Liberia. Ghana, Mali and Sierra Leone recorded five violations each. **Table 1** below gives more details of the type and number of violations perpetrated in each of the twelve countries.

Table 1 Countries and Types of Violations

Countries	Countries and Types of Violations								
	Arrest/ Detention	Threats	Physical Attack	Digital Rights Violations	Sentence	Seizure/ Destruction of Property	Killing	Shutdown	Total
<i>Nigeria</i>	12		4		1				17
<i>Liberia</i>	3	2	5			1			11
<i>Ghana</i>		1	3			1			5
<i>Mali</i>	1		2	1			1		5
<i>Sierra Leone</i>	2		1			2			5
<i>Mauritania</i>	3								3
<i>Senegal</i>	1		2						3
<i>Cote d'Ivoire</i>	1		1						2
<i>Togo</i>	1		1						2
<i>The Gambia</i>	1								1
<i>Guinea</i>								1	1
<i>Niger</i>	1								1
Total	26	3	19	1	1	4	1	1	56

As indicated in the above chart, Nigeria, Liberia and Ghana were the countries which recorded the highest number of violations. Details of some of the violations recorded in the various countries are presented below:

On June 10, security forces in Mali killed 11 demonstrators as an anti-government protest degenerated into chaos. The internet was also disrupted on that day.

Three media houses suffered violations; two were attacked and one was shutdown. On June 2, a group of people protesting against restrictive COVID-19 measures, [attacked the headquarters of RFM Radio](#) based in Mbacké, 198 km from Dakar. The attack resulted in damage to several equipment of the radio station which belongs to the famous singer and former minister, Youssou N'Dour

On June 10, anti-government protesters stormed, looted and vandalized the headquarters of the state broadcaster, Office de Radio-Télévision du Mali (ORTM). The attack disrupted broadcasts for several hours.

On June 15, 2020, a group of gendarmes stormed the premises of Radio Kalac FM, broadcasting in Kankan, Guinea and shut it down. The radio station was accused of flouting a gag order issued against a religious leader, Karamo Cheick Souleymane Sidibé. The authorities issued the order after Cheikh Sidibe breached the COVID-19 protocols by organising a mass sermon in his house.

The COVID-19 also [triggered a wave of other violations](#) including physical attacks and arrests of journalists across West Africa, especially in May and June, 2020.

[Click here](#) for a narrative summary of all the incidents of violations recorded in all twelve countries.

Perpetrators of Violations

Five types of perpetrators carried out the 56 violations with state actors, specifically security agents and state officials, emerging as the major culprits. The two leading perpetrators accounted for 49 (87%) of the 56 violations. Table 2 below provides more information on the types of perpetrators and the number of violations they perpetrated in each country.

Table 2: Country and Types of Perpetrator

Country	Perpetrators and Number of Violations					Total
	Security Agents	State/Public Officials	Individuals	Political Party Affiliates	Organised Group	
<i>Nigeria</i>	15	2				17
<i>Liberia</i>	8	2	1			11
<i>Ghana</i>	3		1	1		5
<i>Mali</i>	2	1			2	5
<i>Sierra Leone</i>	5					5
<i>Mauritania</i>	3					3
<i>Senegal</i>	1		2			3
<i>Cote d'Ivoire</i>		2				2
<i>Togo</i>	2					2
<i>The Gambia</i>	1					1
<i>Guinea</i>	1					1
<i>Niger</i>		1				1
Total	41	8	4	1	2	56

Targets /Victims of Violations

The 56 violations affected a total of 87 direct victims. Forty-four of the violations were targeted at journalists, but the number of individual journalists involved is 50, four of them women. Thirty-one (31) individuals, one of them female, were involved in the four violations perpetrated against citizens. It should be noted that while the internet disruption in Mali is recorded against citizens, the actual number of the victims of the blackout cannot be established, same as a Togo incident in which security forces attacked journalists covering the arrest of an opposition politician. Two radio stations and one newspaper were the victims of the three violations perpetrated against media organisations. There were also three activist victims from two separate incidents.

Table 3: Violations and Victims

Country	Frequency of Violations and Type of Victims				
	Journalists	Citizens	Activists	Media Organisation	Total
<i>Nigeria</i>	13	2	2		17
<i>Liberia</i>	11				11
<i>Ghana</i>	5				5
<i>Mali</i>	2	2		1	5
<i>Sierra Leone</i>	4		1		5
<i>Mauritania</i>	1	2			3
<i>Senegal</i>	2			1	3
<i>Cote d'Ivoire</i>	2				2
<i>Togo</i>	2				2
<i>The Gambia</i>	1				1
<i>Guinea</i>				1	1
<i>Niger</i>	1				1
Total	44	6	3	3	56

Redress/Impunity over Violations

The quarter under review witnessed a number of redress actions for various abuses. A Magistrate's Court in Faranah, Guinea, on June 17, [found a teacher guilty](#) of inciting a mob to attack a journalist, and handed him a one-year suspended sentence. David Lancéi Condé, had on May 26, 2020, incited some youths against Facely Kalman Keïta, a correspondent for the news website *Guineenews* who was covering a protest in the city of Faranah. However, the Kalman was able to get away before the chasing youngsters could harm him.

On June 24, Beninois journalist Ignace Sossou was [released](#) from prison. Sossou was imprisoned on December 24, 2019 after the country's public prosecutor complained that the journalist had taken his words out of context in a social media post purporting to quote him. The arrest and conviction of the journalist on cybercrime charges prompted numerous condemnations from freedom of expression organisations, including the Media Foundation for West Africa.

On April 28, the day of one of his appeal hearings, MFWA and seven other press freedom organisations [issued a statement](#) calling on the Beninese authorities to release Ignace, particularly in view of the risk of infection by COVID-19 during his detention.

On 3 May, MFWA and its national partners sent a [petition](#) to the Special Rapporteur on Freedom of Access to Information of the African Commission on Human and Peoples' Rights (ACHPR), Lawrence Mute, urging him to intervene in the case to secure the journalist's release.

On June 26, a High Court in Ghana's capital, Accra, [ordered](#) a powerful ruling party Member of Parliament (MP), Kennedy Agyapong, to pay GH¢100,000 (about USD \$18,000) and GH¢30,000 (about USD 5,000) in damages and costs respectively to renowned Ghanaian journalist, editor and publisher, Abdul Malik Kweku Baako for defamation. The Court presided over by Her Ladyship Justice Afia Serwah Asare-Botwe also ordered the MP to retract defamatory statements he made against the journalist on various media platforms and networks, including Net 2 TV and Oman FM (which are owned by the MP) in 2018.

Other Key FOE Developments

On May 4, the Working Group on arbitrary detention as six other UN human rights experts including the Special Rapporteur on freedom of religion or belief and the Rapporteur on the promotion and protection of the right to freedom of opinion and expression, [petitioned](#) President Muhammadu Buhari of Nigeria over the detention of activist Mubarak Bala on blasphemy charges.

To help deal with the serious implications of the COVID-19 pandemic on the media environment in West Africa, the MFWA initiated a series of webinars to seek expert views and propose solutions to the challenges. The [first in the series](#) was held in English on May 21, 2020, under the topic: "Safety of journalists and COVID-19 in Anglophone West Africa."

The Speakers at the webinar were Francis Sowa, Chairman of the Media Reform Coordinating Group (MRCG), Sierra Leone; Lanre Arogundale, Executive Director of International Press Centre (IPC), Nigeria; and George Sarpong, Executive Secretary of the National Media Commission (NMC), Ghana. The discussion featuring journalists, media academics, activists and union leaders, recommended, among others, the need to strengthen relations between media and security agencies and urged regulatory bodies to adopt facilitative and conciliatory approach to media regulation.

The [second webinar](#) was held on Covid-19 and the Safety of Journalists in Francophone West Africa on June 4, 2020. The panelists for this second edition were Amina Niandou, Member of the communications authority in Niger, Bacary Mané Domingo, journalist and Vice-President of the Press Accreditation Council of Senegal, Yacouba Ladji Bama, Editor-in-Chief of bi-monthly investigative magazine, *Courrier Confidential* of Burkina Faso.

The panelists recommended that;

- The media should forge partnerships with each other and, in the long term, form conglomerates to be more sustainable and less vulnerable to financial crises.
- Journalists, media organisations and media associations across the sub-region need to collaborate in order to denounce with one accord all attacks perpetrated against media professionals.
- Media enterprises should adopt digital tools and put in place measures that will enable them publish and generate revenues online.

Conclusion

The continued abuse of freedom of expression and freedom of assembly and other human rights is regrettable.

The impunity with which the majority of these violations were perpetrated gives further cause for concern. In particular, the killings of 11 demonstrators in Mali must be redressed to assure would-be protesters that their lives cannot be taken out without consequences. If this trend continues, it can lead to widespread self-censorship and stifle healthy intellectual debate which is critical to finding innovative solutions to the myriad political, economic and social issues confronting West Africa.

There is need for governments in West Africa to address the growing freedom of expression, and freedom of assembly issues in the region

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.
- Provide journalists covering the COVID-19 with safety training and protective equipment

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.

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 Mali on the need to investigate the killing of demonstrators in the country and ensure that the perpetrators are identified and punished.

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

- Call on the governments in West Africa, particularly Nigeria and Guinea where Severe 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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