



**QUARTERLY REPORT**

# **FREEDOM OF EXPRESSION MONITOR**



**JULY - SEPTEMBER 2020**

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## Executive Summary

With the exception of the recent coup in Mali that has brought the military back in power in that country, all other countries in West Africa have governments elected through the ballot and exercising their mandate under a constitution approved by the people.

This has given the West African sub-region a reputation for being among the democratic in Africa. The constitutional order has eased restrictions on the media and the work of civil society organisations and enhanced citizens' participation in national discourse. The advent of social media has further expanded the frontiers of freedom of expression (FOE), enabling many more people to access information, express their opinions and demand accountability from their governments and public institutions.

The new-found liberty has however, not been entirely without threats. Critical journalists, civil society activists and, of late bloggers with dissenting opinions are often targeted by state and non-state actors.. The victims are often subjected to physical assaults, arbitrary arrests and detentions, threats and even killing for merely expression dissenting opinions are exposing wrongdoing by people in power or wielding influence.

It is in response to these threats to press freedom and the right to free expression that the Media Foundation for West Africa (MFWA) has, over the past two decades, been monitoring and reporting on FOE violations in West Africa and carrying out campaigns to seek redress for such violations. The results of the monitoring have been published as the West Africa Freedom of Expression Monitor.

This report covers the third quarter of 2020 (July-September, 2020.) The period under review recorded 27 violations in nine countries. The figure represents nearly 52% reduction in violations in relation to the preceding quarter (July-September, 2020), which recorded 56. The violations were recorded in Nigeria, Ghana, Benin, Cote d'Ivoire, Guinea Bissau, Mauritania, Niger, Liberia, Mali and Senegal.

Nigeria recorded seven violations, followed by Ghana with six violations, Mali recorded four violations, with Guinea Bissau, Cote d'Ivoire and Niger recording two each. Benin, Mauritania, Liberia and Senegal Leone recorded one violation each.

## Introduction

With the adoption of democratic rule in all the west African sub-region over the past three decades, the political landscape in West Africa has been largely favourable to the media and freedom of expression (FOE) generally. The Media Foundation for West Africa (MFWA), alongside other civil society organisations, have actively engaged in advocacy around FOE issues across the sub-region to help consolidate the progress made. As part of this advocacy efforts, 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). The Monitor highlights violations of freedom of expression rights and allied civil liberty such as the rights to peaceful assembly. It is meant to serve a reference material and an advocacy tool for promoting and protecting media and FOE rights in West Africa.

This edition of The Monitor (July-September, 2020) recorded a total of 27 violations. This is a welcome 51 percent reduction in violations compared to the 56 recorded violations during the second quarter (April-June, 2020).

Nonetheless, the continued violation of FOE rights in the region underlines the need for sustained collaboration between stakeholders to ensure that FOE rights are respected and protected in accordance with the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, to which all the ten countries featured in this report are State parties.

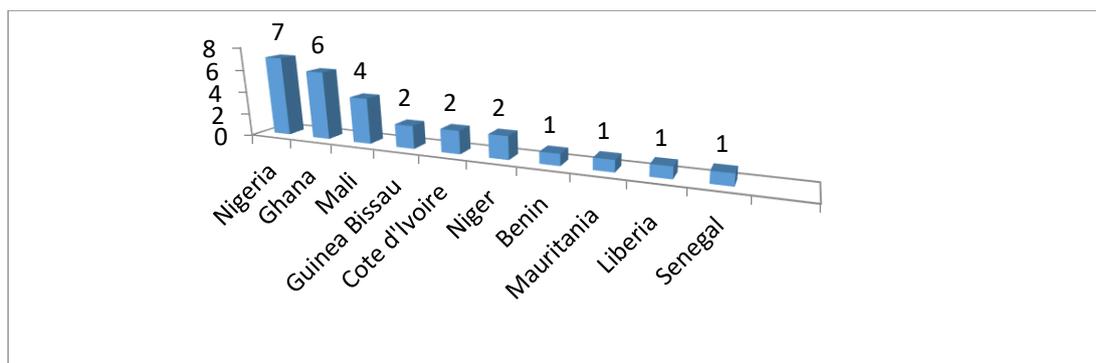
## Methodology

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 July-September 2020. The findings are discussed under six sections: incidents of violations, perpetrators of violations, targets/victims of violations as well as redress. Also highlighted in this report are some key trends and developments in the FOE landscape in the region that are not necessarily violations.

## Incidents of Violations

The FOE monitoring activities over the period July-September, 2020 recorded a total of 27 violations in ten countries. The violations were in six different categories. Arrests and detentions and physical attacks were the most frequently perpetrated violations. 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: Countries and Frequency of Violations



## Countries and Incidents of Violations

Ten countries recorded violations during the quarter under review. Nigeria recorded 7 violations, ten less than it did in the previous quarter. Ghana followed with six violations, dislodging Liberia which improved from 11 violations in the second quarter to just one this time around. Mali recorded four violations, with Guinea Bissau, Cote d'Ivoire and Niger recording two each. Benin, Mauritania, Liberia and Senegal recorded one violation each. **Table 1** below gives more details of the type and number of violations perpetrated in each of the ten countries.

**Table 1 Countries and Types of Violations**

| Countries            | Violations           |          |                    |          |          |  |                       |           |
|----------------------|----------------------|----------|--------------------|----------|----------|--|-----------------------|-----------|
|                      | Arrest/<br>Detention | Threats  | Physical<br>Attack | Sentence | cancel   | Seizure/<br>Destruction<br>of Property | Denial of<br>Assembly | Total     |
| <i>Nigeria</i>       | 2                    |          | 4                  | 1        |          |  |                       | 7         |
| <i>Ghana</i>         |                      | 1        | 3                  |          |          | 2                                      |                       | 6         |
| <i>Mali</i>          | 1                    | 1        | 1                  |          | 1        |  |                       | 4         |
| <i>Guinea Bissau</i> | 1                    |          |                    |          |          |  | 1                     | 2         |
| <i>Cote d'Ivoire</i> | 1                    |          |                    |          |          |  | 1                     | 2         |
| <i>Niger</i>         | 2                    |          |                    |          |          |  |                       | 2         |
| <i>Benin</i>         | 1                    |          |                    |          |          |  |                       | 1         |
| <i>Mauritania</i>    | 1                    |          |                    |          |          |  |                       | 1         |
| <i>Liberia</i>       | 1                    |          |                    |          |          |  |                       | 1         |
| <i>Senegal</i>       |                      |          | 1                  |          |          |  |                       | 1         |
| <b>Total</b>         | <b>10</b>            | <b>2</b> | <b>9</b>           | <b>1</b> | <b>1</b> | <b>2</b>                               | <b>2</b>              | <b>27</b> |

As indicated in the above chart, Nigeria 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 July 9, a group of officers with Liberia's Drug Enforcement Agency in the city of Ganta, attacked Max Richards Jr., a reporter with the privately owned Hott FM ], after he photographed them making an arrest. The officers slapped and kicked the journalist before taking him to their office. He was released without charge after 30 minutes of detention.

On August 3, a group of religious fanatics [vandalised](#) the offices of the Senegalese daily, *Les Echos* in Dakar, causing extensive damage to property. This was after the newspaper reported that an influential religious leader, Serigne Moustapha Sy, had tested positive for COVID-19 and was on admission at Dakar's main hospital.

In Guinea Bissau, Capital Radio, [was ransacked](#) on July 26, by police officers. It was forced off air for weeks as a result of extensive damage to its equipment during the raid by the officers.

On July 12, 2020, the police in Niamey, Niger [arrested](#) investigative journalist Ali Soumana, after he posted an article on social media about a corruption scandal. After being detained for two nights in police custody, he appeared before a judge on July 14 and was released on bail.

On August 5, 2020, security forces in Nigeria crackdown on a protest marking the first anniversary of the Revolution Now Movement and arrested at least 40 people of them. Viral images of the protesters lying prostrate on the ground and being shaved with knife and bottles sparked outrage.

On August 12, a sharia court in the Northern Nigerian state of Kano [convicted](#) a 22 year-old Yahaya Sharif-Aminu to death for blasphemy after the singer composed and circulated via WhatsApp a song judged to be demeaning of the Prophet the Prophet Muhammad.

In Ghana, a military officer on August 12, [assaulted](#) TV cameraman, Stanley Nii Blewu for taking pictures of a clean-up exercise at the Tema Station in Accra. The assailant, identified only as Lt. Frimpong, seized the phone and camera of Blewu and deleted all recordings on the devices after hitting cameraman several times on the arm. The soldier had earlier seized the phone of Blewu's colleague and reporter, Joseph Armstrong. Lt. Frimpong was angered that the journalists were filming the clean-up exercise which he was enforcing, alongside other security officers.

On August 17, police in Uyo, the capital of Akwa-Ibom state, arrested Ime Sunday Silas, editor of owned *Global Concord* newspaper. Silas, who is also the publisher of *The Profile* news website, was arrested and detained after he arrived in Uyo to meet a source. He was charged with cybercrime offenses on August 18, and denied bail.

On September 13 the police arrested social media activist, Ibrahim Bana and detained him at the Niamey judicial police following the publication on his Facebook page on September 12, 2020 about public procurement at the Ministry of Justice.

On September 19, a group of political thugs attacked Samson Adenekan, a journalist with the online newspaper *Premium Times* and Offem Nathaniel Ubanga a cameraman with the online broadcaster GeeTV Africa in separate incidents. The journalists were covering a gubernatorial election in Iyamho town, Edo state. The assailants, suspected to be militants of the ruling All Progressives Congress party, began the attack when they saw the journalists filming members of the group attempting to bribe voters.

On September 18, the military brutalised journalists, preventing them from taking photos during the funeral in Bamako of former Malian President Moussa Troare. “Lieutenant Magassi Toukara of the CNSP brutalised us and prevented us from taking pictures, and making life hellish for us”; lamented Idrissa Sangare, Publishing Director of Echos Media.

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

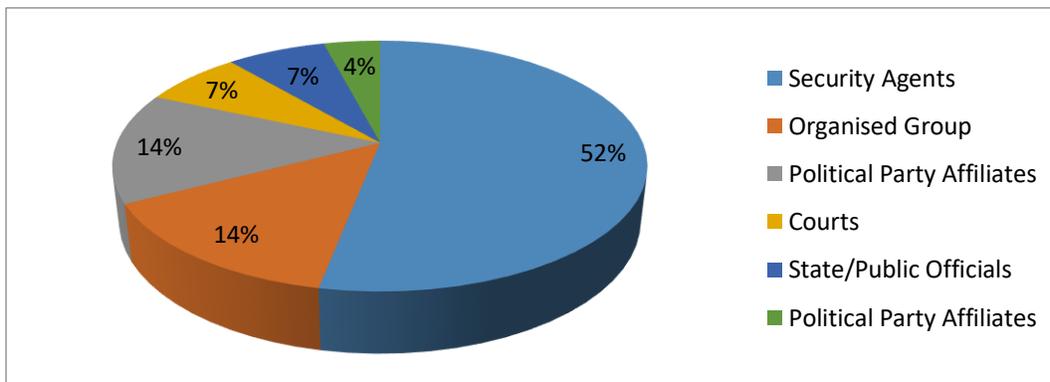
## Perpetrators of Violations

Six types of perpetrators carried out the 27 violations with state actors, specifically security agents emerging as the major culprits. Security agents who are supposed to help protect journalists and initiate the process of redress of abused journalists, ironically accounted for 14 (nearly 52%) of the 27 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 Perpetrators**

| Country              | Perpetrators and Number of Violations |                        |             |                            |                 |            |           |
|----------------------|---------------------------------------|------------------------|-------------|----------------------------|-----------------|------------|-----------|
|                      | Security Agents                       | State/Public Officials | Individuals | Political Party Affiliates | Organised Group | The Courts | Total     |
| <i>Nigeria</i>       | 4                                     |                        |             | 2                          |                 | 1          | 7         |
| <i>Ghana</i>         | 2                                     |                        |             | 2                          | 2               |            | 6         |
| <i>Mali</i>          | 2                                     | 1                      |             |                            | 1               |            | 4         |
| <i>Guinea Bissau</i> | 1                                     |                        | 1           |                            |                 |            | 2         |
| <i>Cote d'Ivoire</i> | 1                                     | 1                      |             |                            |                 |            | 2         |
| <i>Niger</i>         | 2                                     |                        |             |                            |                 |            | 2         |
| <i>Benin</i>         |                                       |                        |             |                            |                 | 1          | 1         |
| <i>Mauritania</i>    | 1                                     |                        |             |                            |                 |            | 1         |
| <i>Liberia</i>       | 1                                     |                        |             |                            |                 |            | 1         |
| <i>Senegal</i>       |                                       |                        |             |                            | 1               |            | 1         |
| <b>Total</b>         | <b>14</b>                             | <b>2</b>               | <b>1</b>    | <b>4</b>                   | <b>4</b>        | <b>2</b>   | <b>27</b> |

Figure 1 Percentage Distribution of Violations per Perpetrators



## Targets /Victims of Violations

The 27 violations affected a total of 62 direct victims. Forty-two of the victims were citizens, 40 of them from a single incident in Nigeria. The rest are 15 journalists, three activists, two media organisations and an artiste. It should be noted that while a crackdown on demonstrators in Nigeria was recorded against citizens, this report could only record the forty persons among the demonstrators who were known to have been arrested. Similarly, only one out of a number of journalists assaulted by a soldier in Mali could be identified.

In terms of distribution, sixteen of the 27 violations representing 59%, were directed at journalists. Citizens and activists were the next most affected victims with five and three violations respectively targeted at them. Two media organisations and an artist also suffered violations in three separate incidents. **Table 3** below illustrates the violations/victims distribution.

**Table 3: Violations and Victims**

| Country              | Frequency of Violations and Type of Victims |          |           |                    |          |           |
|----------------------|---|----------|-----------|--------------------|----------|-----------|
|                      | Journalists                                 | Citizens | Activists | Media Organisation | Artiste  | Total     |
| <i>Nigeria</i>       | 4   | 2        |           |                    | 1        | 7         |
| <i>Ghana</i>         | 6   |          |           |                    |          | 6         |
| <i>Mali</i>          | 4   |          |           |                    |          | 4         |
| <i>Guinea Bissau</i> |   |          | 1         | 1                  |          | 2         |
| <i>Cote d'Ivoire</i> |   | 1        | 1         |                    |          | 2         |
| <i>Benin</i>         |   | 1        |           |                    |          | 1         |
| <i>Niger</i>         | 1   |          | 1         |                    |          | 2         |
| <i>Mauritania</i>    |   | 1        |           |                    |          | 1         |
| <i>Liberia</i>       | 1   |          |           |                    |          | 1         |
| <i>Senegal</i>       |   |          |           | 1                  |          | 1         |
| <b>Total</b>         | <b>16</b>                                   | <b>5</b> | <b>3</b>  | <b>2</b>           | <b>1</b> | <b>27</b> |

## Redress/Impunity over Violations

Following an attack on Radio Capital FM in Bissau, the Interior Minister of Guinea Bissau, Botchá Candé visited the offices of the ransacked station to show solidarity with the management and staff of the media organisation. He promised thorough investigations into the incident, but no action had been taken as of the time of writing this report. In solidarity with the attacked media outlet, thirty private radio stations in the capital [suspended their broadcasts](#) for 24 hours to demand justice.

Nigeria's State Security Service (SSS), on August 28, released Gabriel Ogbonna, an Abia-based lawyer who had spent four months in its custody for posting articles on social media criticising the government of Abia State led by Okezie Ikpeazu.

Meanwhile, a High Court in Otor-Udu, Delta State, on August 27, 2020, ordered the leadership of the Nigerian police including the Inspector-General of Police, to pay a total of Naira 350,000 (about \$900) in damages to *DAILY POST*'s Delta State correspondent Matthew Omonigho and Onyekachukwu Meluwa of *PUNCH* and Christopher Odamah of *Delta Trumpet* for the unlawful arrest and detention of the three journalists.

## Other Key FOE Developments

On July 16, 2020, the UN Human Rights Council passed a [Resolution HRC44](#) on freedom of opinion and expression which, among other recommendations, urged states to ensure that their responses to the phenomenon of false publication and fake news are “grounded in international human rights law, including the principles of lawfulness, legitimacy, necessity and proportionality.”

In what has been hailed as a historic moment for the media in Sierra Leone, the country's Parliament on July 23, 2020, [unanimously approved](#) the Independent Media Commission (IMC) Act 2020 and repealed the 1965 Public Order Act (POA) that criminalised libel and sedition. The IMC exercises regulatory supervision over ethics and provides a framework for non-judicial adjudication of conflicts involving journalists and media organisations related to their journalistic work. This is expected to reduce if not eliminate court cases involving journalists.

The president of Ghana, Nana Addo-Dankwa Akufo-Addo, on July 23, directed the Minister of Communications to suspend the implementation of her directives to the Ghana Broadcasting Corporation (GBC), sequestering one of the state broadcaster's channels on the Digital Terrestrial Television (DTT) platform. The Presidential directive came three days after the MFWA petitioned the media regulator, the National Media Commission (NMC) challenging the propriety and constitutionality of the directive and urging the Commission to act to protect GBC from undue ministerial interference. Following the petition, the NMC issued a statement asserting its constitutional authority to refuse the Minister's request.

A court in Niamey on September 15, curiously [cancelled](#) a bail that had been granted to three civil society activists, following an appeal by Niger's public prosecutor. Moudi Moussa (journalist and trade unionist), Halidou Mounkaila (of the SYNACEB teachers' union) and Maikoul Zodi Moudi had been

granted bail on August 6, 2020, in the sum of 5 million CFA Francs (approximately US\$ 9,200). The three activists were arrested following a demonstration organised in March 2020, by civil society to demand a better conditions of service for country's armed forces who the demonstrators indicated were inadequately equipped to execute its anti-insurgency operations.

Guinea's Parliament on July 3, passed a new law on the Haute Autorite de la Communication (HAC), which gave the President the power to choose the head of the newly constituted media regulatory body. Previously, the head of the regulatory body was appointed by the members of the Commission. The new Law 003 / CNT /2020 which replaced Law /2010/03/CNT of June 2010 regarding the composition and functions of the HAC, also increased the Head of State's appointees on the board from one to three. Given that the HAC president in turn designates the heads of the authority's five specialised commissions, the MFWA expressed concern that the new arrangement gives the executive too much control over the media regulator. Meanwhile, in line with the new law, President Alpha Conde on August 25, 2020 announced a former Director General of the national broadcaster and ex-Minister of Information, Yacine Sidy Diallo, as the new HAC boss.

On September 26, a Court in Lome ruled that the director of publication of the *Alternative* newspaper, Ferdinand Ayite, had defamed the head of the state institution in charge of petroleum imports and pricing in Togo, and imposed on him a fine of 4 million CFA Francs (about USD 7,200). The chair of the Comité de suivi des fluctuations des prix des produits pétroliers (CSFPP), Francis Sossah Adjakli and his son Fabrice Afatsawo Adjakli, sued the journalist over a June 9, 2020 article which alleged that the two had connived with a Swiss trading company to defraud the Togolese government.

## Conclusion

The continued abuse of freedom of expression and freedom of assembly under what is supposed to be democratic governments is disturbing. Arrest and detention instantly deprives journalists of the ability to carry out their journalistic duties, and is therefore, one of the worst forms of press freedom violations.

Unfortunately, ten cases of arrest and detention, six of them against journalists, were recorded during the quarter. Similarly, out of nine cases of physical attacks, six were against journalists and two against the media. The impunity with which the majority of these violations were perpetrated gives further cause for concern, as it can lead to widespread self-censorship and stifle healthy intellectual debate which is critical to building a progressive and democratic society.

There is therefore, the need for governments and other non-state actors in West Africa to work harder and more collaboratively to address the freedom of expression and freedom of assembly issues in the region.

To this end, the MFWA makes 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 workers whose rights are violated in the line of duty.
- Develop and implement safety policies
- 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**

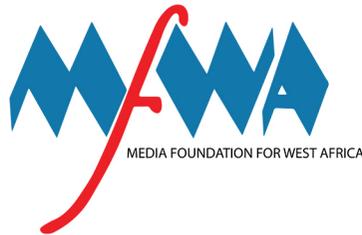
- Hold accountable culprits (both state and non-state actors) of freedom of expression violations through criminal, civil, administrative, or other sanctions to combat impunity.
- Encourage member states to “ensure respect for the rights of journalists” as stated in Article 66 of the ECOWAS Revised Treaty.
- 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**

- Encourage all Member states, particularly Nigeria, to take steps to end the serial violation of FOE rights in the country

### **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 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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