



West Africa Freedom of Expression Monitor



JANUARY-MARCH, 2021

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Executive Summary

West Africa has made impressive strides in the promotion of press freedom and freedom of expression generally over the past three decades. There has been an explosion in media outlets and media pluralism is a reality in most west African countries. This is one of the dividends from the mass adoption of democratic governance in the 1990s after years of military dictatorship and autocratic, self-perpetuating civilian rule.

The advent of the internet has further widened the space for civic participation in governance and public discourse. Contributing to the deepening the democratic culture and thriving on it at the same time is a vibrant civil society. Together with the media, civil society has through its advocacy work helped to make up for the weakness of the nascent public institutions in many countries of the sub-region

The democratic experiment has however begun to unravel over the past few years. Democratic standards have deteriorated and the old repressive habits are resurfacing. Controversial constitutional amendments have been carried out to allow sitting Presidents to prolong their mandates beyond the traditional two terms in Togo, Cote d'Ivoire and Guinea. Mali has been in the grip of a grim political deadlock over the past two years. In Benin and Ghana which are often cited for its strong democratic credentials and respect for press freedom, there is an outcry about repression and intimidation and widespread fears that this could lead to a culture of silence.

The Media Foundation for West Africa (MFWA) has been monitoring and reporting on the freedom of expression (FOE) situation in West Africa and carrying out campaigns to seek redress for violations against the media and critical voices. 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 2021 (January-March) The period under review recorded 50 violations in twelve countries. The figure is nearly the same as that of the last quarter of 2020 which also recorded 48 violations.

Nigeria had the worst record of violations (10), followed by Guinea Bissau (7); Guinea, Senegal and Togo (5 each). Twelve countries were featured in this report. Eleven incidents of physical attacks and nine of arrests/detentions. Five cases each of threats and seizures or destruction of journalists' equipment were also recorded. Four media houses were shut down and four suspensions of journalists and media houses. In Senegal, a police crackdown on demonstrators left two dead.

Unfortunately, these violations were perpetrated with near absolute impunity. Meanwhile all the countries featured in the report are democratic states with constitutional provisions and other laws which guarantee press freedom and protect freedom of expression and assembly. They are also signatories to regional and international charters, treaties and covenants guaranteeing FOE rights. Also the UN Plan of Action on the Safety of Journalists and the Issue of Impunity enjoins these countries to take steps to protect journalists and ensure justice for journalist victims of violations. In the light of the above, the MFWA urges all stakeholders in the FOE continue to collaborate to promote freedom of expression and end impunity for violations against journalists.

Introduction

Press freedom and freedom of expression generally have seen an impressive improvement in West Africa over the past two decades. This progress has largely been linked to the region's return to democracy since the beginning of the 1990's after decades of military rule.

The mass adoption of democracy has eased restrictions on the media and the work of civil society organisations. Citizens' participation in national discourse has been enhanced. 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 for the resources entrusted to government and public service institutions.

The new-found liberty is however, not absolute. been entirely without threats. State and non-state actors who are averse to the scrutiny of their activities by the media often antagonise journalists. There are still governments with corrupt and autocratic tendencies which target critical Journalists, civil society activists and dissenting citizens. They subject such targets to physical assaults, arbitrary arrests and detentions, threats and even killing.

The Media Foundation for West Africa (MFWA), in collaboration with its partner organisations in the various countries in the sub-region, has been actively engaged in advocacy around these threats to press freedom and freedom of expression generally. The organisation 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 monitoring reports are 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 (January-March, 2021) recorded a total of 50 violations. Nigeria had the worst record of violations (10), followed by Guinea Bissau (seven). Guinea, Senegal and Togo recorded five each. Twelve countries were featured in this report.

The rights that have been violated as contained in this report are guaranteed under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, to which all the twelve countries featured in this report have subscribed. These violations of FOE rights violations recorded in the region infringe these protocols. The impunity surrounding the violations also underlines a persistent culture of impunity that calls for a sustained collaboration among stakeholders to help combat it.

Methodology

This report is based on daily Alerts and Analysis received from the MFWA's correspondents in all 16 countries of West Africa who monitor FOE developments in their assigned countries. The daily alerts, which are published on the MFWA website, are collated, analysed and published on a quarterly basis as The Monitor. Sometimes, like the case with this report, relevant materials and alerts published by our national partner organisations are incorporated in the Monitor.

The findings in this report are discussed under six sections: incidents of violations, perpetrators of violations, targets/victims of violations as well as redress. Also highlighted in the 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 MFWA's monitoring activities over the period January-March, 2021 recorded a total of 50 violations in twelve countries. The violations were in ten different categories. Physical attacks, arrests/detentions, threats and seizure or destruction of journalist's equipment were the most frequently perpetrated violations. Four incidents of seizure and destruction of property were also recorded. The frequencies of the ten categories of violations recorded during the period are presented in Table 1 below:

| Country | Types and Frequency of Violations | | | | | | | | | | |
|----------------------|-----------------------------------|-----------------|-------------------|----------|--------------|------------------|--------|---------------------|--------|----------------------------------|-------|
| | Killing | Physical Attack | Arrest/ Detention | Sentence | Suspend /Ban | Shutdown (Media) | Kidnap | Shutdown (Internet) | Threat | Seizure/ Destruction of Property | Total |
| <i>Nigeria</i> | | 3 | | | | 1 | 2 | | 3 | 1 | 10 |
| <i>Guinea Bissau</i> | | 3 | 1 | | 1 | | 1 | | | 1 | 7 |
| <i>Guinea</i> | | | 1 | 4 | | | | | | | 5 |
| <i>Senegal</i> | 1 | | 1 | | | 2 | | 1 | | | 5 |
| <i>Togo</i> | | | 1 | | 2 | 1 | | | | 1 | 5 |
| <i>Ghana</i> | | 1 | 1 | | | | | | 1 | 1 | 4 |
| <i>Liberia</i> | | 1 | 2 | | 1 | | | | | | 4 |
| <i>Niger</i> | | 2 | | | | | | 1 | | 1 | 4 |
| <i>Benin</i> | | | 1 | 1 | | | | | | | 2 |
| <i>Cote d'Ivoire</i> | | 1 | | | | | | | 1 | | 2 |
| <i>Burkina Faso</i> | | | | 1 | | | | | | | 1 |
| <i>Mauritania</i> | | | 1 | | | | | | | | 1 |
| Total | 1 | 11 | 9 | 6 | 4 | 4 | 3 | 2 | 5 | 5 | 50 |

Countries and Incidents of Violations

Twelve countries recorded violations during the quarter under review. Ten violations were recorded in Nigeria, the highest for the quarter. Guinea Bissau followed with seven violations, followed by Guinea, Senegal and Togo with five each. Ghana, Liberia and Niger (four each) with Guinea recording three. Benin and Cote d'Ivoire, recorded two violations each, while Burkina Faso and Mauritania recorded a single violation each.

In **Nigeria**, two journalists were kidnapped and access to the *People Gazette* online newspaper was blocked on the four major mobile internet providers in the country.

In **Guinea Bissau**, the Management of the state-owned radio suspended Baducaram Imbenque, a sports journalist indefinitely without giving any reason. The victim told the MFWA his last assignment was the coverage of a friendly football match between the Executive and Legislature, and that he could not remember any act of misconduct or indiscretion to which he could link his suspension. It was however widely believed that the suspension was due to the journalist's omission to interview President Umaro Cissoko after a friendly football match refereed by the latter.

On March 9, some unidentified attackers kidnapped and assaulted journalist and blogger Antonio Aly Silva before abandoning him. They also seized his mobile phone.

Anti-riot forces killed at least two people as **Senegal** [descended into chaos](#) over the arrest on March 3, 2021 of popular opposition politician, Ousmane Sonko. Sheikh Ibrahima Coly and

Sheikh Diop, aged 20 and 17 respectively, died from gunshot wounds following the crackdown. Over a dozen demonstrators were also arrested and detained. The broadcasting regulatory authority, the Conseil National de Régulation de l'Audiovisuel (CNRA) suspended two private television channels, WALF TV and SEN TV, for three days on account of “broadcasting violent images.”

The authorities in Senegal also ordered a disruption of the internet on mobile devices on the major phone companies Orange and Sonatel. There was a similar internet disruption in **Niger** which lasted 10 days.

On January 15, a court in Lome granted the request of the Haute autorite de l'audiovisuel HAAC, **Togo's** media regulator, to withdraw the license of *L'Indépendant Express*. The decision permanently shut the newspaper whose Editor was also stripped of his license. The decision followed a publication by the media outlet alleging that some Ministers had stolen golden spoons at a reception.

In Guinea, a journalist, Ibrahima Sadio Bah [was sentenced](#) to six months in prison and a fine of 500 000 francs guinéens (50 dollars), after a tribunal in Dixinn found him guilty of defamation against the head of Guinea's Football federation in a Facebook post. A second journalist, Amadou Diouldé Diallo, [was arrested](#) the police and remanded in prison custody by a court after he accused President Alpha Conde of being ethnically divisive during a programme on Radio Lynx. Three journalists of Radio Nostalgie; Sidi Diallo, Thierno Madjou BAH and Ibrahima Lincoln Soumah were also sentenced two months' suspended prison terms and a fine of FGN 500,000 (\$50) for defamation. These penalties were widely condemned as wrongful because, under Guinea's press code, press offenses are not liable to criminal prosecutions and do not prescribe detention or prison terms. Three activists were also sentenced to prison terms in two separate incidents.

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

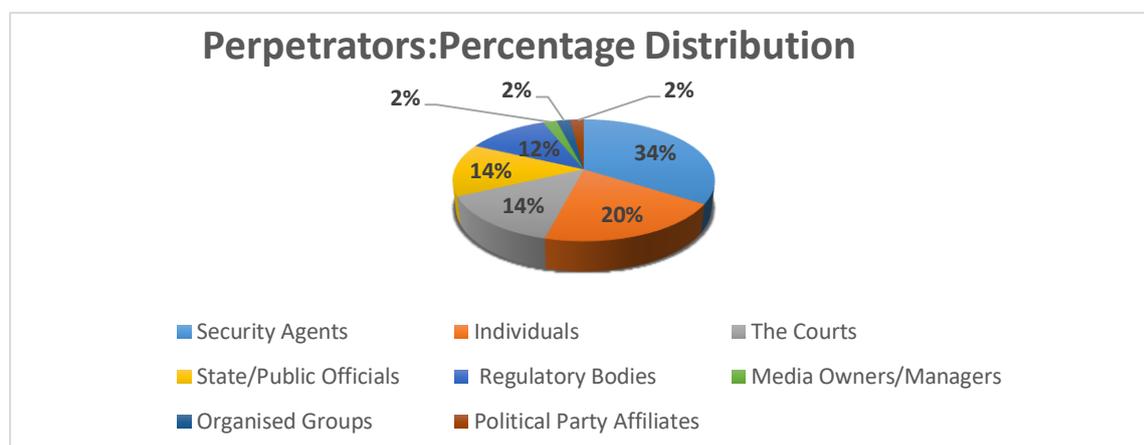
Perpetrators of Violations

Eight types of perpetrators carried out the 50 violations with state actors, specifically security agents and state officials, emerging as the major culprits. The two carried out 17 and seven violations respectively, totaling 24 or 48% of the violations recorded. 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 | Types of Perpetrators | | | | | | | | Total |
|----------------------|-----------------------|-----------------|-------------------|------------------------|------------|----------------------------|-------------|-----------------------|-----------|
| | Security Agents | Organised Group | Regulatory Bodies | State/Public Officials | The Courts | Political Party Affiliates | Individuals | Media Owners Managers | |
| <i>Nigeria</i> | 3 | 1 | 1 | 3 | | | 2 | | 10 |
| <i>Guinea Bissau</i> | 3 | | | | | | 3 | 1 | 7 |
| <i>Senegal</i> | 2 | | 2 | 1 | | | | | 5 |
| <i>Togo</i> | 2 | | 3 | | | | | | 5 |
| <i>Ghana</i> | 3 | | | | | | 1 | | 4 |
| <i>Liberia</i> | 3 | | | 1 | | | | | 4 |
| <i>Niger</i> | | | | 1 | | | 3 | | 4 |
| <i>Guinea</i> | | | | | 5 | | | | 5 |
| <i>Cote d'Ivoire</i> | | | | | | 1 | 1 | | 2 |
| <i>Benin</i> | 1 | | | | 1 | | | | 2 |
| <i>Burkina Faso</i> | | | | | 1 | | | | 1 |
| <i>Mauretanie</i> | | | | 1 | | | | | 1 |
| Total | 17 | 1 | 6 | 7 | 7 | 1 | 10 | 1 | 50 |

Figure 1 below shows the percentage distribution of the violations per type of perpetrators



Targets /Victims of Violations

In terms of distribution, 33 of the 50 violations, representing 66%, were targeted at journalists. Activists were targeted seven times, media organisations six times and citizens on four occasions.

Table 3 below illustrates the violations/victims distribution.

Table 3: Violations and Victims

| Country | Types of Victims and Number of violations | | | | |
|----------------------|---|----------|-----------|---------------------|-----------|
| | Journalists | Citizens | Activists | Media Organisations | Total |
| <i>Nigeria</i> | 9 | | | 1 | 10 |
| <i>Guinea Bissau</i> | 5 | | 2 | | 7 |
| <i>Senegal</i> | | 3 | | 2 | 5 |
| <i>Togo</i> | 3 | | | 2 | 5 |
| <i>Ghana</i> | 4 | | | | 4 |
| <i>Liberia</i> | 2 | | 1 | 1 | 4 |
| <i>Niger</i> | 3 | 1 | | | 4 |
| <i>Guinea</i> | 3 | | 2 | | 5 |
| <i>Benin</i> | | | 2 | | 2 |
| <i>Cote d'Ivoire</i> | 2 | | | | 2 |
| <i>Burkina Faso</i> | 1 | | | | 1 |
| <i>Mauritania</i> | 1 | | | | 1 |
| Total | 33 | 4 | 7 | 6 | 50 |

Table 3 above shows the distribution of violations against the various types of victims. However, in absolute terms, 53 identifiable individual victims were directly affected by the 50 violations. Thirty-nine of the victims were journalists. The rest were six media organisations, five activists and two citizens. It must be understood that one incident can result in multiple violations against the same victim or multiple victims. It should also be noted that the exact number of victims of certain violations such as internet disruption and crackdown are nearly always impossible to establish. For example, while the arrest of demonstrators in Senegal was recorded against citizens, this report could not establish the number arrested. However, the two who died from the crackdown were noted. Similarly, the number of citizens affected by the internet shutdowns in Senegal and Niger could not be established.

Redress/Impunity over Violations

On January 14, 2021, the media regulator, High Authority of Communication (HAC) and media professional associations formally protested against the sentencing of *Radio Nostalgie* journalists Sidi Diallo, Thierno Madjou BAH and Ibrahima Lincoln Soumah. The protests got the Minister of Justice Mori Doumbouya to intervene and order the Public Prosecutor, Séni Camara, to appeal to

the Court for the case to be handled under civil jurisdiction using the press code L / 002 / CNT of 2010.

Besides this intervention towards mitigating a violation that was perpetrated outside the quarter under review, none of the 48 recorded during January-March 2021 has been redressed. This underlines the entrenched culture of impunity. With security agents and state/public officials accounting for 24 (48 %) of the total, the victims appear to have no appeal against their abusers.

Other Key FOE Developments

On February 27, President Umaro Sissoco Embaló of Guinea Bissau railed against the media, accusing the media of being hostile to his government. While giving account of his one-year in office, the President warned that all radio stations operating without having received final authorisation would be closed down. Given that he prefaced this warning an attack on the media, it created concerns that the threatened shutdowns was meant to bring the media into line and if carried out, could be done discriminately.

The Board of Directors of the Media Foundation for West Africa (MFWA) at its meeting on February 25, 2021, said it was saddened by the fact that increasingly, a few countries in the region that served as champions for press freedom and free expression, are ceasing their leadership role on those issues and called for the resurgence of regional leadership on press freedom and freedom of expression issues.

In a [six-point resolution](#), the Board also condemned the continuous and escalating spate of human and media rights violations in the Republic of Guinea and called on the government of Guinea to take immediate and appropriate steps to end the spate of attacks, arrests and detentions of journalists activists in that country.

On march 1, 2021, the state broadcaster dismissed Baducaram Imbenque after he resumes work from suspension. The journalist was suspended, apparently for omitting to interview President Umaro Cissoko after a football match. He was finally dismissed when he refused to sign a statement condemning the SINJOTECS, a press freedom organization that was fighting his cause.

Following his release from prison, Beninois journalist Ignace Sossou paid what he called a [“thank you visit”](#) to the offices of the Media Foundation for West Africa (MFWA) at East Legon, Accra, on February 19, 2020. Sossou, who works with Benin Web TV, was sentenced to 18 months in prison on December 24, 2019. His arrest and conviction followed complaint from Benin’s Public Prosecutor that the journalist, who was covering a conference, had, in a tweet and a Facebook post, taken his words out of context.

The MFWA initiated many actions, including a joint petition with its national partner organisations, for the release of Ignace Sossou. We also joined many international human rights organisations to put pressure on the authorities in Benin to obtain the unconditional release of the journalist. The pressure from freedom of expression organisations including MFWA contributed

to the Court of Appeal commuting the sentence to 12 months, with 6 months suspended. He was finally released on June 24, 2020.

“I cannot thank the MFWA enough for the consistent advocacy you embarked on which contributed to my successful appeal and subsequent release from detention. The prison conditions were terrible, but your fight on my behalf, alongside the efforts of other press freedom organisations, always kept my spirit up,” the journalist said

On February 25, the Judiciary Service of Ghana issued a statement calling on the media to desist from attacking Supreme Court judges who were hearing a petition on Ghana’s December 7, 2020 presidential elections. The statement ordered online media platforms which had published ‘defamatory’ contents about the judges to delete them at the risk of legal suits. The order provoked an angry backlash with many expressing concerns that the judicial service was seeking to censor the media. The order was largely ignored.

In a curious fratricidal case, the Mauritanian Journalists' Union (SJM) Mohamed Salem Ould Dah filed a defamation suit against Moussa Ould Bouhli, a fellow journalist and president of another group, the Mauritanian Journalists Association. On March 18, a regional court in Nouakchott, [sentenced](#) the latter to a three-month suspended prison sentence "for disseminating false news via the Internet" and "defamation." The accusations were in relation to Bouhli’s critical Facebook posts about his colleague.

In another bizarre incident, the management of Guinea Bissau’s state broadcaster on march 1, dismissed Baducaram Imbenque after he resumed work from suspension. The journalist was suspended, apparently for omitting to interview President Umaro Cissoko after a football match. He was finally dismissed when he refused to sign a statement condemning the SINJOTECS, a press freedom organization that was fighting his cause.

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 civil society 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 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

- Encourage all Member states, particularly Nigeria and Guinea, to take steps to end the serial violation of FOE rights in their countries.

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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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