

Introduction

Press freedom and freedom of expression remain one of the major concerns in most West African countries in that it is constantly being undermined, particularly against the background of socio-political situations and events. In Burkina Faso, Mali, Niger, Mauritania and Senegal, when political or social crises occur, media professionals and social network activists almost systematically become targets.

The numerous attacks on freedoms during security, political and health crises are but evidence of this phenomenon. Indeed, between February and March 2021, the political crises that swept through Niger and Senegal put freedom of expression and the press to the test, either through pressure bordering on censorship, or by cutting off access to the internet. During these crises, journalists were both targets of the demonstrators and repressive authorities.

In the same vein, there is ongoing judicial harassment of media professionals and activists in the form of complaints followed by arrests or convictions by the courts in Mali, Mauritania. In general, even if there are grounds for relief, particularly in Mauritania and Mali with the release of imprisoned journalists, press freedom and of expression are still at the mercy of socio-political contingencies and their management by the authorities, who most often prefer the shorter route of muzzling the press and shutting down the Internet so as to stifle free expression of diverse opinions.

1. Freedom of expression and of the press in the midst of political and institutional crises

The post-election political crisis in Niger in the wake of electoral outcomes that gave candidate Bazoum Mohamed the victory in the second round of the presidential election led to violent demonstrations on February 23, 2021 and the days thereafter. The violent outbursts resulted in deaths and significant damage to property: destruction of public and private property, looting of shops and filling stations, banks and money transfer services, burning of homes, etc.

Media professionals fell victim to this violence. Indeed, the residence of the director of the Sarrounia Press Group and Radio France Internationale (RFI) correspondent, Moussa Kaka, was set on fire on February 24 in Niamey. Other journalists also suffered physical violence followed by the seizure of their work equipment. This was the case of M. Oumar, Sikka TV's Niger cameraman (Ref. [Violences électorales au Niger: la-mfwa condamne les agressions-des journalistes](#)).

Besides these physical acts of violence, the post-election crisis led to Internet shutdowns by the Nigerien authorities in order to prevent the population and especially activists from accessing social networks to mobilise for demonstrations. These are serious violations of individual and collective freedoms, particularly that of expression and of the press. It should be noted that these internet interruptions have led, de facto, to the suspension of several online media (Ref. [Internet rétabli au Niger après dix jours de coupure](#)).

In Senegal, violent demonstrations subsequent to the arrest of opposition politician Ousmane Sonko who is accused of rape, resulted in dozens of arrests, including arrest of human rights activists. In the aftermath, media professionals were hindered from covering the events in the right conditions. "What is happening in this country is extremely serious. There is a real obstacle to press freedom (...) At the National Assembly, journalists are left in a corner and forbidden to enter the Hemicycle. It is high time organisations concerned about press freedom stood up so that the right to a plurality of information which is enshrined in the Constitution is safeguarded and respected". (...) argued Ibrahima Lissa Faye, President of the Association of Online Press Professionals (APPEL) on his Facebook page. (see : [La mfwa dénonce la répression massive des droits à la manifestation au Sénégal](#))

It should be remembered that during the events that led to the overthrow of Malian President Ibrahim Boubacar Keita and the takeover of power by the military junta followed by the establishment of the transition, media professionals were victims of attacks on their security and their freedom. This was followed by arrests and the adoption of texts restricting press freedom.

In most countries, the security and health crises caused respectively by terrorism and the covid-19 pandemic had led to the adoption of measures restricting freedom of expression and of the press. This is the case of the decree issued by the Malian transitional authorities in December 2020 : [Mali: les autorités de la transition annoncent des mesures liberticides](#).

Mali's case follows a similar measure in Burkina Faso in 2019 with the revision of the Penal Code (read more here: [La liberté d'expression en ligne prise en otage par des lois liberticides au nom de la lutte contre le terrorisme au Burkina Faso](#)).

As it can be observed, in crisis situations, democratic freedoms and human rights are challenged both by public authorities and by citizens revolting against their rulers or demonstrating against situations of injustice.

2. Judicial harassment, the other sword of Damocles hanging over the heads of journalists and activists

Legal action is increasingly proving a devastating weapon against press freedom and social media activism. During the months of February, journalists were taken to court for defamation by third parties, including political actors and even fellow journalists. This was the case of journalist Ladj Bama, Editor-in-Chief of the bimonthly "Courrier Confidentiel" in Burkina Faso, who was tried on the 1st of February for defamation. In fact, following a publication on his Facebook page, the ruling party Mouvement du peuple pour le progrès (MPP), suspected by the journalist of being behind an assassination attempt against him on 10 November 2020, considered the claim as a defamation. The journalist was finally sentenced on Monday 15 March 2021 to pay a fine of 1 million CFA francs in addition to 1 million CFA francs in costs incurred (lawyers' fees and other costs of the complainant). Moreover, the ruling enjoined the journalist to "delete the article and the posts on his Facebook page". However, Ladj Bama has appealed and we await the outcome.

In Mauritania, Moussa Ould Behli, president of the Mauritanian Journalists' Association, was given a three-month suspended sentence by the regional court of West Nouakchott for disseminating "false news via the Internet" and for "defamation". This sentence follows a complaint by one of his colleagues, Mohamed Salem Ould Dah, president of the Mauritanian Journalists' Union (SJM). ([Un journaliste condamné à 3 mois de prison avec sursis suite à la plainte d'un confrère](#)).

According to several media professionals, this affair is the reflection of the rivalry between the two organisations, which further weakens the Mauritanian press, that is already beset by numerous difficulties of all sorts. Indeed, in Mauritania, the media sector as a whole faces the challenge of weak private press enterprises, amateurism of staff, weak support from the State, pressure from politicians through judicial harassment, etc. These difficulties have led the new authorities to take the decision to clean up the media sector: [Mauritanie: vers un assainissement du secteur et une émergence d'entreprises de presse viables](#).

These instances of justice being used to stifle freedom of the press and expression are of concern to the rule of law. They increasingly loom like hammers hanging over the heads of media professionals and social network activists.

Fortunately, there is some good news, such as the release of two journalists convicted for contempt of court in Mali. This release follows mediation by Mali's professional media organisations: [La mfw salue la remise en liberté de deux journalistes exhorte les autorités maliennes à garantir la liberté de la presse](#).

3. Recommendations: continuous sensitisation, denunciations and interpellation

The fight for freedom of expression is a never-ending one. It requires a permanent commitment, especially in national contexts where democratic processes are faltering. Therefore, in the face of repeated attacks on these fundamental human rights in the management of political and institutional crises, it seems important to continue raising awareness, mobilising and calling for democratic freedoms to be preserved and reinforced. The following recommendations are therefore made to the public authorities but also to media professionals through their professional organisations.

- To governments and institutions;

The Media Foundation for West Africa (MFWA) alerts authorities about the risks of using the press and social networks as scapegoats in the management of political, security and health crises. The MFWA further encourages authorities to involve the media more in the search for the most structural, appropriate and sustainable solutions when crises arise instead of trying to silence them and prevent citizens' access to information which is a constitutional right. Lastly, the MFWA appeals to governments to ensure the safety of journalists and their workplaces or homes from assaults by uncontrolled groups, sometimes manipulated by political entities.

- To professional media organisations

The MFWA recalls that it is only through unity and active solidarity that the media will prevail in the fight to defend and strengthen freedom of the press and of expression. Internal rivalries will only weaken them in contexts where they are already exposed to enormous legislative, economic and organisational challenges.

The MFWA calls on professional media organisations to take on roles and responsibilities in strengthening professionalism as a means of protecting themselves from prosecution and other attempts to muzzle them, whether by state actors or by uncontrolled groups.



Media Foundation for West Africa

32 Otele Avenue, East Legon,

Telephone: +233 (0) 302 555 327

Twitter: @TheMFWA

Facebook: Media Foundation for West Africa

info@mfwaw.org

www.mfwaw.org



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