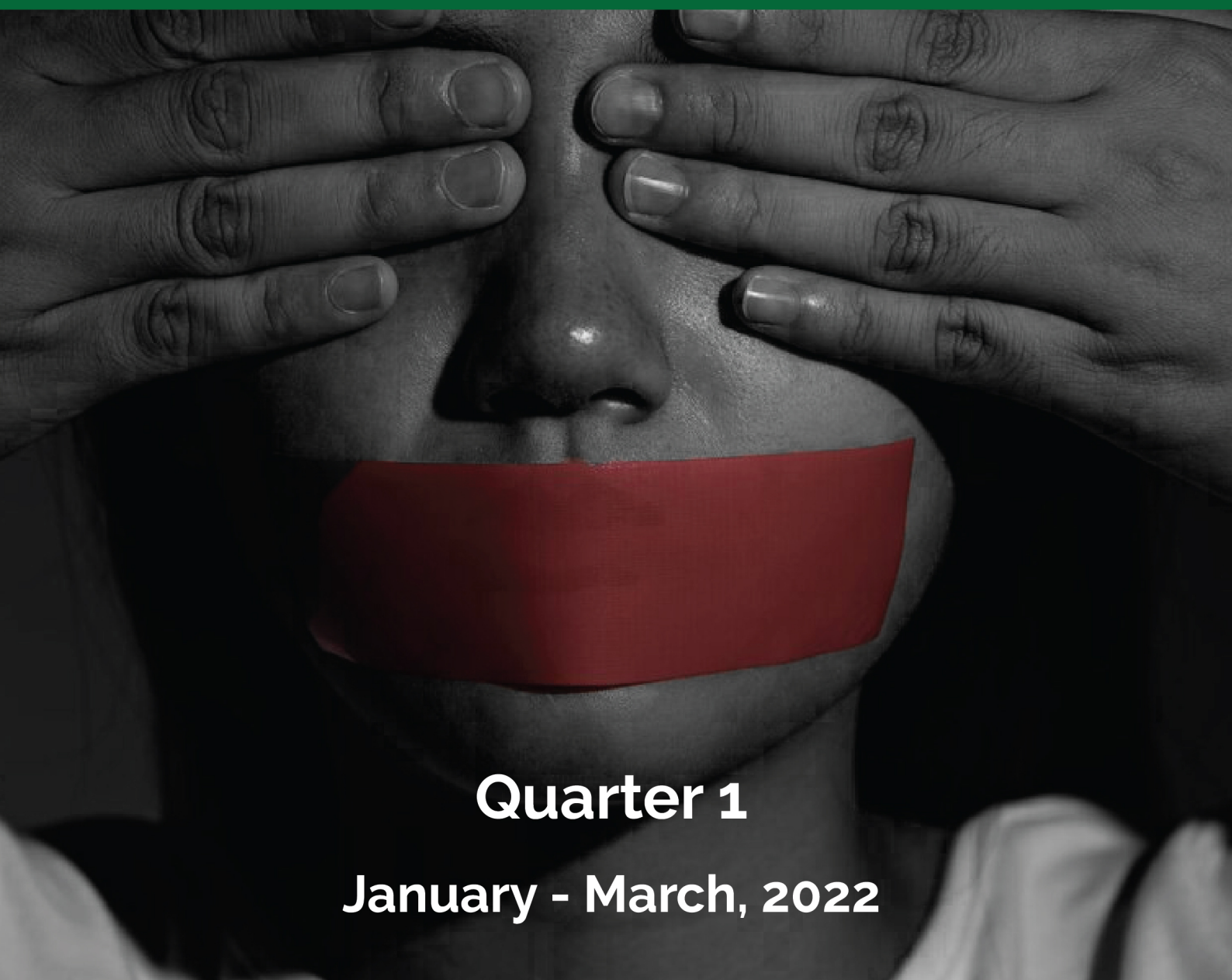




# West Africa **Freedom of Expression Monitor**



**Quarter 1**

**January - March, 2022**

## Table of Content

Executive Summary.....	2
Introduction.....	3
Methodology .....	4
Incidents of Violations.....	5
Countries and Incidents of Violations .....	5
Perpetrators of Violations.....	7
Targets/Victims.....	8
Redress/Impunity for Violations .....	9
Other Key FOE Developments .....	9
Conclusion.....	10
Recommendations.....	11

## Executive Summary

After a mass return to democracy in the 1990's following decades of post-independence instability and autocratic rule, West Africa appears to be sliding back into the political doldrums. In the past ten years, a series of insurgent activities have rocked a number of countries. Nigeria, Burkina Faso, Mali and Niger have been particularly hit by so-called jihadist attacks. There has been widespread disillusionment over government's response to the rebel attacks, leading to popular coups in Mali and Burkina Faso.

In Guinea, President Alpha Conde was overthrown by the army after he manipulated the country's constitution to stand for a third term in office. Alassane Ouattara of Cote d'Ivoire, however, got away with a similar manipulation to secure a third mandate, albeit at great cost to the country's social harmony and political health.

There have been grumblings in Ghana and Benin, two of the countries widely admired for their democratic culture and respect for freedom of expression that these countries are sliding into despotism.

Thus, from being the only sub-region in Africa without a self-perpetuating autocrat or a leader with a military background since the fall of The Gambia's Yahyah Jammeh in 2016, West Africa is fast losing its glory as a model of democracy on the continent.

Clearly, democracy has come under a strain, particularly over the past five years, with serious implications for press freedom and the civic space. Ghana and Senegal also slumped to record low rankings in the 2022 press freedom ranking by RSF. The government of Ghana carried out a purge of pro-opposition radio stations in 2019 in what the Media Foundation for West Africa condemned as discriminatory and politically-motivated enforcement of licensing regulations. From 2019 to 2021, security forces in Ghana went on the rampage against journalists and media houses in total impunity. In Nigeria, a [report](#) jointly produced by the MFWA and the Nigeria Union of Journalists (NUJ) in 2021 established that over 300 press freedom and freedom of expression violations have been recorded in during the first four years of President Muhammadu Buhari's administration.

The Media Foundation for West Africa (MFWA) has been carrying out campaigns to seek redress for violations against the media and dissenting voices based on trends on violations recorded during our monitoring. The results of the monitoring are published as the West Africa Freedom of Expression Monitor (The Monitor, in short).

This report covers the first quarter of 2022 (January-March). The period under review recorded 32 violations in seven countries. The figure is 14 percent higher than that of the last quarter of 2021 (September-December) which stood at 28.

Ghana recorded the most violations (11), Nigeria and Guinea-Bissau follow right after with 5 violations each. Niger recorded the least violations (1).

Arrests and detentions as well as physical assaults were the dominant types of violations, together making up 63%. Journalists and media organisations were the most affected with about 72% of the violations targeted at them.

## Introduction

All the countries in West Africa, like many in others across the world, have signed up to various treaties and instruments guaranteeing freedom of expression and of opinion. This is inspired by the recognition of press freedom and freedom of opinion, including dissenting opinion, as the cornerstone of democracy. Among the principal international instruments is the International Covenant on Civil and Political Rights (ICCPR), Article 19 of which states as follows;

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

They have also ratified the African Charter on Human and Peoples' Rights, Article 9 of which stipulates that;

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Additionally, the countries have national laws that guarantee media freedom and the rights of citizens to access information held by public institutions.

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 to monitor the state of freedom of expression (FOE) in West Africa. The monitoring helps to evaluate the extent of compliance to these laws and protocols by the various countries.

The reports produced from the monitoring are also meant to serve as a reference material and an advocacy tool for promoting and protecting media and FOE rights in West Africa. The monitoring and reporting activities therefore enhance evidence-based advocacy to promote freedom of expression as a cornerstone of democratic governance in West Africa.

Generally, West Africa has been democratic with a relative strong culture of tolerance and respect for divergent opinion and press freedom. Citizens' participation in national discourse is encouraged by the explosion of media outlets and access to social media.

There have been fears of a roll back of progress made in democracy and freedom of expression following recent coups in Burkina Faso, Guinea and Mali over the past one year.

There are concerns that critical journalists, civil society activists and dissenting citizens might be targets of physical assaults, arbitrary arrests and detentions, threats and even killing if the military strongmen era is re-enacted.

The military junta in Mali appear to justify the fears. They [have toughened](#) conditions for foreign correspondents to obtain accreditation while a number of French media outlets and correspondents have been expelled. In Burkina Faso, the military regime caused consternation when it warned that it would not condone impunity for disruptive publications on social media. There has, however, been a new period of calm on the media front since the arrival in office of the military government.

## 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

Thirty-two (32) violations were recorded in the course of the MFWA's monitoring of the FOE landscape in West Africa over the period of January-March, 2022. Eight different types of violations were recorded in seven countries. Physical attacks and arrests/detentions were the dominant type of violation, recording fourteen and six cases respectively. **Table 1** below illustrates the types and number of violations recorded in each country.

**Table 1. Countries and Types of Violations**

Country	Types of Violations								
	Physical attack	Arrest/ Detention	Sentence	Shutdown (Internet)	Suspension (Media)	Seizure/ Destruction of property	Censor	Threat	Total
Ghana	4	3	1			3			11
Guinea-Bissau	4							1	5
Nigeria	3	1				1			5
Burkina Faso	1	2		1					4
Liberia	2					1			3
Mali					1		2		3
Niger			1						1
<b>Total</b>	<b>14</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>32</b>

## Countries and Incidents of Violations

Seven countries were featured in this report, one less than in the previous quarter. Guinea-Bissau, Liberia, Mali and Niger are the addition to the list of countries which recorded violations in this quarter. On the other hand, Benin, Guinea, Mauritania, Sierra Leone and Togo which were featured during the previous quarter, recorded no violation this time round. Thirty-two (32) violations were recorded in the seven countries.

Fourteen cases of physical attacks and six cases of arrest/detention were recorded. Five cases of seizure/destruction of equipment were recorded while two cases each of sentencing and censorship were also recorded. One case each of internet shutdown, media suspension, and threat completed the list of violations of which some of the incidents are presented below:

In what possibly is the most grievous violation, the authorities in Burkina Faso, just like during the previous quarter, [disrupted mobile internet connection](#) in the country for 35 hours amidst a crackdown on anti-government demonstrations. The action, which deprived millions of citizens of vital access vital to information, was taken on January 23, 2022, a day before the recent military takeover in the country. The authorities had banned demonstrations and the police enforced the ban by using tear gas to disperse protesters.

In Mali, government authorities [suspended](#) *RFI* and *France24* for making “false allegations without any basis”. The two news organisations had published investigative reports alleging that the Malian armed forces (FAMa) were involved in abuses against civilians.

In Guinea-Bissau, a group of men in military uniform [stormed](#) the privately-owned *Rádio Capital* FM based in Bissau. The attackers, who broke into the premises of the media outlet on February 7, 2022, fired indiscriminately to scare away the staff and destroyed every piece of equipment in sight; furniture, consoles, computers, mixers, and transmitters. At least 4 journalists sustained injuries trying to escape the attack. Three media workers were also injured.

On January 13, 2022, a group of thugs of about 12 people [stormed](#) the premises of the Radio Ada (93.3 FM), a community radio station in the Greater Accra region of Ghana, assaulted two of its journalists and vandalised equipment.

On February 3, 2022, a group of police officers [brutally assaulted](#) Eric Nana Gyetuah, a radio presenter with Connect FM based in Takoradi, capital of the Western Region of Ghana, leaving him with a damaged eardrum. The journalist had gone for lunch at a local restaurant at Pipe Ano, a suburb of Takoradi when a group of armed men in plainclothes came in together with some suspects in handcuffs. Nana Gyetuah started filming the suspects from a discreet distance when one of the security officers accosted and assaulted him.

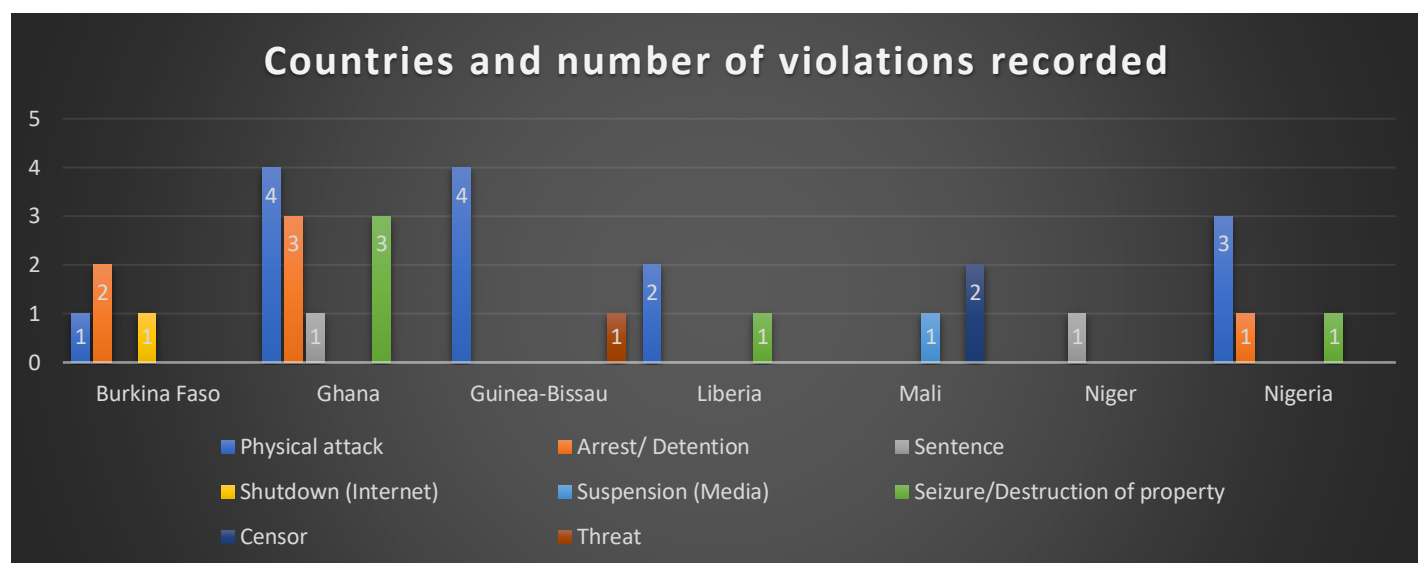
On February 19, 2022, a Liberian state official, superintendent Nelson Korquoi of Nimba County brutally [assaulted](#) journalist Franklin Doloquee of *FrontPageAfrica* while the latter was reporting live on Facebook. Doloquee was conducting the live interviews, when he saw Nelson Korquoi on the opposite side of the street of Gompa, in Ganta. The journalist moved towards the superintendent to interview him on the complaints against his administration. However, Korquoi grabbed the journalist by the collar of his shirt and hit him in the face and seized the journalist’s cell phone.

The summary narrative of all the violations recorded during the third quarter can be read [here](#)

The number of violations recorded in each of the seven countries are presented in Figure 1 below:



**Figure 1: Countries and number of violations recorded**



## Perpetrators of Violations

The 32 violations were perpetrated by five types of perpetrators with security agents accounting for 14 of them, representing 44% of the violations. State/public officials carried out 9 or 28% of the violations, with individuals, political party affiliates and the courts accounting respectively for 4, 3 and 2 violations, respectively.

Table 2 below provides more information on the types of perpetrators and the number of violations they perpetrated in each country.

### Countries and Types of Perpetrators

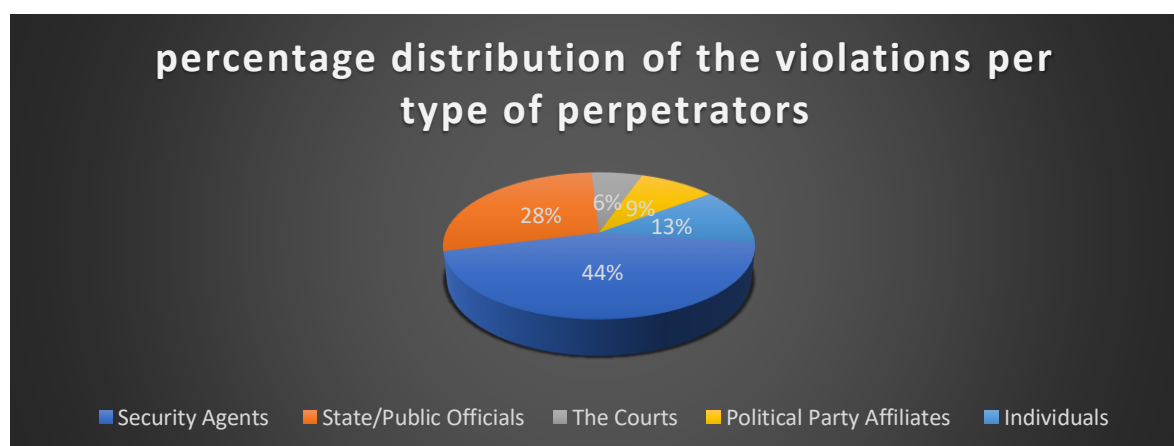
Country	Types of Perpetrators					
	Security Agents	State/Public Officials	The Courts	Political Party Affiliates	Individuals	Total
Ghana	6	1	2		2	11
Nigeria	2			3		5
Guinea-Bissau	4				1	5
Burkina Faso	2	2				4
Liberia		2			1	3
Mali		3				3
Niger		1				1
Total	14	9	2	3	4	32

The highest number of violations was recorded in Ghana (11). Guinea Bissau and Nigeria followed with five each. Burkina Faso recorded four (4); Liberia and Mali three (3) with Niger recording a single viola



The 32 violations were perpetrated by five types of perpetrators. Security agents accounted for 14 of them, representing 44% of the violations. State/public officials carried out 9 (28%) and individuals 13%.

**Figure 2** below shows the percentage distribution of the violations per type of perpetrators



## Targets /Victims of Violations

In terms of the distribution, seventeen (17) of the violations were targeted at journalists with eight (8) and six (6) targeted at media organisations and activists respectively. The internet shutdown in Burkina Faso was the sole violation against citizens. However, the exact number of victims could not be established. It is important to note also that one incident can result in multiple violations against the same victim or against many victims.

**Table 3** below illustrates the violations/victims distribution.

Country	Types of Victims and Number of Violations suffered				
	Journalists/Media Workers	Citizens	Activists	Media Organisations	Total
Ghana	9		1	1	11
Guinea-Bissau	1		3	1	5
Nigeria	1		1	3	5
Burkina Faso	2	1	1		4
Liberia	2			1	3
Mali	1			2	3
Niger	1				1
Total	17	1	6	8	32

However, in absolute terms, thirty-three (37) individual victims were identified. Nineteen (19) of them were journalists, six (6) activists, eight (8) media organisations and four (4) media workers (Technicians/media administrative officers, etc.). The number of victims involved

in the internet shutdown in Burkina Faso cannot be determined as it affected all mobile internet users in that country.

## Redress/Impunity for Violations

While the UN Plan of Action for the Safety of Journalists lays emphasis on preventive mechanisms, the authorities' response to violations of press freedom is an equally important indicator of commitment to promoting the safety of journalists. Unfortunately, none of the violations recorded in this report received any form of redress during the monitoring period.

There were, however, two major redress actions for violations recorded during previous monitoring periods. Both occurred in Nigeria.

On January 27, 2022, the Federal High Court in Kaduna, capital of Kaduna State in Nigeria [released on bail](#) journalist Luka Binniyat after 84 days in custody. His detention followed a defamation complaint by the Kaduna State Commissioner for Internal Security, Samuel Aruwan. The journalist who works with the US-based *Epoch Times* online newspaper was arrested on November 4, 2021, after he wrote an article denouncing the Kaduna state government's indifferent response to attacks by bandits on communities in southern Kaduna.

On March 21, 2022, a Federal High Court in Calabar acquitted and discharged journalist, Agba Jalingo, after a marathon trial that lasted 30 months. The publisher of *Cross River Watch* online newspaper was arrested by police at his residence in Lagos on August 22, 2019, and taken into custody. The journalist had published an article demanding accountability from the Rivers State Governor, Benedict Ayade over public funds earmarked for a bank project which was not delivered. The Media Foundation for West Africa (MFWA) had [condemned](#) the harassment of the journalist.

## Other Key Developments

On January 14, 2022, a former Speaker of Nigeria's House of Representatives [filed a defamation suit](#) against *WikiTimes* over an investigative report in which it is alleged that an amount of N97 million (about US\$230,000) earmarked for school projects in the federal constituency represented by the plaintiff, Yakubu Dogara in Bauchi State, had been misused. The lawsuit was scheduled for hearing on February 16, 2022, but was subsequently adjourned to March 21, 2022. In the case, the plaintiff is seeking N2 billion (about USD 4.815 million) in "general and exemplary damages against the defendant for libel" as well as an additional cost of N500,000.00 (about USD 1,200).

On January 26, 2022, authorities of Cape Verde officially [declared](#) the editor of the private news website the *Santiago Magazine*, Hermínio Silves a suspect in a criminal case. This was in connection with some murder which the journalist reported and allegedly implicated a former government minister. On February 4, 2022, in connection with the same case, reporter Daniel Almeida and Alexandre Semedo who are both from the private newspaper *A Nação*, were also formally declared as suspects by officers from Office of the Attorney General in Praia. It is a rare act of antagonism against the media in a country that has an impressive record in terms of upholding press freedom.

On February 11, 2022, the police [arrested](#) Oliver Barker Mawuse Vormawor, an activist and convener of a pressure movement #FixTheCountry, over a post he made on social media. In the Facebook post, the activist threatened to stage a coup himself if a controversial electronic levy bill was passed by Parliament. He is charged with public order and treason offenses.

On March 1, 2022, Ghanaian national security agents [re-arrested](#) Sacut Amenga-Etego on corruption charges. The freelancer was taken back into custody “on bribery charges” immediately after being released by a court. The critical journalist was arrested on February 25, 2022 and detained for “illegally” filming national security agents and suspects in their custody at the High Court.

On March 15, 2022, the newly elected transitional government of Burkina Faso announced in a communiqué that there would be “[no impunity](#)” for the “authors of publications and other subversive acts. According to Colonel Major Omer Bationo, Minister of Territorial Administration, Decentralization and Security, the commitment and unity of the Defense and Security Forces in the fight against terrorism are compromised by false information disseminated on social networks. The communique alarmed the public, drawing widespread condemnation.

Following the attack on Radio Capital FM, the Media Foundation for West Africa (MFWA) and its partner press freedom organisations from fifteen West African countries [petitioned](#) President Umaro Sissoco Embalo of Guinea Bissau over the incident. The petition was dated February 10, 2022, asked the President to personally ensure that the attacks are thoroughly investigated and justice served.

## Conclusion

The 32 violations in seven countries translate into 4.5 attacks in each of the countries featured in the report. The figure is not particularly high in the regional context and in terms of recent trends. Nonetheless, any level of hostility against journalists and the media as well as citizens expressing themselves either online or offline is a threat to freedom of expression, a key pillar of democracy and participatory governance.

Physical violence continues to be the dominant type of violation, followed by arrests and detentions, both of them very debilitating blows to the physical integrity and morale of the victims.

A further cause for concern is the fact that none of the violations recorded during the monitoring period received any form of redress. This state of impunity often fuels further attacks on the media and critical activists, with the risk of creating a vicious cycle, leading to widespread self-censorship and stifle healthy intellectual debate which is indispensable in any democratic society.

The fact that state actors such as the security forces and public officers are the lead perpetrators demands calls for further reflection on media-state relation. In this regard, the media, governments and civil society in West Africa must work 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.

### **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.
- Train security agents to appreciate the work of the media in democratic societies and to collaborate with them.

### **To ECOWAS**

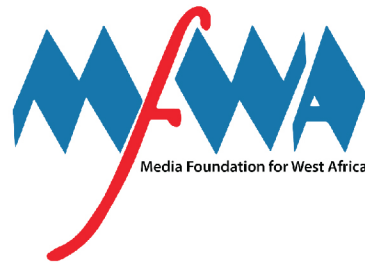
- Hold accountable culprits (both state and non-state actors) of freedom of expression violations through criminal, civil, administrative, or other sanctions to combat impunity.
- Encourage member states to “ensure respect for the rights of journalists” as stated in Article 66 of the ECOWAS Revised Treaty.
- Impose and enforce sanctions on Member States that persistently flout statutory obligations.
- Work with the military authorities in Mali, Burkina Faso and Guinea to ensure respect for FOE rights and a return to constitutional order within the shortest possible time.

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

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

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

- Call on the governments in West Africa 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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