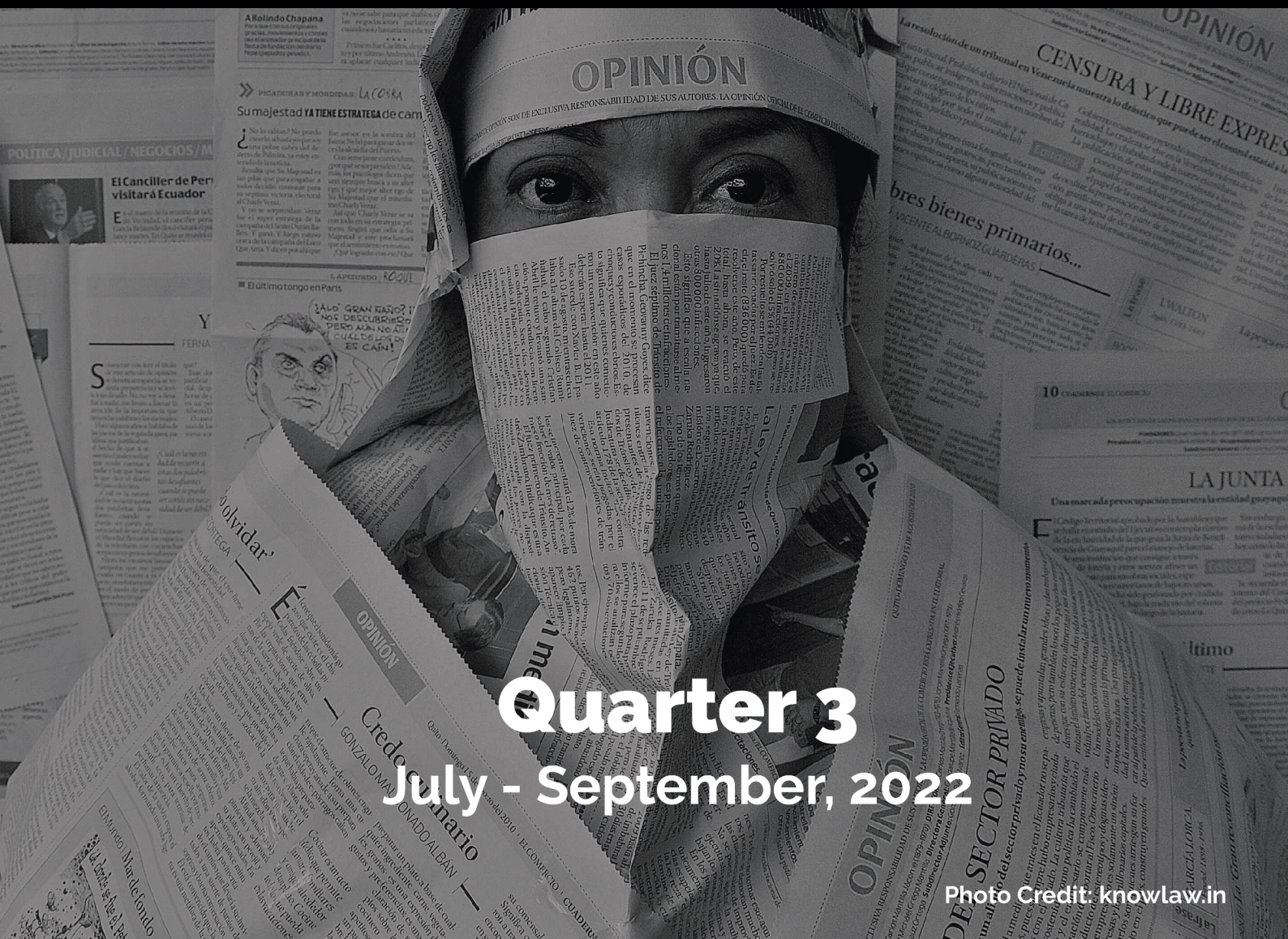


West Africa Freedom of Expression Monitor



Quarter 3

July - September, 2022

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Executive Summary

The Media Foundation for West Africa (MFWA) has been working to promote press freedom and to build the capacity of the media in the sub-region to effectively play its critical watchdog role. As part of its press freedom programme, the MFWA monitors the media environment, reports on press freedom violations and engages in advocacy to seek redress.

Since 2014, the findings of its monitoring activities are collated and analysed into quarterly publications titled, the West Africa Freedom of Expression Monitor. This edition of the West Africa Freedom of Expression Monitor covers findings from the monitoring and tracking of freedom of expression (FoE) violations and other developments recorded in the third quarter of 2022 (July-September 2022).

In the period under review, 46 freedom of expression violations were recorded. The figure is 9 per cent higher than that of the preceding quarter (April-June 2022) which stood at 42. Unfortunately, most of the violations reported had not been redressed in any way at the time of compiling this report.

Guinea recorded 18 violations to top the table of repression, followed by Nigeria (10 violations). Sierra Leone which recorded 3 violations during the second quarter of 2022, recorded 7 this time around with Ghana following with 4. Senegal, Liberia and The Gambia recorded 2 violations each, while Burkina Faso recorded a single violation for this quarter.

The 46 violations were perpetrated by seven types of perpetrators with security agents accounting for 18 of them, representing 40% of the violations. Individuals carried out 8 (18%) of the violations, while media regulatory bodies and State/Public officials accounted respectively for 7 (16%) and 4 (9%) of the violations. Organised groups (4 violations), the courts (2 violations) and political party affiliates (2 violations) together account for 8 violations, representing the remaining 17%.

Introduction

The past three decades beginning in the early 1990s have seen a wave of democratic changes that saw a mass return to democracy in West Africa right after the general slump into military and civilian authoritarianism of the immediate post-independence era. These changes have come with a media boom that opened up the civic space, leading to greater participation of citizens in governance and public discourse. In line with the new democratic dispensation, the various countries adopted liberal constitutions that protected fundamental rights such as the right to free expression and assembly.

While these rights have not always been fully upheld in practice, their consecration in the constitution provides a legal basis to challenge their violations. These violations come in multiple forms. Killings, threats, physical attacks, arbitrary arrests and detentions, and imposition of crippling fines, even in civil defamation suits, are among the repressive measures adopted by government officials, influential individuals and security agencies to silence journalists as well as human rights and civil society activists. In recent times, digital surveillance, forensic search and hacking of journalists' and activists' digital devices have added to the repressive mechanisms.

The threat to human rights generally and to press freedom, in particular, has, however, become more pronounced in recent years. Armed rebellion and terrorist attacks in the Sahel zone of Burkina Faso, Mali, Niger and northern Nigeria have led to the adoption of a raft of legislations that restrict the civic space and suppress press freedom. The civilian governments of Mali, Guinea and Burkina Faso have also been overthrown by the military. In this stifling political context, media coverage has become a delicate balancing act for journalists who seek to report the facts but are also minded to avoid being harassed by the authorities for breaching national security and demoralising the armed forces among other nebulous offences.

Consequently, self-censorship has become widespread in these countries. Social media is closely monitored for critical comments and journalists are harassed. The Media Foundation for West Africa (MFWA) has been monitoring and highlighting these developments demanding redress and providing documentary evidence to inform advocacy interventions.

The monitoring and reporting are informed and guided by provisions in international, regional and sub-regional human rights frameworks to which most West African countries are parties and/or signatories. Specifically, all 16 countries in

the region are parties to the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights, both of which have provisions for safeguarding FoE and freedom of association and assembly rights. Article 9 of the African Charter, for instance, states that "Every individual shall have the right to receive information" and "Every individual shall have the right to express and disseminate his opinions within the law." In terms of the right to freedom of association and assembly, Article 11 of the African Charter states inter alia that "every individual shall have the right to assemble freely with others."

The MFWA's monitoring and reporting, therefore, focus on the extent to which these international, regional and sub-regional safeguards, as well as FoE provisions in national Constitutions, are respected and upheld both in principle and in practice.

This edition of the Monitor covers the third quarter (July-September 2022), which recorded 46 violations. The three-month monitoring report covers the frequency of violations recorded, types of violations, perpetrators, and the countries in which the violations occurred.

Methodology

This report is compiled using data from the monitoring reports received from the MFWA's correspondents in various West African countries. To ensure that other violations not captured by our correspondents are factored into the analysis, information published by the MFWA's partner organisations in all the West African countries and Mauritania are integrated into the report.

Findings from the daily monitoring are published as Alerts to draw attention to the issues identified for remedial action. In 2014, the organisation introduced the West Africa Freedom of Expression Monitor (The Monitor), a quarterly publication which collates and analyses violations of the rights to freedom of expression, and rights to assembly. It also highlights other significant developments regarding democratic freedoms in the region. The Monitor has since been serving as an advocacy material for the promotion, defence and protection of media and FoE rights.

The report is guided by the UNESCO Journalists' Safety Indicators. Specifically, the safety and impunity statistics indicators informed the coding of the violations. The findings are presented below under the following areas: incidents of violations,

countries and incidents of violations, perpetrators, and targets of violations. The report also highlights some other important developments which occurred during the quarter. It concludes with several recommendations that will facilitate the nurturing of a progressive media landscape in the region.

Incidents of Violations

Forty-six (46) violations were recorded in the course of the MFWA's monitoring of the FoE landscape in West Africa over the period of July-September, 2022. Eleven different types of violations were recorded in eight countries. Physical attacks and arrests/detentions were the dominant type of violation, recording 16 and 11 cases respectively.

Table 1 below illustrates the types and number of violations recorded in each country.

Table 1: Countries and Types of Violations

| Country | Type of Violation | | | | | | | | | | | Total |
|--------------|-------------------|-------------------|------------|------|---------|----------------------------------|----------|-------------------|--------------------|--------|--------|-------|
| | Physical attack | Arrest/ Detention | Suspension | Fine | Killing | Seizure/ Destruction of property | Shutdown | Internet Shutdown | Denial of Assembly | Censor | Threat | |
| Guinea | 8 | 2 | 3 | | 2 | 1 | | | 1 | 1 | | 18 |
| Nigeria | 2 | 3 | 1 | 1 | | 2 | 1 | | | | | 10 |
| Sierra Leone | 2 | 3 | | | 1 | | | 1 | | | | 7 |
| Ghana | | | | | | | 1 | | | 2 | 1 | 4 |
| Senegal | 1 | 1 | | | | | | | | | | 2 |
| Liberia | 2 | | | | | | | | | | | 2 |
| The Gambia | 1 | 1 | | | | | | | | | | 2 |
| Burkina Faso | | 1 | | | | | | | | | | 1 |
| Total | 16 | 11 | 4 | 1 | 3 | 3 | 2 | 1 | 1 | 3 | 1 | 46 |

Countries and Incidents of Violations

The quarter was marred by a brutal crackdown on freedom of assembly in Guinea, Sierra Leone and Liberia. The military authorities in Guinea proscribed the biggest political pressure group in the country which has been at the forefront of public agitations for a speedy return to democracy. The government also banned street marches in the country and unleashed lethal force against demonstrators who defied the order. At least four people [were killed](#) with at least 80 protesters arrested between July 28 and 30, 2022.

There was a similar bloody crackdown on protests in Sierra Leone, while, in Liberia, the ruling party unleashed its militants on peaceful demonstrators with a near-fatal outcome.

Some incidents give rise to more than one violation and, sometimes, are targeted at more than one victim.

Below are highlights of some of the incidents:

On July 5, 2022, a division of the Guinean police, the Brigade de Répression du Banditisme (BRB), [assaulted, arrested and forcibly dragged](#) into their pick-up vehicles three human rights activists and members of the Front National pour la Défense de la Constitution (FNDC). At the time of their arrest, they were holding a press conference at the headquarters of the FNDC on socio-political news related to the conclusions of the Economic Community of West African States (ECOWAS). The three, namely, Oumar Sylla, Billo Bah and Djanii Alpha, learned later that Prosecutor General Charles Wright had [filed](#) a case against them for insulting members of the National Transitional Council on social networks.

On July 4, 2022, the police in Sierra Leone [assaulted and arrested](#) dozens of women in a crackdown on a protest against rising cost of living.

On August 10, 2022, security forces [killed](#) several protesters when another massive protest rocked the Sierra Leonean capital, Freetown and other big cities. Media [reports](#) initially said two protesters were killed, alongside a police officer who was allegedly lynched. However, the death toll was discovered on October 17, when the State organised a [burial service](#) for 27 protesters who were killed.

On July 26, 2022, the ruling Coalition for Democratic Change in Liberia [unleashed](#) its militants on demonstrators in Monrovia. The thugs disrupted the peaceful march of students of the University of Liberia's Student

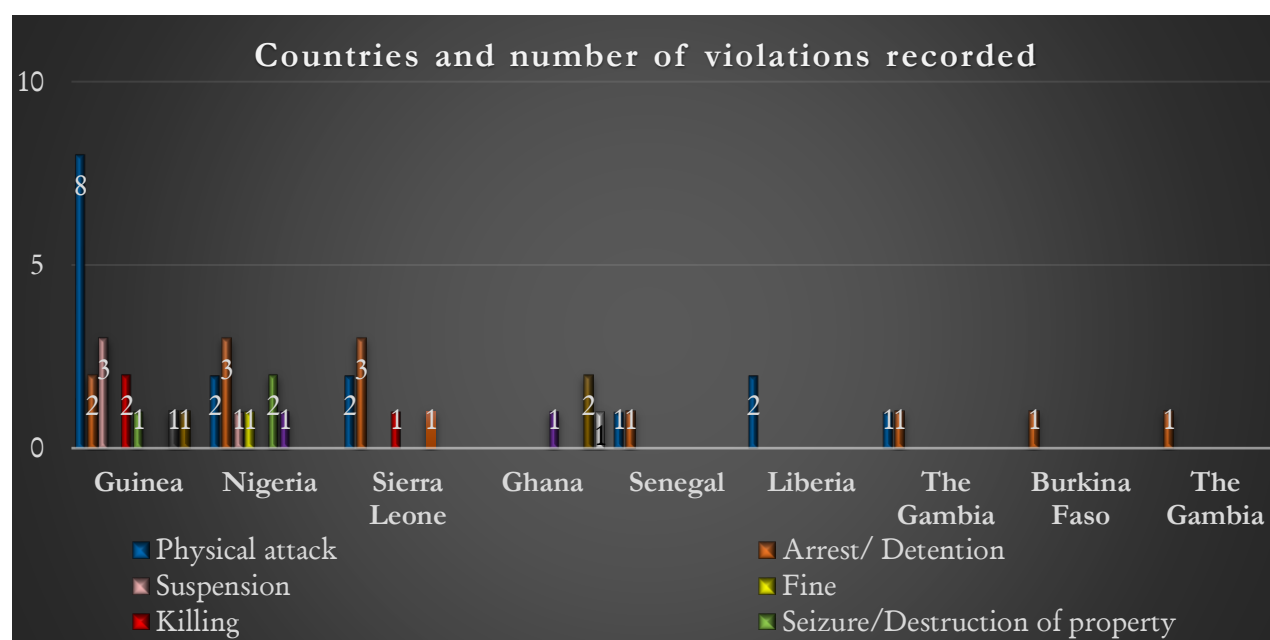
Unification Party (SUP) by violently attacking them. In a video that went viral, an outspoken member of the SUP, Christopher Walter Sisulu Sivili, was seen being tortured by a mob. The activist sustained head injuries, a bleeding face and broken limbs. He was consequently flown abroad in critical condition for medical treatment.

In other incidents, Nigeria’s broadcasting industry regulator, the National Broadcasting Commission (NBC), on August 19, 2022, [revoked](#) the licences of 52 television and radio stations. The NBC said the directive was consequent upon the stations’ indebtedness to it, amounting to at least NGN2.6 billion (US\$6.1 million).

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 eight countries is presented in figure 1 below:

Figure 1: Countries and number of violations recorded



Perpetrators of Violations

The 46 violations were perpetrated by seven types of perpetrators with security agents accounting for 18 of them, representing 40% of the violations. Individuals

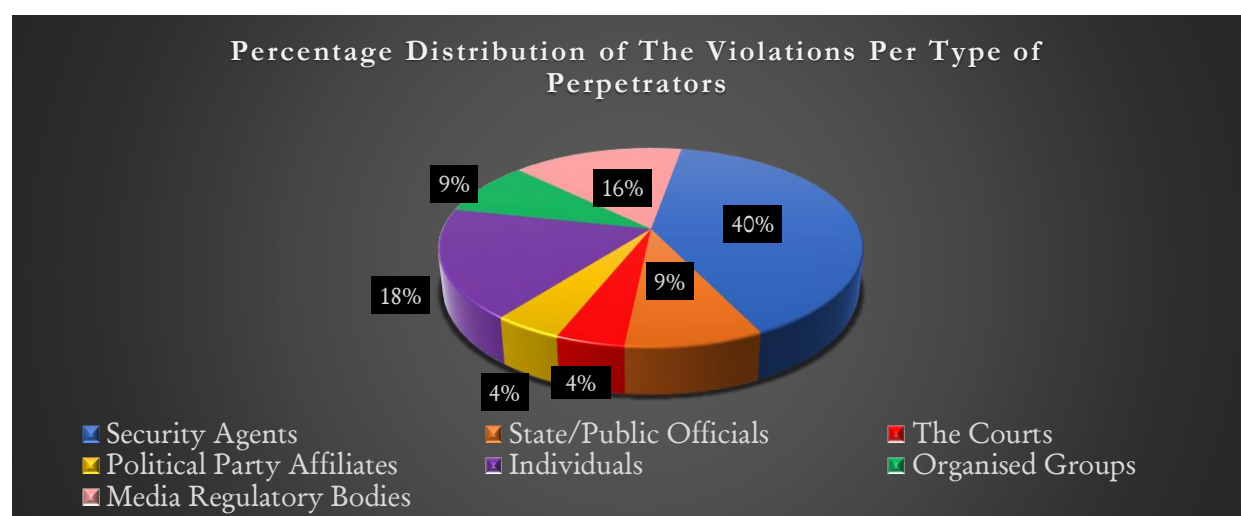
carried out 8 (18%) of the violations, while media regulatory bodies and State/Public officials accounted respectively for 7 (16%) and 4 (9%) of the violations. Organised groups (4 violations), the courts (2 violations) and political party affiliates (2 violations) account for the remaining 17% of the violations. Table 2 below provides more information on the types of perpetrators and the number of violations they perpetrated in each country.

Table 2: Countries and Types of Perpetrators

| Country | Types of Perpetrators | | | | | | | Total |
|--------------|-----------------------|------------------------|------------|----------------------------|-------------|-----------------|-------------------------|-------|
| | Security Agents | State/Public Officials | The Courts | Political Party Affiliates | Individuals | Organised Group | Media Regulatory Bodies | |
| Guinea | 6 | 2 | | | 6 | | 4 | 18 |
| Nigeria | 3 | | 2 | | 2 | | 3 | 10 |
| Sierra Leone | 6 | 1 | | | | | | 7 |
| Ghana | | | | | | 4 | | 4 |
| Senegal | 2 | | | | | | | 2 |
| Liberia | | | | 2 | | | | 2 |
| The Gambia | 2 | | | | | | | 2 |
| Burkina Faso | | 1 | | | | | | 1 |
| Total | 18 | 4 | 2 | 2 | 8 | 4 | 7 | 46 |

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

Figure 2: Percentage distribution of the violations per type of perpetrators



Targets/Victims of Violations

In terms of distribution, twenty-three (23) of the violations were targeted at journalists and media workers, while twelve (12) were targeted at citizens, and six (6) were directed at activists. Five violations were targeted (5) at media organisations. Table 3 below illustrates the violations/victims distribution.

Table 3: Types of victims and number of violations

| Country | Types of Victims and Number of Violations suffered | | | | |
|--------------|--|-----------|-----------|---------------------|-----------|
| | Journalists/Media Workers | Citizens | Activists | Media Organisations | Total |
| Guinea | 11 | 4 | 3 | | 18 |
| Nigeria | 7 | | | 3 | 10 |
| Sierra Leone | | 6 | 1 | | 7 |
| Ghana | 1 | 1 | | 2 | 4 |
| Senegal | 2 | | | | 2 |
| Liberia | | 1 | 1 | | 2 |
| The Gambia | 2 | | | | 2 |
| Burkina Faso | | | 1 | | 1 |
| Total | 23 | 12 | 6 | 5 | 46 |

In absolute terms, the violations were perpetrated against 254 victims. Of this, 40 were journalists and media workers, 147 were citizens, 11 were activists and 56 were media

organisations. It is to be noted that one violation can target more than one victim. Sometimes, the victims of violations such as crackdowns on protests and social media shutdowns cannot be numbered.

Digital Rights

There were also some important developments in the digital space. On August 4, 2022, Togo and Gabon signed a memorandum of understanding in Libreville, Gabon's capital, to considerably reduce the cost of mobile communications (voice, data and sms) roaming service charges. Considering the high cost of internet roaming charges, this initiative will greatly help to mutually reduce the data expenses of citizens in the two countries while significantly enabling accessibility to the internet and communication with others. This promises to be a key asset to accessing information and thus, enhancing knowledge for personal, social and economic development.

The African Commission on Human and Peoples' Rights' (ACHPR) on the Protection of Women Against Digital Violence in Africa [passed](#) a new resolution during the ACHPR's 72nd Ordinary Session held virtually from July 19 to August 2, 2022. The resolution, among other things, called on states to undertake awareness-raising programmes about the root causes of digital violence against women within the general context of gender-based violence. According to the ACHPR, when states effectively carry out this initiative, it will bring about changes in sociocultural attitudes and remove gender norms and stereotypes, while promoting the respect of fundamental rights in the online space, particularly on social media platforms.

The Commission said there is an urgent need to criminalise digital violence against women under domestic national laws. It also urged States to review legislative frameworks to rid them of discriminatory laws that exacerbate violence against women to afford them better protection.

Redress for Violations/Impunity

While the UN Plan of Action for the Safety of Journalists emphasizes preventive mechanisms, the authorities' response to violations of press freedom is an equally important indicator of commitment to promoting the safety of journalists. Unfortunately, violations against press freedom often go without any redress.

For example, as of the time of compiling this report in October 2022, and over a year after [a judgement](#) of the ECOWAS Court of Justice in favour of Nigerian journalist Agba Jalingo, the defendants had [failed to comply](#). The court gave the judgment on July 9, 2021, ordering the Nigerian government to compensate journalist Agba Jalingo for his prolonged detention and mistreatment in custody. Jalingo, the publisher of the private news website *CrossRiverWatch*, was arrested on August 22, 2019, over an anti-corruption publication.

However, some positive developments were recorded in this regard during the monitoring period.

On July 8, 2022, the authorities in Guinea [released](#) three activists of the political pressure group, the Front National pour la Défense de la Constitution (FNDC). The three activists, namely, Oumar Sylla, Billo Bah and Djanii Alpha, were [arrested and detained](#) on July 5, 2022, without any warrant or prior summons on charges of insulting members of the National Transitional Council.

On July 22, 2022, the Ouaga 1 high court in Ouagadougou, the capital city of Burkina Faso, [sentenced](#) Issaka Bagagnan to 12 months in prison, of which 6 months were suspended for hate speech. The 35-year-old street vendor was also fined 500,000 CFA francs (about USD 780) by the state, and ordered to pay journalist Newton Ahmed Barry a symbolic fee. The sentence was about a viral audio in which Bagagnan [threatened](#) Mr Barry, and called for his home to be vandalised. In June 2022, Bagagnan recorded and circulated an audio which called on the public to attack Mr Barry, the former editor-in-chief of the non-state investigative newspaper *l'Evènement*, and a regular voice on many media platforms.

On September 27, 2022, Olamilekan Hammed, journalist and publisher of the news website, *EaglesForeSight.com*, [was released](#), after spending 138 days in detention. The State Security Service in Ogun State, Nigeria, arrested and detained Olamilekan on May 13, 2022, after the journalist republished a report on the alleged criminal records of the governor of Ogun State, Dapo Abiodun.

On August 29, 2022, *Oyerepa FM* and *TV* [resumed](#) operation after shutting down for three days on the orders of the traditional chiefs in Kumasi, Ghana's second biggest city. The Kumasi Traditional Council [ordered](#) *Oyerepa FM* and *TV* to stop broadcasting after it aired a programme which the Council said was disrespectful of their office. The station had hosted Akwasi Addai Odiike, a politician and businessman, who accused the traditional authorities of condoning destructive, illegal mining in the region by their inaction. Odiike himself was banished from the jurisdiction of the traditional authority.

On August 29, 2022, a Federal High Court in Lagos [quashed](#) the Nigerian government's decision to revoke the licenses of 52 broadcast stations over failure to renew their licenses. The court's ruling was subsequent to a hearing argument on an ex parte motion by the

Nigerian Guild of Editors (NGE) and a rights group, the Socio-Economic Rights and Accountability Project (SERAP).

SERAP and NGE had jointly filed the lawsuit against President Muhammadu Buhari and the National Broadcasting Commission (NBC), the Nigerian broadcast regulator, which had [revoked](#) the networks' licenses on August 19, 2022.

On September 8, 2022, the Federal High Court in Lagos [extended](#) an earlier order stopping President Muhamadu Buhari and Nigeria's media regulator, the National Broadcasting Commission (NBC), from revoking the licenses of 52 broadcast stations over the non-renewal of operating licenses.

In a ruling by Justice Daniel Emeka Osiagor, Mr Buhari and the NBC were told that they could not close down the stations until a substantive motion over the constitutionality of the NBC's to revoke the licenses is heard.

Other Key FOE Developments

On July 27, 2022, Justice Ekaete Obot, a judge presiding over a libel case in Uyo, capital of Akwa Ibom State, [ordered the jailing for one month](#) of Inibehe Effiong, the defence lawyer in the said case. Defence counsel Effiong had angered Justice Obot by objecting to her expulsion of Saviour Imukudo, a reporter from *The Premium Times* and the deployment of heavily-armed policemen in the courtroom.

On July 28, 2022, the government of Sierra Leone [introduced](#) to Parliament the regulatory framework for the Right to Access Information (RAI) law which was passed in 2013. The framework, which comes nine years after Sierra Leone passed its RAI law, is meant to give force to the implementation of the Act that promised transparency and accountability.

On July 29, 2022, [lawsuits](#) were initiated against two leaders of the FNDC and Saikou Yaya Barry, on charges of “criminal participation in a prohibited gathering, public order disturbance, destruction of public and private property, arson, looting and assault and battery.”

On August 6, 2022, the authorities in Guinea officially [dissolved](#) the National Front for the Defence of the Constitution (Front National pour la Défense de la Constitution, FNDC), the country's most influential pressure group which is a coalition of political parties, trade unions and civil society organisations. The political pressure group, which had initially

welcomed the new junta, has held several meetings and demonstrations to demand a shorter transition period and a calendar for early elections.

On August 8, 2022, the media regulator in Guinea, the High Authority for Communication (HAC) [interrogated](#) the Publishing Manager of the online outlet, *Mosaïque.com*, Mohamed Bangoura. The HAC took issues with the journalist for publishing an article on the disappearance of a truck containing Tramadol, a drug often abused, from the premises of a military garrison.

On September 11, 2022, Emmanuel Christian Thorli was [beaten](#) by some staff members of the Njala University (NU) in the Ebo Town of the Western Rural District of Waterloo, in Sierra Leone. The NU staff were reportedly unhappy about a statement the journalist had made earlier in a tribute to his late colleague, Ralph Simeon Sesay, former Editor of Night Watch Newspaper and Former Public Relations Officer for Njala University.

In Ghana, Parliament [approved fees](#) to be paid by applicants seeking information under the country's Right to Information (RTI) law, putting to rest the thorny issue that was hindering the effective implementation of the law. The Fees and Charges (Miscellaneous provisions Act 2022 (ACT 1080) directed information holders to charge 27 pesewas (about 15 cents) for one A4 size page of information to be delivered in photocopy. However, if the information is printed from a computer, it will cost 38 pesewas. A copy of the information on storage devices, including pen drives will cost the applicant 29 pesewas, and emailed information attracts no fees. The underlying principle for the approved fees was that RTI applicants should not pay more than the cost of reproducing the information or the storage device on which the information is delivered. The approval of fees for RTI requests is welcome news. In July 2020, the National Communications Authority (NCA) asked the MFWA to pay GH¢2,000 for information on the closure of some radio stations in Ghana, forcing the MFWA to secure a court decision slashing the fees to GH¢1,500 which was considered still exorbitant.

Conclusion

The 46 violations recorded in eight countries translate into some 5 violations in each of the countries featured in the report. The figure is not particularly high given the regional context and in terms of recent trends. The previous quarter (April-June 2022) recorded 42 violations. 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 against journalists, followed by arrests and detentions, continues to be the dominant type of violation, both of which severely attack the physical integrity and morale

of the victims. A further cause for concern is the near absolute impunity with which the violations were perpetrated. This state of impunity often fuels further attacks on the media and critical activists, with the risk of creating a vicious cycle that could lead to widespread self-censorship. The fact that state actors such as the security forces and public officers are the lead perpetrators calls for further reflection on media-state relations. 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.
- Continuously train security agents and provide them with the appropriate crowd control equipment to enable them to control violent crowds without panicking and using lethal force.

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 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, 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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