

A close-up photograph of a person's face, focusing on their eyes and the top of their mouth. The person has dark skin and is wearing a red fabric mask that covers the lower half of their face. Their eyes are light brown and looking directly at the camera. The background is dark, making the face and the red mask stand out.

West Africa **Freedom of Expression** Monitor

Quarter 4

October - December, 2022

WEST AFRICA FREEDOM OF EXPRESSION MONITOR

Quarter 4

October-December 2022

January 2023

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 of Violations.....	9
Digital Rights	9
Redress/Impunity for Violations	11
Other Key FOE Developments	11
Conclusion.....	12
Recommendations.....	13

Executive Summary

The Media Foundation for West Africa (MFWA) has been working to promote press freedom and media development to enhance the media's capacity to play its critical watchdog role in promoting good governance in the sub-region. As part of its press freedom programme, the MFWA monitors and reports on press freedom and freedom of expression issues. It documents violations and potential threats to media freedom and the civic space and engages in advocacy to advance freedom of expression in West Africa.

The threat to human rights generally and to press freedom, in particular, has 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. These developments have produced a stifling context that restricts press freedom.

Since 2014, the MFWA has been collating and analysing the findings of its monitoring activities into quarterly publications titled, the West Africa Freedom of Expression Monitor. 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.

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 fourth quarter of 2022 (October-December 2022).

In the period under review, twenty- one (21) freedom of expression violations were recorded. The figure is fifty-five per cent (55%) lower than that of the preceding quarter (July to September 2022) which stood at 46. Unfortunately, most of the violations reported had not been redressed in any way at the time of compiling this report.

Nigeria recorded seven (7) violations to top the table of repression, followed by Senegal (4 violations). Burkina Faso recorded three (3) violations, while Mali followed with two (2) violations. Guinea-Bissau, Togo, Cote d'Ivoire, Liberia and Benin recorded one (1) violation each for this quarter.

The twenty-one (21) violations were carried out by six (6) types of perpetrators with security agents accounting for eight (8) of them, representing forty per cent (40%) of the violations. The courts, State/Public officials and Individuals carried out three (3) violations (15%) each, while Media regulatory bodies and Political party affiliates accounted respectively for two (10%) and one (5%) of the violations.

Introduction

The boom in digital technology and internet penetration has brought about a corresponding explosion in the media sector across the world, including West Africa. Adding to the favourable conditions for the growth and expansion of the media and civic space is the mass return to democratic governance which began in the early 1990s. By the year 2000, almost the entire West Africa sub-region had adopted multi-party democracy at the expense of the military juntas that monopolised political power in the late 1960s-1980s.

With democracy have come sweeping reforms to the legal environment of the media. Many countries have adopted constitutions that guarantee press freedom. Criminal libel has been repealed and Access to Information laws passed in several countries, significantly reducing legal obstacles to press freedom and the right to information.

Moreover, all the countries in the sub-region are parties or signatories to several international treaties and covenants relating to the right to freedom of expression. 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.

While the evidence does not show that these rights are 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 Media Foundation for West Africa (MFWA) has been monitoring and highlighting these developments demanding redress and providing documentary evidence to inform advocacy interventions.

This edition of the Monitor covers the fourth quarter (October-December 2022), which recorded twenty-one (21) 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 the 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. The report 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

Twenty-one (21) violations were recorded in the course of the MFWA’s monitoring of the FoE landscape in West Africa over the period of October to December 2022. Seven (7) different types of violations were recorded in nine countries. Arrests/detentions and physical attacks were the dominant types of violation, recording seven (7) and six (6) 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							Total
	Physical attack	Arrest/ Detention	Suspension	Fine	Sentence	Shutdown	Threat	
Nigeria	3	2		1		1		7
Senegal	1	3						4
Burkina Faso					1	1	1	3
Mali			1				1	2
Guinea-Bissau	1							1
Togo			1					1
Cote d’Ivoire		1						1
Benin		1						1
Liberia	1							1
Total	6	7	2	1	1	2	2	21

Countries and Incidents of Violations

The quarter was marred by a wave of arrests and detentions of journalists and as well as physical attacks, particularly in Nigeria. Some 7 journalists and activists were arrested or detained in eight incidents across the sub-region. In a typical case of persecution, Senegalese journalist Pape Ale Niang was arrested twice. Three days into Niang's first detention, a judge granted the state permission to further detain him.

Below are highlights of some of the incidents:

i. Arrests/Detentions

On November 6, 2022, police officers in Dakar [arrested](#) the managing editor of the online newspaper *Dakar Matin*, Pape Alé Niang on false publication and national security charges after he published a story in which he cited military sources. Three days into his incarceration a judge [granted](#) the police authorization to continue to keep journalist Pape Alé Niang in detention. Niang was [arrested and detained](#) again on December 19, 2022, only five days after his provisional release from detention.

On October 13, 2022, the police [arrested and detained](#) Dare Akogun, a journalist with the privately-owned *Sobi 101.9FM*, and Abdulrasheed Akogun, a journalist with the news website *Fresh Insight*. Rafiu Ajakaye, the Chief Press Secretary to the Kwara State Governor, Abdulrahman Abdulrazaq, accused the journalists of “inciting disturbance, injurious falsehood and criminal defamation” in a WhatsApp post alleging corruption against him.

On November 27, 2022, police operatives [arrested](#) Ayodele Samuel, the publisher of *Taraba Truth and Facts Newspaper* and Chief Executive Officer of *Rock FM 92.3 Jalingo*. The journalist was arrested allegedly on the orders of Darius Ishaku, the governor of Taraba State in north-east Nigeria.

On December 20, 2022, the Police Criminal Brigade of Cotonou, Benin, [arrested](#) Virgile Ahouansè, news editor of the privately-owned online radio *Crystal News* on charges of publishing false information.

On October 10, 2022, the Brigade de Recherches of Abidjan [arrested and detained](#) journalist Hamed Kassambara, Manager of Radio *Poufirié Fm* Ferkéssedougou.

ii. Physical Attacks

On November 29, 2022, a group of unidentified armed men in plainclothes [physically assaulted](#) a lawyer and political commentator for the private broadcaster *Rádio Bombolom*, Marcelino Intupé, from his home in Bissalanca, near Bissau. According to Intupé, the attack was in connection with critical comments that he made during the current affairs programme *Alô Guiné* (Hello Guinea) which was hosted earlier the same day of the attack and posted on Facebook.

On November 1, 2022, the majority leader in Nigeria's House of Representatives, Alhassan Doguwa, reportedly [assaulted](#) Abdullahi Yakubu, a journalist working with the *Leadership* newspaper in Kano, the capital city of Kano State in northwest Nigeria.

On November 5, 2022, police officers physically [assaulted](#) Fatou Dione, a camerawoman with the online media *Buur News*, in the Senegalese capital Dakar. The journalist was covering a demonstration.

On November 4, 2022, Kehinde Olatunji, a reporter with *The Guardian Newspaper*, was [assaulted](#) by Theophilus Akorede, an aide to the governorship candidate of the People's Democratic Party (PDP) in Lagos State, Olajide Adediran, popularly known as "Jandor".

On December 5, 2022, a group of hooligans suspected to be sympathizers of the ruling coalition **attacked** an opposition politician, Lewis Brown, at the premises of a local radio station, *Voice of Liberia*. The thugs held Brown hostage at the premises. While the police arrived and escorted the politician out, the thugs pelted his car with stones.

iii. Fines/Suspensions

On December 3, 2022, the junta in Burkina Faso [suspended](#) *RFI's* programmes in the country until further notice. The government accused the broadcaster of false reporting and abetting Islamist militants.

On November 14, 2022, the National Broadcasting Commission (NBC) of Nigeria, [fined](#) privately owned *Arise TV* NGN2 million (about US\$4,500). The broadcasting regulator fined the media over the broadcasting of alleged fake news on Bola Tinubu, the ruling party, All Progressives Congress' presidential candidate in the forthcoming 2023 elections.

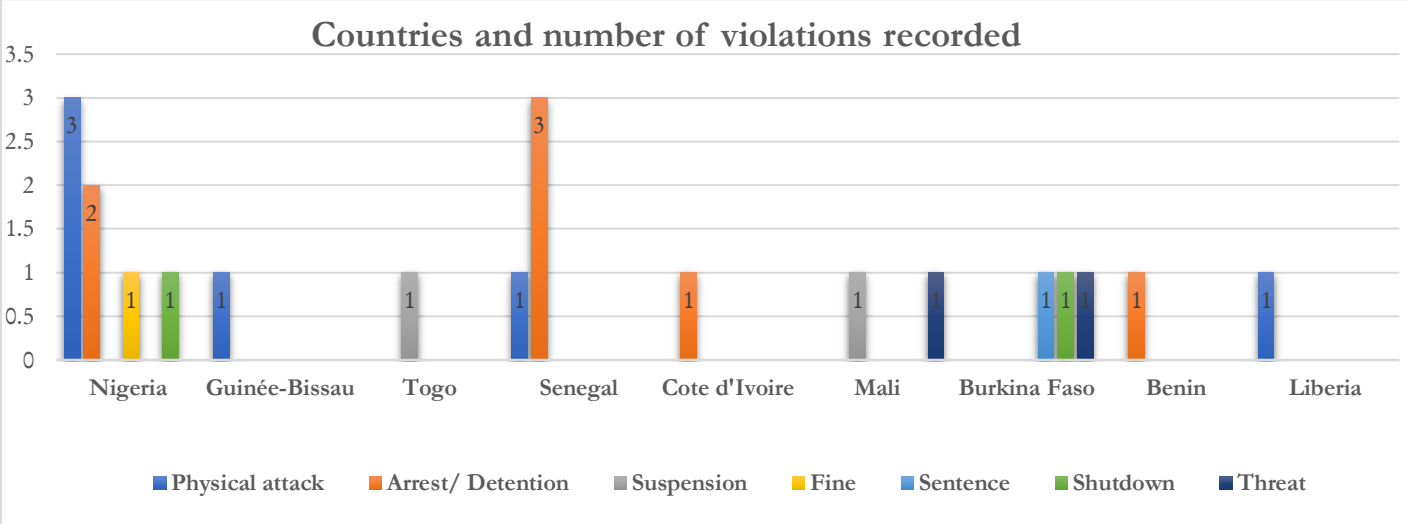
On October 5, 2022, a lower court in Togo’s capital city, Lomé, suspended the privately owned media *Liberté* for three months following a complaint of defamation by the office of the Prime Minister, Victoire Tomegah Dogbé.

On November 3, 2022, the media regulatory authority, the High Authority for Communication (Haute Autorité de la communication, HAC), [suspended](#) *Joliba TV News* channel and its Facebook page for two months. The HAC’s decision followed a publication of an editorial by the media house criticising Mali’s transitional government.

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

The number of violations recorded in each of the nine (9) countries is presented in figure 1 below:

Figure 1: Countries and number of violations recorded



Perpetrators of Violations

The twenty-one (21) violations were perpetrated by six (6) types of perpetrators with security agents accounting for eight (8) of them, representing 38% of the violations. The courts, State/Public officials and Individuals carried out three (3) violations (14%) each, while Media regulatory bodies and Political party affiliates accounted for two (2) (10%) violations each.

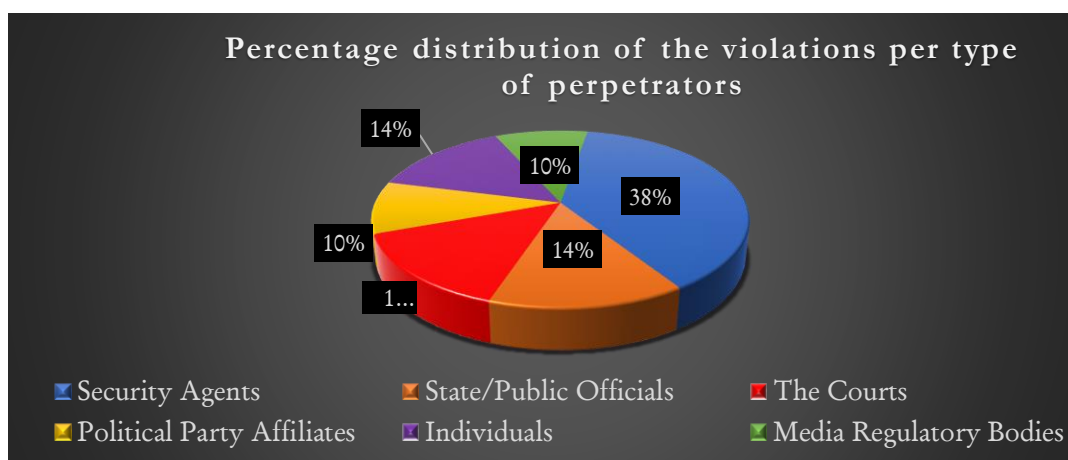
Table 2 below provides more information on the types of perpetrators and the number of violations they perpetrated in each country.

Table 2: Countries and Types of Perpetrators

Country	Types of Perpetrators						Total
	Security Agents	State/Public Officials	The Courts	Political Party Affiliates	Individuals	Media Regulatory Bodies	
Nigeria	2	2		1	1	1	7
Senegal	3		1				4
Burkina Faso		1	1		1		3
Mali					1	1	2
Guinea-Bissau	1						1
Togo			1				1
Cote d'Ivoire	1						1
Benin	1						1
Liberia				1			1
Total	8	3	3	2	3	2	21

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, thirteen (13) of the violations were targeted at journalists and media workers, while five (5) were targeted at a media organisation. Two (2) of the violations were directed at activists and one (1) at citizens.

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
Nigeria	5			2	7
Senegal	4				4
Burkina Faso	1		1	1	3
Mali	1			1	2
Guinea-Bissau			1		1
Togo				1	1
Cote d'Ivoire	1				1
Benin	1				1
Liberia		1			1
Total	13	1	2	5	21

In absolute terms, the violations were perpetrated against twenty-four (24) victims. Of this, twelve (12) were journalists and media workers, eight (8) were media organisations, three (3) were activists and one (1) was a citizen. 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

The Electoral Commission (EC) in Ghana [announced](#) at a press conference in Accra on September 8, 2022, that it was going to use the biometric Ghana Card as the only source of identification for future registration of voters. Samuel Tettey, Deputy EC Chair in charge of operations, argued that the use of the Ghana Card was the best way of ensuring the integrity of the voters register.

On October 5, the MFWA [organised](#) a digital literacy programme for thirty (30) women entrepreneurs in Ghana to boost their businesses online while avoiding the pitfalls of online insecurity. They had sessions on the effective use of digital marketing and content creation tools with highlights on how to plan marketing adverts on their social media platforms. This was to help them position their brands to drive sales and meet customer demands using the latest online business tools.

On December 19, 2022, the MFWA [organised](#) in Accra a national roundtable on addressing Ghana's cyber security capacity needs. The Deputy Manager in charge of International Cooperation at the Cyber Security Authority, Emmanuella Darkwah, revealed that, from January 2023, all cybersecurity service providers would have to register to practice. This directive, she said, is meant to help Ghana "attain a higher level of compliance and ensure industry standards, in line with international best practices." She said this would make Ghana the only country in Africa and second in the world after Singapore to require the licensing of cybersecurity service providers.

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.

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

On October 19, 2022, a magistrates' court in Ilorin, Kwara State [released on bail](#) a journalist with the news website *Fresh Insight*, Abdulrasheed Akogun, and a journalist with the privately-owned *Sobi 101.9FM*, Dare Akogun, after six days in detention. The two Nigerian journalists were arrested on October 13, 2022, over their critical posts on a WhatsApp page alleging corruption against an aide to the State governor.

On December 12, 2022, the Federal High Court in Jalingo, capital of Taraba State, [ordered the release](#) of journalist Ayodele Samuel from prison after two weeks in prison. Samuel was arraigned on two counts of defamation and injurious falsehood filed against him by Ishaku through the office of the state's attorney general. The police arrested the journalist on November 27, 2022, over the publication of reports on the governor of Taraba State in north-east Nigeria, Darius Ishaku. The governor was alleged to have planned to sell the Taraba Liaison Office and the state-owned Mambilla Beverages Company.

On December 14, 2022, the Senegalese authorities granted a conditional [release](#) to the Managing editor of *Dakar Matin*, Pape Alé Niang. The journalist, who had been placed under judicial control and reported regularly to the authorities, was prosecuted for revealing information likely to harm national defence, possessing administrative and military documents, and disseminating false news likely to discredit public institutions, according to the authorities.

On December 22, 2022, Benin's special court which prosecutes economic crimes and acts of terrorism, CRIET (Cour de Repression des Infractions Economiques et du Terrorisme) [released](#) journalist Virgile Ahouansè and placed him under judicial supervision. As a result, the journalist's passport was confiscated and he is required to report to the police station every Friday. Virgile was arrested on December 20, 2022,

under charges of false information aimed at disturbing the peace in the country in connection with an [investigation](#) his media had published.

Other Key FOE Developments

On October 5, 2022, the Ivorian authorities placed the editor-in-chief of the privately-owned *Le Panafricain* newspaper, Barthélémy Téhin, under judicial control. Téhin must report to court fortnightly and must also obtain prior authorisation from the authorities before he can travel outside Abidjan, the capital city. The journalist ordeal began after the Ivorian customs authorities lodged a defamation complaint against him over a corruption story allegedly involving the customs.

On October 10, 2022, a court in Niger [adjourned](#) the case in which Moussa Aksar, editor of the Niger-based newspaper *L'Événement*, was appealing a decision against him for defamation over an international investigation into an embezzlement case. In May 2021, the investigative journalist appealed a ruling by a court in Niger to pay a fine of 200,000 CFA francs (about 305 euros) and one million CFA francs (about 1,525 euros) in damages. The journalist reported on the alleged embezzlement of tens of millions of euros by senior army officials and people close to the government, in connection with the purchase of military equipment.

On October 10, 2022, the acting manager of private radio station *Galáxia*, Tiano Badjana, took shelter at the premises of the Catholic Mission in the capital Bissau, after a group of armed men in police uniforms [went to the radio station and subsequently](#) to his residence to inquire about him, but did not find him. Earlier the same day, the radio station based in Pindjiguiti, a neighbourhood in the capital, had broadcast a report about an alleged case of drug trafficking implicating a public official. The journalist remained at the facility for a month.

On October 12, 2022, the High Authority for Communication (Haute Autorité de la communication, HAC) put [on notice](#) *Joliba TV News* based in Mali. The action followed the station's broadcasting, on September 30, 2022, of an editorial that expressed worry about what it considered as increasing intolerance of divergent views looming danger to freedom of expression and press freedom in the country. The HAC accused the channel of making defamatory remarks and unfounded accusations against them (the HAC), against the state of freedom of expression in Mali, and the transitional government.

On December 9, 2022, lawyer and political commentator for the private broadcaster *Rádio Bombolom*, Marcelino Intupé, went into hiding for fear for his safety when unidentified men arrived at his home for the third time. Earlier on December 5, armed men opened fire on Intupé's home, and left the scene, following a press conference in which Intupé identified Tchernobari, head of security of the Guinean President, as the leader of an attack against him. Intupé was [physically assaulted and abducted](#) on November 29, 2022, by a group of unidentified armed men in plain clothes.

On December 8, 2022, the Police at the federal headquarters in Nigeria's capital, Abuja, [arraigned](#) Agba Jalingo, journalist and publisher of *CrossRiverWatch*, before a court for allegedly defaming one Elizabeth Ayade, the sister-in-law of the Governor of Cross River State, Ben Ayade. Jalingo was [arrested](#) on August 19, 2022, over a publication that alleged that Elizabeth paid one Paschal Aboh to impersonate her during an examination at the Nigerian Law School.

In December 2022, the authorities of Guinea Bissau [announced](#) new regulatory fees for the operation of media in the country. Under the new tariffs, one will need to pay 500,000,000 CFA Francs (about \$800,000) to acquire a licence for commercial television with national coverage. This figure represents at least a 6000% increase on the previous fees which were 7,000,000 CFA Francs (about \$10,000).

The newly announced tariffs also require payment of 10,000,000 CFA Francs (\$16,000) to acquire a licence to operate a radio station with national coverage. Renewal for this category also shot up to 900%.

The announcement of the hikes in licence fees has left many media stakeholders stunned as the new tariffs are considered [crippling](#) for the media sector. The media tariff increment is also considered a threat to media freedom and access to information in the country.

Conclusion

The twenty-one (21) violations recorded in nine (9) countries translate into some 2 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 (July-September 2022) recorded 46 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.

Arrests and detentions, followed by physical violence against journalists continue 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 among 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.



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@mfw.org

www.mfw.org



[@themfwa](https://twitter.com/themfwa)



www.mfw.org



[themfwa](https://www.facebook.com/themfwa)