



West Africa Freedom of Expression Monitor

Quarter 1

January - March, 2023

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WEST AFRICA FREEDOM OF EXPRESSION MONITOR

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Executive Summary

The Media Foundation for West Africa (MFWA) has been working to promote press freedom and to promote 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 the findings from our monitoring and tracking of freedom of expression (FoE) violations and other notable developments recorded in the first quarter of 2023 (January-March 2023).

During the period under review, a total of fifty-five (55) incidents of freedom of expression violations were recorded. The figure is hundred and sixty per cent (160%) higher than that of the preceding quarter (October-December 2022) which stood at 21. Unfortunately, most of the violations reported had not been redressed in any way at the time of compiling this report.

Nigeria ranked first with thirty-one (31) violations, the highest number of violations, placing it at the top of the repression list. Niger followed with six (6) violations, while Guinea and Senegal each recorded four (4) violations. Burkina Faso followed with three

(3) violations, while Mali and Sierra Leone each recorded two (2) violations. Togo, Mauritania and Ghana each recorded one (1) violation.

Six (6) different types of perpetrators were responsible for the fifty-five (55) violations. Security agents accounted for seventeen (17) violations, representing thirty-one per cent (31%) of the total. Individuals and political party affiliates carried out twelve (12) violations (22%) and thirteen (13) violations (24%), respectively. The remaining violations were attributed to Courts (6), State/Public officials (5), and media regulatory bodies (2), accounting respectively for eleven per cent (11%), nine per cent (9%) and four per cent (3%).

Introduction

The boom in digital technology and internet penetration has brought about a corresponding explosion in the media sector worldwide including, in 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 first quarter (January-March 2023), which recorded fifty-five (55) violations. The three-month monitoring report presents 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.

Countries and Incidents of Violations

Fifty-five (55) violations were recorded in the course of the MFWA’s monitoring of the FoE landscape in West Africa over the period of January to March 2023. Nine (9) different types of violations were recorded in ten (10) countries. Physical attacks and arrests/detentions were the dominant types of violation, recording twenty (20) and fourteen (14) incidents 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	Suspension	Seizure/ Destruction of property	Sentence	Internet Shutdown	Censorship	Fine	Threat	Total
Nigeria	15	3		6			5	1	1	31
Niger	1	5								6
Guinea	3			1						4
Senegal		3	1							4
Burkina Faso			1				2			3
Mali		2								2
Sierra Leone	1			1						2
Togo					1					1
Mauritania						1				1
Ghana		1								1
Total	20	14	2	8	1	1	7	1	1	55

The quarter was marred by a wave of physical attacks, censorship as well as arrests and detention of journalists in Nigeria, which recorded thirty-one (31) violations. The incidents of violations mostly occurred during the presidential and gubernatorial elections held on February 25, 2023, and March 18, 2023, respectively.

In other countries like Niger, authorities arrested and detained several activists based on the country's 2019 cybercrime law. In a typical case of muzzling the media, the Senegalese media regulator, the Conseil national de Régulation de l'Audiovisuel (CNRA), suspended a media for violating the code of ethics by broadcasting scenes of violence.

Below are highlights of some of the major incidents:

i. Arrests/Detentions

On February 25, 2023, Haruna Salisu Mohammed, the Publisher of *WikekiTimes*, was arrested and detained by police officers in Duguri town, located in south-eastern Bauchi state. The journalist was interviewing with a group of local women who were protesting against the governor at the polling centre. The governor alleged that the protest was an attempt to undermine his re-election campaign and accused Salisu of being hired by the opposition to report negatively about him and sabotage his chances in the election. Salisu was charged with incitement to disturbance of public peace, in violation of Section 114 of the Penal Code.

On March 27, 2023, the Federal High Court in Abuja remanded in custody Agba Jalingo, a journalist and publisher of CrossRiverWatch.com for false publication under Nigeria's Cybercrimes Act. Jalingo was accused of publishing a malicious article against Elizabeth Ayade, the wife of the governor's brother.

On March 30, 2023, the Magistrate Court in Tema (a city located 25 kilometres East of the capital city, Accra) remanded for two weeks the Deputy Station Coordinator of

Radio Ada, Noah Dameh. He is facing false publication charges under section 208 of the Criminal Offences Act, 1960 (Act 29). The charges stem from a defamation complaint filed by ElectroChem Ghana Limited (EGL), a salt mining company in Ada. Dameh had made a Facebook post accusing the police of violating the rights of one Benjamin Anim and claimed that the abuse was ordered by Daniel Mckorley, the owner of EGL.

ii. Physical Attacks

On January 4, 2023, law enforcement officers [physically assaulted](#) Oumar Cissé, a reporter of the *Djoma FM* press group in Siguiri, a town in north-eastern Guinea (located 761 km away from the capital city Conakry). The journalist was severely beaten as he was covering a demonstration in Siguiri.

On February 22, 2023, about 20 supporters of the PDP [physically assaulted](#) Jonathan Ugbal, editor of the privately owned news site *CrossRiverWatch*. The journalist was covering a protest by youths of the Ikot Abasi Obori community in Calabar, the capital of Cross River State.

On March 18, 2023, a group of political thugs [physically attacked](#) the crew of privately owned broadcast station, *Arise News* comprising a reporter, Oba Adeoye, a cameraman Opeyemi Adenihun and a driver Yusuf Hassan. Adenihun suffered facial injuries as a result of the attack even as the crew's drone and other equipment were seized.

iii. Fines/Suspensions

On March 27, 2023, the government of Burkina Faso [suspended](#) French broadcaster *France 24* for interviewing a leading member of the jihadi rebel. The government accused the media outlet of broadcasting an interview with the chief of al-Qaida in the Islamic Maghreb, Abu Obeida Youssef al-Aanabi. The media outlet revealed that it had

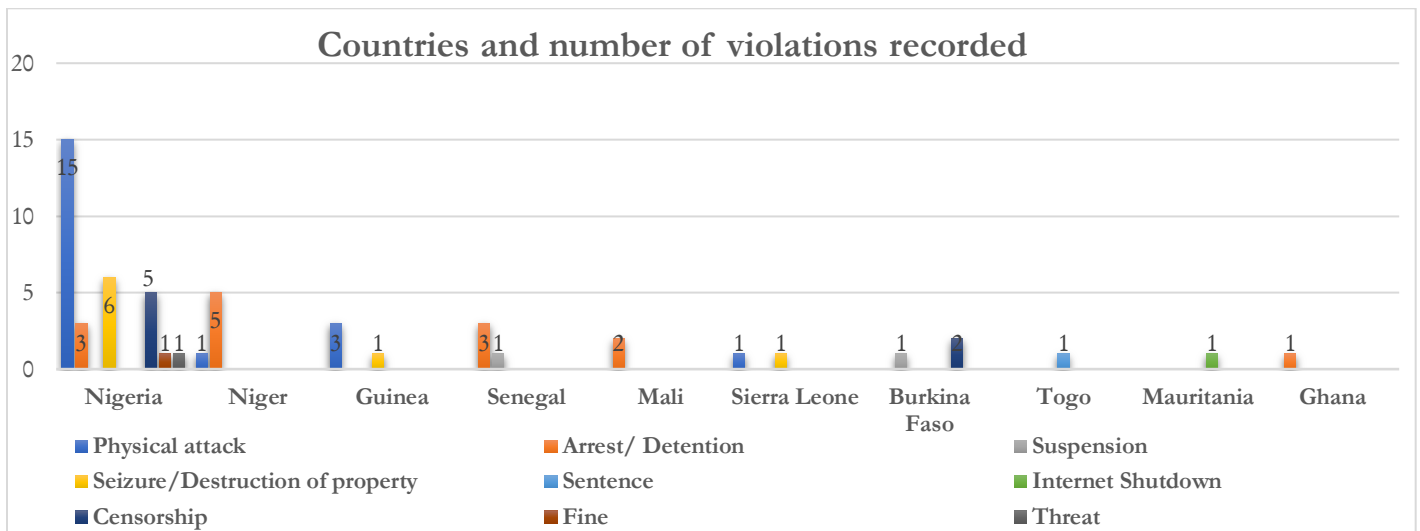
conducted an exclusive interview with the leader of AQIM, but denied publishing the audio or visuals of the interview on its TV channel.

On March 27, 2023, Nigeria's broadcasting regulator, NBC, [fined](#) Channels Television NGN5 million for interviewing Datti Baba-Ahmed, the vice-presidential candidate of the Labour Party. NBC stated that the interview, which aired on 'Politics Today' on March 22, 2023, had the potential to incite public disorder and violated sections of the broadcasting code. During the interview, Baba-Ahmed urged President Buhari and the Chief Justice of Nigeria to refrain from swearing in Bola Tinubu, the winner of the election and candidate of the APC.

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

The number of violations recorded in each of the ten (10) countries is presented in figure 1 below:

Figure 1: Countries and number of violations recorded



Perpetrators of Violations

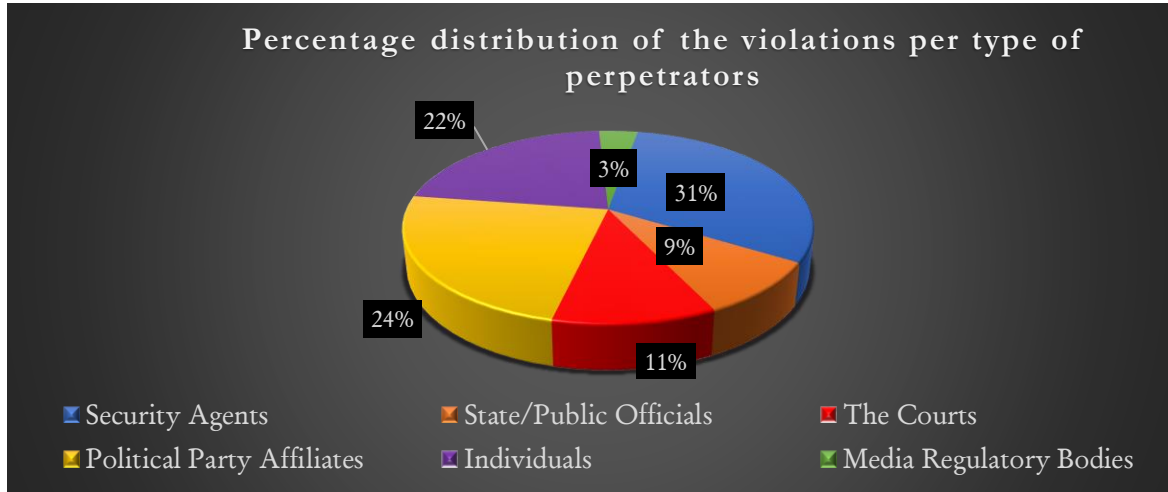
The fifty-five (55) violations were perpetrated by six (6) types of perpetrators with security agents accounting for seventeen (17) of them, representing thirty-one per cent (31%) of the violations. Individuals and political party affiliates respectively carried out twelve (12) violations (22%) and thirteen (13) violations (24%). The Courts, State/Public officials, and media regulatory bodies accounted respectively for six (6) violations (11%), five (5) violations (9%) and two (2) violations (3%). *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	6	1	1	11	11	1	31
Niger	5		1				6
Guinea	3				1		4
Senegal	2		1			1	4
Burkina Faso		3					3
Mali	1		1				2
Sierra Leone				2			2
Togo			1				1
Mauritania		1					1
Ghana			1				1
Total	17	5	6	13	12	2	55

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, forty-four (44) of the violations were targeted at journalists and media workers, while five (5) were targeted at activists. Four (4) of the violations were directed at media organisations and two (2) 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	29			2	31
Niger	1		5		6
Guinea	4				4
Senegal	2	1		1	4
Burkina Faso	2			1	3
Mali	2				2
Sierra Leone	2				2
Togo	1				1
Mauritania		1			1
Ghana	1				1
Total	44	2	5	4	55

In absolute terms, the fifty-five (55) violations were perpetrated against at least sixty-three (63) victims. Of this, forty-four (44) were journalists and media workers, four (4) were media organisations, five (5) were activists and two (2) were citizens. It is to be noted that one violation can target more than one victim. Sometimes, the victims of violations such as crackdowns on protests, internet and social media shutdowns cannot be numbered.

Digital Rights

On the occasion of International Women’s Day (March 8, 2023), the Media Foundation for West Africa (MFWA) paid tribute to all women across West Africa and called for action that focuses on technology and digital innovation as tools for effecting gender equality in 2023. The MFWA [urged](#) digital service providers to reduce data costs, especially in low and middle-income countries, adding that data cost is a major barrier against women participating in the digital space. It also encouraged women themselves to make efforts to not only consume digital products but also innovate, contribute to, and compete in the digital space.

Also, at a forum on mis-disinformation organised by the MFWA in Accra on March 23, 2023, media stakeholders highlighted three main drivers of the problem: political party propaganda, legacy media’s sacrifice of news accuracy for speed and the Ghana government’s regulation challenge.

Consequently, the forum demanded more responsibility for information accuracy from big tech companies and App makers.

The keynote speaker Mr. Sarpong, who is the Executive Secretary of the National Media Commission in Ghana, allayed fears that the social media regulation will curtail freedom of expression, assuring that it will be done democratically. He, however, urged civil society to be ready with inputs for an upcoming national discourse on regulation to ensure a participatory process.

Mali [unveiled](#) the architectural designs of the Digital Complex of Bamako, an ambitious internet infrastructure project designed to make Mali the digital hub of West Africa. The elaborate plan to be financed by the African Development Bank was launched on March 9, 2023, at the conference hall of Malitel.

On February 2, 2023, the Regulatory Authority in Mauritania announced a public consultation on national roaming to address the limited coverage and accessibility of mobile services in the country. Currently, none of the main mobile phone companies provide effective national coverage across the country. To improve this situation, national roaming is being considered as a solution, allowing subscribers of one operator to access the network and services of another operator in areas not covered by their own network. This initiative would enhance mobile connectivity for Mauritians, particularly in sparsely populated regions.

Redress for Violations/Impunity

While the UN Plan of Action for the Safety of Journalists emphasizes preventive mechanisms, it equally encourages swift remedial response to violations of press freedom as an equally important indicator of commitment to promoting the safety of journalists. Unfortunately, the authorities in the countries featured in this report have generally defaulted on this commitment to ensuring redress for the violations recorded in this report.

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

On January 13, 2023, the Human Rights Division Court 2 in Accra, Ghana [ordered](#) the National Security Coordinator, Inspector General of Police, and Attorney General to apologise to journalist Emmanuel Ajarfor Abugri, the Editor of ModernGhanaonline.com, for the abuse of his rights.

The court also mandated the State institutions to provide compensation and cover the costs for Abugri's seized belongings, including a laptop, two mobile phones, and a tablet. The ruling was based on a settlement agreement reached between the parties involved, as the respondents had previously filed baseless defences.

This decision relates to a violation of Ajarfor Abugri's human rights in 2019 when he was abducted and tortured by National Security operatives. The incident occurred due to articles published by his platform about National Security Minister Albert Kan Dapaah. The security agents raided the news portal's offices, arresting Ajarfor Abugri and another reporter, Emmanuel Britwum, without specifying their offences or presenting a warrant.

On February 10, 2023, The High Court of Ouaga 1 [sentenced](#) Mohamed Sinon to a suspended 24-month prison term and a fine of 500,000 CFA Francs (approximately 802 US dollars). Sinon, a leader of the civil society organization “Collectif des Leaders Panafricains” (Panafrican Leaders Association), admitted to charges of endangering lives, intolerance, and issuing threats. In addition, Sinon is required to pay a symbolic franc and bear the costs of 1 million CFA francs (about US\$1,600). The activist called for the murder of journalist Newton Ahmed Barry and Alpha Barry, the promoter of *Omega Média* group. He was arrested on January 23, 2023, after being sought by security forces for hate messages he had circulated. The video with the threats was posted on WhatsApp on December 4, 2022.

On March 9, 2023, a magistrate court in Bauchi State [ordered](#) the release of Haruna Mohammed Salisu's mobile phone and SIM cards, but the police refused to comply. Salisu, the publisher of the *WikkiTimes* news website, was arrested while covering Nigeria's presidential elections on February 25, 2023. He alleges that the governor ordered his arrest. On March 7, Salisu was arraigned on a charge of inciting public disturbance and granted bail, but his phone was not released until March 9. Despite a court order, the police have unlawfully kept his phone.

On March 30, 2023, Agba Jalingo, a journalist and publisher of *CrossRiverWatch.com*, was [released](#) on bail by the Federal High Court in Abuja, Nigeria. He had been in custody since March 27, 2023, on charges of publishing a malicious article against Elizabeth Ayade, the wife of the governor's brother. Jalingo was charged with false publication under the country's Cybercrimes Act. During his arraignment, he pleaded not guilty, and the trial was adjourned.

Other Key FOE Developments

On March 17, 2023, authorities in Burkina Faso [forcibly conscripted](#) a civil society activist, Boukaré Ouedraogo, to join the defence and security forces to fight against jihadists. This happened shortly after Ouedraogo criticized the security situation and questioned the junta's progress in the war during a press conference on March 16, 2023. He was summoned to appear before the President and was later seen undergoing military training in a military camp.

On April 5, 2023, two radio stations in Bissau, the capital of Guinea Bissau, narrowly avoided [closure](#) by swiftly complying with a government directive to pay license fees or cease broadcasting. The Ministry of Communications issued separate notices to *Radio Jovem* and *Radio Sol Mansi*, citing Article 3 of Law No 4/2013 as the basis for suspending their broadcasts due to non-payment of license fees for the year 2022.

Conclusion

The fifty-five (55) violations recorded in the ten (10) countries translate into some five (5) violations in each of the countries featured in the report. The figure represents about a 160% increase over that of the last quarter of 2022 (October-December) which recorded 21 violations in nine countries. The level of hostility against journalists and the media as well as citizens expressing themselves either online or offline is alarming and poses 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.



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