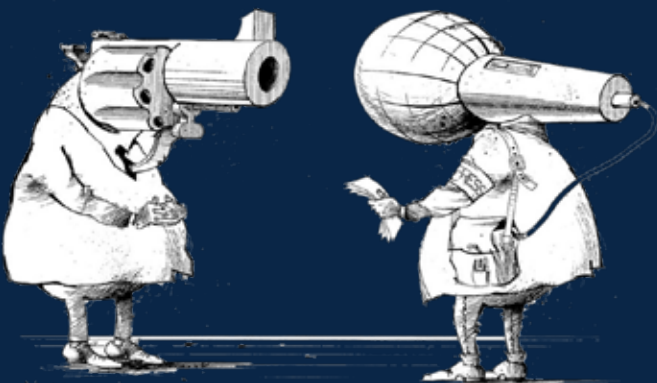




WEST AFRICA FREEDOM OF EXPRESSION MONITOR

QUARTER 3

JULY-SEPTEMBER 2023



Photocredit: Hassan (cartooning for peace)

2023

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Quarter 3

(July-September 2023)

October 2023

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Executive Summary

The Media Foundation for West Africa (MFWA) has been promoting press freedom and fostering media development, with the aim of enhancing the media's vital role in upholding good governance across the subregion. As part of its press freedom programme, the MFWA monitors and reports on press freedom and freedom of expression issues. It systematically documents violations and potential threats to media freedom and the civic space, while actively engaging in advocacy to advance freedom of expression throughout West Africa.

Threats to human rights generally and particularly press freedom 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. Furthermore, the overthrow of civilian governments by military forces in Mali, Guinea and Burkina Faso has 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 third quarter of 2023 (July-September 2023).

During the period under review, a total of thirty-six (36) incidents of freedom of expression violations were recorded. The figure is two per cent (2%) higher than that of the preceding quarter (April-June 2023) which stood at 35. Unfortunately, most of the violations reported had not been redressed in any way at the time of compiling this report.

Senegal ranked first with six (6) violations, the highest number of violations for this quarter. Niger followed with five (5) violations, while Nigeria, Ghana and Mali each recorded four (4) violations. Guinea and Burkina Faso each recorded three (3) violations. Benin and The Gambia each recorded two (2) violations, the Mauritania, Liberia and Guinea-Bissau each recorded one (1) violation.

Five (5) different types of perpetrators were responsible for the thirty-six (36) violations. Security agents accounted for nineteen (19) violations, representing fifty-three per cent (53%) of the total. State/public officials carried out nine (9) violations (25%), while individuals and courts accounted for five (5) and (2) violations respectively. The remaining violation was attributed to media regulatory bodies (1) accounting for three per cent (3%).

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 third quarter (July-September 2023), which recorded thirty-six (36) violations. The three-month monitoring report presents the frequency of violations recorded, types of violations, perpetrators, and the countries in which the violations occurred.

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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. The Freedom of Expression Monitor (The Monitor), a quarterly publication which collates and analyses the alerts into a report. 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

Thirty-six (36) violations were recorded in the course of the MFWA’s monitoring of the FoE landscape in West Africa over the period of July to September 2023. Nine (9) different types of violations were recorded in twelve (12) countries. Arrests/detentions and media shutdowns were the dominant types of violation, recording sixteen (16) and five (5) violations 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	Killing	Sentence	Internet Shutdown	Censorship	Media Shutdown	Threat	
Senegal		5				1				6
Niger	1	1	1						2	5
Nigeria	1	2						1		4
Mali		2			2					4
Ghana	1	2							1	4
Guinea				1			2			3
Burkina Faso								2	1	3
Benin		1						1		2
The Gambia		2								2
Mauritania		1								1
Liberia	1									1
Guinea-Bissau								1		1
Total	4	16	1	1	2	1	2	5	4	36

The quarter was marred by a wave of arrests and detentions, shutdown of media and physical attacks in the subregion. The most serious incidents of violations occurred in Senegal, Burkina Faso and Ghana where the internet was shut down, social media platforms were restricted and protests heavily repressed causing the death of many citizens.

Below are highlights of some of the major incidents:

For the second time in less than a month, the Senegalese government ordered a temporary **blackout** on social media to counter the spread of “hate speech and subversive publication,” perceived as a threat to public order. The blackout, which coincided with the re-arrest of opposition leader, Ousmane Sonko, took effect almost immediately on July 31, 2023, after the government’s decision, urging telephone operators to comply with the requisitions issued. A similar blackout occurred from June 1-7, 2023, during citizen protests over the imprisonment of opposition leader Ousmane Sonko.

On August 10, 2023, authorities in Burkina Faso indefinitely **shut down** Radio Oméga broadcasts due to an interview with Ousmane Abdoul Moumouni, a spokesperson for a pro-democracy organization in Niger. The Minister of Communication, Jean Emmanuel Ouédraogo, labeled the interview offensive to Niger’s people and accused Ousmane of supporting a “cowardly” and “barbaric” agenda against Burkina Faso’s friendly neighbour.

On July 29, 2023, police officers **arrested**, for the third time, journalist Pape Alé Niang, the director of the news site Dakar Matin. He faced charges of calling for insurrection and engaging in acts likely to undermine public security. His arrest followed a Facebook live session he had conducted after the arrest of opposition leader Ousmane Sonko.

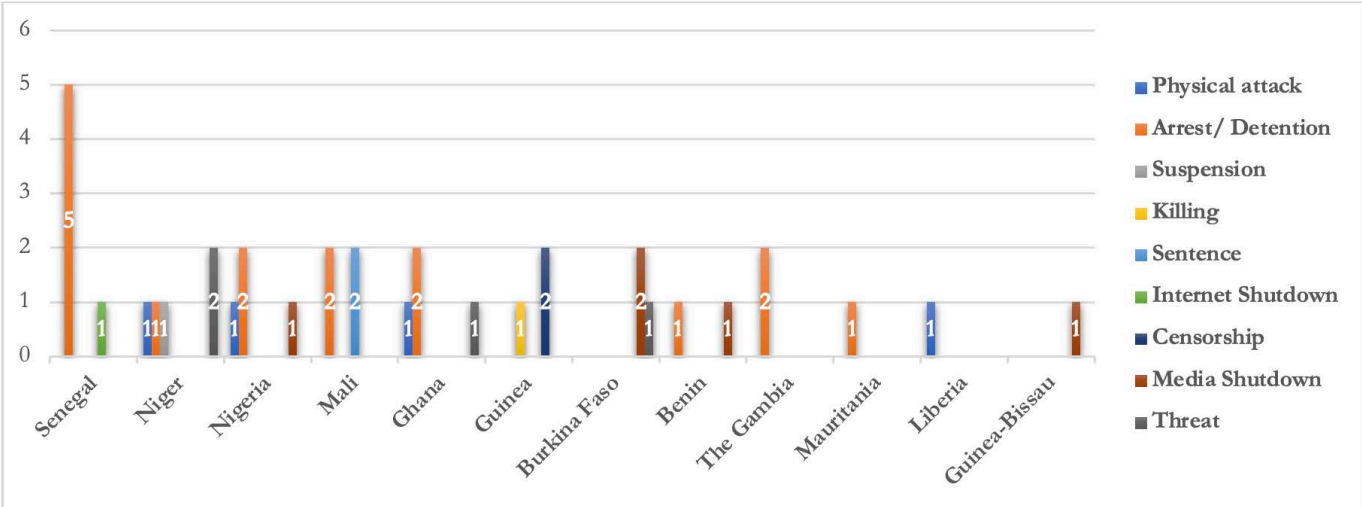
On September 5, 2023, the authorities in Rivers State, Nigeria, **ordered** the closure of African Independent Television (AIT) and Raypower FM Radio outlets, both owned by DAAR Communications PLC. The reason cited was the alleged lack of legal occupancy of the land. The shutdown involved a forceful operation, with telecommunications engineers, accompanied by armed security personnel, disconnecting equipment and demolishing the Transmitter Complex at the DAAR Communications PLC Broadcast Centre.

On August 3, 2023, exactly a week after the coup in Niamey, the junta **suspended** two French media channels, France 24 and RFI from broadcasting in the country. Consequently, access to the two channels which are subsidiaries of the France-owned France Medias Monde, were blocked.

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 twelve (12) countries is presented in figure 1 below:

Figure 1: Countries and number of violations recorded



Perpetrators of Violations

The thirty-six (36) violations were perpetrated by five (5) types of perpetrators with security agents accounting for nineteen (19) violations, representing fifty-three per cent (53%) of the total violations for this quarter. State/public officials carried out nine (9) violations (25%), while individuals accounted for five (5) violations (14%). The courts accounted for two (2) violations (5%), while media regulatory bodies recorded one (1) violation (3%).

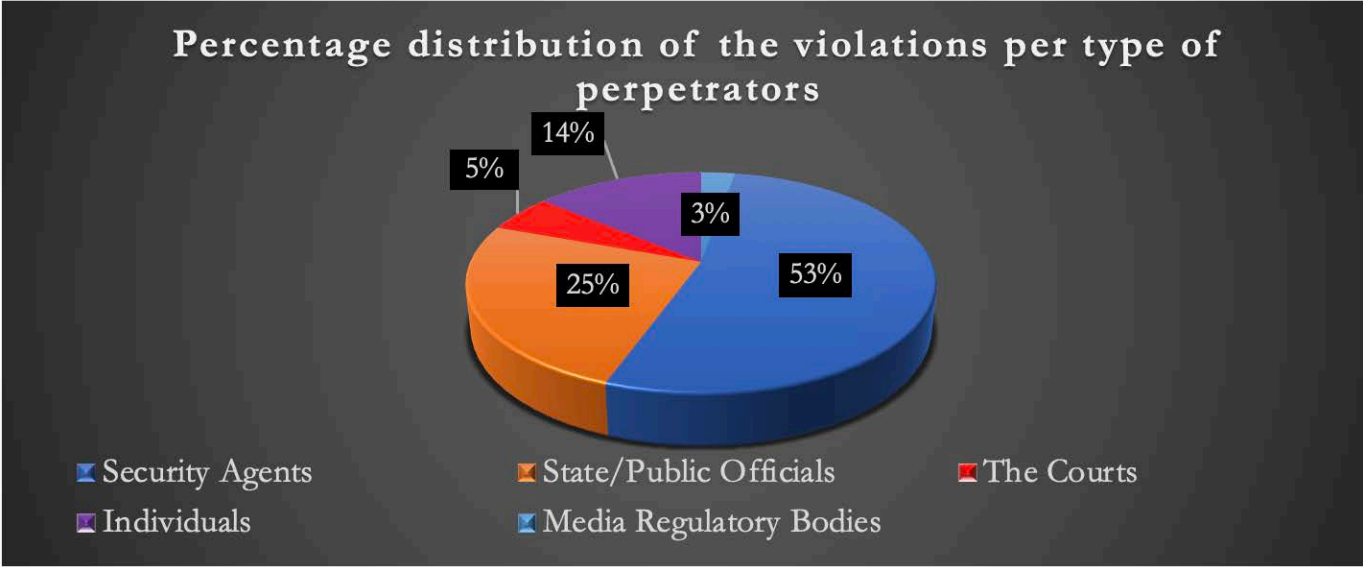
Table 2 below provides more information on the types of perpetrators and the number of violations they perpetrated in each country.

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	
Senegal	5	1					6
Niger	1	1			3		5
Nigeria	2	1			1		4
Mali	2		2				4
Ghana	3	1					4
Guinea	1	2					3
Burkina Faso		2			1		3
Benin	1					1	2
The Gambia	2						2
Mauritania	1						1
Liberia	1						1
Guinea-Bissau		1					1
Total	19	9	2		5	1	36

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, eighteen (18) of the violations were targeted at journalists and media workers, while five (8) were targeted at media organisations. Six (6) of the violations were directed at citizens and four (4) at activists. Table 3 below illustrates the violation/victim distribution.

Table 3: Types of victims and number of violations

Country	Types of Victims and Number of Violations suffered				Total
	Journalists/Media Workers	Citizens	Activists	Media Organisations	
Senegal	3	3			6
Niger	4			1	5
Nigeria	3			1	4
Mali			4		4
Ghana	3	1			4
Guinea		1		2	3
Burkina Faso	1			2	3
Benin	1			1	2
The Gambia	1	1			2
Mauritania	1				1
Liberia	1				1
Guinea-Bissau				1	1
Total	18	6	4	8	36

In absolute terms, the thirty-six (36) violations were perpetrated against at least ninety-three (93) victims. Of this, twenty-five (25) were journalists and media workers, eight (8) were media organisations, five (5) were activists, and fifty-five were citizens (55) were citizens. It is to be noted that one violation can target more than one victim while one entity can be victim of multiple violations. Sometimes, the exact number of victims of violations such as crackdowns on protests, internet and social media shutdowns cannot be established.

Digital Rights

On July 31, 2023, the Senegalese government announced a temporary blackout of social media platforms, citing the dissemination of “hate speech and subversive publication” on these platforms as a threat to public order. The Ministry of Communication and Telecommunications and Digital Economy stated that this measure is a response to ensure responsible use of online platforms. The blackout, the second of its kind this year, commenced a few days after the re-arrest of opposition leader Ousmane Sonko.

On August 15, 2023, Guineematin.com became inaccessible in Guinea, depriving many of their right to information. Although access remains possible through VPNs, the founder, Nouhou Baldé, revealed in an interview that after encountering intimidation, there seems to be an effort to hinder their existence by restricting access to the website. Initially considering it a technical problem, Baldé confirmed with the webmaster and host that there were no technical issues and was advised to check with Internet service providers.

On September 1, 2023, access to the Inquisiteur.net was restricted, seen as a government attack. Journalist Mamoudou Keita revealed acts of intimidation by government officials and noted lost contracts and limited publishing.

On August 14, 2023, the Data Protection Commission of Ghana launched an enforcement initiative for the Data Protection Act 2012 (Act 843). This legislation regulates the collection, use, and protection of personal data, emphasizing individual rights. In line with these aspects, organizations are urged to adhere to the Act, implement internal privacy programs, and align with digitization for Ghana’s digital economy success. The Commission, led by Executive Director Patricia Adusei-Poku, is shifting focus to compliance assessments, including potential on-site visits and arrests by the Enforcement Unit. The commitment is to name and shame non-compliant institutions. Whistleblowers can report non-compliance via hotlines.

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 August 8, 2023, journalist Pape Alé Niang, director of Dakar Matin, was provisionally [released](#) in Dakar after a 10-day hunger strike led to a deterioration in his health. Niang, who arrested for the third time on July 29, 2023, faced charges of calling for insurrection and acts likely to undermine public security.

On August 16, 2023, a journalist of Senego, Abdou Khadre Sakho was [released](#) as his case was dismissed. Sakho was arrested on August 14, 2023 on charges of disseminating false news and engaging in acts likely to discredit institutions in connection with an article on “underground negotiations” for the release of opposition politician Ousmane Sonko.

On September 11, 2023, Radio Oméga, one of the most popular radio stations in Burkina Faso, resumed broadcasting after the government lifted its [suspension](#) the previous day. The suspension, which occurred on August 10, 2023, followed the broadcast of an interview with the spokesman for a movement set up to reinstate President Mohamed Bazoum, who was overthrown in a coup d'état on July 26, 2023. The Oméga Médias group, which owns the radio station, had appealed to the Council of State to challenge the suspension on the grounds that it was in the best interests of the nation.

On 16 August 2023, a court of appeal in Niamey, the capital of Niger, overturned the nine-month prison sentence imposed on Abdoulaye Seydou, leader of the M62 activist group supporting Niger's ruling army. Seydou had been [detained](#) for seven months in connection with an air strike against suspected jihadists. The court ruled that his detention was arbitrary. Seydou was arrested in October 2022 after he had accused the security forces of massacring civilians during an operation, allegations contested by the government.

On October 13, 2023, journalist Samira Sabou was released, putting an end to several days of absence and uncertainty. The reasons for her arrest on September 30, 2023, have not been made public. Samira Sabou has been very active on social networks, reporting in real time on events linked to the crisis in Niger since the coup d'état on July 26, 2023.

Other Key FOE Developments

On July 11, 2023, the radio and television host Mohamed Youssouf Bathily, popularly known as “Ras Bath”, [appeared](#) in court for the umpteenth time since his detention in March, 2023. The journalist, who is also spokesman for the civil society group Collectif pour la défense de la République (CDR), alleged that former prime minister Soumeylou Boubèye Maïga had not simply died in custody, but had been killed. On March 13, 2023, he was placed under a committal order for “simulation of an offence.” He was subsequently acquitted of the charge. However, instead of being released, he was returned to prison on a new charge of “harming the credibility of the State.”

On July 11, 2023, the Senegalese government issued a [severe reprimand](#) to the international media organization France 24 in response to its coverage of the arrest and detention of opposition politician Birame Souleye Diop. The government accused France 24 of unethical, biased, tendentious, and subversive coverage of Senegalese news, including Diop’s case. The Senegalese authorities claimed that the politician’s detention was in response to alleged disrespectful and defamatory remarks he had made about the head of state.

On July 13, 2023, a Guinea court [dismissed](#) a defamation case against journalist Habib Marouane Camara, filed under the country’s cyber security law. The court insisted that, as a journalist, Camara is subject to the press code. The defamation action was related to Camara accusing Youssouf Boundou Camara, Secretary General of the Ministry of Technical Education, of lying in his Curriculum Vitae. The court’s decision, emphasizing the journalist’s status and the need for press code application, has been welcomed in Guinea, where press offenses are decriminalized. However, concerns persist about the use of the cyber security law against journalists for critical online publications.

On July 26, 2023, soldiers [invaded](#) at least five media houses and stayed for hours before leaving their premises. Though not violent, the invasion was believed to have been intended to intimidate the media from doing any negative broadcasts about the coup d’état that ousted president Mohamed Bazoum the same day. The affected media houses included Bonferey TV, Niger 24, Radio Anfani, Radio-Television Ténéré and Dounia TV.

On July 31, 2023, nearly two hours following the warrant of committal against opposition leader Ousmane Sonko, the Minister for the Interior, Antoine Diome, declared the [dissolution](#) of the Pastef-Les Patriotes party. The decision, grounded in decree no. 2023-1407, pointed to the party leaders’ recurrent calls for uprisings, citing significant disruptions of public peace in June 2023 and March 2021.

Diome justified the action based on constitutional and legal provisions, adding that the assets of the dissolved party would be liquidated in accordance with existing laws. Ousmane Sonko, the leader of Pastef-Les Patriotes in Senegal, faced an escalation of charges by investigating magistrate Maham Diallo. The charges, initially spanning “calling for insurrection, criminal conspiracy, undermining state security, conspiracy against the state, acts and maneuvers to compromise public security and create serious political unrest, criminal.

On August 4, 2023, a soldier called journalist Samira Sabou on phone and **questioned** her for sharing the message of ousted President Mohamed Bazoum. Sabou added that she has decided to suspend all her publications as she considered the soldier’s action as a denial of the right to practice ethically.

On August 14, 2023, the Monitoring Unit of the Inspector General of Police (IGP) in Abuja, through a letter signed by DCP A. A. Elleman, Head of the Unit, extended an invitation to three journalists. The journalists, Petrus Obi from Everyday NewsNgr, Ignatius Okpara from the African Examiner, and Mr. Clinton Umeh from Journalists 101, who are based in Enugu, were summoned to appear in Abuja. The summons is in response to allegations of «criminal conspiracy, cyberstalking, injurious falsehood, conduct likely to cause a breach of public peace, and criminal defamation with the intent to incite.» The charges were raised by Dr. Monday Nwite Igwe, the Medical Director of the Federal Neuro-Psychiatric Hospital in Enugu.

On August 17, 2023, the Federal High Court in Abuja **denied** bail to Chinonso Uba, a journalist with OzisaFM in Owerri, Imo State. He faces charges under Nigeria’s Cyber Crime Law for a Facebook publication allegedly defaming Imo State Governor Hope Uzodinma. The charges include intentionally spreading false information to incite public unrest against the governor. The court ordered Uba’s return to police custody until September. The arrest followed a petition by Governor Uzodinma, accusing Uba of publishing seditious material about him.

In August 2023, Colonel Issoufou Labo, the governor of Zinder, Niger, issued a warning stating that media outlets engaging in the dissemination of false information or content inciting disobedience or violence could face imprisonment. This warning was issued during a meeting between Colonel Issoufou Labo and leaders from the media and civil society. The response from journalists varied, with some highlighting international agreements safeguarding press freedom. Despite the absence of an official statement on this declaration, it has raised concerns among foreign correspondents who apprehend potential constraints. Following the coup d’état, the ruling junta appears to align with positions observed in Mali and Burkina Faso, where relations with Western media have become strained.

On September 20, 2023, Hamisu Danjibga, a respected radio reporter in Zamfara State, was **found dead** in a soakaway pit in his house. Danjibga, who had a substantial career with the Voice of Nigeria (VON), had been missing for three days before the discovery of his body. The circumstances of his death were considered bizarre, prompting many civil society organisations to call for urgent and thorough investigations by security agencies to unravel the mystery surrounding the veteran journalist’s demise.

Conclusion

The thirty-six (36) violations recorded in twelve (12) countries translate into some three (3) violations in each of the countries featured in the report. The previous quarter (April-June 2023) recorded 35 violations.

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 media and internet shutdowns, and physical violence against journalists are the dominant types of violations. These violations 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 Senegal, Nigeria, Mali and Burkina Faso, 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, 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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