

WEST AFRICA FREEDOM OF EXPRESSION MONITOR



QUARTER 2
APRIL-JUNE 2023

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Executive Summary

The Media Foundation for West Africa (MFWA) has been dedicated to promoting press freedom and fostering media development, with the aim of enhancing the media's vital role in overseeing good governance across the sub-region. 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.

The escalation of 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 second quarter of 2023 (Avril-June 2023).

During the period under review, a total of thirty-five (35) incidents of freedom of expression violations were recorded. The figure is thirty-six per cent (36%) lower than that of the preceding quarter (January-March 2023) which stood at 55. Unfortunately, most of the violations reported had not been redressed in any way at the time of compiling this report.

Guinea ranked first with twelve (12) violations, the highest number of violations, placing it at top the table of the repression list. Senegal followed with five (5) violations, while Ghana and Nigeria each recorded three (3) violations. Burkina Faso, Togo, The Gambia

and Mauritania each recorded two (2) violations. Mali, Niger, Liberia and Benin each recorded one (1) violation.

Five (5) different types of perpetrators were responsible for the thirty-five (35) violations. Security agents accounted for twenty-three (24) violations, representing sixty-eight per cent (68%) of the total. State/public officials carried out six (6) violations (17%), while courts and individuals each accounted for two (2) violations (6%). 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 second quarter (April-June 2023), which recorded thirty-five (35) 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

Thirty-five (35) violations were recorded in the course of the MFWA’s monitoring of the FoE landscape in West Africa over the period of April to June 2023. Eight (8) different types of violations were recorded in twelve (12) countries. Arrests/detentions and physical attacks were the dominant types of violation, recording eleven (11) and eight (8) 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	Seizure/ Destruction of property	Internet Shutdown	Sentence	Threat	Media Shutdown	Killing	
Guinea	4	3	3	1		1			12
Senegal		2		1			1	1	5
Ghana	2	1							3
Nigeria		2	1						3
Burkina Faso							2		2
Togo		1	1						2
The Gambia	1		1						2
Mauritania		1		1					2
Mali		1							1
Niger					1				1
Liberia	1								1
Benin					1				1
Total	8	11	6	3	2	1	3	1	35

The quarter was marred by a wave of physical attacks, arrest and detention and internet disruptions in the subregion. The most serious incidents of violations occurred in Mauritania, Guinea and Senegal where the internet was shut down, social media platforms were restricted and protests heavily repressed causing the death of many citizens.

Authorities in Burkina Faso and Mali targeted the media with threats or shutdowns.

Below are highlights of some of the major incidents:

i. Arrests/Detentions

On April 14, 2023, in Niger, pro-democracy advocate Abdoulaye Seydou, President of REPPADD and coordinator of the citizen's movement M62, was [sentenced](#) by a Niger High Court to a nine-month prison term along with a fine of one million CFA Francs (\$1,680). He was found guilty under Article 31 of the country's cybercrime law (no. 2019-33) for producing and distributing information that could disrupt public order and undermine the army's morale.

ii. Physical Attacks

On May 18, 2023, alleged gendarmes from the telecommunications regulatory authority, Autorité de Régulation des Postes et Télécommunication (ARPT), [stormed](#) the headquarters of the *Afric Vision* press group in Conakry, the capital of Guinea. The attackers reportedly dismantled and took away transmitters of *Sabari FM* and *Love FM* radio stations.

On May 17, 2023, military personnel [assaulted](#) journalists Mamadou Maka Diallo and Aliou Maci Diallo from *Guinée114.com* and *Laguineeinfo.com*, while covering a protest by frustrated Guineans deported from Tunisia. One soldier struck one of the journalists on the head and issued a threat to puncture the tyre of their motorcycle.

iii. Internet disruptions and crackdown on protests

Amidst the conviction of opposition leader Ousmane Sonko on June 1, 2023, Senegal experienced violent clashes that led to the [shutdown](#) of the Internet, the suspension of *Walf Tv*, a pro-opposition TV station, and the deaths of nine protesters due to aggressive security measures in multiple cities.

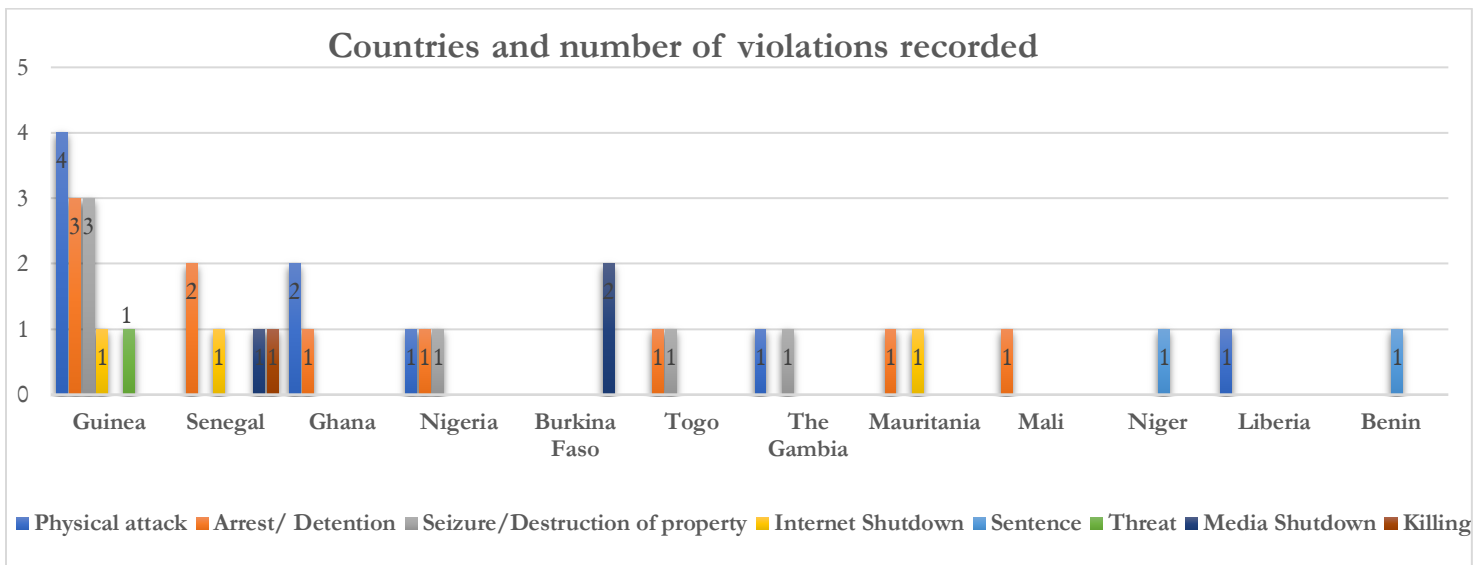
On June 4, 2023, the authorities exacerbated digital rights concerns by enforcing a full internet [shutdown](#) on mobile devices, citing the dissemination of “hateful and subversive” content on social media during the upheaval.

On May 17, 2023, the Guinean government [ordered](#) an internet shutdown to quell upcoming anti-government protests. The major telecommunications firms in the nation adhered to the directive. This internet blackout affected news websites and social media platforms, prompting press organisations within the country to condemn the action as a form of censorship.

The summary narrative of all the violations recorded during the second 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-five (35) violations were perpetrated by five (5) types of perpetrators with security agents accounting for twenty-four (24) violations, representing sixty-eight per cent (68%) of the total violations for this quarter. State/public officials carried out six (6) violations (17%), while courts and individuals each accounted for two (2) violations (6%). Media regulatory bodies recorded one (1) violation accounting for three per cent (3%).

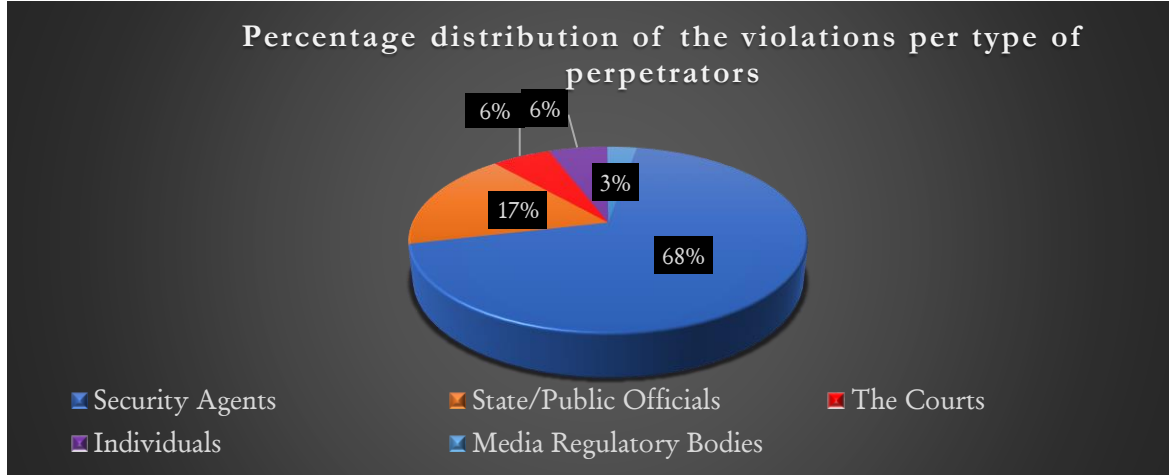
Table 2 below provides more information on the types of perpetrators and the number of violations they perpetrated in each country.

Table 2: Countries and Types of Perpetrators

Country	Types of Perpetrators					Total
	Security Agents	State/Public Officials	The Courts	Individuals	Media Regulatory Bodies	
Guinea	10	2				12
Senegal	3	2				5
Ghana	1			2		3
Nigeria	3					3
Burkina Faso		1			1	2
Togo	2					2
The Gambia	2					2
Mauritania	1	1				2
Mali	1					1
Niger			1			1
Liberia	1					1
Benin			1			1
Total	24	6	2	2	1	35

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 five (5) were targeted at citizens. Four (4) of the violations were directed at media organisations and three (3) at activists.

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	10	1		1	12
Senegal	1	2	1	1	5
Ghana	2	1			3
Nigeria	2		1		3
Burkina Faso				2	2
Togo	2				2
The Gambia	2				2
Mauritania	1	1			2
Mali	1				1
Niger			1		1
Liberia	1				1
Benin	1				1
Total	23	5	3	4	35

In absolute terms, the thirty-five (35) violations were perpetrated against at least thirty-five (35) victims. Of this, eighteen (18) were journalists and media workers, five (5) were media organisations, three (3) were activists, and nine (9) 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

The Guinean authorities ordered the [shutdown](#) the internet to suppress planned anti-government protests. On May 17, 2023, leading to restriction of access to news sites and popular social networks. Senegal took a leaf out Guinea's book when, on June 1, 2023, the authorities disrupted the internet, restricting access to social media networks. The

restriction was further extended by [blocking](#) the entire internet grid on mobile devices. They claimed that the action was in response to the dissemination of hate messages on social media platforms.

The West African Internet Governance Forum (WAIGF) was held in Abidjan on May 25 and 26, 2023, under the theme “Building Economic Resilience and Digital Sovereignty in West Africa.” The forum provided a regional platform for stakeholders to deliberate on internet governance policies, emphasizing cybersecurity, data protection, digital rights, and related topics. The event highlighted the importance of utilizing the internet for economic advancement and digital autonomy within West African nations, fostering collaboration and knowledge sharing among participants.

Preceding the WAIGF was the 6th West African School on Internet Governance (WASIG) which took place online from May 22 to 24, 2023. WASIG was structured as an intensive three-day educational program designed to introduce participants to Internet governance (IG) from both global and West African perspectives. The program featured fireside discussions with experts in the field and participation in the Policy and Regulation Initiative for Digital Africa’s (PRIDA) virtual training platform.

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 April 20, 2023, a Federal High Court sitting in Abuja, [granted](#) the prominent social media activist Nnamdi Chude bail in the sum of N10million after he pleaded not guilty to charge of cyberstalking. Police officers arrested Chude the previous day on accusations of deliberately and knowingly using his Twitter handle to convey false information with the aim of causing annoyance, inconvenience, danger, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to a well-known businessman in Anambra State, Dr. Emeka Offor.

On May 10, 2023, Hardi Pagazaa, a former regional communications officer of the opposition National Democratic Congress (NDC) party, and his accomplice, Mumuni Osman, were [convicted and sentenced](#) for assaulting radio presenter Sadiq Gariba of Radio Dagbon in Tamale, Ghana. The assailants were fined GH¢3,600.00 (300 USD) each or face an 18-month imprisonment in hard labour. They pleaded guilty to charges of conspiracy to commit a crime, assault, and unlawful entry related to storming the *Dagbon FM* studios and assaulting Gariba during a political talk show.

On May 10, 2023, the Federal High Court in Abuja [issued](#) a perpetual injunction restraining the National Broadcasting Commission (NBC) from imposing fines on broadcast stations in Nigeria. The court ruled that the NBC, not being a court of law, had no authority to impose fines on networks, describing the commission's actions as "ultra vires." The ruling came after NBC imposed fines on 45 broadcast stations, including government-owned Nigerian Television Authority (NTA) and privately-owned Channels Television, TVC News, and African Independent Television (AIT), in March 2019. NBC has been criticized for its heavy fines on networks that air reports or interviews unfavourable to the government.

On June 2, 2023, the investigative newspaper *l'Événement*, was abruptly forced to halt its operations due to unpaid taxes, amounting to around \$32,000, as decreed by tax authorities. Critics said the closure without prior notice was a calculated tactic of political and financial intimidation aimed at stifling the newspaper's independent voice.

On June 9, 2023, *l'Événement* returned to operation after settling its indebtedness. This was possible through the solidarity of readers, subscribers, democracy advocates and press freedom defenders who made generous donations to a solidarity fund.

On June 21, 2023, the Federal High Court in Abuja held the Nigerian police accountable for the killing of freelance journalist Alex Ogbu, who was shot during a protest on January 21, 2020, while covering the crackdown on the Islamic Movement in Nigeria. The court ordered the police to pay 50 million naira (US\$66,000) in compensation to Ogbu's family, and the judge strongly criticized the police's recklessness in handling live ammunition. Ogbu's death was acknowledged as an extrajudicial killing.

On June 21, 2023, a court in Senegalese [ordered](#) the release of journalists Pape Ndiaye of *Walf Tv* and Serigne Saliou Guèye, Director of Publication of the daily *Yoor-Yoor*. However, the journalists remain under judicial supervision and are prohibited from disclosing any information about their imprisonment. Serigne Saliou Guèye, who has

more than 20 years of experience in journalism, was charged with contempt of court and impersonation on accusations of practicing without a press card. He was arrested after publishing an article by an anonymous writer criticizing the justice system. Pape Ndiaye faced charges of disseminating false news and contempt of court for questioning the independence of the Senegalese judiciary during a TV program.

Other Key FOE Developments

Togolese journalist Ferdinand Ayité has been honoured with the International Press Freedom Prize for his brave reporting on alleged corruption within the Togolese regime, including his involvement in investigating the Panama Papers. Despite facing ongoing harassment, threats, surveillance, and arrest, Ayité receives the award with mixed emotions of pride and bitterness, recognizing its significance for the Togolese press. He highlights the challenging environment for investigative journalism in Togo, pointing to government repression through various institutions, the judiciary, and fiscal harassment. Ayité views the award as a means of bringing attention to the state of press freedom in Togo. The International Press Freedom Prize will be presented to Ayité in New York in November 2023.

On June 12, 2023, Liberian authorities summoned the management and staff of the newspaper *FrontPageAfrica* to defend a report about alleged bribery in the country's judicial system or face contempt of court. The report quoted anonymous sources claiming that \$500,000 influenced a jury's decision to acquit four individuals charged with trafficking \$100 million of cocaine. Although contempt of court can result in imprisonment or a fine, the media outlet denies any intent to disrespect the court's dignity.

On April 5, 2023, two radio stations in Guinea Bissau, Radio Jovem and Radio Sol Mansi, narrowly escaped [closure](#) by paying their license fees after a government order threatened to suspend their broadcasts for failure to comply. Both stations hurriedly complied to avoid shutting down and inconveniencing their listeners and commercial partners.

On May 15, 2023, the Haute Autorité de la Communication (HAC), Mali's media regulator, [issued a stern warning](#) to the French channel *TV5 Monde* for its critical analysis of a UN report on human rights violations in Mali. The HAC accused the channel's editor-in-chief of making unfounded accusations and violating journalism ethics. The regulator threatened to take action if such editorial excesses continue.

On April 20, 2023, the Media Foundation of West Africa (MFWA) joined by the Ghana Journalists Association (GJA), Ghana Independent Broadcasters Association (GIBA), and the Private Newspapers Publishers Association of Ghana (PRINPAG) held a [joint press conference](#), urging President Nana Akufo-Addo's government to annul certain provisions of the Electronic Communications Act, 2008 (Act 775) and the Criminal and Other Offences Act, 1960 (Act 29). The coalition highlighted Section 76 of Act 775 and Section 208 of Act 29 as problematic provisions that have been used to harass, arrest, and prosecute journalists over their work, despite Ghana repealing its criminal libel law two decades ago. They called for the repeal of these laws, expressing concerns about the misuse of the legislation to stifle free speech and intimidate journalists. The press conference was prompted by the recent detention of Radio Ada journalist, Noah Dameh, over a Facebook post related to a business mogul. Other journalists and activists have faced similar arrests and charges under these laws, leading to growing concerns about press freedom in Ghana.

On June 7, 2023, the Inspector-General of Police, Dr. George Akuffo-Dampare, and the top brass of the Police [visited](#) the offices of Citi TV and Despite Media in Accra, Ghana, for a feedback-driven working visit. During the visit, they interacted with the managements of the media groups to seek feedback on the Police Service's performance and the state of security, law, and order in the country. The Media Foundation for West Africa (MFWA) hailed this engagement as constructive, aligning with the Framework on Police-Media Relations and the Safety of Journalists adopted on May 22, 2019. The framework recommends the establishment of periodic dialogue sessions between police and media leaders to discuss journalists' safety and police-media relations, promoting public safety through routine media briefings on critical security issues.

On June 9, 2023, eight days after Senegal's media regulator [suspended](#) *Walf TV*, the Minister for Communications, Telecommunications, and the Digital Economy announced that the critical media outlet would remain closed for 30 days. The decision raised suspicions that the initial cutting of the signal was not independently taken. The

authorities cited article 192 of the Senegalese Press Code as the basis for their decision, which empowers the relevant administrative authority to suspend or halt broadcasting to prevent attacks on state security, territorial integrity, or incitement to hatred or murder.

On June 22, 2023, influential imam Mahmoud Dicko was briefly [detained](#) at Bamako international airport upon his return from Mauritania. The police questioned him for nearly two hours and confiscated his diplomatic passport, without providing any public explanation. Dicko is known for his criticism of the transitional authorities, especially regarding a new draft constitution and a recent constitutional referendum held in the country.

Conclusion

The thirty-five (35) violations recorded in twelve (12) countries translate into some three (3) violations in each of the countries featured in the report. The figure is particularly low given the regional context and in terms of recent trends. The previous quarter (April-June 2023) recorded 55 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 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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