



West Africa **Freedom of Expression**

Monitor

Oct-Dec, 2020



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Executive Summary

West Africa has witnessed an improved press freedom and freedom of expression (FOE) environment over the past three decades as a result of the Region's transitioning from long-serving military regimes to democratic governance. Unlike the state monopoly of the 60's -80's, the media landscape in the region is now characterised by pluralism with the private media dominating.

This healthy development has brought about improved accountability to the citizens by those in power. It has also been marked by governments' increased tolerance of criticism from the media and citizens, thus empowering citizens to participate more actively in national discourse.

Human rights and other civil society organisations like the Media Foundation for West Africa (MFWA) have taken advantage of the democratic outlook attitude to advance advocacy around FOE issues across the sub-region to help consolidate the progress. As part of its FOE advocacy activities, the MFWA has been monitoring the freedom of expression landscape in West Africa and publishing the results of the monitoring as the Freedom of Expression Monitor (The Monitor).

The Monitor, which is published on a quarterly basis, highlights violations of freedom of expression rights and allied civil liberty such as the rights to peaceful assembly and digital rights. Since its introduction, The Monitor has served as an advocacy tool for promoting and protecting media and FOE rights in West Africa. It is also a reference material for advocacy and discussions around press freedom and freedom of expression.

This edition of The Monitor (October-December, 2020) recorded a total of 48 violations as against 27 during the previous quarter (July-September, 2020). This represents a 77% increase. Political tensions in Guinea where presidential elections were held, election-related violations in Ghana and Cote d'Ivoire coupled with the crackdown on the #EndSARS protests in Nigeria contributed to the increase. Unlike previous quarters which recorded several violations against journalists in relation to the COVID-19, there were very few incidents linked to the pandemic.

In terms of frequency of violations, Nigeria recorded the most violations (16), followed by Ghana Liberia (8), with Guinea and Cote d'Ivoire recording six each.

The continued violation of FOE rights in the region underlines a gap in the ideals espoused in the national, regional and international legal frameworks and their actual implementation to promote safety of journalists and advance freedom of expression.

Introduction

There has been impressive improvement in West Africa over the past three decades in terms of press freedom and freedom of expression generally. This progress, considered as one of the dividends of the democratisation process that began with Benin's democratic elections in 1991, has made West Africa one of the freest regions in Africa.

In recent times however, the autocratic attitudes of the past are beginning to manifest themselves. The military in Mali staged a coup in August 2020, ten years after Niger witnessed the last military intervention in West Africa. President Faure Gnassingbe of Togo and Alassane Ouattara of Cote d'Ivoire have also changed their countries' constitutions to extend their two-term mandates, thus tarnishing the ECOWAS zone's reputation as a region that respects presidential term limits. In the process, excessive force was used to crush dissent, opposition figures and human rights activists, the right to peaceful demonstration was curtailed and press freedom undermined.

This trend poses a serious threat to press freedom which is the touchstone of democracy in West Africa and other human rights.

In view of these threats that the Media Foundation for West Africa (MFWA) has, in collaboration with its partner organisations, been carrying out advocacy to protect and promote press freedom and freedom of expression including the right to peaceful assembly. A key part of the advocacy has been the monitoring, reporting and denouncing on freedom of expression (FOE) violations in West Africa. Since 2014, the results of the monitoring have been published as the West Africa Freedom of Expression Monitor (The Monitor, in short).

This report covers the last quarter of 2020 (October-December, 2020). The period under review recorded 47 violations in eleven countries. The countries concerned are Nigeria, Ghana, Cote d'Ivoire, Guinea, Guinea Bissau, Mali, Togo, Liberia, Mauritania, Sierra Leone and Burkina Faso.

All the countries mentioned above are constitutional democracies with local laws which guarantee freedom of expression and assembly. They are also signatories to regional and international charters, treaties and covenants guaranteeing FOE rights. The continued repression clearly does not reflect a commitment to these frameworks.

In the light of the above, the MFWA urges all stakeholders in the FOE space to increase collaboration in promoting freedom of expression and to take measures to end impunity for such violations.

Methodology

The report is based on daily alerts received from the MFWA's correspondents and national partner organisations in all 16 countries of West Africa who monitor and report on freedom of expression issues in their respective countries. The daily alerts are collated, analysed and published on a quarterly basis as *The Monitor*. This edition covers the period October-December, 2020. The findings are discussed under six sections: incidents of violations, perpetrators of violations, targets/victims of violations, and redress for violations. Some key developments in the FOE landscape in the region which are not necessarily violations are also highlighted. The report ends with a series of recommendations to relevant stakeholders to take to measures improve the FOE situation in the region.

Incidents of Violations

The FOE monitoring activities over the period October-December, 2020 recorded a total of 48 violations. Physical attacks (15) arrests/detentions (9) threats (6) and seizure/destruction of property (5) were the most frequently perpetrated violations. There three incidents of killing, two in Nigeria affecting 12 citizen victims and a journalist respectively and one in Guinea accounting for 21 citizen victims. The frequencies of incidents of each of the eight categories of violations are presented in Table 1 below, together with an indication of the countries in which they were recorded:

Table 1 Countries and Types of Violations

| Country | Types of Violations | | | | | | | | | | | | |
|----------------------|----------------------|----------|--------------------|---------------------------------|----------|--|----------|----------|-----------------|------------|-------------------|----------|-----------|
| | Arrest/ Detention | Threats | Physical Attack | Digital Rights Violations | Sentence | Seizure/ Destruction of Property | Killing | Shutdown | Court Action | Suspension | Repressive Law | Fine | Total |
| <i>Nigeria</i> | 1 | | 7 | | | 4 | 2 | | | | | 1 | 16 |
| <i>Ghana</i> | | 4 | 3 | | | 1 | | | | | | | 8 |
| <i>Guinea</i> | | | 1 | 1 | | | 1 | 1 | 1 | 1 | | | 6 |
| <i>Cote d'Ivoire</i> | 2 | 1 | 2 | | | | | | | | | 1 | 6 |
| <i>Mali</i> | 2 | | | | | | | | | | 1 | | 3 |
| <i>Togo</i> | 1 | | | 1 | 1 | | | | | | | | 3 |
| <i>Guinea Bissau</i> | 1 | | 1 | | | | | | | | | | 2 |
| <i>Burkina Faso</i> | | | 1 | | | | | | | | | | 1 |
| <i>Liberia</i> | | 1 | | | | | | | | | | | 1 |
| <i>Mauritania</i> | | | | | | | | | 1 | | | | 1 |
| <i>Sierra Leone</i> | 1 | | | | | | | | | | | | 1 |
| Total | 9 | 6 | 15 | 2 | 1 | 5 | 3 | 1 | 2 | 1 | 1 | 2 | 48 |

As indicated in the above chart, Guinea, Liberia and Nigeria were the countries where the most violations were recorded. Details of the violations recorded in the various countries are presented below;

Highlights of Violations

On October 24, 2020, Pelumi Onifade, a reporter with *Gboab TV*, an online television channel, who was covering the #EndSARS protests, was attacked by security officers and carried away in alongside a mob arrested by the Lagos state task force for exploiting the protests to loot a COVID-19 relief facility. About a week later, Onifade's body was found in a mortuary in Ikorodu Lagos. His family lawyer said his body had bullet wounds.

On October 21, security forces shot and killed at least 12 protesters who had defied a 24-hour curfew declared by Lagos State governor, Babajide Sanwo-Olu. The protesters had gathered at the Lekki Tollgate, a growing middle-class area and the epicentre of the #EndSARS protests.

On October 24, security forces in Guinea killed 21 citizens protesting against the results of the country's October 18, 2020 presidential elections.

On December 18, the transitional government in Mali issued a decree that empowered the administrative authorities to regulate or prohibit the movement of persons, vehicles or property in certain places and at certain times; to prohibit all processions, parades, gatherings and demonstrations on public roads as part of emergency measures to fight the COVID-19 pandemic. The government sought to justify this draconian measure by citing section 13 of Law No. 2017-055 of November 06, 2017 on the State of Emergency. While this announcement was potentially restrictive of the work of the media, the worst was to come when Lieutenant-Colonel Abdoulaye Maiga, the Transitional Minister of the Territorial Administration, added in the official announcement that governors, district heads and local authorities are "empowered to take all appropriate measures to ensure control of the press and publications of any kind, social networks, as well as that of radio or television broadcasts, film projections. Cinematographic and theatrical representations." The measures included closure of media houses and seizure of their equipment for breaches of the emergency laws.

On October 21, during the curfew declared in Lagos, the offices of three media outlets in the commercial capital were torched by suspected hoodlums who went on the rampage, destroying public and private property. The Abuja-based media outlets involved included Television Continental and The Nation Newspapers as well as Channels Television. The public-owned Osun State Broadcasting Corporation in Osogbo, Osun State was also vandalised.

On October 18, the governor of the administrative region of Kankan, Guinea ordered four local radio stations [to shut down](#) temporarily while the stations were broadcasting results of that day's presidential elections. The affected stations, *Futur Media*, *Baobab Media*, *Horizon FM*, *Milo FM* and *Nabaya FM*, were eventually allowed to resume broadcasting after about an hour following the intervention the Union

of Independent Radio and Television of Guinea (URTELGUI) which argued that the results had been certified and so their live publication was lawful.

On the same day, the media regulator, High Authority for Communication (HAC) suspended the online news website, *guineematin.com*, for one month. The action followed the refusal of the website to stop a live broadcast on the site’s Facebook page of official polling station results.

On October 23, a day before the official proclamation of provisional results of Guinea’s controversial presidential elections, access to mobile internet was disrupted on Orange Guinée which has 80% of the country’s mobile internet users.

Details of these incidents and others, including full complement of violations recorded during the quarter can be [read here](#)

Perpetrators of Violations

Seven different types of perpetrators accounted for the 48 violations with Security agents accounting for 25 (52%) of the total. Thirteen of the 25 violations perpetrated by security agents occurred in Nigeria where the various security and defense forces were unleashed on the #EndSARS protesters. Individuals 6, political party affiliates (5) and state/public officials (5) were the next biggest perpetrators of FOE violations during the quarter.

Table 2 below gives more details of the type and number of violations perpetrated in each of the countries.

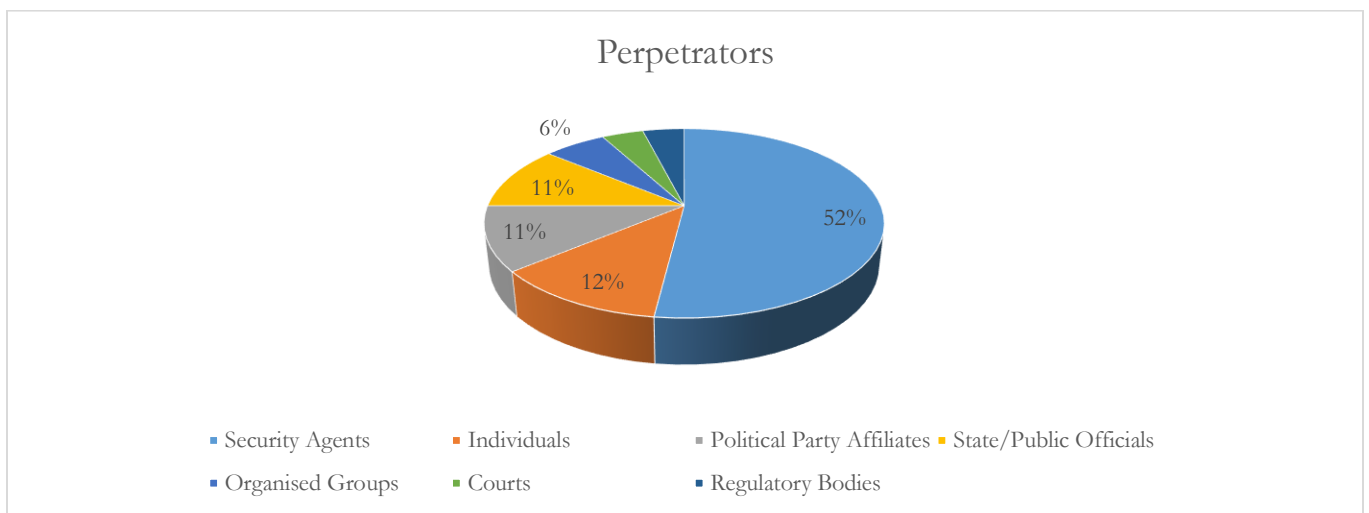
Table 2: Country and Types of Perpetrator

| Country | Perpetrators of Violations | | | | | | | |
|---------------|----------------------------|------------------------|-------------|--------|----------------------------|-----------------|-----------------|-------|
| | Security Agents | State/Public Officials | Individuals | Courts | Political Party Affiliates | Regulatory Body | Organised Group | Total |
| Nigeria | 13 | | | | | 1 | 2 | 16 |
| Ghana | 1 | | 3 | | 4 | | | 8 |
| Guinea | 1 | 3 | | | | 1 | 1 | 6 |
| Cote d'Ivoire | 4 | | | 1 | 1 | | | 6 |
| Mali | 2 | 1 | | | | | | 3 |

| | | | | | | | | |
|----------------------|-----------|----------|----------|----------|----------|----------|----------|-----------|
| <i>Togo</i> | 2 | | | 1 | | | | 3 |
| <i>Guinea Bissau</i> | 2 | | | | | | | 2 |
| <i>Burkina</i> | | | 1 | | | | | 1 |
| <i>Liberia</i> | | | 1 | | | | | 1 |
| <i>Mauritania</i> | | 1 | | | | | | 1 |
| <i>Sierra Leone</i> | | | 1 | | | | | 1 |
| Total | 25 | 5 | 6 | 2 | 5 | 2 | 3 | 48 |

Figure 2 below gives further details of the types of perpetrators and percentage distribution of violations carried out by each type.

Figure 2 Perpetrators and Percentage of Violations



Targets /Victims of Violations

The 48 violations recorded in October-December 2020, affected a total of 90 identifiable persons and institutions, 12 of them citizen victims of the Tollgate massacre during the #EndSARS protests in Nigeria and 21 protesters killed in Guinea. Forty-one of the victims were journalists (three identified as female). Twelve media houses, three media workers and two activists (bloggers) complete the victims roll. It must be noted that the number of citizen victims could have been higher but for the fact that many of the targets of crackdowns on demonstrations are often an indefinite number of citizens. Also, the exact number of victims of the internet shutdown could not be established.

Similarly, the repressive decree in Mali authorising heads of regions and districts to close down “errant” media houses or seize their equipment was targeted at all the media outlets in the country.

| Country | Types and Number of Victims | | | | | |
|----------------------|-----------------------------|-----------|--------------|---------------|-----------|-----------|
| | Journalists | Citizens | Media Houses | Media Workers | Activists | Total |
| Nigeria | 10 | 12 | 6 | 3 | | 31 |
| <i>Ghana</i> | 13 | | | | | 13 |
| <i>Guinea</i> | 4 | 21 | 5 | | | 30 |
| <i>Cote d'Ivoire</i> | 7 | | | | | 7 |
| <i>Mali</i> | 2 | | | | | 2 |
| <i>Togo</i> | 1 | | 1 | | | 2 |
| <i>Guinea Bissau</i> | | | | | 2 | 2 |
| <i>Burkina</i> | 1 | | | | | 1 |
| <i>Liberia</i> | 1 | | | | | 1 |
| <i>Mauritania</i> | 1 | | | | | 1 |
| <i>Sierra Leone</i> | 1 | | | | | 1 |
| Total | 41 | 33 | 12 | 3 | 2 | 90 |

Redress/Impunity over Violations

On November 2, the HAC [reduced](#) by two weeks the one-month suspension it had imposed on Guineematin.com. The sanction was imposed on the news website for broadcasting live the presidential election results. It is clear that impunity is getting entrenched, a situation that threatens to erode the gains made in the FOE over the years. The MFWA therefore urges all stakeholders to stand up to the challenge to roll back the tide of impunity for crimes against journalists, activists and dissenting citizens.

On November 16, the Sierra Leonean Government of Sierra Leone dropped all charges against newspaper publisher and journalist, Silvia Blyden Olayinka, the publisher of Awareness Times

Newspaper. She [was arrested](#) on May 1, detained for a total of 50 days and arraigned for defamation in connection with a critical Facebook post.

On October 6, a court in Cotonou [released](#) Aziz Imorou, a former reporter with *l'Informateur* newspaper, from detention on cyber stalking charges. Imorou was detained on 17 September after he published a Facebook article in which he reported an alleged act of aggression against himself by a bodyguard of Armand Ganse, Managing Director of the Société de Gestion des Marchés Autonomes (SOGEMA), the state corporation that manages public markets.

Besides, these consolatory gestures, the last of which is connection with a violation recorded in the previous quarter, all other violations recorded in this report have not been resolved. The impunity for these transgressions against press freedom and freedom of expression calls into question the commitment of the governments concerned to protecting press freedom and punishing violations against the media and freedom of expression.

Other FOE Developments

In other developments, President Julius Maada Bio on October 28, 2020 [officially assented](#) a new law that repealed Criminal Libel in Sierra Leone. The Presidential assent comes three months after the country's Parliament on July 23, 2020 [unanimously approved](#) the Independent Media Commission (IMC) Act 2020 repealing the 1965 Public Order Act (POA) that criminalised libel and sedition.

A media expert, Mr. George Sarpong, has noted that the ongoing migration to digital terrestrial broadcasting promises to produce the single most phenomenal impact on broadcasting and the right to information in Africa, promising better sound and visuals, but also laden with liability and right to information pitfalls. Mr. Sarpong, who is a lawyer and the Executive Secretary of Ghana's media regulator, National Media Commission, explained that in analogue mode, television stations produce and transmit their own content. However, with digital broadcast there is an unbundling of the production process, which means the media houses produce the content and this content is sent to the broadcast signal distribution company, which is mainly government-owned, for distribution to the final consumer. He said the signal distributor as a service provider can refuse certain contents, which will amount to censorship.

“In standard, mode, governments will have to go physically and stop the broadcasting,” he said, adding that “but in digital, government only requires to switch of the multi-plex.”

According to Mr. Sarpong, the broadcaster in every society is the media, and in terms of offensive content, there is a debate as to whether the content producer or the broadcaster is liable. He therefore

called for proper legislation to regulate the digital space in to clearly delineate the rights and the limitations of all the players.

The media expert made the observation on the opening day of the West Africa Media Excellence and Conference Awards (WAMECA) organised by the MFWA in Accra November 13-14, 2020. The event brought together about 150 journalists, civil society groups, media development organisations and media experts from across West Africa.

In the first legal test of the implementation of the RTI law since it came into effect, the MFWA [filed a suit](#) on November 27, 2020 against Ghana's communications regulator, the national Communications Authority NCA. The suit is seeking an order from the court to compel the NCA to provide the full list of all authorised FM stations in Ghana as of the second quarter of 2020, a request the regulator had initially refused and subsequently demanded Ghc 2000 (about USD 345) as processing fee. Convinced that the amount the NCA is demanding is prohibitive, liable to set a bad precedent and undermine the fundamental right to access information, the MFWA decided to file the suit. The MFWA has, meanwhile, consistently accused the NCA of carrying out discriminatory shutdown of media houses in 2019 and 2020.

On November 27, the MFWA [petitioned](#) the Comptroller General of the Ghana Immigration Service, Kwame Asuah Takyi over threats issued by an officer of the service against the editor of one of Ghana's leading newspapers. The petition asking the Immigration authorities to call Isaac Dzihloranu to order followed report in the November 24, 2020 edition of *The Chronicle* that the officer had at various times since 2018, issued threats against the newspaper's editor, Emmanuel Akli, over a critical publication about him.

The Guinean government provided significant support to the country's media, which is struggling to survive the adverse economic effects of the Coronavirus by waiving taxes amounting to almost 200,000 dollars.

In a press release dated November 3, 2020 the Minister of Finance announced the cancellation of license fees for Radio and TV for the fiscal year 2020, which is estimated at GNF 1,905,000,000 (\$ 193,000). According to the government, the gesture is in recognition "of the public interest role that the media continues to play in the awareness creation about, and prevention of the corona virus."

Conclusion

The violations recorded during the October-December 2020 monitoring period represent a 74% increase over the figure recorded during the previous quarter (July-September, 2020). This is worrying, given the sub-region's image as one of most progressive in Africa in terms of respect for civil rights. The impunity, with which the majority of these violations have been carried out gives cause for concern in view of its potential to lead to self-censorship and undermine democracy.

The killings of a journalist and 12 protesters in Nigeria, as well as the crackdown on demonstrators in Guinea leading to the deaths of 21 people made the quarter particularly deadly. Although all three violations perpetrated in Mali were grievous, the decree by the military-dominated transitional government in that country authorising closure of media houses and seizure of their equipment for breaches of the emergency laws, deals a big blow to press freedom in the country.

The countries cited in this report are parties or signatories to several regional and international instruments that obliges them to respect and protect freedom of expression rights. Some of these instruments are International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, the ECOWAS Protocol on Democracy and Good Governance. The above violations therefore underline the urgent need for sustained and collaborative efforts to bridge the gap between the values espoused in the above protocol and treaties and their effective implementation to guarantee freedom of expression in West Africa. 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.
- Ensure that security agents stop violating the rights of journalists and others exercising their right to freedom of expression. Specifically, police and security forces must cease committing acts of physical attacks, arbitrary arrests and detentions against journalists and dissenting voices.
- Train security agents to appreciate the work of the media in democratic societies and to collaborate with them.
- Order a stop to violent attacks on demonstrators and protesters

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 recalcitrantly flout statutory obligations.

To the African Commission Special Rapporteur on Freedom of Expression and Access to Information

- Engage the new government in Nigeria and Guinea on the need to intensify investigations into the killing of journalists and demonstrators in the respective countries to ensure that the perpetrators are identified and punished.

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 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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