



# West Africa Freedom of Expression Monitor

**Quarter 2**

**April-June 2024**



# WEST AFRICA FREEDOM OF EXPRESSION MONITOR

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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 sub-region. Under its freedom of expression programme, the MFWA monitors and reports on press freedom and freedom of expression issues, including expression through demonstrations. It systematically documents violations and 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, have 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 the military in Mali, Niger, 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 2024 (April-June 2024).

During the period under review, a total of 53 incidents of freedom of expression violations were recorded. The figure is 26% higher than that of the preceding quarter (January-March 2024), which recorded 39 violations. Unfortunately, most of the violations reported had not been redressed in any way at the time of compiling this report.

Nigeria recorded eleven violations, the highest during the quarter. Burkina Faso and Guinea followed with 10 and five violations respectively. Senegal and Sierra Leone recorded four violations each. Mali, Togo, Guinea-Bissau, Ghana and Niger recorded



three violations each. Benin recorded two violations, while Liberia and Cote d'Ivoire recorded one violation each.

Six different types of perpetrators were responsible for the 53 violations. Security agents accounted for 24 violations, representing 45% of the total violations. Individuals were responsible for 10 violations (19%), while Media regulatory bodies were behind nine violations (17%). State/public officials accounted for seven violations (13%), while the courts and political party affiliates committed two violations (4%) and one violation (2%) respectively.

## Introduction

Press freedom is the cornerstone of democracy, essential for ensuring transparency, accountability, and informed citizenry. It is in recognition of the pivotal role of freedom of expression (FOE) in building robust and progressive societies that all the countries in the sub-region have committed themselves 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."

Yet, freedom of expression is facing numerous challenges in West Africa, particularly in the conflict-hit and junta-ruled Sahel countries of Burkina Faso, Mali and Niger. Unfortunately, Senegal, one of the region's boasts in terms of democracy and human rights, has also witnessed a steep decline in respecting and protecting FOE rights. Continuous monitoring and reporting of FOE is, therefore, crucial in providing documentary evidence that can shape and inform policy and advocacy interventions. It is in this light that the MFWA continues to monitor, report and carry out advocacy on freedom of expression rights. The MFWA's monitoring and reporting focus on the

extent to which the 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, the fact that they are consecrated in the constitutions, regulations and international instruments 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 breaches that are documented on daily basis through MFWA's monitoring. Unfortunately, government officials, influential individuals, and security agencies are the major perpetrators of such violations which are meant to silence journalists, 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.

This edition of the Monitor presents findings of the daily monitoring conducted throughout the second quarter of 2024 (April-June 2024) by the MFWA. The findings are presented below under the following areas: 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.

## Methodology

This report is compiled using data from the monitoring reports received from MFWA's correspondents in various West African countries. To ensure that other violations not captured by the organisation's correspondents are factored into the analysis, information published by MFWA's partner organisations, the media and other human rights organisations that work in the region 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 civic liberties in the region.



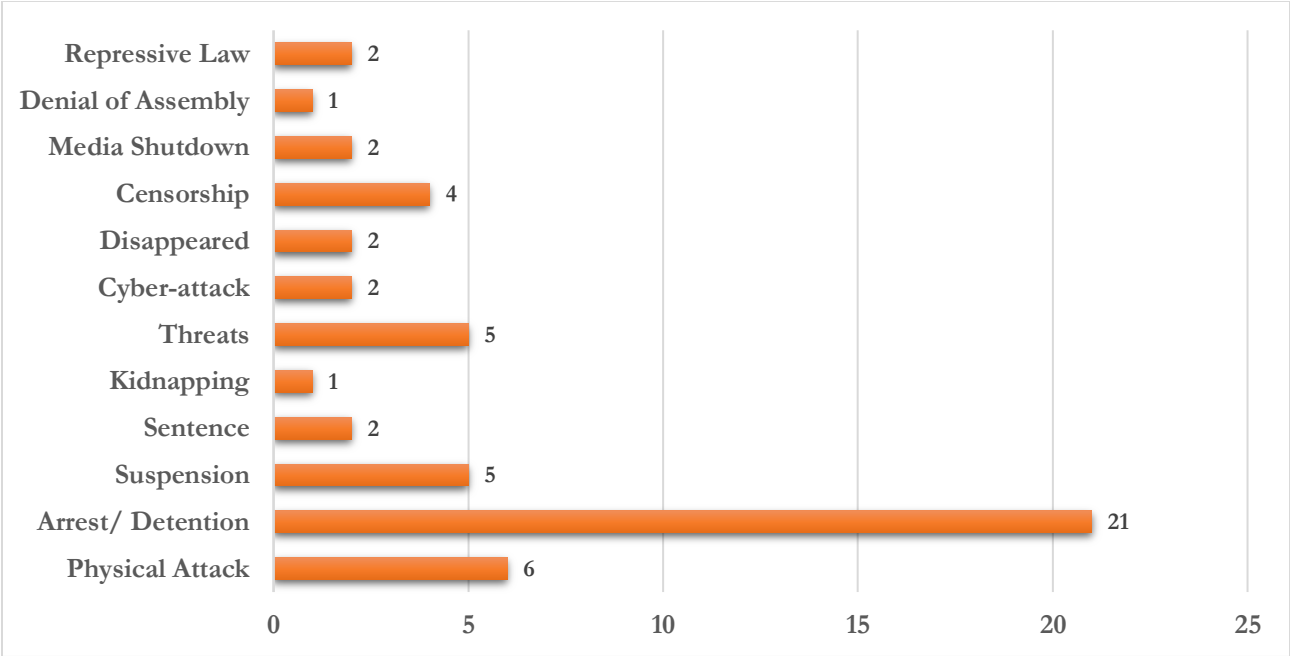
The Monitor serves as an advocacy material for the promotion, defence and protection of media and freedom of expression (offline & online) rights.

The report is guided by the UNESCO Journalists’ Safety Indicators. Specifically, the safety and impunity statistics indicators informed the coding of the violations.

## Country and Incidents of Violations

Fifty-three 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 2024. Twelve different types of violations were recorded in 13 countries. Arrests/detentions and physical attacks were the dominant types of violation, occurring 21 and six times respectively. Figure one below presents all the violations recorded and their respective frequencies:

**Figure 1: Frequency of Violations**



The quarter was marked by a wave of arrests and detentions, physical attacks, and suspensions of media houses as well as the adoption of repressive laws in the sub-region. In arguably the most serious case, the government of Niger reintroduced prison terms for online press offenses. On June 7, 2024, Niger’s Head of State, General



Abdourahamane Tiani, [enacted](#) a new ordinance to toughen the country's cybercrime law. The revised law prescribes prison sentences of up to three years for defamation and public order offenses committed online. The changes reversed amendments by the previous civilian government that reduced penalties for such offences to only fines.

In another set of grievous violations, the junta governments in Burkina Faso and Guinea, suspended five influential media outlets each. These measures crippled the media and further restricted the civic space.

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

Thirteen countries recorded FOE violations, with eleven occurring in Nigeria, seven of them being arrests/detentions. Burkina Faso followed Nigeria closely with 10 violations. Four out of the 10 incidents recorded in Burkina Faso were suspensions of media outlets, with a total of nine different media platforms affected.

In Table 1 below, the frequency of FOE violations recorded in each of the 13 countries is presented. Table 1 also features the different types of infractions recorded in the respective countries cited.





**Table 1: Countries and Types of Violations**

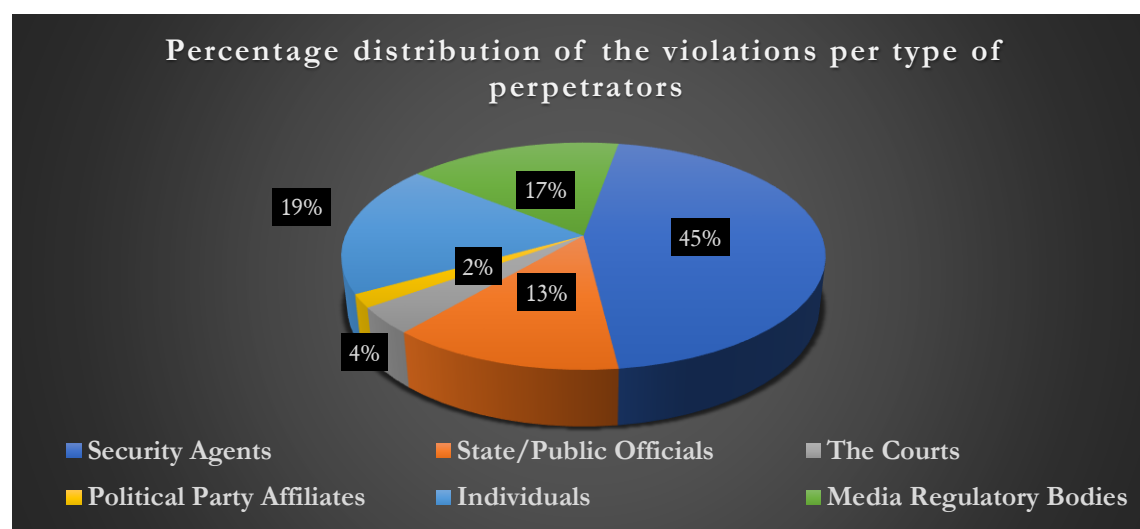
Country	Types of Violations												Total
	Physical Attack	Arrest/ Detention	Suspension	Sentence	Kidnapping	Threats	Cyber-attack	Disappearance	Censorship	Media Shutdown	Denial of Assembly	Repressive Law	
Nigeria	2	7				2							11
Burkina Faso			4		1			2	3				10
Guinea	1		1			1				2			5
Senegal		4											4
Sierra Leone	1	1				2							4
Mali		1		1					1				3
Togo		2									1		3
Guinea-Bissau		3											3
Niger		2										1	3
Ghana	2						1						3
Benin		1		1									2
Liberia							1						1
Cote d'Ivoire												1	1
<b>Total</b>	<b>6</b>	<b>21</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>53</b>



## Perpetrators of Violations

The 53 violations recorded over the three-month period were perpetrated by six categories of perpetrators. Security agents accounted for 24 violations (45%); individuals were responsible for 10 violations (19%), while media regulatory bodies were responsible for nine violations (17%). The remaining 10 were perpetrated by state/public officials (7), the courts (2) and political party affiliates (1) as illustrated in Figure 2 below.

**Figure 2: Percentage distribution of the violations per type of perpetrators**



In Nigeria, where eleven of the 53 violations occurred, security agents were found to be the major perpetrators of FOE infractions. Security agents were responsible for eight (mainly arrests/detention) of the eleven violations recorded in the country. For Burkina Faso, the country with the second highest record of FOE breaches (mainly suspension and censorship) during the monitoring period, seven out of the 10 incidents of violation cited were carried out by media regulatory bodies. Table 2 below provides more information on the types of perpetrators and the number of violations recorded against them in each country.

**Table 2: Countries and Perpetrators**

Country	Perpetrators						Total
	Security Agents	State/Public Officials	The Courts	Political Party Affiliates	Individuals	Media Regulatory Bodies	
Nigeria	8	2			1		11
Burkina Faso	1				3	6	10
Guinea		2			1	2	5
Senegal	4						4
Sierra Leone	2				2		4
Mali	1		1			1	3
Togo	2	1					3
Guinea-Bissau	3						3
Niger	2	1					3
Ghana				1	2		3
Benin	1		1				2
Liberia					1		1
Cote d'Ivoire		1					1
<b>Total</b>	<b>24</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>10</b>	<b>9</b>	<b>53</b>

## Targets/Victims of Violations

A total of 164 direct victims suffered the 53 violations. Of this, 30 were journalists and media workers, while 29 were media organisations, and 17 were activists. Eighty-eight were citizens, including victims of mass arrests in Guinea-Bissau. It is to be noted that one violation can target more than one victim while one victim can face multiple violations. Sometimes, the exact number of victims of violations such as crackdowns on protests, repressive laws, and internet shutdowns, cannot be established. Beyond the direct victims of some types of violations such as shutdown or cyberattacks against media houses, several other entities can be affected in some indirect way, like the journalists working for these media houses that are shut down as well as the audience.

In terms of the distribution, 29 of the 53 violations were targeted at journalists and media workers, 13 were targeted at media organisations, three were targeted at activists, and eight were directed at citizens. Table 3 below illustrates the violations and victims' distribution. It also depicts the targets/victims of the violations in the respective countries.

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	11				11
Burkina Faso	3			7	10
Guinea	3			2	5
Senegal	2	1	1		4
Sierra Leone	3	1			4
Mali	1	1		1	3
Togo	1	1	1		3
Guinea-Bissau	1	1	1		3
Niger	2	1			3
Ghana		1		2	3
Benin	2				2
Liberia				1	1
Cote d'Ivoire		1			1
Total	29	8	3	13	53

## Redress for Violations/Impunity

While the UN Plan of Action for the Safety of Journalists emphasises preventive mechanisms, authorities' responses to FOE violations is an equally important indicator of commitment to promoting the safety of journalists. Unfortunately, violations against FOE often go without any redress (including reparation and punishment). However, some positive developments were recorded in this regard during the monitoring period (April to June 2024).

On April 9, 2024, a court in Lomé [ruled](#) for the release of Apollinaire Mewenemesse, the Managing Editor of *La Depeche* and placed him under judicial supervision. However, Mewenemesse was asked to appear at the court twice a month, to avail himself of future court hearings and finally, was prohibited from leaving Lomé, the capital of Togo. Mr. Mewenemesse was detained on March 26, 2024, after honoured an invitation by the Research and Investigation Brigade in Lomé, following his [publication](#) criticising a court verdict. On March 28, the 72-year-old journalist was charged with seven counts, including defamation, false publication, incitement, and undermining state security. He spent fourteen days in detention.

On May 8, 2024, a High Court in Accra [upheld](#) its decision asking former Ghana footballer Asamoah Gyan to pay GHC1 million in compensation to journalist Osarfo Anthony. The initial judgement was delivered by Justice Dr Owusu-Dapaa on December 8, 2023. Anthony had been arrested in 2015 on charges of defamation and conspiracy to extort money from the footballer. The arrest followed a story by Anthony alleging sexual assault of one Sarah Kwablah by the then Black Stars captain. After being acquitted of the charges, Anthony sued Gyan and his manager, Samuel Anim Addo, for malicious prosecution and was awarded GHC1 million in compensation. However, Gyan appealed the ruling, but was asked by the court to deposit half of the compensation amount with its treasury, pending the outcome of the appeal.

## Other Key FOE Developments

In a progressive development, the National Communications Authority (NCA) of Ghana and the Autorité de Régulation des Communications Électroniques et de la Poste (ARCEP) of Benin signed a bilateral agreement on March 27, 2024, to facilitate roaming services under the ECOWAS Free Roaming Initiative between the two countries. The collaboration is expected to enhance access to affordable and seamless communication across borders, promoting regional integration, facilitating business and tourism, and strengthening social ties within the ECOWAS region.

On April 17, 2024, the Togolese media regulator, the Haute Autorité de l'Audiovisuel et de la Communication (HAAC), temporarily [suspended](#) the issuance of media accreditations to foreign media seeking to cover the country's elections. The HAAC cited alleged deficiencies in recent coverage by French media *RFI* and *France 24*. These actions occurred in the context of political tensions and protests against the new constitution, which extended the presidential term and altered the political system from presidential to parliamentary.

Mali's shrinking civic space was further underlined when the authorities arrested eleven members of an opposition coalition during a meeting in Bamako on June 20, 2024. The group unites a significant portion of the country's political parties opposed to the current extension of Mali's political transition. On June 24, ten of the arrested individuals faced provisional detention on charges including "opposition to legitimate

authority” and “disruption of public order.” The government recently banned all political party activities as well as media coverage of same.

The Gambia’s Minister for the Environment, Rohey John Manjang, threatened the online news outlet, *The Alkamba Times*, with a libel and defamation suit over a [story](#) about her. The story authored by Kebba Ansu Manneh, alleged that the minister and a former governor of the Lower River Region (LRR) were involved in illicit deals concerning some seized logs. A letter from the Minister’s solicitors delivered to *The Alkamba Times* on June 19, demanded that the news organisation retracts the story and issues a public apology within one week, failing which it would face a lawsuit for libel and defamation.

In Cote d’Ivoire, the country’s Parliament approved an amendment to Article 185 (2) of the Criminal Code, Law n°2019-574 of June 26, 2019. The approved amendment censors criticism against court rulings and criminalises sympathy for convicts in certain cases including money laundering. It imposes prison terms of up to ten years for such offenses.

## Conclusion

The monitoring and documenting of violations across West Africa in the second quarter of 2024 (April – June 2024) recorded a total of 53 violations in 13 countries, an average of four violations per country. Arrests and detentions, physical attacks, and suspension and censorship media houses were the dominant violations cited. The implications of such violations on the physical integrity and morale of the victims cannot be quantified in monetary terms, but can be very devastating and can sometimes result in self-censorship.

Despite the possible ramifications of the violations perpetrated against the victims, there is a near absolute impunity, resulting in just two redress actions out of the 53 violations reported. This state of impunity often fuels further attacks against journalists and media organisations, and other critical voices, 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 security agencies’ 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. In consideration of the findings

in this report, the MFWA makes the following recommendations for improving the freedom of expression environment in the region.

## Recommendations

### To Governments in West Africa

- Ensure that both state and non-state actors respect and protect 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.
- Ensure that perpetrators of FOE rights violations are appropriately dealt with, and victims are adequately compensated.

### To ECOWAS

- Hold accountable culprits (both state and non-state actors) of freedom of expression violations through civil, administrative, or other sanctions to combat impunity, in line with the Supplementary Act A/SP. 13/02/12 on Sanctions Against Member States that Fail to Honour their Obligations to ECOWAS.
- 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 to uphold press freedom and freedom of expression.
- Work with the military authorities in Mali, Burkina Faso, Niger and Guinea to ensure respect for FOE rights and a return to constitutional order to forestall all forms of excesses against human rights, including the right to expression, association, assembly and access to information.

### 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.









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