



West Africa Freedom of Expression Monitor

July - September 2018

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Executive Summary

The Media Foundation for West Africa (MFWA) has been monitoring and reporting on violations of freedom of expression (FOE) rights in all 16 countries in West Africa. The monitoring reports highlight incidents of violation, redress of violations, introduction, review or reform of laws affecting freedom of expression rights and other positive developments. It also calls on the appropriate authorities to take action to forestall future violations.

Since 2014, the findings of these monitoring activities are collated and analysed into quarterly publications titled the West Africa Free Expression Monitor (The Monitor for short.)

This edition of the West Africa Free Expression Monitor covers the period July-September 2018. Thirty-five violations were recorded in 12 countries with Nigeria recording the highest number. The findings show a slight reduction in the cases of violations compared to the previous quarter (April June, 2018) which recorded 40 violations.

Security agents and State officials perpetrated 14 (40%) of the reported violations. Majority of the violations were physical attacks. Other forms of violations reported included arrests/detentions, physical attacks, censorship and closure of media outlets.

While the number of violations recorded follows an improving trend over the past two years, it is still unacceptable for a region where all the countries are under democratic constitutional rule. Even more disturbing is the level of impunity that surrounds the violations.

The monitoring also recorded some positive developments in Liberia where the lower chamber of parliament approved the bill scrapping criminal libel from the country's statutes. A Nigerian journalist, Jones Abiri, who had been arbitrarily detained for two years, regained his freedom and was awarded financial compensation by a court in Abuja.

The report concludes with a number of recommendations to stakeholders urging them to address the FoE challenges in the region.

Introduction and Background

From the early 90s, West Africa witnessed a wave of political transitions – from military regimes into democratic dispensations. The transitions resulted in a gradual democratisation of the region. Today, all 16 countries in the region have democratically elected governments with relatively more liberal constitutions that guarantee fundamental human rights such as the right to free expression, assembly and access to information.

In addition, many of the countries have ratified and acceded to international and continental rights frameworks such as the International Convention on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (ACHPR). The political transitions, coupled with the rights-respecting frameworks have brought about increased citizens’ participation in governance processes and other national issues in the respective countries.

Despite the provisions in the frameworks, abuses against the right to free expression, assembly and access to information persist in many of the countries in the region, an indication that the relatively nascent democracies in the region have not as yet done away with some of the old autocratic habits. State officials and security agents, as well as organised groups with vested interests, continue to attack the media, civil society and voices of dissent. The abuses range from killings to threats, physical attacks, arbitrary arrests and detentions and arbitrary closure of media outlets.

For the past 21 years, the Media Foundation for West Africa (MFWA) has been monitoring and reporting on freedom of expression (FOE) rights violations and other related developments in the region. The monitoring is guided by provisions in international, regional and sub-regional human rights frameworks to which most West African countries are parties and/or signatories. 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.” The monitoring of FOE, therefore, tracks the extent to which the press is free; people are able to express themselves (including through protests) without any form of suppression; and have access to information. Thus, it helps put into perspective the extent to which these international, regional and sub-regional instruments, as well as the national Constitutions are respected and upheld in practice in the various countries.

For instance, 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 which provide safeguards for FoE and freedom of 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.”

The MFWA's monitoring and reporting therefore puts into perspective the extent to which these international, regional and sub-regional instruments, as well as the national Constitutions are respected and upheld in practice in the various countries. This edition of The Monitor covers the period July – September, 2018.

Since 2014, the results of the monitoring are collated periodically and published as the West Africa Freedom of Expression Monitor (The Monitor). The Monitor is aimed at highlighting abuses, demanding redress and providing documentary evidence to inform advocacy interventions for the promotion and protection of freedom of expression rights in West Africa.

Methodology

The Monitor is a periodic report on the freedom of expression (FOE) situation in West Africa. The report, which highlights freedom of expression developments and challenges, is compiled using data from monitoring reports received from MFWA's national partner organisations and seasoned correspondents in the various countries.

On a daily basis, the MFWA receives monitoring reports from its partner organisations and seasoned correspondents about FOE developments (positive and negative) in their respective countries. The daily monitoring reports usually cover violations against FOE rights (including expression through protests); emerging issues; and other developments that could impact the FOE environment either positively or negatively. The monitoring is facilitated by a brief monitoring guideline produced by the MFWA and shared with all the monitors.

The daily reports, which are published by the MFWA as Alerts, are collated and analysed periodically using the Statistical Package for Social Sciences (SPSS). In producing The Monitor, the monitoring reports from partner organisations and correspondents are complemented by other reports published on the website of the International freedom of Expression Exchange (IFEX) by fellow organisations in the West Africa region.

Since its introduction in 2014, The Monitor has been serving as an advocacy material for the promotion and protection of FOE rights in West Africa. This edition of the monitor covers the months of July, August and September 2018.

Results from the collation and analyses of the data gathered from July to September 2018 are presented below under the following sections: General Findings or Overview of Violations; Countries and FOE Violations; Perpetrators of Violations; Targets/Victims of Violations; Culture of

Impunity and Redress for Violations. Other developments observed in the course of the monitoring are also highlighted. The report ends with recommendations on how to improve the media and the FOE landscape in the West Africa region.

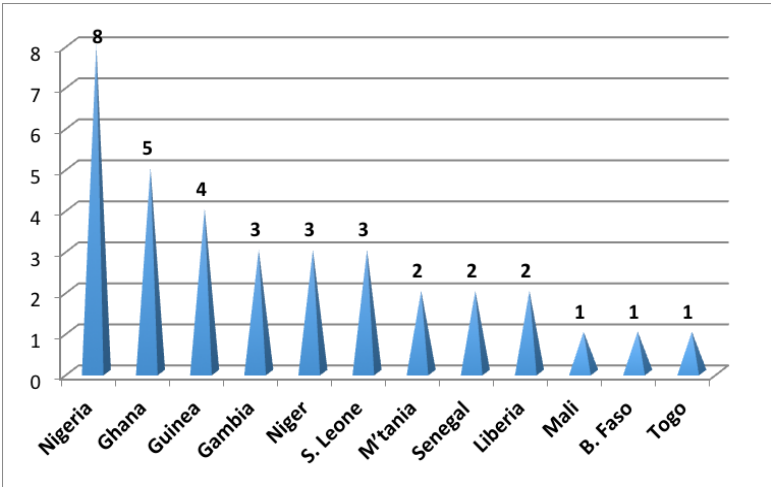
General Findings/ Incidents or Overview of Violations Recorded

The FOE environment in West Africa has seen significant improvements. However, incidents of FOE violations persist. The violations, coupled with the application of existing repressive laws and introduction of new ones continue to undermine the gains made so far in the FOE environment. For the period under review, for instance, 35 FOE violations were recorded in 12 out of the 16 countries monitored. Physical attacks and arrests and detentions were the major violations perpetrated by state security agents who were the major culprits. Unfortunately, two protestors lost their lives while expressing their grievances through demonstrations. As previous editions of The Monitor show, journalists and media organisations were the main victims of the violations recorded. Details of the findings are presented below.

Countries and FOE Violations

Out of the 16 countries in the West Africa region, 12 were cited for FOE violations. Thus, the 35 FOE violations were reported from 12 countries. The four that did not record any FOE violation were: Benin, Cape Verde, Cote d'Ivoire and Guinea Bissau. Nigeria recorded the highest incidents of violations followed by Ghana and Guinea. The two incidents of killings which resulted in two deaths both occurred in Guinea. Figure 1 below depicts the incidents of violations cited in each of the 12 countries.

Fig.1: Countries and Incidents of FOE Violations Recorded



Types of Violations

The 35 violations recorded in the reporting period were made up of eight categories of violations – physical attacks, arrests and detentions, seizure/damage of property, killings, ban/shutdown, threats and censor. Physical attack was the commonest type of violation perpetrated in the region; being cited in seven of the 12 countries that recorded violations. Arrest and detention followed, occurring in six countries. All the categories of violations reported are presented in Table 1 below with an indication of the countries in which they occurred.

Table 1: Countries and Types of Violations

Country	Types of Violation								Total
	Physical Attack	Arrest/ Detention	Seizure/ Damage of Property	Killing	Ban/ Shutdown	Threat	Censor	Sentenc e	
<i>Nigeria</i>	4	2	1	0	1	0	0	0	8
<i>Ghana</i>	5	0	0	0	0	0	0	0	5
<i>Guinea</i>	1	1	0	2	0	0	0	0	4
<i>The Gambia</i>	2	0	1	0	0	0	0	0	3
<i>Niger</i>	1	0	1	0	0	0	0	1	3
<i>Sierra Leone</i>	1	1	1	0	0	0	0	0	3
<i>Mauritania</i>	0	1	0	0	0	0	1	0	2
<i>Senegal</i>	1	0	1	0	0	0	0	0	2
<i>Liberia</i>	0	0	0	0	0	2	0	0	2
<i>Mali</i>	0	0	0	0	1	0	0	0	1
<i>Burkina Faso</i>	0	1	0	0	0	0	0	0	1
<i>Togo</i>	0	1	0	0	0	0	0	0	1
Total	15	7	5	2	2	2	1	1	35

Perpetrators of Violations

Four types of perpetrators were responsible for the 35 violations. State security agents were culpable for 40 percent (14) of the violations, followed by individuals and organised groups with seven violations each. State officials carried out six violations while a regulatory body was responsible for one violation. Table 2 below gives a breakdown of the number of violations carried out by the four categories of perpetrators in the 12 countries.

Table 2: Countries and Types of Perpetrators

Country	Types of perpetrator					Total
	Security Agents	State Officials	Organised Group	Individuals	Regulator	
Nigeria	2	1	1	3	1	8
Ghana	1	0	2	2	0	5
Guinea	4	0	0	0	0	4
Gambia	1	0	2	0	0	3
Niger	1	2	0	0	0	3
Sierra Leone	1	0	2	0	0	3
Mauritania	1	1	0	0	0	2
Senegal	2	0	0	0	0	2
Liberia	0	0	0	2	0	2
Burkina Faso	0	1	0	0	0	1
Mali	0	1	0	0	0	1
Togo	1	0	0	0	0	1
Total	14	6	7	7	1	35

Targets/Victims

The 35 violations directly affected sixty-three (63) identifiable victims. Nineteen of the victims were journalists (15 males and four females) and eleven were media organisations. Seven of the eleven media houses affected were victims of censorship in Mauritania, having been arbitrarily denied accreditation during the AU Summit held in the country on July 1-2, 2018. Table 3 below provides details about the number of victims who suffered the 35 violations in the respective countries.

Table 3: Countries and Victims of Violations

Country	Targets/Victims				Total
	Journalists	Activists	Media Outlet	Other Individuals	
Nigeria	5	0	2	0	7
Ghana	5	0	1	0	6
Gambia	3	0	0	0	3
Guinea	0	0	0	12	12
Niger	0	4	0	14	18
Sierra Leone	1	1	0	0	2
Mauritania	2	0	7	0	9
Senegal	1	0	0	0	1

Liberia	2	0	0	0	2
Burkina Faso	0	1	0	0	1
Mali	0	0	1	0	1
Togo	0	1	0	0	1
Total	19	7	11	26	63

Culture of Impunity and Redress of Violations

The fight against FOE violations is multifaceted. Deterring perpetrators from the act is at the core of the fight. Therefore, when abuses against FOE go unpunished or uncompensated for (depending on the nature of the violation), it goes a long way to embolden perpetrators rather than to deter them. It also nurtures a culture of impunity and silences dissidents. In spite of this fact, violations perpetrated against expression often receive no remedial action in many countries in the region. At the time of finalising this report, only one out of the 35 violations cited had received redress – the media regulatory body in Mali directed the reopening of Radio Renouveau, which had been shut down on the orders of the governor of Bamako. Characteristic of the deep-seated culture of impunity in the region, the remaining 34 violations have not been redressed.

The period under review, however, witnessed a landmark case of redress of a violation which occurred in 2016. A Federal High Court in Abuja, Nigeria, [awarded 10 million](#) Naira (about US\$27,500) in damages to Jones Abiri, on September 13. Editor-in-Chief of the *Weekly Source* newspaper, Abiri, was arrested and detained in August 2016. During his arbitrary detention, press freedom and human rights groups in and outside Nigeria, rolled out several interventions, including a [signed petition](#) calling on President Muhammadu Buhari to ensure the release of the detained journalist. On August 15, 2018, Abiri was released after human rights activist, Femi Falana, filed a suit against the Federal government over his arbitrary detention. The case against the journalist was eventually struck out by the court on September 17 for lack of jurisdiction.

Also, in what appeared to be a first step toward securing justice, Ohemaa Sakyiwaa, a reporter at Adom FM in Accra who was assaulted by a member of Ghana’s ruling New Patriotic Party (NPP), [cleared the first hurdle](#) in her legal battle for justice. The Human Rights Court in Accra dismissed an application by her assailant, Hajia Fati, seeking to nullify the journalist’s suit against her over technicalities. The judge found the application to be vexatious and, consequently, awarded cost of GHC 600 (about US\$130) to Sakyiwaa on July 30, 2018.

While these few redress actions are welcome, they fall far short of expectation and raise questions about the commitment of governments in the region to tackle impunity. The lack of accountability for these abuses undermines quality and independent journalism which are keystones for democratic and accountable governance.

The continued repression of demonstrations is also very disturbing, as it especially as security agents who are to be part of the redress process, are themselves among the worst offenders. Urgent steps therefore need to be taken by governments and sub-regional bodies like the ECOWAS to reverse the trend to ensure that journalists, media outlets, citizens and civil society activists and opposition figures can enjoy their freedom of expression and assembly rights and can participate in governance processes, public debates etc. without fear.

Other Key FOE Developments

Some very significant developments happened in Liberia and Benin that have very positive implications for FOE in those countries and the region at large. In Liberia, the lower chamber of the House of Representatives (Parliament) unanimously approved a bill to decriminalise libel on July 3, 2018. The lawmakers also voted to maintain 'Kamara Abdullah Kamara Act of Press Freedom' as the official name of the law when passed, in honour of the former President of the Press Union of Liberia who died on April 17 2018.

In the case of Benin, the government listened to public concerns and [withdrew taxes](#) they had introduced on electronic communications. President Patrice Talon after meeting with the ministers of finance and digital economy, and telecom operators, on September 22, decided to restore the former rates.

On July 11, 2018, the Media Foundation for West Africa (MFWA), in collaboration with other media stakeholders, held a [Forum with the Ghana Police Service](#) on strengthening media-police relations for safety of journalists in Ghana. The forum produced the following outcomes:

- Announcement by the Ghanaian Inspector General of Police (IGP) of the inclusion of media relations training in the curriculum of police training
- Publication of police-media relations policy document by the Ghana Police Service
- Referral of investigations on assaulted journalist (Latif Idris) to police CID headquarters two days after the forum
- Agreement to set up joint police-media experts committee for the development of comprehensive framework to guide police-media relations in the country.

While the above were positive developments that have long-lasting impact on FOE in the region (if sustained), there is a steady increase in brutalities against demonstrations and protestors that need immediate and urgent intervention from governments and the regional body, ECOWAS, before the situation degenerates. Increasingly, state security agents brutalise protestors which result in injuries and loss of lives. In addition to the death of the two protestors in the reporting period, four other protestors have been killed since January 2018.

Conclusion

Practically all the 16 countries in the West Africa region have national constitutions that guarantee freedom of expression, assembly and access to information. Almost all of them are also parties and/or signatories to international and regional instruments such as the ICCPR, the ACHPR and the ECOWAS Protocol on Democracy and Good Governance. Despite these provisions, violations against the right to free expression, assembly and access to information persist. The three-month monitoring period for instance, recorded 35 incidents of FOE abuses in 12 countries. Unfortunately, state security agents who are expected to protect the universally and constitutionally guaranteed rights are the major culprits, a situation that is fostering impunity in the region.

Meanwhile, unfettered freedom of expression environment is one of the critical building blocks needed to consolidate the gains made so far in the democratisation processes in the region. There is, therefore, an urgent need for measures to be put in place by stakeholders to end the siege on journalists and media organisations and the repression of dissenting opinions. To this end, the MFWA makes the following recommendations towards improving the freedom of expression environment in West Africa.

Recommendations

To Media Organisations and Journalists

- Media managers and owners must denounce and report violations against media organisations and journalists.
- Work with high standards and professionalism at all times.

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.
- Hold accountable the perpetrators (both state and non-state actors) of freedom of expression, access to information and freedom of assembly violations through criminal, civil, administrative, or other sanctions to combat..
- Ensure that state security agencies stop using excessive force to control demonstrators.

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 recalcitrantly flout treaty obligations.

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

- Monitor compliance of West African countries with the binding Lohé Issah Konaté judgment of the African Court concerning decriminalisation.
- Engage governments of the countries where violations are rampant to take steps to end the violations and to fight impunity for attacks on journalists.

To the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion

- Call on the governments in West Africa, particularly, Ghana, Guinea and Nigeria where violations have been recurring, to respect and protect freedom of expression rights.
- Include more West African countries in fact-finding missions.
- Visit the countries in West Africa that have standing invitations to all thematic special procedures.

