



# **Freedom of Expression Monitor**

**Oct - Dec, 2021**

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## Executive Summary

After the fall of Blaise Compaore in 2014 and Yahyah Jammeh in 2016, West Africa became the only sub-region in Africa without a self-perpetuating autocrat or one with a military background. The sub-region has been held up a model of democracy on a continent afflicted with autocracy.

The democratic revolution in West Africa over the past three decades has however come under a strain in the past few years with serious implications for press freedom and the civic space.

In the space of two years, there have been two military coups in Mali, an unsuccessful attempt in Guinea Bissau and Niger and successful military take-overs in Guinea and Burkina Faso. If history is anything to go by, then we should fear some level of repression of press freedom. For example, the military regime in Mali on December 18, 2020 [announced a decree](#) that imposed severe restrictions on press freedom, human and vehicular movement and processions. The decree asked district administrative authorities to monitor and control social media, audio-visual broadcasts and theatre shows.

The Media Foundation for West Africa (MFWA) has been monitoring and reporting on the freedom of expression (FOE) situation in West Africa and carrying out campaigns to seek redress for violations against the media and dissenting voices. The results of the monitoring have been published as the West Africa Freedom of Expression Monitor (The Monitor, in short).

This report covers the third quarter of 2021 (October-December). The period under review recorded 28 violations in eight countries. This represents a 175% increase over the third quarter (September-December) violations which stood at 12.

Nigeria recorded the most violations (13) with Mauritania and Togo recording three (3) each. Benin, Ghana, Guinea and Sierra Leone recorded two violations each. In what possibly the most grievous violation, the authorities in Burkina Faso [disrupted mobile internet connection](#) in the country for 96 hours spanning 5 days. The action was taken on November 20, 2021, ahead of massive demonstrations against French military presence in the Sahel and the country's faltering fight against insurgent attacks.

In Guinea, some soldiers [burst into the premises of the Djoma FM](#) group (Radio/Television) in a night Raid the night on the is station which owned by a close associate of overthrown President Alpha Conde.

The One-year memorial of the #EndSARS protests was brutally suppressed by the police [on October 20, 2021](#). Some journalists were assaulted. Others were arrested and yet others censored by being denied the right to cover. The quarter generally witnessed a flurry of arrests and detentions of journalists.

Unfortunately, these violations were perpetrated with near absolute impunity. Meanwhile all the countries featured in the report are democratic states with constitutional provisions

and other laws which guarantee press freedom and protect freedom of expression and assembly. They are also signatories to regional and international charters, treaties and covenants guaranteeing FOE rights. Also the UN Plan of Action on the Safety of Journalists and the Issue of Impunity enjoins these countries to take steps to protect journalists and ensure justice for journalist victims of violations. In the light of the above, the MFWA urges all stakeholders in the FOE continue to collaborate to promote freedom of expression and end impunity for violations against journalists.

## Introduction

As part of the international collaboration in promoting human rights, the countries in West Africa, like many in other regions of Africa and the world, have signed up to various treaties and instruments guaranteeing freedom of expression and of opinion. Among these covenants are the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights. Additionally, the countries have national laws that guarantee media freedom and the rights of citizens to access information held by public institutions.

The Media Foundation for West Africa (MFWA), in collaboration with its partner organisations in the various countries in the sub-region, has been actively engaged in advocacy to monitor the state of freedom of expression (FOE) in West Africa. The monitoring helps to evaluate the extent of compliance to these laws and protocols by the various countries. The monitoring reports are meant to serve a reference material and an advocacy tool for promoting and protecting media and FOE rights in West Africa. Since 2014, the MFWA has been publishing the results of the monitoring as the Freedom of Expression Monitor (The Monitor).

The monitoring activity enhances evidence-based advocacy to promote freedom of expression as a cornerstone of the fledgling democratic governance in West Africa. A lot of progress has been made over the past two decades in helping to make West Africa relatively more democratic, with a free and open civic space. Democracy has guaranteed a new culture of tolerance and respect for divergent opinion and enhanced citizens' participation in national discourse. There has been an explosion in media outlets and a flurry of civil society efforts to consolidate the nascent freedoms.

However, the sub-region risks losing this reputation following military take-overs in Mali, Guinea and Burkina Faso. Unfortunately, there is evidence of acceptance of the coups by the majority of the populace, evidence of growing frustration over the slow progress in the delivery of public services.

This poses a great danger to, and risks compromising the gains made over the years. The coups have raised fears among pro-democracy organisations about a possible return to the corrupt and autocratic military governments of the 70's and 80's. There are concerns that critical journalists, civil society activists and dissenting citizens might be targets of physical

assaults, arbitrary arrests and detentions, threats and even killing if the military strongmen era is re-enacted.

Events in Mali appear to justify the growing concerns about press freedom under military rule. The junta [announced a decree](#) in December 2020 that imposed severe restrictions on press freedom and urged local authorities to monitor and control social media, audio-visual broadcasts and theatre shows. The country recently announced new stringent conditions for correspondents of foreign media to obtain accreditation and followed it up with the expulsion of a couple of French journalists. The new military regimes in Burkina Faso and Guinea on the other hand, appear to be reciprocating the massive public goodwill and support that greeted their ascent to power.

This report which covers the period October-December, 2022, recorded 28 violations in eight countries. Nigeria recorded the most violations (13). Burkina Faso recorded one violation, but incidentally the most severe; a five-day disruption of internet on mobile devices during the last days of the deposed civilian government. Arrests and detentions as well as physical assaults were the dominant types of violations with journalists and media organisations targeted about 80% of the time.

## Methodology

This report is based on daily Alerts and Analysis received from the MFWA's correspondents in all 16 countries of West Africa who monitor FOE developments in their assigned countries. The daily alerts, which are published on the MFWA website, are collated, analysed and published on a quarterly basis as The Monitor. Sometimes, like the case with this report, relevant materials and alerts published by our national partner organisations are incorporated in the Monitor.

The findings in this report are discussed under six sections: incidents of violations, perpetrators of violations, targets/victims of violations as well as redress. Also highlighted in the report are some key trends and developments in the FOE landscape in the region that are not necessarily violations. The report ends with a series of recommendations to relevant stakeholders on measures to take to improve the FOE situation in West Africa.

## Incidents of Violations

Twenty-six (28) violations were recorded in the course of the MFWA's monitoring of the FoE landscape in West Africa over the period of October-December, 2021. Ten different types of violations were recorded in eight countries. Arrests/detentions and physical attacks

were the dominant type of violation, recording eight and five cases 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										
	Physical Attack	Arrest/ Detention	Threat	Imprisonment	Sentence	Interrogation	Internet shutdown	Seizure/ destruction	Censor	Suspension	Total
<i>Nigeria</i>	3	5	1					2	2		13
<i>Mauritania</i>				1	1	1					3
<i>Togo</i>		1								2	3
<i>Benin</i>		1			1						2
<i>Ghana</i>		2									2
<i>Guinea</i>	2										2
<i>Sierra Leone</i>	1		1								2
<i>Burkina Faso</i>							1				1
<b>Total</b>	6	9	2	1	2	1	1	2	2	2	28

## Countries and Incidents of Violations

Eight countries were featured in this report, one more than in the previous quarter. Benin, Burkina Faso and Togo are the addition to the list of countries which recorded violations in the previous quarter. On the other hand, Liberia and Mali which were featured during the previous quarter, recorded no violation this time round. Twelve-six (28) violations were recorded in the eight countries.

Nine cases of cases of arrest/detention and six physical attacks were recorded. Two cases each of sentencing, censorship, threats, seizure/destruction of equipment and suspension were also recorded. One case each of imprisonment, interrogation and internet shutdown completed the list of violations of which some of the incidents are presented below:

In what possibly the most grievous violation, the authorities in Burkina Faso [disrupted mobile internet connection](#) in the country for 96 hours spanning 5 days. The action, which deprived millions of people of vital access vital to information was taken on November 20, 2021, ahead of massive demonstrations against French military presence in the Sahel and the country's faltering fight against insurgent attacks.

In Guinea, some soldiers [burst into the premises of the Djoma FM](#) group (Radio/Television) in the night of October 9 around 10 PM. The assailants broke into the premises after overpowering security guards at the entrance. They said they had come in search of state vehicles suspected to have been hidden at station which owned by a close associate of overthrown President Alpha Conde.

One year after they unleashed deadly violence on protesters, killing a dozen in their crackdown against the #EndSARS protests, the police struck again [on October 20, 2021](#), the police were at it again, brutalising journalists. The police assaulted some journalists, arrested some and censored others.

The security agents also arrested, brutalised and arraigned Daily Post correspondent, Sikiru Obarayase. The journalist narrated that a police officer hit him with a gun butt when he was being taken to the station and subjected to further abuse at the station when he refused to sign a statement written to indict him.

On November 1, 2021, the police in Takoradi, Ghana arrested a presenter at *Connect FM*, [Nhyiraba Paa Kwesi Simpson](#), on charges of publishing false news with the intent of causing fear and alarm to the public contrary to the Public Order Act, and false publication of news through an electronic device contrary to the Electronic Communications Act, 775 of 2008. The arrest followed a call-in by Stephen Kumi, who made a hoax claim that his girlfriend had been kidnapped during the morning programme on Connect FM.

On December 14, 2021, the Criminal Investigation Department (CID) of the Ghana Police Service [arrested](#) the radio presenter with *Power FM*, Oheneba Boamah Bennie in Accra. According to the CID, Oheneba was being investigated for allegedly insulting and issuing threats against President Akufo-Addo in a Facebook video. Boamah was detained for two days before being released on bail.

In Benin, the police detained two [journalists, Patrice Gbaguidi and Hervé Alladé](#). The latter is also the owner of the media outlet *Le Soleil Bénin Info*. After more than two weeks in detention, a court sentenced the journalists to six months' suspended imprisonment and a fine of 500,000 CFA francs for harassment through electronic communication. The lawsuit followed a complaint by Colonel Marcellin Laourou, head of Benin's Customs service that an article published by the journalists on August 25, 2021 had defamed him.

On December, 9, 2021, the police in Togo arrested [three journalists](#) over remarks about two Togolese Ministers who were linked with alleged acts of embezzlement. The remarks were made during a November 2021 programme on "*L'autre journal*", the Youtube channel of the *L'Alternative* newspaper. Ferdinand Ayité, director of *L'Alternative* and Joel Egah, director of the private newspaper *Fraternité* were charged with defamation and contempt of authority after being interrogated by the Brigade de recherche et d'investigation (BIR). Mr. Ayite and Mr. Egah were both detained while Isidore Kouwonou, the third journalist accused of complicity was released under judicial supervision in defaming the government ministers, Pius Agbetomey and Kodjo Adédzé. Ferdinand were finally granted provisional release on 31 December, but under strict judicial supervision.

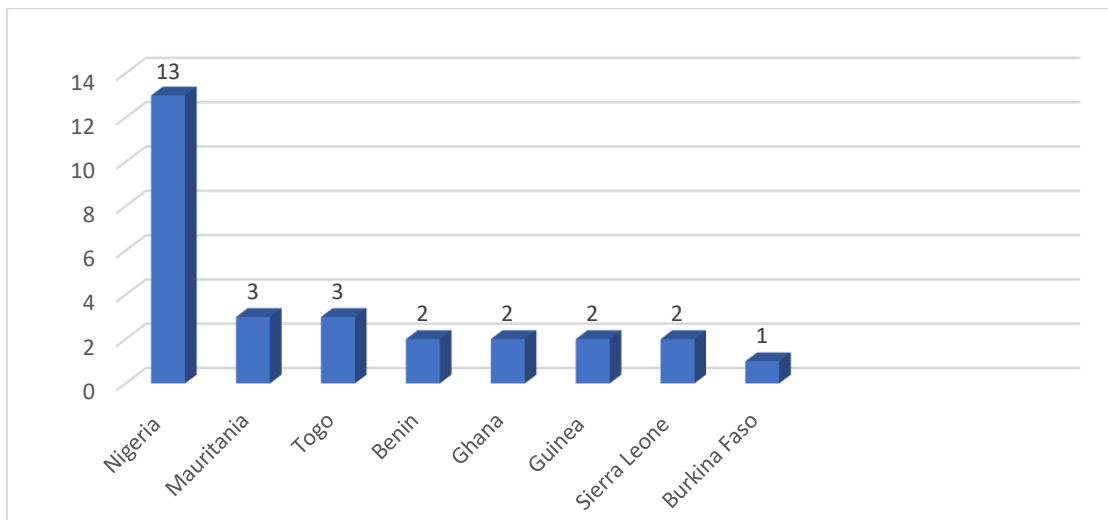
In Mauritania, the public prosecutor at the regional court of Nouakchott West [charged](#) a Mauritanian blogger, Abderrahmane Ould Weddady, with defamation and slander on November 2021. The charge followed complaints by a writer, Aziza Mint Barnaoui over a publication on Facebook by the blogger.

Earlier on October 26, a court in Nouadhibou had jailed a blogger, Hamda Ould Oubeidallah, on charges of “insult, slander and incitement via social networks”. Mr. Oubeidallah had posted a series of live videos on his Facebook page, in which he criticized the government’s power and policies.

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

The number of violations recorded in each of the seven countries are presented in Figure 1 below:

Figure 1: Countries and number of violations recorded



## Perpetrators of Violations

The 28 violations were perpetrated by five types of perpetrators with security agents accounting for 19 of them, representing 69%. State/public officials carried out four or (14%) of the violations, with regulatory bodies and individuals each accounting for two (7%) of the violations. One violation representing was perpetrated by political party affiliates. Table 2 below provides more information on the types of perpetrators and the number of violations they perpetrated in each country.

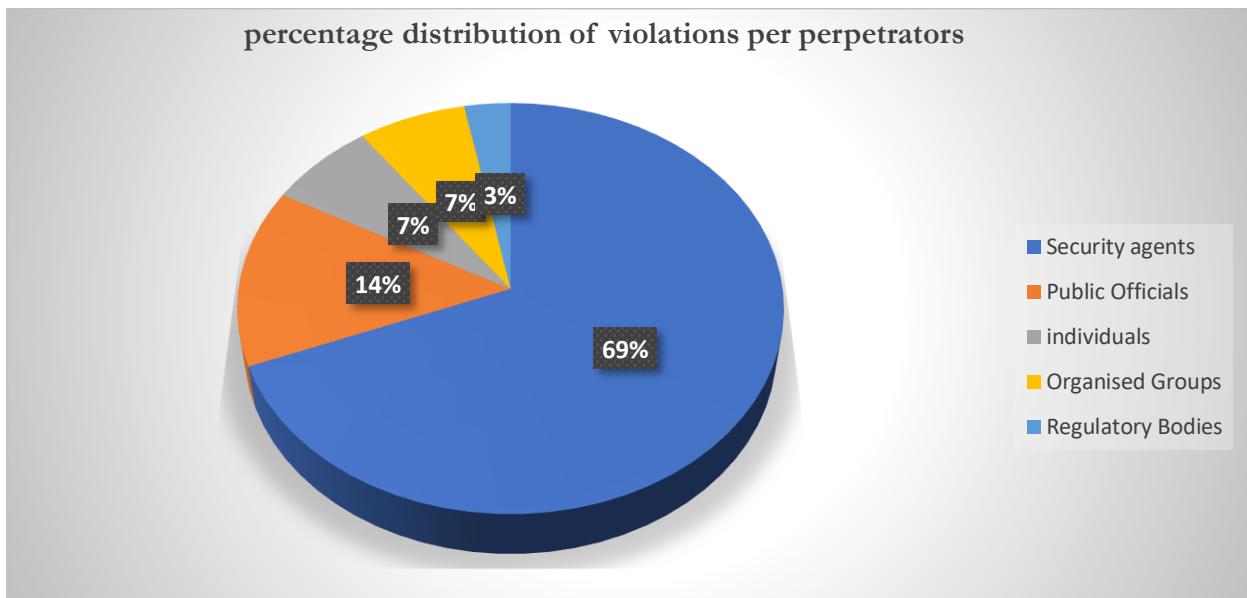


Table 2 below provides more information on the types of perpetrators and the number of violations they perpetrated in each country.

Countries and Types of Perpetrators

Country	Type of Perpetrators					Total
	Security Agents	Regulatory Bodies	State/Public Officials	Political Party Affiliates	Individuals	
<i>Nigeria</i>	12				1	13
<i>Mauritania</i>	1		2			3
<i>Togo</i>	1	2				3
<i>Benin</i>	1		1			2
<i>Ghana</i>	2					2
<i>Guinea</i>	1			1		2
<i>Sierra Leone</i>	1				1	2
<i>Burkina Faso</i>			1			1
<b>Total</b>	19	2	4	1	2	28

Figure 2 below shows the percentage distribution of the violations per type of perpetrators



## Targets /Victims of Violations

In terms of the distribution, 22 of the violations were targeted at journalists with three (3) and two (2) targeted at media organisations and activists. The internet shutdown in Burkina Faso was the sole violation against citizens. It is important to note also that one incident can result in multiple violations against the same victim or against many victims.

However, in absolute terms, 29 individual victims were identified. Twenty-three (23) of them were journalists, three activists (all from Mauritania), and three media organisations. The number of victims involved in the internet shutdown in Burkina Faso cannot be determined as it affected all mobile internet users in that country.

**Table 3** below illustrates the violations/victims distribution.

Country	Number of Violations and Types of Victims				
	Journalists	Citizens	Activists	Media Organisations	Total
<i>Nigeria</i>	13				13
<i>Mauritania</i>	1		2		3
<i>Togo</i>	1			2	3
<i>Benin</i>	2				2
<i>Ghana</i>	2				2
<i>Guinea</i>	1			1	2
<i>Sierra Leone</i>	2				2
<i>Burkina Faso</i>		1			1
<b>Total</b>	22	1	2	3	28

## Redress

On 3 November 2021, the High Authority for Audiovisual and Communication (HAAC) suspended [two newspapers](#). *La Symphonie* was suspended for two months for having defended and questioned the suspension of *The Guardian*, which was itself suspended for four months following an article on Covid-19. The High Authority for Audiovisual and Communication (HAAC) announced in a press release on 12 October 2021 that the newspaper *The Guardian* and its director of publication, Ambroise Yawo Kpondzo, have been suspended for four months. HAAC accused Ambroise Yawo Kpondzo of having published false information on the vaccination campaign and summoned him for a hearing.

On December 9, the Administrative Chamber of the Supreme Court in Togo quashed the two-month suspension imposed on *La Symphonie* newspaper by the regulatory body HAAC

In Ghana, A High Court ordered the government to delete data already collected. The plaintiff argued that the Establishment Emergency Communications System Instrument, 2020 as part of the Covid-tracking system, breached Ghana's Data Protection Act, 2012 (Act 843).

## Other Key Developments

On December 2, 2021, the National Investigations Bureau (NIB) [arrested then released](#) on bail journalist with newspaper Media General, Blessed Godsbrain Smart, after he was interrogated by officers over statements that he had made during his morning broadcast. He was kept at the Nima Police station which subsequently issued a statement confirming that it had cautioned and granted

bail to the journalist over “offensive conduct conducive to breaches of the peace as provided under section 207 of the Criminal Act, 1960 (Act 29)”.

On November 22, 2021, members of the Brigade d’Investigation Judiciaire – BIJ (Judicial Investigation Brigade) [arrested](#) Madou Sidibe, owner of radio station *Tolo FM 89.00*, at his residence in Bamako, Mali. Sidibe was accused of insulting public authorities by some religious leaders of the Ansar Dine group. After a hearing in a court in Bamako on 26 November 2021, the charge of insulting public authorities was replaced with undermining public order. The journalist was subsequently transferred to the civil prison in Bamako despite the fact that he apologised for his scathing remarks.

On November 11, 2021, correspondent at the House of Representatives for the Vanguard newspaper, Tordue Salem was found dead in a morgue almost a month after the journalist went missing in the evening of October 13, 2021. A day after the discovery of the body, the Police paraded 29-year-old Itoro Clement, a taxi driver suspected to have killed Tordue in a hit-and-run incident. The Police spokesman said the body was discovered at Wuse General Hospital. He could however not mention who deposited the body at the hospital and why the authorities at the health facility did not contact the police, despite Tordue’s disappearance being widely reported and the hospital authorities finding three identity cards on his body. The Vanguard has reported that Wuse General Hospital, through its Secretary, Mrs Hanatu Sani, has revealed that the body was brought by a police officer who failed to follow-up. Curiously enough, the police seemed not to know that he was dead despite his body having been transported to the hospital by a police officer nearly a month after Tordue’s disappearance.

On December 10, 2021, the *Société burkinabè de télédiffusion (SBT)* [suspended nine private commercial television channels](#) on the DTTV multiplex because of an individual debt of 88,500,000 CFA francs (about USD150,000). The SBT suspended the channels despite the harsh economic situation, strongly marked by the double crisis of terrorism and Covid-19, and all efforts to reduce the cost of operating license.

## Conclusion

The continued abuse of freedom of expression and freedom of assembly under what is supposed to be democratic governments is disturbing. Arrest and detention instantly deprives journalists of the ability to carry out their journalistic duties, and is therefore, one of the worst forms of press freedom violations.

Unfortunately, ten cases of arrest and detention, six of them against journalists, were recorded during the quarter. Similarly, out of nine cases of physical attacks, six were against journalists and two against the media. The impunity with which the majority of these violations were perpetrated gives further cause for concern, as it can lead to widespread self-censorship and stifle healthy intellectual debate which is critical to building a progressive and democratic society.

There is therefore, the need for governments and civil society in West Africa to work harder and 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.

### **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 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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