



Freedom of Expression Situation in Africa

Maiden Edition: July-December 2016



By

African Freedom of Expression Exchange

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Executive Summary

The African Freedom of Expression Exchange (AFEX) is a continental network of some of the most prominent African freedom of expression and media rights organisations that work to promote freedom of expression and human rights on the continent. AFEX is currently made up of 12 members that are all members of the International Freedom of Expression Exchange (IFEX). As part of its free expression and human rights monitoring programme in Africa, AFEX put together this report which highlights the various violations and developments on the media landscape recorded in 19 countries on the continent during the period July-December 2016.

The maiden edition of the Freedom of Expression Situation in Africa report will feature alerts, statements and press releases published by AFEX members who are spread across 8 countries in the South, East, West and Central Africa. Some of the AFEX members work in more than one country in a given region. For instance, the Media Foundation for West Africa (MFWA), which also serves as the Secretariat for AFEX, works in all the 16 countries in West Africa while the Media Institute for Southern Africa (MISA) works in eight countries in Southern Africa. For other countries covered in this report where AFEX does not have member organisations, information published on the IFEX website by other international freedom of expression and human rights organisations was used to complement reports received from AFEX members.

The AFEX Freedom of Expression report covering July-December 2016 recorded a total 63 incidents of violations. There were six categories of perpetrators of FOE violations recorded. Security agents were the worst perpetrators of free express violations. They were responsible for approximately 57% of the violations - 36 out of the 63 recorded incidents of violation during the monitoring period. They were distantly followed by state officials who accounted for eleven (11) violations while individuals perpetrated nine (9) incidents of violation. The court, organised groups and “other” violators accounted for four, three and one FOE violation respectively. Seven (7) out of the 63 recorded incidents of violations received redress action while the remaining enjoy impunity. Some of the redress actions included – the reopening media organisations that were shut down as well as the release of arrested journalists. No arrests were made for the incidents of murder recorded.

There were eleven categories of FOE violations identified during the monitoring period. Arrest and detention (19) was the dominant type of violation and distantly followed by physical attacks (11). The most heinous type of violation which was killing (7) was recorded in five countries.

The Gambia recorded seven (7) incidents of violations, the highest number, closely followed by Uganda and South Sudan which recorded six violations each. Somalia, and DRC which came third, recorded five incidents each while Guinea, Ghana, Nigeria and Tanzania recorded four violations apiece. Mauritania and Mali followed with three violations each. Liberia, Benin,

Ethiopia and Chad also recorded two incidents each. The remaining countries recorded one incident each.

Meanwhile freedom of expression is guaranteed by the constitutions of all 19 countries cited in this report. These countries are also signatories to international frameworks that bind these countries to respect and safeguard freedom of expression rights. Nonetheless, security agents and state officials were the dominant violators of FOE right during the monitoring period. Unfortunately, seven out of the 63 recorded incidents of FOE violations received redress action underlining the pervasive culture of impunity for crimes against journalists, media professionals and citizens in Africa. This also underscores the low commitment of governments and authorities in Africa to protect free expression and press freedom rights on the continent.

AFEX therefore urges both state actors and non-state actors on the continent to show more commitment to protecting FOE rights in the respective countries. Governments should also ensure that perpetrators of FOE violations are held accountable.

Introduction

Freedom of expression situation on the African continent is saddled with a number of challenges – from repressive laws to disregard for constitutionally-guaranteed freedom of expression, media rights and access to information. Even though the freedom of expression situation has generally improved in several African countries since the early 90s, repression of journalists and voices of dissent is still prevalent in a number of countries. This is made possible due to the fact that some inimical laws such as criminal libel and defamation laws are still in the statute books of many African countries.

In response to the current environment, the African Freedom of Expression Exchange (AFEX), a member of the International Freedom of Expression Exchange (IFEX), as part of its freedom of expression (FOE) and access to information advocacy on the continent, has been monitoring the freedom of expression situation on the continent. This report is an analysis based on alerts and information available to AFEX from 19 countries. This report is aimed at highlighting the prevailing FOE environment in Africa through the lenses of the 19 countries.

Methodology

The information on the 19 countries were gathered through reports submitted by AFEX's 12 members who are spread across 8 countries in the South, East, West and Central Africa. To complement the reports submitted by AFEX members and to include countries where AFEX has no members, other violations reported on the International Freedom of Expression Exchange (IFEX) website by other human rights organisations in Africa were featured in this report. This

report is, therefore, based on credible FOE reports gathered over a six-month period – July to December 2016.

Altogether, 63 incidents of violations were recorded for the second half of 2016. The findings are presented below under the following areas: month and incidents of violation, country-level violations, types of violations, perpetrators, targets of violations and a brief country-by-country analysis of the findings.

Notable freedom of expression and press freedom developments which occurred in the course of the six-month monitoring period are also highlighted. The report concludes with a number of recommendations that seek to ensure respect for free speech and human rights in Africa. These recommendations also aim at improving the media environment on the continent.

Findings

Incidents of Freedom of Expression Violations Recorded

Findings from the assessment show that the freedom of expression (FOE) situation in a number of African countries needs urgent attention. State security agents and state officials continue to abuse journalists in their line of duty and protestors expressing disagreements and/or making demands. Whereas some victims are arbitrarily arrested and detained, others are attacked, and in the worst instances, killed.

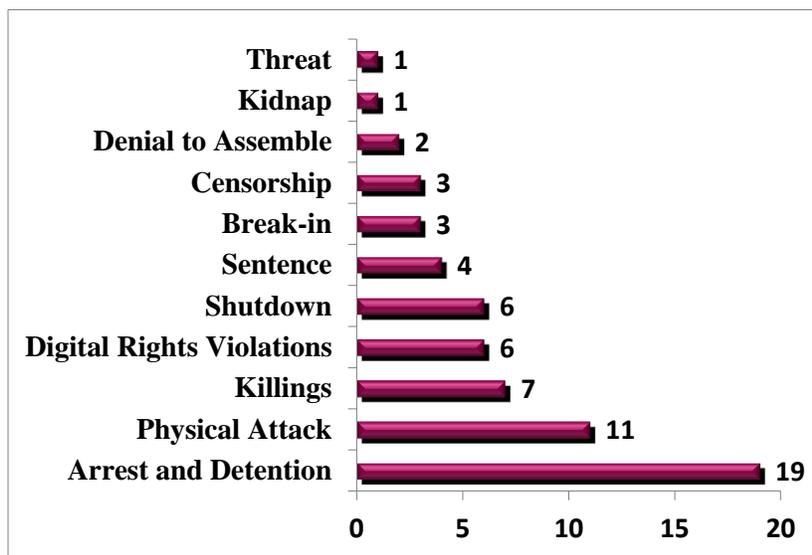
Over the six-month period, AFEX's monitoring of the FOE situation on the African continent recorded a total of 63 violations from 19 countries spread across South, East, West and Central Africa. Several categories of violations were recorded with varying frequencies from country to country. In this report, general findings in terms of the types of FOE violations recorded and the countries in which the violations were perpetrated are presented. This is followed by a country-by-country analysis with highlights on the types of violations recorded in each country, the perpetrators and targets of the violations.

Seven out of 63 incidents of violations received redress during the monitoring period - one newspaper organisation and one radio station which were shut down in South Sudan were reopened while the editor of one of the shut newspaper organisation who was arrested was also released after two weeks in detention. Another newspaper organisation which was briefly shutdown in Somalia was reopened while police released three journalists who were arrested in two different occasions after several calls from media rights groups. In Tanzania, the founder of *Jamii Forum* website who was arrested was released after five days in custody.

Types of Violations

Eleven categories of violations were coded over the six-month period. Arrests and Detentions were the commonest type of violation meted out to victims – journalists, protesters and ordinary citizens alike – in the 19 countries. Physical Attacks distantly followed with 11 incidents. Unfortunately, a total of seven killings were recorded in the Democratic Republic of Congo (DRC), Somalia, Ethiopia, South Sudan and Mali. In Figure 1 below, all the categories of FoE violations recorded and the frequency of incidents of each is presented.

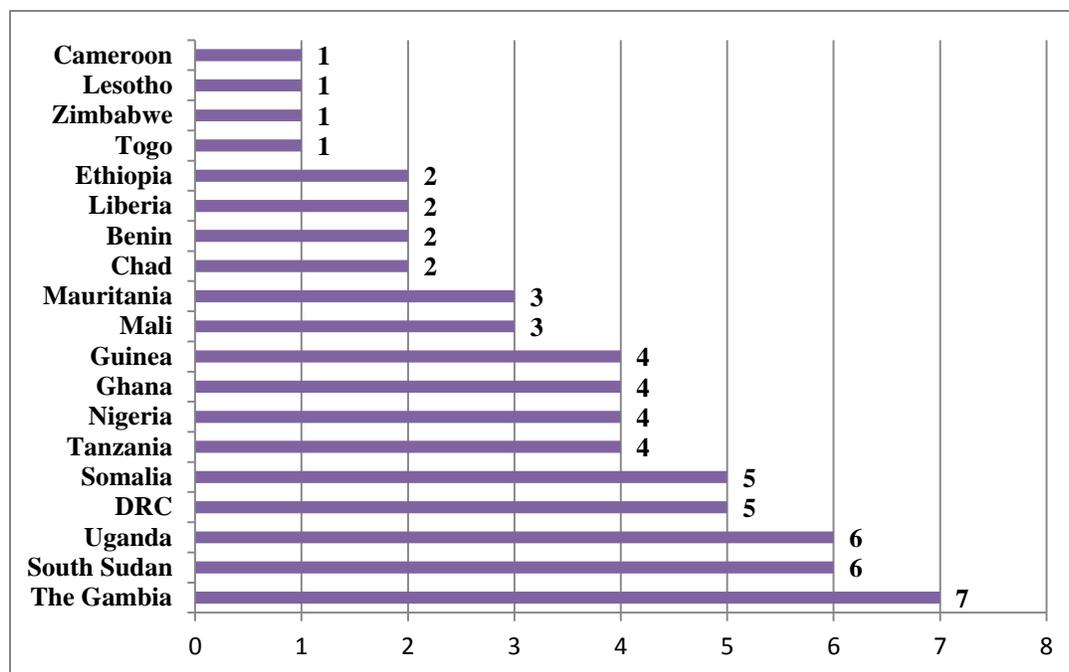
Figure 1: Types of FoE Violations Recorded



Countries and Incidents of FoE Violations

Sixty-three (63) incidents of FOE violations were recorded in 19 countries during the monitoring period. The Gambia recorded the highest incidents of violations (7) while South Sudan and Uganda recorded six (6) incidents each. The two countries were followed by the Democratic Republic of Congo (DRC) and Somalia with five (5) violations each. Details of the frequency of violations cited in all the 19 countries are illustrated in Figure 2 below.

Figure 2: Country and Frequency of Violations Recorded



Country-by-Country analysis of FoE Violations

In the country-by-country analysis below, a brief analysis of the FOE situation in the 19 countries cited in Figure 2 above is presented. The analysis is based on the information gathered from July to December 2016, and it covers the categories of violations recorded in each country, the perpetrators and the victims of the violations.

The Gambia

The Gambia is one of the smallest countries in West Africa, but with gross human rights violations. Until the recent change in government, human rights defenders, journalists and individuals were consistently persecuted for expressions and acts deemed unfavourable to President Yahya Jammeh’s government. Some of these rights violations were made possible by some inimical provisions in the country’s legal framework. For example, The Gambia’s Information and Communications Act penalises those who spread ‘false news or information’ against the government with a prison sentence of up to 15 years or a fine of about US\$100,000.

Over the six-month period under review, however, four arrests and detentions, two court sentences and one digital rights violation were recorded in The Gambia. For the first three months (July-September), only one violation was recorded. The remaining six happened in the last three months of 2016.

Within a space of three days, the Gambian National Intelligence Agency (NIA) and soldiers had effected three separate arrests and detentions which were targeted at three journalists. On November 8, 2016, agents of the NIA arrested and detained the Managing Director General of the state-owned Gambia Radio and Television Service (GRTS), Momodou Sabally. The following day (November 9), another journalist, Fatty Bakary working with the state-owned GRTS was also arrested and detained by the NIA. In both cases, no reason was given by the NIA for the arrests. Then on November 10, some Gambian soldiers arrested a freelance photojournalist, Alhagie Manka, for taking 'unauthorised' pictures of supporters of President Jammeh. The soldiers accused Manka of taking the photo shots with his smartphone rather than a camera without accreditation. On December 11, 2016, Gambia's security forces arrested and detained two journalists working for Al Jazeera's Mauritania bureau Zeinebou Mint Erebih and cameraman Mohamed Ould Beidar. While reasons for the arrest and detention of the journalists were not made known to them, news reports attribute it to an interview they conducted with President-elect Adama Barrow. The two journalists were deported to neighbouring Senegal the following day.

In the case of the two sentences recorded in the country, the first happened on July 20, 2016, when 19 opposition leaders were jailed three years each for unlawful assembly. The second happened on November 8, when a High Court sentenced exiled journalist and manager of Taranga FM, Alhagie Abdoulie Ceesay, to a total of four years imprisonment. As part of the sentence, Abdoulie Ceesay was also fined a total of 200,000 Dalasi (about US\$ 4, 580). The case dates back to 2015 when Abdoulie Ceesay was arrested for distributing photos of Gambian President Yahya Jammeh with a gun pointed at him (the President).

On the eve of the December 1, 2016 elections, the Gambia government shutdown the internet and international phone calls till December 2 when the elections were over. No reason was given for the shutdown. The move denied Gambian internet users the right to receive and impart information. It also denied access to the international world through telephone services.

The Gambia, however, recorded some level of redress in one of the incidents reported. On December 7, when the elections were over and the defeat of President Jammeh became apparent, the 19 opposition leaders who were sentenced to three years in prison on July 20 after peacefully protesting the arrest and subsequent death of opposition figure Solo Sadeng while-in custody were all released.

South Sudan and Uganda

South Sudan and Uganda are known for their poor FOE environment which often results in the violation of press freedoms and freedom of expression rights. In the period under review, the two countries recorded six incidents of violations each. In Uganda, four incidents were recorded in

July while the remaining two happened in August and October. An average of one incident was recorded between July and November in South Sudan.

South Sudan

The East African country, ***South Sudan***, gained independence in 2011, but the press freedom situation in the country has not improved after independence. On the contrary, the situation has deteriorated significantly. Conditions worsened following an outbreak of a civil war in December 2013 in the country that prompted a crackdown on journalists and reporters, including some foreign correspondents. Consequently, a lot of journalists in South Sudan engaged in self-censorship, while others fled the country.

During the six months under review, the country recorded six violations. South Sudan's National Security Service (NSS) was responsible for five of the six violations. On July 11, 2016, John Gatluak Manguet Nhial, a journalist working with *Internews*, [was killed](#), reportedly by armed men in a hotel in Juba where he had gone for safety shortly after he was briefly arrested on July 8. Local media reports seemed to suggest that the President's security forces killed the journalist because he belonged to the Nuer tribe.

In three separate situations, the NSS shutdown two newspaper organisations and one radio station – the *Nation Mirror*, the *Juba Monitor* and the Eye Radio respectively.

For the *Nation Mirror* newspaper, it was shut down on September 14, 2016 following a publication on corruption issues against the ruling government. In the case of the *Juba Monitor* however, its editor, Alfred Taban, was arrested and detained by the NSS over a publication that called on President Salva Kiir and Vice President Riek Machar to step down. Following his arrest on August 16, 2016, the *Juba Monitor* was shut down by the NSS. For Eye Radio, the NSS went to the station and ordered for the station to be shut down on November 11, 2016. According to the management of the station, no reason was given for the shutdown.

In the case of the break-in cited, it happened at the offices of the Association for Media and Development in South Sudan (AMDISS) in Juba. On the night of October 27, 2016, five unidentified persons broke into the offices of AMDISS and made away with valuable gadgets and some money. No one was arrested for the offence.

Even though the country has a repressive FOE environment, it was one of the very few among the 19 countries in which some redress actions were taken. After a number of statements and petitions by AFEX and other free expression groups, the *Juba Monitor* was reopened after three days and Alfred Taban was released after 13 days in detention. The Eye Radio station was also reopened on November 19, after eight days, following several appeals by free expression groups

including AFEX. However, the *Nation Mirror* newspaper remains shutdown despite several calls on the government of South Sudan to allow the paper to resume publication.

Uganda is an East African country where rights to freedom of expression and of the press are guaranteed by the country's constitution. However, these rights are often suppressed by provisions in the penal code, including laws on criminal libel and treason, as well as by extralegal actions of state actors. That is, the FoE situation in the country is not too favourable for the exercise of free speech and expression.

The six incidents of violations cited in the country were made up of four physical attacks, one arrest and detention, and one break-in. Five of the six violations were meted out to journalists and those five (the physical attacks and arrest and detentions) were all recorded in the first three months (July-September 2016) of the monitoring. On the other hand, the break-in into the premises of the *Observer Newspaper* at Plot 1 Tagore Crescent, Kamwokya in Kampala by unknown assailants was recorded in the last quarter of 2016. The assailants made away with vital equipment such as computers, camera lens, internet modem, cell phone and vital information.

State security agents perpetrated three of the violations while the remaining three were perpetrated by organised groups (2) and unknown assailants (1).

On July 12, 2016, security men in civilian clothes were captured by the media using sticks to brutally beat up Ugandans who were cheering former Forum for Democratic Change Presidential Candidate, Dr. Kizza Besigye after he was granted bail by the High Court of Uganda. In a separate incident, the head of the security team of Busoga Kingdom, Lieutenant Mugoya battered two journalists in Iganga district for covering the launch of a soccer tournament in Iganga district in Eastern Uganda. In the third case, old Kampala police arrested and detained two journalists working with *Vision Group* newspaper for taking photographs at the station while covering a story of an alleged defilement. The two were released after ten hours in custody. They were charged with assault and criminal trespass before they were released.

On August 10, 2016 supporters of Uganda's Inspector General of Police, Gen. Kale Kayihura, assaulted Joseph Mutebi, a journalist working with *Bukedde* newspaper while he was covering them (supporters) smashing Lawyer Abdallah Kiwanuka's car. Kiwanuka was representing three complainants in a torture case instituted by private prosecution against the IGP. In a second incident, organized group of commercial motorcyclists (Bodaboda), on July 24, 2016 attacked a journalist working with Delta Television, Jamil Mukiibi at Nateeke a suburb of Kampala as he covered a scuffle between two rival cyclists' associations. Mukiibi sustained several injuries.

Even though appeals and calls have been made for these violations to be redressed, none had been redressed at the time of writing this report, neither has the overall FOE situation in the country improved.

Democratic Republic of Congo (DRC) and Somalia

These three countries recorded five incidents of violations each. Generally, the FOE environment in DRC and Somalia has been poor. . Not surprisingly, each of the two countries recorded two incidents of killing each over the six-month period.

The *Democratic Republic of Congo* (DRC) located in Central Africa recorded five FOE violations from July to December 2016. The country's constitution and other national laws make provisions for the protection of freedom of expression, information and the press and freedom of assembly but these rights are limited in practice by the government. Measures have been put in place to restrict free speech and suppress political criticism.

From July-September 2016, the DRC recorded two very unfortunate and condemnable killings. One single incident resulted in the death of about 32 people. The killings occurred during a clash between the police and protesters over the Electoral Commission's decision to postpone elections originally scheduled for December 2016 to July 2017. In a separate incident, on November 15, 2016, armed men in military uniform stormed the residence of a journalist working with state-owned, Radio Télévision Nationale Congolaise, Marcel Lubala Kalala, and killed him. No reason was given for the murder of the journalist. However, Marcel Lubala was reportedly summoned to the office of national intelligence, Agence Nationale des Renseignements (ANR), the eve of his assassination over a 'family affair.'

On July 8 & 9, 2016, Congo's national police arrested and detained two journalists, Joel Ular and Jaques Unyuta respectively. Both journalists work with *Radio Colombe de Mahagi*. The two were arrested for broadcasting a petition signed by a group of lawyers against the administrator of Mahagi town in connection with military harassment in the Mahagi town. The two were released on July 18, 2016.

DRC also recorded one incident of censorship and one incident of digital rights violation. On November 6, 2016, two radio stations – Radio France Internationale (a French station) and Radio Okapi (a station operated by the United Nations mission in the DRC) were jammed up without any warning or explanation. Then on the evening of December 18, 2016, a day before the official end of President Kabila's tenure of office, the government shutdown the internet.

Somalia is a country in East Africa where the national constitution provides for freedom of speech and the press. However, Somalia remains one of the countries with the most dangerous environment for the practice of journalism.

The five incidents recorded in the country consisted of killings (2), arrests and detentions (2), and shutdowns (1). Journalists were the direct victims of four of the violation while one newspaper, *Xog-Ogaal*, suffered a shutdown. State security agents perpetrated three of the violations whereas unidentified individuals perpetrated the remaining two.

On September 27, 2016, unidentified armed men gunned down a journalist, Abdiasis Mohamed Ali who was working with Radio Shabelle. The reason(s) for the killing remains unknown and no one has been arrested or interrogated in relation to the killing. In the case of the Mahad Ali Mohamed, a journalist who worked for Radio Codka Mudug, a stray bullet from a renewed armed conflict between forces loyal to Puntland and Galmudug states hit him as he was leaving his house for work on November 6, 2016. He later died at the Galkayo Hospital.

Somalia's National Intelligence and Security Agency (NISA) on October 15, 2016, arrested and detained the editor-in-chief of *Xog-Ogaal* newspaper, Abdi Adan Guled, for no known reason. The security forces also shut down and confiscated materials of the *Xog-Ogaal* newspaper. He was, however, released after the four days of detention following widespread condemnation of his arrest by several rights groups, including AFEX. In a separate incident, the Editor-in-chief, Abdishakur Abdullai, and the Deputy Editor-in-chief, Abdirahman Hussein Omar Wadani of privately owned radio station, *City FM*, were also arrested and detained by the security forces. No official reason was given for the arrest and the closure of the radio station. However, the arrest of the journalists and the subsequent closure of the radio station were believed to be linked to a July 7 broadcast by the radio station in which the two journalists interviewed some Internally Displaced Persons (IDPs) about a regional food aid distribution programme.

Guinea, Nigeria, Ghana and Tanzania

Guinea, Nigeria, Ghana and Tanzania recorded four incidents of violations each. All the violation in Guinea and Nigeria were against journalists whilst two of the violations recorded in Tanzania were against bloggers, with the remaining two being against ordinary citizens.

Guinea is a francophone country in the West Coast of Africa, has a constitution that guarantees media and press freedom. In 2010, the interim legislature decriminalised press offenses and more clearly defined defamation provisions. In spite of this, attacks on the press persist, but there is a gradual improvement in reprimanding FOE violators.

Guinea recorded four violations over the six-month period – physical attacks (2), censorship (1) and threat (1). All the four violations were against journalists. Two of the violations were perpetrated by Guinean Police while the other two were carried out by an organised group and unidentified individuals.

On August 11, 2016, Guinean Police barred the media from covering a high-profile trial involving a politician at a court in Conakry. When Mohamed Valek Touré, a reporter working with *Espace TV*, tried to cover the trial, anti-riot police at the court beat him up.

On October 22, 2016, another physical attack was meted out to four reporters, Alpha Ousmane Bah, Abdoulaye Sadjio Diallo, Mohamed Samoura and Alpha Boubacar Kessema Diallo working with *Espace FM* Fouta who had gone to cover a scuffle between two rival transport unions. Some of the transport unionists beat up the four at a bus terminal in Labe, 450 km from Conakry.

Facely Konaté, another journalist working with *Espace FM* and the news website, *Guineenews*, since November 24 had received threats and unusual calls from unidentified persons for reporting on the website that the Inspector General of Police, Bangaly Kourouma, wishes President Alpha Conde to rule for life.

Nigeria

Nigeria has one of the most vibrant and varied media landscapes in Africa, and the print media sector in particular is generally outspoken in its condemnation of unpopular government policies. However, the media occasionally face interference from public officials and regulators over government criticism or coverage of sensitive issues, such as high-level corruption and national security.

Three of the four violations recorded in Nigeria were incidents of arrest and detention all perpetrated by security agents.

On September 16, 2016, police in Ebonyi State arrested and detained a correspondent the *New Telegraph* newspaper Uchenna Inya, after an alleged tip-off that Inya was writing an article on the 17th anniversary of the Movement for the Actualization of the Sovereign State of Biafra, a movement by [the people of Biafra state in Nigeria](#). Although the said article was not published, the Police seized his phone and working equipment. On the same day, another Journalist, Emmanuel Igwe working with the *National Issue* Newspaper was also arrested and detained by the Police in a separate incident for publishing an advertorial indicting the state commissioner of police.

In a different incident, officers of Nigeria's national intelligence, the Department of State Security (DSS) services November 30, arrested and detained journalist Friday Ogungbemi, for publication of an article in community magazine, *Policy and Law Maker*. The article allegedly described the Chief of Staff to the governor, Edward David Onoja as the "defacto Governor. The journalist was detained for two days. The DSS officials reportedly seized copies of the magazine and some unnamed items after a search conducted in his house.

Unknown persons on December 2, 2016 kidnapped a radio journalist Iyuadoo Tor-Agbidye, at her home in Makurdi, Benue State in central Nigeria. The motive of the kidnapping was not clear but many believed it had nothing to do with her profession. The journalist was released four days after her kidnap.

Ghana

The media generally had a good working relationship with the government. Media practitioners enjoy relative press freedom in Ghana. Journalists enjoy more freedom, cooperation, and respect in their dealings with the state. However, there is still more to be done to ensure that this freedom, cooperation and respect are not infringed upon by both the government and media practitioners.

Ghana recorded four incidents of FOE violations during the monitoring period. Security agents were responsible for three incidents of arrests and detention while individuals accounted for one incident of physical attack.

On July 22, 2016, police officers at the Gomoa Ojobi district in the Central Region of Ghana beat and detained Seth Kofi Adjei, a correspondent of Adom FM and TV. Adjei had gone to cover a news conference organised by the chief in the town. In a different incident, police arrested and detained a journalist working with the *Daily Express* newspaper, Fred Sarpong on September 5, 2016 for taking pictures of a policeman who was allegedly receiving a bribe from a bus driver at Tesano a suburb of Ghana's capital, Accra. Sarpong was released after four hours in custody. Then on September 23, 2016 members of Ghana's security agency, the Bureau of National Investigation (BNI) arrested and detained Ghanaian-Lebanese Pilot, Author and Writer, Fadi Dabbousi upon his arrival in Ghana from Lebanon. According to media reports, Dabbousi was arrested because he had consistently made offensive and scalding comments against President John Mahama in his articles. The BNI is said to have also ransacked Dabbousi's home and seized copies of a book he launched recently titled "59 Years of Ghana to Nowhere: The Future Is Now." Dabbousi was released on bail and the seized books returned to him on September 25, 2016.

Some angry football fans on August 7, 2017, physically attacked two journalists working with Jem FM in the Ashanti region during Ghana's Premier League match for a commentary they (football fans) considered unfavourable.

Tanzania is an East African country where the constitution guarantees freedom of speech. However, several laws such as the National Security Act which allows the government to punish critical journalism encourage self-censorship and limit the ability of the media to function effectively. Several Tanzanians have also been arrested for sharing posts deemed insulting or offensive to the President on social media under the country's Cybercrimes Act 2015. [About 40 pieces](#) of legislation in Tanzania have been identified as unfriendly to the press.

In the period under review, Tanzanian police arrested the founder and editor of *Jamii Forum*, a popular Tanzanian website on December 13, 2016. The police accused Maxence Melo of refusal to disclose identities of several online contributors in what they (the police) deemed controversial content on his website. The posts in question related to allegations of corruption in President John Magufuli's government. In a related development, police on December 14, 2016, arrested two employees of *Jamii Forum*, a day after the arrest of Melo.

In the case of the digital rights violation, five internet users, Dennis Temu, Suleiman Nassoro, Shakira Makame, Juma Mtatu and Dennis Mtega were arraigned before a Tanzanian Court for sharing two different posts on social media which allegedly aimed at insulting President John Magufuli and causing public disorder. Mr Mtegwa allegedly posted an abusive and offensive comment about the country's president on a WhatsApp group while the remaining four were accused of sharing a post on Facebook and WhatsApp that was intended to turn the public against the police.

Mali and Mauritania

Mali and Mauritania recorded three violations each. Mali recorded incidents of arrests and detentions and digital rights violations and one incident of killing. Mauritania, on the other hand, was cited for an incident each of break-in, censorship and sentence.

Mali, one of the land-locked countries in West Africa, was one of the countries with the freest media landscape in Africa prior to the coup in 2012. Following the coup, however, the situation changed. Even though Mali's media is now rated partly free, freedom of expression and of the press in the northern part of the country is not wholly safe. However, overall press and media conditions have improved over the past two years.

On August 16, 2016, a popular radio presenter and blogger, Mohammed Bathily, popularly called Ras Bath, was arrested for criticising a popular preacher in a radio programme. A day after the arrest, August 17, supporters of the radio presenter and blogger went out to demonstrate to

demand his release. One person was killed while several others got injured when the police clashed with the protestors. Following the arrest, protests and clashes, the country experienced a social media blackout. The Malian government, however, dissociated itself from the shutdown describing it as a technical fault.

For the Islamic Republic of **Mauritania**, the FOE environment is not too favourable. Despite constitutional guarantees for press freedom, journalists often practise self-censorship for fear of attack, arrest and detention. Private newspapers on the other hand face closure for publishing material considered offensive to Islam or threatening to the state. In 2011, Mauritania ended a monopoly on broadcast media and extended licenses to private media outlets. The country also decriminalised defamation in the same year, though fines can still be levied.

For the period under review, the three violations recorded in the country were carried out by unidentified individuals, state security agents and a court. In the night of November 12, 2016, unidentified persons attacked the head office of the *L'Eveil Hebdo* newspaper. The intruders ransacked the office of the Manager and carried away some of the news organization's computers, leaving the offices in total disarray. No link could be established between the act and any publication of the newspaper. In the case of the censorship, about 12 journalists went to cover the 27th Arab League Summit on July 25, 2016. The journalists were, however, barred by state security agents from covering the summit. In an unrelated incident, 13 anti-slavery activists accused of rebellion against the government were sentenced to prison terms ranging from 2-15 years in a suspected crackdown on anti-slavery activity in the country.

Ethiopia, Chad, Benin and Liberia

Two violations were recorded in each of these three countries. However, the type of violation cited in each country was different from the other.

Ethiopia's FOE environment is characterised by repressive media laws. Freedom of expression is restricted in the country. The media landscape is dominated by state-owned reporters and pro-government newspapers. Privately owned newspapers tend to avoid discussing political issues and have low circulation. Most journalists operating inside the country practice self-censorship. Defamation is a criminal offense, and a 2008 media law increased fines for defamation and allows prosecutors to pursue cases without complaints from aggrieved parties. The law also allows prosecutors to seize material before publication in the name of ensuring national security.

On October 2, 2016, police fired tear gas and live bullets at a gathering of locals who were celebrating a religious occasion in the Bishoftu town in Ethiopia's Oromia region resulting in the death of over 150. A week after this deadly incident (October 9, 2016), the government banned all protests for at least six months.

In Chad, the freedom of the press and expression are guaranteed by the country's constitution. These rights are however restricted in practice. Broadcast media are controlled by the state. The High Council of Communication (HCC) exerts control over most content on the radio - the most important means of mass communication - and while there are roughly a dozen private stations, they face high licensing fees and threats of closure for critical coverage. Reporting on rebel activity or any other sensitive security information has been banned since 2008.

The two incidents of violations recorded in Chad were against a community radio station in Southern Chad. The station, Radio Barkadjé was closed down on November 14, 2016 on the orders of the District Chief Executive and its interim manager Edmond Kandi Weidigué, also arrested and detained by the police the following day. The close down of the station and arrest of its manager happened after the station reported on a resumption of violent clashes between herders and cultivators in an ongoing land dispute in the region.

Liberia has a relatively vibrant media landscape. The country has passed a Freedom of Information Act, though it is rarely used in practice. The country has relatively very stringent criminal and civil libel laws that are used to harass and intimidate journalists.

Over the six months period under review, the two violations that were recorded were in the form of an arrest and detention of a journalist, and the shutdown of a radio station. The police were the perpetrators of both violations. For republishing a story on alleged acts of cannibalism by the President of Equatorial Guinea, Teodoro Obiang Nguema, the Liberian police arrested Festus Poquie, a journalist and editor of the *New Democrat* newspaper. In a separate incident, the police shutdown privately owned *Radio LIB24* after the station broadcast a political show deemed critical of the government in a corruption case.

Benin

Benin's Constitution guarantees freedom of expression rights which are largely respected in practice. Print media exhibit pluralism of opinion and viewpoints. However, most media outlets receive direct financial support from politicians, and few are considered genuinely independent. The High Authority of Broadcasting (HAAC) has in recent years handed out sanctions and suspensions to media organizations for infractions such as "undermining national unity."

Benin recorded one incident of physical attack and denial of assembly each. On August 11, 2016, about ten armed police officers in Benin raided the premises of the *L'Audace Info* newspaper on grounds of summoning the director of publications, Romauld Alingo. The policemen accused him of publishing defamatory articles in the newspaper about a university group, CERCO. The police also accused him of sharing the same articles on social networking application, WhatsApp. Alingo was not in the office at the time of the raid.

On October 5, 2016, Benin's cabinet banned activities of student unions on all public universities. The ban followed an inquiry into acts of violence and vandalism that occurred on the campus of Abomey-Calavi University.

Cameroon, Lesotho, Togo and Zimbabwe

In the case of these four countries, one FOE violation was recorded in each. Lesotho and Togo recorded one physical attack each.

For Lesotho, unknown assailants shot and injured Lloyd Mutangamiri, editor of *Lesotho Times* newspaper, for no known reason(s). On August 22, 2016 used excessive force against locals who were protesting against the activities of a new phosphate mining company in the community. The incident occurred at Abobo-Zéglé, some twenty kilometres North-East of the capital, Lomé. The action of the police left scores of people injured.

The FoE violations recorded in Cameroon and Zimbabwe were in the form of a sentence and social media shutdown respectively.

In Cameroon, the Military Court of Yaoundé, on November 2, 2016 convicted three young men to 10 years in prison each for “non-denunciation of terrorist acts.” The case dates back to 2014 when Fomusoh Ivo Feh, forwarded a sarcastic text about the extremist group, Boko Haram to his friends, Afuh Nivelé Nfor and Azah Levis Gob. The message joked that high school graduates needed to pass at least five subjects in order to be hired by Boko Haram (an armed group).

In the case of Zimbabwe, on July 6, 2016 government shut down social networking application WhatsApp during a two-day national strike action against government's alleged mismanagement of the country.

Notable Trends

An analysis of the incidents from the 19 countries point to a rather disturbing trend – state security officers who are supposed to protect the freedoms and rights of journalists and other people to access information and express themselves were often the very people perpetrating the violations recorded. State security agents were dominant perpetrators of violations in 13 out of the 19 countries assessed. Specifically, security agents accounted for 36 out of a total of 63 violations recorded as shown in Table 1 below. Unfortunately, this is a typical reflection of the state and level of protection and respect given to issues of press freedom, freedom of expression, assembly and association in Africa.

Table 1: Country and Type of Perpetrator

Country							
	Security Agencies	State Official/ State	Individuals	Court	Organised Groups	Other	Total
The Gambia	4	1	0	2	0	0	7
Uganda	3	0	1	0	2	0	6
South Sudan	4	0	2	0	0	0	6
Somalia	3	0	1	0	0	1	5
DRC	3	2	0	0	0	0	5
Guinea	2	0	1	0	1	0	4
Nigeria	3	0	1	0	0	0	4
Ghana	3	0	1	0	0	0	4
Tanzania	2	2	0	0	0	0	4
Mauritania	1	0	1	1	0	0	3
Mali	2	1	0	0	0	0	3
Liberia	2	0	0	0	0	0	2
Chad	1	1	0	0	0	0	2
Ethiopia	1	1	0	0	0	0	2
Benin	1	1	0	0	0	0	2
Cameroon	0	0	0	1	0	0	1
Lesotho	0	0	1	0	0	0	1
Togo	1	0	0	0	0	0	1
Zimbabwe	0	1	0	0	0	0	1
Total	36	10	9	4	3	1	63

The situation as depicted above could be attributed to the challenge of impunity which was the situation in a number of the countries where violations were cited. The non-redress and/or reparation of violations as reported only embolden perpetrators and nurture a culture of repression and self-censorship. The situation becomes worse when the perpetrators happen to be the state security agents who have the mandate to protect the freedoms and rights of the citizenry.

Another trend observed over the period had to do with the increasing spate at which police are clashing with protestors which in the space of six months resulted in the death of a total of 183 people in just three incidents – Ethiopia: 150 deaths; Democratic Republic of Congo: 32 deaths; Mali: one death. In addition, although no deaths were recorded, indigenes of a Togolese community protesting against the activities of a new phosphate mining company on their land were brutalised by police resulting in several injuries.

This situation needs urgent attention before it escalates in the coming months. Unfortunately, none of the security agencies whose action resulted in these deaths have been brought to book. Instead, the Ethiopian government for example decided to disenfranchise more people by banning all forms of protests for the ensuing six months.

Another worrying trend observed during the monitoring period was the increasing incidents of shutdown of media organisations by security forces or state officials for being critical in their reportage. Six incidents of closure of media houses were recorded in Somalia (1), South Sudan (3), Liberia (1) and Chad (1). Closure of media organisations for critical reportage on national issues promotes censorship and self-censorship.

Six incidents of digital rights violations were recorded during the monitoring period. In recent times, some governments in Africa use Internet blockage to stifle free speech especially during important national events such as elections or protests. For instance, The Gambian Government under President Yahya Jammeh shut down the internet on the eve of Election Day until a day after the election (December 2, 2016). There is the need for governments to promote freedom of expression offline as well as online as the internet has been identified as a powerful tool for communication.

Also there were several incidents in which journalists were arrested and interrogated for several hours by security agents. Although most of these journalists are released after interrogation, keeping them in custody violates journalists' FOE rights as well as their right to freedom of movement. For instance, Ugandan police arrested two journalists working with *Vision Group* newspaper for taking photographs while covering a story of an alleged defilement at a police station. They were released after 10 hours. This form of harassing journalists could cow free speech if nothing is done about it.

Conclusion

The right to freedom of expression is guaranteed by the national constitutions of all 19 countries monitored. These countries are also signatories to international and regional instruments such as the Universal Declaration of Human Rights and the African Charter on Human and People's Rights which guarantee FOE rights. However, the incidents of violations and the low levels of redress actions against perpetrators of the violations recorded in this reports clearly indicate the lack of commitment of most governments on the continent to protect FOE rights and freedoms. A pervasive culture of impunity will result in increased attacks on journalists or even lead to self-censorship which is dangerous for any democracy.

An independent and free media is a prerequisite of every democracy and allows citizens to actively participate in governance in order to promote growth and development in a country. It is

therefore imperative for governments to commit to ensuring the enjoyment of freedom of expression as a fundamental right. AFEX urges stakeholders to prioritise the safety of journalists and address the issue of impunity for crimes against journalists. In this regard, this report ends with a number of recommendations addressed to governments and stakeholders at national level that seek to promote and improve freedom of expression rights on the continent.

Recommendations

Governments in Africa

- Demonstrate in practice their full commitment to freedom of expression both offline and online as enshrined in their national constitutions as well as other international provisions.
- Ensure that both state and non-state actors respect and protect freedom of expression rights both offline and online.
- Work to ensure that freedom of expression violators are punished accordingly.
- Investigate incidents of murder of journalists, media professionals or individuals and bring the culprits to book.
- Both state and non-state actors should endeavor to protect the media and ensure the safety of journalists, media professionals, human rights activists and citizens in accordance with the adoption of the UN Resolution on Safety of Journalists.
- Security bodies must work to ensure the safety of journalists at all times.
- Security forces must desist from using excessive force on peaceful protesters, and should be given continuous training in handling riots and public demonstrations.

Media organisations and Journalists

- Journalists, media professionals and citizens should be professional and respect the journalism code of ethics at all times.
 - Managers and owners of media organisations must ensure maximum protection for the safety of their workers and legally pursue incidents of violations against their workers.
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