



## COVID-19 Response in Africa: Together for Reliable Information

# Attacks against journalists in West Africa

March 2020–September 2021

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## Regional report

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# About this project

In 2020, ARTICLE 19, Deutsche Welle Akademie, Fondation Hirondelle, Free Press Unlimited, International Media Support, and Reporters Without Borders, in collaboration with UNESCO, joined forces to provide a rapid response to the COVID-19 crisis in Africa. This 18-month project – **COVID-19 Response in Africa: Together for Reliable Information** – received 95% of its funding from the EU.

The overall objective of the project was to provide essential, timely support, and materials to independent media, journalists, and fact checkers in Sub-Saharan Africa to help them fulfil their role of providing quality and reliable information, and to overcome the risks they faced during the crisis. It also aimed to:

- 1. Raise awareness and mobilise local stakeholders** on the safety of journalists reporting on COVID-19 and the need for legislation passed in response to the pandemic to meet international standards on freedom of expression;
- 2. Pressure local state actors and/or add to the momentum for change** on the above issues;
- 3. Create a strong, local, multi-stakeholder network** to advocate for the essential function of a free and independent media with authorities and institutions; and
- 4. Strengthen mechanisms and collaboration for the protection of freedom of expression**, access to information, and other fundamental freedoms in the selected countries.

As part of the project, ARTICLE 19 worked with civil society and media actors in **10 countries** to conduct national-level advocacy and to monitor the legal, policy, and operational environment regarding the provision of reliable information on COVID-19. The project also included advocacy around misinformation and misrepresentation, as well as cases of violations, infringements of press freedom and the right to information, and attacks on journalists and media houses in the countries targeted.

ARTICLE 19 West Africa supported partners in Ghana, Nigeria, and Senegal, while ARTICLE 19 Eastern Africa supported partners in Ethiopia, Kenya, South Africa, South Sudan, Sudan, Tanzania, and Zimbabwe.

# Executive summary

Everyone has the right to express themselves freely and through any medium: orally, in writing, and online. The right to freedom of expression includes the right to access information, which is crucial in a pandemic, when people urgently need to know how to protect themselves and their communities, what public health measures the authorities have put in place, and how they can access services. During a public health crisis, people must also be able to be informed about and scrutinise the measures their authorities are taking, and to hold them accountable for their actions.

Journalists play a vital role in disseminating information to the public and holding the authorities to account – and are therefore indispensable during a pandemic. However, our monitoring of violations against journalists reporting on COVID-19 in West Africa from March 2020–September 2021 found that, far from being supported in their crucial work, they often became the targets of attacks by state agents.

As well as documenting these violations, this report analyses governments' actions in the region against their international obligations to protect the right to freedom of expression and access to information, to prevent and investigate attacks against journalists, and to bring perpetrators to justice. It also offers recommendations for the governments of each of the three countries investigated: **Ghana, Nigeria, and Senegal**.

## Key findings

- State agents subjected journalists reporting on COVID-19 to physical attacks, arbitrary arrests and detentions, and verbal threats;
- Law-enforcement officers used restrictions brought in to combat COVID-19 as an excuse for these violations, even when journalists were exempt from the restrictions;
- The authorities failed to investigate any of these violations, hold the perpetrators accountable, or compensate the journalists affected, deepening an already concerning culture of impunity for attacks against journalists; and
- Laws criminalising 'false information' were used to arrest and charge journalists reporting on COVID-19, despite such laws violating international human rights standards.

# Recommendations

ARTICLE 19 calls on the governments of **Ghana, Nigeria, and Senegal** to:

- **Implement the recommendations of the resolution on the safety of journalists**, adopted by the UN Human Rights Council (HRC) on 6 October 2020, which provide guidance on ensuring the safety of journalists in the context of COVID-19;
- **Take all measures necessary to guarantee the safety and security of journalists** by ensuring all law-enforcement and military officers are aware that arbitrary arrests, detentions, and brutality will not be tolerated;
- **Investigate all reports of human rights violations perpetrated against journalists** and ensure that, in cases of violations, investigations are carried out and perpetrators held accountable in trials meeting fair-trial standards;
- **Ensure there are reparations for victims of violence by law-enforcement and military officers**, including adequate compensation;
- **Remove all provisions in laws and regulations criminalising 'false news', defamation, and similar concepts**, and ensure all speech- and COVID-19-related legislation conforms to international standards on freedom of expression; and
- **Implement the provisions of the [African Commission Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019](#)**, including in relation to the safety of journalists.

# Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
CDS	Chief of Defence Staff
CPJ	Committee to Protect Journalists
EI	Executive Instrument
HRC	UN Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
MFWA	Media Foundation for West Africa
NUJ	Nigeria Union of Journalists
UDHR	Universal Declaration of Human Rights
WHO	World Health Organization

# Introduction

## COVID-19 in West Africa

The first confirmed case of COVID-19 in West Africa was reported in **Nigeria** on 27 February 2020, followed by **Ghana** on 12 March. On 23 March, **Nigeria** recorded the first COVID-19 death in the region.



Ghana: A police officer controls a car at a roadblock to restrict inter-city movement during partial lockdown in the cities of Accra and Kumasi to slow the spread of COVID-19 in the Circle neighbourhood of Accra, Ghana, 31 March 2020. (Photo: REUTERS/Francis Kokoroko)

All three countries responded to COVID-19 by instituting immediate measures to contain and prevent its spread. On 21 March 2020, **Ghana** adopted the Imposition of Restrictions Act, which enabled the President to pass Executive Instruments (EIs) imposing restrictions for up to three months. On 23 March, the Minister of Health declared COVID-19 a public health emergency, and the President banned public gatherings and ordered the closure of schools and places of worship (EI 64). On 30 March, the President ordered a two-week lockdown in some areas (EI 65). Such orders were lifted and reinstated, as deemed necessary, depending on the incidence of COVID-19 in the country.

**Senegal** was not far behind. On 23 March 2020, a presidential decree instituted a national state of emergency. The following day, the Minister of Interior used the decree to ban all movement of people and goods between cities, and to institute a curfew in all provinces between 8pm and 6am. As in Ghana, these measures were then adapted, reinforced, or alleviated as deemed necessary.

Of the three countries, **Nigeria** had the longest lockdown, albeit partial rather than nationwide (as in Ghana). On 30 March 2020, President Mohammed Buhari passed the COVID-19 Regulations, 2020, imposed a 14-day lockdown of Lagos, Ogun, and the Federal Capital Territory of Abuja, and ordered airports and land borders to close. On 13 April, the President extended the lockdown for another 15 days. In areas that were not under lockdown, curfews were imposed and gatherings outside the workplace were restricted to no more than 50 people.

Vaccination campaigns began in **Senegal** in February 2021, and in **Nigeria** and **Ghana** in March 2021 – but by the time the Delta variant arrived, instigating a third wave of COVID-19 in the second half of 2021, vaccine shipments had virtually ground to a halt. Despite recommendations from the UN and the African Union to ensure at least 70% of the population were vaccinated by the end of 2021, accessing vaccines has been challenging for low-income countries, and vaccine inequity is putting more people at risk of infection – and possibly death.

As in the rest of the world, **Ghana**, **Nigeria**, and **Senegal** have lifted or intensified restrictions throughout the pandemic, depending on the incidence of infection and perceived need.

## The importance of journalists in a pandemic

Everyone has the right to express themselves freely: orally, in writing, and online. The right to freedom of expression includes the right to access information, which is particularly important in a pandemic, when people urgently need to know how to protect themselves and their communities, what public health measures the authorities have put in place, and how they can access services. In such a crisis, people must also be able to question the measures their authorities are taking, and to hold them accountable for their actions.

The work of journalists has therefore been indispensable since the advent of COVID-19. They have ensured the free flow of information in society, enriched public debate, and popularised health information from scientific sources – roles that, while always important, can be matters of life or death in a pandemic. Journalists have also held governments and other powerful actors accountable for their actions, including public health measures, the provision of timely and accurate information, and the distribution of resources.

Despite the danger of being exposed to the virus themselves, the challenges of media reporting on the ground, lockdowns, curfews, and psychological and financial constraints, journalists have continued to work for the public good throughout the pandemic. They have attended and reported on daily press conferences with the authorities, asking vital questions and obtaining clarity for the population. They have also exposed and denounced irregularities regarding the authorities' response to the pandemic. For example, in **Senegal**, civil society organisations including AfricTivistes – a union of African bloggers and web activists that promotes and defends democratic values, human rights, and good governance through digital media – raised questions regarding the lack of transparency in the management of funds intended for the pandemic. Similarly, in **Nigeria**, BudgIT – a civic-tech organisation advocating for transparency and accountability – decried a lack of accountability in the government's management of COVID-19 funds.

Despite their indispensable role, many journalists experienced mounting barriers to carrying out their work in the region. This is concerning as it contravenes most – if not all – states' constitutions, which enshrine the right to freedom of expression and access to information, as well as states' international obligations to protect freedom of the press.

# Methodology

The information in this report is based on a review of secondary material, including print and digital media, statements from media watchdogs and journalists' representative bodies, and relevant legislation.

The data was grouped into key themes, including physical attacks and killings, arbitrary arrests and detentions, threats and verbal attacks, restrictions in regulations, gender-based violations, suppression of access to information, and disinformation/misinformation.

## Scope of the research

While there were numerous attacks against journalists and freedom of expression in the period covered, this report focuses solely on those related to the pandemic. In other words, it looks only at **attacks perpetrated against journalists in response to their reporting on COVID-19, or through the use of laws and regulations adopted in response to the pandemic.**

## Definition of journalism

The report uses the [definition](#) of journalism set out in the International Covenant on Civil and Political Rights (ICCPR), which recognises it as 'a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere'. This definition recognises journalism as an activity, and includes forms of journalism – such as blogging and citizen journalism – that have developed in the context of online communication.

In this report, we use the term 'journalists' to refer to **individuals who are dedicated to investigating, analysing, and disseminating information through any type of written, broadcast (television or radio), or electronic media.**

# Relevant human rights laws and standards

## International standards

### Freedom of expression

The right to freedom of expression is protected by Article 19 of the Universal Declaration of Human Rights (UDHR), Article 19 of the ICCPR, and Article 9 of the [African Charter on Human and Peoples' Rights](#) (the African Charter). The UN Human Rights Committee, the treaty body of independent experts monitoring states' compliance with the ICCPR, developed [General Comment No. 34](#), which expands on the meaning of the right to freedom of expression. The African Commission on Human and Peoples' Rights (ACHPR) also developed the [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#), which explains the right to freedom of expression in the African Charter.

The scope of the right to freedom of expression is broad. It guarantees to all people the 'freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice' (Article 19 of the ICCPR).

The right to access information is a key component of the right to freedom of expression. In the context of a global pandemic, the right to freedom of expression and access to information become of paramount importance in ensuring all are aware of how to reduce the risk of contracting the virus, thereby advancing the right to health. Access to information is also important for holding authorities accountable for the distribution of services and public funds related to the COVID-19 response.

While the right to freedom of expression is fundamental, it is not absolute. A state may, exceptionally, limit the right under Article 19(3) of the ICCPR, provided that the limitation is:

- **Provided for by law:** Any law or regulation must be formulated with sufficient precision to enable individuals to regulate their conduct accordingly;
- **In pursuit of a legitimate aim:** Listed exhaustively as respect of the rights or reputations of others, the protection of national security or public order (ordre public), or the protection of public health or morals; and
- **Necessary and proportionate in a democratic society:** If a less intrusive measure can achieve the same purpose as a more restrictive one, the least restrictive measure must be [applied](#).

Furthermore, in terms of Article 20(2) of the ICCPR, freedom of expression may be limited if it constitutes advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. Such expression must be prohibited by law.

Article 9(2) of the African Charter also reiterates that the right to express and disseminate opinions must be 'within the law'. In addition, the [Declaration of Principles on Freedom of Expression and Access to Information in Africa](#) provides the requirement that any laws suppressing expression must be legitimate, necessary, and proportionate.

### The safety of journalists

Several international standards highlight the importance of protecting journalists in relation to the right to freedom of expression and access to information. These include the Human Rights Committee's General Comment No. 34 and the Declaration of Principles on Freedom of Expression and Access to Information in Africa. [The HRC, UN General Assembly, and UN Security Council have further adopted resolutions on the safety of journalists.](#)

On 6 October 2020, the HRC adopted its latest resolution, [45/18 of 2020](#), which looks at the safety of journalists within the context of COVID-19. The resolution acknowledges 'the coronavirus disease crisis has significant implications for the work, health and safety of journalists and media workers', and expresses deep concern that it 'increases the vulnerability of journalists and weakens media sustainability, independence and pluralism and worsens the risk of the spreading of misinformation and disinformation by limiting access to a wide range of reliable information and opinions'. It further calls on states to 'consider, wherever possible, devising appropriate mechanisms to provide financial support to the media, including local journalism and investigative reporting, and to ensure that support is given without compromising editorial independence'.

### Criminalising defamation

The ACHPR passed Resolution 169 on Repealing Criminal Defamation Law in Africa on 24 November 2010. The resolution emphasises that 'criminal defamation laws constitute a serious interference with freedom of expression and impedes on the role of the media as a watchdog, preventing journalists and media practitioners from doing their work without fear and in good faith'. It calls on state parties to repeal criminal defamation laws or insult laws, which impede freedom of speech, and to adhere to the provisions of freedom of expression articulated in the aforementioned regional and international instruments. The call to repeal criminal defamation laws was reiterated in the [Declaration of Principles on Freedom of Expression and Access to Information in Africa of 2019](#).

### Criminalising 'false news'

The Declaration of Principles on Freedom of Expression further calls for the repeal of laws criminalising the publication of 'false news'. Human rights monitors have reiterated this call in relation to COVID-19, when governments around the world have implemented emergency legislation that curtails media freedoms, using the justification of curtailing the spread of 'false news' about the virus. The UN Special Rapporteur on freedom of expression has [stated](#) that the criminalisation of false news is 'disproportionate, fails to achieve its goal of tamping down information, and deters individuals from sharing what could be valuable information'. International bodies have further [expressed concern](#) that attempts to criminalise false information about COVID-19 may 'create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression'.

Instead of criminalising such false information, states should ensure government efforts to counter it are based on 'full, honest and evolving communication with the public, the promotion and protection of an independent press, and the careful and public correction of misinformation'.

## National frameworks

The right to freedom of expression is protected under the constitutions of the three countries considered in the report, specifically under Article 21(1)(a) of [Ghana's Constitution](#), Article 39 of [Nigeria's Constitution](#), and Article 8 of [Senegal's Constitution](#). The constitutions of **Ghana** and **Senegal** also specifically mention freedom of the press.

**Nigeria's** Constitution goes further, recognising everyone's right 'to own, establish and operate any medium for the dissemination of information, ideas and opinions'. In line with international law, Articles 37–41 of the Constitution of Nigeria also provide for the restriction of freedom of expression 'a. in the interest of defense, public safety, public order, public morality or public health; or b. for the purpose of protecting the rights and freedom of other persons'.

# Human rights violations against journalists in the context of COVID-19

In response to COVID-19, the governments of **Ghana**, **Nigeria**, and **Senegal** all implemented legislation and regulations with the ostensible aim of curbing the spread of the virus. However, some of these measures had a chilling effect on the right to freedom of expression and prevented journalists from carrying out their vital work.

In addition, states used existing laws in a punitive way – either to punish journalists for their critical reporting on the pandemic or to suppress such reporting – in an apparent attempt to control the narrative. State security agents in the region also threatened, physically attacked, and/or arbitrarily arrested journalists reporting on COVID-19.

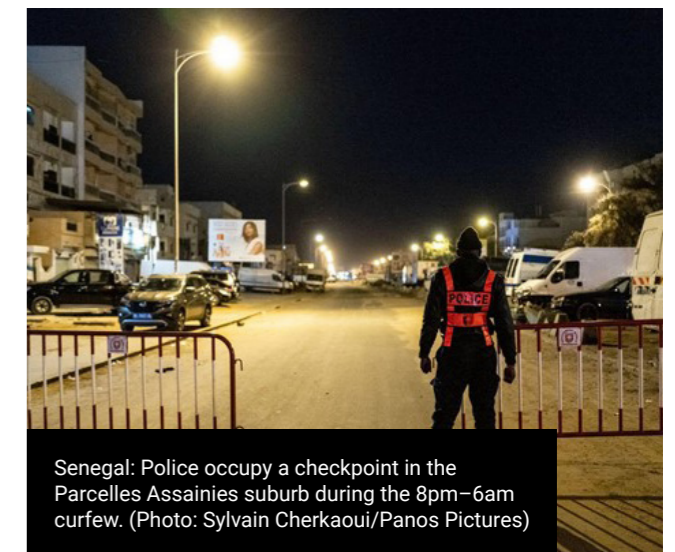
This section reports on our research findings in West Africa, starting with problematic legislation and regulations before moving on to attacks against journalists.

## Problematic legislation and regulations

### Failure to recognise journalists reporting on COVID-19 as essential workers

All three countries restricted people's movement by banning travel between cities, provinces, or countries and implementing curfews. Only those deemed 'essential workers' were allowed to freely circulate.

Journalists in **Senegal** were not allowed to travel during curfews or between cities unless they had permission from the Minister of Interior or a high-ranking regional official – a process that was burdensome and excessively bureaucratic.



Senegal: Police occupy a checkpoint in the Parcelles Assainies suburb during the 8pm–6am curfew. (Photo: Sylvain Cherkaoui/Panos Pictures)

Similarly, in the **Nigerian** states that underwent lockdowns, only media workers who could prove they were unable to work from home were exempted from restrictions on movement brought in by the [COVID-19 Regulations, 2020](#). However, due to security officials' continued harassment and intimidation of journalists in the country, the Inspector-General of Police [clarified](#) that journalists counted as 'essential workers' in May 2020, and issued instructions to security agents to that effect.

**Ghana** was the exception; its laws recognised media staff as essential workers, and journalists were therefore legally exempt from the country's two-week lockdown. However, this was not always respected in practice, as in the case of a soldier assaulting TV Africa reporter Samuel Adobah for allegedly breaking lockdown protocols (see [Attacks against journalists](#)).

## Criminalising false information, disinformation, and defamation

In **Nigeria**, authorities used COVID-19 to pass laws that criminalise the publication of false information. Ebonyi State introduced the Ebonyi State Coronavirus and Other Dangerous (Infectious) Diseases and Related Matters Law (No. 005) 2020. Among other things, this law criminalises the transmission or dissemination, through a computer system or network or otherwise, of false information regarding COVID-19, as well as 'false or misleading information intentionally or recklessly with a view to causing panic or disaffection amongst members of the public' (Sections 9(1) and 12(1)(ii)). This law replicates provisions of Nigeria's criminal laws that prohibit the publication of false information, the punishment for which is up to three years' imprisonment.

## Attacks against journalists

In West Africa, journalists faced violations ranging from physical attacks to verbal threats, arbitrary arrests and detentions, and politically motivated prosecutions while carrying out their work in the context of COVID-19. Law-enforcement officers and state security agents carried out almost all of these attacks.

The protection of journalists, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. Threats, attacks, arbitrary arrests, and detention – and, in the gravest cases, enforced disappearances or killings – constitute a violation of not only the right to freedom of expression but also the rights to life, bodily integrity, and sometimes health.

### Physical attacks

Physical attacks include beating, kicking, slapping, and any other form of attack that inflicts physical pain or injury on a person. Such attacks may constitute a violation of the right to bodily integrity. Security agents, including the police, are required to use non-violent means when carrying out their work. They can only use force when it is impossible to carry out their objective through other means – and that objective must be legitimate. Furthermore, any use of force must be proportionate to the threat posed and/or the harm a law-enforcement official is seeking to avoid. In other words, the use of force must be [legitimate, necessary, and proportionate](#).

However, in all three countries monitored, law-enforcement officers, military personnel, and other state agents appeared to use unnecessary or disproportionate force against groups and individuals when enforcing COVID-19 measures – and, in many cases, the use of force was not provided for by law. State agents also used excessive and unnecessary force against journalists reporting on these enforcement measures.

In **Ghana** and **Senegal**, there were incidents of state security agents refusing to accept journalists' right to circulate during the curfew and lockdown respectively, and of using these restrictions to justify excessive and unnecessary force against them.

### Senegal: Police officer beats journalists reporting on curfew in Touba

On 24 March 2020, the Government of Senegal imposed a curfew to curtail the spread of COVID-19. The very next day, a police officer beat reporter Adja Ndiaye and cameraman Ousseynou Mbodj, from the private Islamic channel Touba TV, who were reporting on implementation of the curfew in Touba. The two journalists said the police officer refused to consider their authorisation to move around and report on the curfew, which they had [reportedly](#) obtained from the regional administrative officials (préfets), as required by COVID-19 regulations.

Ndiaye suffered bruises from the attack and was taken to hospital for examination before being released a few hours later. Although the attack was reported in the press, no prosecution is known to have been made.



## Ghana: Soldier assaults TV Africa reporter

On 10 April 2020, a soldier assaulted Samuel Adobah, a reporter with TV Africa, for allegedly breaking lockdown protocols. The incident happened in Accra while the reporter was covering a fire outbreak in a suburb in the capital.

The soldier, identified only as Damfour, arrived at the scene of the fire after Adobah had identified himself to the military team that was already enforcing lockdown protocols on the ground. Security guards had granted Adobah access to cover the incident. Upon reaching the scene, Damfour slapped Adobah from behind several times and further assaulted him for breaking lockdown protocols. Adobah made a formal complaint to the police, after which he went to hospital, where he was treated for headaches and body pains.

On 3 May 2020, the Media Foundation for West Africa (MFWA) petitioned the Chief of Defence Staff (CDS) of the Ghana Armed Forces, Lieutenant General Obed Boamah Akwa, to investigate the incident. In a letter dated 13 May 2020, the Chief of Staff, Rear Admiral Issah Adams Yakubu, on behalf of the CDS, stated that ‘any soldier found culpable will be dealt with in accordance with our disciplinary code’.

However, at the time of writing (December 2021), no further information was available regarding disciplinary or other measures taken against the soldier responsible.

The majority of physical attacks against journalists, however, appear to have been related to their reporting on state agents’ enforcement of COVID-19 regulations. In **Nigeria**, for example, police and other agents reportedly beat at least four journalists in the course of their duties. None of these state agents are known to have been held accountable for their unnecessary use of force.

## Nigeria: Security official attacks journalist photographing a hotel in Umuguma

According to [reports](#) by the MFWA, Angela Nkwo-Akpolu, the Imo State correspondent of *Leadership* newspaper, was attacked by security operatives from the Department of State Services on 28 March 2020 at Fancy Hotel in the Umuguma area of Owerri West, Imo State. The state government had sealed off the hotel, with five guests still in it, as part of its COVID-19 contact-tracing protocols. A source told the *Daily Trust* that the security team banned anyone from entering or leaving the hotel for 14 days.

Nkwo-Akpolu reportedly went to the Fancy Hotel after being told about an incident there. She stated that one of the security operatives approached her while she was sitting in her car taking photos. The operative apparently had no problem with her presence after she introduced herself. However, a man she believed to be a state security agent (as he was wearing a Department of State Services T-shirt) suddenly walked up to her, seized her glasses and iPad, and appeared to attempt to beat her, but policemen at the scene intervened. The state security agent reportedly

also pushed her and deleted photos from her camera.

No action is known to have been taken against the state security agent for the incident.



Nigeria: A police officer beats a man who violated COVID-19 restrictions with a nightstick as the Lagos State Environmental Protection Agency inspects/closes hospitality businesses on 19 July 2020. (Photo: Olukayode Jaiyeola/NurPhoto via Getty Images)

## Nigeria: Environment Task Force officers attack two journalists monitoring lockdown in Uvwie

On 1 April 2020, officers reportedly from the Environment Task Force attacked the Chairman of the State Council of the Nigeria Union of Journalists (NUJ), Michael Ikeogwu, and the *Daily Post’s* Mathew Omonigho, in Uvwie Local Government Area. Ikeogwu [reported](#) that he and Omonigho were monitoring local compliance with the state government’s stay-at-home order when

they came across some local residents undertaking a sanitation exercise. He asked the leader of the Task Force, Kingsley Iweka, why they were forcing residents to take part in this exercise when a lockdown order was in place.

The question apparently infuriated Iweka, who ordered five of his subordinates to attack Ikeogwu and Omonigho. They destroyed Omonigho’s camera and detained both journalists for around 45 minutes. They were only freed after the Chairman of the Environment Task Force, Sylvester Oromoni, intervened. Oromoni [said](#) the Task Force had indeed ordered residents to undertake the clean-up task, but pleaded that “the matter should end there”.

## Nigeria: Police beat *Daily Post* journalist reporting on COVID-19 enforcement in Osun State

On 3 August 2020, police officers reportedly slapped, kicked, and used batons to [beat](#) Sikiru Obarayese, correspondent with the *Daily Post*, while he reported on officers’ enforcement of COVID-19 restrictions in Old Garage, a suburb of Oshogbo, Osun State. Sikiru Obarayese later told the Committee to Protect Journalists (CPJ) that police questioned him after he photographed officers beating people who had allegedly violated the state requirement to wear face masks.

According to Obarayese, the order for the police to beat him came from Adebayo Adeleke, a local state commissioner, who was at the scene. Adeleke denied this, both to the CPJ and in an article he published on the website *News Indicator*.

In **Ghana**, Lieutenant Betrot Ampoma beat the journalist Abdul Ganiyu (see next section) – another example of a state agent using unlawful and unnecessary force against a journalist for their reporting around the pandemic. No action is known to have been taken against the perpetrator in this case, nor in any of the other cases of physical attacks featured here.

## Threats and verbal attacks

Threats and verbal attacks include threats of bodily harm, including death; may be direct or via third parties, via electronic or physical communications, and implicit or explicit; and may encompass references to killing a journalist's friends, family, or sources. These kinds of threats may include surveillance or trailing, harassing phone calls, arbitrary judicial or administrative harassment, aggressive declarations by public officials, or other forms of pressure that can jeopardise the safety of journalists in pursuing their work. Such threats can also have a chilling effect on freedom of expression and the ability of journalists to conduct their work, leading to self-censorship.

There have been reports of government officials in West Africa issuing aggressive statements against journalists in relation to their reporting on COVID-19. For example, in **Senegal** on 14 March 2020, the Minister of Health and Social Action appeared to threaten journalists with legal action when he declared he would lodge a complaint with the State Attorney General against any publication that carried 'false information' on COVID-19. He *reportedly* added that any individual spreading false rumours about COVID-19 would be considered an "enemy of the Republic undermining the efforts of the State to control the pandemic".

In **Ghana**, state agents and unidentified individuals reportedly threatened journalists in relation to their critical reporting on COVID-19 response measures. At least one threat was reportedly issued, and later implemented, by a military official.

## Ghana: Soldier attacks General Manager of Kumasi-based Zuria FM

On 3 April 2020, the General Manager of Kumasi-based Zuria FM and correspondent for Deutsche Welle Radio, Abdul Ganiyu, reportedly received a threat via phone from someone who was then unknown to him. The person threatened him about a critical report his radio station had published on Facebook about alleged military brutality against a 71-year-old man, who they claimed had flouted the COVID-19 lockdown order.

According to *reports*, the unknown caller revealed herself in person to Ganiyu two days later (5 April). Ganiyu was conducting an interview at a community clean-up exercise to reduce unsanitary conditions and fight the spread of COVID-19 when Lieutenant Betrot Ampoma, the commander of the patrol team at Asokore Mampong Municipality, confronted him. She asked him again about Zuria FM's publication of the story about alleged brutality against a 71-year-old man. Ganiyu reported that she then bundled him into a patrol car and slapped him several times.

According to *MFWA*, the soldier only released Ganiyu after intervention by Honourable Alhaji Alidu Seidu – the Asokore Mampong Municipal Chief Executive and leader of the clean-up exercise Ganiyu had been covering.

MFWA reported that, when Ganiyu went to the Ashanti Regional Police

In **Nigeria**, at least 13 journalists were reportedly arbitrarily arrested and/or detained in the course of their work for allegedly violating COVID-19 restrictions.

## Nigeria: Police raid NUJ secretariat and arrest 12 journalists for allegedly violating lockdown

On 2 April 2020, police raided the NUJ secretariat in Yola, Adamawa State, and *arrested* 12 journalists for allegedly violating the lockdown order, which prohibited mass gatherings, despite journalists being exempt from that order. The journalists had returned from an assignment on COVID-19; some were using the secretariat's Internet to file their reports (as local cybercafes were closed due to the lockdown), while others were watching the COVID-19 update from the disease-control centre.

The state NUJ chairman, Ishaka Deden, *said* he was 'very shocked to see three trucks loaded with armed policemen coming to disrupt the peace of the journalists'.

The 12 journalists were taken to the Special Anti-Robbery Squad's detention facility, where they were detained. No further information was available at the time of writing (December 2021).

Headquarters to make a complaint, he was asked to return the next day to give a statement. However, five soldiers later stormed Ganiyu's office at Zuria FM and took him back to the Ashanti headquarters to lodge a complaint of false reporting against him. No further information was publicly available at the time of writing (December 2021).

International bodies, including the *HRC* and *ACHPR*, have raised concerns about threats against journalists by political and other figures. They have called on states to take steps to ensure the security of journalists, including carrying out prompt, effective, and impartial investigations into threats and reprisals against them, as well as access to appropriate restitution, compensation, and assistance. States are further required to ensure government officials publicly, unequivocally, and systematically condemn threats and attacks against journalists and refrain from verbally attacking them. In addition, states must take measures to prevent threats by non-state actors.

## Arbitrary arrests and detentions

An arbitrary arrest is one that falls into one of the following categories, among others:

- **When it is clearly impossible to invoke any legal basis** justifying the deprivation of liberty;
- **When it is carried out without due regard to the international norms relating to the right to a fair trial**, such as the right to presumption of innocence and right to a lawyer; or
- **When detention is used in response to the legitimate exercise of human rights**, such as arresting peaceful protesters for the mere exercise of their rights to freedom of opinion and expression or freedom of association and assembly.

Where an arrest is arbitrary, the detention will also be arbitrary; and even where an arrest is not arbitrary, the detention will be arbitrary if continued detention falls within one of the above categories.

## Nigeria: Africa Independent Television journalist arrested for allegedly violating lockdown

On 13 April 2020 in Kano State, police [arrested](#) yet another journalist, Yasir Adamu, from Africa Independent Television, for allegedly violating the state's seven-day COVID-19 lockdown. This was despite Nigeria's Information Minister, Lai Mohammed, having [announced](#) 'an exemption for journalists to work without any threats from the security agents' at one of the Presidential Task Force's daily briefings, and despite Adamu having identified himself as a journalist on essential duty before his arrest.

Adamu was [held](#) at Mandawari Police Station for a few hours until the State Commissioner of Police, Habu Sani, ordered his immediate release.

Due to security officials' continued harassment and intimidation of journalists, the Inspector-General of Police, Mohammed Adamu, further [clarified](#) which professions counted as 'essential workers' in May 2020, and issued instructions to security agents to that effect. No action is known to have been taken against any officers for the arbitrary arrest of Yasir Adamu.

Many of those detained for allegedly contravening lockdown rules were released without charge. However, in **Nigeria**, at least three other journalists were arrested for articles they published on COVID-19 and charged under laws prohibiting 'false news' or defamation.

## Nigeria: Journalist arrested under COVID-19 law for publishing 'false and damaging' information

On 18 April 2020, Chijioke Agwu, a reporter with the *Sun* newspaper, became one of the first reported cases of the misuse of COVID-19 regulations against journalists. The Governor of Ebonyi, David Umahi, [ordered](#) Agwu's arrest and prosecution for allegedly publishing 'false and damaging' information about a Lassa fever outbreak in the state, which violated the [Ebonyi State Coronavirus and Other Dangerous \(Infectious\) Diseases and Related Matters Law \(No. 005\) 2020](#). The law provides for a fine, prison sentence, or both for spreading false information. As such, although Agwu was not reporting on COVID-19, the new legislation passed in the wake of COVID-19 was used to arrest him. He was later released without charge.

## Nigeria: Journalist charged with defamation and conspiracy for publishing article critical of state's COVID-19 response

On 27 April 2020, officers from Nigeria's Department of State Services [arrested](#) journalist Kufre Carter, a journalist with the privately owned radio station XL 106.9 FM, in Uyo, Akwa Ibom State. Carter's alleged crime, according to his [charge sheet](#), was 'caus[ing an] article to be published' on [First Reports Online](#) on 25 April, which featured the audio of a phone call in which two unnamed people criticised how Akwa Ibom State Health Commissioner Dominic Ukpung had handled COVID-19 in the state.

Carter was [detained for one month and charged with defamation and conspiracy](#). The charge sheet also alleged that the article and recording were 'false' and contained 'defamatory words against' Ukpung. Defamation is a criminal offence in Nigeria under Sections 373–381 of the Nigerian Criminal Code Act.

Carter was released on bail on 27 May 2020. On 20 November, Chief Magistrate Winifred Umohandy threw the case out of court for '[lack of diligent prosecution](#)' because the government did not produce any witnesses against Carter, while Ukpung – who claimed to have been defamed – did not show up to court.

Law-enforcement officers are empowered to carry out arrests – but they can only do so in line with the law. This means that the alleged crime, the reason for the arrest, and the procedure followed for the arrest must be provided by law. Law-enforcement officers cannot carry out an arrest where no crime is reasonably suspected to have been committed. In addition, in accordance with international law, law-enforcement officers must ensure those arrested are informed about the reasons for their arrest and the charges against them, have access to a lawyer, and are promptly taken before a competent authority to have the legality of their detention determined, among other rights (Articles 9 and 14 of the ICCPR). These rights are known as 'due process rights'. Arrests carried out without guaranteeing due process rights are arbitrary. However, in the majority of cases mentioned above, the arrests were carried out without a legal basis, and do not appear to have been carried out in a manner that respects due process rights.

Furthermore, even where there is a law criminalising certain acts, such as the publication of false information, the law must be in line with international human rights laws and standards. As mentioned, any law suppressing freedom of expression must meet the requirements of necessity, legality, and proportionality. The laws used to arrest journalists for allegedly publishing false or defamatory information do not meet these standards. An arrest based on a law that violates international human rights laws and standards on freedom of expression constitutes a violation of not only the right to freedom of expression but also the right not to be arbitrarily arrested or detained.

States must investigate all cases of arbitrary arrests and detentions and ensure perpetrators of such violations are brought to justice. Those subjected to such arbitrary arrests and detentions should also receive effective remedies, including adequate compensation for the violation of their rights.

# Conclusion and recommendations

Our monitoring of violations against journalists reporting on COVID-19 in West Africa found that, far from being supported in their crucial role in disseminating information and holding the authorities to account, they too often became the targets of attacks by state agents and problematic legislation.

The pandemic is not over. In late December 2021, reflecting on two years since the outbreak of COVID-19, World Health Organization (WHO) Director-General Tedros Ghebreyesus remained “highly concerned” that the more transmissible Omicron variant was leading to “a tsunami of cases” worldwide, while the WHO warned that ‘new variants could become fully resistant to current vaccines or past infection’. In this ever-changing context, countries may continue to bring in restrictions to attempt to curb the spread.

It is vital that such restrictions do not impact on the right to freedom of expression and access to information, and that journalists do not come under attack simply for carrying out their indispensable work.

## Recommendations

ARTICLE 19 calls on the governments of **Ghana, Nigeria, and Senegal** to:

- **Implement the recommendations of the [resolution on the safety of journalists](#)**, adopted by the HRC on 6 October 2020, which provide guidance on ensuring the safety of journalists in the context of COVID-19;
- **Take all measures necessary to guarantee the safety and security of journalists** by ensuring all law-enforcement and military officers are aware that arbitrary arrests, detentions, and brutality will not be tolerated;
- **Investigate all reports of human rights violations perpetrated against journalists** and ensure that, in cases of violations, investigations are carried out and perpetrators held accountable in trials meeting fair-trial standards;
- **Ensure there are reparations for victims of violence by law-enforcement and military officers**, including adequate compensation;
- **Remove all provisions in laws and regulations criminalising ‘false news’, defamation, and similar concepts**, and ensure all speech- and COVID-19-related legislation conforms to international standards on freedom of expression; and
- **Implement the provisions of the [African Commission Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019](#)**, including in relation to the safety of journalists.

