

CYBERCRIME ACT AND FREEDOM OF THE PRESS IN NIGERIA, 2015-2021

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ABSTRACT

This study interrogates the degree to which the implementation of the Cybercrime Act accounts for the violation of human rights in Nigeria with respect to freedom of expression. This paper was rooted on the prismatic prisms of illiberal democracy; the ex-post-facto research design, documentary method and qualitative descriptive analysis were used. The study revealed that the law on cybercrime (signed in May 2015) includes provisions that threaten to violate the freedom of expression of citizens. Based on our findings, we propose that the Nigerian state review the Act to change certain areas that pose a threat to the freedom of expression of people.

Keywords: Cybercrime Act, cyber stalking, hate speech, human rights and illiberal democracy.

1. Introduction

The Federal Republic of Nigeria Constitution of 1999 (as amended) provides for free speech and freedom of the press. Journalists are often subjected to criminal prosecution on related issues such as official corruption, political abuse and elections (Nkanga, 2016). A majority of Nigerians had internet access between 2014 and 2015, as well as other information and communications technologies (ICTs) arising from an increase in data services for mobile phones. In other words, Nigeria has awareness and growing population of internet users, the online media was relatively free from constraints as a result of a broad and innovative technology market compared to traditional media in Nigeria, and has not reported any blocking or filtering of online content (Paradigm Initiative Nigeria, 2016).

Nevertheless, a new wave of violence has culminated in the internet-related IT boom in Nigeria. Nigeria was known as the naive and ignorant cyberspace passive player. Al Qaeda agent Muhammad Naeem Noor Khan's arrest provided the Pakistani and American Intelligence Authority (PAIA) with some of Al Qaeda's Internet Communication Strategy (AICS). It also noticed that Nigerian network and electronic message systems were used by Al Qaeda to disseminate information on the Internet. This again addressed the relevant issues of national cyberspace safety and protection in Nigeria (Ehimen and Bola 2010).

The United Nations rightly defines cyber crime as thus;

Any illegal behaviour directed by means of electronic operations that targets the security of computer system and data processed by them; and any illegal behaviour committed by means of or in relation to a computer system or network (Mordi, 2019:15).

In a nutshell, any crime that is committed on a laptop is known as cybercrime. Cybercrime is also viewed as an economic crime dimension. Economic crimes are often defined as non-violent offenses committed by or against a person or organization resulting in financial or economic loss; which are organized crimes and are out looked as transboundary or transnational (Ezirim, 2010). Nigeria's cybercrime class and existence are infinite. Cybercrime is a worldwide happening that has an impact on the economy of the country. In India, as in Nigeria, it is a major threat. When computer recorders were manipulated to create false debits and credits, the loss of Punjab National Bank (PNB) was close to Rs. 1.39 (about \$0.197). Rs. 2.5 Lakh (about \$0.354) was misappropriated in Baroda's bank by computerizing fake bank accounts (Waast and Krishna, 2003). A junior telecom official was prosecuted in Mahanagar Telephone Nigam Limited (MTNL) in Delhi for reversing the electronic telephone meter system, certain industrial export houses are allowed to make overseas calls without charging their telephone numbers.

Nigeria made its first effort to criminalize cybercrimes in 1995 by drafting a law known as the 1995 Decree on Postal, Telecommunications and Electronic Crimes. Accordingly, this decree described cybercrime as "... committing to computer fraud or doing anything to counterfeit transactions, whether the payment is credited to an operator's account or a subscriber's account, is guilty of an offense". This was the antecedent to other laws that modern-day activities were to be established on the Internet. The need to recognize information and communications technology as one of the livelihoods of 21st century Nigeria becomes necessary due to the globalization and digitization process worldwide. It, however, becomes unavoidable with the invasion of cyberspace with questionable minds that are capable of using the internet but to the detriment of the socio-economic and international reputation of Nigeria among nations. Sadly, in

this regard, Nigeria is failing as the perpetration of cyberspace crimes has almost destroyed our nation's reputation. As a justification for cybercrimes, inequality and unemployment rates have been used to this operation (Tomiwa, 2016).

With the inception of democratic rule in 1999, Nigeria witnessed a cybercrime environment in that transition process. In line with this, the government was able to reposition its mandates and tackling cybercrimes became so pertinent. The draft legislation was prepared and updated, but not limited to, the 2005 Computer Security and Infrastructure Bill, the 2008 Electronic Provisions Bill (EPB), the 2011 Cyber Security Act, the 2011 Criminal Code Provision for Openings on Computer Misuse and Cybercrime, the 2001 Electronic Exchange of Funds Crime Bill, in an attempt to check and/or combat cybercrime. The main problems arising from these Bills were that some of them were either dropped because of the government's insincerity of purpose or because of the unwillingness of the Nigerian government to devote itself to the socio-legal development of its people. Based on the above, the Nigerian government made an attempt to deal effectively with cybercrimes in Nigeria but was not properly followed (Tomiwa, 2016).

In July 2011, the president submitted a cybercrime bill to the National Assembly. This Cybercrime Act officially became law on May 15, 2015 and was a milestone outlining all of Nigeria's cyber activities. The Act provides an appropriate, consistent and detailed legal, regulatory and institutional framework to restrict, deter, detect, prosecute and punish cybercrime in Nigeria. This act further ensures the security of critical domestic information infrastructure and promotes cyber security and computer systems and networks defense, electronic correspondence, computer programs and applications, intellectual property rights and confidentiality (Cybercrimes Act, 2015).

Goodluck Jonathan, then President, signed the Cybercrime Act (Prohibition, Prevention, etc.) into law in May 2015. The law offered an awaited roadmap to address Nigeria's unprecedented cybercrime crisis (Techloy, 2015). On the other hand, some of the law's provisions pose a threat to citizens' freedom of speech. For example, in section 26, people may be illegitimately punished for expressing their views and/or opinions using the computer system or network for up to five years in prison or a maximum penalty of NGN 10 million, or both (Cybercrimes Act, 2015).

There are regular cyber-attacks in Nigeria, often conducted by Naija Cyber Hacktivists on government websites (Essien, (2011), a group that claimed blame for almost all time-recorded cyber-attacks. The Independent National Electoral Commission (INEC) was hacked by a group called the Nigerian Cyber Army website in an attempt to hold free, fair and credible elections during the 2015 presidential election cycle (Gbenga, 2015). The independent news outlet

Premium Times of one distributed denial of service (DDoS) was also claimed to have been targeted during its presidential election coverage (Ogala, 2015).

Following the adoption of the Cybercrime Act in 2015, a disturbing trend in arrests and convictions against bloggers was reported, which has reduced internet freedom in Nigeria. Several efforts have been made within the jurisdictions of state government officials in Nigeria to limit freedom of expression. For example, in March 2013, the Bayelsa State Governor introduced a bill for a state assembly to criminalize gossip and spread false information. Regrettably, even though the bill was not passed into law, one individual was arrested by the state government for a Facebook post criticizing the governor in October 2013 (Nicholas, 2015). Notwithstanding the developments reported, the passage of the cybercrime law in May 2015 resulted in the detention of several prominent bloggers and journalists on charges of cyber stalking for online writings criticizing government officials and influential bankers. Online bullying and abuse have also become widespread, growing self-censorship (Abubakar, 2016). Against this backdrop, this study interrogated the degree to which the implementation of the Cybercrime Act accounts for the violation of human rights in Nigeria with respect to freedom of expression between 2015 and 2021.

2. Theoretical Perspective of Illiberal Democracy

Juan (2009) posits that an illiberal democracy is a system of governance in which people are cut off from the knowledge of the actions of those who hold real power because of the lack of civil liberties, even if elections are held. It's not a culture that is free. Many countries are not listed as free or not free, but are likely to slide somewhere between democratic and non-democratic regimes (O'Neil, 2010). This could be because a constitution limits the powers of government, but it ignores its freedoms, or because there is no adequate legal constitutional structure for freedoms

In political theory, an illiberal democracy is characterized as one that pays only attention to elections, while violating some core democratic principles, particularly freedom of expression, in the years between elections. In Zakaria's perspective, illiberal regimes are growing all over the world and impeding their representatives' freedom in equal measure. Zakaria claims that democratic elections and civil liberties are interwoven in the West, but in the other part of the world the words are divided. He argues that without democratic liberalism, democracy created authoritarian regimes, degradation of democracy, racial strife, war and conflict. Recent studies have explored why elections, organizations commonly associated with democracy and independence, in illiberal democracies account for such negative results (Zakaria, 1997).

At the launch of his party, Fidesz, Hungarian Prime Minister Viktor Orban made the idea of illiberal democracy central in 2014 as propounded by Zakaria. He created an illiberal state in line with the ideology of the party which upholds fundamental liberalism values like democracy. While this ideology has not become fundamental to the organization of the government, it requires a regional strategy that is special and specific. He argued that his "Illiberal Democracy" form disregarded minority tolerance, believed in majoritarianism, opposed command and balance values, and separatism and patriotism endorsed. He amended the Constitution of Hungary and has authoritarian tendencies in Hungary to reflect the illiberal values of Fidesz (Freedom House, 2016).

To stabilize and strengthen their regimes, a lot of autocrats permit elections in their governance. Elections empower leaders to overcome elite and mass pressure by appeasing those capable of capturing and retaining political power with money and securing people's support with political compromises (Gandhi, 2008). Gandhi and Ellen (2009), argue in the same vein that access to their citizens' data and the creation of legitimacy both internally and externally is another useful purpose of illiberal elections.

Illiberal democracy creates a permanent structure, as proven by the Egyptian dictatorship of Mubarak. During the long rule of Mubarak, Blaydes (2010) demonstrates how the wealthy obtained government support votes by selling to the public the necessary goods and services to gain regime and impose parliamentary immunity. This allowed them to collect illegal wealth and steal public funds without legal consequences (Financial Times, 2017).

Zakaria offered funding for the incremental liberalization of societies by the international community and the United States and put an end to their zeal for balloting in an effort to promote the development of free and fair elections in liberal democracies. He also supports organizations like the Federal Reserve System, the World Trade Organization and the judiciary to test and restrain the disruptive power of people and promote democracy (Zakaria, 1997).

An illiberal democratic society believes once elections are held periodically, the mandate to act as they wish has automatically be given to them. Authority was highly centralized—there was no separation of powers, and the absence of freedom. Often, government is dominated and the press is used to sustain the administration. Non-governmental organizations are not an exception because they may face tough restrictions or may simply be banned. The regime against its opponents may use bureaucracy and other means to remain in power. Zakaria believes that democratic conservatism, but not the other way around, will bring democracy (Financial Times, 2017).

Diamond and Morlino (2005) established one method of distinguishing illiberal regimes, from those which are practically liberal democracies to those which are almost completely dictatorships. According to them, the regime's ability to hold periodic, free, fair and credible elections in choosing its representatives (leaders) is determined by an illiberal democracy.

3. Illiberal Democracy and Character of the Nigerian State

In a debate on how to make democracy work better in Nigeria, Nigerian legislator Honorable Durosinmi Meseko noted that while democracy was beginning to flourish, democratic liberalism in Nigeria remained a problem (Tokunbo, 2003). This is however contradictory, because it is claimed that democracy is a system of government that is defined not only by periodic and credible elections, but also by elements of constitutional liberalism like the rule of law, checks and balances and the preservation of fundamental human rights.

This definition above is liberal democracy that is the direct opposite of illiberal democracy. The application of this illiberal democratic theory in Nigerian context could be justified and/or support with regards to increase in price of petroleum; abuse of rule of law, arbitrary detention and arrest of online journalists over accurate internet remarks; arbitrary clampdown of internet sites by the government; use of security forces to threaten reporters over online reports; undue interference of the executive on the other arms of government etc. For instance, on 20 August 2016, Musa Babale Azare arrest in Bauchi State from Abuja; on 8 August 2016, Abubakar Sidig Usman was detained by Economic and Financial Crimes Commission (EFCC) armed operatives; The arrest and detention of Chris Nwandu, a blogger on 1 September 2015, to name but a few, has credited Nigeria with the credentials of illiberal democracy.

Nigeria acquired the status of democracy in 1999 when the military surrendered power to a transitional regime which led to the creation of a multi-party system and has held regular elections to date. Democracy in Nigeria, however, has been defined by a high level of illiberalism as epitomized by violations of the rule of law and lack of power separation. Nigerian democracy is made up of a powerful and strong executive, a weak legislature, a weaker judiciary, and narrow political and economic freedoms. There are feeble institutions and a strong personality in Nigeria.

Democratic culture in Nigeria is one in which elected officials (representatives) typically intervene and/or infringe on other aspects of society's powers and rights. In a circumstance, the president appoints and/or fires ministers and other appointees based on feelings rather than merit and seniority in order to eliminate any form of internal control over his power. The political

environment of Nigeria is such that acknowledged the principle of separation of powers and ignore the checks and balances thereof. Magu's case - the then chairman of the Commission on Economic and Financial Crimes under this current administration is a good indicator in the right direction. His appointment was not confirmed by the National Assembly (a body charged with such responsibility), but he acted on the directive of the president, which is an aberration of the doctrine of separation of powers. Our democratically elected president continues to systematically violate constitutional limits on his authority and deprives people of their rights and liberties. This ugly situation is horizontal (affecting other branches of government) as well as vertical (affecting people, states and local governments), little wonder that the current regime in Nigeria is involved in the disappearance of the government's third tier. Also, any wonder that the regime is not interested in proposing an independent discussion of national issues and challenges. Any wonder why activists in Nigeria are starting to quake again. Other indicators of illiberal democracy include arbitrary detention and arrest of online journalists over accurate internet remarks; arbitrary clampdown of internet sites by the government and the use of security forces to threaten reporters over online reports.

In Ivan's (2015) terms, liberal democracy could be described as a system of government characterized not only by periodic and credible elections, but also by constitutional liberalism (and the preservation of fundamental human rights). Looking closely at process of democratization in Nigeria, it is believed that the reason why Nigerian democracy is classified and/or justified as illiberal is based on political events, actions and inactions of state machineries.

Based on the foregoing, the argument whether Nigeria practices liberal or illiberal democracy as fashioned by the international community and observers is what interrogating. Nigerian democracy is only on principle and not the other way round. The need for constitutional liberalism that will take care of the excessive accumulation of power, the abuse of political office and the infringement of human rights, the violation of freedom of expression of citizens and the freedom of the press become imperative. Unfortunately, Nigerian politicians who at one point or the other visited the United States did not even try to replicate what they saw with regards to the development and implementation of liberal democracy in Nigeria. Ironically, the foreign policy of Washington is one that endorses a regime like ours as democratic, just because elections were held with little or no respect for life after elections, especially in Nigeria. What is happening inside democracy needs to be given close attention, because democracy is the most acceptable and credible form of government. Democracy without democratic principles to that degree is like placing a square peg in a round hole that can only have a lot of consequences for our political system.

4. The Application of the Cybercrime Law and Citizens' Freedom of Expression

In 2003, a resolution on the development of a universal society of cyber security was passed by the United Nations General Assembly stating, among other things:

Safety should be implemented in accordance with democratic societies' agreed values, including the right to exchange ideas and thoughts, the free flow of information, information and communication confidentiality, sufficient protection for personal data, transparency and accessibility (United Nations General Assembly (57th session: 2003).

A joint statement on freedom of expression and the Internet was issued in 2011 by the Special Rapporteurs on Freedom of Opinion and Speech, outlining guidelines of internet regulation. In Section 1(a) and (b) they say:

Freedom of speech applies to the Internet just as it extends to all communication channels. Limitations on the Internet's freedom of expression are only acceptable if they follow international standards, including those laid down by law; and that they are necessary for the protection of an internationally recognized interest (three-part test).

The impact of this restriction on the ability of the Internet to deliver positive freedom of expression outcomes must be weighed against its benefits in terms of protecting other interests when assessing the proportionality of a restriction on freedom of expression on the Internet (La Rue, 2011).

Domestically and internationally, the right to freedom of expression is secured. Section 39 (1) of Nigeria's 1999 Constitution (as amended) states that every citizen has the right to free speech, including freedom to express views and to receive and exchange ideas and information without interference.

Article 19 of the Universal Declaration of Human Rights (1948); and the International Covenant on Civil and Political Rights (1966) and Article 9 of the African Charter on Human and Peoples' Rights (1981) also guarantee free speech. It is not guaranteed by our constitution alone. It is a right that is recognized by the United Nations Charter (1945) and all other protocols of the UN. The Senate's move and section 24 Cybercrime Act would violate Nigeria's international obligations. It will create an atmosphere of fear among bloggers and online activists who, for fear of being sent to prison, may not post critical comments on Facebook or other social media platforms. As Egbe put it quite rightly, "The Internet cannot allow citizens and others to engage in governance policies or criticize government if they are unable to freely access information,

use social media services or risk being sent to jail simply for expressing their views” (Egbe, 2015, p.14).

Regulating freedom of expression in a democracy is highly divisive and contentious. This is not surprising, since freedom of speech and the press is the very core of any democracy. Without freedom of speech, you can't have true democracy. That is why freedom of speech and of the press is guaranteed constitutionally in most democracies. Citizens must be able to speak freely in the expression of their opinions through any communication channel of their choice and have access to information without hindrance in order to be active participants in the democratic process. Such channels of communication would include all traditional media outlets including digital media, but not restricted to them. Freedom of expression in a democracy is a sine qua non; there is no freedom without it. For example, the first amendment to the Constitution of the United States, which guarantees freedom of expression, states that Congress shall make no law that abbreviates freedom of expression and/or of the media (Maho, 2016).

Table 1 shows some of Nigeria's government attacks on freedom of the press under civil rule before the Cybercrime Act was passed. The explanations for these arrests by the government are based on frivolous claims, as all the stories published or recorded by the journalists involved are accurate. Despite the constitutional development, political leadership in Nigeria tends to cut off the public from information about the actions of those who exercise real power because of the lack of civil liberties. The government's authoritarian character is one that encourages illiberal democracy in Nigeria, i.e., a liberal society where government has little accountability to the people (Adibe, et al, 2017).

Table 1. Selected list of unlawfully detained reporters before the enactment of Cybercrime Act of 2015.

S/ N	Journalist(s)	Median outlets for which they served	Aggressor	Date	Reason(s)
1	Imo Eze and Oluwole Eleyinmi	<i>Ebonyi Voice (print)</i>	Ebonyi state government	14/06/2006	Accused of sedition
2	Gbenga Arulebe	<i>African Independent Television (electronic)</i>	Federal government	14/06/2006	Accused of sedition
3	Rotimi Durojaiye	<i>Daily Independent (print)</i>	Federal government	14/06/2006	Accused of sedition
4	Bashir Adigun,	<i>Channels Television</i>	Federal	16/09/2008	Documentation on

	Ambrose Okoh and Steve Jude	<i>(electronic)</i>	government		the ill health of former president Yar'Adua
5	Ahmad Salkida	<i>Daily Trust (print)</i>	Federal government	29/07/2009	Accused of brotherhood with Boko Haran for his stories
6	Okey Ndibe	<i>The Sun (print)</i>	Federal government	08/01/2011	Writing article critical of federal government policies
7	Chibuzor Ukaibe and Tony Amokeodo	<i>Leadership (print)</i>	Federal government	09/04/2013	Publishing an article in which former president Jonathan wrote a memo directing the interruption of opponents' political meetings
8	Thomas Thomas	<i>Global Concord (print)</i>	Akwa-Ibom state government	04/07/2014	Publishing article about state government's mismanagement of funds

Source: Adibe; Ike & Udeogu, (2017).

With regard to freedom of expression and of the press, section 39, paragraphs (1) and (2) of the 1999 Constitution of the Federal Republic of Nigeria as amended state as follows:

- (a) Each person shall have the right to freedom of expression, including the right to hold and receive ideas and information without interference. (b) Notwithstanding the generality of subsection (1) of this section, every person shall have the right to own, create and operate any medium for the dissemination of information, ideas and opinions: provided that no individual, other than the government of the federation or the state or any other person or body approved by the president; shall set up or run a television or wireless radio station for any reason whatsoever.

However, sections 39 must be read together with sections 45 which places limits to the freedoms provided for in section 39. The provision legalizes any legislation that is morally justifiable in the interests of security, public order, public morality or public health in a democratic society, or

to protect certain people's rights and freedoms. It therefore maintains that any legislation fairly justifiable in a democracy for the purposes set out above is admissible irrespective of the provisions of section 39. The laws include existing legislation that copiously restricts freedom of expression for the reasons outlined in section 45 of the Constitution (which was questioned by section 24 of the cybercrime law).

Likewise, the 2015 Cybercrimes Act, which former President Jonathan signed into law on May 15, 2015, provides abundantly for offensive and disruptive internet comments.

Section 24 of Part 111 of the Act relates to cyber-stalking and is hereby quoted verbatim:

a person who delivers a message or other matter knowingly through computer systems or networks that - (a) is grossly offensive, pornographic or immoral, obscene or harmful in nature or allows such a message to be transmitted, or (b) knows that it is false for the purposes of causing or causing a message of annoyance, inconvenience, danger, intrusion, insult, hurt, intimidation, enmity, hate, ill will or unreasonable fear to another person; commits an offense under this Act and is liable for a fine not exceeding N7,000,000,00 or imprisonment for a duration of not more than 3 years or both.

The issue in the minds of many people, especially journalists, bloggers and online news sites, is the implications of this provision of the Cybercrimes Act, its definition of "Cyber stalking" and its implications on the constitutionally guaranteed freedom of expression and the freedom of the press as provided for in section 39 of the 1999 Constitution as amended. This is because articles that are posted in mainstream newspapers and transmitted through the online portal of the publication or any other online platform and are deemed "inflammatory," "obstructive" "insulting" or "aggressive" are actionable under this Act. Interestingly, even an objectively truthful story can be regarded as "annoying," "insulting," "obstructive" or "negative." Under this specific categorization of "cyber stalking," excuse which is considered an absolute shield against libel would be hard-pressed and may not favour an accused person under this Act. In Nigeria, Section 24 of the Cybercrime Act presents a significant threat to the freedom of the Internet in Nigeria since they open the door to the violation of the right to speech of people and, most definitely, the fear associated with the control of states over their citizens' true freedom. The need to maintain the delicate relationship between, on the one side, the right to freedom of expression and, on the other, the right to immunity from damage to the integrity of an individual has led to people being sued on the Internet for defamatory acts. At least 10 journalists and bloggers are arrested and detained without trial by the government.

Table 2 displays some of Nigeria's government assaults on freedom of the press following the passage of the 2015 Cybercrime Act. Security services arrest and harass reporters, occasionally for the coverage of sensitive issues including corrupt practices, security, and criticizing the government as well. Most of these attacks were alleged to have been cyber bullying, cyber-speaking and hate speech that violated human rights as enshrined in the Federal Republic of Nigeria Constitution (as amended).

Table 2. List of Prominent attacks on cybercrimes suspects in Nigeria following the passage of the 2015 Cybercrime Act.

Date	Media Affiliate	Suspects and Offences
May 2015	Al Jazeera	Two journalists covering operations against Boko Haram were arrested by security forces in Maiduguri, Borno State.
May 2015	Dialy Trust	Nasarawa State Governor Umaru Tanko al-Makura's supporters assaulted a journalist for a story he had written challenging Nasarawa State's political position in the APC.
September 2015	Facebook and Twitter	Police arrested and detained Jamil Mabai for posting comments critical of the Katsina state government.
September 2016	Independent Reporter	Publisher Emenike Iroegbu was arrested for alleged libel in the state of Uyo, Akwa Ibom.
January 2017	Sahara Reporters	Omoyele Sowore, a journalist for the Sahara Reporters online news agency, was harassed by police in Lagos following a complaint about a report published on her website.
January 2017	Premium Times	The police raided the headquarters of the Premium Times in Abuja and arrested the editor, Dapo Olorunyome, along with the Judiciary Correspondent of the paper, Evelyn Okakwu, for writing stories described by the authorities as revealing a "deep hatred of the Nigerian Army leadership."
August 2018	Premium Times	Premium Times' reporters, Samuel Ogundipe and Azeezat Adedigba were unlawfully arrested and detained by the Police Special Anti-Robbery Squad (SARS) on the order of the Inspector-General of Police.
July 2019	Channel Television	Journalist Precious Owolabi, who worked at Channel Television and was a member of the National Youth Service Corps (NYSC) was allegedly shot and killed by police while covering a protest of the Shiite Islamic

		movement.
January 2020	Africa Times	Alex Ogbu was killed in Abuja while covering a protest march by the Shiite Islamic movement of Nigeria by a bullet that was fired by the police at the scene.
January 2021	Next Edition	Editor of the Next Edition (Nigerian Investigative Journalist, Ibanga Isine moved away from his home after the deaths of several sources linked to his reports on massacres in the south of Kaduna State.

Source: Compiled by the authors from various independent media sources.

Nigerian journalists, news reporters and publishers continue to face threats without adequate legal protection. President Buhari's Chief Security Officer, Bashir Abubakar, chased out from the presidential villa on Monday May 1, 2017, the PUNCH newspaper's state-house correspondent, Lekan Adetayo, for reporting on the ill health of President Muhammadu Buhari (Sahara Reporters, 2017).

Accordingly, observers claimed that the detention of Reuter's reporter in February 2015 was a clear demonstration of the state authority's attempt to bar external media observers from covering 2015 general election in Nigeria. The Premium Times suffered assault throughout the period of 2015 presidential election. Paradigm Initiative, Enough is Enough Nigeria and Media Rights Agenda, filed a lawsuit against the Nigerian National Assembly in Lagos Federal High Court on 21 March 2016 to prohibit any legislative action under the "Frivolous Petitions Act" because of unfavourable effect on freedom of the press and speech. The public hearing organized by Enough is Enough Nigeria has experienced and/or reported poor attendance, even though many Nigerians and organizations have participated. It's very sympathetic; there were no multiple lawsuits and millions of votes against the frivolous bill in a country of millions of citizens (Paradigm Initiative Nigeria, 2016).

Table 3 reveals that internet freedom (freedom of expression) decreased in Nigeria following the passage of the Cybercrime Act in 2015 due to an ongoing trend of arrests and prosecution of bloggers. Most of these arrests have never led to criminal charges before the court and the few charged have been dismissed by the government because of their allegations' vulnerabilities.

Table 3. High-profile arrests and harassment against suspects of Cyber stalking in Nigeria since 2015.

8 August 2015	Abubakar Sidiq usman was arrested for criticizing the commission on his blog by armed operatives of the Economic and Financial Crimes Commission (EFCC). He was arrested for more than 36 hours and refused his attorney access.
20 August 2015	Musa Babale Azare was detained by Bauchi State police in Abuja for criticizing the state government’s policies and acts on social media platforms. The detention was unconstitutional, as it took place outside of Bauchi State’s jurisdiction.
25 August 2015	Seun Oloketuyi, a writer, was prosecuted for publishing a story about a bank chief executive’s confidential affairs before a federal high court.
September 2015	Chris Nwandu, Nigeria’s chairman of the Guild of Professional Bloggers, was arrested and held in jail for 13 days after voicing his personal opinion on the allegations against Seun Oloketuyi
September 2015	After publishing a story about money laundering involving Ogun State’s first lady, Emmanuel Ojo, a blogger, was forced into political exile following threats to his life.
October 2015	Desmond Ike Chima, a writer, was arrested for publishing an article that was deemed “damaging” about a bank’s managing director, and spent the next six months in prison. Later, the charges were dropped.
September 2016	Soldiers, mobile police officers and members of the State Security Service raided a hotel in Edo State and detained 10 journalists on the Watchdog Media News independent news portal.
March 2017	Two journalists, Kemi Olunoyo and Samuel Walson, were detained for a week in prison before bail to publish an article on a prominent pastor in River State.
January 2019	The Nigerian military raided the Daily Trust office and detained some staff on the allegation that it published an article that divulged classified military information related to planned attacked against Boko Haram and thus undermined national security.
April 2020	Agba Jalingo of Cross River Watch, Omoyele Sowore of Sahara Reporters and Dadiyata, a vocal social media critic of President Muhammadu Buhari and others were abducted and arbitrarily detained for their works in exposing corruption in 2019.

Source: Compiled by the authors from Sahara Reporters (2017; 2020); Nkanga (2016); Adibe, et al (2017);

Press freedom is the freedom of communication and speech across different media, including various electronic and print media; it is interpreted as the absence of intervention from external entities such as governments. This independence, as indicated in the Constitution of Nigeria, ensures that "everyone has the right to freedom of speech, including freedom of opinion and freedom to receive and distribute ideas and information without interference". In 2018, the press freedom index in Nigeria was 36.5 scores. In the ranking by the press freedom index including 176 countries, Nigeria has the 61st rank that is close to the positions of such countries as Angola and Uganda. Nigeria has 58.95 percent lower prices relative to the Democratic People's Republic of Korea, which placed top with a press freedom index of 88.9 points in 2018 (Yodatai, 2018). Journalists face growing difficulties in a worrying tendency when dealing with issues of national security implications. In Nigeria and Mali, the governments are constantly putting pressure on journalists pressure (Jamilah, 2018).

Amnesty International survey was discarded by the federal government during the celebration of World Press Freedom Day, alleging that Nigeria's rating for press freedom has continued to decline since President Muhammadu Buhari took office in 2015. Nonetheless, Amnesty International has raised concerns about the increasing rate of harassment of Nigerian journalists. The international human rights organisation, in its statement to mark the Day, charged the federal government with securing media practitioners and other Nigerians' right to freedom of expression. The group criticized what it described as an increasing denial of the freedom of the expression, reflected in the detention of press and harassment of bloggers, as well as the excessive use of force to crack down on Nigerians' peaceful protests. Such recent draconian developments send the wrong message and pressure reporters to live in perpetual fear for daring to interrogate and report on matters of significant public attention. No one should be able to harass and intimidate people for expressing an opinion in a human rights-focused community (Amnesty International, 2017).

Table 4 shows Nigeria's ranking in the Press Freedom Index from 2006 to 2021. Recently, Reporters Without Borders (RSF), have rightly reveals that Nigeria's record of press freedom worsens. Nigeria reported a decline in the global index of freedom of the press, with a five percent decline between 2019 and 2020. According to the 2021 World Press Freedom Index, press freedom records in Nigeria fell from 115 in 2020 to 120 in 2021, out of 180 graded countries. Nigeria has been described as climate of permanent violence and one of the most dangerous and difficult countries in West Africa for journalists, who are often spied on, attacked, arbitrarily arrested or even killed (Mbamalu, 2021).

Table 4. Nigeria's ranking in Press Freedom Index since 2006

DATE	RANKING	VALUE	CHANGE,%
2021	120	39.7	11.52%
2020	115	35.6	-2.46%
2019	120	36.5	0%
2018	119	36.5	-8.09%
2017	122	39.7	10.56%
2016	116	35.9	5.31%
2015	111	34.1	-0.44%
2014	112	34.2	48.35%
2013	115	23.1	-59.08%
2012	126	56.4	0.00%
2011	126	56.4	9.51%
2010	146	51.5	11.96%
2009	135	46.0	21.85%
2008	131	37.8	-24.24%
2007	131	49.8	54.61%
2006	120	32.2	-16.83%

Source: Compiled by the authors from Obiejesi, (2017), Yodati, (2018), Tobi, (2020), (Mbamalu, 2021) and other independent media sources.

The ban on Twitter in June 2021, by the Nigerian government is an evidence of an authoritarian government or regime that constantly declined to promote human rights, safe and complimentary environment for freedom of expression. The indefinite suspension of Twitter was after the social media platform removed a Tweet by the president for violating its rules (Oluwanifemi, 2021). In a press statement released on Monday 3rd May, 2021 by Ene Obi, the Director of Action Aid Nigeria maintained that the freedom of the press is one of the essential cornerstones of a democratic society. But, in Nigeria, there has been a consistent and dangerous attempt by both state and non-state actors to breach not local and international statutes guaranteeing the essential freedom of expression but to expurgate and censure the media and journalists while doing their legitimate duties (Yekini, 2021). Subsequently, a controversial amendment was made to the National Broadcasting Commission Act that sought to stifle media organizations however; it has drawn huge protests from all the major media houses across the country with each outlet publishing a frontage advertisement campaigning against undue media regulation in Nigeria (Nkasi, 2021). Consequently, Nigeria had economically lost over \$360 million as a result of the ban (Oluwanifemi, 2021).

Conclusion

There is need to recognize the socio-economic and legal implications of the different internet freedom threats by Nigerian government and strive to strike the right balance between the freedom of speech of the people and national security; in the war against threats to safety. People and the internet need business involvement to create a safe and open Web, and the government should not attempt to threaten individuals and organizations who put these abuses of rights to the attention of all stakeholders. In Africa and elsewhere, there is evidence that blocking and restricting freedom of expression is the result of increased government monitoring of Internet communications, creating a civil society that is insensitive and inactive and cannot communicate with government. Ultimately, it has to be said that Section 24 of the Cybercrimes law has serious implications for freedom of expression and information and, therefore, an affront to section 39 of the 1999 Constitution, a question that will be decided in the days ahead by court rulings on the matter.

On the basis of our findings, we recommend that the Nigerian state should revisit and review the Act (Cybercrime Act 2015) to modify those areas or sections threatened the freedom of expression of citizens.

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