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Right to Freedom of Speech in Nigeria: Myth or Reality

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Abstract

Right to freedom of speech is one of the fundamental rights provided in Chapter Four of the Constitution of the Federal Republic of Nigeria 1999 (as amended). It is among the first generation rights which are inalienable to man. For sometimes now, minds have been agitated on whether right to freedom of speech is real or fairy tale in the context of Nigerian society. The motivation for this paper was born out of the desire to add to the existing literature and offer a detailed examination on whether right to freedom of speech in Nigeria is in reality or myth. The paper was commenced by reviewing the relevant provisions of law that provide for right to freedom of speech. This was done for the purpose of identifying areas of their strength and weakness. For this purpose, the paper adopted doctrinal research methodology. It was discovered among others that freedom of speech in Nigeria is still far from being realised despite plethora of judicial pronouncements on same. This was as a result of the social, economic, political and cultural basis of the Nigerian state. It was based on the foregoing that recommendations were made among which, are legislative pro-activeness and judicial activism on matters bordering on freedom of speech in Nigeria.

Keywords: right, freedom, speech, Nigeria, myth, reality

1. Introduction

Myth according to Merriam Webster Dictionary is 'a usually traditional story of ostensibly historical events that serves to unfold part of the world view of people or explains a practice, belief, or natural phenomenon.'[1] Myth is also an unfounded notion or believes in the untrue. On the other hand, Reality is defined by Merriam Webster Dictionary as 'a real event, entity, or state of affairs.'[2] It can also be said to be the aggregate of things that are real or in existence. Therefore, the question of myth or reality in relation to freedom of speech[3] in Nigeria might be rhetorical on the surface, because the right to freedom of expression is guaranteed in the Constitution of the Federal Republic of Nigeria 1999 (as amended) and several other enacted statutes. The poser that must be addressed is does the reality reflect the position of the provisions of the law in Nigeria? This question and more will be answered in this paper and a proper examination of the reality of the right to freedom of expression will be discussed.

2. Right to Freedom of Speech

It is germane to point out that Section 39 of the Constitution of the Federal Republic of Nigeria as amended provides that:[4]

> *(1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.*

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[1] 'myth'<https://www.merriam webstar.com> Accessed 17th April 2024.

[2] Ibid.

[3] Freedom of speech shall be used interchangeably with freedom of expression in this paper.

[4] Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 39.

> *(2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions:*
>
> *Provided that no person, other than the Government of the Federation or of a State or any other person or body authorised by the President on the fulfillment of conditions laid down by an Act of the National Assembly, shall own, establish or operate a television or wireless broadcasting station for, any purpose whatsoever.*
>
> *(3) Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society –*
>
> *(a) For the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph films; or*
>
> *(b) Imposing restrictions upon persons holding office under the Government of the Federation or of a State, members of the armed forces of the Federation or members of the Nigeria Police Force or other Government security services or agencies established by law.*

From the above constitutional provisions, it is evident that right to freedom of expression guaranteed under Chapter IV of the Nigerian Constitution is not an absolute. It is subject to certain statutory limitations to *wit*:

(a) **Limitations on Media Outlets:** Section 39 (2)(3) of the Nigerian Constitution requires the licensing and authorisation requirements from the President before owning and operating a radio or television station in Nigeria.

(b) **Limitations on Everyone:** Sections 39(3) and 45 of the Nigerian Constitution allow for the restriction of the right to freedom of expression:

(i) For preventing the disclosure of information received in confidence.

(ii) For maintaining the authority and independence of the courts.

(iii) As a result of occupying a certain office in the government.

(iv) For belonging to the military, police or any other security agencies.

(v) In the interest of security, public safety, public order, public morality, and public health.

(vi) To protect the rights and freedom of other people.

The above limitations have given rise to the protection of confidential relationship existing between a lawyer and his client, Court proceedings, sharing of information received in the course of duty by government official, military personnel and police officers. The limitations have also given rise to the protection of defamation laws which provide that people cannot intentionally share lies about other people in a way which affects their reputation and data protection laws which limit the sharing or disclosing personal information or sensitive information of other people including hate speech laws.

3. Restrictions to Freedom of Speech

Freedom of speech is a fundamental right, but it is not absolute. There are certain restrictions imposed on it to balance individual rights with the needs of society. Some of these restrictions are:

3.1 Defamation

Defamation can be defined as any statement that damages the reputation of a third party and leads to legally redress able injury. Defamation consists of libel which is written statements that are damaging to a third party and slander which is oral statements that are also damaging.

In the case of *Sim v Stretch*,[5]defamation was defined as any publication whether oral or written of a falsehood which lowers the victim's reputation in the eyes of right thinking members of the society.

Defamation may attract criminal or civil liability as the case maybe. However, it is important to note that criminal libel is rare and proceedings require the leave of a High Court Judge which will be only be granted if there is a *prima facie* case and public interest justifies the prosecution. On the other hand, civil liability is much more frequent and poses different questions concerning the extent to which freedom of expression is to be balanced against protection of the reputation of others, whether individuals or organizations. Below are few examples where the right to freedom of expression is infringed upon based on defamation are:[6]

On 13thMay, 2022- The Department of State Services (DSS) arrested blogger and publisher of Eagles Foresight, Ahmed Olamilekan, for publishing a story on Ogun State Governor Dapo Abiodun's alleged criminal records in the United States.

5th July, 2022- Mr. Ikenna Ezenekwe, the publisher of online news platform 247uReports, was arrested by security operatives over a report filed by Mr. Primus Odili. He served as the Chief Staff to the immediate past Governor of Anambra state, Mr. Willie Obiano. Mr. Odili petitioned the police claiming that the journalist published a defamatory article about him hence his arrest.

Cruelly and unacceptably, on 19th August 2022, Agba Jalingo, publisher of Cross River Watch Newspaper, was arrested and detained over a defamation and cyberattack complaint filed on behalf of Elizabeth Frank Ayade, sister-in-law of Cross River Governor Benedict Ayade.

Recently in Nigeria, a Facebook user[7], Agonzi Commedy, has tendered a series of apologies to popular Nigerian gospel singers Nathaniel Bassey and Mercy Chinwo following a case of defamation of character filed against him. Agonzi apologised for tarnishing the image of the duo, who have sued some netizens for saying that Nathaniel fathered Mercy's son. Agonzi said he was sorry for his statement and asked the singers to forgive him, as this has caused mixed reactions from netizens. The Facebook user, who urged Mercy Chinwo's husband, Blessed, to do a DNA test, has recanted and begged forgiveness from the duo. Despite widespread criticism, he earlier refused to retract his claims, arguing that Mercy Chinwo committed paternity fraud. Gospel singer, Bassey decided to pursue legal action by filing a petition with the police against Agonzi alongside other social media users who made such comments.

[5](1936)52 TLR 669, 671.
[6] 'defamation laws'<https//:thecjid.org> Accessed 17th April, 2024.
[7] 'leadership news facebook user apologises<https//:leadership.ng>accessed 17April, 2024.

Freedom of expression is essential in a free and democratic society and restrictions which inhibit criticisms of public authorities, in particular, undermine the potential for scrutiny of official action. For this reason in *Derhyshire County Council v Times Newspaper,*[8] the House of Lords held that neither local nor central government had standing to sue for defamation this is because it is necessary for elected government to be open to public criticism. There are several defences to defamation such as:

(i) Defence of Truth

This means that if a statement is damaging to the reputation of another but nevertheless justified on the basis that it is true, no liability will arise. It is not essential that every aspect of a statement must be absolutely true, but it must be true in most material respect.

(ii) **Fair Comment**

Fair comment means that the expression of opinion on matters of public interest even though unpaired or unbiased may be protected under the defence of fair comment. This defence is important in giving limited protection to the publication of comments about public figures whose actions are matters of public interests.

(iii) **Unintentional Defamation**

In order for the defence of unintentional defamation to be invoked the publisher must show that he either tried to make amends by way of apology or by correcting the false statement.

(iv) **Absolute privilege**

Absolute privilege exists for certain statements which are protected from defamation such as statements made in the course of judicial proceedings enjoy absolute privilege. The law allows specific people such as judges or members of the National Assembly to speak or write without fear or restraint even at the expense of the reputation of another;

(v) **Qualified privilege**

Qualified privilege serves as a defence for statements made without malice. Newspaper, broadcasts attract qualified privilege.[9]

3.2 Hate Speech

Hate speech is a legal term with varied meaning. It has no single, consistent definition. It is defined by the Cambridge Dictionary as public speech that expresses hate or encourages violence towards a person or group based on something such as race, religion, sex, or sexual orientation. There has been much debate over freedom of speech, hate speech, and hate speech legislation. The laws of some countries describe hate speech as speech, gestures, conduct, writing, or displays that incite violence or prejudicial actions against a group or individuals on the basis of their membership in the group, or that disparage or intimidate a group or individuals on the basis of their membership in the group. The law may identify protected groups based on certain characteristics. In some countries, hate speech is not a legal term. Additionally, in some countries, including the United States, what is usually labeled "hate speech" is constitutionally protected. In other countries, a victim of hate speech may seek redress under civil law, criminal law, or both.

[8](1993) AC 534.
[9]*Beach* v *Freeson* (1972) 1AB 14.

3.3. Sedition

Sedition is language intended to incite insurrection against the governing authority, Section 50 (2) of the Criminal Code Act describes the offense of sedition as a "seditious intention" is an intention-

(a) to bring into hatred or contempt or excite disaffection against the person of the President or of the Governor of a State or the Government of the Federation; or

(b) to excite the citizens or other inhabitants of Nigeria to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Nigeria as by law established; or

(c) to raise discontent or disaffection amongst the citizens or other inhabitants of Nigeria; or

(d) to promote feelings of ill-will and hostility between different classes of the population of Nigeria.

Therefore, it is the offence which incites the people with an intention to create civil disorder in a state. Sedition can be described as the speech, action or publication that is done with an intention to incite the people against the state. In determining the *actus reus* for sedition, the Court in the case of *IGP v Anagbogu*[10] held that the act of writing an article with a seditious intention is enough to amount to the offence of sedition. Examples of seditious intention are as follows:

(i) Publication which read 'down with the enemies of the people, the exploiters of the weak and oppressors of the poor.'

(ii) Being directed against the Federal government

(iii) A telegram sent to a regional minister of justice and published in a newspaper accusing the customary courts of a decision of being the creatures of a political party and of discriminating against the opponents of that party and denying them justice.[11]

Seditious intention may be inferred from the manner in which the article is published. To publish to the world at large instead of confining to the appropriate person concerned with the matter and able to remedy the error may sometimes suggest a seditious intent.[12]

Words and phrases are to be interpreted in the light of seriousness of the circumstances which was upheld in the case of *R v Agwuna*,[13]where the court opined that "In arriving at a decision of his test you are entitled to look at all the circumstances surrounding the publication with the view of seeing whether the language used is calculated to produce the results implied; that is to say, you are entitled to look at the audience addressed, because language could just be innocuous. Section 50(3)[14] provides that in determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his conduct at the time and under the circumstances in which he so conducted himself.

[10]'The Offence of Sedition' <https//:djetlawyer.com> Accessed 17 April, 2024.
[11]*Ogidi* v *Police* (1960) 5 F.S.C 251.
[12]Ibid.
[13](1949) 12 W.A.C.A 456.
[14]Criminal Code Act.

The provision of Section 51 (2) of the Criminal Code Act further makes arrangement for situations in which would not be regarded as constituting seditious intention. It provide that an act, speech or publication is not seditious by reason only that it intends-

(a) to show that the President or the Governor of a State has been misled or mistaken in any measure in the Federation or a State, as the case may be; or

(b) to point out errors or defects in the Government or constitution of Nigeria, or of any State thereof, as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or

(c) to persuade the citizens or other inhabitants of Nigeria to attempt to procure by lawful means the alteration of any matter in Nigeria as by law established; or

(d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Nigeria.

It is further provided for in Section 50 (3) of the Criminal Code Act that in determining whether an act was done with a seditious intention, such person would be deemed to intend the natural consequences that would flow from his actions. The problem the offence of sedition raises is how to strike a balance between individual freedom of expression and the security of the state. The limit beyond which free speech must not extend is illustrated by the dictum of the court in the case *D PP v Obi*[15] where the court held as follows:

> *…a person has a right to discuss any grievance or criticize, canvass and censure the acts of Government and their public policy. He may even do this with a view to effecting a change in the party in power or to call attention to the weakness of a government, so long as he keeps within the limits of fair criticism, it is clearly legitimate and constitutional by means of fair argument to criticize the government in a malignant manner as described above, for such attacks, by their nature tend to affect public peace…*

4. Tests for Restriction of Freedom of Speech

It is important to note that the above mentioned limitations are not devoid of guidelines, this means that in order to effectively limit this right as provided by the constitution, such limitation must qualify and pass three (3) part test. The purpose of these tests is to essentially eliminate the chances of restrictions on the right to freedom of expression for selfish or illegal reasons, thus the three part test is as follows:

(a) The Restriction must be Legal

This test means that **a law** in the country must create the restrictions to the right to freedom of expression. This means that government cannot create a restriction outside the provision of law. Additionally, the creating of the restriction must identify the circumstances when the restriction should be applied in a way that is specific and clear to allow people to know the limitation in advance. Such law must not allow those restricting freedom of expression the discretion to choose how to limit it in a way that is not clear under the law and it must also not allow other human right violations. The legality test ensures that people are aware of the restrictions and that, as laws are created through democratic process; there is more control over which laws are

[15](1961)1 NLR 186.

dictated. Therefore, the government cannot ban protest just because they are afraid of what people have to say.[16]

(b) The Restriction to Freedom of Expression must be Legitimate

The legitimacy test ensures that the purpose for which the government restricts the right to freedom of expression is real and important. There is a list of specific reasons under which a law can restrict freedom of expression. International Covenant on Civil and Political Rights[17] states that there are only three purposes for limiting freedom of expression. They include:

i. to respect the rights or reputation of others;

ii. to protect national security or public order;

iii. to protect public health or morals.

This also means that any restriction to freedom of expression by law and using any of these purposes must be applied only for that specific purpose and must be directly related to the specific purpose. An example of legitimacy occurs if the government creates a law restricting the posting of the political handling of the pandemic by the ministry of health for reasons of protecting of public health.

(c) The Restriction to Freedom of Expression must be Necessary and Proportional

The restrictions must be applied only when there is a real need for it to meet the purposes above. If freedom of expression is only a minor threat to national security, to public health or morals and to the reputation of others then it is not sufficient to be restricted. This means that restrictions must be used in special cases as a last resort. Restrictions must also be proportionate to the goal they are set to achieve and be the least restrictive as possible to meet that goal.

5. Abuses of Right to Freedom of Speech in Nigeria and other Jurisdictions

There are several instances of the violations of the right to freedom of expression in Nigeria and other countries. Such instances in Nigeria are:

(a) The case of *The Registered Trustees of the Socio-economic and accountability project of SERAP v Federal Republic of Nigeria.*[18]The facts of the case are as follows, the Nigerian government through an order of the then President Muhammed Buhari suspended the micro-blogging App Twitter across Nigeria, stating that Twitter's operations constituted threats to the stability of Nigeria and that "Twitter is undermining Nigeria's corporate existence" due to the death of innocent protesters at the Lekki toll gate popularly known as the 'lekkimassacare'. The Applicants are Non-Governmental Organizations and individuals who had, in different suits, approached the Court to challenge the suspension of operations of Twitter by the Respondent. The Applicants are Socio-Economic Rights and Accountability Project (SERAP), Media Rights Agenda, Paradigm Initiative for Information Technology Development, Premium Times Centre for Investigative Journalism, International Press Centre, Tap Initiative for Citizens Development, Patrick Eholor, Chief Malcolm OmokiniovoOmirhobo, David Hudeyin, Samuel Ogundipe, Blessing Oladunjoye, Nwakamri ZakariAppollo.

[16] In Nigeria 'end sars protest' led to the ban of the social media application formerly known as twitter during the period it lasted. 'EndSARS'<https//:en.wikipedia.org> accessed 17 April, 2024.

[17] 'International Covenant on Civil and Political Rights' <https//:ohchr.org> accessed 17 April, 2024.

[18]ECW/CCJ/JUD/07/10 <https://www.chrup.ac.za> accessed 17 April, 2024.

The Applicants initiated a case at the Community Court of Justice of the Economic Community of West African States, arguing violations of Article 9 of the African Charter on Human and People's Rights (ACHPR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR). The Community Court of Justice of the Economic Community of West African States (ECOWAS) held that the Nigerian government violated the Applicant's right to freedom of expression, access to information and the media by suspending the operation of Twitter on June 4, 2021. The Nigerian authorities claimed the action was necessary to protect its sovereignty on the grounds that the platform was being used by a separatist leader to sow discord. The Applicants, however, claimed the suspension was in retaliation for a flagged Tweet by Nigerian President Muhammadu Buhari, for violating its rules. The Court found that access to Twitter is a "derivative right" that is "complementary to the enjoyment of the right to freedom of expression." The Court concluded that the law did not suspend the operations of Twitter, and the Nigerian government had violated Article 9 of the African Charter on Human and People's Rights (ACHPR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR). The Court subsequently ordered the Respondent to lift the suspension of Twitter and guarantee non-repetition of the unlawful ban of Twitter.

(b). The recent case of the imprisonment of a student in Nigeria as a result of 'fat-shaming' the wife of the president Mrs. Aisha Buhari according to Punch Newspaper[19]At first, the story of First Lady Aisha Buhari ordering the arrest and detention of a young man who had made fun of her physical appearance seemed improbable. The writer insisted to the person who shared the story with the writer that there had to be more to the account. There was no way Mrs Buhari would be so small-minded that she would pay attention to a random guy on Twitter that had snidely remarked that she had grown fat feeding on the masses' money. Days after the news was initially reported, neither Mrs. Buhari nor the Department of State Services that allegedly went to the university campus to arrest the undergraduate denied their part in this ridiculous story. That must mean they are as guilty as charged.

Even more bewildering is the account of how the young man in question, Aminu Adamu, was first taken to the state house where he was allegedly tortured in the presence of Mrs. Buhari before he was incarcerated. The writer still cannot fathom the devil that pushed Mrs. Buhari and the DSS to go after a young man whose name you would otherwise not have known. We have always known that the DSS, a government agency still mired in the tactics of arrest and torture that earned them notoriety during the military era, has long lost its way. Arresting Adamu is indelible proof that they are not ready to get started on the path of self-redemption. None of those they sent on the errand to arrest Adamu had the balls to point out that such pettiness was illegal, needless, and would backfire?

While the writer finds comments about people's bodies unnecessary and even distasteful, the writer does not subscribe to abuse. She could take him to court for slander but chose the path of power abuse that earned her husband infamy in 1984. Given that Adamu represents a demographic of the society that worshipped the very ground her husband, Major General Muhammadu Buhari (rtd.), stepped on, his comment must have suggested to her that they had fallen from the people's graces. For one of those same youths who once saw the president as a patron saint of the masses to have referred to his wife as an eater of their destinies, it means they no longer respect him—or her.

[19]Abimola Adelakun 'Now everyone calls Mrs. Buhari fat' <https//:punchng.com> Accessed 17th April,2024.

This instance illustrates the use of censorship and lack of recognizance of the 3 rules in the limitation of the freedom of expression in Nigeria, this is because the arrest and detention of the Mr. Adamu for a comment is clearly and infringement of his right to freedom of expression which further led to the infringement of his right to personal liberty and dignity of human person.

(c). The recent case of the imprisonment of a certain Facebook user known as Chioma Egoji[20]who had published a negative review of a tomato paste brand. Egodi, on September 17 2023 published a product review on her Facebook page, saying, "I went to buy tin tomatoes yesterday that I will use to make stew. I didn't see Gino and Sonia so, I decided to buy this one. When I opened it, I decided to taste it. Omo! Sugar was just too much. Ha, biko, let me know if you have used this tin tomato before because this is an Ike gwuru situation."

The said post has since attracted over 3,900 comments since publication. However, not long after news of Egodi's arrest surfaced on social media, netizens took to different social media to knock the management of Erisco Food, urging others to boycott the company. Addressing social media claims, Erisco Food released a statement, tagging the claims "untrue." The statement also claimed that Egodi's post was "obviously intended to mislead our esteemed customers and discredit the image of Erisco Foods Limited, as previously instigated by some elements and syndicates who are uncomfortable with our increasing market dominance as a leading indigenous manufacturer of tomato pastes. The arrest and further detention of Ms. Chioma and highlighted the rate at which the freedom of expression is violated in Nigeria.

Instances of abuse of freedom of expression in other jurisdictions are as follows:

United States of America:
In the United States of America, the case of *Tinker v Des Moine,s*[21] is a landmark 1969 Supreme Court case which the writer doubt that today's conservative court would decide the same way. From the American Civil Liberties Union website: Mary Beth Tinker was a 13-year-old junior high school student in December 1965 when she and a group of students decided to wear black armbands to school to protest the war in Vietnam. The school board got wind of the protest and passed a preemptive ban. When Mary Beth arrived at school on Dec. 16, she was asked to remove the armband and was then suspended. Four other students were suspended as well, including her brother John Tinker and Chris Eckhardt. The students were told they could not return to school until they agreed to remove their armbands. The students returned after the Christmas break without armbands, but in protest, they wore black clothing for the remainder of the school year — and filed a First Amendment lawsuit. Represented by the ACLU, the students and their families embarked on a four-year court battle that culminated in the landmark Supreme Court decision. Dan Johnston, a young lawyer also from Des Moines and just out of law school, argued the case.

On 24th February, 1969, the court ruled 7-2 that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The court found that the First Amendment applied to public schools, and school officials could not censor student speech unless it disrupted the educational process. Because wearing a black armband was not disruptive, the court held that the First Amendment protected the right of students to wear them.

[20]'Exclusive: why tomato paste reviewer chioma egodi was arrested-Erico food'<https//:punchng.com> Accessed 17th April, 2024.
[21]'landmark cases on freedom of expression'<https//:supremejustia.com/cases> Accessed 17th April, 2024.

United Kingdom:

The case of *Nagla v Latvia*[22]concerned the search by the police of a well-known broadcast journalist's home, and their seizure of data storage devices. Her home was searched following a broadcast she had aired in February 2010 informing the public of an information leak from the State Revenue Service database.The Court found a violation of Article 10 (Freedom of expression) emphasising that the right of journalists not to disclose their sources could not be considered a privilege, dependent on the lawfulness or unlawfulness of their sources, but rather as an intrinsic part of the right to information.

Similarly, the case of *Sunday Times v United Kingdom*[23]concerned the injunction served on the Sunday Times restraining publication of news about the pending civil proceedings brought by parents of children born with severe deformities through the taking of thalidomide by women during pregnancy.The Court found a violation of Article 10 (freedom of expression); this is the first judgment concerning freedom of expression and information via the press.

Other instances of abuses of the right to freedom of expression in neighbouring African Countries are as follows:[24]

a. In Ghana, Mr. Bobie Ansah, an Accra FM presenter, who was arrested on February 10th 2022, over an alleged publication of false news and offensive conduct. The charges relate to a video the journalist posted on social media claiming that President Nana Akufo-Addo's wife had illegally obtained a parcel of state land.

b. On May 28th 2022, Deputy Station Coordinator, Community Radio station, Noah Dameh, was arrested and harassed by the police over false publication charges. The charges relate to a Facebook post by the journalist on May 8th 2022, and a subsequent complaint by Electrochem Ghana Limited. This company granted a controversial concession to mine salt in Ada.

c. On November 1st, 2021, the police arrested and detained a radio presenter, PaaKwesi Simpson, on charges of publishing false news. The arrest followed a false kidnapping claim by a listener who called into Simpson's programme.

d. *In Sierra Leone, May 26, 2022: Mr Sorie Saio Sesay, a reporter with privately-owned Okentuhun Radio FM, was arrested, detained and released on bail after 6 days for publishing alleged ''False information''. Moreover, in February 7, 2022: Head of news at the privately owned Radio BO Kiss 104fm, Mr. Maada Joe, was arrested for discussing a local businessman Alhaji Mohammed Jalloh's alleged debt to another businessman during its weekly programme.*

e. *Liberia, April 15 2019: A $500,000 civil defamation lawsuit was filed against the Roots 102.7 FM radio station and two of its hosts by the Liberian minister of state for presidential affairs, Nathaniel McGill.* Again, in *October 7, 2016, Philipbert Browne, publisher of Liberia's Hot Pepper newspaper, was arrested and jailed for libel on the orders of a civil Law court which alleged that a lawmaker Prince Moye raped a teenage girl in 2013.*

[22]'Freedom of Expression Landmark Cases'<https//:coe.int/en/web> accessed 17 April, 2024.
[23]Ibid .
[24]'Defamation Laws and the Media: What you need to know about Defamation Law' <https//:thecjid.org> accessed 17 April, 2024

f*. The Gambia, January 2, 2012: MomodouJallow of the privately owned Daily News was arrested and charged with Libel. This arrest was in connection with a report in which a woman alleged that a local district chief abused his office in order to reward a lover.* Furthermore, in July 17, 2015: Alhagie Abdoulie Ceesay, Manager, Community station Taranga FM was arrested and charged with sedition for sharing a picture of Gambian President Yahya Jammeh.

6. Conclusion and Recommendations

It is already established through this paper that freedom of expression is essential in the survival of any democratic state and thus, the codification of this right in the Constitution of the Federal Republic of Nigeria and several other statutes as an implied right to political communications. The need to express oneself is an integral aspect of individual autonomy, generally passionate defence from those who see any attempt to limit expression as suppressing their very identity. By contrast, those arguing in favour of limit on freedom of expression point to the fact that it is the very power of expression that creates the potential for harm caused on feelings and for reputation by negative speech.

It is an established fact that the right to freedom of expression is guaranteed by the 1999 constitution of the Federal Republic of Nigeria (as amended) and fiercely guarded too. Subsequently, several other statutes as examined in this paper also guarantee and protect the right the right to freedom of expression.

However, it was observed that the right to freedom of expression is not absolute, thus it has certain limitations such as:

(a) The prevention of disclosure of information received in confidence, this is illustrated in the relationship between a legal practitioner and a client.

(b) For maintaining the authority and independence of the courts where a court of competent jurisdiction gives an order.

(c) As a result of occupying a certain office in the government to prevent the sharing of information received in the course of duty of a government official.

(d) For belonging in the military, police or any other security agencies.

(e) In the interest of security, public safety, public order, public morality and public health.

(f) To protect the rights and freedom of other people.

(g) Defamation laws which provide that people cannot intentionally share lies about other people in a way which affects their reputation.

(h) Data protection laws which limit the sharing and disclosing of personal or sensitive information of other people.

(i) Hate speech laws which restrict the inciting of violence against persons or groups.

It is also observed in the course of this research that the Nigerian courts are effective in the protection of the right to freedom of expression and rarely permit the infringement of the right. As such, the right to freedom of expression is of utmost importance to the survival of democracy in Nigeria. The writer therefore recommend borrowing a leaf from countries such the United States of America, The United Kingdom, France on the exemplary legacy of the protection of the right to freedom of expression, which can be achieved through better training for law enforcement agents to properly understand the ambits of the law of freedom of expression.