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RE-THINKING PRESS AND MEDIA FREEDOM UNDER PRESIDENT BOLA AHMED TINUBU ADMINISTRATION IN THE LIGHT OF A FAILING DEMOCRATIC CULTURE

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Abstract
Freedom of the Press and the Media is the fundamental principle that allows for free communication and expression through various medium, including printed and electronic means. The press and the media play very crucial role in informing citizens about current events, government actions and policies, social issues and the likes without which citizens would lack the requisite information to make informed decisions to call their leaders to account. It plays a very important role in shaping the public agenda and forming public opinion which is central to democratic participation. In this article, the authors examine the practice of press freedom and media independence under the president Tinubu administration and contends that the press and media are under severe attack under President Bola Ahmed Tinubu administration, noting the weaponization of the cybercrime Act to stifle dissenting voices and concludes that such actions of the administration are pushing it to the abyss.

Keywords: Press freedom, media independence, accountability, rule of law, democracy

1. Introduction

There is no doubting the fact that media independence and press freedom are critical cornerstones in democracy and good governance. Freedom of the press and media are fundamental principles that guarantee communication and expression through various media, printed and electronic as a matter of human rights. It is instructive to state that, a free and independent media allows the public to make informed decisions, hold leaders accountable and get to hear divergent opinions free of government influence. Freedom of the press and media encompasses the right to circulate opinion in print without censorship by the government. This includes freedom to seek, receive and impart in formation and ideas of all kinds, whether orally, in writing or in print or through any other media of choice. Restrictions are only permissible when authorized under international human rights law. The right to free press and media independence is succinctly articulated in the Universal Declaration of Human Rights, 1948 as follows: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".[1]

In furtherance of the provisions of the Universal Declaration of Human Rights on the freedom of the press and media, all member states of the United Nations, have included in their Constitutions similar provisions upholding freedom of the press and the media. The importance of press freedom in a democracy has been recognized globally giving birth to "World Press Freedom Day" being May 3rd every year. "World press freedom" day is a day set aside to remind government of the need to respect their commitments to press freedom and an opportunity to celebrate the fundamental principles of press freedom, to assess the state of press freedom throughout the world, to defend the media from attacks on their independence and to pay tribute to journalists who have lost their lives in the line of duty. It is instructive to note that UNESCO, a United Nations agency is saddled with

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[1] See Article 19 of the Universal Declaration of Human Rights 1948

the responsibility of promoting this all important assignment of organizing World Press Freedom Day celebration every year[2], whether indeed, the promotion of World Press Freedom Day Celebrated globally every 3rd day of May every year has translated into enhanced respect for freedom of the press or media can only be ascertained from an appraisal of compliance by the various governments across the globe. This article focus on the re-thinking of the legal protections for the media in a Democracy; Reflections on Media Freedom under President Bola Ahmed Tinubu Administration. President Bola Ahmed Tinubu is acclaimed to be a champion of democracy in Nigeria. Accordingly, it is expected that he is familiar with the important role press freedom and the independence of the media holds in sustaining democracy and good governance.

The Constitution of the Federal Republic of Nigeria 1999 (as altered) which President Tinubu swore to uphold provides for the right to freedom of expression and the press[3]. It is instructive to note that this section does not only provide for freedom to express but also the right to own, establish and operate any medium for the dissemination of information, ideas and opinions[4]. In fact, the constitution has not left citizens in doubt as regards the obligations of the media.[5] It provides to the effect that; the press, radio, television and. other agencies of the mass media at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the people.

One of the core objectives of a free press and independent media is to keep governments in check and accountable. It is pertinent to put on record that subsequent international agreements after the 1948 Universal Declaration of Human Rights, recognized the fact that right to freedom of expression is a competing right which conflicts with other rights to freedom of expression; thus, the need to impose some restrictions with a view to protecting the rights of others. However, such restrictions must be as prescribed by law and are necessary in a democratic society, in the interest of national security, territorial integrity or public safety. It means in effect that press freedom is not an absolute right, but restrictions must be within the law. Whether indeed the President Tinubu administration has for the period under review respected its international obligations as enshrined in the Universal Declaration of Human Right 1948 and it's domestic obligations provided under Sections 39 and 22 of the Constitution of the Federal Republic of Nigeria 1999 (as altered) will be discussed in the proceeding Sentiment of this article.

2. Nature and Character of Violations of Press Freedom and Media under President Tinubu Administration

The President Tinubu administration came with promises and assurances to advocates of press freedom and media independence which has attracted close scrutiny of the credentials of the government as far as press freedom is concern. While addressing owners of media platforms, President Tinubu Promised to support press freedom in his administration, with an assurance to eschew any form of restraint even when the media is not singing the praises of his administration[6]. However, despite the promises, various forms of violations of press freedom are being recorded on daily basis[7]. The violation range from murder, arrest and detention without trial, access denial,

[2] See UNESCO, 'World Press Freed On Day '<https://en.Unesco.org.>Accessed: 29 March 2005

[3] See particularly Section 39(1) of the 1999 Constitution as altered. It provides to the effect that: Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.

[4] See Section 39(2) Ibid

[5] See Section 22, ibid.

[6] Address to Newspapers Proprietors Association (NPAN) 18 December 2023, Abuja.

[7] See Blessing Oladunoye, 'Press Freedom Attack: 140 Violations Recorded Under Tinubu Administration'. Conference Organized by press Attack Tracker hosted by the Centre for journalism Innovation and development (CJID) 1ST November 2024.

sanctions, equipment damage and seizure of property physical attacks, kidnap of journalist etc[8]. In the preceding segment a subject by subject analysis of the violations will be examined.

A. Murder

Journalists suffer diverse forms of victimization in the hands of government officials in the discharge of their functions, often times resulting to death. This happens either because the journalist has stumbled into some sensitive information which the government feels embarrassed with it in public domain or even by powerful individuals connected to some information that will expose them to arrest and prosecution by government. It's obvious that the journalist is not only in danger of attack from government agencies but powerful individuals as well. It is instructive to note that over the years including military regimes. Nigerian journalists have been killed in the line of duty whose cases have remained inclusive[9].

However, for the purpose of this article which is limited to the president Tinubu administration, one journalist, has been established to have lost his life in the line of duty whose name was Hamisu Danjibga, a broadcast journalist with the voice of Nigeria (VON) in Zamfara – His corpse was found 3 days after abduction in September 2023[10]. However, watchers of press freedom and media independence are calling on president Tinubu to take measures to investigate, prosecute and punish those that are alleged to have killed journalists in the past whose cases have remained unapprehended, unprosecuted and unpunished since government is a continuum[11].

B. Arrest and Detention

It is worrisome to note, that between May 29th 2023- May 29th 2024, marking one year in office of the Tinubu administration, 37 cases of press freedom violations were recorded by Press Attack Tracker (PAT) A Civic technology tool of the Centre for Journalism and Innovation Development (CJID)[12]. According to the press Attack Tracker, the Department of state services and other security and enforcement agencies harass and intimidate the press by arbitrarily arresting and detaining Journalists for prolonged periods without trial[13]. The report identified amongst others, the following journalists as having been arrested and detained under very repressive circumstances as against the dictates of press freedom.

I. Segun Olatunji; First News Editor, was arrested on March 15,2024 in his house in Lagos by a team of army, air force and Defence intelligence Agency (DIA) officers blindfolded and taken to Abuja. He was detained for 14 days without trial. More worrisome is the fact that they had to arrest his wife to show them their house even when he was not on the run[14].

II. Daniel Ojukwu; A reporter with the Foundation for Investigative Journalism was arrested on May 1, 2024, without any trace of his where about by his colleagues, family and friends, as his phones were switch off, consequent to which a report of a missing person was lodged at a police station. It was later found that Mr Ojukwu was detained at the state criminal investigation Department, panti, Lagos on allegation of violating certain section of the 2015 cybercrime Act. He was later transfered to Abuja and detained at the Nigeria Police Force National cybercrime center. It was established afterwards that his arrest and

[8] Ibid.

[9] See Press Freedom Attack: 140 Violation Recorded under Tinubu's Administration. BONEWS. bonewssng. com. accessed: 1 April, 2025. see also Media Rights Agenda-Report of May 2022 that 19 Nigerian journalists have been brutally murdered since Nigeria's return to democracy in May 1999.

[10] HumAngle .humanglemedia.com accessed 4 April 2025.

[11] Ibid.

[12] 'Attack on Journalists' <Premiemtumesng. com =>accessed 3 April 2025.

[13] See 'Tinubu Security Agencies' **https://9newsng.com** /three Nigerian-journalist –who have been arrested by security operatives under Tinubu administration photos .Data accessed 3 April 2025.

[14] Ibid.

detention was as a result of a report he carried concerning a Special Assistant to the president[15].

III. Kasarachi Aniogolu; a journalist with whistler Newspaper, Abuja, was arrested on the 22 February, 2024. While covering a raid on Bureau De Change by the operative of anti-violence crime unit of the Nigeria Police Force Wuse zone 4. She was however released within 24hours following collective efforts of media outlets, human rights organizations and concerned individuals who amplified the injustice associated with her arrest[16].

IV. Achadu Idibia; a Journalists with Daybreak Newspapers was arrested in Kaduna on the 13th day of November 2023, as a result of a report he made on Kaduna Haj camp a titled, "Kaduna Haj camp, a national Shame, men, women sleep together in over-rounded halt investigation." He was later released as a result of public outcry[17] .

V. Godwin Isa; a journalists with "Daily Sun" was arrested in Abuja while covering a peaceful protest by Abuja mechanics and spare parts dealers. Isa was detained alongside the protesters at Utako Police Station and denied access to his office, family, friends and lawyers. His phone was not only damaged, but was also forced to delete all videos connected to the protest, before he was released[18].

VI. Precious Eze; a blogger and multimedia content creator was arrested on December 12, 2023 and detained in a facility in Lagos without access to family and friends, but was subsequently released when some human rights activists visited the facility[19].

VII. Mienapamo Onisha Saint; a Bayelsa- based, News Blogger and owner of "Niger Live TV", saint Onitsha, was arrested and detained at Kuje custodial center in Abuja over allegations of deformation and cyber stalking against the then interim Administrator of the presidential Amnesty programme Major General Barry Ndiomu. He was subsequently released following the intervention by the committee to protect journalists[20] .

VIII. Babatunde Abdulrazaq and Oluwatoyin Bolakale; both are publishers of an independent News Web Site, "Just Event online and the sitcom media "were arrested over their critical reporting about a politician in Kwara State. They were charged with cyber stalking and conspiracy. They were both discharged of the allegations[21].

It is pertinent to state that space constrains will not allow us analyze all cases of arbitrary arrest and detention of journalists in their line of duty. The above analysis captures clearly the nature and characters of the harassment of journalists by way of arrest and detention to silence the press.

C. Access Denial

Another approach adopted by security agencies to stifle press freedom is the denial of access to information by preventing or banning the press from covering certain government functions and political activities including court proceedings[22]. Most recent of such denials of access is the barring of journalists from covering the recently concluded Edo State Election Tribunal by the Department of States Services (DSS)[23]. More worrisome is the fact that the affected journalists were seen within

[15] Ibid.
[16] Ibid.
[17] See 'Abduction detention:Echoes of Abach-era Media clamp down resound under Tinubu' punch Newspapers, <punching.com> accessed 4 April 2025
[18] Ibid.
[19] Ibid.
[20] Ibid.
[21] Ibid.
[22] Journalists were barred from covering the arrangement of the Former Governor of Kwara State, Abdullahi Ahmed on February 23, 2023. Furthermore journalists were attacked and chased away from covering the APC governing primary election in Edo state in the same month.
[23] Bonews. Bonewsng.com; Attacks on Journalists Dominate Nigeria Press Freedom Violations in January. MEIN Report. accessed 5 April 2025.

their tags, and identity cards, yet they would still be harassed and chased away which suggests that the security agencies were being deliberate about the attack.

D. Physical Attack

Journalists were seen to be massively attacked, beaten and in some cases stripped naked across the country during the 2023 presidential elections that brought President Tinubu to Power. These attacks were either by security agencies or political thugs or supporters[24]. Physical attacks on journalist are common occurrences under the Tinubu administration, but more worrisome is the impunity with which the security agencies go about it. Soldiers are actively involved in harassing journalists on issues relating to civilians and politicians, for examples the arrest, beating and handcuff of Dele Fasan, a regional bureau chief for "Galaxy Television" by soldiers in Delta state. Fasan's crime was that he was filming a protest against hardship by residents of the state[25]. In the same Vein Political thugs harassed and beat up Chinagorom Ugwu, a "Premium Times" reporter while covering the off season governorship election in unit 028 in Ama in Oru East Local Government Area of Imo State[26]. Others are precious Eze, an online publisher and Journalist, Bunmi Adigun of Ogun State Television[27], also Mustapha Usman, an Abuja based journalist was harassed and beaten by officers of the Federal Road Safety Commission for filming them for harassing a female driver[28].

It is instructive to note that the attack on press freedom is not limited to journalist alone but also media outlets which they work for. According to SERAP, it has become a matter of concern; the impunity of violations of the human rights of journalist, bloggers, human rights defenders and activists continue to seriously impair human rights, including the rights to freedom of expression, peaceful assembly, association, information and media freedom and discourage critical reporting by the media[29]. This concern is clearly manifesting from the shutdown or threats of litigation against media houses by government agencies. For example, the threat of a law suit against "African Independent Television" (AIT) and "Channels Television" by lawyers to DSS for a report on their invasion of the Lagos House of Assembly on 17th February 2025[30] The harassment on the media is not limited to the print media, but extends to social media as well. This can be seen in the weaponization of the cybercrime Act, particularly section 24(1) and 38, which allows law enforcement agencies to access and intercept data from any computer system or network and arrest journalists without a court order. Government on its part has continuously tried to justify their actions that stifle the press and media. However, whether or not their explanations are sustainable in law and justifiable in a democratic society will be examine in the preceding segment of this article.

3. The Weaponization of the Cybercrime Act to Stifle Press and Media Freedom

Nigeria is a signatory to the Universal Declaration of Human Rights, 1948 and the African Charter on Human and Peoples Rights, both of which provide for freedom of the press and media. Further to these international and regional instruments, Nigeria is obligated to protect, promote and defend press and media freedom in all ramifications consistent with these obligations. The Nigerian state has provided in its constitution for the right to freedom of expression and the press[31]. However, the

[24] You Tube-News Central Tv on the State of Press Freedom under President Tinubu. Accessed 05 April 25.
[25] <Press freedom-westafricaweekly.com >accessed 5 April 2025.
[26] Ibid.
[27] Ibid.
[28] See 'African Arguments: africanarguments.org Nigeria: The impurity of Tinubu War on the Media' = Date Accessed 5 April 2025.
[29] See Serap-nigeria.org'' immediately release Dele Farotimi, Stop targeting Journalists, activists; SERAP, NGE Tell Tinubu Govt< Others Date Accessed 5 April 2025.
[30] Ibid.
[31] See sections 22 and 38 of the constitution of the Federal Republic of Nigeria 1999 as altered

government of president Tinubu sees the media as a social menace that must be regulated[32]. Accordingly, the Tinubu administration takes a cover from the vague provisions of the cybercrime Act 2015, as amended to harass and torment and intimidate the Nigerian Press. Section 24(1) of the cybercrime Act provides to the effect that:

> A person who knowingly or intentionally sends a message or any other matter using computer system or network that is grossly offensive, Pornographic or of an indecent, obscene, or menacing character or causes any such message or matter to be sent, or he knows to be false, to cause annoyance, inconvenience, danger or obstruction, insult, injury, criminal intimidation, enmity, hatred ill will or needless anxiety to another or causes such a message to be sent commits an offence under this Act and is liable on conviction to a fine of not more than ₦7,000,000.00 or imprisonment for a term, not more than three years or both.

This is the weapon used by government of Bola Ahmed Tinubu to legitimize its attempt to silence the press[33]. Hiding under the cybercrime Act, a number of Journalists and media practitioners have been arrested, tortured and prosecuted, sometimes their equipment damaged[34] The list of Journalists having encountered the draconian provision of the Act include amongst others; Segun Olatunji, Fisayo Soyombo, Danied Ojukru, Nurudeen Akewushola, Dayo Aiyetan, Marcus Fatunmole Gidado Shuaib Yushau, etc. Following the arbitrary application of the cybercrime Act by Security agencies and some government official, the ECOWAS Court had ruled that the draconian section 24(1) of the cybercrime Act was inconsistent and incompatible with article of the African charter on Human and Peoples Rights and article 19 of the international covenant on civil and political Rights. It is pertinent to state that the Judgment of the ECOWAS Court is binding on member states which Nigeria is One.

In any case, the Tinubu administration cannot sustain its claim to national Security because going by the 1995 Johannesburg Principles on Freedom of Expression and National Security, which outlines the circumstances under which freedom of expression might legitimately be limited on grounds of national security, none of the cases meet the standard. The Johannesburg Principles agrees that issues relating to defense plan, weapon development and the operations and sources used by intelligence services, can legitimately be applied to withhold information in some narrowly defined Circumstances[35].

It is instructive to state that the right to freedom, entails that no person should be deprived of his freedom arbitrarily without a just cause, no person can be detained without trial and that everyone has the right to be free from all forms of violence from public or private source[36]. What the Nigerian press is passing through under president Tinubu administration is the complete opposite of what freedom entails. This is because Journalist are arrested, detained without trial for long periods, even at the instance of powerful individuals friends or relations of military officers which cannot be linked to national security. There is therefore no doubting the fact that the administration is out to silence dissenting voice in the country which negates democratic principles.

4. Conclusion

President Bola Tinubu who prides himself as an astute NADECO member and champion of democracy which sent the military back to the barracks in 1999, came to office with a lot of promises and assurances following his "Renewed Hope Manifesto" Which promised to respect rule

[32] See Features News may29, 2024. One year after: However media, press freedom fared under president Tinubu. Date Accessed: 5 April 2025.
[33] Ibid.
[34] Ibid.
[35] See mediadefence.orglimting Media Freedom on grounds of National Security .Date Accessed 5 April 2025.
[36] Ibid.

of law by ensuring that all Nigerians are afforded equal treatment under the Law. President Tinubu also under took protect and defend press freedom as guaranteed by the constitution and other extant international Human Rights instruments. However, no sooner than the administration had settled down, Nigerians were thrown into some sort of unprecedented patterns of arbitrary arrests and detention of journalists and Media practitioners by security agencies in complete disregard to the nations international and regional obligations to protect, promote and defend press freedom.

The press freedom compliance credentials of the Tinubu administration have further declined with the enactment of the cybercrime (amendment) Act 2024, which criminalizes legitimate and factual expressions by the press and media in the guise of National Security. This article acknowledges the robust provisions guaranteeing press freedom under sections 39, 40 and 41 of the Constitution of the Federal Republic of Nigeria 1999, as amended but also notes that section 45 of the same Constitution seems to have taken away these rights which the government is relaying on to curtail press freedom in the guise of national defence, public safety and public morality. This article argues that the approach by the Tinubu administration falls short of the basic requirements of the rule of law which he swore to observe. Resorting to abduction of victims and detaining them without allowing them access to their Lawyers, Families and Friends is an action that must not be allowed to strive. With about 50 Incidences of attacks on journalist and media organization recorded within one year of his administration which includes arbitrary arrests and detention, abduction of journalist, torture by security personnel, physical attacks on media personnel speaks volumes about the democratic credentials of the government which calls for a rethink. There is no doubting the fact that any government that is doing everything in words and action to censor dissenting voices while encouraging praise singers is on a downhill slide to the abyss.