Published by

British Journal of Contemporary Research

BEXFORD PUBLISHING

Freedom of the Press and Nigerian Official Secrets Act 2004

Original Research Article | Volume 1 | Issue 2 | 2026 | Article Number: 039

Accepted: 01 July 2026 | Published: 10 July 2026 | ISSN: 2979-8582 (Online)

Crossref doi : **https://doi.org/10.67693/BJCR-EJVKYA3Y**

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Abstract

The 1999 Nigerian Constitution guarantees fundamental rights, including the right to freedom of expression and the Press to all citizens of Nigeria, including journalists. This paper evaluates some salient provisions of the Nigerian Official Secrets Act 2004 on the freedom of the Press. The research methodology utilised is mainly doctrinal analysis of applicable primary and secondary sources. The paper finds that the definition of classified matter under section 9(1) of the Nigerian Official Secrets Act 2004 is too wide and susceptible to abuse, as it allows the government to declare anything it likes as a classified matter and therefore not to be disclosed or revealed to the public without authorisation. The paper suggests that the Nigerian Official Secrets Act 2004 should be amended in its section 9(1) to define classified matter as only the information and public record which border on the defence and national security of Nigeria.

Keywords: Official Secrets, the Press, Freedom of the Press, Media Law Nigeria, Press Freedom Constitutional Protection.

I. General Introduction and Research Problem

It should be recalled that between 1861 and 1960, Britain colonised territories comprising the present day Nigeria. The Official Secrets Ordinance of 1891 was an early piece of legislation within the British Empire, basically-introduced in colonial jurisdictions like Hong Kong and Nigeria, to safeguard classified government information and protect military installations from espionage activities.[1]

The country Nigeria came into being on 1 January 1914, due to the amalgamation of the Colony of Lagos and Protectorate of Southern Nigeria as well as the Protectorate of Northern Nigeria by Lord Fredrick

[1] See the Official Secrets Ordinance No. 2 of 1891, Preamble, ss 1.1.1, 1.1.2, 1.1.3, 1.1.4 and 2.1.1, 2.1.2 and 2.1.3.

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Lugard, the British Colonial official who was appointed by Britain as the first Governor-General of the country[2].

On 1 October 1960, Nigeria was granted independence by Britain. The 1891 Official Secrets Ordinance was one of the precursors to the Nigerian Official Secrets Act. It was enacted into law on 13 September 1962 by the civilian administration of Tafawa Balewa who was Prime Minister of Nigeria[3]. In 1990, the Nigerian Official Secrets Act[4] 1962 became the Nigerian Official Secrets Act 1990.[5] This was not a new enactment. '1990' refers to the laws of the Federation of Nigeria 1990 codification. The enactment above, subsequently became the Nigerian Official Secrets Act[6] 2004. Also, this Act was not new legislation. '2004' refers to the laws of the Federation of Nigeria 2004 codification.

Section 1(1) (a) and (b) of the Nigerian Official Secrets Act 2004 provides that:

> Subject to sub-section (3) of this section, a person who-
>
> a) transmits any classified matter to a person whom he is not authorized on behalf of the government to transmit it; or
> b) obtains, reproduces or retains any classified matter which he is not authorized on behalf of the government to obtain, reproduce or retain, as the case may be, is guilty of an offence.

A public officer commits an offence if he fails to comply with any instructions given to him on behalf of the government, as to the safeguarding of any classified matter which by virtue of his office is obtained by him or under his control.[7]

Also, it is provided that a person who, for any purpose prejudicial to the security of Nigeria: (a) enters or is in the vicinity of, or inspects a protected place; or (b) photographs, sketches or in any other manner whatsoever makes a record of the description of, or of anything which is situate in a protected place; or (c) obstructs, misleads or otherwise interferes with a person engaged in guarding a protected place; or (d) obtains, reproduces, or retains any photograph, sketch, plan, model or document relating to, or to anything which is situate in a protected place commits an offence.[8]

Furthermore, it is provided under section 3(1) of the Act above that the president of Nigeria may during any period of emergency by order provide that during the continuance of that period of emergency, no person shall without leave in writing granted by the Nigerian president, photograph, sketch, or in any other way whatsoever make any record of the description of, such things or adapted for use for defence purposes as may be so specified by the order of the Nigerian president. Anybody who contravenes the order above is guilty of an offence.[9]

It can be seen clearly that the Nigerian Official Secrets Act 2004 is aimed at preventing the disclosure to the public of any material which the government considers as classified matter. In the words of Asemah,

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[2] See AE Abuza, "Election-less or non-election democracy: a missing link in finding permanent solutions to the problem of electoral malpractices in the politics of Nigeria" (2020) 46(2) *Commonwealth Law Bulletin* 274.
[3] F.M. Oduah, *'Freedom of Information Act, Official Secrets Act and Press Freedom in 21st Century Nigeria: How Free is the Press?'* (2015)1 (1) Communication Panorama African and Global Perspectives 6. <https://en.m.wikipedia.org>wiki> accessed 8 November 2023.
[4] No 29 of 1962.
[5] Cap 335 Laws of the Federation of Nigeria (LFN) 1990.
[6] Cap 03 LFN 2004.
[7] Section 1(2) of the Nigerian Official Secrets Act 2004.
[8] *Ibid.,* s 2.
[9] *Ibid.,* s 3.

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the Act above 'serves as a check against the publication of highly confidential information or documents that may weaken or limit the integrity of any government and, by extension, threaten the security of the State'.[10] One key-point about the Nigerian Official Secrets Act 2004 is that it, also, binds citizens of Nigeria in diaspora.[11]

It can be argued that the provisions of the Nigerian Official Secrets Act above are not unconstitutional, as the Nigerian Official Secrets Act 2004 can be regarded as a law that is reasonably justifiable in a democratic society.

The provisions of section 39 of the Constitution of the Federal Republic of Nigeria 1999 (the 1999 Nigerian Constitution)[12] which guarantees to all citizens of Nigeria the right to freedom of expression and the Press are instructive. To be specific, sub-section (3) of section 39 of the 1999 Nigerian Constitution declares as follows:

> 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 telephone, 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 or other Government security services or agencies established by Law.

It is discouraging that the 1999 Nigerian Constitution does not in its section 39 above provide in explicit terms for the freedom of the Press. No doubt, this is a lacuna in the Constitution above. The position in Nigeria is in contrast with the position in other nations such as Zimbabwe and Kenya where the constitution guarantees in explicit terms the freedom of the Press.[13] It needs to be pointed out that the provisions of section 39 above are complemented by the provisions of section 22 of the 1999 Nigerian Constitution which declares that:

> The Press, radio, television and other agencies of the mass media shall 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.

Malemi, rightly asserts that by virtue of the provisions above, the constitutional power, function, right, obligation, or duty of the Press to the Nigerian nation and its people are two-fold, that is:

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[10] Quoted in F.M. Oduah, 'Freedom of Information Act, Official Secrets Act and Press Freedom in 21st Century Nigeria: How Free is the Press? (2015)1 (1) *Communication Panorama African and Global Perspectives* 6.
[11] *Ibid*.
[12] Cap C 23 LFN 2004.
[13] See, for example, the Kenyan Constitution 2010, s.34 (1) & (5).

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> 1) to uphold and help government to realise the Fundamental Objectives and Directive Principles of State Policy, as set out in the Nigerian Constitution, 1999; and
> 2) as a watchman, to uphold the responsibility and accountability of the government to the Nigerian people.[14]

Of course, the provisions above bestow on members of the Press in Nigeria, the role of a watchdog in Nigeria's democracy.

It is, also, disappointing that section 6(6)(c) of the 1999 Nigerian Constitution has rendered non-justiciable the provisions of section 22 above and other provisions in Chapter Two of the 1999 Nigerian Constitution.[15] This implies that a member of the Nigerian Press cannot seek to enforce in the law court the rights guaranteed in section 22 above. This is another lacuna in the 1999 Nigerian Constitution.

Sub-section (1) of section 45 of the 1999 Nigerian Constitution is, also, another significant constitutional provision. It declares that nothing in sections 37, 38, 39, 40 and 41 of the 1999 Nigerian Constitution shall be considered to render any law invalid which is reasonably justifiable in a democratic society in the interest of public order, public safety, defence, public morality, public health and for the purpose of protecting the right and freedom of other persons. This implies that the right to freedom of expression and the Press guaranteed in section 39 above is not absolute, as it can be restricted or taken away by a law which is reasonably justifiable in a democratic society in the interest of defence and so on.

It is regrettable that the 1999 Nigerian Constitution above does not in section 45 above or any other provision define the elastic terms of defence, public safety and so on., so as to guard against the unreasonable restrictions of the right to freedom of expression and the Press and other fundamental rights contained in the provisions mentioned in section 45(1) above. This is another lacuna contained in the Constitution above.

Again, the Freedom of Information Act 2011 enacted pursuant to the provisions of section 39 above which in its section 1(1) allows a person to request information in the form of writing or not in writing which is in custody or possession of any public official, agency or institution provides in its sections 5, 11, 12, 15, 16, 17, 18 and 19 for circumstances where a public institution can deny a journalist or any information seeker access to such information he wants on the ground that it is considered by the government to be a classified matter.

The Nigerian Officials Secret Act 2004 has defined classified matter thus:

> "Classified matter" means any information or thing which, under any system of security classification, from time to time, in use by or by any branch of the government, is not to be disclosed to the public and of which the disclosure to the public would be prejudicial to the security of Nigeria.

The definition above allows the government to declare anything it likes as a classified matter. In this way, the definition of classified matter is too wide. It confers on the governmental authorities,

[14] E. Malemi, *Mass Media Law* (3rd edn., Princeton Publishing Co., 2009) 5.
[15] *Musa Baba Panya v. President of the Federal Republic of Nigeria and Two Others [2018] 15 NWLR (part 1643) 395, 401-402, Court of Appeal (CA), Nigeria.*

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wide-discretionary power to determine what is a classified matter which is susceptible to misuse. This is a lacuna in the Act above. These lacunae constitute the rationale for undertaking this research.

Research Objectives

The following are the research objectives of the paper:

1. Evaluate the Nigerian Official Secrets Act 2004, as it affects the freedom of the Press.
2. Give the meaning of the Press, freedom of the Press, journalism, journalist and classified matter.
3. Analyses of applicable laws such as the Nigerian Official Secrets Act 2004 and case-law on the freedom of the Press.
4. Highlights the practice in other countries.
5. Offers suggestions and recommendations which, if implemented, could effectively address the short-comings of the Nigerian Official Secrets Act 2004.

Research Questions

The following are the research questions of the paper:

1. Are the provisions of the Nigerian Official Secrets Act unconstitutional?
2. Does section 39 of the 1999 Nigerian Constitution provide in explicit terms for the freedom of the Press?
3. Do the provisions of other countries' constitutions provide in explicit terms for the freedom of the press?
4. Can a member of the Nigerian Press seek to enforce in the law court the rights guaranteed in section 22 of the 1999 Nigerian Constitution?
5. Has the Nigerian Official Secrets Act not taken away with the left hand freedom of the Press which the 1999 Nigerian Constitution and other Media laws gave to the Press with the right hand?
6. Is the Nigerian Official Secrets Act a law reasonably justifiable in a democratic society for the aim of preventing the disclosure of information that is received in confidence and so on?

Research Methodology

The authors adopted mainly the doctrinal research method. It deals with the retrieval of all necessary and relevant source materials from primary and secondary sources dealing with the subject-matter of this research. Primary sources include relevant domestic legislation, international instruments and judicial decisions. Secondary sources, on the other hand, include textbooks, dictionaries, legal encyclopedias, periodicals, newspapers, internet sourced materials and annals of relevant professional bodies.

II. Conceptual Framework

A. Concept of the Press

The Meriam Webster Dictionary[16] defines "Press" as:

1. The gathering and publishing or broadcasting of news;
2. Newspaper, periodical and often radio and television news broadcasting;[17]
3. Newsreporter, publishers, and broadcasters;[18]
4. Comments or notices in newspapers and periodicals.[19]

[16] <https://www.MerriaWebster.com>accessed 23 September 2023.
[17] *Ibid*.
[18] *Ibid*.
[19] *Ibid*.

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The word "Press" is, also, defined in section 37 of the Nigerian Press Council Act 2004 thus: ' "Press" includes radio, television, wireless services, newspapers, magazines and such other channels of communication involved in the collection and dissemination of information'. The definition is broad enough to include, as part of the Press, internet services providers (ISP) or social media platforms, including Twitter, YouTube, Google, Facebook and WhatsApp. It should be noted that another name for the Press is media.

B. Concept of the Freedom of the Press

Freedom of the Press constitutes other key-words in this paper. The meaning is, also, fairly well-known. It is the right of members of the Press to receive or collect and disseminate information, ideas and opinions within the law. This right is seen in sections 39 (1) and (2) and 22 of the1999 Nigerian Constitution. It, therefore, means that freedom of the Press is the unrestrained right and liberty of the Press to express opinion and to seek for, have access to publish any information which appears to be newsworthy and/or in the interest of the public, subject to the law of the land.[20]

C. Concept of Fundamental Rights

The words 'Fundamental Human Rights', also, constitute key-words in this paper. They are the enforceable rights guaranteed to all citizens in a country's fundamental law which is the Constitution, the organic law from which other laws derived their validity. In Nigeria, the rights which are fundamental rights, include the right to freedom of expression and the Press.

D. Concept of Official Secret

According to the *Cambridge Dictionary,* Official secret is the piece of information that is known only by the government and its employees. Government information can be classified or non-classified. Official secrets are mostly classified information.

III. Historical Development of Official Secrets Law in Nigeria.

In this sub-section, the discourse shows that the Official Secrets Laws date back to the period when Nigeria was under the colonial rule of Britain. It should be re-iterated that between 1861 and 1960 Britain colonised Nigeria.

It is an open secret that the colonial Press, including the *Iwe-Irohin,* established in 1859 by Reverend Henry Townsend were very critical of the British colonial authorities[21]. This prompted the enactment of the Official Secrets Ordinance in 1891,[22] among other colonial legislation. The Ordinance above was enacted during a period when the British Empire was keen to protect its colonial administration and defence interests. The 1891 Ordinance above defines Government information as any record, document, communication or material, in any form or by any means created, received, or held by or on behalf of either a Ministry, Department, Agency or other governmental body[23]. It is noteworthy that Government information could either be classified information or matter or unclassified information or matter.

According to the Ordinance above, authorised person is any individual or body granted lawful access to Government information under the Ordinance or by written warrant[24]. Protected information refers to any Government information which in the opinion of the relevant Diarch, Premier, Department head or other

[20] Malemi (n14).
[21] See M. Maringues, 'The Nigerian Press Current State, Travails and prospects' in K. Amuwo et al (eds), *Nigeria During the Abacha years* (1993 - 1998) (IFRA Nigeria 2001) 1-2, <https://doi.org/10.4000/books.ifra.640> accessed 1 October 2001.
[22] No.2 of 1891.
[23] The Official Secrets Ordinance 1891, s. 1.1.1.
[24] *Ibid*., s 1.1.2.

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authorised person or body, requires protection in the interests of public safety, order or the State's dignity, and which has been so designated in writing[25]. While unpermitted disclosure refers to any communication, publication, or distribution of Government information to a person not lawfully entitled to receive the same[26].

The Official Secrets Ordinance 1891 provides for offences and liabilities. For example, it is an offence for any person who without proper permission illicitly enters any premises in which protected information is kept or utilised, for the purpose of obtaining the same[27]. Also, it is an offence for any person if without proper permission take or copy protected information from a government place or from someone or somewhere trusted with it[28]. Going by the above, the Ordinance aims to prevent espionage age and unauthorised access to protected places' or classified matter.

Again, it is an offence for any person if without proper permission keep protected information and pass it to someone not allowed to receive the same[29]. Thus, the Ordinance aims to restrain public servants from leaking confidential information.

Furthermore, it is an offence for any person to aid, encourage, or request someone else to commit an offence under the Ordinance above[30].

Section 4 of the Official Secrets Ordinance 1891 provides penalties for the unauthorised communication, publication, or distribution of government information. To be specific, any person found guilty of an offence under the Ordinance above shall be liable to: (1) for the first offence, not more than seven years imprisonment;[31] (2) if the person is a government officer, servant, or contractor, not more than ten years imprisonment;[32] and (3) if the disclosure causes serious harm to the safety of the State or her people, the sentence shall be up to 25 years imprisonment;[33]

After independence was accorded to Nigeria in 1960 by Britain, the civilian administration of Abubakar Tafawa Balewa enacted into Law on 13 September 1962 the Nigerian Official Secrets Act 1962. In 1990, the Act above became the Official Secrets Act 1990. This was not a new enactment. "1990" refers to the laws of the Federation of Nigeria 1990 codification. It has been disclosed that the Act above subsequently became the Nigerian Official Secrets Act 2004. Similarly, this Act was not a new enactment. "2004" refers to the laws of the Federation of Nigeria 2004 codification.

It is clear that the Nigerian Official Secrets Act 2004 like its 1891 counterpart aims at, among other things, preventing the disclosure to the public of government information which may include classified information by governmental officials without proper authorisation and penalising authorised communication, publication and distribution of such government information. It should be noted that the Act above, also, binds citizens of Nigeria in diaspora.

It has been disclosed already that the Nigerian Official Secrets Act 2004 is not unconstitutional, as it is in consonance with the provisions of sections 39 and 45 of the 1999 Nigerian Constitution. The major problem with the Act above, however, is that the definition of classified matter under the Act above is that which allows the governmental authorities to declare anything they like as classified matter. This is unacceptable, as it is liable to misuse.

[25] *Ibid*., s 1.1.3.
[26] *Ibid*., s 1.1.4.
[27] *Ibid*., s 2.1.1.
[28] *Ibid*., s 2.1.2.
[29] *Ibid*., s 2.1.3.
[30] *Ibid*., s 2.2.
[31] *Ibid*., s 4.1.1.
[32] *Ibid*., s 4.1.2.
[33] *Ibid*., s 4.1.3.

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A cardinal point to make at this juncture is that the promulgation of the Nigerian Official Secrets Act 2004 is not unique to the country. It is in accordance with the practice in other countries, including the UK, South Africa, the USA and Kenya.

IV. Brief History of the Freedom of the Press in Nigeria

It is an open secret that people should be informed about how they are governed, and what is going on in the world around them[34]. The duty of disseminating this information is, therefore, bestowed on the Press or mass media.[35] It is the duty of the Press or mass media to inform, enlighten, educate and sensitise the people about their nation.[36] This duty can only be realisable if the Press or mass media is free to carry out its constitutional duty of reporting the activities of the government and the citizens without any restriction.[37]

Many countries of the world, including the United States of America (USA), the United Kingdom (UK), India, South Africa and Kenya provide for fundamental rights, including the freedom of expression and the Press in their constitutions.

In Nigeria, the provision of fundamental rights in the constitution can be traced to the work of Henry Willink's Commission. It should be recalled that about the period of Nigeria's independence, some minority ethnic groups had expressed the fear of domination by the majority ethnic groups.[38] This prompted the British colonial authorities of Nigeria to constitute the Willink's Commission to examine the matter. It is noteworthy that the Commission found that the fear of domination was genuine and consequently recommended that provisions on fundamental rights be entrenched in the 1960 Independence Constitution of Nigeria to protect minority rights.[39]

Section 24(1) of the 1960 Independence Constitution of Nigeria provides for the freedom of expression and the Press. It states thus:

> every person shall be entitled to freedom of expression, including the freedom to hold opinions and to receive and impact ideas and information without interference.

The provisions above were, also, embraced by the 1963 Republican Constitution. To be specific, section 25 (1) of the 1963 Republican Constitution of Nigeria states that:

> Everybody shall be entitled to freedom, including freedom to hold opinions and ideas and information without interference.

In 1979, the Constitution of the Federal Republic of Nigeria 1979 provided for the freedom of expression and the Press in its section 36 (1). It declares thus:

> every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive, impact ideas and information without interference.

[34] D.F. Tom, *Nigerian Press Law* (Chenglo Ltd., 2006) 1.
[35] *Ibid*.
[36] *Ibid*.
[37] Quoted in *Ibid*.
[38] See Report of the Commission Appointed to Enquire into the Fears of Minorities and the Means of Allaying them (HMSO 1958) Cmnd 505.
[39] *Ibid.*

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The provisions of sub-section (2) of section 36 of the 1979 Nigerian Constitution are significant. They provide thus:

> Without prejudice to the generality of sub-section (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, shall own, establish or operate a television or a wireless broadcasting station for any purpose whatsoever.

The provisions above are complemented by section 21 of the 1979 Nigerian Constitution[40]on the obligations of the mass media. It declares that:

> The Press, radio, television and other agencies of the mass media shall 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.

It is important to observe that the 1999 Nigerian Constitution adopts the provisions above in its sections 39 (1) and (2) and 22, respectively.

There is no doubt from the foregoing, that the freedom of expression and the Press are guaranteed in the Nigerian Constitutions of 1960, 1963, 1979 and 1999. However, the problem is that the freedom of expression and the Press have not been easy to assert and claim. This is due to some reasons. First, the Constitution of Nigeria places limitations on the freedom of expression and the Press. For instance, section 39 (3) of the 1999 Nigerian Constitution allows the enactment of any law that is reasonably justifiable in a democratic society for the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of the court or regulate telephony, wireless broadcasting, television or the exhibition of cinematography films or imposing restrictions upon persons holding office under the Government of the Federation or of a State and so on.

Also, section 45 (1) of the 1999 Nigerian Constitution allows the enactment of any law that is reasonably justifiable in a democratic society which derogates from the freedom of expression and the Press guaranteed in section 39 (1) above.

Furthermore, the freedom of the Press was not specifically-guaranteed under section 39(1) above, unlike the position in other countries like Zimbabwe and Kenya, as disclosed already.

Finally, as disclosed before, section 6 (6) (c) of the 1999 Nigerian Constitution renders non-justiciable the right of the Press to uphold the responsibility and accountability of the Government to the people. This implicates that a journalist or any member of the Press cannot seek sanctuary under section 22 above to institute an action in the court of law if the provisions contained therein are contravened by governmental leaders.

V. The Nigerian Official Secrets Act 2004

[40] Cap 62 LFN 1990.

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It has been indicated before that the Nigerian Official Secrets Act was originally enacted in 1962 by the civilian administration of Tafawa Balewa on 13 September 1962. As already disclosed, the Nigerian Official Secrets Act 2004 was not a new enactment. It should be repeated that "2004" refers to the laws of the Federation of Nigeria 2004 codification. It is a law enacted in Nigeria to prevent the publication or disclosure to the public of any material which the government views or sees as confidential.

Confidential matters or materials are tagged classified by the government, meaning secret and or confidential and as such must not be revealed.[41]The Preamble to the Act states that it is an Act to make further provision for securing public safety; and purposes connected therewith. The Act is applicable throughout Nigeria and also binds citizens of Nigeria in diaspora, as disclosed before. The rationale and very essence of the Act above, according to Nwodu, is to:

a) restrain garrulous and mischievous public servants from leaking government's Confidential Information;
b) to check the excesses of overzealous Journalist who may, out of desperation, publish top government secret information that may threaten the stability of the State;
c) to safeguard the security of the State by checking access to and publication of secret information likely to cause pandemonium, chaos, anarchy and mass action against the government.[42]

Section 1 (1) (a) and (b) of the Nigerian Official Secrets Act 2004 is very significant. It provides as follows:

> Subject to sub-section (3) of this section, a person who transmits any classified matter to a person to whom he is not authorized on behalf of the government to transmit it, or obtains, reproduces or retains any classified matters which he is not authorized on behalf of the government to obtain, reproduce or retain, as the case may be, is guilty of an offence.

A public officer who fails to comply with the instruction given to him on behalf of the government, as to the safeguarding of any classified matter which by virtue of his office is obtained by him or under his control is guilty of an offence.

Also, another relevant provision is section 2 of the Act above.It states as follows:

a. a person who for any purpose prejudicial to the security of Nigeria-
b. enter or is in the vicinity of or inspect a protected place; or
c. photographs, sketches or in any manner whatsoever makes a record of the description of, or of anything situated in a protected place; or
d. obstructs, misleads or otherwise interferes with a person engaged in guarding a protected place; or
e. obtains, reproduces or retains any photograph, sketch, plan, model, or document relating to, or to anything situated in, a protected place is guilty of an offence.

Furthermore, section 3 (1) of the Nigerian Official Secrets Act 2004 is another relevant provision. It states that:

> The President may, during any period of emergency within the meaning of section 305 of the constitution of the Federal Republic of Nigeria, by order provide

[41] Oduah (n 10) 19.
[42] L.C. Nwodu, *'Journalism Practices: News aesthetics, ethics and laws'* (Rhyce Kernex Publishers, 2006) 16.

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> that during the continuance of that period no person shall, without permission in writing given by the president, photograph, sketch, or in any other manner whatsoever make a record of the description of, such things or adapted for use for defense purposes as may be specified by the order.

It is clear from the provisions of the Nigerian Official Secrets Act 2004 that a person who commits an offence under sections 1,2 or 3 of the Act above is liable;

a. on conviction, on indictment, to imprisonment for a term not exceeding fourteen years;
b. on summary conviction, to imprisonment for a term not exceeding two years or a fine of an amount not exceeding N200 or to both such imprisonment and fine[43].

It must be observed that the proceedings regarding an offence under sections 1, 2 and 3 of the Act above shall not commerce unless with the consent of the Federal Attorney-General or State Attorney-General or by or on the instruction or authority of the Director of Public Prosecutions(DPP) of the Federation or a State DPP.[44] Furthermore, the instrument by which permission is signified for the commencement of any such proceeding shall be summary or on indictment.[45]

It is conceded that the penalty for imprisonment up to 14 years upon conviction on indictment is, indeed, substantial and thus stiff enough to deter non-compliance with the provisions of the Act above. But the penalty of two years imprisonment or a fine of two hundred naira upon summary conviction of an offender above are not stiff enough to deter non-compliance with the provisions of the Act above. Arguably, only stiff penalty for an offence can induce compliance with the law[46]

In order to tackle the concerns raised above, it is recommended that the Act above should be amended to provide for a fine of two hundred thousand naira or imprisonment for five years or to both such fine and imprisonment.

It is noteworthy that a "public officer"under the Act above means a person who exercises or formerly exercise, for the purposes of the government, the functions of any office or employment under the State[47]. Also, it is, noteworthy, that a protected place means:

a. any naval, military or air force establishment in Nigeria, any other place in Nigeria used for or in connection with the production, storage or testing, by or on behalf of the government, of equipment designed or adapted for use for defence purpose and other building, structures or work in Nigeria used by the government for defence purposes; and
b. any area in Nigeria or elsewhere for the time being designated by an order made by the Minister as being an area from which the public should be excluded in the interest of the security of Nigeria.[48]

Finally, the definition of classified matter under the Act above must be re-iterated. This definition allows the government to declare anything it likes as a classified matter.The definition of classified matter is too wide. It bestows on the governmental authorities wide-discretionary power to determine what is a classified matter. This is susceptible to abuse, as has been the case, since the coming into force of the Act above. No wonder Ezeukwu and Nwanze firmly state that the Nigerian Official Secrets Act 2004 is a very

[43] See s. 7(1) of the Nigerian Official Secrets Act 2004.
[44] *Ibid.,* s.7(3).
[45] *Ibid*
[46] A.E. Abuza, 'The Problem of Vandalisation of Oil Pipelines and Installations: *A Sociological Approach' (2007) 2 (2)* Delsu Law Review-Environmental Law Edition 277.
[47] *See* s 9 of the Nigerian Official Secrets Act 2004.
[48] *Ibid.*

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dangerous and uncharted sea for Journalists in Nigeria.[49] It should be noted that all government employees, including members of the Civil Service take an oath, promising not to divulge official secrets, according to the authors above. They rightly observe that the Act above has an all-embracing scope and technically under it a minor civil servant can be prosecuted for telling his wife what type of biscuit was provided in his office for lunch. This is unacceptable to the researchers, as it will further gag the free flow of information to the public. In order to address the concern raised above, it is wise to suggest that the Act above should be amended to define classified matter as only the information or document that relates to National Security or the defence of Nigeria.

VI. The Nigerian Official Secrets Act 2004 and Other Nigerian Legislation on the Freedom of the Press.

The salient provisions of the Nigerian Official Secrets Act 2004 have been discussed in the preceding section. One thing which is very apparent is that the Act above touches on other Nigerian legislation on the Freedom of the Press. Two of such other Nigerian Legislations are: the 1999 Nigerian Constitution and the Nigerian Freedom of Information Act 2011.

It should be re-iterated that section 39(1) of the 1999 Nigerian Constitution provides for the right to freedom of expression and the Press.

In a bid to strengthen the provisions above, the 1999 Nigerian Constitution in its section 39(2) assures the Press and, in fact, all citizens of Nigeria of their right to freely own, establish and, and indeed, operate any medium of communication for the purposes of ensuring and, indeed, disseminating their ideas and/or opinions.

A significant point to bear in mind is that the approach of the 1999 Nigerian Constitution, as could be discerned from section 39 above is in alignment with the practice in other countries, including Congo, Ukraine, Portugal, Zimbabwe, Kenya and South Africa where the constitution guarantees to all citizens, including journalists the fundamental right to freedom of expression and the press.[50] Also, it is in consonance with the position under international instruments, including the United Nations Universal Declaration of Human Rights (UNUDHR) 1948; the United Nations International Covenant on Civil and Political Rights (UNICCPR) 1966; and the African Union African Charter on Human and Peoples' Rights (AUACHPR) 1981[51]

It is true that the UNUDHR 1948 is a soft law agreement and not a treaty itself and in this way not legally-binding on member-states of the UN, including Nigeria. All the same, it has emerged as customary international law that has been warmly-embraced globally in protecting human rights.[52]

The 1999 Nigerian Constitution complements the provisions of section 39(1) and (2) above by enacting in its section 22 as follows:

> The Press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and

[49] G. Ezeukwu and F. Nwanze, *Mass media law ethics. (*Felucks Communications, 1998) 20.
[50] The Constitution of the Democratic Republic of Congo 2005, art.23; the Constitution of Ukraine 1996, art.34; the Constitution of Portugal 1976, as amended in 2005, arts.37 & 38; the Constitution of Zimbabwe 2013, s 61; the Constitution of Kenya 2010, ss 33 and 34; and the Constitution of the Republic of South Africa 1996, s 16.
[51] UNDHR 1948, art.19; the UNICCPR 1966, art. 19(1), (2) and (3); and AUACHPR 1981, art 9 (1) and (2).
[52] K.M. Danladi, 'An Examination of Problems and Challenges of Protection and Promotion of Human Rights under European Convention and African Charter' (2014) 6 (1) *Port-Harcourt Law Journal* 83.

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> uphold the responsibility and accountability of the government to the people.

It has been indicated already, that the provisions above give to the Press the watchdog role in Nigeria's democracy. Any argument to the effect that the Nigerian Official Secrets Act 2004 is inconsistent with the provisions of the 1999 Nigerian Constitution which guarantees the right to freedom of expression and the Press and the right of the Press to uphold the responsibility and accountability of the government to the people cannot hold water. In the first place, it should be pointed out that the fundamental right to freedom of expression and the Press and all other fundamental rights guaranteed under Chapter Four of the 1999 Nigerian Constitution are not absolute.[53] This can be clearly seen in *Pharmabase Nigeria Limited v Illegbusi Olatokunbe,*[54] where the Nigerian Court of Appeal held that the fundamental rights guaranteed in the Nigerian Constitution are not absolute, as they could be derogated from under section 45 (1) of the 1999 Nigerian Constitution by a law which is reasonably justifiable in a democratic society in the interest of public order and so on. It should be noted that the provisions above declare that:

Nothing in sections 37, 38, 39, 40 and 41 0f this Constitution shall invalidate any law that is reasonably justifiable in a democratic society-

> a. in the interest of defence, public safety, public order, public morality or public health; or
> b. for the purpose of protecting the rights and freedom of other persons'.

Of course, the provisions of section 45(1) above which is called the derogation clause are in alignment with what obtains in other countries, including Ghana, South Africa and India.[55] Also, they are in consonance with international instruments such as the UN ICCPR 1966. It should be re-iterated that Article 19(2) of the UN ICCPR 1966 guarantees to every individual, including a journalist the right to freedom of expression, including the freedom to seek, receive and impact information and ideas of all kinds, regardless of frontiers, either orally, in writing or printing, in form of art, or through any other media of his choice. It should be pointed out with glee that Article 19(3) of the Covenant above states thus:

> The exercise of the rights provided for in paragraph 2 of this Article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
>
> a. for respect of the rights and reputation of others;
> b. for the protection of national security or public health or morals.

It is wise to argue that as a member of the UN as well as State-Party to the UNICCPR 1966, Nigeria is obligated to apply the provisions of the instruments above. The country, in this respect, must demonstrate respect for international law as well as its treaty obligations, as enjoined by section (19)(1) of the 1999 Nigerian Constitution.

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[53] *Isa and Five others v. President of the Federal Republic of Nigeria and Three Others* [2017] 3 NWLR (Pt. 1553) 347,353-364.
[54] [2020] 10 NWLR (Pt. 1732) 379 (CA), Nigeria.
[55] The Constitution of Ghana 1992, arts 21 (4) and 31; the Constitution of the Republic of South Africa 1996, s 36; the Constitution of India 1949, art. 19 (2) and (5).

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Arguably, the Nigerian Official Secrets Act 2004 is a law made pursuant to the provisions of section 45(1) above which is reasonably justifiable in a democratic society in the interest of defence and so on and for the purpose of protecting the rights and freedom of other people.

Sub-section (3) of section 39 of the 1999 Nigerian Constitution is, also, significant. It declares that nothing in section 39 above shall render invalid any law that is reasonably justifiable in a society which is democratic for the aim of preventing the disclosure of information that is received in confidence, maintaining the authority as well as the court's independence, regulating telephone, wireless broadcasting, television or the exhibition of films of the nature of cinematography and so on.

It can, also, be argued that going by the provisions of section 39(3) above, the Nigerian Official Secrets Act 2004 is a law that is reasonably justifiable in a society which is democratic for the aim of preventing the disclosure of information that is received in confidence and so on.

Another significant provision is section 6(6)(c) of the 1999 Nigerian Constitution which renders non-justiciable section 22 above and all other provisions under Chapter Two of the 1999 Nigerian Constitution.[56]Thus, a journalist or any member of the Nigerian Press cannot seek to enforce the provisions above in a court of law.

Regarding the Nigerian Freedom of Information Act 2011, enacted pursuant to the provisions of section 39 above, as disclosed before, section 1(1) of the Act above allows a person to request information in the form of writing or not in writing which is in custody or possession of any public official, agency or institution.

Oduah says that the Freedom of Information Act 2011 is a statute or legislation passed by the National Assembly and signed or assented to by the President of Nigeria with the sole aim of granting the public and the media practitioners in particular unrestricted access to information in the custody of the public or private institutions.[57]

The import of the Freedom of Information Act 2011, according to Ezendiokwere, is that 'everyone, whether an individual, corporate body, government institution or the Press is now free to apply or request for public information and record.'[58] In providing for this supposed free access to public records and information, the long title of the Act above states the purpose of the Act above as follows:

> An act to make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorisation and establish procedures for the achievement of those purposes and, for related matters.

It should be recalled that on 25 June 2012, a Federal High Court in Abuja directed the Clerk of the National Assembly of Nigeria to release to the Legal Defence and Assistance Project (LEDAP) a human

[56] *Bishop Anthony Olubunmi Okojie, Trustee of Roman Catholic Schools and Others v. Attorney General of Lagos State* [1981] 2 NCLR 357.
[57] F.M. Oduah, 'Emerging Issues on Freedom of Information Act' (2011) *Journal of Humanities, Science and Technology*- A Publication of Academic Staff of Polytechnics, Federal Polytechnic, Oko 255.
[58] C.J. Ezendiokwere, *Nigerian Journalists' perception of Freedom of Information Act effectiveness in Journalism: A Study of Journalists in Abuja* (2012) (unpublished) Bachelor of Science Degree Project submitted to the Department of Mass Communication, Anambra State University, Igbariam 2.

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right-focused Non-Governmental Organisation (NGO) details of the salary, emolument, and allowances collected by legislators of the 6th National Assembly of Nigeria between June 2007 and May 2011.[59] The Court stressed that under the Freedom of information Act above, every citizen of Nigeria was entitled to have access to public information or documents. This decision is commendable, as it was made pursuant to the provisions of the Act above.

It can be seen clearly that the Nigerian Freedom of Information Act 2004 is salutary. However, it is noteworthy that the right to apply and request for public information and records under the Act above is not absolute. Oduah correctly asserts that the Freedom of Information Act above appears not to be the messiah it is being referred to in some quarters, regarding the freedom of the Press to have free and unrestrained access to public records and information.[60] This is so, because the Act obviously took away with the left hand that which it had given the Press with the right hand.[61] The author, writing on the short-comings of the 2011 Freedom of Information Act, laments thus:

> …a closer interpretation of certain sections of the same Freedom of Information Act would no doubt unearth the fact that what seems to be *eureka* for the media practitioners and the general public in respect to access to information is obviously taken away by some clauses/provisions in the Act.[62]

Oduah has in mind certain provisions of the Nigerian Freedom of information Act 2011 which expressly state that a journalist or any information seeker may be denied access to such information he wants in certain circumstances[63]

In view of the foregoing, it can be concluded that the Nigerian Official Secrets Act 2004 is not unconstitutional, as its provisions are consistent with sections 39(3) and 45 (1) of the 1999 Nigerian Constitution. Put in another words, the Nigerian Official Secrets Act 2004 is a law which is reasonably justifiable in a democratic society in the interest of public order,

VII. Observations/Findings

The analysis clearly demonstrates that section 1(1)(a) and (b) of the Nigerian Official Secrets Act 2004 which prevents the disclosure of classified matter by public officers to a citizen of Nigeria, including a Journalist is consistent with the provisions of sections 39(1), (2) and (3) and 45(1) of the 1999 Nigerian Constitution as well as sections 5, 11, 12, 16, 17, 18 and 19 of the Nigerian Freedom of Information Act 2011. Thus, the Nigerian Official Secrets Act 2004 is constitutional or lawful.

It is observed that the provisions of section 39(1) above which guarantees the right to the freedom of expression and the Press is consistent with the practice in other countries, including Congo, Ukraine, Portugal, Zimbabwe, Kenya and South Africa where the constitution guarantees to all citizens, including Journalists the fundamental right to freedom of expression and the press. Also, it is consistent with the position under international instruments, including the UNUDHR 1948; UNICCPR 1966 and AUACHPR 1981.

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[59] Quoted in A.E Abuza, 'Environmental Law: Post-Rio discussion on Environmental Protection- A reflection' in B.C Nirmal and R.K Singh (eds), *Contemporary Issues in International Law* (Springer Nature Pte, 2018) 340.
[60] Oduah (n 10) 13-14.
[61] *Ibid*.
[62] *Ibid*.
[63] See the Freedom of Information Act 2011, ss 8(1), 12, 15, 16, 17, 18 and 20.

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Furthermore, it is observed that the fundamental right to the freedom of expression and the Press in Nigeria is not absolute, as it can be derogated from by a law which is reasonably justifiable in a democratic society for the purpose of preventing the disclosure of information received in confidence and so on as well as in the interest of public order, public safety, and so on, as embedded in sections 39(3) and 45(1) above, respectively. This is in tune with the practice in other countries, including India and Tanzania.[64] Also, it is consistent with the position under international instruments, including the UNICCPR 1966 whose Article 19(3) subjects the right to freedom of expression and the Press guaranteed in Article 19 (1) and (2) of the UNICCPR 1966 to certain restrictions.

Again, it is observed that the 1999 Nigerian Constitution does not in its section 39 above guarantee to members of the Nigerian Press in explicit terms the freedom of the Press. As indicated already, the position in Nigeria contrasts with the position in other countries, including Zimbabwe and Kenya where the constitution guarantees in explicit terms the freedom of the Press.

Besides, it is observed that section 6(6)(c) of the 1999 Nigerian Constitution renders non-justiciable the provisions of section 22 of the 1999 Nigerian Constitution and other provisions in Chapter Two of the Constitution above. Thus, a Journalist or any member of the Nigerian Press cannot seek to enforce in the court of law the provisions of section 22 above which guarantees the right of a journalist to uphold the responsibility and accountability of the Government to the people of Nigeria.

Also, it is observed that the 1999 Nigerian Constitution does not in its section 45 above or any other provision of the Constitution above define the elastic terms of defence, public safety and so on, so as to guard against the unreasonable restrictions of the right to freedom of expression and the Press and other fundamental rights contained in the provisions mentioned in section 45(1) above.

Lastly, it is observed that the definition of classified matter under section 9(1) of the Nigerian Official Secrets Act 2004 allows the government to declare anything it likes as a classified matter. Thus, the definition of classified matter under the Act above is too wide. In short, it bestows on the governmental authorities wide-discretionary power to determine what is a classified matter which is susceptible to abuse. These problems must be addressed by the civilian administration of President Bola Ahmed Tinubu, so that he would not be criticised for paying lip service to the protection of the fundamental rights of Nigerians, including the right to freedom of expression and the Press as well as not committed to the rule of law in general.

VIII. Suggestions and Recommendations

i. Both the Committee of the House of Senate and the Committee of the House of Representatives on Constitution Review which handles the process of amending the 1999 Nigerian Constitution should put forward to the National Assembly of Nigeria a proposal or an Amendment Bill for the amendment of the 1999 Nigerian Constitution to specifically guarantee the right to freedom of the Press in tune with the practice in other countries like Kenya and Zimbabwe. This amendment process should come to an end not later than four months from the start of the work of the Committees above on the Amendment Bill.

ii. Both the Committee of the House of Senate and the Committee of the House of Representatives on Constitution Review above should put forward to the National Assembly of Nigeria a proposal or an Amendment Bill for the amendment of the 1999 Nigerian Constitution to provide for the right contained in section 22 of the 1999 Nigerian Constitution as a fundamental and enforceable right.

[64]See the Constitution of India 1949, art 19(2)-(5); and the Constitution of Tanzania 1977, as amended by Act No. 1 of 2005, art 30.

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This amendment process should come to an end not later than four months from the start of the work of the Committees above on the Amendment Bill.

iii. Both the Committee of the House of Senate and Committee of the House of Representatives on Constitution Review above should put forward a proposal or Amendment Bill to the National Assembly of Nigeria for amendment of section 45(1) of the 1999 Nigerian Constitution to define the elastic terms of 'defence', 'public order', 'public morality' and 'public health'. This amendment process should come to an end not later than four months from the start of the work of the Committees above on the Amendment Bill.

iv. Both the Committee on the Judiciary, Human Rights and Legal matters of the House of Senate and the Committee on Justice of the House of Representatives should put forward a proposal or an Amendment Bill to the National Assembly of Nigeria for the amendment of section 9(1) of the Nigerian Official Secrets Act 2004 to define classified matter as only the information and public record which border on the defence and National Security of Nigeria. This amendment process should come to an end not later than four months from the start of the work of the Committees above on the Amendment Bill.

Conclusion

This paper evaluated the Nigerian Official Secrets Act 2004 *vis a vis* the freedom of the Press. This is informed by the belief that there is a relationship between the Nigerian Official Secrets Act 2004 and the freedom of the Press in Nigeria. The paper made some observations and findings Among these observations and findings are: section 39(1) of the 1999 Nigerian Constitution guarantees the right to freedom of expression and the Press. This is in alignment with international instruments, including the UNUDHR 1948, UNICCPR 1966 and AUACHPR 1981 and the constitution in other countries, including Congo, Zimbabwe, Ukraine, Portugal and South Africa. This is healthy for Nigeria's democracy, as citizens of Nigeria and the Press can freely exercise this right to receive and disseminate information without interference; the fundamental right to the freedom of expression and the Press in Nigeria is not absolute, as it can be derogated from by a law which is reasonably justifiable in a democratic society such as Nigeria for the purpose of preventing the disclosure of information received in confidence and so on as well as in the interest of public safety, public order, and so on, as encapsulated in sections 39(3) and 45(1) of the 1999 Nigerian Constitution. This is in alignment with international instruments, including the UNICCPR 1966 and the Constitution of other countries, including India and Tanzania. A typical legislation that has derogated from the constitutional right to freedom of expression and the Press above is the Nigerian Official Secrets Act 2004. Thus, the Act above is not unconstitutional; section 6(6)(c) of the 1999 Nigerian Constitution renders non-justiciable the provisions of section 22 of the 1999 Nigerian Constitution and other provisions in Chapter Two of the Constitution above. In this way, a journalist or any member of the Nigerian Press cannot seek to enforce in the court of law the provisions above which guarantees the right of a journalist to uphold the responsibility and accountability of the Government to the people of Nigeria. This would not augur well for Nigeria's practice of democratic governance; and section 9(1) of the Nigerian Official Secrets Act 2004 permits the government to declare anything it likes as a classified matter and therefore not to be disclosed or revealed to the public without authorisation. This definition of classified matter under the Act above is obviously too wide. The implication is that the governmental authorities in Nigeria can declare anything it likes as a classified matter and thus prevent a journalist or other citizens of Nigeria from having access to information on the same.

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The paper identified gaps in the numerous applicable laws, including the Nigerian Constitution. Also, it exhibited the practice in other countries. Finally, the paper advanced suggestions and recommendations which, if implemented, could effectively tackle the problems identified by the study.

References

Books

Ewelukwa, E. N. (2004). *Introduction to Nigerian press law.* Varsity Publishing Co.

Ezendiokwere, C. J. (n.d.). *Nigerian journalists' perception of Freedom of Information Act effectiveness in journalism: A study of journalists in Abuja* (Unpublished bachelor's thesis, Department of Mass Communication, Anambra State University, Igbariam).

Malami, E. (2009). *Mass media law* (3rd ed.). Princeton Publishing Co.

Nirmal, B. C., & Singh, R. K. (Eds.). (2018). *Contemporary issues in international law.* Springer Nature.

Nwabueze, B. (1982). *The presidential constitution of Nigeria.* Oxford University Press.

Nwodu, L. C. (2006). *Research communication and other behavioural sciences: Principles, methods and issues.* Rhyce Kerex Publishers.

Tom, D. F. (2006). *Nigerian press law.* Chenglo Limited.

Journal Articles

Abuza, A. E. (2007). The problem of vandalization of oil pipelines and installations: A sociological approach. *DELSU Law Review: Environmental Law Edition, 2*(2).

Abuza, A. E. (2017). Derogation from fundamental rights in Nigeria: A contemporary discourse. *East African Journal of Science and Technology, 7*(1).

Abuza, A. E., Ijeh, P., & Odhe, K. O. (2020). The Nigerian Press Council Act 2004: An appraisal. *Ebonyi State University Law Journal, 11*(2).

Danladi, K. M. (2014). An examination of problems and challenges of protection and promotion of human rights under the European Convention and African Charter. *Port Harcourt Law Journal, 6*(1).

Oduah, F. M. (2011). Emerging issues on the Freedom of Information Act. *Journal of Humanities, Science and Technology.*

Oduah, F. M. (2015). Freedom of Information Act, Official Secrets Act and press freedom in 21st century Nigeria: How free is the press? *Communication Panorama: African and Global Perspectives, 1*(1).

Cases

Bishop Anthony Olubunmi Okojie Trustee of Roman Catholic Schools & Others v. Attorney-General of Lagos State, (1981) 2 NCLR 357 (Nigeria).

Isa & Five Others v. President of the Federal Republic of Nigeria & Three Others, (2017) 3 NWLR (Pt. 1553) 347, 352–364 (Nigeria).

Musa Baba Panya v. President of the Federal Republic of Nigeria & Two Others, (2018) 15 NWLR (Pt. 1643) 395, 401–402 (Court of Appeal, Nigeria).

© 2026 The Authors. Published by Bexford Publishing Ltd

Pharmabase Nigeria Ltd. v. Illegbusi Olatokunbe, (2020) 10 NWLR (Pt. 1732) 379 (Court of Appeal, Nigeria).

Internet Sources

< https://dictionarycambridge.org.> accessed 23 September 2023.

<https://n.m.wikipedia.org>wiki> accessed 8 November 2023.

<https://www.merriamwebster.com> accessed 23 September 2023.

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