



COVID-19 Response in Africa: Together for Reliable Information

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Nigeria: Briefing on attacks against journalists

March 2020–July 2021

At a glance

Global Expression
Report 2021 score:

64/100

4

journalists
physically attacked

16

journalists arrested
and detained

1

law passed

About this briefing

Journalists play a vital role in ensuring the right to freedom of expression and access to information, which is protected under international human rights law and Nigeria's [Constitution](#). The protection of media freedom becomes even more relevant during a pandemic.

However, changes to laws in Nigeria during the first year of COVID-19 – as well as physical attacks, arbitrary arrests, and detentions against journalists – violated this fundamental right and put media freedom and journalists' safety at grave risk, as this briefing shows.

We urge the Government of Nigeria to follow the recommendations in this briefing to ensure the right to freedom of expression and the safety of journalists are guaranteed – especially in the COVID-19 pandemic.

Physical attacks, threats, and verbal attacks against journalists

The protection of journalists and human rights defenders, and ending impunity for attacks against them, is a global priority for safeguarding freedom of expression. Threats, attacks, arbitrary arrests, and detention, and, in the gravest cases, enforced disappearance or killings, constitute not only a violation of the right to freedom of expression but also a violation of the right to life and bodily integrity, and sometimes the right to health. Physical attacks are those that inflict pain, harm, or injury, including death, against a person.



A police officer beats a COVID-19 violator with a nightstick during the Lagos State Environmental Protection Agency inspecting/sealing off hospitality business on 19 July 2020. (Photo: Olukayode Jaiyeola/NurPhoto via Getty Images)

DSS official attacks journalist photographing a hotel in Umuguma

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

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

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



As calmly as I could, I explained that I only came to get pictures as directed by the head office but the guy kept pushing me. I later collected my stuff but he had deleted several pictures. The policeman had stopped him from smashing it on the floor. After several appeals to shift because I was thoroughly shaken, I entered my car and drove off.



Angela Nkwo-Akpolu, Imo State correspondent, *Leadership Newspaper*

Environment Task Force officers attack two journalists monitoring lockdown in Uvwie

On 1 April 2020, officers reportedly from an environment task force attacked the Chairman of the State Council of Nigeria Union of Journalists (NUJ), Michael Ikeogwu, and the *Daily Post*'s Mathew Omonigho in Uvwie Local Government Area. Ikeogwu [reports](#) that he and Omonigho were monitoring local compliance with the state government's stay-at-home order when they came across some local residents undertaking a sanitation exercise. He asked the leader of the Environment Task Force, Kingsley Iweka, why they were forcing residents to take part in this exercise when a lockdown order was in place.

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



I wondered what will become of the ordinary man in the society if government officials could assault journalists in this manner even after identifying ourselves



[Michael Ikeogwu, Chairman of the State Council of NUJ](#)

Police beat *Daily Post* journalist reporting on COVID-19 lockdown in Osun State

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

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

Arbitrary arrests and detentions of journalists

An arbitrary arrest or detention is one carried out, among other things, with no legal basis, without due regard to international fair-trial standards, or in response to the legitimate exercise of human rights – including the right to freedom of expression. They are violations of the right to liberty and/or a fair trial.

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

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

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

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

Africa Independent Television journalist arrested for allegedly violating lockdown

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

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

Due to security officials' continued harassment and intimidation of journalists, the Inspector-General of Police, Mohammed Adamu, further clarified which professions counted as 'essential workers' in May 2020, and issued instructions to security agents to that effect.

COVID-19 Task Force members arrest journalist for filming them violently enforcing lockdown

On 28 April 2020, members of the Presidential Task Force on COVID-19 (PTF-COVID-19) – which includes members of the police – arrested Emma Bricks Oko, publisher of the online magazine brickswrite.com.ng. The arrest took place after Oko was spotted filming the Task Force being violent against commercial motorcyclists in Abuja as part of a COVID-19 lockdown-enforcement operation. Oko was charged with obstructing the Task Force's work, and sentenced to three hours' community service and an N5,000 (approx. USD12) fine.



The Force wishes to state that it is not oblivious of the sensitive, indispensable, patriotic and frontline role of the nation's workforce that falls within the category of "Essential Service Providers"...

'To this effect, all essential workers, including ... journalists ... remain exempted from the movement restriction orders as well as the national curfew.



Police spokesman Frank Mba, May 2020

Responses to ‘disinformation’ and ‘misinformation’

Under international human rights standards, freedom of expression and information cannot be suppressed purely because information is considered false, non-objective, or even deeply offensive. As the UN Special Rapporteur and other monitors for freedom of expression and access to information pointed out at the start of the pandemic, criminalising ‘false information’ related to COVID-19 may merely ‘create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression’.

Journalist arrested under COVID-19 law for publishing ‘false and damaging’ information

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

Journalist charged with defamation and conspiracy for publishing article critical of state’s COVID-19 response

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

Carter was detained for one month and charged with defamation and conspiracy. The charge sheet also alleged that the article and recording were ‘false’ and contained ‘defamatory words against’ Ukpong. Defamation is a criminal offence in Nigeria under sections 373–381 of the Nigerian Criminal Code Act.

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



Those who occupy political positions in Nigeria must realize that the era of using security agencies to hunt and persecute citizens unchallenged for expressing their views on issues of bad governance is over. We will never tolerate such reckless abuse of power and cowardly acts of intimidation by politicians. We will continue to challenge their impunity within the ambits of the law. History will vindicate the just.



Inibehe Effiong (Kufre Carter’s lawyer)

Problems with pandemic-related legislation

Ebonyi State Coronavirus and Other Dangerous (Infectious) Diseases and Related Matters Law (No. 005) of 2020

The stated [purpose](#) of this law, which came into force on 2 April 2020, is to ‘prevent and contain the spread of Covid-19, Lassa fever, cholera, among others in the state’. Its provisions largely deal with restricting movement, social gatherings, and the transportation of essential supplies (e.g., food, water, and medicines).

The law also [criminalises](#) disseminating ‘false information’ about not only COVID-19 but also other infectious diseases, enabling the arrest and detention of journalists like Chijioke Agwu, who was arrested and prosecuted for reporting on Lassa fever. This vague and overbroad law has a chilling effect on media freedom and freedom of expression.

Nigerian Criminal Code Act

The Nigerian Criminal Code Act contains a number of provisions that have impacted on the dissemination of information in Nigeria during COVID-19. These include provisions that criminalise defamation and the ‘publication of false news with intent to cause fear and alarm to the public’. The offences carry punishments of up to seven and three years’ imprisonment respectively, and the former has been used against journalists reporting on COVID-19. Both provisions were also replicated in the above Ebonyi State law.

ARTICLE 19 has called for similar laws in other countries to be repealed on a number of occasions in the past. [International human rights bodies](#) have also stated that laws which criminalise defamation are unnecessary and disproportionate in a democratic society, and should be abolished.

Freedom of expression under international law

Everyone has the right to express themselves freely – orally, in writing, and online. The right to freedom of expression includes the right to access information, which is particularly important in a pandemic. It is guaranteed under the ICCPR and in the Constitution of Nigeria, Section 39:

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. • Freedom of expression
• Freedom of press
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

But while the right to freedom of expression is fundamental, it is not absolute. Under the Constitution of Nigeria (Articles 37–41), there may be ‘emergency provisions a. in the interest of defense, public safety, public order, public morality or public health; or b. for the purpose of protecting the rights and freedom of other persons’.

This is consistent with international law, which states that freedom of expression can be limited for the purposes of protecting public health – but any limitation must be **legitimate, necessary, and proportionate** (Article 19 of the ICCPR).

Recommendations

ARTICLE 19 calls on the Government of Nigeria to:

- **Ensure law-enforcement officers, including PTF-COVID-19**, comply with government directives that designate journalists as frontline workers, and enable them to carry out their work without fear or reprisals.
- **Take all measures necessary to guarantee the safety and security of journalists**, by ensuring that all law-enforcement officers refrain from arbitrary arrests, detentions, and police brutality.
- **Ensure that in cases of violations by law-enforcement officers**, including arbitrary arrests, detentions, and police brutality, impartial and independent investigations are carried out and perpetrators held accountable in trials meeting fair-trial standards.
- **Ensure there are reparations for victims of such violence** by law-enforcement officers, including adequate compensation.
- **Amend legislation that fails to meet international freedom of expression standards**. In particular, defamation should be fully decriminalised and, in line with international standards, government efforts to counter suspected disinformation should be based on full, honest, and evolving communication with the public; the promotion and protection of an independent press; and the careful and public correction of misinformation.
- **Apply the test of legality, necessity, and proportionality before limiting freedom of expression** in cases of public-health threats.
- **Implement the provisions of the African Commission Declaration of Principles on Freedom of Expression and Access to Information in Africa 2019**, including in relation to the safety of journalists.
- **Adopt the recommendations of the [resolution on the safety of journalists](#)**, adopted by the UN Human Rights Council on 6 October 2020, which provide guidance on ensuring the safety of journalists in the context of the COVID-19 pandemic.

The evidence presented in this briefing was sourced from media houses, media watchdogs, journalists' unions, and legal analysis between March 2020 and July 2021. It is limited to human rights violations against journalists in the context of COVID-19 during that time (rather than non-pandemic-related violations against journalists, or violations against non-journalists during COVID-19). For our methodology, see www.article19.org/covid-19-response-in-africa/.