

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	437
Land:	Nigeria
Kilde:	Freedom House
Titel:	Freedom on the Net 2017 – Nigeria
Udgivet:	14. november 2017
Optaget på baggrundsmaterialet:	22. februar 2018

- **Source:**
Freedom House
- **Title:**
Freedom on the Net 2017 - Nigeria
- **Publication date:**
14 November 2017
- **ecoi.net summary:** Report on digital media and internet freedom (covering June 2016 - May 2017) [ID 349345]
- **Countries:**
Nigeria
- **Original link** <https://freedomhouse.org/report/freedom-net/2017/nigeria>

Recommended citation:
Freedom House: Freedom on the Net 2017 - Nigeria, 14 November 2017 (available at [ecoi.net](http://www.ecoi.net))
http://www.ecoi.net/local_link/349345/481278_en.html (accessed 06 December 2017)



Freedom on the Net 2017 - Nigeria

Country:
[Nigeria](#)
Year:
2017
Status:
Partly Free
Total Score:
34
(0 = Best, 100 = Worst)
Obstacles to Access:
9
(0 = Best, 25 = Worst)
Limits on Content:
7
(0 = Best, 35 = Worst)
Violations of User Rights:
18
(0 = Best, 40 = Worst)
Population:
186 million
Internet Penetration:
25.7 percent
Social Media/ICT Apps Blocked:
No
Political/Social Content Blocked:
No
Bloggers/ICT Users Arrested:
Yes
Press Freedom Status:
Partly Free
Key Developments:

June 2016–May 2017

- Digital activism was vibrant, with one campaign succeeding in increasing the National Assembly’s budgetary transparency (see **Digital Activism**).
- The Digital Rights and Freedom Bill passed a second reading in June 2016 and is one step closer to becoming law (see **Legal Environment**).
- Numerous bloggers, online journalists, and ordinary users were arrested for their online activities in the past year, most of whom were charged for “cyberstalking” under Section 24 of the cybercrime law, though no cases led to convictions (see **Prosecutions and Detentions for Online Activities**).
- Online journalists and internet users in Nigeria were subject to increasing extralegal harassment and intimidation for their activities (see **Intimidation and Violence**).

Introduction:

Internet freedom in Nigeria remained stagnant in the past year amidst an ongoing trend of intimidation and arrests for online criticisms against government officials. Online censorship was not an issue, and digital activism pushed for greater government transparency.

Nigeria has a vibrant, savvy, and growing internet user population, enabled by a strong and innovative technology sector. Compared to the environment for traditional news media in Nigeria, online media is relatively free from restrictions, with no blocking or filtering of online content reported during the coverage period. A robust civil society has helped protect and enhance internet freedom for Nigerians, as demonstrated by significant advocacy efforts to codify protections for Nigeria’s internet freedom in the Digital Rights and Freedom Bill 2016, which as of 2017, is one step from passage at the House of Representatives.

Despite the progress observed, a cybercrime law passed at the end of former President Goodluck Jonathan’s tenure in May 2015 led to the arrest of several bloggers and online journalists on charges of “cyberstalking” for online writings that criticized government officials and powerful businesspeople. At least seven arrests were documented during this report’s coverage period with no indication of subsiding throughout 2017. Intimidation and harassment for online expression also became more common.

Obstacles to Access:

Access to information and communications technologies (ICTs) continued to grow, despite high costs and frequent power cuts that disrupt network services. The government continued to work towards achieving its 30 percent target for broadband penetration in its National Broadband Plan (2013-2018).

Availability and Ease of Access

The government’s National Broadband Plan (2013-2018) has set a 30 percent target for broadband penetration, which the country has made incremental progress toward achieving. With over 89 million citizens online, Nigeria has one of the largest internet user populations in sub-Saharan Africa. According to latest data from the International Telecommunications Union (ITU), Nigeria’s internet penetration rate was 26 percent in 2016, up from 25 percent in 2015.¹ Most of the growth in internet use can be attributed to the proliferation of mobile phone services. According to the Nigerian Communications Commission (NCC), the sector regulator, mobile phone teledensity in Nigeria stood at 108 percent, while there were almost 90 million active mobile internet subscriptions on GSM networks as of March 2017.² The ITU documented a lower mobile phone penetration rate of 82 percent in 2016.³ Internet speeds are still slow, averaging 4.1 Mbps (compared to a global average of 7.0 Mbps), according to Akamai’s “State of the Internet” report.⁴

Increasing access to the internet is driven by affordable data services for mobile subscribers. The Alliance for an Affordable Internet ranked Nigeria the 13th most affordable internet environment among 58 developing and emerging countries assessed in its 2017 Affordability Drivers Index.⁵ As of May 2017, mobile internet plans have become very popular, with 1.5 gigabyte of data available for USD \$3.28. In 2017, the average cost of a GSM plan was USD \$0.02 per megabyte of data,⁶ compared to \$0.05 per megabyte in 2016, \$0.26 per megabyte in 2015, and \$1.00 per megabyte in 2011. Nevertheless, costs are still a major impediment to internet access for many Nigerians in rural areas.

In March 2016, the government introduced the Communication Service Tax Bill 2015 which, if passed, will decrease the affordability of internet access by imposing a 9 percent tax on consumers for communications services, such as SMS, data, and voice services.⁷ The bill was still under consideration in 2017 despite its unpopularity among various stakeholders.

Power cuts frequently disrupt service and access, despite Nigeria’s status as an oil-rich country. Nigerian households reported slight improvements in electricity access the past year, receiving an average of ten hours of power supply per day in February 2017, up from less than six hours the previous year.⁸ Those with the financial wherewithal are able to rely on private generators and standby battery-powered inverter systems to stay online during outages.

Shortfalls in power supply also undermine the quality of internet service offered by providers. Telecommunications base stations in Nigeria are typically powered by diesel generators, which reportedly account for 80 percent of their operating expenses.⁹ Separately, the need to pay for expensive backup power generators has accelerated the closure of cybercafés that were already struggling with competition against the growing popularity of internet access on mobile devices.

Nigeria’s internet user landscape is characterized by a significant digital gender divide: October 2015 research by the Web Foundation and Paradigm Initiative found that poor women in Nigeria’s largest city, Lagos, were 50 percent less likely to have access to the internet than men of the same age, education, and income level.¹⁰

Another major obstacle to internet access in Nigeria is language literacy. Home to over 500 local languages,¹¹ most internet content is in English, and local language content is vastly underrepresented. For example, the Wikipedia pages in the three major Nigerian languages of Yoruba, Hausa, and Igbo are sparsely developed, and in many instances, Wikipedia entries on Nigerian topics are edited by editors not residing in Africa.¹² Local language resources, such as audio and video health and educational material, come with higher data requirements, potentially limiting access for users who can afford less data yet who stand to benefit the most from educational materials online.

Restrictions on Connectivity

There were no restrictions on connectivity to the internet or mobile networks during the coverage period. Mobile network restrictions were last reported in 2014 and 2015 in three northern states of Nigeria during a state of emergency in the fight against Boko Haram.

The backbone connection to the international internet is decentralized, resulting in a climate of healthy competition with little government interference. Multiple players have built fiber networks that crisscross the country, including Phase 3, Glo 1, Suburban Telecom, Multilinks and MTN. There are three active Internet Exchange Points (IXPs).¹³

ICT Market

The ICT market in Nigeria has expanded considerably over the past decade, with the number of licensed internet service providers (ISPs) rising from 18 in 2000 to 82 as of May 2017, though the growth of ISPs and Fixed Wireless Access (FWA) providers has slowed in recent years with the rise in mobile access.¹⁴ Five privately owned GSM mobile phone operators also provide internet access: MTN, Globacom, Airtel, Etisalat, and NTEL, which began operations in February 2016 after acquiring the license of the defunct First National Operator, NITEL.¹⁵ In January 2016, MTN acquired Visafone, securing access to its 800MHz spectrum as a possible precursor to the launch of 4G LTE service.¹⁶

Cybercafés (or telecentres) are required to obtain licenses, but the large number of unlicensed cybercafés in operation suggest that the regulator has not enforced the requirement.¹⁷

Regulatory Bodies

The 2003 Nigerian Telecommunications Act vests regulatory responsibilities over the ICT sector in the Nigerian Communications Commission (NCC). Although the government nominates the NCC’s nine-member board of commissioners, the regulator’s decisions have been viewed as relatively independent. The regulator’s current CEO and Executive Vice Chairman was appointed in August through a process that was viewed as fair, particularly considering the CEO’s background as a leading academic and industry expert.¹⁸

Limits on Content:

Online censorship was not reported during the coverage period. Digital activism remained vibrant, with one campaign succeeding in increasing the National Assembly’s budgetary transparency.

Blocking and Filtering

Online media is generally free from restrictions in Nigeria, and to date, the authorities have not carried out any blocking or filtering of content. YouTube, Facebook, Twitter, WhatsApp, and other communications platforms are freely available and among the most popular websites in the country.¹⁹ The complex nature of Nigeria’s internet infrastructure makes it difficult to carry out systematic filtering or censorship.

In the past few years, however, a few high-level government officials have called for a clampdown on social media in response to the growing influence of critical commentary on the internet,²⁰ sparking fears of impending online

censorship.²¹ Legislative proposals have added weight to those fears. The Frivolous Petitions Prohibition Bill introduced in 2015 sought to penalize expression on social media, though it was withdrawn in May 2016. Meanwhile, the Cybercrime Act, which was signed into law in May 2015, has been used to arrest bloggers for critical content in the past year (see Legal Environment and Prosecutions and Detentions for Online Content).

Content Removal

The government did not issue any takedown requests, or force legitimate content to be removed from the internet during the coverage period.

Media, Diversity and Content Manipulation

Nigeria is home to a diverse blogosphere, which has become a source of reliable news for many users, and provides space for lengthy debate on a broad array of political and social issues. Popular blogging platforms include Medium, Blogger, and WordPress. Diverse political viewpoints are represented on Nigerian websites and blogs, though some independent online media outlets faced a backlash under previous governments.

Government manipulation was not reported during the period but as the 2019 elections approach, observers worry that online propaganda and manipulation could be employed to gain a political advantage among voters.

The ongoing prevalence of arrests for online commentary under the 2015 Cybercrime Law has resulted in increasing self-censorship, particularly among professional journalists who also publish content online (see Prosecutions and Detentions for Online Activities). Nigeria's LGBTI (lesbian, gay, bisexual, transgender, and intersex) community is marginalized, and many LGBTI individuals report feeling unsafe using their real names online, preferring to engage anonymously.²²

Digital Activism

As active social media users, Nigerians have become prolific digital campaigners, innovatively using social media and communications apps to call for social or political change. The savviness of Nigeria's digital activists led to significant internet freedom success stories in the past, including the defeat of the Frivolous Petitions Prohibition Bill, or the so-called social media bill, in 2016. Among its goals, the bill sought to constrain critical expression on social media.²³

During this report's coverage period, activists led an online campaign tagged #OpenNASS that called on the country's National Assembly to increase the transparency of its hitherto opaque budget. The social media campaign successfully pushed the assembly to present its legislative budget as line items with detailed allocations for budget items.²⁴

Violations of User Rights:

Numerous bloggers, online journalists, and ordinary users were arrested for their online activities in the past year, most of whom were charged for "cyberstalking" under Section 24 of the cybercrime law, though no cases led to convictions. Online journalists and internet users in Nigeria were subject to increasing extralegal harassment and intimidation for their activities. The Digital Rights and Freedom Bill passed a second reading in June 2016 and is one step closer to become law.

Legal Environment

Nigeria's 1999 constitution guarantees freedom of expression and the press. The implementation of Sharia (or Islamic) law in 12 northern states has not affected internet freedom in those regions to date. Nonetheless, libel is a criminal offense in Nigeria, including online, with the burden of proof resting on the defendant. Print media journalists covering sensitive issues such as official corruption and communal violence are regularly subject to criminal prosecution.

Before leaving office in May 2015, former President Goodluck Jonathan signed the Cybercrime (Prohibition, Prevention, etc.) Act 2015 into law, providing a framework for addressing the country's notorious cybercrime epidemic.²⁵ The law, however, includes provisions that violate citizens' rights to privacy (Section 38, see Surveillance, Privacy, and Anonymity) and freedom of expression. Duplicating existing libel laws, Section 24 of the law penalizes "cyberstalking" or messages that are "false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another" with up to three years in prison, a fine, or both. Section 26 penalizes distribution of "racist or xenophobic material to the public through a computer system or network" with up to five years in prison, a fine of up to NGN 10 million (US\$50,000), or both.²⁶

A coalition of civil society organizations led by the digital rights organization, Paradigm Initiative, filed a suit to challenge the constitutionality of Sections 24 and 38 of the cybercrime law in May 2016 ²⁷ however a judge threw out

challenge the constitutionality of Sections 21 and 23 of the cybercrime law in May 2016, however, a judge threw out the case in a January 2017 ruling. The coalition filed an appeal on May 3, 2017 challenging the judge's decision.

Paradigm Initiative has also led efforts to codify protections for internet freedom through the introduction of the draft Digital Rights and Freedom Bill in April 2015, which has made considerable headway since. Sponsored by lawmaker Chukwuemeka Ujam, the bill passed a second reading at the House of Representatives in June 2016,^{[28](#)} and was referred to the Committees on Telecommunications and Human Rights for further deliberation. As of May 2017, the committees have hosted a public hearing but have yet to complete and/or release their report. If the bill reaches a third reading, it will be considered fully passed by the House, then will require concurrence by the Senate and the President's assent before becoming law.

Prosecutions and Detentions for Online Activities

Numerous bloggers, online journalists, and ordinary users were arrested for their online activities in the past year, most of whom were charged for “cyberstalking” under Section 24 of the cybercrime law, though no cases have led to convictions:

- In August 2016, blogger Abubakar Usman was arrested and held for two days for a report accusing the Economic and Financial Crimes Commission of corruption.^{[29](#)}
- Musa Azare was also arrested by police in August after he allegedly criticized the Bauchi state governor on social media, though the governor himself demanded Azare's release, citing his support for freedom of expression.^{[30](#)}
- In September 2016, blogger Jamil Mubai was arrested for using Twitter to criticize the Katsina state governor's purchase of coffins instead of paying the outstanding salaries of civil servants.^{[31](#)}
- Also in September, State Security Service (SSS) agents arrested blogger Emenike Iroegbu, who runs the Abia Facts online outlet, for allegedly harassing Abia State officials in his articles.^{[32](#)}
- In November 2016, SSS agents arrested activist Aku Obidinma for critical comments he posted on Facebook about the Deputy Governor of Imo state.^{[33](#)}
- In February 2017, authorities in Kaduna State arrested Audu Maikori for “inciting” tweets about citizen killings by herdsmen in Southern Kaduna that had been proven false.^{[34](#)} Upon realization, Maikori apologized for tweeting the false information, but the authorities continued to carry out his arrest. Released a day later on bail, he was arrested again in March, reportedly for the same issue out of insistence of the Kaduna State Governor.^{[35](#)} Maikori filed a countersuit for the “undue harassment and intimidation by the Kaduna State government, the State Governor and the Nigerian Police” in May,^{[36](#)} which he ultimately won in October.^{[37](#)} A Federal High Court judge ruled that Maikori's fundamental rights had been violated by the unlawful arrests.
- In March 2017, blogger Kemi Olunloyo was arrested for a post about a pastor's alleged extra-marital affairs. She was granted bail in April.^{[38](#)}
- In July 2017, police in Katsina State detained journalist Danjuma Katsina for Facebook posts deemed critical of a local parliamentarian. He was released the next day with no charges and given no official reason for his detention.^{[39](#)}

Surveillance, Privacy, and Anonymity

Thus far, there has been no evidence that the Nigerian authorities proactively monitor internet and mobile phone communications, but many online journalists have long suspected that they are being monitored by the state. Several legal provisions may allow the government to conduct surveillance without respect for the Necessary and Proportionate Principles, international guidelines that apply human rights law to monitoring technologies.^{[40](#)}

The cybercrime law enacted in May 2015 requires service providers to retain user data and intercept electronic communications.^{[41](#)} Under Section 38 of the law, providers are required to “keep all traffic data and subscriber information...for a period of two years” and comply with requests from law enforcement agencies to access this data.^{[42](#)} The law implies a degree of judicial oversight over these requests, but the procedure involved is unclear.^{[43](#)}

Guidelines for the Provision of Internet Service published by the regulator in 2013 also require ISPs to cooperate with law enforcement and regulatory agencies in providing “any service-related information... including information regarding particular users and the content of their communications” during investigations of cybercrime or other illegal activity.^{[44](#)} The guidelines do not include oversight of that cooperation, introducing scope for abuse. The guidelines also

stipulate that ISPs must retain user data and “the content of user messages or routing data” for at least 12 months.⁴⁵

Data localization is mandated under the Guidelines for Nigerian Content Development in Information and Communications Technology, issued by the Nigerian National Information Technology Development Agency (NITDA) in 2013. The guidelines require ICT companies to “[h]ost all subscriber and consumer data locally within the country.”⁴⁶ The stated aim was to boost local content and ICT development, but the requirement risks compromising user privacy and security, given the absence of adequate data protection laws.⁴⁷ The extent to which the guidelines have been enforced remained unclear as of 2017, as there have been no reports that international ICT companies have been compelled to comply.

A draft Lawful Interception of Communications Regulation introduced by the communications regulator in February 2013 is still under discussion.⁴⁸ If implemented, the regulation would enable interception both with and without a warrant under different circumstances, and require mobile phone companies to store voice and data communications for three years. It also directs telecommunications licensees to “provide the National Security Adviser and the State Security Service with the key, code, or access to...protected or encrypted communication” on demand.⁴⁹ Critics said it bypassed the legislative process and threatens citizens’ privacy rights, since it lacks judicial safeguards against abuse or opportunities for redress.⁵⁰

News of the government’s acquisition of mass surveillance equipment over the past few years has deepened suspicions of surveillance. In July 2015, leaked emails from the Italian surveillance firm Hacking Team revealed that the company had a contract with the Bayelsa state government that expired in November 2013.⁵¹ The active period of the contract from 2012 to 2013 coincides with the state governor’s crackdown on so-called “rumormongering” online.⁵² Citizen Lab research from 2014 also found a FinFisher “Command and Control” server located on a private ISP in Nigeria.⁵³ As of May 2017, the extent to which that surveillance system is operational is not known.⁵⁴

The government’s intent to enhance its surveillance capabilities is reflected in its federal budget, which in 2017 allocated NGN 13.9 billion (US \$45.6 million) to something called the “Stravinsky Project” for the National Security Adviser’s office,⁵⁵ which observers believe is new surveillance technology. Other line items in the 2017 budget for the National Security Adviser and allied agencies include “Surveillance Equipment, IMSI catcher,” among others.⁵⁶ As of mid-2017, it was not clear if those purchases had taken place, or for what purpose. Government officials frequently assert the need for technologies to fight the Boko Haram terrorist group.

SIM card registration requirements instituted in June 2009 threaten users’ rights to anonymous communication and privacy,⁵⁷ particularly in the absence of a data protection law.⁵⁸ User registration is also required in cybercafés. An October 2013 directive from the regulator requires cybercafés to “maintain an up-to-date database of subscribers and users, including their full names, physical addresses, passport photos, and telephone numbers.”⁵⁹ Under Section 7 of the cybercrime law, cybercafés must make their registers “available to law enforcement personnel whenever needed,” with no clear requirement for judicial oversight.⁶⁰

Intimidation and Violence

Online journalists and internet users in Nigeria have been subject to increasing extralegal harassment and intimidation for their activities in the past few years, particularly by local officials or powerful businesspeople who have taken issue with critical commentary posted about them on social media. Alongside the threat of arrest as an intimidation tactic, police often raided the homes of targeted bloggers, seizing equipment.⁶¹

Technical Attacks

Cyberattacks against news websites, civil society, and human rights activists were not reported in Nigeria during the coverage period, although a government agency announced on Twitter that its website was under attack in May 2017.⁶²

Notes:

¹ International Telecommunication Union, “Percentage of Individuals Using the Internet,” 2000-2016, <http://bit.ly/1cblxxY>. NB: The ITU’s dataset in 2016 retroactively revised the timeseries internet penetration data for Nigeria with no explanation. Penetration for 2015 was recorded at 47 percent.

² Nigerian Communications Commission, “Active Internet Subscriptions (GSM),” <http://bit.ly/2qQTFw1>.

³ International Telecommunication Union, “Mobile-cellular Telephone Subscriptions,” <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

- 4 Akamai, "Average Connection Speed," map visualization, *The State of the Internet*, Q1 2017, accessed May 23, 2017, <http://akamai.me/2017177>
- 5 Alliance for Affordable Internet, The Affordability Report, 2017, <http://bit.ly/2rOJTrs>
- 6 Sharp reduction of average cost of GSM plan reduced only in dollar terms because of currency devaluation
- 7 Communication Services Tax Bill, 2015, <http://bit.ly/29HIOth>; "Nigeria's onerous new Communication Service Tax Bill, by Tomiwa Ilori," Premium Times, June 6, 2016, <http://opinion.premiumtimesng.com/2016/06/06/a-stitch-in-time-saves-nine-a-review-of-the-communication-service-tax-bill-by-tomiwa-ilori/>
- 8 NOI Polls, "Power Supply to Nigerian Households Down by 7 Points In Quarter 1, 2017," <http://bit.ly/2qa37aP>
- 9 Compared to a mere 5% in Malawi where power from the grid is stable. See, Association of Telecommunication Companies of Nigeria: <http://bit.ly/1Uc58Pb>
- 10 Web Foundation, "Women's Rights Online: translating access into empowerment," October 20, 2015, <http://bit.ly/1MTh70d>
- 11 Nigerian languages, <http://www.onlinenigeria.com/languages/languages.asp>
- 12 Alex Hern, "Wikipedia's view of the World is written by the West," The Guardian, September 15, 2015, <http://bit.ly/1KkakXs>
- 13 Adeyemi Adepotun, "Why Internet exchange points suffer low patronage in Nigeria," The Guardian, February 10, 2015, <http://bit.ly/1WIK7PX>
- 14 205 licenses are listed but only 82 of them have licenses that are valid as at May 24, 2017. See: Nigerian Communications Commission, "Internet Services," accessed May 24, 2017, <http://bit.ly/1U0Khi4>
- 15 Chima Akwaja, "NTEL Begins Number Reservation For 4G Subscribers," Leadership Newspaper, March 9, 2016, <http://bit.ly/1Zjhcho>
- 16 Chima Akwaja, "MTN acquires Visafone, NCC okays deal," Leadership, February 7, 2016, <http://bit.ly/1RKaKdv>
- 17 National Communications Commission, "Class License Register: Telecenter/Cybercafé Category," NCC, http://www.ncc.gov.ng/index.php?option=com_docman&task=doc_download&gid=718&Itemid=
- 18 NCC, "Executive Vice Chairman: Prof. Umar Garba Danbatta," <http://bit.ly/29Okr22>
- 19 "Whatsapp is Nigerian Professional Social Media," Android Nigeria, September 24, 2014, <http://bit.ly/22fauOs>
- 20 On July 26, 2012, the President of the Senate of the Federal Republic of Nigeria, third in command after the president and vice president, called for a clampdown on the use of social media in Nigeria while speaking at a media retreat. Government representatives from the Oyo State House of Assembly made similar declarations in 2012. Phillip Eta, "Clamp down on Social Media now! 'It is now an avenue for abusing government,' – David Mark," *Daily Post*, July 28, 2012, <http://bit.ly/1NeOwR3>.
- 21 Hauwa Gambo, "Get ready, guys: Legislator wants law against "abuse" of social media," YNaija, November 2, 2012, <http://bit.ly/1GfDV8T>.
- 22 *Silenced Voices, Threatened Lives: The Impact of Nigeria's Anti-LGBT Law on Freedom of Expression*, PEN America, June 2015, <https://pen.org/Nigeria-anti-LGBT-Laws>
- 23 "Nigerians protest at NASS over Anti-Social Media Bill," The Citizen Online, December 8, 2015, <http://bit.ly/1P8VGnW>
- 24 Damilola Oyedele and James Emejo, "Finally, National Assembly Releases Its Budget Details, Passes FG's Spending Bill," ThisDay, May 12, 2017, <http://bit.ly/2rTm7KG>
- 25 "Nigeria's President Jonathan Sign the Cybercrime Bill Into Law," *Techloy*, May 16, 2015, <http://bit.ly/1RdeipQ>.
- 26 Cybercrimes (Prohibition, Prevention, ETC) Act, 2015, <http://bit.ly/1LHHhTh>.
- 27 Paradigm Initiative Nigeria, "PIN calls for immediate release of arrested blogger and review of Cybercrime Law," press release, August 9, 2016, <http://bit.ly/2eKLOHn>
- 28 Paradigm Initiative Nigeria, "Digital Rights And Freedom Bill Passes Second Reading," press release, June 23,

2016, <https://pinigeria.org/digital-rights-and-freedom-bill-passes-second-reading/>

[29](#) Abubakar Usman, "The true story of my arrest by EFCC," Daily Post, August 18, 2016, <http://bit.ly/2fpmydo>

[30](#) "Blogger and journalist Musa Azare arrested and released for criticizing Bauchi state government," Bella Naija, August 22, 2016, <http://bit.ly/2fnO74g>

[31](#) "Another blogger arrested for criticizing Katsina governor's purchase of coffins for mosques," Nigeria Today, September 21, 2016, <http://bit.ly/2eACDvi>; "Photo: Outrage as Katsina Gov Masari allegedly buys 30 coffins at N40k & distributes them to mosques," Lailas blog, September 6, 2016, <http://www.lailasblog.com/2016/09/photooutrage-as-katsina-governor-masari.html>

[32](#) Samuel Ogundipe, "Another Nigerian blogger arrested by 'state agents'," Premium Times, September 7, 2016, <http://bit.ly/2qb6XnJ>

[33](#) Dipo Olowookere. "MIIVOC Fumes Over Continued Detention Of Obidinma By DSS". Business Post. November 25, 2016. <https://www.businesspost.ng/2016/11/25/miivoc-fumes-continued-detention-obidinma-dss/>; <https://twitter.com/chairmanNHRC/status/801860673701638144/photo/1>

[34](#) Samuel Ogundipe, "Audu Maikori released on bail," Premium Times, March 13, 2017, <https://www.premiumtimesng.com/news/top-news/225981-breaking-audu-maikori-released-bail.html>

[35](#) Tonye Bakare, "Police arrests Audu Maikori again," The Guardian NG, March 10, 2017, <https://guardian.ng/news/police-arrests-audu-maikori-again/>

[36](#) "Audu Maikori sues Governor El-Rufai for N10billion following his arrest and detention," Lindalkeji Blog, May 17, 2017, <http://bit.ly/2qV6wNL>

[37](#) Seun OpeJobi, "'Pay Choc City boss, Audu Maikori, N40m for illegal arrest, detention' – Court orders El-rufai, Police," Daily Post, October 27, 2017, <http://dailypost.ng/2017/10/27/pay-choc-city-boss-audu-maikori-n40m-illegal-arrest-detention-court-orders-el-rufai-police/>

[38](#) Chukwudi Akasike, "Kemi Olunloyo gets N1m bail," Punch, April 11, 2017, <http://bit.ly/2qOmSqU>

[39](#) Olaide Oyelude, "Police detain journalist over critical Facebook posts," Punch, July 17, 2017, <http://punchng.com/police-detain-journalist-over-critical-facebook-posts/>

[40](#) Necessary and Proportionate principles: <https://necessaryandproportionate.org/about>

[41](#) Low Okezie, "Nigeria's President Jonathan Sign the Cybercrime Bill Into Law," Tech Loy, May 16, 2015, <http://techloy.com/2015/05/16/nigerias-president-jonathan-signs-the-cybercrime-bill-into-law/>

[42](#) Cybercrimes (Prohibition, Prevention, ETC) Act, 2015, Section 38.

[43](#) According to Section 38(4): "Any data retained, processed or retrieved by the service provider at the request of any law enforcement agency under this Act shall not be utilized except for legitimate purposes as may be provided for under this Act, any other legislation, regulation or by an order of a court of competent jurisdiction" (emphasis added). Cybercrimes (Prohibition, Prevention, ETC) Act, 2015, <http://bit.ly/1LHHhTh>.

[44](#) Nigerian Communications Commission, "Guidelines for the Provision of Internet Service," 2, <http://bit.ly/1hVbmA2>.

[45](#) "Guidelines for the Provision of Internet Service Published by the Nigerian Communications Commission," 3.

[46](#) Section 12.1.4, Guidelines for Nigerian Content Development in Information and Communications Technology (ICT) (2013), <http://bit.ly/2ftclca>

[47](#) "Anupam Chander and Uyen P. Le, "Data Nationalism," Emory Law Journal, Vol 64, 2015, http://law.emory.edu/elj/_documents/volumes/64/3/articles/chander-le.pdf

[48](#) Nigeria Communications Commission, "Draft Lawful Interception of Communication Regulations," <http://bit.ly/1du7UKO>; Ojo Madueke, "Revealed: SSS, Police Have Powers to Tap Phone Lines," This Day Live, January 30, 2013, <http://bit.ly/1hH90GJ>; Clement Ejiofor, "Mind That Conversation: Security Operatives To Tap Phones, Track E-mail," Naij, February 5, 2013, <http://bit.ly/1VUWPsl>; Ken Nwogbo, "SSS, Police Get Powers to Tap Phones," Nigeria Communications Week, January 29, 2013, <http://bit.ly/1RdfTfd>.

[49](#) Nigeria Communications Commission, "Draft Lawful Interception of Communication Regulations."

[50](#) Kunle Azeez, "Concerns over proposed lawful interception law," National Mirror Online, May 23, 2013, <http://bit.ly/1kARPa1>; Katie Collins, "Nigeria embarks on mobile phone surveillance project," Wired UK,

September 4, 2013, <http://bit.ly/1PvCpl2>; John Dada and Theresa Tafida, "Online surveillance: Public concerns ignored in Nigeria," in *Communications Surveillance in the digital age 2014*, Global Information Society Watch, <http://bit.ly/1PjVGXy>.

[51](#) Ibukun Taiwo, "TL;DR: The Curious Case of Hacking Team And A Southern Nigerian State," *Tech Cabal*, July 17, 2015, <http://bit.ly/1J8RYg4>

[52](#) Ogala Emmanuel, "Nigeria: Hacking Team, Bayelsa's Govt's Internet Surveillance Contractor, Hacked," *Premium Times*, July 6, 2015, <http://bit.ly/1GfmXYj>

[53](#) "Command and control" server communicates with malware that can be used for surveillance. Morgan Marquis-Boire et al., *For Their Eyes Only: The Commercialization of Digital Spying*, Citizen Lab, April 30, 2013, <http://bit.ly/1amNwJ1>

[54](#) When the author of this report asked for the state of the surveillance system during the Internet Freedom Forum 2016, the representative of the National Security Adviser said he was not aware of any such project.

[55](#) Office of the National Security Advisor 2017 budget, <http://bit.ly/2qjrrpB>

[56](#) Office of the National Security Adviser, "2017 FGN Budget Proposal," accessed on May 24, 2017, <http://bit.ly/2qjrrpB>

[57](#) Nigerian Communications Commission and National Identity Management Commission, "Design, Development and Delivery of SIM Card Registration Solution," June 15, 2009, <http://bit.ly/1clf91H>

[58](#) F. Franklin Akinsuyi, "Data Protection & Privacy Laws Nigeria, A Trillion Dollar Opportunity," LinkedIn, April 15, 2015, <http://bit.ly/1RdgvBs>

[59](#) "NCC orders cyber cafes to register users," *Telecompaper*, October 22, 2013, <http://bit.ly/1LPOk7w>

[60](#) Cybercrimes (Prohibition, Prevention, ETC) Act, 2015, Section 7.

[61](#) Samuel Ogundipe, "Another Nigerian blogger arrested by 'state agents,'" September 7, 2016, <https://www.premiumtimesng.com/news/top-news/209985-another-nigerian-blogger-arrested-state-agents.html>

[62](#) Ministry of Mines and Steel announced on twitter that its website was under attack on May 21, 2017, <http://bit.ly/2qj3Fu4>