

‘Twitting to Suspend Twitter’ – Social Media Censorship in Nigeria: Possibilities, Realities and Legalities

Prof. Isa H. Chiroma (SAN)¹, Ibrahim Sule^{2*}

¹Professor, Professor of Law and the Director General of Nigerian Law School and a Senior Advocate of Nigeria

²Lecturer at Nigerian Law School, Kano Campus, Fellow of International Bar Association and holds LL.M (University of Birmingham): Five International Practice Diplomas from The University of Law, London, UK

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*Corresponding author: Ibrahim Sule

Lecturer at Nigerian Law School, Kano Campus, Fellow of International Bar Association and holds LL.M (University of Birmingham): Five International Practice Diplomas from The University of Law, London, UK

Abstract

Mid 2021 the Nigerian government suspended indefinitely, the operations of Twitter in the country, alleging that the company’s activities undermines the country’s cooperate existence and unity. The government ordered all its agencies to shutdown their handles immediately. This sparked national and international condemnation and commendation. It also brought to fore larger conversations and debates academically, socially, and economically, all over the world. Though the Nigerian government attempted unsuccessfully to initiate social media censorship law few months ago, the recent Twitter ban and the Nigerian government’s request that all social media companies operating in Nigeria must acquire license brought back the heated debate on censorship laws and policies in Nigeria which this article analyses.

Keywords: Twitter ban, censorship laws, freedom of expression.

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INTRODUCTION

On 5th June, 2021 the Nigeria’s Minister for Information announced that the Federal Government suspended indefinitely all the operations microblogging and social networking service, Twitter in Nigeria. According the government, the activities of Twitter are capable of “undermining Nigeria’s corporate existence” [1] because the platform is persistently being used for “activities that are capable of undermining Nigeria’s corporate existence”. Further, the Nigerian government ordered the National Broadcasting Commission to commence the processes of licensing all social media companies before they operate in Nigeria. The Nigeria’s government announcement was not unconnected with the taking down of statements posted by the Nigeria’s

President to his Twitter handle in which he referred to the “1967-70 Nigerian Civil War and to treating “those misbehaving today” in “the language they will understand” [2]. Nevertheless, Twitter claimed that the Nigerian President’s tweet breached their community rule because it incited violence which the Presidency utterly denied. The ban negatively affected Twitter financially as it was estimated to have an impact of around six million U.S. dollars on Twitter.

The hullabaloo between Nigerian government and Twitter sparked national and international condemnation and commendation. It also brought to fore larger conversations academically, socially, and economically, all over the world. Though the Nigeria government attempted unsuccessfully to initiate social media censorship law few months ago, the recent Twitter ban and the Nigerian government’s request that all social media companies operating in Nigeria must acquire license brought back the heated debate on censorship laws and policies in Nigeria. Few days ago, there was unsuccessful attempt to pass into law the

¹Read a report by Tech Crunch, June 4th 2021 titled “Nigeria suspends Twitter operations, says platform ‘undermines its corporate existence’ by Taze Kene-Okafor, ‘Nigeria Suspends Twitter Operations says Platform undermines its Corporate Existence’ *Tech Crunch* (June 2021) available at <<https://techcrunch.com/2021/06/04/nigeria-suspends-twitter-operations-says-platform-undermines-its-corporate-existence/>> accessed on 5th June, 2021

Protection from Internet Falsehood and Manipulation Bill 2019 [3].

This article critically examines some self-censorship and social media accountability policies and statements of Twitter and some censorship laws in Germany, Australia and Russia. The article concludes in view of the current world realities and the situation in Nigeria, there is need for Nigeria to follow the suit of other countries, to have a reasonable set of censorship policies and laws. This will go along way in curtailing the misuse of social media plat forms to spread religious violence, hate speech and other forms of political violence.

Introduction - Understanding Twitter and Tweets

Twitter was initially Twtrr and was found in 2006 by Jack Dorsey, Noah Glass, Biz Stone and Evan Williams (formerly of Google). The company's name was ironically inspired by inspired "in part by bird sounds, and adopted after some other choices (including FriendStalker) were rejected" [4].

The company became one of the world-famous social media microblogging companies in the world from 2017 when it made its first profit. With the market cap of about \$ 54.35 billion and 4900 employees in 2019 the company.

The company was mainly established "to serve the public conversation" [5]. This because if people are freely allowed to converse and communicate, they will be able to express themselves, while "[v]iolence, harassment and other similar types of behavior discourage people from expressing themselves, and ultimately diminish the value of global public conversation" [6].

Twitter self-censorship

Under Twitter Rules, conversation or communication on terrorism, child sexual exploitation,

³See a Human Rights' Watch Report, *Nigerians Should Say No to Social Media Bill Proposal Would Criminalize Criticism of Government*, available on <<https://www.hrw.org/news/2019/11/26/nigerians-should-say-no-social-media-bill>> accessed on 12th June, 2021

⁴See Nick Bilton, 'All is Fair in Love and Twitter' *The New York Times Magazine* (2021) found at <<https://www.nytimes.com/2013/10/13/magazine/all-is-fair-in-love-and-twitter.html>> accessed on 5th June, 2021 and "Twitter Launches" This Day in History, found on <https://www.history.com/this-day-in-history/twitter-launches> accessed on 5th June, 2021

⁵ See The Twitter Rules <https://help.twitter.com/en/rules-and-policies/twitter-rules>

⁶ ibid

violence, hateful conduct, suicide or self-harm or other illegal activities including selling, buying or facilitating any illegal transaction is against Twitter Rules and therefore breaches its Terms and Service and bound to be removed upon proper request. Posting or publishing "other people's private information (such as home phone number and address) without their express authorization and permission" is also not allowed. Non-consensual private nudity of persons or their pictures are also not permitted to be post in Twitter.

Twitter range of enforcement options

A tweet content, being user's direct individual tweet or direct message or an entire account may violate Twitter's Policy, or Twitter Rules or Twitter Terms of Service. Both the tweet and the user's account can as well be in such breach. In any case of breach, Twitter can take any of the following steps [7]:

1. Tweet-level enforcement

This is an enforcement action taken on tweet from a healthy Twitter account that unfortunately posted by mistake tweet that violates Twitter's rules which post adjudged "misleading or disputed" leading to harm. Twitter treats Tweets of this category in the following ways:

- **Limiting Tweet Visibility** – Twitter may restrict the visibility of such tweets in all search results, timelines and replies throughout Twitter. This will mean that the user's tweet, replies and comments will not be seen by any other Twitter user and when his username or tweet is searched in Twitter, there will be no result at all. This will appear to be passive lockout of the user.
- **Requiring Tweet Removal** – A person who violates Twitter Rules may also be required to remove the tweet himself and unless he does that he would not be allowed to tweet, reply or share anything on Twitter. The person will be asked to remove such tweet by notification to his email wherein such tweet is identified and the policy he violated stated clearly. Upon receiving such email, the person is expected to remove the tweet or he appeal against Twitter's decision if the user believes that Twitter made the decision in error.
- **Interim Hiding of the Violating Tweet**

In the interim period when Twitter requires user to remove the violating tweet and user's removal, Twitter may temporarily hide such tweet from other users and a notice will be placed on the user's profile page instead that such tweet violates Twitter's Rules and the notice will continue to be place for 14 days even after such tweet is eventually removed.

However, there are exceptions to this rule. In rare cases and in the public interest, Twitter may allow

⁷ See Twitter Range of Enforcement Options <https://help.twitter.com/en/rules-and-policies/enforcement-options>

tweets that may otherwise be removed. This normally happens when Twitter access the tweet and discovers that, it “directly contributes to understanding or discussion of a matter of public concern” [8]. However, such tweet we will be placed “behind a notice providing context about the rule violation that allows people to click through to see the Tweet” [9]. Such tweets are usually from elected government or its officials “[representing] a current or potential member of a local, state, national, or supra-national governmental or legislative body” [10] with over 100,000 followers. The tweet will therefore have limited reach in Twitter because algorithmically it will not be recommended for retweet, likes or sharing. Any tweet that is put behind notice of violation will not be available in the “Top Tweets”, home timeline, safe search, tweet recommendations via push and notification tab, live event timeline and explore tab.

Take note that, where a tweet “includes a declarative call to action that could harm a specific individual or group” [11] or it shares information that directly will interfere with someone’s exercise of fundamental rights, Twitter is ‘more likely’ to remove such tweet without recourse to the user or placing any notice on the tweet.

This could be exactly what Twitter claimed to have happened to President Buhari’s tweet.

2. Direct Message-Level Enforcement

These are enforcement actions taken on user-user message that violates Twitter Rules. This is usually when in direct user-user message or conversation a user reports to Twitter another user as violating Twitter’s Rules by sending him such direct message. Twitter will then stop the user from sending any further message to the reporter and will remove such violating message from the reporter’s inbox. It should be noted however, if the reporter continue to send message to the user after reporting, Twitter will deem that the said reporter decides to resume conversing with the user. However, if in a direct group message, there is report of violation of Twitter Rules by a user in that group, Twitter can place a notice behind such message to ensure that no one else in that group sees it [12].

⁸ See About Public-Interest Exceptions on Twitter – Defining Public Interest
<https://help.twitter.com/en/rules-and-policies/public-interest>

⁹ *ibid*

¹⁰ *Ibid*

¹¹ See <https://help.twitter.com/en/rules-and-policies/public-interest>

¹² Direct Message-Level Enforcement
<https://help.twitter.com/en/rules-and-policies/enforcement-options>

3. Account-Level Enforcement

These are enforcement actions taken on an account that violates Twitter Rules. Twitter may take action against an entire account when the user violates Twitter Rules in an “egregious way” [13], or that the user has repeatedly been violated the rules even when Twitter sent him notifications for violence.

Steps of enforcement

- **Requiring the user to edit**

When an account profile, information or media is found to be in breach of Twitter Rules or policies, the account may be temporarily unavailable on Twitter and require the user to edit such media or profile to come to compliance. In the request to edit, Twitter always state which policy the user breaches and which media breaches the policy.

- **Placing account on “Read-only” Mode**

Where a healthy Twitter account is unfortunately in middle of an ‘abusive episode’, Twitter may temporarily make such account “read-only” thereby ‘limiting their ability to Tweet, Retweet, or Like content until calmer heads prevail’ [14]. And when this is done, users can only read their timeline and send direct message to his followers and nothing more. Depending on the nature of such violation, the read-only mode can last from twelve hours to seven days, during which other users see and engage such user.

- **Verifying Ownership of Anonymous Account**

To prevent abuse of privilege to have anonymous account from harassing other users hiding behind anonymity, Twitter also requires the owners of such anonymous account to verify their account ownership by his phone number or email address. This normally happens on suspicion of operating multiple accounts and such accounts will be temporarily locked until the owner provides his verifiable phone number or email address. During such period the owner cannot tweet and retweet

Glorification of Violence

In March 2019, Twitter reviewed its policies and included what it terms Glorification of Violence Policy. The said policy partly stated thus: “Glorifying violent acts could inspire others to take part in similar acts of violence. Additionally, glorifying violent events where people were targeted on the basis of their protected characteristics (including: race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease) could incite or lead to further violence motivated by hatred and intolerance. For these reasons, we have a policy against content that glorifies acts of

¹³ Account-Level Enforcement at
<https://help.twitter.com/en/rules-and-policies/enforcement-options>

¹⁴ *ibid*

violence in a way that may inspire others to replicate those violent acts and cause real offline harm, or events where members of a protected group were the primary targets or victims” [15].

Under this policy, any user who glorify, celebrates, praises or condoles any form of violence, crime or violent event targeted at some people or someone because of their religion, tribe, ethnicity, disability age etc is said to have violated Twitter’s Rules and Terms of Service. This will include posts containing violence wherein someone responds with comments such as ““I’m glad this happened”, “This person is my hero”, “I wish more people did things like this”, or “I hope this inspires others to act”” [16]. Accordingly, any person with or without Twitter account can report this kind of violation to Twitter either directly or by filing Twitter’s Abusive Behavior Reporting Form [17].

The consequences of breaching violence gratification policy depend on the severity of the breach, but Twitter will basically warn and ask the user to remove the content or else Twitter locks the user out of his account. This is literally to give the user right to be heard before he is sanctioned. Nevertheless, if the user persists on his violent behavior after been warned, the user’s account will be permanently suspended. The user can however appeal against the suspension if he believes that the said suspension is made in error [18].

There have been criticisms that.

Social Media Accountability

With emerging role of social media especially politically and economically all over the world, many countries are enacting laws to hold them accountable for all the illegalities their citizens may commit on their platform or website. Although these laws have raised critical questions on right to freedom of expression, countries that enact them persistently claim that the laws are mostly made to combat use of social media for hate speech, posting of illegal content, circulation of seditious materials and other online illegal activities.

Self-censorship

Major social media companies like YouTube, Twitter, Facebook, Tik Tok etc all have internal mechanisms to takedown any illegal content breaching their policies or laws of countries that complain.

Recently, the YouTube in its Transparency Report stated that between January 2021 – March 2021 2,230,310 channels and 9,569,641 videos were removed for violation of its YouTube Community Guidelines [19]. To ensure that users’ channels, video posts and comments are continuously monitored to audit possible breaches as at 2020, “YouTube employs 10,000 people in monitoring and removing content, as well as policy development” [20].

Facebook also has its Community Standards and Instagram Community Guidelines, which define what post is and is not allowed to be posted on Facebook. This is in order to make Facebook and Instagram platforms and places “where everyone feels comfortable expressing themselves, we must also protect their safety, privacy, dignity and authenticity” [21].

Facebook also claimed to have employed about 30,000 people around the world to monitor, flag and remove any illegal content post by users. And between July and September 2019 Facebook found about 30.3 million pieces of content in breach of its policy.

Censorship laws around the globe

1. Germany

In Germany, under the country’s 2017 Network Enforcement Law [22] (Netzwerkdurchsetzungsgesetz, NetzDG; German: Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken), the government can request any social media platform to remove any seditious, defamatory material, illegal content or hate speech posted from any of the country’s citizen’s page within 24 hours of the request. Any social media company that refuses to comply with that law can be fined up to \$55,000,000.00. Under that law every social media is required to domestic agent for services of processes or requests from government or law enforcement agencies. Where the social media content is clearly illegal, the company is required under the law to remove it within twenty four hours. But where the social media content or post is not patently illegal, the company is allowed to investigate the complaint and the content reported within seven days and then delete or remove such content. In cases where a social media company

¹⁹ See

https://support.google.com/youtube/answer/7554338?ref_topic=7124235

²⁰ ibid

²¹ See Facebook’s *Community Standards Enforcement Report*, available at

<https://transparency.fb.com/data/community-standards-enforcement/?from=https%3A%2F%2Ftransparency.facebook.com%2Fcommunity-standards-enforcement>

²² Also popularly known as Facebook Act or “Hate Speech Law”

¹⁵ Glorification of violence policy
<https://help.twitter.com/en/rules-and-policies/glorification-of-violence>

¹⁶ ibid

¹⁷ See <https://help.twitter.com/en/forms/safety-and-sensitive-content/abuse>

¹⁸ See <https://help.twitter.com/en/forms/safety-and-sensitive-content/abuse>

receives more than one hundred complaint in a year, the company must publish, twice a year details of the complaint in a Gazette stating the criteria they adopt in resolving such complaints. The company must also make available same published report on their social media website home page for the world to know, one month after the end every month [23].

It should be noted however that the law does not in any way introduce a new set of illegal online acts punishable under the German law. It however seek to enforce various laws in Germany's criminal code relating to illegal acts and offences, like hate speech, defamation, sedition, terrorism, depiction of violence, forgery, child phonography etc.

2. Australia

In 2019, the Australia's Sharing of Abhorrent Violent Material Act in 2019 [24] received the Royal Assent. The law came to amend the Australia's Criminal Code 1995. This law majorly followed the Christchurch terrorist attack on 15 March 2019 and is intended to compliment other existing laws on online content take-down under Schedules 5 and 7 of the *Broadcasting Services Act 1992* (Cth) [25].

The law defined abhorrent violent material as any material audio, visual or audio-visual that records or streams abhorrent violent conduct engaged in by one or more persons that reasonable persons would regard as being, in all the circumstances, offensive. And it is immaterial whether the said abhorrent conduct is engaged within or outside Australia. A person is said to have engaged in abhorrent violent conduct if he engages in a terrorist act, murder, torture, rape, kidnap etc.

Social media companies, internet service providers, content service providers and hosting companies commit an offence if they have reasonable grounds to believe that their services can be used to access "abhorrent violent material that records or streams abhorrent violent conduct that has occurred, or is occurring, in Australia and that is not reported to Australian Federal Police within a reasonable time after becoming aware of the existence of the said material [26]. It is also immaterial that either the service provider or its services is within or outside Australia. All internet

²³ See Heidi Tworek and Paddy Leerssen *An Analysis of Germany's NetzDG Law* available at https://www.ivir.nl/publicaties/download/NetzDG_Two rek_Leerssen_April_2019.pdf

²⁴ No. 38, of 2019; accessed and downloaded at <https://www.legislation.gov.au/Details/C2019A00038>

²⁵ See Kylie Pappalardo *Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019* <https://wilmap.stanford.edu/entries/criminal-code-amendment-sharing-abhorrent-violent-material-act-2019>

²⁶ See section 474.33 of the Act

service and content providers and hosting companies, whether or not their services are provided within or outside Australia are duty-bound to remove such violent content immediately else they commit an offence under the law and can be sanctioned for up to 3 years imprisonment and a whopping sum of \$2.1 million as fine for individuals and up to \$10.5 million or 10% of the annual turnover for a corporate organization.

There is also *Enhancing Online Safety Act 2015* [27] which empowers eSafety Commission to demand social media companies to take down, remove or delete any abusive content post on their platform. The law followed Charlotte Dawson [28] death after she committed suicide as a result of cyber-bullying campaign against her throughout Australia [29]. One very interesting innovation about the Act is the establishment of the office of eSafety Commissioner. The commissioner is responsible for promoting online safety for Australians, receiving and administering complaints for cyber-bullying material targeted at an Australian child and objections on non-consensual sharing of intimate images. The commissioner is also responsible for administering the online content scheme under Broadcasting Services Act 1992 and for ensuring compliance with the Act by all persons and agencies in Australia [30].

Under the Act, any Australian child (or any "responsible person" (child's parent guardian on behalf of the child) who has reason to believe that he is a subject of cyber-bullying on any social media or relevant electronic service can complaint to the Commissioner. So also any Australian child who has reason to believe that when he was a child he was a target of cyber-bullying on any social media can complain to the Commissioner within six months of becoming 18 years. Under the Act, no person ordinarily resident in Australia shall post or threaten to post any intimate images of another person ordinarily resident in Australia on social media without the consent of that person [31].

²⁷ Downloadable from

<https://www.legislation.gov.au/Details/C2018C00356>

²⁸ She was a New Zealand–Australian television personality, was also a judge on Australia's Next Top Model. She had also been the fashion editor for *Woman's Day* and style editor for *New Idea*.

²⁹ See *Charlotte Dawson found dead after long and public battle with depression*

<https://www.news.com.au/charlotte-dawson-found-dead-after-long-and-public-battle-with-depression/news-story/4d3f4302f5fad49af82ffab4b90e6e8e>

³⁰ See part 2, Sections 13-16 of the Act

³¹ Note that under sections 89 and 90 of the Act, the Commissioner, his staff and his delegates are immune from criminal and civil suits while carrying out the functions of his office

The Commissioner also has powers under the Act to order any social media company, internet service or content that depicted intimate image of any Australian without his consent to remove such material.

3. Russia

Under the Soviet Union, censorship was always part of the Russia's government culture. As early as December 1918, the Revolutionary Military Council of the Russian Republic enacted the Statute of Military Censorship. And by 1922 Glavlit was established to take responsibility for censoring all printed and photographic materials and all works meant to be published throughout the then USSR [32]. With the collapse of the Soviet Russia and coming in of a new democratic Russia censorship was formally banned. Until the 2000, there wasn't any law or regulation directly censorship of media. However, Doctrine of Information Security was passed in the year 2000, though not an enforceable law, it clearly but indirectly "outlines the new state thinking concerning the problem of information security from the state's point of view". The aftermath of many terrorists' attack necessitated unsuccessful attempt in 2004 to amend Mass Media Law prescribing the extent of terrorists attack reportage and especially Article 4 seeking to prohibit the use of mass media for fuelling ethnic, social, class or religious feud/strife. However, few months after Dubrovka Theatre hostage taking the controversial Convention on Counter-Terrorism was passed.

The internet and social media were loosely free before the 2012 protests. After these protests the government accused the social media companies of allowing their platforms to be used by the "nation's enemies" to incite the protests.

A new law in Russia, though not expressly deals with social media contents, material or information, can indirectly control not only social media content but shutdown the entire social media company's website or the entire internet throughout the country.

Under the law, the Kremlin can switch off any connections within Russia or to the internet in cases of emergency. The law mandated all internet service providers to route their internet traffic and data through state-controlled servers by installing Deep Packet Inspection (DPI) capable of inspecting the exact source of any internet traffic coming to Russia from all over the world. The Ministry of Telecom and Mass Communications established a powerful censorship

³² See Pietiläinen, J & Strovsky, 'Why Do Russians Support Censorship of the Media?', Russian Journal of Communication, 2010, Vol 3, no. 1-2, pp. 53-71, available on <http://hdl.handle.net/10138/24366> accessed on 12th October, 2021

agency called Roskomnadzor (Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications). The agency is empowered to shut down or block any websites that encourage or incites violence or protest or that propagate suspected extremist content, or it violates 'established order. In 2016 President Putin signed a law that prohibits and bans the use of any anonymous website or VPN. The law also mandated internet companies to restrict access to any user that is found to be distributing an illegal content [33]. Between 2014 and 2018 Roskomnadzor blocked and blacklisted hundreds of websites and domains including Daily Motion, Archive.is, LINE, Reddit, LinkedIn, Telegram, WeChat (for a week) and tens of other websites.

The Twitter realities in Nigeria

After the Nigeria-twitter brouhaha, the Nigeria's ministry of information announced that, all Twitter operations were "suspended" in Nigeria. Nevertheless, critically speaking, the word 'suspension' is inappropriately used by either the ministry of information or the minister for information. It appears that the users of the word 'suspension' are either unaware of the way internet operates or are literally thinking that Twitter must have gotten license to operate in Nigeria which license could now be suspended.

Does Twitter require any license to 'operate' in Nigeria? Technically speaking, looking at how freely intricate the internet is, Twitter does not require anybody's license to operate anywhere. Even if the government insists on licensing before operation, with certain freely available simple internet maneuvers and tricks anybody with internet can access Twitter services without he himself acquiring any license from the Nigerian government.

For a person to get connected to Twitter and have an account, all that one needs is internet connectivity, with or without the license of any regulatory agency.

Does Twitter operate in Nigeria?

Literally speaking, to operate within a country is to have a physical or recognizable presence in that country for instance, by getting a physically identifiable office, site, location or person or agent or representative or representation within that country. If one understands very well how the internet operates, the answer to the question whether Twitter operates in Nigeria is dependent upon whether by the nature of its activities Twitter needs a physical presence in Nigeria to operate. Of course not. This is because, Nigerians have been accessing Twitter unrestrictedly using several freely available mobile phone apps, computer softwares and

³³ See Federal law of Russian Federation no. 139-FZ of 2012-07-28)

sms codes. To this date, Twitter doesn't have an office anywhere in Nigeria but even at this the Federal Government couldn't deny Twitter's operations in Nigeria and that is why it is suspending them.

Twitter operates in the cloud and no one controls the cloud and no one can, so no one can suspend Twitter's operations completely indefinitely anywhere.

Can Twitter's operations be suspended?

To begin with, let's first understand that 'suspending' someone's 'operations' will entail closing or shutting down someone's physical operations, preventing someone from carrying out one's usual businesses in a given place and taking all the necessary steps to sanction someone if one errs. When an airline's operations are suspended all its aircrafts will be grounded and practical steps will be taken to sanction that erring airline. Well, can this happen to Twitter, now that its 'operations' are 'suspended' in Nigeria?

Well, I can humbly say no. To take home this point, one may first literally, well may be in one's timidity being a villager like me, ask- does Twitter have office in Nigeria that its 'operations' can be 'suspended'?

Or in a more sarcastic tune one may still ask - when did Nigeria grant Twitter a license that can now be suspended?

As a curious internet user, as far as internet is concerned no one grants anyone any license to use the Internet anywhere and anyhow, to belong or not to belong to any social media, to post or not to post anything, anytime anywhere. In so far as you have the data to get connected, you are your own master, well except if you do not know, but no one can restrict you from accessing or connecting to any site. Twitter doesn't have an office in Nigeria in a literal sense, it uses Internet, sms and so many other ways to connect people and disseminate information among them, its operations are in the 'cloud' and therefore cannot be suspended completely the way an airline's services can be suspended. Even if the word 'suspension' in this sense is loosely used to mean banning or restricting access to Twitter, records have shown that no country, including China (which never ever allowed Twitter access) that has the capacity to completely ban, restrict or prevent its citizens from accessing Twitter, as there are many ways to access it and many more are being invented.

Again, Twitter does not compel anyone to have an account with it or citizens of any country to use its services, all users freely join, so how can you suspend someone you voluntarily ask to accept you, well who suspends who? The worst that can happen in one's bitter relationship with Twitter if one doesn't like the way they serve one is for one to quietly deactivate

and delete one's account. Learning from experience, recently, several countries, like China, Egypt, Iran, North Korea and Turkmenistan that unsuccessfully ban (I don't want use 'suspend') Twitter for some reasons from their countries, succeeded only in opening the eyes of their citizens to several other ways, workarounds and bypasses of using using Internet to access Twitter that can as well be used for certain obnoxious cyber crimes. While on one hand it is practically impossible to completely ban access to Internet, by extension Twitter, on the other hand, while voyaging for alternatives one may discover alot of hitherto undiscoverable and tempting dark side of the internet that may open one's vulnerable eyes to floodgates of heinous cyber crimes. Possibly further, as Twitter makes money from our tweets that its recent market cap is \$54.35 billion, Twitter will definitely innovate and propogate several means of accessing its services by Nigerians regardless of whatever suspension and probable consequential prosecutions of innocent users, just as they did in some countries.

Possibly still, some Nigerians may seek to claim a right 'to tweet' out of this suspension quagmire by extending their right to freedom of expression under the Nigerian Const.

Some practical options for Nigeria

Looking at the Twitter operations and its self-censorship provisions, the Nigerian government can have several more practicable options against Twitter than claiming to have suspected Twitter's operations.

1. Emergency Discloser Requests provided under Guidelines for Law Enforcement

Under this, law enforcement agencies may request that certain information about some Twitter user involved in danger of death or serious injury be disclosed to them in order to save or rescue that user. Nevertheless, Twitter accepts and honours those requests upon "a good faith belief that there is an exigent emergency involving a danger of death or serious physical injury to a person, we may provide any available information necessary to prevent that harm" *ibid*. So it is the law enforcement agency's responsibility to state clear facts to convince Twitter that the said Twitter user is in danger of death or serious injury for Twitter to accept the request. Such requests are to be submitted to the Twitter's Legal Requests Submission site containing the user's username and URL, his identity, type of emergency and the reason for the emergency [³⁴].

³⁴

https://legalrequests.twitter.com/forms/landing_disclaimer

2. Raise the issue with Tweeter and demand that offensive tweets be removed for breach of its Terms of Service.

These requests are brought by government agencies believing that a Twitter user's account violates their local laws

3. *Country-Withheld Content* – “by which Twitter enabled governments and their representatives to formally request that Twitter withhold tweets and/or whole accounts within the boundaries of a specific country” and once Twitter receives the request, it will determine its legitimacy and if is lawfully made, will withhold Twitter content in a country and allows it in another country.

It is to be noted that, from 2012, Twitter started publishing its Transparency Reports to date. Twitter in its 2021 Transparency Report surprisingly stated thus:

“The United States [2] has been the top overall requesting country since the first Twitter Transparency Report, where it accounted for 80% of all global requests in 2012.

Today, the United States remains the single largest source of government requests, but now only accounts for 27% of the global volume, and 39% of global accounts specified. The second highest volume of requests originate from India, comprising 21% of global information requests, and nearly 25% of global accounts specified. Notably, Japan had previously been the second largest requester since Transparency Report 9” [35].

4. Preservation Requests

Another option is Preservation Requests *by which a government can demand that some information in the tweets of persons under investigation be preserved until investigation is completed. Upon receipt of that request, “will temporarily preserve, but not disclose, a snapshot of the relevant account information for 90 days pending issuance and service of valid legal process”.* Twitter may “may honor requests for extensions of preservation requests, but encourage law enforcement agencies to seek records through the appropriate channels in a timely manner, as we cannot guarantee that requested information will be available”.

Surprisingly still, the largest number of Preservation Request comes from the United States with about 58% request, followed by India with 18% request, the two accounted for 76% of all the global requests.

³⁵ Top Requesters:

<https://transparency.twitter.com/en/reports/information-requests.html#2020-jan-jun>

5. Requests to Unmask

Twitter also receives requests from both governments and other agencies to unmask, reveal or give details or identities of accounts with anonymous or pseudonymous Twitter users. United States also has the largest requests so far basing their requests on 1st Amendment grounds. Twitter however always objects to such request which normally end in court. As of June 2020, Twitter received 14 requests from the US all of which it objected and the US government took the matter to court on 3 requests.

CONCLUSION

There is no doubt that right to freedom of expression has been guaranteed under the Nigerian Constitution and courts have been purposefully interpreting this provision effectively to prevent government's unreasonable interference outside the provisions of section 45 of the CFRN 1999 [36]. Recently, with the increasing growth in social media expressions against several government policies and actions and numerous politically or religiously hurtful statements by social media users, there has been an attempt by the government to pass a bill that many considered as an attempt to censor social media. This was resisted by many non-governmental organisations, student groups, politicians etc.

There has also been an attempt to increase the power of the Nigerian Broadcasting Commission to include censoring social media and online content post by Nigerians. The Minister for Information during a radio programme expressed Nigeria's willingness to follow other countries like Algeria, Pakistan, UK, Turkey etc where social media and online media content are being censored for hate speech and other offences [37]. Though freedom of expression is guaranteed by the Nigerian Constitution, the country has not left the use or abuse of the internet uncensored. In 2015, it passed *Cybercrime (Prohibition, Prevention etc) Act* through which many illegal activities, spamming, scamming, cyber stalking, identity theft etc being carried out through the internet are being censored. However, the Act doesn't criminalize or seek to censure any kind of free-speech made online, though it is likely the government could use its wide draconian provisions mostly favorable to government to target certain pressure groups and non-governmental organizations and indirectly seek to censure their social media posts and statements. Although there are no clear

³⁶ See section 39 and 45 of the CFRN 1999

³⁷ Yusuf Akinpolu, 'Social Media Censorship: How Countries Nigeria Seeks to Emulate Fare in Human Development', *Premium Times*, (June 2021) available on

<https://www.premiumtimesng.com/news/headlines/468835-social-media-censorship-how-countries-nigeria-seeks-to-emulate-fare-in-human-development.html>> accessed on 7th December, 2021

laws censoring social media in Nigeria, nevertheless, the wide and wild provisions of Cybercrime Act can always be invoked by government through a number of its agencies like the Nigerian Communications Commission to crackdown on free speech on social media especially from what the government may termed opposition group. While censorship legislations if used objectively for public and national security can bring positive impact, they as well can be easily maneuvered to crackdown on free-speech.