**Constitutional Rights Project and Civil Liberties Organisation v. Nigeria**

31 October 1998, No. 102/93 (African Commission on Human and Peoples’ Rights)

Theme: public order

Sub-Issues:

Test: necessity

Penalty: detention, ban/suspension/seizure

Decision: violation of freedom of expression (Article 9 ACHPR)

Jurisdiction: African Commission on Human and Peoples’ Rights: Nigeria

Summary:

Journalists protesting the annulment of the Presidential elections were detained and publications were banned.

Facts: Opposition activists and journalists protesting the annulment of the 1993 Presidential elections were arrested and detained, and publications opposed to the annulment were seized and banned. One publication was proscribed by military decree.

Held:

National Security

The government sought to justify its actions by reference to the chaotic situation following the elections.

Necessity

The Commission stated that no situation justified the wholesale violation of human rights, including freedom of expression. It found that, given the availability of libel actions where justified, the banning of particular publications is a clear breach of freedom of expression. Laws made to apply to one individual or legal entity raise the acute danger of discrimination and lack of equal treatment before the law. Seizure of newspapers also violated Article 9.