When the State turns the Law against dissent under Tinubu's Watch



By Kolawole Olaniyan

It is happening again. Under President Bola Tinubu, Nigerians are facing an increasingly repressive political and legal environment. Like the Muhammadu Buhari government before it, the Tinubu administration is making an utter mockery of Nigeria's constitutional and international obligations to respect human rights and uphold the rule of law. There is something deeply troubling about a country in which the security agency created to protect the state and its people increasingly finds itself in court seeking to restrain citizens from speaking, organizing and criticizing those in power.

Nigeria has been here before. But under Tinubu, threats, harassment and intimidation of human rights defenders, activists, journalists and civil society organizations are being compounded by the growing weaponization of the criminal justice system, particularly by the Department of State Services (DSS), to silence peaceful dissent and intimidate critics. Restrictions on civic space do not always require soldiers on the streets or newspapers being shut down. They can take less spectacular but no less serious forms: arbitrary arrest and detention, unlawful surveillance, unfair criminal prosecutions, baseless defamation lawsuits and strategic lawsuits against public participation (SLAPPs) designed to make dissent costly and dangerous.

The recent cases involving the Socio-Economic Rights and Accountability Project (SERAP), Professor Pat Utomi and opposition activist and journalist Omoyele Sowore represent a disturbing hat-trick of injustice, showing how the machinery of justice is increasingly being misused to suppress dissent under the Tinubu administration. SERAP was established as a non-governmental organization in 2004 and has, under successive administrations from Olusegun Obasanjo to Tinubu, used advocacy and public-interest litigation to demand accountability and insist that governments respect the rule of law. It has consistently challenged abuses of power and spoken truth to power. Even the Buhari administration, despite its grave and well-documented human rights record and repeated clashes with SERAP, did not resort to judicial harassment of the organization or seek to use the courts to silence it. SERAP challenged the government, won some cases, lost others and continued to criticize its policies openly. The contrast makes its present predicament under Tinubu all the more disturbing.



SERAP's record speaks for itself. In 2022, SERAP and 176 Nigerians successfully challenged Buhari's Twitter suspension before the ECOWAS Court of Justice, which held that it violated the rights to freedom of expression, access to information and media freedom. SERAP and the Nigerian Guild of Editors also secured an interim injunction in 2026 restraining the National Broadcasting Commission from enforcing several repressive provisions of the Nigeria Broadcasting Code. SERAP has also secured other important court victories. The ECOWAS Court awarded journalist Agba Jalingo ₦30 million for arbitrary detention and ill-treatment, while the Federal High Court ordered the disclosure of about $5 billion in recovered Abacha loot and, more recently, the publication of the Niger Delta Development Commission (NDDC) forensic audit report and the names of those indicted. These cases show what SERAP has consistently done: use the courts to hold governments and public institutions accountable. The tragic irony is that, after more than two decades of defending human rights and challenging abuses of power, SERAP now faces judicial harassment from the very machinery of state it has sought to hold accountable. The irony is even more striking in the case of Nuhu Ribadu, now Nigeria's National Security Adviser. SERAP repeatedly defended Ribadu when he was targeted for confronting corruption. In 2008, when the Yar'Adua administration removed him as Economic and Financial Crimes Commission (EFCC) chairman and sent him on a purported "refresher course", SERAP condemned the move, petitioned the United Nations against his removal and threatened legal action over his replacement.

Later that year, after Ribadu survived assassination attempts, SERAP demanded an immediate investigation and protection for his life. In 2009, Ribadu became the inaugural recipient of the Civil Society Anti-Corruption Defender Award, an initiative I helped establish to recognize the courage of activists, human rights defenders and civil society organizations committed to fighting corruption. Today, under Ribadu's watch as National Security Adviser, the DSS is weaponizing the judicial system against SERAP and other critics. The same organization that once defended Ribadu against harassment, intimidation and threats to his life is now facing similar tactics of harassment and intimidation for doing its own human rights work. In September 2024, SERAP called on President Tinubu to investigate allegations of corruption and mismanagement involving the Nigerian National Petroleum Company Limited (NNPCL). The following day, DSS officials reportedly invaded SERAP's Abuja office, demanding to see its directors. Two officials later sued SERAP for defamation over its public account of the incident

and allegations concerning their conduct.

In May 2026, the Federal Capital Territory High Court awarded ₦100 million in damages against SERAP and ordered an apology, costs and post-judgment interest. SERAP has appealed and sought a stay of execution, arguing that the judgment contains serious legal and evidential errors. I have read the judgment against SERAP and, in my view, to say that it is the ultimate travesty of justice would be a disservice to that phrase, not least because of the serious legal and evidential concerns it raises and the apparent failure to properly assess key evidence and available defences. It is yet another judicial decision that raises troubling questions about the rule of law, judicial independence and whether civil society organizations can challenge abuses of state power without fear of reprisals. Amnesty International, Human Rights Watch, the Observatory for the Protection of Human Rights Defenders, the Institute for Human Rights and Development in Africa, and more than 100 Nigerian civil society organizations have also condemned the judgment, arguing that it risks turning defamation law into a tool of intimidation that chills legitimate criticism and public-interest advocacy. The case involving Professor Pat Utomi presents a different but equally troubling illustration. In 2025, the DSS went to court over Utomi's proposal for a "shadow government", asking the Federal High Court to declare the initiative unconstitutional and restrain him and his associates from pursuing it. The DSS also sought restrictions on public rallies, lectures and media appearances promoting the initiative, characterizing it as a threat to the constitutional order and national security. The state has legitimate powers to investigate genuine threats to national security. But "national security" cannot become a pretext for suppressing the peaceful exercise of human rights or stifling political dissent. Any restriction must be grounded in law, necessary and proportionate, and based on a specific and demonstrable threat. A political initiative cannot be treated as a security threat simply because it challenges those in power, is unpopular or politically inconvenient.

The case of Omoyele Sowore is another disturbing example. The DSS brought a cybercrime lawsuit against Sowore over social media posts in which he allegedly described President Tinubu as a "criminal". A Federal High Court subsequently dismissed his no-case submission and held that he had a case to answer. This raises a fundamental question: if calling a president, a "criminal" on social media becomes a matter for the country's secret police, where does legitimate political criticism end? Public officials cannot reasonably expect protection from every harsh, offensive or intemperate political opinion. The answer to such criticism should ordinarily be evidence, explanation and political accountability—not criminal charges or unfair prosecution against those who express critical views of the authorities. There is a striking contradiction here. President Tinubu has repeatedly spoken about his commitment to the rule of law and tolerance for criticism. In his 2025 Democracy Day address, he said: "No one should bear the brunt of injustice for merely writing a bad report about me or calling me names. Democracy requires a fair degree of tolerance for harsh words and stinging insults. Call me names, call me whatever you will, and I will still call upon democracy to defend your right to do so." Those are powerful words. But words must be matched by action. It is difficult to reconcile Tinubu's stated commitment to the right to freedom of expression with his apparent willingness to allow or condone the abuse of the judicial system by the DSS to target critics and civil society organizations.

If Tinubu and his government truly believe that Nigerians should be free to criticize and even insult him and his government, they cannot remain silent while the machinery of the state is used to punish exactly that kind of speech. At the very least, the President's failure to call on the DSS to abide by Nigeria's human rights obligations risks being seen as tacit approval of the abuse.

Amnesty International's *State of the World's Human Rights: April 2026* documented arrests and detention of journalists, activists and others expressing dissent in Nigeria, as well as police assaults on journalists, the use of tear gas against peaceful protesters, confiscation of equipment and prosecutions under the Cybercrimes Act and criminal defamation laws. The report points to serious concerns about the shrinking space for the right to freedom of expression and media freedom.

The National Assembly is also considering bills that, if passed, could further restrict civil society, foreign assistance and online expression. This is how repression and other authoritarian practices are normalized and legitimized. The contradiction is particularly troubling because President Tinubu and several prominent figures now serving in his government were themselves victims of serious human rights violations under previous governments. They know the importance of activists, journalists and civil society organizations speaking out when governments abuse their powers. Those who fail to learn from history are condemned to repeat it.

The first duty of government is to uphold the law. A society governed by the rule of law must not only tolerate but enable a safe environment for criticism, dissent, investigative journalism and organizations whose purpose is to scrutinize public power. Governments have disagreed with SERAP and defended themselves against its lawsuits. That is how constitutional government is supposed to work. The lesson from Ribadu is particularly important. SERAP once defended a public official when he was targeted for doing his job too boldly. Today, it is the organization itself that needs protection from the consequences of carrying out its human rights work too fearlessly.
Nigeria is better than this. President Tinubu and those serving in his government will ultimately be judged by how they respond to the erosion—or protection—of civic space and the rule of law. The Tinubu administration must change course. It must uphold judicial independence, respect human rights and ensure that security and law-enforcement agencies operate strictly within the law. Nigerian law should also provide effective protection against SLAPPs, allowing courts to dismiss abusive cases at an early stage and preventing legal proceedings from becoming instruments of intimidation.

Nigerian authorities must quash the unjust judgment against SERAP, withdraw unjustified charges against Sowore and other journalists and activists, and release anyone detained solely for peacefully exercising their rights. President Tinubu should call the DSS to order and ensure that his government's actions match its rhetoric on the rule of law. Nigeria cannot afford a situation in which peaceful dissent is treated as a security threat and the institutions meant to protect the state and its people become the instruments through which citizens are silenced and repressed. As for the people, this is not the time to give up or stand by. Nigerians must continue to speak truth to power, defend their rights and insist that governments and politicians remain accountable.