

Impact of Contempt Of Court and Invasion of Privacy Laws on Press Freedom in Nigeria

Hygeinus Nwokwu Aligwe, Samuel N. Anibueze And Kenneth Adibe Nwafor

Department of Mass Communication, Ebonyi State University, Abakaliki, Nigeria.

Corresponding Author: Hygeinus Nwokwu Aligwe

ABSTRACT: An important aspect of democracy is press freedom. Press freedom emanated from the democratic ideal of freedom of expression. Press freedom is always a continuous issue. There are such other rights as fair hearing, right to privacy of family life. In any state there are some of them, sometimes conflicting. It is the mandate of the state through its court of law to resolve these seeming conflicts among the rights guaranteed to citizens. In doing this, they take resource to public interest considerations. Through critical analysis of relevant statutes and some case laws, this paper examined the conflict between the rights to freedom of the press on one hand and the right to private and family life (i.e. invasion of privacy) and right to fair hearing in the public (i.e. contempt of court) on the other hand. Contempt of court and invasion of privacy laws are no significant threat to press freedom in Nigeria. Arbitrariness and extra-legal measures in the application of these laws are problem to the Nigerian press. The study found that in actual practice, there is no rule of law in the country. There is urgent need for rule of law in the country.

KEYWORDS: Contempt of court, invasion of privacy, press freedom, democracy, Nigeria.

Date of Submission: 09-05-2018

Date of acceptance: 24-05-2018

I. INTRODUCTION

The ride to democracy in several parts of the world has been turbulent, even tumultuous. Success at any stage did not end the quest. Emerging issues in the environment often throw up further demands for greater freedom for the people.

Press freedom is an element of democracy. Journalists, with the member of the society committed to democratic culture, have always felt a sense of revulsion against attempts to limit press freedom. But political leaders and official institution such as the courts are usually restive over the freedom of the press in the society. They, therefore, seek to circumscribe the power of the press through arbitrary application of the laws of contempt of court and invasion of privacy.

Contempt of court and invasion of privacy laws are such laws aimed at ensuring that press freedom does not turn to license *publish and demand*. According to [1], invasion of privacy is about “the extent of which any person possesses a right to privacy”. This means that the invasion of privacy law is not devised to protect the individual from undue external interference. According to [2], on the other hand, contempt of court is “the publication of anything about a trial in a progress which may prejudice its fairness and the outcome.”

Barton’s definition is however, not all-inclusive. Contempt of court as invasion of privacy is not exclusive to media. It concerns all citizens and groups. Thus, it can be inferred that the contempt of court law is aimed at protecting the individual and the court from abuse of misrepresentation. This indicate the symbiotic relationship between the society and the mass media as its *watch dog* and the *fourth estate of the realm*. However, society has to ensure that in performing their functions, the mass media must act responsibly. Contempt of court and invasion of privacy laws, therefore, affect both the mass media and citizens. Although mass media practitioners will always see those as interference on press freedom, the following questions could be raised:

1. Do reporters in court cover trials of themselves appropriately?
2. Do court reporters present their reports truthfully?
3. Do reporters and writers go straight to the fact without innuendoes that reveal the underpants that sentence the new subjects to a life of perpetual shame?

This paper, therefore, highlights and examines the seeming conflict between freedom of the press and the needs to maintain the dignity and independence of the courts and the dignity of the citizens. Through a critical analysis of relevant statutes and case laws, the paper shows the contempt of court and invasion of privacy laws are not derailment to press freedom, only the manner of the application of the laws that constitute impediment to press freedom in Nigeria. Hence, there is need for urgent rule of law in the country.

II. CONTEMPT OF COURT

Contempt of court is an act of treating a court of justice with contempt, that is, as if the court deserved no respect. According to [2], contempt of court is: “any conduct that tends to bring the authority and administration of the law into disrespect or infers with litigation is a contempt of court”.

Moreover, [3], explains contempt of court as “Conduct that defies the authority or dignity of a court or legislature because such conduct interferes with the administration of justice, it is punishable, usually by fine or imprisonment”.

Privacy implies freedom from intrusion by the public as the legal right. There are certain physical spaces of man where another is forbidden to enter without permission. Invasion of privacy is, therefore, intruding into one’s private physical spaces without permission. In such certain physical spaces the one conducts one’s private life. Examples include ones bedroom, apartment, residence or home, in such places one could be naked, conversing privately with any member of his family, crying, quarrelling or arguing on a private issue. Privacy is a relative concept. It is dependent on the proximity and closeness to one another. A wife and children can never be said to have invaded their husband’s or father’s privacy. In journalism practice, it is regarded as an unlawful interference with one’s state at any point in time. For instance, an information source may intersperse his answers with off-the-record remark. He wants it to be a conditional revelation for the reporter’s ear only. But if the reporter makes the attribution, it connotes invasion of privacy. The interviewee would have not have talked if he knew the statement would be part of the report and attributed it to him.

Contextually, the phrase: invasion of privacy has legal implication. It is perceived as an unlawful encroachment into one’s private right. [3], defines it as: “an unjustified exploitation of one’s personality or intrusion into one’s personal activities, actionable under tort law and sometimes under constitutional law”.

Section 37 of the 1999 constitution of the federal Republic of Nigeria guarantees the right to private and family life. The purport of the provision in journalism practice in the counter is that the reporter or photojournalist, or any other person whatsoever, should not expose, without permission, a citizen’s private or family life. To the question should a journalist enter anywhere, anytime, in the interest of facts gathering in news reporting? It is both a legal and an ethical issue. It is legal in the sense that intrusion into ones private and family physical space is forbidden by the constitution. Nobody can breach the law without consequences. It is ethical because the decision to invade one’s private and family physical space is voluntary. No law commands it.

III. PRESS FREEDOM

Press freedom is the freedom of journalist to practice their trade without resistant. But it is not that the practice should be carried on in an environment of absence of law. It is that society should allow the practice without undue interference with respect to three basic rights: the right to report; the right to criticize; and the right to print [4]. These basic rights promote press freedom, but are they not in conflict with the requirements of the contempt of court and invasion of privacy laws?

In the historical analysis of his journey through journalism that lasted more than four decades in the *Daily Times*, [5] recognized the delicacy of the relationship between commitment to press freedom and the challenges of press laws. He entitled his book: *walking a tight Rope*. The mass media are a collective institution known as the press. They must perform their obligations with respect to environmental standards of the society in which they operate.

IV. THEORETICAL UNDERPINNINGS

It is well known that the mass media and the society share a symbolic relationship: each depends on the other. In every country, the print and the broadcast media outfits are owned by individuals or by organizations, including some of the countries the government. While the mass media are recognized as organs of public information, how they collect and disseminate information, the nature of the information and whose interest is served are matters of societal concern. Governments therefore, ensure that while the mass media are free to perform their obligations to society, they must do so responsibly in public interest.

It is in this sense that this paper examines two theories: the Free Press Theory and the Public Interest Theory. The objective is to highlight the relationship between the two theories and the concept of press freedom, in order to draw a necessary balance between the two. Attempts are also made to resolve the seeming conflict between the two theories in the light of contempt of court and invasion of privacy laws.

V. FREE PRESS THEORY

According to [6], the press theory is a relabeling of the liberation theory propounded by [7]. It emanated from the experiences of Europe in the 17th to the 19th centuries when autocrats ruled the countries of the continent and were deeply involved in press censorship. For instance, King Henry VIII of England, according to [8], issued an index of forbidden publications. But autocracy engendered opposition. It was in the

same period that the battle for press freedom started. John Milton, for instance, delivered his memorable speech in the British parliament, in defense of the press. The speech was later issued as a tract in 1664, entitled *Areopagitica*. Part of the *Areopagitica* reads as follows, as quoted by Sabine [9]

And though all the winds of doctrine were let loose to play upon the earth, so truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and false hood grapple, whoever knew truth put to the worse, in a free and open encounter...for who knows not that truth is strong next to the almighty; she needs no polices, nor licensing to make her victorious, those are the shifts and defenses that error against her power.

According to [10], the press theory is grounded on the following principles:

- Publications should be free from any prior censorship to any third party.
- Publication and distribution of publication should be open to a person or group without permit or license.
- Attacks on any government, official, or political party (as distinct from attacks on private individuals or treason and breaches) of security should not be punishable, even after the event.
- No restrictions should be placed on the collection by legal means of information for publication.
- There should be no restriction on export or import or sending or receiving “messages” across national frontiers.
- Journalists should be able to claim a considerable degree of professional autonomy within their organisation.

The implication of these free press theory is that the press should, as the motto of the *New York Times* states: publish “all that fits to print” and probably damn the consequences.

VI. PUBLIC INTEREST THEORY

Another theory necessary for this particular study is the public interest theory. It is a socio-politico doctrine that every act or action in the society must be in accordance with public interest. It postulates that any act or action contrary to general public interest should be condemned and forbidden; and those which promote public or societal interest should be approved and upheld.

The public interest theory was enunciated by a political scientist, [5]. The theory postulates that modern government is an act in the resolution of multiplicity of interest in the society. According to [5] in her work, *The Public Interest and Individuals Interest*, there are usually individual interests, group interest, family interest, government officials’ interest, among others. These interest frequently clash against one another. For orderliness and rule of law to be maintained in the society, this theory holds that conflicts of interest in a sovereign state must be resolved. The resolution of these interests is the mandate of the government which must give priority to general public interest in the discharge of its responsibility.

The link between the free press and the publicinterest theories o0ne the one hand and the subject matter of this paper on the other hand lies in fact that free press is a necessary ideal and in a varying degrees in the particular societies. Promotion of public interest is imperative in all democracies. Contempt of court and invasion of privacy rules must be with due regards to freedom of the press and public interest.

The two theories are inter-related. They are both concerned with press freedom. The difference is that while the free press theory emphasizes press freedom, the public interest theory adds the caveat: free press must not endanger public interest. The two theories indicate that there is a casual relationship between the press and the society. It is a symbiotic relationship in which each affects the other in some ways. This raises some contextual questions such as:

- i. Whether contempt of court and invasion of privacy laws in Nigeria are in public interest?
- ii. Whether the exercise of press freedom is injurious in some ways to the reputation of Nigeria courts and the rights of Nigerians?
- iii. Whether the two legal genres are harmful to the practice of press freedom, or they contribute to responsible journalism in Nigeria.

Importance of Reporting Court Proceedings and Citizens Activities by the Press

The general functions of the press include providing and preserving information, educating and interpreting issues for better understanding, building and setting the agenda of public discussion, performing public service by articulating community programs meant to improve the quality of life. The press also provides entertainment, enabling people to reduce the tensions of workday life. They survey the environment as watch dogs of the passing parade of people and events. They correlate parts of society as the market place of public discussion. They promote national unity striving to ensure survival of the society.

The mass media are the instruments and the government to monitor public opinion. The media promote development and social change [10]; [4]; [11] and [12].

In particular, the press report court proceedings and individual activities in service to the society. It is in rendering these later services that the laws of contempt of the court and invasion of privacy becomes issues for

the press. The importance of reporting court proceedings by the press cannot be over-emphasized. The judiciary is the third arm of government which the [13] enjoins the Nigerian press to “at all times be free to uphold the responsibility and accountability of the government to the people” (section 22). Thus, reporting the judiciary is not only a social good but constitutionally incumbent on the Nigerian press. As a legal imperative ordained by the constitution, the Nigerian press must report, interpret, analyze and criticize events occurring in the nation’s courts. Whether it is criminal prosecution or civil litigation, from arraignment/plea to judgment the press must report or interpret or criticize. The value of this service to the public is to acquaint citizens with the manner of administration of justice in the state or country. Also, the litigant is provided with additional opportunity of public opinion as to whether the trial is fair or unfair.

In recognition of the significance of fair hearing for parties in court proceedings and publication of same said 1999 constitution provides under section 36 (3) that:

The proceedings of a court or the proceedings of any tribunal relating to the matters mentioned in subsection (1) of this section (including the announcement of the decision of the court or tribunal) shall be held in public. Under section 36(4) any person charged with criminal offence is similarly entitled to a “fair hearing in public within reasonable time by a court or tribunal”.

The only exceptions to the rule of conducting court proceedings in public are with respect to interest of defense, public safety, public order, public morality, the welfare of persons who have not attained the age of eighteen years, the protection of private lives of the parties, or by reason of special circumstances in which publicity would be contrary to the interest of justice. Finally, if a minister of the government of the federation or commissioner of the government of a state satisfies the court or tribunal that it would not be in public interest for certain matters to be disclosed publicly, then the court or tribunal shall make arrangements for such matters to be heard in private. Where this is the case, the court or tribunal “shall take such other action as may be necessary or expedient to prevent the disclosure of the matter” S. 36(4)(a)(b).

The relevant questions in the face of these provisions are when a reporter or journalist is said to have committed contempt of court. Again, are the exceptions to public hearing of court proceeding a limitation to press freedom? If they are, are they reasonable and justified in the light of public interest theory? Before addressing these questions, let us first consider the duties to report events in the society, especially activities of individuals in the society.

Rights to Private and Family Life

It is not only court proceedings that the press reports in discharging its constitutional obligation of holding government accountable and responsible to the people. It also reports the activities and engagements of the members of the executive and legislative arms of government. From the security personnel in the ministry or local government headquarters to the president of the Federal Republic of Nigeria, and from the messenger in the office of the president or local government office to the senate president, the Nigerian press report on their engagements and activities. The press also reports the activities of private individuals such as medical doctors, lawyers, farmers, traders, etc.

The reports could present the particular individual or official in good or bad light. Depending on the nature of the news and how the reporter gathered the facts, the individual may claim invasion of his privacy contrary to section 37 of the constitution. This is the origin of the invasion of privacy law in Nigeria. As pointed out above, section 37 (1999) constitution of the federal republic of Nigeria as amended guarantees the right to private and family life to every person. This right is important to all persons and to the public. There are occasions when a person relaxes his guard over his sensibility about public glare. Examples of such occasions include when a person is alone with his wife or children and when he is in his private places like his bedroom, bathroom or in the conveniences. During such occasions, the person could be naked, eating, quarrelling or crying. When a person is within such physical private spaces, he is entitled to the right of privacy and family space according to law. Any publicity of any person under such occasions amounts to invasion of his privacy or of his family life. If the person sues against this tort, the defendant is likely to be held liable.

There is hardly any rule without exception. The exceptions to the rule of private and family life are:

1. If the private person is acting outside his private physical space, e.g. in motor park, market or in any of such public places.
2. If he is acting not in his private capacity as an individual but in public or official capacity as a public official, e.g. governor, senator, local government chairman, minister, commissioner, vice chancellor, judge, etc.
3. If the matter(s) is issue are controversial or of public interest, e.g. arguments over which political party or candidate to vote for in an election, support or condemnation of government or public policy; high school fees or unemployment in the society.

SIGNIFICANCE OF PRESS FREEDOM IN DEMOCRACY

Pressfreedom means different things in different societies, depending on then types of social control obtainable within the particular society. Again, the different press philosophers connote different meanings for press freedom [7] Press freedom under the social responsibility theory, according to [14] is “the right of the press to publish responsibly with due regard to individual’s dignity, society’s security and public welfare”.

The significance of press freedom cannot be over-emphasized. [15] as cited by noted that “freedom of speech and the press have a preferred status over all other rights, including indeed the right to life and personal liberty”. [15] explained further:

Freedom of speech and the press are indeed the very life of the political community. Life in the sense of physical existence is not really at stake for the community, since government itself cannot exist without a society to govern. What is at stake for the community is its rights to self-government: that is its life.

Continuing he further reasoned that:

Given the impossibility of government by all the members of a modern complex society comprising millions of people spread over the large territory, free speech and free press are the means by which the society as a collection of individuals can participate in government; they are the very definition of democracy; the ultimate values of all democratic living.

He lists the functions of the press in a democracy to include:

1. Informing and educating the people and enabling them to form intelligent opinions on affairs of government, thus, imbuing in them political responsibility.
2. Helping the people to discover political truths.
3. Enabling corruption, abuse of office and other official wrong doings by public officials to be publicly exposed and thus check such official misconduct.
4. Free press enables conditions in the ministry and in the industry such as oppression of workers, substandard wages and objectionable working conditions to be exposed.
5. It enables the people to make informed and wish choices among political candidates.
6. Enables workers in choice of their labour leaders.
7. Free press fosters other fundamental rights such as freedom of association, and of worship.

With these significant functions of a free press in a democracy, there is no gain saying that any frustration suffered by free press in a democracy is too dangerous for all.

VII. DISCUSSIONS

[14], has explained that rights as provided for in the universal Declaration of Human Rights and in constitutions are claims recognized by the state which the force of the state will through the order of the court, be sued to bring into effect. Rights are necessary in individual and social life. They are the conditions of social life without which no man aspires to be at his best. And the rasiond’etere for the state is to maintain such rights for its citizens.

There are three arms of the state. These are the legislature, the executive and the judiciary. These three arms of the state are not infallible with respect to the rights that ought to be recognized. Foreign and native authorities one promoted slave trade in Africa. Galileo was sentenced for suggesting hypothesis contrary to accepted Catholic Doctrine. This is the logic why independent judiciary and rule of law are essential features of democracy.

There are multiplicities of rights for the individuals, groups, institutions, organizations and bodies. Some of these rights are seemingly conflicting. Examples of the rights are the right to fair hearing (S. 36) including conducting court proceedings in public and the right to private and family life (S. 37). Another is the right to freedom of speech and of the press (S. 39). For instance, the rights to fair hearing in public may be prejudicial to the public interest for defense, public safety, public order, public morality, or undermine the interest of minors. The right to private and family life may jeopardize the public interest if the individual involved is a public official acting in official or public capacity. It is the same if the individual is acting in public places such as on the road, in the church or office. Again, the right to freedom of expression and the press may work havoc to another’s dignity, and society’s interest in defense, morality and safety. These are the conflicting natures of rights and the justification why no right is absolute. The cliché: *whereone’srightendsanother’sbegins* explains this succinctly.

The relevant questions in resolving the evident conflict among the rights to fair hearing in public, private and family life and freedom of press are:

1. Are the exceptions embodied in the laws?
2. Are the exceptions justified on grounds of public interest?
3. In determining particular conflicts, do the courts make impartial pronouncements in promotion of public interest?

4. Do the executive or any other arm of government act arbitrarily against the Nigerian press with regard to contempt of court or invasion of privacy?

Question number one is briefly answered by reference to the respective provisions in the constitutions. The exceptions to right of fair hearing in public (S. 36) are under subsection (4)(a)(b), for right to freedom of expression and the press (S. 39), see subsections (3)(a)(b). The right to private and family life has its exceptions under section 45(1)(a)(b) to the effect that “45(1) nothing in sections 37...this constitution shall invalidate any law that is reasonably justifiable in a democratic society”-

- 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”.

That these exceptions are manifestly contained in the laws indicate they are no ambush to the Nigerian journalist nor to any other person whatsoever. This is the purport of section 36(12) that: “A person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law”. When rules are in a written form, they are less often to abuse by official. From the exceptions as outlined above, they are evidently justified on grounds of public interest. With respect to contempt of court, fair hearing of trials by courts in public is in the interest of every one. But there are circumstances when individual’s interest must necessarily be subsumed under public interest. Examples of such circumstances are when a minor (i.e. somebody below eighteen years) is involved. And when public trial or publicity of same may spark off riot, disorder and thereby imperil the safety and defence of the society. Trial of cases of espionage, coup de ’tat or details of rape, or defilement of a minor would, in public interest, not be published.

In resolving possible conflicts between the rights to private and family life and any other right guaranteed under the constitution, courts frequently take recourse to the public interest principle. The consideration here is always whether a person’s enjoyment of his right in a given circumstance prejudices public defence, safety, order, morality or public health. It is also part of the consideration that one’s enjoyment of his right should not disturb or deprive another person’s right and freedom. This is the principle of *live* and *letlive*, the hallmark of public interest expression.

Finally, freedom of speech and of the press is not absolute rule. It is subordinated to public interest consideration. Examples of such public interest considerations include, but not limited to, preventing the disclosure of information received in confidence and to maintain the authority and independence of courts. This then, is the crux of the matter. Do Nigerian courts deserve and possess authority and independence? Are the authority and independence of the courts for the good of the society or for judicial officer? Judicial independence and authority of courts are pre-requisites in a democratic society governed through the rule of law. They are for the good of all. In recognition of this, the constitution of the Federal Republic of Nigeria has made handsome allowance for it. Further, the Nigerian *CriminalCode*, under section 133, codified the offence of contempt of court. The code exemplified acts or conduct accounting to contempt of court. These include:

1. Showing disrespect in speech or manner while in court premises where judicial proceeding are going on, to or with references to such proceedings or to any person before whom such proceeding is being had or taken.
2. Failing to attend court or refusing to be sworn or affirm or refusing to answer questions, or refusing to produce document or prevaricates, or refusing to leave the court rooms when so ordered.
3. Causing obstruction or disturbance during court proceedings.
4. Making use of speech or writing misrepresenting pending judicial proceeding or capable of prejudicing any person in favor or against any party in the proceedings, or calculated to impugn the authority of the judge or magistrate.
5. Publishing reports of judicial proceedings held in private.
6. Wrongful attempts to interfere with or influence a witness before or after giving evidence.
7. Punishing a servant for giving evidence in a judicial proceeding on behalf of a certain party.
8. Retaking possession of land which another has obtained possession through court. Committing acts of intentional disrespect to judicial proceedings or the judicial officer before whom such proceeding is being had or taken.

Committing any of the aforementioned acts or conducts amounts to a simple offence punishable with three months imprisonment, [16].

It is noteworthy that journalism is all about publicity. In publicity words are chosen and used to construct sentences. Choice of words and the replacement of the words in the sentences reflect the personality dynamics of the communicator. If by publicity the authority and independence of the judiciary are ridiculed, or judicial officers and judicial proceedings are impugned, the society will lose confidence in the courts and irrevocable slide into anarchy.

Let us now address the issue as to whether Nigeria courts in resolving conflicting rights in the society do so in promotion of public interest. We must illustrate with some decided cases by Nigerian courts.

In *J.O SODE &ors v Lagos state Development and Property Corporation & Anor (2007)7 NWLR pt.663 152 at 154*. The Court of Appeal defined contempt of court to be

“Conduct which tends to bring into disrepute, scorn and disrespect the authority and administration of the law, or such act which tends to interfere with and/or prejudice litigants and/or their witness in the course of litigation in the citadel of justice

The court of Appeal further declares:

It does not inure to the benefit of any society that is governed by the rule of law to allow the authority AND dignity of the court to be eroded by unbecoming act or behavior. Hence the power to punish for contempt is inherent in court of superior jurisdiction of justice. It is not to be used for the vindication of the judge as a person or for his personal aggrandizement. Such inherent power to punish for contempt are created, maintained and retained for the purpose of preserving the honor and dignity of the court. A judge exercising such power must always realize that he hold same on behalf of the court for the advancement of justice and the good of the public.

In the case of *fame publication ltd v encomium ventures ltd & 3 ors* (2000)8 NWLR pt. 667 at 105 it was held *inter alia*.

“The principles enshrined in the law of contempt are to uphold and ensure the effective administration of justice. They are the means by which the law vindicates the public interest in the due administration of justice. The contempt aggrandizement of the judge, no is it there to protect the private right of parties or litigants”.

The decisions of court in *Atake V A.G Federation* (1982) 11 Sc 153; *Mobile Oil (Nig) Ltd V Assan* (1995)8 Nwlr Pt. 412 At 121 Are Also To The Same Effect.

As can be deduced from the cases cited above, contempt of court is punishable by the courts not for the personal good of the judges nor the personal rights of litigants. It is for the interest of fair administration of justice in the country. To that extent it accords with public interest in rule of law and avoidance of anarchy in the society. From these cases, too, it can be deduced that Nigerian courts resolve conflicting issues relating to contempt of court with public interest in mind.

What remains to be discovered is whether any arm of government act arbitrary against, the press with regard to contempt of court or invasion of privacy. This is where the problem lies. Rule of law has not taken firm roots in Nigeria. Personal prejudices and idiosyncrasies of public officials are still brought to bear on public affairs. This is fuelled by corruption and deification communication. [14]. Some public officials still use their offices against public interest and to promote their private interest.

A few examples shall suffice. On May 18, 2010, a presiding magistrate in an Enugu State Magistrate court, His Worship Denis Ekoh, ordered journalist out of his court. The journalist were there to cover the trial of their two colleagues, Michael Ubani and David Desbods, who were standing trial for conspiracy and extortion of the sum of three hundred thousand naira (N300, 000.00) from the state chief judge, justice Innocent Umezulike. Magistrate Ekoh had contended that the journalists should have been accredited by the registrar before they came to cover the proceedings. [17]. The journalists’ refusal to leave would have amounted to contempt of court. Yet, the trial was not ordered to be held in private, nor was public hearing of the trial prejudicial to defence, public safety, public order and morality. It did not even involve a minor. The order served no public interest but solely the private interest of magistrate Ekoh and Justice Denis Umezulike. It was contrary to law and amounted to arbitrariness.

Two, again in Enugu state, the former Chief Judge of the state, after fruitless effort to make the two journalist of *insiderweekly* and *HighSocietyMagazines* to drop a story concerning his randy life with young women and teenagers set the two journalists up and clamped charges of conspiracy and extortion of money on them. On their arraignment, the journalists were granted bail under impossible conditions by a magistrate under the supervision of the chief judge.

Three, an unnamed magistrate in 2010 was cited by [] to have “ordered a journalist to be handcuffed for covering a court sitting”. It was not made clear however whether the sitting was ordered to be held in private or if the nature of the proceeding was such as could prejudice national security or public order.

VIII. CONCLUSION AND RECOMMENDATIONS

Democracy is the aspiration of all nations of the world today. No man is good enough to govern another without the others consent. Abraham Lincoln...rule of law is the ultimate measure of democracy.

Contempt of court and invasion of privacy laws are reasonably justifiable laws in Nigeria’s emerging democracy. These law are necessary exception to the right to freedom of expression and the press. The 1999 constitution and the criminal code have clearly specified their purport and application. Through the pronouncement of Nigerian courts, it can be discerned that their purposes are for public interests. In no way do their existence in our statutes and their administration by the courts work any hardship on press freedom in the country.

Problem lies however with corruption and irresponsible judicial and public officials. In the administration of these laws, such ignoble officials take recourse to arbitrariness and extra-legal measures against the Nigerian press. They punish journalist or cow them not through the laws of contempt of court or

invasion of privacy. They just bring the weight of their respective offices to crush the journalist in the utter disregard of the right to freedom of expression and the press.

That is to say, it is not the laws that are the problem. Desperate public officials even jettison these laws when they are motivated by personal interest to act arbitrarily. The problem is the isolated cases of absence of rule of law in the country. Therefore, contempt of court and invasion of privacy laws are not designed to impair freedom of press in Nigeria. They are necessary exceptions to freedom of the press [18].

Press freedom remains a controversial subject: not whether it is necessary but to what extent. This is where the laws governing the press come into play. The ultimate principle is that there is no news worth imperiling the society for.

Rule of law has become an imperative in democratic Nigeria. This is one of the cardinal campaign promises of President Muhammadu Buhari during the 2015 presidential campaigns. He should reciprocate the good gesture of Nigerians in voting for him and enthrone the rule of law in the country. Corrupt and desperate public officials would have been discouraged from arbitrary application of press laws against the press.

REFERENCES

- [1]. Macdougall, C.D(1972). Interpretative Reporting (6thedn). New York, Macmillian Company, 536p.
- [2]. Barton, G. (2005). Media and society. Critical Perspective, Berkshire Open University Press 378p.
- [3]. Bates, R.A and Bauer, A.H (1960) America, Mass Media. Journal of social issues, 10(3) 3-66.
- [4]. Emery, E, Ault, P.H and Agee, W.K (1972). Introduction to Mass Communication, New York, Dodd Mead and Company 464p.
- [5]. Jose, I.B. (1987). Walking A Tightrope: Power Play in Daily Times, Ibadan Univesity Press, 421p.
- [6]. McQuail, D. (1987). Mass Communications Theory: An Introduction (2ndedn), London SAGE Publications 352p.
- [7]. Siebert, E.S., Peterson, T. and Scharmm W. (1956). Four Theories of the Press Urbana, University of Illionis press.
- [8]. Ekwelie, S.A (1985). Evolution of the print Medium: The African Experience. In Nwuneli, O.E Mass Communication in Nigeria: A book of Reading. Enugu Fourth Dimension Publishers 5-28.
- [9]. Sabine, (1974). The History of Political Theory.
- [10]. McCombs, M. and Shaw, D. (1972). The Agenda-setting Function of Mass Media, Public Opinion Quarterly 2(36) 176-187.
- [11]. Defleur, M.L.(1976). Theories of Mass Communication (second edn). 185p.
- [12]. Golding, P. (1977). Media Professionalism in the Third World: The Transfer of Ideology in Curran, J., Guravitch, M. and Woollacott, J. Mass Communication and Society, London, the Open University, 116-135.
- [13]. Nigerian Constitution 1999.
- [14]. Aligwe, H.N (2013). Evaluation of constitutional and case laws on press freedom in Nigeria, being a PhD thesis Submitted to the Department of Mass Communication Ebonyi State University, Abakaliki Nigeria.
- [15]. Nwosu, I.E. (1986). Effective news and features for rural development, Towards a more pragmatic and participatory journalism. In ministry of information, Anambarastate (eds) RIOC Rural Information Officers Crops: Communicating Rural Change and Development in Anambara State. 64p.
- [16]. Ewelurwa, B.N. (2004). Introduction to Nigerian Press Law; Onitsha: Varsity Publishing Co, Ltd.
- [17]. Ubani, A.A. (2010). Chief Judge and His Scandals. Insider Weekly. (Ikeja) 31 may, p. 7.
- [18]. Udeze, S.E. (2012). Media Law and Ethics, Enugu, RhyceKerex publishers. 152p.

Hygeinus Nwokwu Aligwe." "Impact of Contempt Of Court and Invasion of Privacy Laws on Press Freedom in Nigeria " International Journal of Humanities and Social Science Invention (IJHSSI) 7.05 (2018): 38-45.