



Digital Rights and the Limits of State Restrictions: Legality, Necessity, and Proportionality in Nigeria's Twitter Suspension of 2021

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Abstract: The 2021 suspension of Twitter (now X) by the Nigerian government was a State-imposed digital platform restriction justified on grounds of national security and public order. The measure raised critical questions about the limits of state authority in regulating online expression. This article assesses Nigeria's Twitter suspension against the three-part test of legality, necessity, and proportionality under international and regional free expression standards. Using doctrinal analysis, it finds that the measure had no clear statutory basis, failed to address any pressing social need, and imposed disproportionate harm on lawful expression and economic activity. The suspension therefore exceeded legitimate state power. Its blanket nature undermined claims of necessity, and its far-reaching impact on expression, economic activity, and access to information rendered it excessive and overbroad. The article concludes that the suspension was a disproportionate exercise of state power and recommends the development of stronger, rights-compliant frameworks for digital regulation

Keywords: Human Rights; Freedom of expression; Digital rights; Nigeria; Twitter suspension

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I. Introduction

Few areas of modern governance create as much friction as the regulation of digital spaces. And nowhere is that tension sharper than when governments claim national security needs to justify restricting fundamental rights. Social media platforms like Twitter (now X) have become essential tools for free expression, access to information, and civic participation. So when states move to restrict them, urgent legal questions follow.

Consider what happened in Nigeria in June 2021. The Federal Government announced an indefinite suspension of Twitter's operations in the country. The decision came shortly after Twitter removed a tweet by then President Muhammadu Buhari. Overnight, millions of users lost access to a major platform for communication, commerce, and political engagement. The government cited national security and public order. But the suspension drew widespread criticism from civil society organisations and human rights bodies, both at home and abroad. It also triggered legal challenges, eventually reaching the ECOWAS Community Court of Justice, which found the measure incompatible with the right to freedom of expression.

Nigeria's Twitter suspension is not an isolated incident. It is part of a broader global trend: states increasingly turn to digital restrictions as tools of governance. But these measures cannot escape scrutiny. They must be assessed against established international and regional human rights standards. The key framework here is the tripartite test under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Any restriction on freedom of expression must be provided by law, pursue a legitimate aim, and be necessary and proportionate to that aim. That framework is well established. What remains under-examined is how it applies to platform-specific shutdowns like Nigeria's.

This article takes up that question. It examines the legality of the Twitter suspension through the lens of legality, necessity, and proportionality. Using a doctrinal approach, it asks three things: Was the measure grounded in a valid legal basis? Did it address a pressing social need? And was it proportionate in scope and impact?

II. Conceptual Framework and Literature Review

Internet shutdowns are generally understood as deliberate disruptions of access to digital communication systems by state authorities, restricting specific populations or regions from accessing the

internet.¹ These measures take multiple forms, including complete blackouts, time-based digital curfews, partial restrictions targeting specific platforms, and bandwidth throttling.² The 2021 suspension of Twitter in Nigeria represents a platform-specific restriction, where access to a particular service is blocked.³ Unlike content-based censorship, which targets unlawful material, such shutdowns are typically broad and indiscriminate, affecting both lawful and unlawful expression.⁴

The principal legal framework for assessing restrictions on digital expression derives from Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Under this framework, any limitation must satisfy a three-part test: legality, legitimate purpose, and necessity/proportionality.⁵ The legality requirement demands that restrictions be grounded in clear, accessible, and foreseeable law adopted through recognised legal processes.⁶ The legitimate purpose requirement limits restrictions to grounds such as national security, public order, public health or morals, and the rights of others, and requires a direct connection between the measure and the threat addressed.⁷ The necessity and proportionality requirements demand that the restriction respond to a pressing social need, adopt the least intrusive means available, and remain narrowly tailored in scope and duration. Blanket or platform-wide restrictions are widely regarded as unlikely to satisfy these cumulative requirements.

A significant development in digital rights jurisprudence is the recognition of internet access as a derivative right. The ECOWAS Community Court of Justice in *SERAP v. Federal Republic of Nigeria* (2022)⁸ held that while internet access may not be a standalone right, it is integral to the enjoyment of freedom of expression under Article 9 of the African Charter and Article 19 of the ICCPR (Barata & Richter, 2023). This approach allows courts to extend existing rights into digital contexts.

A growing body of scholarship treats internet shutdowns as inherently harmful. Ryng et al.⁹ refer to them as “violence in themselves,” a claim that shifts the debate away from mere inconvenience toward rights violations. Banihashemi¹⁰ makes a related but distinct argument: internet access has become a prerequisite for exercising nearly all other fundamental rights. While persuasive, neither account fully grapples with platform-specific bans like Nigeria’s Twitter suspension, which differ from total blackouts in both mechanism and justification. The International Commission of Jurists (2022) further establishes that internet access is essential for the realisation of civil, political, and socio-economic rights, and that shutdowns constitute a serious and often impermissible limitation under international law.

With respect to legality, the literature frequently identifies the absence of a clear legal basis as a central flaw in state-imposed digital restrictions. The ECOWAS Court in *SERAP v. Federal Republic of Nigeria* (2022) found the Twitter suspension unlawful due to the absence of any valid legal or judicial authorization.

On necessity, scholars emphasise that internet shutdowns rarely meet the requirement of a pressing social need. The UN Human Rights Committee has stated that generic bans on certain sites or systems are incompatible with Article 19(3) of the ICCPR (ICJ, 2022).¹¹ Empirical studies further suggest that shutdowns are often used to suppress dissent or conceal state actions rather than address genuine security concerns. In addition, governments frequently rely on security discourse to legitimise such measures, framing digital access as a threat to national stability while expanding executive power.¹²

The proportionality requirement is likewise rarely satisfied. There are economic losses, disruptions to livelihoods and a disproportionate effect on vulnerable groups. The International Commission of Jurists

¹Jay T. Conrad, A New Right is the Wrong Tactic: Bring Legal Actions Against States for Internet Shutdowns Instead of Working Towards a Human Right to the Internet (Part 1), 13 *Seattle Journal of Technology, Environmental & Innovation Law* 2023, p 7.

²Joan Barata and Andrei Richter, Internet Shutdowns in International Law, Special Collection of the Case Law on Freedom of Expression, *Columbia Global Freedom of Expression* (2023), p 11.

³Ryng, J., Guicherd, G., Al Saman, J., Choudhury, P., & Kellest, A. (2023). Internet Shutdowns: A Human Rights Issue. *The RUSI Journal*, 167(4–5), p 50. <https://doi.org/10.1080/03071847.2022.2156234>

⁴Joan Barata and Andrei Richter, n 2, p 11.

⁵International Commission of Jurists, *Legal Guidance on Internet Restrictions and Shutdowns in Africa* (April 2022), p 7.

⁶*Ibid.*

⁷Pegah Banihashemi, International Law and the Right to Global Internet Access: Exploring Internet Access as a Human Right Through the Lens of Iran’s Women-Life-Freedom Movement, 24 *Chicago Journal of International Law*. 31 (2023), p 34.

⁸ECW/CCJ/JUD/40/22.

⁹Ryng et al, n3, p 63.

¹⁰Pegah Banihashemi, n 7, p34.

¹¹International Commission of Jurists, n 5, p 14.

¹²Ryng, J et al, n 3, p 51.

maintains that restrictions must be narrowly tailored and limited in duration, and that blanket shutdowns will almost always be disproportionate. Judicial decisions such as *Amnesty International Togo v. Togolese Republic*¹³ affirm this position, rejecting national security justifications for broad restrictions.

The literature also highlights challenges relating to enforcement and accountability. Litigation remains limited and courts often defer to executive claims. Nevertheless, important precedents have emerged. Decisions of the ECOWAS Court and the Indian Supreme Court in *AnuradhaBhasin v. Union of India*¹⁴ have affirmed that restrictions must comply with the proportionality test and cannot be indefinite. Conrad also argues that strategic litigation before human rights courts offers a more effective pathway for enforcing digital rights than the creation of new non-binding international norms.¹⁵

The role of private actors is also significant. Telecommunications companies and digital platforms often implement state directives but face competing legal and economic pressures.¹⁶ The International Commission of Jurists also provides that companies should verify the legality of government orders and challenge unlawful directives, though compliance in practice is inconsistent.

Despite the breadth of existing scholarship, gaps remain. Much of the literature focuses on nationwide or regional shutdowns, with limited attention to platform-specific restrictions such as Nigeria's Twitter suspension. There is also relatively limited doctrinal analysis grounded in the African context. This study addresses these gaps by applying the legality, necessity and proportionality framework to the Nigerian case, building on the analytical approaches developed by others.

III. Background to Nigeria's Twitter Suspension

On 2 June 2021, Twitter deleted a tweet posted by then President MuhammaduBuhari for violating its rules on abusive conduct.¹⁷ Two days later, on 4 June 2021, the Federal Government of Nigeria announced the indefinite suspension of Twitter's operations in the country, a decision that took immediate effect as telecommunications providers restricted access nationwide.¹⁸ The suspension remained in force for over seven months and was eventually lifted on 12 January 2022 following negotiations between the government and Twitter.¹⁹

The government justified the suspension on grounds of national security and public order, asserting that the platform was being used for activities capable of undermining Nigeria's corporate existence and facilitating misinformation.²⁰ In furtherance of the directive, the Nigerian Broadcasting Commission instructed broadcast stations to suspend the use of Twitter, while authorities warned that individuals who circumvented the ban could face prosecution.²¹

A central legal issue arising from the suspension was the absence of a clear statutory or judicial basis for the measure. This deficiency was subsequently confirmed by the ECOWAS Community Court of Justice in *SERAP v. Federal Republic of Nigeria* where the Court held that the suspension violated the right to freedom of expression.

Implementation of the suspension was carried out through directives issued by the Nigerian Communications Commission to internet service providers, resulting in a nationwide blockade of the platform.²² Although described as a suspension, the measure functioned as a complete ban affecting millions of users who relied on Twitter for communication, business, and civic engagement. The restriction lasted approximately

¹³Case Analysis, <<https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2020/07/AMNESTY-INTERNATIONAL-V-TOGOLESE-REPUBLIC.docx>> Accessed on 7th April 2026.

¹⁴*AnuradhaBhasin v. Union of India: Legality of Internet Shutdown and Free Speech*, <<https://lawctopus.com/clatalogue/clat-pg/anuradha-bhasin-v-union-of-india-internet-shutdown/>> Accessed on 7th April 2026.

¹⁵Jay T. Conrad, n 1, p 43.

¹⁶Ibid, p 12-13.

¹⁷BBC, "MuhammaduBuhari: Twitter deletes Nigerian leader's 'civil war' post" <<https://www.bbc.com/news/world-africa-57336571>> Accessed on 7th April 2026.

¹⁸Ibid.

¹⁹Reuters, "Nigeria ends its Twitter ban after seven months" <<https://www.aljazeera.com/economy/2022/1/12/nigeria-ends-its-twitter-ban-after-seven-months>> Accessed on 7th April 2026.

²⁰Ibid.

²¹Foundation for Investigative Journalism, "NBC Tells Broadcasters to Get Off Twitter or Face Sanctions" <<https://fij.ng/article/nbc-tells-broadcasters-to-get-off-twitter-or-face-sanctions/>> Accessed on 8th April 2026.

²²Ibid.

seven months, making it one of the longest platform-specific shutdowns in Africa, and during this period many users resorted to virtual private networks (VPNs) to bypass the ban.²³

The suspension had immediate and significant social and economic consequences. Estimates by NetBlocks indicate that Nigeria lost millions of dollars within the first few days of the ban, with cumulative losses running into hundreds of millions over the duration of the restriction.²⁴ The measure disrupted digital businesses and limited citizens' ability to access information, participate in public discourse, and organise collectively, drawing widespread criticism from civil society organisations and international human rights bodies.

IV. Assessing Legality, Necessity, and Proportionality of the Suspension

Was the Twitter restriction "provided by law" as Article 19(3) of the ICCPR requires? The short answer is no. The Nigerian government acted not through legislation but through administrative directives issued by the Nigerian Communications Commission and the Nigerian Broadcasting Commission. No enacted law specifically authorised a platform-wide ban of this kind. That absence alone undermines the legality requirement. The ECOWAS Community Court of Justice later confirmed as much, holding that the suspension lacked a valid legal basis and therefore violated the right to freedom of expression.

On necessity, the government invoked national security, public order, and the alleged misuse of the platform. But a blanket suspension affecting millions of users bears little connection to any demonstrable threat. Less restrictive alternatives were available: targeted content moderation, prosecution of unlawful speech under existing criminal laws, or direct engagement with Twitter to address specific concerns. The government considered none of these. That failure alone shows the measure did not meet the necessity threshold.

Proportionality asks whether the measure went too far. Here, it plainly did. The suspension prevented millions from communicating and accessing news through a primary platform for public discourse. Its nationwide scope, seven-month duration, and indiscriminate impact on all users made it overbroad. That is not a proportionate restriction.

Taken together, the three-part test yields a cumulative failure. The suspension lacked a valid legal basis. It responded to no pressing social need. And its impact far exceeded any legitimate objective the government could claim. Under international human rights law, legality, necessity, and proportionality are cumulative requirements. Fail one, and the restriction is unlawful. Here, all three are deficient. The Nigerian Twitter suspension therefore failed the tripartite test entirely and constituted an unjustifiable limitation on freedom of expression under international and regional human rights law.

V. Implications for Digital Governance in Nigeria

The Twitter suspension raised uncomfortable questions about executive overreach and the rule of law in Nigeria's digital governance space. A nationwide restriction was imposed through broad discretionary power, with the executive bypassing established legal processes along the way. The NCC and NBC implemented the ban without transparent legal mandates. That should worry anyone who cares about how administrative agencies are used to enforce measures that have no proper legislative grounding.

The episode also exposed gaps in how Nigeria thinks about digital platform governance. Existing telecoms and broadcasting laws were simply not written with platform-specific services like Twitter in mind. So the government fell back on ad hoc measures. What it lacked was a coherent regulatory strategy.

Beyond the legal questions, the suspension had real-world consequences for innovation, investment, and civic space. Digital platforms are the backbone of Nigeria's growing digital economy. They support entrepreneurs, small businesses, and cross-border commerce. An abrupt ban like this signals regulatory uncertainty. It chills civic engagement. And it does lasting damage to democratic participation.

What does this add up to? A clear need for structured, accountable regulatory frameworks. Nigeria needs legislation that is clear, developed through transparent and participatory processes, and aligned with international human rights standards. That legislation should spell out precisely when restrictions can be imposed. It should require judicial oversight and proportionality review. And it must hold both state and private actors accountable. Moving from reactive, discretionary measures to rule-based governance is the only way Nigeria can balance legitimate regulatory objectives with the protection of fundamental rights in the digital age.

²³James Yeku, "Nigeria's Twitter ban and the resistance politics of VPNs" <<https://africasacountry.com/2021/06/nigerias-twitter-ban-and-the-resistance-politics-of-vpns>> Accessed on 8th April 2026.

²⁴Victor Oluwole, "Nigeria is losing \$250k per hour in revenue after Twitter ban – NetBlocks says" <<https://africa.businessinsider.com/local/markets/nigeria-is-losing-dollar180k-per-hour-in-revenue-after-twitter-ban-netblocks-says/yvr1eb4>> Accessed on 8th April 2026.

VI. Conclusion and Recommendations

The Twitter suspension of 2021 is a test case for how digital expression should be regulated under international and regional human rights law. The suspension was an unlawful restriction on freedom of expression. The government bypassed legal processes, invoked national security without offering any evidence, and inflicted disproportionate harm on millions of Nigerians.

Moving forward, Nigeria needs more than judicial rebukes from ECOWAS. Those matter, but they are not enough. What is required is domestic legislation that spells out exactly when and how digital platforms can be restricted, with mandatory proportionality reviews and hard time limits. Without those safeguards, there is nothing to stop another suspension from happening again.

Beyond the immediate fallout, the suspension revealed deeper problems in Nigeria's approach to digital governance. The government relied on executive directives because there was no coherent statutory framework to fall back on. That created regulatory gaps, which in turn allowed discretionary and arbitrary interventions. It also showed the risks of securitising digital platforms by using concerns about stability as a pretext to justify sweeping restrictions on fundamental freedoms.

Changes must be made. First, clear legislative provisions that define the scope and limits of permissible restrictions, consistent with international human rights standards. Any restriction must be grounded in law, subject to judicial oversight, and come with adequate procedural safeguards. Second, proportionality review mechanisms need strengthening. Measures must be narrowly tailored, time-bound, and preference should always go to less intrusive alternatives. Third, accountability must apply to both state and private actors. Telecom companies and digital platforms should assess the legality of government directives and resist unlawful interference where they can.

Finally, the Nigerian experience shows why judicial and regional oversight matters. The ECOWAS Community Court of Justice decisions demonstrate that existing human rights frameworks remain relevant for emerging digital challenges. Strengthening access to those forums is critical if restrictions on digital expression are to face effective scrutiny.

In an increasingly digitised society, you cannot separate freedom of expression from access to online platforms. The Twitter suspension showed just how dangerous expansive state control over digital spaces can be. And it reinforced the need for governance

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