

## **An Analysis of Selected Editorial Opinions on the Disobedience of Court Orders by the Federal Government of Nigeria**

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### **Abstract**

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The dearth of effective and selfless leadership has been a major challenge in Nigeria. The standard of leadership across all levels in the country seemingly drops with each dispensation. Although the country returned to democratic rule in 1999, Nigerian leaders have arguably ruled instead of governing the country. There seems to be a culture of impunity across all levels and the political leaders have not been adequately accountable to the people. Government business has been reduced to the personal interest of those occupying public offices. The judiciary is regarded as the hope of the common man, but this maxim is becoming less true with each passing day as the executive selectively obey court judgments and the mass media selectively carries out its constitutional duty of holding the government accountable to the people. This study seeks to evaluate the level of obedience to the rule of law by the Federal Government of Nigeria using the cases of Sambo Dasuki, Ibrahim El Zakzaky and Omoyele Sowore who have been in detention for varying lengths of time. Using the foundation of the Agenda Setting and Framing theories, the paper evaluates the opinion of three Nigerian national newspapers on the cases under review. Critical Discourse Analysis is the chosen method for the conduct of the study. Findings from the study show that the three newspapers under examination have not written an official opinion on the disobedience of court orders by the government.

**Keywords:** *Leadership, Rule of Law, Separation of Power, Media Framing.*

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### **Background to the Study**

Leadership is arguably the biggest challenge of the developing countries especially those in sub-Saharan Africa. Nigeria's development has arguably been stifled by the leaders who have steered the national ship since the country's independence from Great Britain. The giant strides made by the likes of Singapore, Malaysia, Rwanda and Botswana over the last few decades indicate that great things are possible with the political will of selfless and creative leaders.

Politics seems to be the biggest business in sub-Saharan Africa today. Indeed, it should be because the politics drives other aspects of development in a country. Economic, socio-cultural, technological and religious advancements in a country depend on the will of the political leadership of a country. The amount of natural resources available in a country is not a major determinant of the development of the country. The widespread poverty in Democratic Republic of Congo, Nigeria, South Sudan and Angola (countries rich in natural resources) as well as the relatively high quality of life in countries like Switzerland, Israel and South Korea (countries lacking in natural resources) are indications that development is more dependent on leadership and less dependent on natural resources. However, if the right leadership emerges in a country blessed with natural resources, then the opportunities would be limitless. The success of the United Arab Emirates is instructive in this scenario.

One of the hallmarks of democratic governance is the principle and practice of checks and balance. Brennan and Hamlin (1994) posit that if powers are merely separated, that can give those with some powers the ability to act unilaterally to the detriment of others. It demands that each arm of the government checks the excesses of the other arms of government while subjecting itself to scrutiny and guidance by the other arms periodically. This way legislative, executive and judicial excess can be curtailed and the people could get the best of governmental services.

The media is widely regarded as the fourth estate of the realm of governance. The power of the press arose from its ability to withdraw or give out information ( McQuail, 2010, p. 168). It is constitutionally empowered to make the government accountable to the people at all times. This constitutional role is however open to interpretation and its interpretation and operation depends greatly on the ownership of each medium of mass communication as well as the socio-cultural and political dynamics operative in the society where each mass medium operates. Consequently, the Nigerian media's interpretation of the disobedience of court orders/judgements by the federal government could vary from one medium to another according to the geographical, political and socio-cultural proximity of each medium to the state and non-state actors involved in the cases adjudicated upon by the Nigerian judiciary.

The present administration has allegedly disobeyed the judiciary on a number of occasions. The public have read reports of these executive disregards for the judiciary and they are likely to explore that precedent in future. Three cases are instructive to this study. They pitch the Nigerian government against a former National Security Adviser, Col. Sambo Dasuki the leader of the Islamic Movement in Nigeria, Ibrahim El Zakzaky and the publisher of Sahara

Reporters, Omoyele Sowore. The three individuals have been in the custody of the Department of State Services (DSS) for varying durations and there have been legal battles over their freedoms.

It is important to stress that the greatness of a country is not measured by the amount of natural resources it has, rather it is a product of the quality of leadership in that country. Therefore, each of the three official estates of the realm of governance (legislature, executive and judiciary) as well as the fourth unofficial estate (the media) must perform its oversight functions on other arms to ensure that the leadership are accountable to the people. This is one of the pathways to the cultivation of good leadership.

The immediate past National Security Adviser (under President Goodluck Jonathan) Sambo Dasuki has been in detention since 2015 for allegedly diverting funds meant for the procurement of equipment for the Nigerian military in the fight against the Boko Haram insurgency in the North-East. The allegedly stolen fund amounted to 2.1 billion dollars. Several prominent politicians were also arrested and tried in for allegedly sharing in the money. While the others have been released on bail, the former National Security Adviser has remained in confinement despite judicial ruling granting him bail. He has been granted bail by four High Court judges in Nigeria as well as the ECOWAS court ([www.vanguardngr.com](http://www.vanguardngr.com))

Similarly, the leader of the Islamic Movement in Nigeria Sheik IbrahimEl Zakzaky and his wife Zeenah have been in detention since December 2015 following a face-off between his followers and the Nigerian army. In 2016, a Federal High Court ordered his release from the detention of the Department of State Services ([www.pmnewsnigeria.com](http://www.pmnewsnigeria.com)). The court also ordered the government to pay him the sum of 50 million naira in compensation. The government has failed to follow the directive of the court. The government claims that his continued detention was for his own protection. Following the deteriorating health of Sheik Zakzaky, another court ruled that he should be allowed to travel for treatment abroad and he was reluctantly allowed to go for treatment in India albeit under tight security.

In the third case under review, Omoyele Sowore was arrested on August 3, 2019 in his hotel room ahead of his proposed protest tagged “Revolution Now”. He stands accused of treasonable felony, money laundering and cyber stalking President Buhari ([www.pmnews.com](http://www.pmnews.com)). He pleaded not guilty to all the charges and a court granted him bail in September but the DSS refused to release him instead the presiding judge was accused of corruption. The former presidential candidate was re-arraigned in October and another judge granted him bail with stringent conditions. After a while, the defence team met the bail conditions, yet the DSS has failed to release the accused.

### **Statement of Problem**

The federal government of Nigeria has persistently ignored court rulings. This is against the principle of checks and balances and it also sets bad precedents for future Nigerians to disobey court rulings in future. This could potentially lead to the breakdown of law and order in the society. If that happens, lawlessness and violence could become the order of the day and it

would require greater effort to restore the rule of law and public order. The media organizations in Nigeria seem to be subjective tools in the power play between the executive and the judiciary as well as the non-state actors involved in the cases.

### **Objectives of the Study**

The general objective of this study is to examine the representations of the disobedience of court orders by the Federal Government in Nigerian newspapers. The specific objectives are:

1. To examine the disposition of Daily Trust newspaper towards the disobedience of court orders by the Federal Government of Nigeria.
2. To investigate the portrayal of the Federal Government's disobedience of court orders by Vanguard newspaper.
3. To evaluate the Guardian newspaper's framing of the disobedience of court orders by the Federal Government of Nigeria.

### **Theoretical Framework**

#### **Agenda-Setting Theory**

This theory was developed by Maxwell McCombs and Donald L. Shaw in 1972/73 (Lane, 2001). It explains the powerful nature of the media as well as the resultant influence of the media over the users. The summation of the theory is that the media possesses “the ability to tell us what issues are important” (University of Twente, 2014). The media-defined “important issues” are then discussed by the media users until such a time when the media comes up with new agenda. The use of Agenda Setting as a theoretical foundation in political communication can be traced to the concerned of Walter Lippman. As early as 1922, Walter Lippman, a newspaper columnist thought deeply about the effects projected by the media on the minds of the public (University of Twente, 2014) while “as far back as 1922, the newspaper columnist Walter Lippman was concerned that the media had the power to present images to the public McCombs and Shaw investigated presidential campaigns in 1968, 1972 and 1976” (University of Twente, 2014). This present effort hinges on these precedents by using the agenda setting theory as a theoretical base for the discourse on the disobedience of the judiciary by the executive arm of government in Nigeria.

The Agenda Setting theory takes into cognizance the power of individual differences unlike the Magic-bullet theory which claims that people act as they are programmed to do by the media (Baran & Davis, 2012, p. 82). The Agenda Setting Theory says that the media can give the public topics to think about, but it cannot tell the public what to think about the topics. The reaction of the public to the topic (agenda) given by the each medium would depend on the social experiences of the audience as well as the history and reputation of the media organization that is reporting the information (setting the agenda). Therefore, one would expect the various narratives and discourses by the newspapers to generate further discourses among the readers in the process of impacting on the polity. The resulting impact would therefore be a product of the receptions, perceptions and discourses at different levels rather than a product of the desire and effort of any editorial staff or manager (Onifade, 2015, p. 21).

Media owners and professional journalist are closer to the elite class which Eric Louw calls the insiders (Louw, 2005). This closeness gives them the professional freedom and license to determine the topics of public discourse as well as the narratives on them thus making them “symbolic elites”. This elite position provides them with the skills required for the manufacturing of “public knowledge, beliefs, attitudes, norms, values morals and ideologies” (Ademilokun & Taiwo, 2013, p. 442).

### **Framing Theory**

Framing theory was propounded by Erving Goffman who was a sociologist. Framing refers to the manner in which the media packages and presents information to the public. According to the theory, the media highlights certain events and then places them within a particular context to encourage or discourage certain interpretations. In this way, the media exercises a selective influence over how people view reality. Framing is sometimes referred to as second-level agenda setting because of its close relation to the Agenda Setting theory.

In Goffman's argument, interpretative designs are central to human cultural belief systems. These interpretative designs are the “frames that we use in our day-to-day experience to make sense of the world. Frames help to reduce the complexity of information, but serve as a two-way process: Frames help interpret and reconstruct reality” (Littlejohn & Foss, 2009, p. 407). The core assumption of the theory is that the media draw public attention to certain issues just like the Agenda Setting theory. Framing theory goes a step further than merely setting the agenda by telling people what and how to think about salient issues.

The form in which an editorial content appear is a reflection of the choices made by the reporters, editors and media owner. A frame in this context is the representation of events and issues by media operatives. Frames are “abstract notions that serve to organize or structure social meanings. Frames influence the perception of the news of the audience, this form of agenda-setting not only tells what to think about, but also how to think about it” (University of Twente, 2019, p. 107). In relation to this study, the newspapers under review would present the disobedience of court orders by the executive in different frames depending on the relationship between the publisher and individuals in power.

### **Methodology**

Critical Discourse Analysis is the method preferred for this work. This is because it allows for the critical examination of the motives behind the textual narratives employed in the editorial contents examined.

Daily Trust, Vanguard and Guardian newspapers were purposively selected for the study because of their perceived individual relationships with the Federal Government of Nigeria. Daily Trust was chosen because of its perceived support for the government of President Buhari while Vanguard was chosen for its critical coverage of the activities of the Buhari-led federal government. Guardian newspaper was selected for its perceived higher objectivity on government activities. It thus represents a middle ground.

## **Data Analysis**

The intended unit of analysis for this study is the editorial of each of the newspapers under review. However, the researchers discovered that none of the three newspapers have written an editorial addressing the issue under investigation. They have limited themselves to news stories and personal opinion articles on the detention of the trio of Sambo Dasuki, Ibrahim El Zakzaky and Omoyele Sowore. The failure to publish editorials on the issues could be attributed to the fact that the three detainees are challenging their detentions in court and giving editorial opinions on them could be at the risk of contempt of court. Therefore, the study critically examine some opinion article each in Vanguard and Guardian newspapers respectively and one editorial comment in Daily Trust newspaper.

## **Vanguard Newspaper**

The first entry in this analysis is from the Vanguard newspaper and it is titled “Buhari is ignoring Nigerian judges – We must not let him get away with it” (Olaniyan, 2019). It was published on November 20<sup>th</sup>, 2019. As the title suggests, the piece is in the contempt of the judiciary by Nigerian Presidency. The opinion article is critically examined below. President Muhammadu Buhari's government record on the rule of law is chilling. Since assuming power on May 29, 2015, Mr Buhari has showed a stunning disregard for the rule of law and human rights, ignoring Nigerian judges on at least 40 occasions. And he seems to be getting away with it.

The extract above puts the disobedience of the judiciary by the executive arm of government led by President Buhari in a numerical perspective. Ignoring judicial pronouncements on 40 occasions in less than five years suggests a culture of impunity and sets a bad precedent. The fight against corruption has been an important facet of his rhetoric but his persistent disobedience of court orders, disdain for Nigerian judges and flagrant violations of human rights under his watch puts into question his commitment to actually ending corruption. It's hard to overstate the significance of this disregard of court orders not just for the operation of the rule of law but also effective respect for constitutional and international human rights, such as freedom of expression, peaceful assembly, association and access to information.

Although president Buhari attained the presidency largely on his anti-corruption credentials and rhetoric, the extract suggests that his disobedience of court orders and the persistent violations of human rights under his watch is a dent on his anti-corruption credentials because opposition to the rule of law is also a form of corruption. Should the president continue on this path, he may undue his legacies in the estimation of right thinking Nigerians and the international community.

Yet, Mr Buhari is carrying on, irrespective of human rights and the rule of law. Any time the courts have told Mr Buhari's government to do something it doesn't like, it has refused to obey it. Even Mr Buhari's attorney general Abukabar Malami, (SAN), once said the rule of law is what the authorities determine it to be. To be clear: it is only an independent and impartial tribunal that has the authority to correct any perceived errors of law of lower courts, not the attorney general.

From the extract above, it is shown that the disobedience of court orders is arguably a state policy given the statement of the Minister for Justice, Abubakar Malami that the rule of law is not enough justification to obey court orders and release political detainees whom he argued had endangered the lives of many Nigerians by their actions in office. He was alluding to the former National Security Adviser, Col. Sambo Dasuki (rtd). In other words, the executive will choose which court judgement to obey and which to ignore which is tantamount to ascribing judicial powers to the executive.

Court orders that are yet to be complied with include those obtained by human rights lawyer and Senior Advocate of Nigeria, Femi Falana, particularly the judgment by Nigerian courts ordering the release of Islamic Movement of Nigeria leader, Sheikh Ibrahim El-Zakzaky and his wife, Zeenah, from unlawful detention. Similarly, the government's State Security Service (SSS) continues to arbitrarily detain activists Mr Omoyele Sowore and Olawale Bakare who called a national protest, in spite of court orders that they should be released on bail and meeting their bail conditions, prompting Mr Falana to tell the government to: "save Nigeria from further ridicule." (www.saharareporters.com).

The extract above highlights the other cases which form the tripod for this study. Nigerian courts have ordered the release of Sheikh Ibrahim El-Zakzaky and his wife but the government has refused to release them. Interestingly, the Minister for Information said that they spend over three million naira feeding them monthly. It would cost them nothing to release them as ordered by the court and the money can be channelled into other areas of the Nigerian society like education or lifting the morale of our soldiers fighting insurgents in the north-east. In the case of Sowore, the government has refused to release him and his co-accused even though they have met their bail conditions. Such actions portend severe danger for the image of Nigerian in the international community.

### **Daily Trust Newspaper**

The second entry for this analysis is an editorial opinion by Daily Trust newspaper titled "Sowore's Revolution". The piece was published eight days after the arrest of Omoyele Sowore an online publisher and activist. The editorial is dissected below:

*The Department of State Security arrested Mr Omoyele Sowore from his home in Lagos last weekend for alleged acts of treason and terrorism. The presidential candidate of the African Action Congress (AAC) in the 2019 general elections and founder of an online leaks newspaper, Sahara Reporters, burnt his fingers by giving a hashtag # Revolution Now to a protest by the Coalition for Revolution (CORE). (Daily Trust, 2019)*

The extract above is the opening paragraph of the editorial. It reveals that the organization had little concern about the plight of Mr Sowore and his co-accused. The newspaper erroneously stated Mr Sowore was arrested from his home. The activist was actually arrested in a hotel ahead of the planned protests slated for August 5, 2019. A national newspaper of repute like Daily Trust should get such important facts accurately. The newspaper also described the activist as the founder of an online leaks newspaper. This is simplistic and reductionist because Sahara Reporters which is published by Mr Sowore does more than leak official secret. It is more of an investigative newspaper than a leak newspaper.

Riding on the crest of the violent imagery that classical revolution evokes, the DSS justified Sowore's incarceration by saying, "These threats include threats of subversion, threat of terrorism and, of course, ethnic agitations, separatist, economic sabotage and others... We must understand the meaning of revolution. Primarily, it means a revolt, it means insurrection, it means insurgency, it means forceful takeover of government and we are operating democratic system in Nigeria."

In the extract above, the editorial board reproduces the reason given by the secret service for arresting Mr Sowore. The editorial fails to give its own interpretation of the words and construct used by the accused which led to his arrest by the secret police. This is an indication that the newspaper is in agreement with the Department of State Service's interpretation of the ideas expressed by the activist.

The CORE claimed to have planned a three-phase protest, none of which alludes to violent overthrow of government. The first stage tagged "end anti-people economic policies," calls for redress in contemporary social issues, like immediate payment of N30,000 minimum wage, putting a stop to the devaluation of the Naira; stop estimated electricity billing; immediate release of El-Zakzaky; payment of outstanding salaries and pensions, etc. The second phase is tagged, "end special privileges for the ruling class," and it calls for a ban on all government officials from using policemen as security guards and sending children to private schools or foreign universities, etc. The third phase is "returning political power and national wealth to the working people." Though this is inclined to Socialism, it does not call for an abolition of democracy. One of the aims in this phase is: "to reduce the cost of governance by abolishing the Senate, thus establishing a uni-cameral legislature with only the House of Representatives."

In the extract above, the editorial board admits that no aspect of the planned protest alludes to the violent overthrow of government. The objectives listed by the group are seemingly in the interest of Nigerians. The demand for the implementation of the new minimum wage, release of unlawfully detained persons like Ibrahim El-Zakzaky and his wife, clearance of backlogs of salaries and pensions are arguably in the interest of the generality of Nigerians.

While it is arguable that the second aspect of the protest which aim to stop public officials from having police guards and preventing their kids from attending private schools at home or schooling abroad is an infringement on their human rights, it is a challenge for them to make our society more secure and make our public schools more functional. The quality of public education will be improved if the children and wards of public officials attend these schools. The example of Governor Nasir El-Rufai of Kaduna who recently enrolled his son into a public primary school is unarguably a step in the right direction and it will give the masses greater hope and confidence in the leaders. The editorial also did not give an opinion on the proposal to cut cost by reducing the size of the legislature.

Perhaps, the choice of the word revolution was too extreme or inappropriate for this kind of movement. Revolution could be emotive. Its use in a civil protest could spur participants to engage in acts of violence or sabotage. It may be on this account that the DSS decided to

incapacitate Sowore and cripple the attempts to actualize the protest in several cities in the South last week.

From the extract above, it is seen that the newspaper makes a case for the feigned interpretative ignorance of the DSS on the goals of the planned protest. It argues that participants could engage in acts violence during the protest. One major function of the mass media according to Harold Lasswell is the correlation of events for the benefit of members of the society. The editorial therefore ought to have explained the scope and objectives of the planned protest for the benefit of their readers.

We call on the Buhari administration to consider Sowore's 'Revolution' as a wake-up call to the fact that the masses are trapped in the floodgates of difficulties – kidnapping, armed banditry, poverty, unemployment, and general economic downturn...The DSS has dragged Sowore to court and obtained an order to keep him for 45 days. The order is supposed to give security operatives the opportunity for unfettered investigation into CORE's supposed unconstitutional acts. We call on the DSS to be thorough and open-minded in this investigation to gather evidence to prove or disprove their hypothesis of terrorism and treason in the #Revolution Now protest. If there is no evidence, they should let Sowore off the hook.

The extract above concludes the editorial. The board finally admits that the Nigerian masses are having great difficulties in several aspects of their daily existence. The board members urged the government to do a thorough job in its investigation of the alleged intention and capacity of Omoyele Sowore to violently overthrow the government of President Muhammadu Buhari. They urged the government to release him in the event that the evidences are not stacked against him. Although Sowore mentioned the detention of the likes of El-Zakzaky as one of the reasons why he was leading the protest, Daily Trust kept mute on the continued detention of the Shiite cleric and Smabo Dasuki.

### **The Guardian Newspaper**

The third entry in the analysis is from The Guardian newspaper. It is a personal opinion sent to the newspaper by Kunle Rotimi. It is titled “Dasuki's case appears suspicious and vindictive” and it was published on October 19, 2016. The entry is analysed below:

*Sir, please let me express my views on the controversial court case of Col. Sambo Dasuki rtd, former NSA. I cannot defend Col Sambo Dasuki, his lawyers will do that over the allegations of abuse of office and looting!*

Without prejudice to subsisting cases, however, for the Buhari administration to clamp him into detention indefinitely for about a year now, calls for serious concern. Four court orders for his release on bail, Federal Government has refused to obey, and prosecution in court is dragging! The latest decision of ECOWAS Court directing FG to release Dasuki on bail is another (Rotimi, 2016).

The extract above represents the opening paragraph of the opinion article. The author believes that the former National Security Adviser should be tried over his alleged involvement in abuse

of office and looting of public funds. He however expresses concern that the case was too controversial. This is against the background that every other person accused of sharing in the money meant for the procurement of arms has been released on bail while they continue the legal battle to clear their names. The accused was granted bail by four different courts yet the government has refused to release him. This is a bad precedent for future despots. Every time, government churns out new charges and laughable excuses, keeping him in detention. No decent person will ask government to discharge and acquit a guilty offender! But the offender should not be punished until found guilty.

The extract above shows the level of confidence which the average Nigerian has in the Federal Government. Indeed the government has given laughable excuses for the continued detention of Sambo Dasuki and the El-Zakzakys who have all been in detention since 2015. The laughable excuses have been extended to Omoyele Sowore who was arrested in August 2019. The law says that every accused is innocent until proven guilty. Therefore, law enforcement agencies are expected to carry out thorough investigations before making arrests after which they are expected to prosecute the accused. Sadly, this is not the case in Nigeria where people are first arrested before investigations are carried out while they rot in detention. It is an injustice to punish someone that has not been found guilty.

In the Nigerian Constitution, an accused is presumed innocent until the court says otherwise. So far, Dasuki's alleged offences are allegations, which must be proved and argued in courts. The media trial of the suspect is not constitutional and we should remember that this is a democracy. The prosecutorial foot-dragging on Dasuki's case appears suspicious and vindictive.

The extract above buttresses the presumption of innocence until proven guilty in a competent court of law. The writer suggests that Dasuki's prosecutors are deliberately foot-dragging on the case in order to keep the Sokoto prince in jail for as long as possible. It is good to recall that Sambo Dasuki was allegedly a key player in the coup that ousted the then General Muhammadu Buhari in 1985. He is alleged to have carried out the arrest of the then Head of State, General Buhari. He went on to become the Aide de Camp to President Ibrahim Babangida. Political insiders and analysts suspect that President Buhari has not forgiven Sambo Dasuki for his role in the military coup ever since.

### **Conclusion**

From the critical examination of the editorial materials in the three newspapers, it is observed that the newspapers under review have not seen the need to beam their editorial light on the disobedience of court orders by the Federal Government of Nigeria. Although they have provided regular updates on the twists of each case, it would be helpful to their readers if they could give their official opinions on the issues.

By keeping mute in the face of executive disobedience of court orders, they are failing in their constitutional duty of keeping the government accountable to the people. It also amounts to

failure to correlate events in the society for the benefit and understanding of the public. It must be emphasized that journalism is a profession and position of public trust, therefore, media professionals must remember that their duty to the people is greater than the fear of the ruling elite.

### **Recommendations**

In view of the analysis of the study, it is recommended that:

- i. The media should always uphold the tenets of truth as it expected of them. As members of the fourth estate of the realm, media must be neutral and be truthful in order to justify the confidence reposed in them by the people or the society.
- ii. Government must also ensure that there is a total compliance with the rule of law by ensuring separation of power among the various arms of government.
- iii. Interfering in the activities of others or usurping the power of other should be jettisoned in order to ensure equity and fairness and practice democracy the way it should be done.
- iv. That the executive should endeavour to follow judicial orders even when the decision is not in their favour. This is to ensure good, mutual relationship among the organs of government and to forestall breakdown of law and orders among the citizenry.
- v. The media should always make their positions on national issues known through their editorial contents so as to be in tandem with the agenda setting role which the media is expected to perform from time to time.

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