

# Constitutional Rights Journal

VOL. 4 NO. 10 ISSN 1116-2503

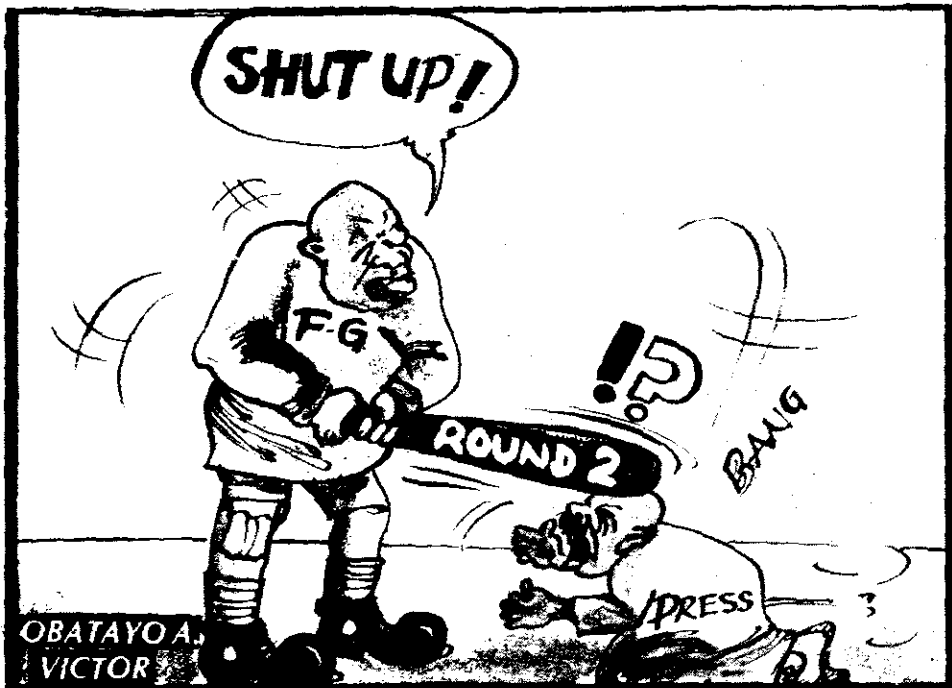
APRIL - JUNE 1994 N20/\$5/

## SORROW TEARS AND BLOOD

■ Task Force Brutalises Civilians

*The basic role of government is to govern. Its shade of colour or professed ideology exists to regulate the affairs of men and women in a polity, be it in a country, a state or local government or village level. Its existence is contingent on the existence of every other human institutions including the press. What it says is the law. What it does is assumed to be in the best interest of the people it governs. The press, therefore, is a government institution...".*

—MAMMAN VASTA, defending Decree 4 of 1984



**By Bayo Oloyede**

THE CLOSURE AND PROSCRIPTION of media organisations by governments has become a regular feature of military rule in Nigeria. Starting with the ban of the Cross River State-owned *Chronicle*, by the then military governor, Brigadier-General, U.J. Esuene, during the Gowon regime, over 16 newspapers and magazines and one radio station have been affected in 23 years of military rule in Nigeria.

The process of the closure or proscription has been similar; armed soldiers or policemen forcibly gaining entrance into the premises of affected media houses, sending out the workers,

# THE PRESS, MILITARY AND FREEDOM OF EXPRESSION

searching the place and occupying the premises. The principal officers are also sometimes arrested and detained. Where the closure is intended for a long time, a retroactive decree is usually rolled out days or weeks after the occupation to give an illegal action a legal backup and stop the usually attendant public agitation.

Let's now examine how the Nigerian press has fared, under the military by highlighting cases of closed or proscribed newspapers and magazines.

In November 1969, during the Gowon regime the *Daily Times* group of newspapers was shut down for six days on the orders of the military government, and its editor, news editor and managing director detained in a police cell for three

hours, apparently for publishing an 'offensive' report.

In 1978, The General Olusegun Obasanjo's administration, through Decree 12 of 1978, prohibited the publication and circulation in Nigeria, for two years, of the *Newbreed* magazine. The proscribing decree specifically banned any challenge of the proscription in any court of law. The magazine had published in its mid-January and mid-March, 1977 editions which the government impounded, an article titled "The Drift Continues" and a critical appraisal of the Nigerian Security Organisation, NSO.

On April 6, 1987, The Babangida's regime proscribed the *Newswatch* magazine for six months for publishing the recommendations of a political bureau set up by government ahead of the official government "White Paper".

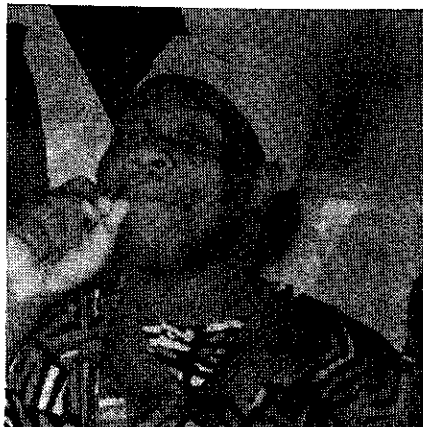
On October 14, 1988, the offices of the *Nigerian Observer* in Benin was sealed off by the police after the paper's staff had been ejected and dispersed with teargas. Thousands of copies of that day's edition were also confiscated. The newspaper had earlier written an editorial critical of the State Commissioner of Sports.

On April 29, 1990, the *Punch* group of publications were besieged and sealed off by armed security men because of *The Punch's* alleged 'offensive' editorial comment of Friday April 27, 1990 which was on the April 22, 1990 abortive coup against the Babangida government. The siege lasted till May 20.

On May 1, 1990, the Ikeja premises of John West Publications, the holding company for the *Lagos Daily News*, *Evening News*, *Sunday News* and John West Publishing Company Limited were also sealed off by armed security operatives because of an editorial comment on Sunday April 29 in the *Sunday News*. A government source, according to *Newswatch*, described the editorial which was also on the April 22 coup as "negative and critical of the government". Security officials were called off on June 11.

The premises of *Newbreed* magazine, also housing Ihaza Company Limited, H. Hannah Holdings Limited, *Newbreed* Printing and Packaging Company Limited and Chris Okolie's Law Chambers was sealed off on June 8, 1990 on account of *Newbreed's* publication of Ogboru's 'letter' to Babangida. Great Ogboru was said to be one of the financiers of the 1990 coup.

The *Champion* newspapers were



■ Obasanjo : Closed down Okolie's (right) *Newbreed* magazine



shut on Saturday June 9, 1990 and Emma Agu, editor, *Daily Champion* was arrested. Before the closure, the newspaper's offices were ransacked by security agents who took away *Daily Champion's* printing plates of April 9 and 11, 1990. Government officials pointed at the April 9 and 11 editions of the *Daily Champion* as containing 'offensive' reports.

Between June 7 and 9, 1990, the *Vanguard* newspapers was closed on the orders of the then military governor of Lagos State, Colonel Raji Rasaki, apparently for the paper's report on clashes between traders and security men at the Alaba Market in Lagos.

The *Champion* premises was also sealed off on June 9, 1990 by armed search-and-seal warrant-carrying Lagos State Security agents who said they were after seditious materials published in one of the editions of the *Daily Champion*. The closure was believed to be connected with the paper's editorial of June 8 over the Alaba Market traders - police face-off and the paper's promise (in the issue) to give its readers an in-depth analysis of the crisis in the *Sunday Champion* of June 9.

On March 8, 1991, the premises of John West Publications was again sealed off for 13 days over "embarrassing pub-

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lications" against the then head of state, General Ibrahim Babangida, and his wife, Maryam, by the *Lagos Evening News*. The paper had in a front-page lead titled "IBB, Maryam named in Jennifer's deal", published a letter said to have been written by Fidelis Oyakhilome, then head of the National Drug Law Enforcement Agency, NDLEA, to the Vice President, Augustus Aikhomu, on the need to detain Jennifer Madike under the Detention of Persons Decree 2 of 1984.

On May 29, 1991, the entire Guardian group - *The Guardian*, *Guardian Financial Weekly*, *Guardian Express*, *Lagos*

*Life and African Guardian* was temporarily sent off the streets on Colonel Rasaki's orders. Their 'offence' was a report in the *Guardian Express* of May 29 that two students of the Yaba College of Technology, Lagos were shot dead by state security agents during a students' demonstration. *Guardian Express* editor, Bayo Oguntimehin, and three other reporters - Taiwo Akerele, Tunde Suleiman and Ben Akparanta were arrested and detained. They were subsequently charged for publishing "false news with intent to cause fear and alarm to the public". The newspaper stood by its story while the arrested journalists remained in custody until June 11 when they were released on bail. The charges against them were later dropped.

On April 9, 1992, armed anti-riot policemen shut down the offices of the *Concord* group. Thirteen publications of the group were affected. *The African Concord*, in its April 13 edition which appeared on news-stands on April 6 had published a cover story titled: "Has IBB given up?" The story was anchored on a published interview granted the *Sunday Times* by General Ibrahim Babangida in which the military president was reported to have wondered why the Nigerian economy had not collapsed. He told the *Sunday Times* that he had repeatedly asked his economic advisers what had kept the economy going since "it was not any of our theories or anything we have read".

Following the armed occupation of the *Concord* offices, a decree - the *Concord* Group Newspapers Publication (Proscription and Prohibition from Circulation) Decree 14 of 1992, was quickly prepared, but was withdrawn after *Concord* Press Chairman, Chief M.K.O. Abiola, publicly apologised to the president. *The African Concord* editor, Bayo Onanuga, who was asked to apologise chose to resign.

On Tuesday June 15, 1993, security agents sealed off the premises of *Good Times Glamour* monthly magazine over its June edition titled "CIVIL WAR AGAIN? Generals lace their boots". Three workers of the magazine's circulation department - Sunday Francis, Isaac Adeduro and Adeleye Joel, were arrested and detained without charge.

Amidst the tension generated by the controversial annulment of the June 12, 1993 presidential election, the Babangida administration sent armed soldiers and policemen to close down and occupy the premises of five newspa-

pers houses, a magazine and a radio station. The newspapers were the *Concord Group*, *Punch*, *Sketch*, *Abuja Newsday* and the *Observer*, the magazine *African Concord Limited* while Ogun State Broadcasting Corporation, OGBC, was also affected.

OGBC was reopened 42 hours after Babangida's information secretary, Mr. Uche Chukwumerije claimed that Governor Segun Osoba had assured the federal government that he would watch the station closely. Chief Osoba promptly denied it. All the other publications except the *Abuja Newsday*, were on Monday August 16, 1993, retroactively proscribed via the Newspapers, etc., (Proscription and Prohibition from Circulation) Decree 48 of 1993. The Sani Abacha government later lifted the ban on November 18, 1993.

The question is, is the military following the due process of the law in proscribing media houses? Yes, argued military rulers and their apologists. They cite the use of the judiciary in the dispen-

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***It is clear that while the closure of media houses by the military may sometimes be lawful ... they are glaringly arbitrary, autocratic, despotic and antithetic to the rule of law.***

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sation of 'justice' in matters relating to the press. On forcible closure or proscription of media houses without recourse to the law courts, the military maintained that such actions are always validated by law. They referred to the retroactive decrees which the federal ministry of 'justice' regularly promulgate to back up the orally ordered actions. They also pointed out that the closures were informed by, "national security" and "national interest" considerations.

From our understanding of the rule of law, however, it is clear that while the closure of media houses by the military may sometimes be lawful - that is done in line with an existing law - they are glaringly arbitrary, autocratic, despotic

and antithetic to the rule of law. Under the rule of law, as distinct from a rule of force, a government cannot be the complainant, the prosecutor, the judge and the judgment's enforcer in its own cause as occurred in all the listed cases.

Moreover, Babangida's administration, in closing down or proscribing state government - owned news media - the *Sketch* and *Observer* groups and the Ogun State Broadcasting Corporation, OGBC, violated the basis of the Nigerian federation. Under the federal system of government, the federal government - military or civilian - has no constitutional or legal right, except under a state of emergency, to close down or proscribe a state government - owned news medium.

This is why, under a federal system of government, the important subject of press law is always a residual subject, that is one which is within the exclusive legislative competence of each state.

Nigerian military governments seem to have a simplistic understanding of the complex relationship between the institution of government and citizens on one hand and between government and important societal institutions such as the press. This, perhaps is due to the autocratic command structure in the armed forces.

The late major General Manman Vatsa, while defending the promulgation of (the Public Officers Protection Against False Accusation) Decree 4 of 1984, provided an instructive insight into the thinking of soldiers about government and law and about the interrelationship of important institutions in society. In an article titled "Be Wise, Fear Decree 4" he submitted:

"The basic role of government is to govern. Its shade of colour or professed ideology or lack of it exists to regulate the affairs of men and women in a polity, be it in a country, a state or local government or village level. Its existence is contingent on the existence of every other human institutions including the press. What it says is the law. What it does is assumed to be in the best interest of the people it governs. The press, therefore, is a government institution...".

With this sort of approach, it is hardly surprising that media houses are arbitrary being closed down or proscribed by military leaders in Nigeria.

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