

UNDER THE JACKBOOT: THE NIGERIAN TRIBUNE AND HUMAN RIGHTS AGITATION, 1984–1998

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ABSTRACT Beyond its fundamental role of information, education and entertainment, the Nigerian press since the colonial period has always been the vanguard of human rights. That the press functions as the watchdog of human rights is generally acknowledged, there has been little research given to this. Its role as the guardian of human rights and the voice of the voiceless strained its relations with Nigerian military dictators, also led to the suffocation of its breathing space. Despite numerous measures calculated to muzzle the press in Nigeria by the military dictators, Nigerian press has always remained committed. This paper studies the history of the Nigerian press and its role in human rights agitation by focusing on the oldest surviving private newspaper, *The Nigerian Tribune* under three military regimes between 1984 and 1998.

Key Words: Press freedom; Social responsibility; Human rights; Military regimes and decrees.

INTRODUCTION

I. Theoretical Frameworks: Authoritarian, Libertarian and Social Responsibility Theories

The bias for the study of government-media relations has generated different theories such as the authoritarian and the libertarian media theories, and led to the adaptation of the holistic theories such as the hegemony theory. Hitherto, the Nigerian press has been studied primarily from the perspectives of hegemonic theory, authoritarian theory or libertarian theory (Mohammed, 2003; Ogbondah, 1994; Olukotun, 2002; Oloyede, 2004). Whereas, most of these studies on the press have been confined to the government-media relations, these were at the expense of the basic functions of the press in the society, particularly the role of human rights activism and the performance of the press. This also explains the poverty of research, despite loud publicity on the impact of the media on human rights activism. A few clues can be derived from the simplest questions of Siebert, Peterson and Schramm (1956: 1).⁽¹⁾

Why is the Nigerian press the way it is? Why does it apparently serve different purposes and appear in widely different forms under different administrations, whether civilian or military?

The answer to the above questions would partly be that the behaviour of the Nigerian press reflects the socio-political structure and dynamics of the society at different historical epochs. It could also reflect “what people do in different places and what their experience lead them to want to need about” (Siebert et al., 1956: 1). The degree of access the public has to, control and the ownership

of the press are also ready answers to the above questions. In addition, the in-house policy and the ideological belief of the press ownership affected the operation and the final output of the media house. The author's in this study is thus similar to that of Siebert et al. (1956: 1–2) "that the press always takes on the form and coloration of the social and political structures within which it operates."

This study has been erected on the social responsibility theory of media. The general story of the autocratic tendency of the military regimes and libertarian disposition of civilian governments to the press in Nigeria becomes feeble if placed on the weight of the media social responsibility theory. The history of the Nigerian press could as well be situated under the authoritarian media theory.

What then is authoritarian media theory? What is libertarian media theory? What is social responsibility theory? Simply put, authoritarian media refers to a situation where government controls, censors or muzzles the press by regulating the contents of publications through its various agents of laws. The features of authoritarian media include, direct government control of production, the use of economic sanctions, such as taxation, prohibition or controlled import of foreign media, government appointment of editorial staff, and enforced codes of conduct (Okunna, 1999: 124–125).

The conception of authoritarian media theory dated back to the reign of absolute monarchies in the sixteenth and seventeenth centuries Europe in which the Tudors in England, the Bourbons in France, and the Hapsburg in Spain adopted the principle to control their press (Siebert et al., 1956: 9). The government-media relation of the time was sadly characterized by absolute censorship. The authoritarian philosophy views the press as the instrument of government propaganda. Under authoritarian governments, criticism of government's policy was strongly prohibited. The 1644 *areopagitica* of John Milton adequately depicted the authoritarian British government muzzling of the press.⁽²⁾ Four basic strategies were put in place to regulate the press: the patent system, the journeymen system, censorship and treason or sedition trials (Okunna, 1999: 124–125). Under the patent system, licenses or permits were used to control the press. The Journeymen system controlled the press by regulating the number of apprentices to printers of newspapers. Censorship can be divided into two: Pre-censorship and post-censorship. While the former has to do with the formal approval of the materials before printing, the latter is concerned with the approval of the materials after publication. The sedition trial has to do with the punishment of the guilty printers through the framework of law (Okunna, 1999: 126–127). Authoritarian media theory can be summarized to mean a situation where government controls, censors or muzzles the press by regulating the contents of publications through its various agents of laws.

The libertarian concept of press freedom has received much attention of scholars as well. According to Stein, a free press is that which acts as a market place where ideas, opinions and theories are served up to citizens for their acceptance or rejection, with the absence of government intervention (Stein, 1966). To Powe (1991), it is editorial liberty from government that will encourage the press to perform its Fourth Estate role. The major initiators of the Libertarian philosophy included John Milton, Thomas Jefferson and Stuart Mill. The theory assumed that man possessed the capacity to choose between what is right, factual and what is

false. The philosophy also emphasized natural and inalienable rights to judiciously determine the truth. While the purpose of the libertarian press was to inform, entertain, educate, sell and to monitor government activities, the press enjoyed negative rights to publish as it deemed fit with no concomitant responsibility (Siebert et al., 1956: 39–71). Thus, where there was free flow of ideas and information the propensity was very high for the abuse of freedom of press by the few who as a result of their fortune have ready access to it.

II. The Social Responsibility Theory

What are the factors responsible for the irresponsibility of some sections of the press? Why do the journalists fail to religiously observe the ethics of journalism? Folarin (*Nigerian Tribune*, 28 July 1989: 4) posited:

as a general concept social responsibility describes an organization's or a system's consciousness that one has a stake in the fortunes of the larger society or distinct from, and in addition to the stake one has in one's personal fortunes or fortunes of specific in groups such as family, ethnic grouping or tribe...

Siebert et al. (1956) posited that social responsibility was the obligation of the press “to see that all sides are fairly presented and that the public has enough information to decide; and that if the media do not take on themselves such responsibility it may be necessary for some agency of the public to enforce it.”

The underlying principle of the social responsibility theory of media is that where the press fails to exercise self-censorship, government or an established institution should check the recklessness of the press. The Hutchins Commission held the press freedom as positive rights that required concomitant responsibilities. Thus, scholars Siebert, Peterson, Schramm and Folarin not only put the public interest as the epicentre of their definitions, they also were of the position that when a punitive media law was sometimes enacted, it was to ensure social responsibility on the part of the media (*NT*, 28 July 1989: 4). Thus commissions and the enactment of punitive media law were seen as attempts to maximize the social responsibility of the press.

Historically, the social responsibility theory was rooted in the Hutchins Commission Report on *Free and Responsible Press* of 1947. The deviation of the press from the libertarian principle and the “marketplace of ideas,” as advocated in the writings of John Locke, John Stuart Mill, John Milton and Thomas Jefferson, to irresponsible and yellow journalism necessitated the establishment of Hutchins Commission in 1942 by the Time Magazine founder, Henry Luce. According to this commission, newspapers should redefine themselves along the following lines:

- A truthful, comprehensive account of the day's events in a context which gives them meaning.
- A forum for the exchange of comments and criticisms.
- A means of projecting the opinions and attitudes of the groups in a society to

one another.

- A way of reaching every member of the society by the currents of information, thought, and feelings which the press supplies.

Despite almost immediately rejecting the Hutchins Commission Report, Siebert et al. found it very useful to propound upon it a theory of social responsibility which inevitably ushered in the end of the “public be damned” effects of libertarian media theory and the authoritarian theory of the press. But it is significant to note that social responsibility theory is not without its weaknesses. Much of the criticism against social responsibility theory came from proponents of free market place of ideas. According to the libertarians, “the existence of regulatory commissions, councils, ombudsman or other frameworks are unnecessary” (Middleton, 2009). For instance the American Newspaper Publishers Association denounced the Hutchins Commission Report, which eventually metamorphosed into as “an entering wedge for government control of the media” (Nerone, 2002). Some other critics of the theory also argued that the social responsibility theory amounted “to sterile intellectual exercise on one hand and an apparent spontaneous ideological development on the other” (Nerone, 2002). Hallin and Mancini (2004) argued that Siebert et al. assumed the press to be a dependent variable on the system of control which it reflects, rather than treating it as an institution that is impacted and has impact on other social structures (Hallo & Mancini, 2004). The formulation of the theory by Siebert et al., they argued, was thus ironically similar to the Marxist traditional base-and-superstructure thesis. They also faulted the theory for the weakness to empirically analyze the relation between media systems and social systems (Hallo & Mancini, 2004: 9).

Given the fact that no press is infallible of the weaknesses of the laissez faire media system, the tendency is strong for the press prejudice to favour its patrons. There are at least five factors that account for the irresponsibility of the press. There is an assumption among the journalists that nothing is news worthy unless it is bizarre and novel. It is under this assumption that many journalists slant news reports. To such newspapers, bad news is good news. Thus, many newspapers became the victims of law of defamation or new gag laws. The assumption has adversely affected the philosophy of many newspapers.

The question of timing is another factor. It is believed that for anything to be worth publishing in the newspapers, it has to be recent, not stale. The freshness of news reports would not only sell the newspaper very fast, it was assumed, but would also help secure the loyalty of its readers. Adherence to this principle has complicated many newspapers in Nigeria in law-suits with the government and sometimes provoked the promulgation of a new gag law. Sadly, most news reports were published under speculative rather than investigative reporting principles.

Perhaps economic consideration was another contributing factor. In the face of unhealthy rivalry among the newspapers, there was blatant disrespect for the professional ethics of journalism. Although ethical responsibility is a matter of personal morality, it nonetheless determines how socially responsible journalists and newspapers are. The struggle to stay in business, make even, and fulfill financial obligations such as the payment of bills and salary, have affected the operation

of many newspapers in Nigeria to the extent of resorting to reckless reporting.

Nevertheless, the social responsibility theory of the media possesses a few strengths. The theory has taken into consideration the risk of monopolization of a libertarian or laissez faire media system in which certain sections of the society with economic and political strengths dictate and dominate the form and the channel of information dissemination. The adoption of social responsibility theory also indicates “a radical reconstruction of the relationship between individuals and communities, with a new emphasis on the latter ... social responsibility represents the triumph of community over the lone individual” (Nerone, 2002: 185). The idea of self-regulation of the libertarian media system becomes feasible if the performance of the press under the media codes of ethic is well scrutinized. Media ethics codes are often jettisoned by journalists as there is no formal structure or punitive action against the violators. Sadly in most cases, ethics codes are mere veneers to insulate the questionable behaviour of journalists. Hence, the social responsibility theory of media proposes that the media take it upon itself to raise standards, or otherwise a public agent such as the (state) may take steps to regulate the media.

The author adopts the social responsibility theory for this study to maintain a middle-of-the-ground position between recognition of the arbitrary violation of press freedom by the authoritarian regimes and the abuse of press freedom by the press in a libertarian atmosphere.

MAIN TRENDS IN THE HISTORY OF NIGERIAN PRESS, 1859–1983

In 1859, *Iwe Irohin* (*Iwe Irohin fun awon ara Egba ati Yoruba*), the first newspaper in Nigeria was established at Abeokuta by Reverend Henry Townsend. Although *Iwe Irohin* was a missionary newspaper established to spread the influence of Christianity among the native people, it had distinguished features of incisiveness and pungency. *Iwe Irohin*, was a vigorous crusader against the evils of slave trade, and staunchly argued for legitimate trade and commerce of produce and merchandise instead of human beings (Coker, 1968: 2; Duyile, 2004: 14).

The sprouting of more newspapers in Lagos with the birth of the *Lagos Times and Gold Coast Colony Advertiser* in November 1880 marked the beginning of press fertility in Nigeria. Radical newspapers such as *the Lagos Observer* (4 February 1882, by J. Blackball Benjamin), *the Eagle and Lagos Critic* (31 March 1883, by Owen Emerick Macaulay), *Lagos Weekly Record* (1 January 1891, by John Payne Jackson), *the Lagos Standard* (6 September 1894, by George Alfred Williams) and the *Nigerian Times* (5 April 1910, by James Bright Davies) dominated the history of Nigerian press towards the close of 19th century and the beginning of 20th century. By the turn of the century, the radical potential of the Nigerian press was no longer in doubt. These newspapers became the critics of European imperialism in Africa. Among these nationalist newspapers, the *Lagos Weekly Record* and the *Nigerian Times* were perhaps the most incisive in term of editorial style and philosophy.

Significantly, the nationalist newspapers in Nigeria played remarkable roles in

the surge of cultural nationalism that dominated the 1890s in West Africa. Their cultural nationalism was “the rediscovery of ethnic and cultural identity on the part of the repatriates as well as in the frustration and disillusionment created in the minds of the Africans by the hypocrisy and racial arrogance of church and colonial administrators” (Omu, 1978: 107). A number of factors were responsible for this. Perhaps the most direct inspiration for cultural nationalism first came from of E.W. Blyden’s *Christianity, Islam and the Negro Race* published in London in 1887. Blyden’s visit to Lagos in December 1890 was also a significant source of excitement and motivation for the corps of Nigerian nationalists and journalists. Second, the cultural renaissance was a reaction to the introduction of the Education Ordinance of 1882 that made the reading and writing of English Language compulsory. Third, cultural nationalism represented a specially felt resentment by the Anglicized Africans towards the attitude of racial prejudice and discrimination by the Europeans (Coleman, 1986: 145–152). Thus, cultural nationalism as championed by the press was expressed in the promotion of African language, literature, songs and dances, dress, and names (Coleman, 1986; Omu, 1978).

It is significant to note that, throughout the colonial period in Nigeria, the relationship between the British colonial government and the press was not congenial. The first repressive measure adopted by the colonial administration against the press was the use of economic sanction. An attempt to impose taxation on Lagos newspapers in 1862 by Governor H.S. Freeman was stalled by the Colonial Secretary of State. But in 1903, a subtle but more legitimate measure was adopted by the colonial administration in Lagos (Omu, 1978: 17–182). This was the Newspaper Ordinance of 1903. Among other things, the ordinance required the registration of every newspaper and the swearing to an affidavit before the Registrar of the Supreme Court. Payment of £250 bond by one or more sureties approved by the Attorney-General was mandated by the ordinance. It also became compulsory for every newspaper to carry an imprint clearly stating the names and addresses of the printers and publishers as well as delivery of signed copies to the Chief Registrar in no later than six days of publication. A fine of twenty-five pounds was imposed on anybody who violated the Ordinance (Coker, 1968: 511–552).

The promulgation of the Seditious Offences Ordinance of 1909 was another instance of a repressive measure against the press. The promulgation of the Ordinance was not unconnected with the press reaction to the introduction of the Land Acquisition Ordinance in late 1907 and water tax on the indigenous people of Lagos (Coleman, 1986: 179–180). Under the Ordinance, it became a punishable offence for anybody to publish, circulate either written or spoken, sign or visual representations that could bring or attempt to bring hatred or contempt or feeling of hatred against any person or group in the southern Nigeria (Omu, 1978: 186). By 1916, the new Criminal Code lengthened the punishment for seditious offense from 2 to 3 years for the first offender and seven for repeat offenders (Coker, 1968: 53).

Despite the repressive measure against the press in the colonial Nigeria, the Nigerian press did not sit tamely. This became evident in the proliferation and fertility of newspapers and nationalist journalists in Nigeria until 1960. There

were however a few cases of repression such as the 6-months conviction and fining (£100) of James Davies on 9 February and 6 November 1916 and Herbert Macaulay in 1928. Nigerian journalists were also repressed on the ground of scandalizing the court or judges.

In 1925, the *Lagos Daily News*, the first daily newspaper in Nigeria, was established by Victor Bababomi. It was later acquired and edited by Herbert Macaulay (Nwankwo et al., 1993: 15). The *Lagos Daily News* was popular for its fiery criticism and uncompromising stand against colonialism. The introduction of the *West African Pilot* in 1937 published by the veteran journalist and nationalist, Dr. Nnamdi Azikwe also marked the beginning of a new epoch in the history of Nigerian press. Azikwe revolutionized production techniques in Nigerian journalism. He is credited with the introduction of tabloid style technique, sensational banner headlines, photographs, sport news and the use of block paragraphing (Ciboh, 2007: 18). More importantly, Azikwe was the first to introduce the newspaper chain in Nigeria. Through his Associated Newspapers of Nigeria Ltd., he established the *Eastern Nigerian Guardian* (1940), the *Nigerian Spokesman* (1943), the *Southern Nigerian Defender* (1943), absorbed the *Comet* in 1945, and created the *Northern Advocate* and the *Sentinel* in 1955 (Ciboh, 2007: 18–19).

Another newspaper that championed the course of human rights activism in colonial Nigeria was the *Nigerian Tribune* (NT). Founded by Chief Obafemi Awolowo in 16 November 1949 at Ibadan. The NT competed favorably with Lagos newspapers. As with Azikwe (Zik), Awolowo, through his Amalgamated Press Ltd., established his own newspapers group. These included the *Daily Service* (later changed to the *Daily Express*), the *Advocate*, the *Mid-West Echo*, the *Middle Belt Herald*, the *Bornu People*, the *Northern Star*, the *Eastern Observer* and the *Iwe Irohin* (Nwankwo et al., 1993: 16).

Significantly, the involvement of both Zik and Awolowo in Nigerian press heralded in two remarkable developments. Both nationalists re-cultivated the tradition and habit of human rights activism and anti-colonial campaign which the Nigerian press was known for. However, the cut-throat competition that existed between the Zik Group of Newspapers and the Amalgamated Press Newspapers marked the beginning of newspapers' involvement in ethnic and partisan politics in Nigeria (Adesoji, 2007). While Zik Newspapers led by the *Pilot* openly supported the National Council of Nigerian and Cameroon (NCNC) and the Ibo State Union, Awolowo's newspapers led by the *Tribune* served as the mouth organ of the Action Group (AG) and Egbe Omo Oduduwa, a pan-ethnic union. Not only that, both newspaper groups also identified with the ethnic groups of their founders. So strong was the press war between the two groups that no word was spared to denigrate the leaders of the opposing party (Alimi, 2011). Hence, the combative position of the Nigerian press towards the British colonial government was gradually shifted towards the political opponents.

Early post-independent Nigeria (1960–1965) experienced a continuation of ethnic bickering and political rivalry in which the press could not be absolved. Beyond this, there was also sprouting of government owned newspaper and electronic media. In order to combat the growing influence of Awolowo's newspaper, the Federal government established the *Morning Post* in 1961. In 1964, Premier of

the Western Region, Chief S. L. Akintola established the *Sketch Newspapers* to defend his own image against his erstwhile party leader, Chief Obafemi Awolowo (Nwankwo et al., 1993: 19). Another significant feature of the period was the introduction of the Official Secrets Act of 1962. The law restricted access to official information in the government. The Act made it an offence to release or publish classified information on national security ground. Similarly in 1964, a more draconian law (Newspaper Amendment Act of 1964) to gag the press was enacted. This law required in the registration of any newspaper the name of proprietors, occupation, address and the name of newspaper. A fine of 100 pound or six months imprisonment was to be meted out to the offenders (Nwankwo et al., 1993: 21–22). It is significant to note that not only the colonial gag laws against the press were retained in the Nigerian Constitution, the post-independence gag laws promulgated by Nigerian government were similarly patterned after British colonial style.

As the mouth organ of the opposition party, the *NT* did not escape the clutch of the gag law and arbitrary use of power by politicians in both the Federal and the Regional governments. Between 5 February 1964 and 6 January 1966 the *NT* office was invaded not less than ten times by the Police on the order of the Nigerian National Democratic Party (NNDP) led government in Western Region under the Premier Akintola (Suberu, 1989: 65–68). On 16 October 1964, the editor of the *NT*, Ayo Ojewumi (Pen Atlanta) was sentenced to a prison term of six months. A fine of 500 pounds was imposed on the African Press Limited, the publisher of the newspaper (Suberu, 1989: 65–68). Pen Atlanta's conviction was for his biting editorial titled "Where Do We Go From Here," which accused the Western Region government officials of corruption (Suberu, 1989: 69–72). This was not the only tribulation faced by the *NT*. In November 1965, the NNDP led government through the Western Region district councils banned in the region the buying, hawking, reading, storing and circulation of the *NT* and four other newspapers: *West African Pilot*, *Nigerian Outlook*, *Daily Telegraph* and *Iwe Irohin Yoruba* in the region. Worst still, the newspaper building was burned down on 7 November, 1965 by political hoodlums apparently supporters of the NNDP (Suberu, 1989: 72–73).

But it should be noted that frequent harassment of the *NT* by the government was closely related to the role of the newspaper in partisan politics of the period. While there is no doubt that the *NT* was performing its social responsibility of the 'watchdog,' the newspaper activities and stories were also focused on muck-raking the opposition parties and people opposed to the newspaper's founder. In addition, the manner in which the newspaper carried stories of social and political crises in the region was a concern for the ruling party in the region. Hence, the muzzling of the opposition press.

On 16 January 1966, Nigeria witnessed a bloody coup that swept the civilian government out of the power. Between 1966 and 1979, Nigeria was ruled by three different military regimes during which the thirty month civil-war—1967–1970—was experienced. On hijacking the power, the first military regime headed by General Aguiyi-Ironsi suspended the Nigerian Constitution although retained sections 24 and 25 that dealt with fundamental human rights (Oseni, 1999: 58).

Although Ironsi proclaimed a state of emergency, he promulgated Newspapers Circulation Act No. 2 of 1966 that lifted the ban of the newspapers in Nigeria (Oseni, 1999). Six months later, another military regime came into power through a bloody coup d'état. The new regime headed by Lieutenant-Colonel Yakubu Gowon experienced much of cooperation from the press in its nascent stage particularly, during the civil war. But by 1974, it became clear that the Gowon regime was anti-press. According to Abayomi (2003), "the media did not fare better under his military regime, since he came to power through force and, every civil society was brought under the jackboot."

Perhaps the worst example of draconian measures against the press during Gowon's regime was the celebrated case of Minere Amakiri. Amakiri, the *Nigerian Observer* correspondent, who was flogged 24 strokes with the cane, had his hair cut with a broken bottle and detained by the aid-de-camp (ADC) to the governor Alfred Diète Spiff of River State. Amakiri was punished for publishing on the birthday of the governor a front-page story on an impending teachers' strike in River State (Abayomi, 2003: 108–109; Oseni, 1999: 58–59; Nwankwo et al., 1993: 25–26). A total cost of ₦10, 750 in damages was awarded Amakiri in a successfully prosecuted case (Abayomi, 2003: 108–109).

On 29 July 1975, Gowon's regime was toppled by another military regime led by General Murtala Muhammed. The regime took control of the *Daily Times* by acquiring 60 per cent of its shares on 1 September 1975. In April 1976, the regime also took over the control of the Nigerian Television Authority and the Federal Radio Corporation of Nigeria (Nwankwo et al., 1993: 26). The Public Officers Protection against False Accusation Decree 11 of 1976 was issued before the end of that year. The promulgation of the draconian decree according to Okoye (2003) was in relation to the libelous publication against the Head of State General Murtala Muhammed by editor-in-chief of the *Africa Spark* Magazine, Dr. Abarogie Ohunbamu. A legal suit instituted by the Head of State to clear his name of the libel had not convened before he was killed in the abortive coup of 1976. Although the regime pardoned Ohunbamu, a repressive measure upon which subsequent gag laws were to be laid out (Okoye, 2003: 94).

Between 1 October 1979 and 31 December 1983, Nigeria entered the second republic and experienced a democratic system of government. The new administration headed by Alhaji Sheu Shagari of the National Party of Nigeria (NPN) inherited the Constitution from the Murtala/Obasanjo regime. The 1979 Constitution guaranteed fundamental human rights (including freedom of expression) of Nigerian citizens. But the second republic was not much different from the first republic (Abayomi, 2003: 112). A few factors were responsible for this. First, the period was marked by political intolerance and fierce competition among the political parties. Second, the period was also characterized by economic corruption and mismanagement. Third, Nigerian press was once again trapped in the quagmire of partisan politics. Fourth, as with the first republic, Nigerian politicians of the second republic were quick to tamper with and restrain press freedom. In the press war that ensued between the NPN and the Unity Party of Nigeria (UPN), the *NT* and the *Concord* became the mouth organs of these rival political parties respectively. While the *NT* was promoting the image of its publisher and founder

of the UPN, it devoted and squandered many pages at criticizing political opponents. Similarly, the *Concord* owned by Chief Moshood Abiola, an NPN stalwart, became an open rival of *NT*.

The relationship between the Shagari government and the press was generally hostile. Two critical instances exemplified this. In 1980, the editor of the *Daily Times* and publisher of the “Grapevine” column was summoned to the floor of the Senate to disclose the source of his story titled, “MPs, Senators and Cards,” alleging that the senators were illicitly vying for contract from the executive branch (Nwankwo et al., 1993: 28). Although the Lagos High Court presided over by Justice C. Ademola Johnson, had set aside the Senate summons, this was over-ruled by the Court of Appeal, presided over by Justice Philip Nnamaeka-Agu. Hence, the Court of Appeal’s decision set the precedence that a journalist may be called to disclose the source of his information.

Another case that further widened the gulf between the press and the Shagari administration was the case of the National Assembly correspondent of the Nigeria Television Authority (NTA), Vera Ifudu who was sacked for tendering against the wish of the top officers of the NTA. Ifudu taped an interview in which Dr. Bukola Saraki announced the discovery of the missing ₦2.8 billion from the account of the Nigeria National Petroleum Company (NNPC). The suspension of the journalist was critically condemned by the *NT* and the Nigerian Union of Journalists (*NT*, 18 April 1980).

By the end of 1984, economic malfeasance, violence against political opponents, election rigging and arbitrary violation of human rights had become rampant in Nigeria. All these became excuses for the military to stage another coup.

GOVERNMENT-MEDIA RELATIONS, 1984–1985

The Second Republic in Nigeria headed by Alhaji Shehu Shagari came to an abrupt end on 31 December 1983. The economic policies and their grave mismanagement as well as election rigging by the ruling party—NPN (Adesoji, 2007: 265–266) were among excuses alleged by the military to stage a comeback coup. According to Falola et al. (1994), “...it was a re-enactment of experience of the Balewa period” that inevitably led to the overthrowing of the civilian administration in the Second Republic. The December 31 coup was led by a group of young soldiers headed by Major General Muhammad Buhari and Brigadier General Tunde Idiagbon. Recognized indiscipline as the bane of the society, the new regime introduced a number of measures to sanitize the putrefied society. This included the promulgation of obnoxious decrees, the introduction of War Against Indiscipline programme and the intensification of activities of the Nigeria Security Organization. With all these in the background, Nigeria entered the period of stifled human rights.

THE BUHARI REGIME AND THE PRESS, 1984–1985

The Buhari administration rode into power on the crest of public support. The tremendous support and goodwill enjoyed by this administration at its nascent stage, was inarguably linked with the economic decay, corruption and political fraud that characterized the previous praetorian administrations. For the *Nigerian Tribune (NT)*, the military intervention was a “welcome breather” (*Sunday Tribune*: 1 January, 1984) at a time when the civilian government had lost its credibility to rule. In its opinion, the *NT* described the crop of officers who seized the power as “courageous, dedicated, selfless, serious and businesslike” (*Sunday Tribune*: 1 January 1984). This assumption was made on the fact that the Buhari/Idiagbon regime did not impose emergency regulation when it seized power unlike their military predecessors (*Sunday Tribune*: 1984).

What seemed as a respite for Nigerians began to unravel when the new regime started to introduce stifling decrees. Of the decrees introduced by Buhari regime, Decrees 2, 4 and 20 were the cruelest. Decree 2 (DN2), the State Security (Detention of Persons) Decree 1984 states:

If the Chief of Staff, Supreme Headquarters is satisfied that any person is or recently has been concerned in acts prejudicial to state security or has contributed to the economic adversity of the nation, or in preparation or instigation of such acts, and that by reasons thereof it is necessary to exercise control over him, he may by order in writing direct that that person be detained in a civil prison or police station or such other place specified by him; ... (*NT*, 13 May 1984).

The DN2 was deplored by the *NT* for many reasons. First, the decree was not only a terrifying law but also vested in the Chief of Staff Supreme Headquarters Major General Tunde Idiagbon the right to detain any person if he “is satisfied” that the person constituted a threat to the State Security (*NT*, 9 March 1984: 2). Thus, the decision to arrest anybody rested with the discretion of Chief of Staff. Second, the decree failed to explain what constituted such discretion that was to be exercised by the Chief of Staff. Perhaps for effectiveness of the DN2, the FMG suspended Chapter IV of the 1979 Constitution that guaranteed fundamental human rights. Also suspended were SECTIONS 219 and 269 of the constitution that dealt with court jurisdiction (*NT*, 9 March 1984). Third, the decree not only stripped Nigerians of their fundamental human rights but also denied them access to credible legal justice as the hand of the Judiciary was tightly tied.

Another decree that received biting criticisms from the *NT* was Decree 20 (DN 20) otherwise known as the Miscellaneous Offences Tribunal Decree 1984. Offences that could be tried under DN 20 were arson, sabotage, forgery, tampering with postal matter, illegal dealings and examination malpractices. Section 2(2) of the decree provided for the establishment of a tribunal with a Chairman who should be a Judge of the Federal High Court or the High Court of a State. It also provided for three members of the armed forces not below the rank of major or its equivalent and a police officer. The penalty under this decree ranged from

imprisonment to death sentence (*NT*, 3 August 1984: 8, 9).

The reaction of the *NT* to these monstrous decrees was impassioned. In the first place the paper challenged the ambiguity with which the DN2 was promulgated. Accordingly, the paper asked “how and when does the Chief of Staff determine when someone’s action has been or is about to be prejudicial to state security or is about to contribute to the economic adversity of the nation?” (*NT*, 3 August 1984: 2). In its comment of 26 May 1984, the paper argued that the DN2 was unnecessary:

If the military government found this particularly objectionable and obnoxious decree necessary when it took office, there is now no jurisdiction for it. This is because this government ought to have sufficiently established its authority and hold to be able to tolerate dissent. The existing laws are adequate to deal with criminals. It is unnecessary therefore to continue to detain people without trial (*NT*, 26 May 1984).

Perhaps the most draconian decree promulgated by the Buhari regime was Decree 4 otherwise known as Public Officers (Protection Against False Accusation) Decree of 1984 (DN4). Section 1 (1) of the Decree states:

Any person who publishes in any form, whether written or otherwise, any message, rumour, statement or report which is false in any material particular or which brings or is calculated to bring the Federal Military Government or the Government of a State or a public officer to ridicule or disrepute, shall be guilty of an offence under this decree (*Official Gazette Extraordinary*, Federal Republic of Nigeria, 4 April 1984).

This decree above all empowered the Head of the Federal Military Government (FMG) when he was arbitrarily satisfied that publication of any newspaper might be inimical to the interest of the Federation to prohibit its circulation of that newspaper. Section 3(1) of the decree placed the burden of proving truthfulness of the message, rumour, report or statement on the person charged. Section 7 of the decree meted a maximum of two years imprisonment on the offender without an alternative of fine and ₦10,000 fine in the case of a corporate body. Also in the case of body corporate, everybody who was a proprietor, publisher, general manager, editor, secretary or other similar officer at the time of commission of the alleged offence would be guilty unless he could prove his innocence or having diligently exercised caution (*NT*, 21 April, 1984; *Official Gazette Extraordinary*, Federal Republic of Nigeria, 4 April 1984). In addition to any other penalty, the equipment of such corporate body was to be forfeited to the FMG. Besides, the decree denied appeal against any decision taken by the Tribunal established under this decree.

Although it is not clear why the Buhari regime decided to gag the press, certain reasons can be suggested here. The decision by Buhari to promulgate DN4 was a response in the allegation leveled against his office by Dr. Olusola Saraki of the NNPC’s missing ₦2.8 billion while Buhari was Minister of Petroleum under the regime (*NT*, 1 December 1985).⁽³⁾ It also has claimed that few days into his

regime in February 1984, General Buhari explicitly stated in an interview granted to three senior editors of *Concord* Newspaper that he would tamper with freedom of the press (*NT*, 1 December 1985).

Another statement which was also calculated to prepare the press for the tough time ahead was made by the Chief of Staff Supreme Headquarters, Major General Tunde Idiagbon. In his press briefing of 9 February 1984, he said:

I wish to end by reminding you that it cannot be in the interest of the public who you so often claim the right to inform, for you to publish sensational stories by fugitives who are only out to embarrass the government... any person who publishes or reproduces in any form, any statement; rumour or report being a statement which is proved to be false has himself to be blamed. This administration believes that the press should be allowed to publish facts but it will not accept obvious untruth intended to cause disaffection... (*NT*, 1 December 1985).

Historically however, contemptible, DN4 was not the first gagging decree promulgated by the military to suffocate the press in Nigeria. Decree 11 (Public Officers Protection Against False Accusation) promulgated on 11 March 1976 by the administration of General Olusegun Obasanjo had striking similarity with the DN4. First, the two decrees bore the same name. Second, both decrees were very close in content. Third, the penalty for the two decrees was almost the same. For instance, both decrees imposed a jail term not more than two years on the offender (*NT*, 21 April 1984).

Despite these similarities, the two decrees were different in some respects. First, the enforcement of DN4 was vested in the hands of Special Tribunal established under section 1, sub-section 4 of the decree. This was not so for DN11 as the enforcement of this decree was within the jurisdiction of the Court. Not only that, DN4 was different from DN11 in that it ordered, in addition to any other penalties, the confiscation of all or any equipment of the media that violated the decree. Worst still, in contrast to DN11, anybody who at the time of the commission of the offence was a proprietor, publisher, general manager, editor, secretary or other similar officer of the corporate body would be guilty of that offence unless he could prove that the offence was committed without his consent.

The interpretations by, and opinions of, both journalists and non-journalists on the promulgation of DN4 by the FMG varied. In its opinion poll titled “Decree 4: Hangman of Press Freedom,” the *NT* captured opinions as expressed by both journalists and non-journalists (*NT*, 6 May 1984). The Managing Director of the *Daily Sketch*, Segun Osoba described the DN4 not only a terrible legislation but also a harbinger of the end of investigative journalism. In the opinion of Felix Adenaike, the former *NT* editor-in-chief of the DN4 was “a needless piece of legislation.” Dr. Olu Onagoruwa, former legal adviser to the *Daily Times*, commented that DN4 attempted to place public officers above the law and civil servant in a special class. The military interpretation of the DN4 was explicitly stated by Military Governor of Oyo State, Oladayo Popoola:

The decree wants the Nigerian journalist of today to investigate rather than speculate. It wants him to give the pride of place to truth, honesty, fairness and justice. It wants his reports to be authoritative and respectable (*NT*, 7 June 1984).⁽⁴⁾

The governor further argued that such decree as the DN4 was essential to strengthen the media role of projecting mass communication and mass support. Therefore, in his opinion, it would be a misunderstanding of DN4 to assume that the FMG wanted to stifle the press. To the journalists, such argument by Popoola would appear to be eloquently bogus, yet it provided alternative interpretation of the DN4.

The government-media relation under Buhari regime could be well understood and appreciated if situated within the authoritarian media theory and the social responsibility theory. In the first place the regime displayed features that were characteristics of the sixteenth and seventeenth century European dictatorial governments. The introduction of DN4 was strikingly similar to the European method of sedition trial. Although libel and sedition trials were introduced to Nigeria in the colonial period, the promulgation of DN4 received wide publicity and enjoyed notoriety that no other decree or repressive measure rivaled. Also, the miasma of fear hung over the journalists like a spell and created a sudden sense of defeat and loss of freedom, particularly when the FMG punished Tunde Thompson and Nduka Irabor as the first scapegoats of the DN4.

The government-media relation under the regime also demonstrated repulsive features of patent and journeyman systems of authoritarian media theory. The announcement on 9 June 1984 by Group Captain Emeka Omeruah, Minister of Information, Social Development, Youth, Sport and Culture, (*NT*, 12 June 1984) one the possible introduction of Press Council not only testified to the authoritarian tendency of the regime but also created a phantom image that scared the press. The press roundly condemned the proposal. The *NT* boldly admonished the regime that definite failure was awaiting the Press Council. This speculation was rooted in the allegation of the exclusion of journalists from such council in the past (*NT*, 13 June 1984).⁽⁵⁾ To the press, membership composition of the council in the past was obviously imbalanced gagging the press and persecuting journalists. But it is significant to note that the Press Council proposed by the regime was meant to act as arbiter between the FMG and the Nigerian press.

Another testimony of the repressive tendency of the government towards the Nigerian press could be found in the statement of Major General Muhammad Buhari, the Head of State. He declared in a special Radio Nigeria programme declared:

People from the southern part of the country, a few of them of course, own newspapers. We are aware of the views they express either of their proprietors or otherwise, but we are watching all these with keen interest since Decree 4 is still in force... If they over step their bounds we will close down their papers...(this administration would not) allow irresponsible views capable of creating instability or trouble in whatever form being published by these

private newspaper. So for other sections of the country which have no such private newspapers they should have nothing to worry about since we are not going to allow these papers to publish news and views against public interest (*NT*, 11 August 1985).

This remark from the Head of State further enhanced the image of Press Council as terrifying monster to the Nigerian press. The purpose of DN4 was to randomly suffocate private newspapers particularly those of southern origin, depicting the autocratic tendency of the regime.

Despite placing such monstrous arrangements to muzzle the press, the regime claimed its readiness to welcome constructive criticism of government action. One official commented on the issue of the DN4 “...one we don’t think is an offence.” (*NT*, 26 July 1985). In fairness to the regime, the promulgation of the DN4 was also meant to cultivate the culture of investigative reporting in Nigerian journalists a departure from the hitherto speculative reporting which ran contrary to the principle of objectivity claimed by the press (*NT*, 7 June 1984). In an interview granted the *West Africa* and published in its 27 February 1984, General Buhari explicitly stated:

I have told the press in one of my interviews that we do not stop anybody from publishing the truth – you cannot suppress the truth in any way, but we are not going to accept a deliberate attempt by some members of the press to publish stories that are absolutely untrue where they know it is untrue... If they cannot discipline themselves, then the government has to come in...

Thus, the regime probably intended the imposition of the DN4 to check the press that had failed to exercise self-censorship.

Another reason for the promulgation of the DN4 was probably to enhance with the security and stability of the country. Perhaps, the regime took to heart acted the lessons of the past when private newspapers were used as the instrument of ethnic jingoism and disaffection in the country. In a sense, the press could not really be exonerated from the regional and national chaos of the 1960s in Nigeria. Thus, the introduction of DN4 became imperative in Nigeria for the Buhari regime to correct the media culture in the face of political chaos, economic prostration and ethnic rivalry that antedated it.

The *NT* in its campaign against the obnoxious DN4 adopted different tactics. The paper dedicated its comments, opinions, cartoons and different columns to wage war on its imposition. In its comment, “Gag Tactics,” it reminded the military that they were not better patriots than doctors, lawyers and journalists. The paper interpreted the stifling of the press freedom as the curtailment of individual freedom (*NT*, 4 March 1984). Also in its comment, “Decree 4,” the *NT* declared DN4 as “draconian, unnecessary and superfluous.” It further stated “If we had Decree 4 before last December 31, it would have been impossible to expose the wrongdoings of Shagari’s administration.” (*NT*, 22 April 1984).

Besides, the *NT* also judiciously made use of cartoons to project its opinions

on the DN4. In its edition of 4 June 1984, the *NT* depicted DN4 as a monstrous lion under which corrupt officers scared of the eagle eyes of the press could seek cover (*NT*, 4 June 1984).⁽⁶⁾ This was one example of how the paper made use of cartoons to instill confidence in Nigerian journalists. For instance, in its edition of 8th June 1984 the paper encouraged journalists with a cartoon not to fear DN 4 and stressed that “the fear of the Lord is the beginning of wisdom.” (*NT*, 7 June 1984)⁽⁷⁾ In another cartoon, the *NT* asked rhetorically “When will the power that be allow the dog to grow its teeth?” (*NT*, 8 June 1985). As a reminder to the dearth of press freedom, the paper ran in its ‘Weekend Topic’ the diary of “The birth and death of Decree 4.” (*NT*, 1 December 1985)⁽⁸⁾ Beside the in-depth analysis of DN4 was a cartoon depicting journalists celebrating the exit of the Buhari regime with its hang man law, DN4.

A TEMPORARY BREATHER: THE BABANGIDA REGIME, 1985–1993

When on 27 August 1985 Major General Sani Abacha announced Major General Ibrahim Babangida as President and new Commander-in-Chief of the Armed Forces, the agonized people of Nigeria initially doubted that a well fortified fascist regime of Buhari could come into abrupt end (Peretei, 2004: 63). This in no doubt was a temporary breather for Nigerian people. As if a new bride seeking the favour of her in-laws, the Babangida regime pretentiously posed as a benevolent dictatorship. But it soon became abundantly clear that the August 1985 palace coup was just a change of wine rather than the dirty bottle, as there was little departure from the old order.

Having identified the flaws of the previous regime, Babangida regime employed different strategies to court the acceptance of the people and to gain credibility. First, the regime repealed the notorious Public Officers (Protection against False Accusation) Decree No. 4 of 1984 and unconditionally released those detained under the decree (*NT*, 1 December 1985). Again to show his magnanimity, on 1 October 1985, President Babangida granted amnesty to about 294 prisoners from Oyo and Bendel prisons (*NT*, 8 October 1985). These benevolent acts not only endeared the new regime to the people but also motivated the press to shower encomium on it. On 3 September 1985, the *NT* featured a cartoon titled “Beautiful Bride Again?” in which the caricature of President Babangida was romancing the Press, a maiden, while that of Buhari watched in utter regret (*NT*, 3 September 1985). Also in its issue of 1 December 1985 the *NT* ran a story celebrating the death of DN 4 and the exit of Buhari regime. The paper quoted side by side the Babangida magnanimous speech that abrogated the Buhari’s DN 4. But all the romance soon faded out.

A great shudder ran through the press spine when a colourful and gifted journalist and first editor-in-chief of the *Newswatch* magazine, Mr. Dele Giwa was assassinated, using a parcel bomb on 19 October, 1986 (Peretei, 2004: 69). In its comment of 23 October 1986, the *NT* not only decried the monstrosity demonstrated by the gruesome murder but also urged the Federal Government to bring the killers to justice. Four year later, the *NT* in another comment lamented

the indifference of the government to such monstrous incident and urged President Babangida to reactivate the investigation into Dele Giwa's murder (*NT*, 28 October 1990). The first sign of subversion became visible when on 6 September 1987, the regime banned the *Newswatch* magazine for six months for publishing the report of the Political Bureau (*NT*, 7 April 1987). The regime also promulgated the so called *Newswatch* Decree (Proscription and Circulation Decree 6) of 1987 (*NT*, 11 April 1987). In response to the widespread premonition of the possible return of DN 4, President Babangida dismissed this as rumour. He stated categorically that, "I wish to take this opportunity to reassure not only the media practitioners but also the entire nation that this administration will not bring back Decree Four." The *NT* ran a balanced comment on the *Newswatch* affair (*NT*, 23 April 1987). The paper neither supported the report carried by the *Newswatch* nor backed the promulgation of DN 6 by the government. Although the *NT* blamed the *Newswatch* editors for not exercising good judgment, still it described the proscription as "the most draconian step to take."

Another strategy adopted by the regime was to buy off dissenting journalists and professional associations such as the Nigerian Union of Journalist (NUJ). Despite the pro-government stand of the *Daily Times* and the *New Nigerian*, the government dismissed the managing directors, Dr. Yemi Ogunbiyi and Mr. Haruna Muhammed of the two papers, respectively, and replaced them with "stooges" (Olukotun, 2005: 7–8). Other subversive measures by the regime included incessant arrests of journalists and the use of security agents to terrorize the press. The indiscriminate detention of journalists was strongly condemned by the *NT*.

The NUJ also became the victim of the Babangida regime shenanigans. The simmering crisis that rocked the NUJ in 1992 due to with ₦1.7 million grant from the regime for the NUJ supporting its conference in Calabar. Commenting on the origin and implication of this crisis, the *NT* argued that such a grant would not only cause dissension among the journalists but also compromise the NUJ as the symbol of public watchdog (*NT*, 2 July 1992).

Of equal significance was the Babangida regime's retention of the egregious State Security (Detention of Persons) Decree No. 2 of 1984 and Miscellaneous Offences Decree No. 20 of 1984 from the previous Buhari regime. The *NT* in a comment, "Unrepealed Decrees," identified its fear of and danger in the retention of these repressive decrees (*NT*, 17 November 1985). The paper stated that unless this DN2 was repealed by the Federal Government, "it is safe to assume that the inalienable rights of Nigerians can be breached at will" (*NT*, 17 November 1985).

The paper asked the Federal Government to use DN 20 which prescribed death sentence for a number of offences, "to address the root cause of socio-economic crises, rather than their criminal manifestations" (*NT*, 17 November 1985).

In spite of public outcry against these draconian decrees the regime retained them to shield its subversive actions. Hence, it became clear to the press that the self-acclaimed human rights protector, President Babangida was less than forthright (*NT*, 20 July 1992). It was not until January 1990 that the regime took a palliative measure to amend the vexatious DN 2. The amended decree made the Chief of Staff (CGS) the only signatory to any detention order, unlike before when the Inspector General of Police and the Minister of Internal Affairs possessed such

authority. Also, the length of detention was reduced from six months to six weeks. The amendment also inaugurated an eight-man panel headed by Attorney General and Minister of Justice, Prince Bola Ajibola, to review the cases of detainees (*NT*, 20 July 1992). Although the *NT* commended the amendment of the DN 2 which “constitutes a practical demonstration of this regime’s responsiveness to the opinion of the public,” it nonetheless objected to the retention of the decree because of its vexatious provisions and application (*NT*, 17 November 1985).

Besides, another venue sought by the regime to manipulate the press was through the establishment of the Nigerian Press Council (NPC). The origin of the NPC could be traced to 1968 when the Federal Government summoned a commission headed by an eminent lawyer, Aliyi Ekineh, to ponder on the future of the Nigerian Press, (*NT*, 2 February 1989: 8–9). Until the late 1980’s, efforts to establish an acceptable NPC fell through for a number of reasons. The composition of membership of the 1978 NPC was not acceptable to the Nigerian journalists because the power to select or nominate was vested entirely in the Minister of Information.⁽⁹⁾ The Nigerian Press was hostile to the NPC Decree 31 of 1978 because it only provided for complaints by the aggrieved against the journalists, without giving the journalists opportunity to air their grievances. Thus, the newborn NPC was regarded as a coup against the Press. The promulgation of DN 31, Nigerian Press Council Decree that heralded the new organization excluded journalists from any participation received serious criticism. The ineptitude of the NPC was carried over till 1990. In fairness to the press, the composition of the NPC membership was initially biased against the press. The indifference and firm resistance launched against the NPC by the Nigerian press was a clear testimony of intolerance of the press against any external assessor of its conduct.

The opposition of the press to Decree No. 59, otherwise known as Nigerian Media Council Decree of 1988 was also very strong. As with the DN 31 of 1978, DN 59 contained many objectionable provisions for the press. The main foci were three Sections 17, 18 and 20 that determined registration of journalists, penalty for unprofessional conduct and required approval of qualifications and institutions respectively. Significantly, the stalemate over the NPC decree could not be divorced from the dissension among the leaders of the professional bodies of the press, policies inconsistencies and lack of focus on the part of NUJ (*NT*, 26 February 1988: 3). In its comment, “The Media Court,” the *NT* condemned the inconsistencies of Tony Momoh, who as a journalist vigorously campaigned against the objectionable parts of the NPC decrees but shifted ground when he assumed the position of Minister of Information (*NT*, 2 February 1989: 3).

The *NT* opposed the government-imposed NPC, but preferred a media council set up by journalists that would itself regulate the conduct of its members. The paper submitted that, “the press does not require a special law to protect or punish its members. Journalists are not special breed of Nigerians and therefore need no special protection...” Still on the NPC, the *NT* blamed NUJ for the government involvement in the establishment of the NPC saying NUJ lacked professionalism and proficiency, and that it preferred to wear the “toga” of unionism rather than enforce its code of ethics (*NT*, 15 January 1988: 7; *NT*, 7 June 1990: 9).

Still, the paper lauded the amendment of the DN 59 which eventually led to the inauguration of a 17-man board headed by Alhaji Alade Odunewu. Not only were the five principal functions of the NPC acceptable to the paper, it encouraged and gave advice on the amended NPC. Accordingly, the *NT* stated that, “the new Press Council should have the courage to act in truth and fairness from time to time. It should not protect the interests of the government or the media at the expense of the public interest.” (*NT*, 19 January 1993: 11).

The *NT* was also at the fore-front of human rights agitation during the period of transition into the Third Republic. With the promulgation of Decree No. 19 of 1987 the populist democratic programme of the Babangida regime commenced (Peretei, 2004: 68). Through Political Parties Registration and Activities Decree 27 of 1989, the president imposed two parties, the National Republican Convention (NRC) and the Social Democratic Party (SDP), to replace 13 political associations (Ajayi, 1995: 70). The government also rescheduled the end of transition to end in January, 1993 as against its initial promise of 1990. As the date for the presidential election approached, President Babangida in his cunning tactics created a stalemate to postpone the presidential election. He cancelled the presidential primaries of the SDP and NRC with the allegation of rigging and other malpractices. The NRC and SDP flag bearers, General Sheu Musa Yaradua and Alhaji Umar Shinkafi, respectively, left their post. The *NT* referred to this as “a hidden agenda” on the part of Babangida regime. (*NT*, 8 January 1990: 7). Hence, Option A4 in Transition Programme was introduced dictating that the presidential aspirant must first win his ward, local government, and state before contesting at the federal level (Peretei, 2004: 71). In this influx, Chief M.K.O. Abiola and Alhaji Bashir Tofa emerged as the presidential candidate for SDP and NRC respectively. President Babangida again tinkered with the Transition Programme and rescheduled the Presidential election to 12 June 1993 and the inauguration to 27 August 1993 (Ajayi, 1995: 71). Braving the odds, the *NT* warned that subterranean moves to remaining in office beyond 1992 would run Babangida regime “out of steam, momentum, ideas and drift” (*NT*, 17 June 1990: 3).

The realization that the war against the press could not be won by coercion and intimidation alone probably spurred President Babangida to sponsor different organizations which would not only front his course but also cause confusion in the country. These organization included, the “Third Eye” coordinated by Chief Akanni Aluko; the “Committee of Elder Statesmen” headed by S.G. Ikoku, Tanko Yakassai, Tola Adeniyi and Margaret Ekpo; the “Committee of Concerned Citizens” led by Remi Ilori; the “Association for Better Nigeria,” led by Arthur Nzeribe and Dr. Keith Atkins (Mimiko, 1995: 95). These associations were anti-democratic as well as chaotic. They specifically chanted “Babangida-must-stay” and worked towards hampering democracy. On 14 June 1993, the Association for Better Nigeria even went to Abuja High Court to protest the conduct of the June 12 election. The regime openly made use of propaganda as well. Hence, the Nigerian Television Authority (NTA), the *New Nigeria* and the *Daily Times* became the potent instruments utilized by the unpopular regime to cause confusion and front its hidden agenda (Olukotun, 2005: 54–55).

Perhaps the worst blunder committed by the regime was the annulment of the

result of the June 12 presidential election in which Chief M.K.O. Abiola was reportedly the winner. Nigerians were shocked by the annulment of the fairest and freest election in the history of Nigeria, and the press launched open criticism of the Babangida regime. The *NT* was particularly critical of the annulment of June 12 election by the regime. As Adesoji observed:

Beyond seeing the June 12 issue as a watershed and a revolution whose gains must be protected and sustained, the paper did not see the June 12 issue as an opportunity to take back its own pounds of flesh from Chief M.K.O. Abiola ... who used the instrumentality of *the Concord* to pull down the proprietor of the *NT*, Chief Awolowo and jeopardize his political carrier in the 1980's (Adesoji, 2007: 299).

Even after the exit of Babangida from the government the *NT* did not relent in its efforts to uphold the June 12 mandate. In its comment "Probing the June 12 Election," the *NT* described the establishment of the commission of inquiry into the June 12 saga by the Interim National Government (ING) as a charade, if not a fraud, as the people who constituted the ING government were the same old wine in the new bottle.

THE ABACHA ERA, 1993–1998

The fundamental human rights of Nigerians remained under siege even after the exit of Babangida from power. The Interim National Government (ING) that succeeded Babangida administration was a lame duck institution, although it may have struggled to uphold human rights. A number of reasons could be attributed to this. First, the ING was an extension of Babangida regime and possessed no mandate of the people. Since the regime that created it lacked credibility, people had no particular confidence in the ING (*NT*, 13 October 1993: 9). Also the people that constituted the National Defense Security Council (NSDC) were either members of the former military regime or its sympathizers. Moreover, the ING, given its short duration, lacked focus. Lastly, the imposition of the ING on Nigeria by President Babangida was to underscore the inability and non-preparation of the civilians to take the responsibility of ruling the country democratically (Mimiko, 1995: 84–97). On 17 November 1993, the Secretary of NSDC as well as Minister of Defense under Babangida regime, General Sani Abacha dismissed the Head of ING, Chief Ernest Shonekan, and took over the reins of power himself. Thus, Nigeria entered the worst period of human rights violation since 1960.

Like its predecessor, the Abacha regime tried to court popular support in the area of human rights during its nascent stage. For instance, the regime launched the War Against Indiscipline and Corruption (WAIC) on 4 May 1994, to restore discipline and morality to different sphere of societal life including home and school (*NT*, 18 May 1994: 9). The second phase of the WAIC was launched amidst elaborate ceremony and fanfare to ensure environmental sanitation and habit of cleanliness (*NT*, 8 November 1994: 9). As the *NT* observed, the WAIC campaign was a tall

order. So endemic was corruption in Nigeria that it ridiculed the country both at home and abroad. The *NT* reacted to an investigative report in the *60 Minutes* programme by the CBS TV in the United States. Since the TV programme revealed the grave state of corruption in Nigeria, the *NT* warned, “if the government is serious about War Against Indiscipline and Corruption (WAIC)...this is the time to demonstrate it” (60 Minutes of Corruption. *NT*, 5 January 1995: 7).

The pattern of relationship between the press and state already badly frayed by the Babangida regime was further aggravated by the Abacha regime. In his maiden press briefing of 14 April 1994, General Abacha promised that his administration would uphold press freedom. He would blaze a new trail in press-government relations “by guaranteeing a free and unimpeded access to news and information, no matter how dangerous the designs of some journalists to embarrass the government (Abacha. *NT*, 22 April 1994: 13). The same night he made this speech, the Nigerian Television Authority (NTA) announced in its Network News that Abacha had ordered the release of Ray Ekpu, Dan Agbese and Yakubu Mohammed, all of the *Newswatch* magazine (*NT*, 21 April 1994: 9).

The promise of the benign press-government relationship soon proved to be a forlorn hope as the regime unleashed terror not only on the press but the whole Nigerian society. The offices of the *Punch* and the *Concord*, were searched by the police on 10 June for allegedly stockpiling arms in their premises (That Search for Arms. *NT*, 17 June 1994: 9). The *NT* deplored this incident irregular and illegal. In August 1994, Decree 8 (the *Guardian* Newspapers and *African Guardian* Weekly Magazine Proscription from Circulation Decree), was promulgated to muzzle sections of the press if it seemed too audacious for the Abacha regime (Olukotun, 2005: 65).

The notorious DN 2 (Public Officers Protection Decree) of 1984 and DN2 (Civil Disturbances Tribunal Decree) of 1987, inherited from the previous administrations, were not only retained but were also seriously utilized by the regime. Many journalists and human rights activists who agitated for the return of civil rule were persecuted under these decrees. Moreover, many human rights activists were coldly murdered by the unpopular regime. Ken Saro Wiwa, President of the Movement for the Survival of Ogoni People with eight others were tried and sentenced to death by hanging under the DN2 of 1987 (Peretei, 2004: 99; *NT*, 5 November 1995: 14). Pa Alfred Ogbeyiwa Rewane on October 6 1995 and Alhaja Kudirat Abiola, wife of Chief M.K.O. Abiola on 4 June 1996, were killed in what was believed to be state-sponsored assassinations (*NT*, 6 June 1996: 7). The *NT* in a full page comment condemned the dastardly killing of Alhaja Kudirat and urged the Federal Military Government to bring the perpetrators of the horrible act to justice (Kudirat Killing. *NT*, 10 June 1996: FII).

In addition to the above was the orgy of violence, bomb terrorism and allegations of various crimes to the opposition by the unpopular regime. Twice during the Abacha regime, there were allegations of coup d'états, first in 1995 and later in 1997. While Col. Lawan Gwadabe was fingered as the leader of the 1995 coup, (Peretei, 2004: 89) other victims of the coup allegations included General Olusegun Obasanjo, General Sheu Yar' Adua and Dr. Beko Ransome Kuti (Olukotun, 2002: 71). Some activist journalists were also roped in. These included

Chris Anyanwu, publishers of *TSM* magazine, Ben Obi, editor of *Classique* magazine, Kunle Ajibade, editor of *News* magazine and George Mbah, assistant editor of *Tell* magazine (Olukotun, 2002: 71). Many military officers and civilians were accused in the 1997 coup. These included Chief of General Staff, General Oladipupo Diya, Minister of Works, General Abdul Kareem Adisa, General Tajudeen Olanrewaju and other prominent people (Peretei, 2004: 89–90). The death of General Abacha on 8 June 1998 in a hazy circumstance and emergence of General Abdulsalam Abubakar as the new Head of State saved the lives of the accused coup plotters.

CONCLUSION

The intrusion of the military into governance in Nigeria and its long period of rule were a trying period for fundamental human rights and press freedom. The suspension of the constitution by the military and caging of the judiciary not only posed immediate challenges to the press but also made it the only alternative court of appeal for the masses when the three Estates of the Realm were suspended. The *NT* to a very large extent played this role adequately well, fulfilling in the process its social responsibility to human rights agitation.

The intolerance of press freedom was further demonstrated under the Buhari regime when stifling decrees were promulgated. Specifically, the promulgation of DN 4 by the Buhari regime was to contain the excesses of the press that failed to regulate itself. The promulgation of DN 2 and DN 20 violated the fundamental human rights of many Nigerians, but were purposed to rid Nigeria of socio-economic malaise such as corruption, smuggling and of indiscipline that had bedeviled the country beginning from the Shagari administration and beyond. This is not to absolve the regime itself of nepotism, as the trial of politicians was mostly selective. Nevertheless, the decrees were timely applied despite its overdose on the society.

Significantly, subsequent regimes that declared their support for press freedom did so after studying the psychology of the Nigerian press as fully egotistic and selfish, an institution that enjoyed judging the conduct of other institutions but disliked being evaluated. This weakness was quickly exploited by the Babangida regime which subtly subjected the Nigerian press to manipulation. The abrogation of the DN 4, for instance, by the regime was to temporarily pacify and divert the press. It was therefore not surprising when the same DN 4 reappeared in the monstrous shape of the *Newswatch* (Prohibition and Circulation) DN 6 of 1987. The heinous murder of Dele Giwa of *Newswatch* and the clamping down on media houses were among other atrocities committed by the Babangida regime. The same autocratic tendency thing applied to the Abacha regime. As with the Babangida regime, it declared its tolerance to press criticism and later unleashed its whips not only on the press but also on other human rights activists and the Nigerian society at large. Perhaps no government in the history of Nigeria, whether military or civilian, was as notorious as the Abacha regime as far as the violation of human rights and other vices were concerned.

NOTES

- (1) Siebert et al. also asked: Why is the press as it? Why does it apparently serve, different purposes and appear in widely different forms in different countries? Why is the press of the Soviet Union different from our own, and the press of Argentina different from that of Great Britain?
- (2) John Milton in his essay *Areopagitica* directed at the British Parliament in 1644 “if ye be thus resolved ... to yourselves; by judging over again that Order which ye have ordained to regulate printing—that no book, pamphlet or paper shall be henceforth printed unless the same be first approved and licensed by such, or at least of such, as shall be thereto appointed.”
- (3) A senator in the Second Republic, Dr. Olusola Saraki alleged on the National Assembly that ₦2.8 billion was missing from the coffers of the NNPC which was “accidentally” under the auspices of Ministry of Petroleum headed by Buhari in the Obasanjo regime. Disappointingly, the reporter that aired the report on the NTA Network News was thereafter fired.
- (4) This quotation is an excerpt from the speech delivered by Governor Oladayo Popoola in the annual General Meeting of the Newspaper Proprietors Association of Nigeria.
- (5) The *Nigerian Tribune* was referring to the Press Council established by Decree 31 under Obasanjo regime.
- (6) DN 4 was caricatured as a under which an officer who privated the public coffers hid from the press. The press was presented as a terrifying black bat in the cartoon.
- (7) In this cartoon a preacher in white attire held a bell in one hand and a volume of book marked Decree 4. He was preaching to a crowd presumably journalists not to be scared of DN 4 but apply their wisdom.
- (8) “Weekend Topic” was a Sunday extra with in-depth analysis of various events.
- (9) With the exception of the Chairman which was to be appointed on the recommendation of the Minister of Information, other members of the Council were to be nominated by the Minister.

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